
Land Development Code

Town of Palisade, Colorado

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ARTICLE 1 GENERAL PROVISIONS

Section 1.01 Title, Authority and Purpose

A. Title

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

B. Short Title

This document shall be known and may be cited as the "Town of Palisade Land Development Code" or as the "Land Development Code" or simply as the "LDC".

C. Authority

1. This Land Development Code is adopted pursuant to the authority contained in the Colorado Revised Statutes (C.R.S.). Local governments are provided broad authority to plan for and regulate the use of land within their jurisdictions, as authorized in Title 29, Article 20, et seq. and Title 31, Article 23, et seq. of the C.R.S., as amended. Additional statutory authority may also exist for specific types of development regulation.
2. Whenever a section of the Colorado Revised Statutes cited in this LDC is later amended or superseded, this LDC shall be deemed amended to refer to the amended section or section that most nearly corresponds to the superseded section.

D. Purpose

1. Purpose

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

- a. Preserve and enhance integrity, stability and livability of residential neighborhoods;
- b. Maintain property values by stabilizing expectations and ensuring predictability in development;
- c. Prevent or minimize land use incompatibilities and conflicts among land uses;
- d. Prevent overcrowding of buildings and sites and excessive concentrations of population or commercial activities;
- e. Encourage quality commercial development and revitalization;
- f. Preserve and enhance the Town's natural environment and avoid natural hazards in the development of the Town;
- g. Balance the protection of community and neighborhood resources with the need to promote economic development and protect individual property rights;
- h. Maintain opportunities for development and redevelopment to respond to changes in the marketplace, while respecting the character of surrounding areas; and
- i. Establish a process that effectively and fairly applies the regulations and standards of this LDC and respects the rights of property owners and the interests of citizens.

Section 1.02 Applicability and Jurisdiction

A. Applicability

1. The provisions of this Land Development Code shall apply to any and all development of land within the municipal boundaries of the Town, unless expressly and specifically exempted or provided otherwise in this LDC. No development shall be undertaken without prior and proper approval or authorization pursuant to the terms of this LDC. All development shall comply with the applicable terms, conditions, requirements, standards and procedures established herein.
2. Except as herein provided, no building, structure or land shall be used and no building or

structure or part thereof shall be erected, constructed, reconstructed, altered, repaired, moved or structurally altered except in conformance with the regulations herein specified for the zone district in which it is located, nor shall a yard, lot or open space be reduced in dimensions or area to an amount less than the minimum requirements set forth herein.

3. Whenever both the provisions of this LDC and provisions of any other law cover the same subject matter, whichever rule is more restrictive shall govern.
4. This LDC establishes procedural and substantive rules for obtaining the necessary approval to develop land and construct buildings and structures. Development applications will be reviewed for compliance with the Town of Palisade's Comprehensive Plan and with adopted regulations, policies and other guidelines.

B. Jurisdiction

1. This LDC shall be effective throughout the Town's corporate boundaries. The Town's planning jurisdiction includes all land within the Town and where applicable, the land within three miles of the Town's boundaries. For purposes of zoning and subdivision, this LDC only applies to lands within the Town's corporate boundaries.
2. A copy of a map showing the corporate boundaries of the Town and the area within the Three Mile Plan are available for public inspection in the Town offices.

Section 1.03 Interpretation of the Code

A. Computation of Time

In computing any period of time prescribed or allowed by this Section, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday or holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday or holiday. When the period of time prescribed or allowed is five (5) days or less, intermediate Saturdays, Sundays and holidays shall be excluded in the computation. As used herein, holiday means any holiday observed by the Town.

B. Minimum Requirements

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

C. Graphics

Where graphics included in this LDC conflict with the text of the regulations, the text shall control.

D. Conflicting Provisions

If the provisions of this Land Development Code are inconsistent with one another or when the regulations of this LDC conflict with other adopted ordinances or regulations of the Town, the more restrictive provisions shall control, unless otherwise specifically stated; however, the Town cannot enforce private covenants.

E. Severability

Should any section or provision of this Land Development Code be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the LDC as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

F. Rules for Language Construction

1. As used in this LDC, words used in the singular include the plural and words used in the plural include the singular.
2. The words "must," "shall" and "will" are mandatory; "may," "can," "should" and "might" are permissive.

Section 1.04 Vested Rights

A. Authority

Approval of a Final Subdivision plat or Site Plan, major or minor or Planned Development Control Document or Conditional Use shall be considered approval or conditional approval of a "site specific development plan," as defined in Section 24-68-101, et seq., C.R.S. and shall result in a vested right for a period of three (3) years as provided in Section 24-68-101, et seq., C.R.S. Within fourteen (14) days after the final approval of a site specific development plan, the Town Clerk shall publish notice of the creation of a vested property right as described in Section 24-68-103, et seq., C.R.S. Approved final plats and site plans approved as part of a site specific development plan shall contain a note stating that the property right is vested for a period of three (3) years from the date that the required vesting notice is published. The Town is authorized to approve vested rights for periods of longer than three (3) years by entering into a development agreement.

B. Procedure

1. Any applicant wishing to extend his or her Vested Rights must submit a request to the Town Board before expiration of existing Vested Rights. Any applicant may also waive a vested property right by law. Any annexation to the Town will require, in writing, the waiver of any pre-existing vested property rights as a condition of such annexation.
2. Applicants may request to the Town Board that another stage of development, such as preliminary plat, be used to hear and confer vested rights. The Town Board may require special conditions to be met in exchange for early vesting of property rights.

Section 1.05 Transitional Provisions

A. Building Permits

Nothing in this LDC shall require any change in plans, construction, size or designated use of any building, structure or part thereof that has been granted a building permit prior to the effective date of this LDC or any amendment to this LDC, provided construction shall begin consistent with the terms and conditions of the building permit and proceed to completion in a timely manner as determined by the Building Official in accordance with applicable Town regulations.

B. Subdivision Plats

The subdivision standards of this LDC shall not affect any preliminary plat or final plat for which a complete application was submitted prior to the adoption of this LDC. Such applications shall be subject to compliance with the standards applicable at the time of the submittal.

C. Violations Continue

Any violation of the previous zoning ordinance or subdivision regulations of the Town shall continue to be a violation under this LDC and shall be subject to penalties and enforcement under [Article 13](#), Violations, Penalties and Enforcement, unless the use, development, construction or other activity is consistent with the express terms of this LDC, in which case enforcement action shall cease, except to the extent of collecting penalties for violations that occurred before the effective date of this LDC.

D. Nonconforming Uses Under the Zoning Ordinance

Any (legal) nonconformity under the previous zoning regulations shall also be a legal nonconformity under this LDC, as long as the situation that resulted in the nonconforming status under the previous zoning regulations continues to exist. If a nonconformity under the previous ordinances and regulations becomes conforming because of the adoption of this LDC, then the situation shall no longer be treated as a nonconformity.

ARTICLE 2 REVIEW AND DECISION MAKING AUTHORITIES

Section 2.01 Board of Trustees (Town Board)

A. General Authority

The Town Board may exercise powers as may be described elsewhere in this LDC and as permitted by Colorado Revised Statutes.

B. Final Action Authority

In execution of the provisions of this LDC, the Town Board shall be responsible for final action regarding the following:

1. Conditional use;
2. Floodplain development permit variance;
3. Major Subdivision Concept Plan
4. Major Subdivision Preliminary Plat
5. Major Subdivision Final Plat
6. Performance action;
7. Planned development;
8. Rezoning;
9. Text amendment; and
10. Vacation.

Section 2.02 Planning Commission

A. General Authority

The Planning Commission may exercise powers as may be described elsewhere in this LDC, as permitted by Colorado Revised Statutes and as directed by the Town Board.

B. Review Authority

The Planning Commission shall make recommendations regarding the following:

1. Conditional use permit;
2. Floodplain development permit variance;
3. Major Subdivision Concept Plan
4. Major Subdivision Preliminary Plat
5. Performance action;
6. Planned development;
7. Rezoning;
8. Text amendment; and
9. Vacation.

C. Final Action Authority

The Planning Commission shall be responsible for final action regarding the following:

1. Design variance

Section 2.03 Board of Adjustment

A. General Authority

The Board of Adjustment may exercise powers as may be described elsewhere in this LDC and as permitted by Colorado Revised Statutes.

B. Final Action Authority

The Board of Adjustment shall be responsible for final action regarding the following:

1. Administrative Appeal; and
2. Variance.

Section 2.04 Community Development Director

A. Designation

The Community Development Director shall administer certain provisions of this LDC as may be required below.

B. Delegation of Authority

The Community Development Director may designate any staff member to represent the Community Development Director in any function assigned by this LDC but may choose to exercise authority over any final action for which he/she has been assigned decision maker status.

C. Powers and Duties

In execution of the provisions of this LDC, the Community Development Director shall have the following powers and duties.

1. General authority

The Community Development Director shall:

- a. Enforce this LDC;
- b. Exercise additional powers as may be described elsewhere in this LDC; and
- c. Maintain an up-to-date zoning map, including all amendments directly adopted by the Town Board.

2. Review authority

The Community Development Director shall make recommendations regarding the following:

- a. Conditional use permit;
- b. Design variance;
- c. Floodplain development permit variance;
- d. Major subdivision preliminary plat;
- e. Performance action;
- f. Planned development;
- g. Rezoning;
- h. Text amendment; and
- i. Variance.

3. Final action authority

The Community Development Director shall be responsible for final action regarding the following:

- a. Administrative adjustment;
- b. Floodplain development permit;
- c. Major Subdivision final plat;
- d. Minor subdivision;
- e. Planning clearance;
- f. Sign permit;
- g. Site plan;
- h. Temporary use permit; and
- i. Written interpretation.

D. Floodplain Administration**1. Permit review**

- a. Review all development permits to determine that the permit requirements of this Article have been satisfied;
- b. Review all development permits to determine that all necessary permits have been obtained from federal, state or local governmental agencies from which prior approval is required;

- c. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of [Section 11.03 E](#), are adhered to.
- 2. Use of other base flood data

When base flood elevation data has not been provided in accordance with [Section 11.03 A.6.](#), the Community Development Director shall obtain, review and reasonably utilize any base flood elevation and floodway data available from any federal, state or other source, as criteria for requiring that new construction, substantial improvements or other development in Zone A are administered in accordance with [Section 11.03 C.](#), Specific Standards.
- 3. Information to be obtained and maintained
 - a. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures and whether or not the structure contains a basement;
 - b. For all new or substantially improved floodproofed structures: verify and record the actual elevation (in relation to mean sea level) to which the structure has been floodproofed, and maintain the floodproofing certifications required in [Section 11.01 D.](#); and
 - c. Maintain for public inspection all records pertaining to the provisions of this Article.
- 4. Alteration of watercourses
 - a. Notify adjacent communities and the Colorado Water Conservation Board prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency; and
 - b. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- 5. Interpretation of FIRM boundaries

Make interpretations where needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation, as provided in [Section 11.02](#). At the option of the Community Development Director, additional review may be undertaken by the Planning Commission and/or Town Board prior to taking final action on any of the above procedures.

ARTICLE 3 GENERAL REVIEW PROCEDURES

Section 3.01 Purpose

This article describes the general procedures for review of all applications for land use and development in the Town of Palisade. This article is intended to ensure the consistent and efficient administration of the LDC.

Section 3.02 Summary of Review Procedures

The following table summarizes the procedures for review and approval of applications for land use and development activity in the Town of Palisade. Not all review and approval procedures are addressed in this table, see subsequent sections of this article for information on other procedures.

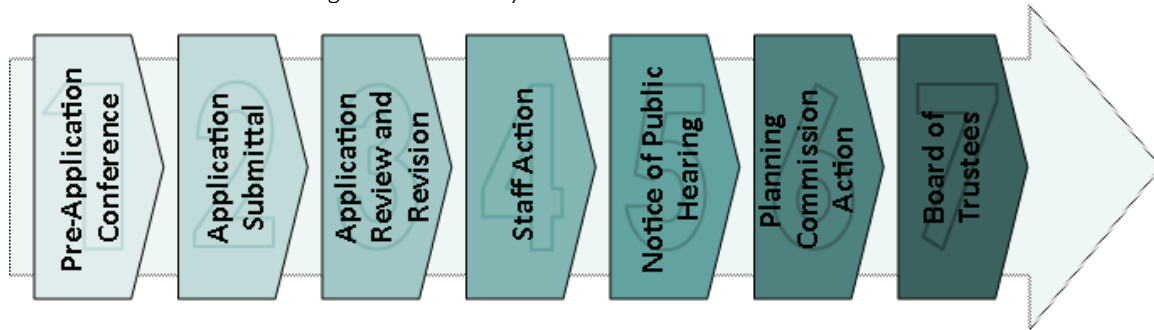
Table 3.1: Summary of Review Procedures KEY: R = Review and Recommendation D = Review and Decision A = Appeal [R] or [D] = Public Hearing						
Action	Pre-Application Conference Required	Community Development Director	Board of Adjustment	Planning Commission	Town Board	Section
Administrative Adjustment		D			A	Sec. 4.13
Administrative Appeal			[D]			Sec. 4.14
Conditional Use	✓	R		[R]	*[D]	Sec. 4.07
Design Variance		R		[D]	A	Sec. 4.15
Floodplain Development Permit		D		A		Sec. 11.01
Floodplain Development Permit Variance		R			[D]	Sec. 11.02
Major Subdivision Concept Plan	✓	R		[R]	[R]	Sec. 4.05
Major Subdivision Preliminary Plat	✓	R		[R]	[D]	Sec. 4.05
Major Subdivision Final Plat		R			D	Sec. 4.05
Minor Subdivision	✓	[D]		A		Sec. 4.04
Performance Action	✓	R		[R]	*[D]	Sec. 4.18
Planned Development	✓	R		[R]	*[D]	Sec. 4.03
Planning Clearance		D				Sec. 4.08
Rezoning	✓	R		[R]	*[D]	Sec. 4.02
Sign Permit		D				Sec. 4.10
Site Plan	✓	*D		A		Sec. 4.06
Temporary Use Permit		D				Sec. 4.09
Text Amendment		R		[R]	*[D]	Sec. 4.01
Vacation (ROW or Easement)	✓			[R]	[D]	Sec. 4.17
Variance	✓	R	[D]			Sec. 4.12
Written Interpretation		D				Sec. 4.11

*Vesting of property rights through site specific development plan pursuant to Section 24-68-102(4)(a), C.R.S.

Section 3.03 Common Review Procedures

The common review procedures apply to all types of development applications in this LDC, unless an exception to the common procedures is expressly identified elsewhere in this LDC. Common review procedures include up to seven steps, not all of which may be applicable to each type of development application.

Figure 3.A: Summary of Common Review Procedures



Section 3.04 Pre-Application Conference

A. Purpose

The pre-application conference is intended to provide an opportunity for the applicant to meet with Town staff to discuss submittal requirements, procedures for approval and timeframes for approval of an application. The conference also allows staff to convey any details regarding potential impacts of the proposed project.

B. When Required

Pre-application conferences are required for many applications as indicated in Table 3.1: Summary of Review Procedures. However, an applicant may schedule a pre-application conference for an application that does not require a pre-application conference.

C. Procedure

Pre-application conferences shall be scheduled pursuant to the following procedures:

1. Request and Required Information

The applicant shall submit a request for a pre-application conference to the Community Development Director on a form established by the Town.

2. Scheduling

The Community Development Director shall schedule pre-application conferences and notify appropriate staff and the applicant of the time and location of the conference.

3. Conference Determinations

Staff attending the pre-application conference shall identify concerns or factors that the application should consider during the project as they relate to this LDC. Staff shall also identify additional approvals necessary for the proposed project.

D. Effect of Pre-Application Conference

Any information provided in discussions held as part of the pre-application conference shall not be binding on the Town or applicant and is not intended to be all-inclusive or a guarantee of approval. Discussions of potential conditions to mitigate impacts do not reflect actions by the decision-making body until and unless a decision-making body takes formal action to attach condition to a development approval.

Section 3.05 Application Submittal

A. Form and Content

Applications required under this LDC shall be submitted in a form and in such numbers as required by the Community Development Director along with any requested information.

B. Applications Sufficient for Processing

1. All applications shall be sufficient for processing before the Community Development Director is required to review the application.
2. An application shall be sufficient for processing when it contains all of the information necessary to decide whether or not the development as proposed will comply with all of the requirements of this LDC.
3. It is recognized that each application is unique and therefore more or less information may be required according to the needs of the particular case. The applicant may rely on the recommendations of the appropriate department as to whether more or less information should be submitted.
4. The Community Development Director may require an applicant to present evidence of authority to submit the application.
5. Fees
 - a. All application and associated fees shall be filed with the application.
 - b. Filing fees shall be established from time to time by resolution of the Town Board to defray the actual cost of processing the application.
 - c. Fees may include but are not limited to: attorney fees, engineering review fees, recording fees, inspection fees, consulting fees and administrative costs.
 - d. Filing fees are not refundable.
6. The Community Development Director may require an applicant to execute a Cost Reimbursement Agreement with the Town in a form adopted by the Board of Trustees requiring the applicant to pay the Town in full for all special services provided or actual costs incurred by the Town in relation to the project or activity described in the application. Any fees paid and collected pursuant to a Cost Reimbursement Agreement shall be used solely to pay for the special services or actual costs incurred by the Town. The Community Development Director may require a deposit from an applicant to cover such costs and the Town reserves the right to suspend review of an application, withhold approval or postpone public hearings if an applicant fails to pay outstanding review fees as required hereunder.

C. Concurrent Applications

1. If approved by the Community Development Director, applications for development approvals may be filed and reviewed concurrently. Any application that also requires a variance shall not be eligible for final approval until the variance has been granted.
2. Applications submitted concurrently are subject to approval of all other related applications; denial or disapproval of any concurrently submitted application shall stop consideration of any related applications until the denied or disapproved application is resolved.

D. Withdrawal of Application

1. An applicant may withdraw an application at any time by filing a statement of withdrawal with the Community Development Director.
2. The statement of withdrawal shall be signed by all persons who signed the application, or in the event of death or incompetence, by the estate's lawful personal representative.
3. The Community Development Director may withdraw applications due to failure of the applicant to submit required information within ninety (90) days of the initial request.
4. An applicant may postpone a scheduled public hearing once per application for up to ninety (90) days after the date the first public hearing was scheduled to occur, after which the Community Development Director may withdraw the application.

Section 3.06 Application Review and Revision

A. Application Referral

Once the application has been determined sufficient for processing, copies of the application shall be referred by the Community Development Director to the appropriate reviewing entities.

B. Application Review

1. Town staff and the reviewing entities shall review the application and submit recommendations

and comments to the Town in a form established by the Community Development Director.

2. The Community Development Director shall deliver the recommendations and comments to the applicant.
3. The applicant shall respond to the recommendations and comments in a form established by the Community Development Director
4. If the applicant, within ninety (90) calendar days, does not provide written response or submit revised documents, the development application shall lapse and become void.
5. The applicant may request an extension. The request must be submitted in writing before the ninety (90) days has expired. The Community Development Director may grant up to two extensions, not to exceed a total of one hundred eighty (180) days.

C. Application Revision

1. Upon receipt of the applicant's written response and/or revised documents, the Community Development Director shall refer the applicant's responses and/or revisions to the appropriate review entities.
2. This process of comment and response may occur several times until the Community Development Director is satisfied that all recommendation and/or comments have been addressed or the applicant has stated that no further responses or revisions are forthcoming.

Section 3.07 Staff Action

A. Applications Subject to Staff Decision

1. If an application is subject to final decision by the Community Development Director per [Table 3.1](#), the Community Development Director shall make a decision based on the review standards applicable to the application type. The decision shall be in writing and shall clearly state the reasons the application has been approved, approved with conditions or denied.
2. If an application is denied by the Community Development Director, the reasons for such denial shall be stated in writing, specifying the provisions of this LDC with which the application does not comply.

B. Applications Subject to Staff Recommendation

1. If the application is subject to final decision by another decision-making body per [Table 3.1](#), the Community Development Director shall prepare a written staff report. The staff report shall state whether or not the application complies with all LDC requirements and shall include a recommendation.
2. Within a reasonable time period before the scheduled hearing, the Community Development Director shall make the staff report and all related materials available for the applicant and public to review.
3. Following completion of review by staff, the Community Development Director shall forward the completed request, staff report, recommendation and any related materials to the decision-making body.

Section 3.08 Notice of Public Hearing

A. Summary of Notice Required

Notice shall be required for applications as shown in the table below.

Table 3.2: Notice Requirements				
Application	Type of Notice Required			Timing (number of days before hearing)
	Published	Posted	Mailed	
Administrative Adjustment				
Administrative Appeal	✓	✓	✓	14
Conditional Use	✓	✓	✓	14
Design Variance	✓	✓	✓	14

Table 3.2: Notice Requirements

Application	Type of Notice Required			Timing (number of days before hearing)
	Published	Posted	Mailed	
Floodplain Development Permit				
Floodplain Development Permit Variance	✓	✓	✓	14
Major Subdivision Concept Plan	✓	✓	✓	7
Major Subdivision Preliminary Plat	✓	✓	✓	14
Major Subdivision Final Plat				
Minor Subdivision	✓	✓	✓	14
Performance Action	✓	✓	✓	14
Planned Development	✓	✓	✓	14
Planning Clearance				
Rezoning ¹	✓	✓	✓	14
Sign Permit				
Site Plan				
Temporary Use Permit				
Text Amendment	✓			14
Vacation (ROW or Easement)	✓	✓	✓	14
Variance	✓	✓	✓	14
Written Interpretation				

¹Where rezoning action involves numerous parcels or regions of the Town, mailed notice is not required.

B. Public Notice Requirements

1. Published notice

The Applicant shall publish notice of public hearing in a newspaper of general circulation in the Town. The notice shall be published no less than fourteen (14) days in advance of the public hearing, except in the case of notice for a major subdivision concept plan, which shall be no less than seven (7) days in advance of the first scheduled public hearing to review the major subdivision concept plan.

2. Posted notice (sign)

The applicant shall post a sign on the subject property no less than seven (7) days in advance of the first scheduled public hearing to review a major subdivision concept plan application and no less than fourteen (14) days in advance of the first scheduled public hearing for all other applications requiring posted notice and be in conformance with the following:

- a. Each sign shall be a minimum of four (4) feet in height and a minimum of two (2) square feet by three (3) square feet in size. The sign(s) shall have a white background with black letters at least two (2) inches in height
- b. Required content of each sign:
 - i. Date, time and place of the public hearing;
 - ii. Who will conduct the public hearing;
 - iii. Type of action;
 - iv. Where a rezoning is proposed, the current and proposed districts; and
 - v. A phone number to contact the Town.
- c. Corner lots or properties that include over three hundred (300) feet of frontage on a single public right-of-way shall require two (2) signs.
- d. The sign(s) shall be updated by the applicant if there is a continuance or delay in the

public hearing dates.

- e. If the applicant is the Town and the application involves multiple contiguous properties, a separate sign shall not be required on each property. In such case, the number of signs, location and duration of posting shall be specifically authorized by the Community Development Director.

3. Mailed notice

- a. Upon confirmation of the posting of public notice signs as described above, the Applicant shall mail notice to all owners of property within a three hundred-foot radius of the exterior boundary of the subject property at least fourteen (14) days before the scheduled public hearing, or except in the case of notice for a major subdivision concept plan, at least seven (7) days before the scheduled public hearing to review the major subdivision concept plan.
- b. Applicants may be required to provide a certified list of property owners within a three hundred-foot radius of the exterior boundary of the subject property.
- c. Required content of notice:
 - i. Date, time and place of the public hearing;
 - ii. Who will conduct the public hearing;
 - iii. Type of action;
 - iv. Where a rezoning is proposed, the current and proposed districts; and
 - v. A phone number to contact the Town.
 - vi. The legal description of the property and street address or approximate location in the Town;

4. Constructive notice

Minor defects in notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements.

5. Major activity notice

Pursuant to Section 31-23-225, C.R.S., when a subdivision or commercial or industrial activity is proposed which will cover five (5) or more acres of land, the Community Development Director shall send notice to the State Geologist and the Mesa County Board of Commissioners of the proposal prior to approval of any zoning change, subdivision or issuance of a planning clearance for a building permit associated with such a proposed activity.

6. Mineral estate notice

Pursuant to Section 24-65.5-103, C.R.S., notice to mineral estate owners, in addition to other notices described in this Subsection, not less than thirty (30) days before the date scheduled for the first public hearing on an application for a preliminary plan for a subdivision, a planned development control document, an application for a conditional use permit where such application is in anticipation of new surface development, the applicant shall provide notice to mineral estate owners, as defined in Section 24-65.5-102(5), C.R.S. The notice shall contain all of the information required by Section 24-65.5-103, C.R.S., and shall be sent by first class mail. Proof of the giving of such notice shall be submitted by the applicant to the Community Development Director prior to commencement of the applicable public hearing. Such notice is not required for applications for boundary adjustments, applications for platting of an additional single lot or applications for lot site plans.

Section 3.09 Planning Commission Action

A. Applications Subject to Planning Commission Decision

- 1. The Planning Commission shall hold a public hearing in accordance with this LDC and the Planning Commission bylaws.
- 2. The Planning Commission shall consider the application, applicable review criteria, support material, staff report and any evidence and/or comments from the public hearing.
- 3. The Planning Commission shall approve, approve with conditions or deny the application.
- 4. Unless specifically provided elsewhere, all decisions shall require an affirmative vote. A tie vote

shall be considered a denial of any request.

5. Within five (5) working days after a decision is made, a copy of the decision shall be sent to the applicant and filed with the Community Development Director, where it shall be available for public inspection during regular office hours.

B. Applications Subject to Planning Commission Recommendation

1. The Planning Commission shall hold a public meeting to review the application based on the applicable review criteria. The Planning Commission shall then make a recommendation to the Town Board to approve, approve with conditions or deny the application.
2. Unless specifically provided elsewhere, all recommendations shall require an affirmative vote. A tie vote shall be considered a recommendation of denial of any request.
3. Following Planning Commission review, the Community Development Director shall forward the completed request and any related materials, including the Planning Commission recommendation (if applicable), to the Town Board for final action.

Section 3.10 Board of Trustees

A. Applications Subject to Board of Trustees Decision

1. The Board of Trustees shall hold a public hearing in accordance with this LDC and the Board of Trustees bylaws.
2. The Board of Trustees shall consider the application, applicable review criteria, support material, Planning Commission recommendation (if applicable) staff report and any evidence and/or comments from the public hearing.
3. The Board of Trustees shall approve, approve with conditions or deny the application. The Board of Trustees may also remand the application back to the Community Development Director or the Planning Commission, whichever is applicable, for further review.
4. The decision of the Board of Trustees on the application is effective upon an affirmative vote after the conclusion of the public hearing. Unless specifically provided elsewhere, all decisions shall require an affirmative vote. A tie votes shall be considered a denial of any request.
5. A copy of the decision shall be sent to the applicant and filed with the Community Development Director, where it shall be available for public inspection during regular office hours.

Section 3.11 Board of Adjustment Action

A. Applications Subject to Board of Adjustment Decision

1. The Board of Adjustment shall hold a public hearing in accordance with this LDC and Board of Adjustment bylaws.
2. The Board of Adjustment shall consider the application, applicable review criteria, support material, staff report and any evidence and/or comments from the public hearing.
3. The Board of Adjustment shall approve, approve with conditions or deny the application.
4. Unless specifically provided elsewhere, all decisions shall require an affirmative vote. A tie vote shall be considered a denial of any request.
5. Within fourteen (14) days after a decision is made, a copy of the decision shall be sent to the applicant and filed with the Community Development Director, where it shall be available for public inspection during regular office hours.

ARTICLE 4 ZONING AND DEVELOPMENT PROCEDURES

Section 4.01 Text Amendment

A. Purpose

This section describes the review and approval procedures for amending the text of this LDC to respond to changes in public policy or conditions.

B. Applicability

1. Amendments to the text of this LDC shall be made in accordance with the provisions of this Section.
2. The Town Board shall consider amendments to the text of this LDC, as may be required from time to time.

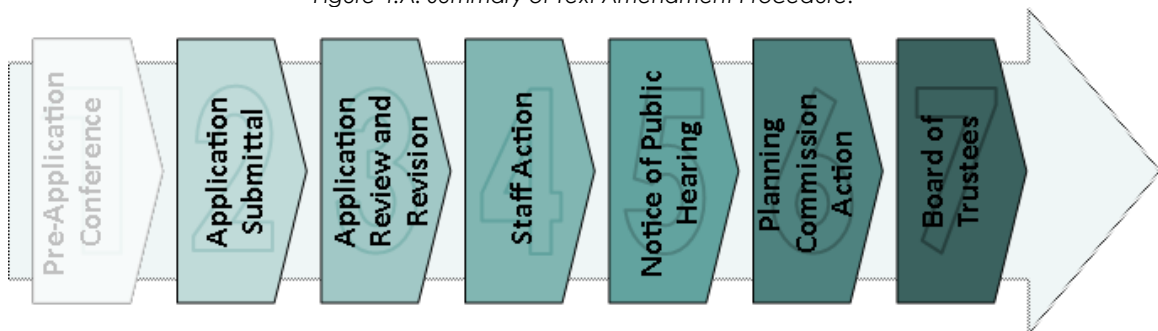
C. Initiation

A request to amend the text of this LDC may be initiated by the Town Board, Board of Adjustment, Planning Commission, Community Development Director or the general public.

D. Procedure

Figure 4.A identifies the application steps from [Article 3](#), General Review Procedures, which apply to the review of text amendments. Additions or modifications to the general review procedures are noted below.

Figure 4.A: Summary of Text Amendment Procedure.



1. Application submittal
Applications for a text amendment shall be submitted in accordance with [Section 3.05](#).
2. Application review and revision
The Community Development Director shall review and distribute the application to appropriate internal and external review agencies pursuant to [Sections 3.06](#).
3. Staff action
The Community Development Director shall draft an appropriate amendment and prepare a staff report and recommendation pursuant to [Section 3.07](#).
4. Notice of public hearing
The Town shall hold all required public hearings and give notice in accordance with [Section 3.08](#).
5. Planning Commission action
 - a. The Planning Commission shall review the application and make a recommendation pursuant to [Section 3.09](#).
 - b. If the Planning Commission fails to make a recommendation, the Town Board may process the request without a recommendation.
6. Town Board action
The Town Board shall review the application and Planning Commission recommendation and shall make a decision pursuant to [Section 3.10](#).

E. Approval Criteria

In evaluating any proposed amendment of the text of this LDC, the following shall be considered:

1. The extent to which the proposed text amendment is consistent with the remainder of the LDC, including, specifically, any purpose and intent statements;
2. The amendment must not adversely affect the public health, safety or general welfare;
3. The amendment is necessary because of changed or changing social values, new planning concepts or other social or economic conditions in the areas affected;
4. The proposed text amendment revises the LDC to comply with state or federal statutes or case law; or
5. The proposed text is found to be consistent with the Town's adopted comprehensive plan.

Section 4.02 Rezoning (Zoning Map amendment)

A. Purpose

The rezoning procedure provides a process to make amendments to the Official Zoning Map of the Town of Palisade to reflect changes in public policy, changed conditions or to advance the welfare of the Town.

B. Applicability

1. Amendments to the Zoning Map shall be made in accordance with the provisions of this Section.
2. The Town Board shall consider and make final decision on amendments to the Zoning Map.

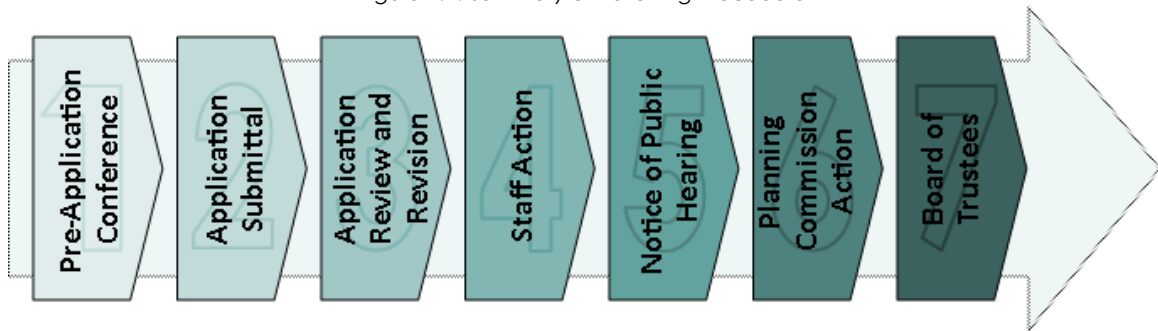
C. Initiation

1. A request for a rezoning may be initiated by the Town Board, the Planning Commission or the Community Development Director.
2. An owner of land within the jurisdiction of the Town (or a duly authorized agent or representative) may petition the Town Board for a rezoning.

D. Procedure

Figure 4.B identifies the application steps from [Article 3](#), General Review Procedures, which apply to the review of rezoning applications. Additions or modifications to the general review procedures are noted below.

Figure 4.B: Summary of Rezoning Procedure



1. Pre-application conference
All applicants petitioning for a rezoning shall schedule a pre-application conference with the Community Development Director in accordance with [Section 3.04](#).
2. Application submittal
Applications for a rezone shall be submitted in accordance with [Section 3.05](#).
3. Application review and revision
The Community Development Director shall review and distribute the application to appropriate internal and external review agencies pursuant to [Sections 3.06](#).
4. Staff Action
The Community Development Director shall prepare a staff report and recommendation pursuant to [Section 3.07](#).

5. Notice of public hearing

The Town shall hold all required public hearings and give notice in accordance with [Section 3.08](#).

6. Planning Commission action

The Planning Commission shall review the application and make a recommendation pursuant to [Section 3.09](#).

7. Town Board action

- a. The Town Board shall review the application and make a decision pursuant to [Section 3.10](#).
- b. Concurrently with adopting, denying or remanding any rezoning, the Town Board shall adopt a statement describing whether its action is consistent with the adopted plans and policies of the Town and explaining why the Town Board considers the action taken to be reasonable and in the public interest.

E. Approval Criteria

No rezoning may be approved by the Town Board unless all of the following criteria are satisfied:

1. Consistency with the adopted plans and policies of the Town;
2. Suitability of the subject property for uses permitted by the current versus the proposed district;
3. Whether the proposed change tends to improve the balance of uses or meets a specific demand in the Town;
4. The capacity of adequate public facilities and services including schools, roads, recreation facilities, wastewater treatment and water supply facilities and stormwater drainage facilities for the proposed use;
5. It has been determined that the legal purposes for which zoning exists are not contravened;
6. It has been determined that there will be no adverse effect upon adjoining property owners unless such effect can be justified by the overwhelming public good or welfare; and
7. It has been determined that no one (1) property owner or small group of property owners will benefit materially from the change to the detriment of the general public.

F. Protest Procedure

Pursuant to Section 31-23-305, C.R.S., whenever zoning regulations, restrictions and boundaries are to be amended, supplemented, changed, modified or repealed, a protest against changes in regulations or restrictions or changes in the zone district applicable to particular land may be filed with the Town Clerk at least twenty-four (24) hours prior to the governing body's vote on the change, and when such protest is signed by the owners of twenty percent (20%) or more of the area of land which is subject to the proposed change or twenty percent (20%) or more of the area of land extending a radius of one hundred (100) feet from the land which is subject to the proposed change, disregarding intervening public streets and alleys, such change shall not become effective except by the favorable vote of two-thirds (2/3) of all members of the Town Board.

Section 4.03 Planned Development

A. Purpose

The purpose of a Planned Development is to achieve greater flexibility than allowed by the strict application of this LDC while providing greater benefit to the Town.

B. Applicability

Planned Developments shall occur in accordance with the provisions of this Section and [Section 5.05](#). All requirements shall be met within the boundaries of the area being rezoned to PD. Additionally, all planned developments shall be found to be in conformance with Article 67 of Title 24, C.R.S., the Planned Unit Development Act of 1972. To ensure that common open space is adequately maintained, all common open space within the Planned Development shall be governed by Section 24-67-105(1), C.R.S.

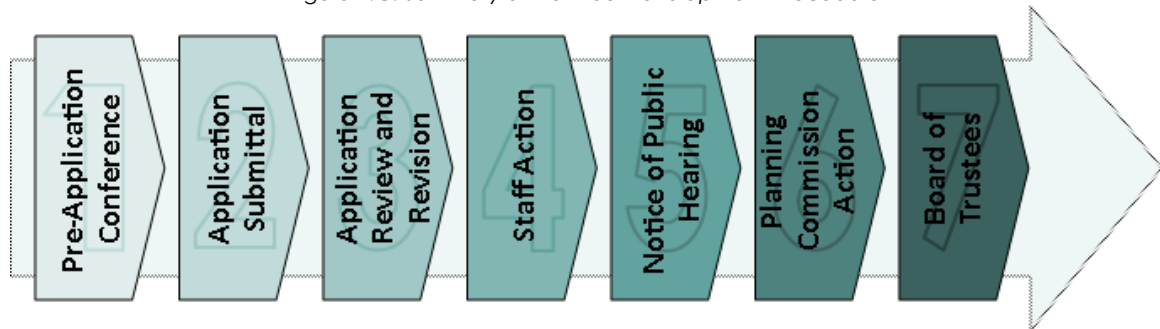
C. Initiation

An owner of land within the jurisdiction of the Town (or a duly authorized agent or representative) may petition the Town Board for designation as a Planned Development.

D. Procedure

Figure 4.C identifies the application steps from [Article 3](#), General Review Procedures, which apply to the review of planned development applications. Additions or modifications to the general review procedures are noted below.

Figure 4.C: Summary of Planned Development Procedure



1. Pre-application conference

All applicants petitioning for a planned development rezoning shall schedule a pre-application conference with the Community Development Director in accordance with [Section 3.04](#). During the pre-application phase, a developer may request an audience before the Planning Commission to review a concept plan or sketch plan in order to further refine his or her intentions.
2. Application submittal
 - a. Applications for a planned development shall be submitted in accordance with [Section 3.05](#).
 - b. Concurrent with a request for a planned development, an applicant shall submit a planned development control document to govern the development and maintenance of the land within the planned development.
3. Application review and revision

The Community Development Director shall review and distribute the application to appropriate internal and external review agencies pursuant to [Sections 3.06](#).
4. Staff action

The Community Development Director shall prepare a staff report and recommendation pursuant to [Section 3.07](#).
5. Notice and public hearing

The Town shall hold all required public hearings and give notice in accordance with [Section 3.08](#).
6. Planning Commission action
 - a. The Planning Commission shall review the application and make a recommendation pursuant to [Section 3.09](#).
 - b. If the Planning Commission fails to make a recommendation, the Town Board may process the request without a recommendation.
7. Town Board action
 - a. The Town Board shall review the application and make a decision pursuant to [Section 3.10](#).
 - b. Concurrently with adopting, denying or remanding any planned development rezoning, the Town Board shall adopt a statement describing whether its action is consistent with the adopted plans and policies of the Town and explaining why the Town Board considers the action taken to be reasonable and in the public interest.
 - c. A planned development control document which meets the requirements for submittal of a preliminary plat may be approved as both the planned development control document for the development and the preliminary plat concurrently.

E. Approval Criteria

No planned development may be approved by the Town Board unless all of the following criteria

are satisfied:

1. Consistency with the adopted plans of the Town;
2. General conformance with the Town's adopted comprehensive plan;
3. Suitability of the subject property for uses permitted by the current versus the proposed district;
4. Whether the proposed change tends to improve the balance of uses or meets a specific demand in the Town;
5. The capacity of adequate public facilities and services including schools, roads, recreation facilities wastewater treatment and water supply facilities and stormwater drainage facilities for the proposed use;
6. It has been determined that the legal purposes for which zoning exists are not contravened;
7. It has been determined that there will be no adverse effect upon adjoining property owners unless such effect can be justified by the overwhelming public good or welfare; and
8. It has been determined that no one (1) property owner or small group of property owners will benefit materially from the change to the detriment of the general public.

F. Control Document Approval Criteria

The planned development review shall include and the applicant shall be responsible for successfully addressing the following:

1. Compliance with [Article 8](#), Planned Development, and all other applicable requirements of this LDC;
2. Uses to be allowed in a planned development;
3. Conformance of the proposal with the stated purpose of the requested planned development district;
4. Compatibility of the proposed development with the adjacent community;
5. The quality of design intended for each component of the project and the ability of the overall development plan to ensure a unified, cohesive environment at full build-out;
6. Compatible relationships between each component of the overall project;
7. Self-sufficiency of each phase of the overall project;
8. Documentation that the proposed infrastructure improvements accommodate the additional impacts caused by the development or documentation to assure that the development, as proposed, will not overtax the existing public infrastructure systems;
9. The fiscal impact of the proposal and the proposed financing of required improvements;
10. The success of the proposal in providing adequate pedestrian and bicycle links within the development and with the adjacent community; and
11. The effectiveness with which the proposal protects and preserves the ecologically sensitive areas within the development.

G. Action after Approval

1. Upon approval of a planned development by the Town Board and on recordation of the approved planned development control document, the planned development district is deemed established. All documents (including the approved planned development control document) shall be an integral part of the approved proposal.
2. The approved planned development and associated planned development control document shall run with the land and shall be binding on the original applicant as well as any successors, assigns and heirs. The approved planned development control document shall be recorded in the office of the County Clerk and Recorder and the Zoning Map shall be amended.
3. Approval of a planned development rezoning and associated planned development control document does not constitute site plan approval or subdivision approval (if the property is to be further subdivided), except where the planned development control document meets the requirements for and is approved as a preliminary plat.
4. Property to be further subdivided shall obtain approval in accordance with [Section 4.05](#), Subdivision Review. Where a preliminary plat has been approved, the applicant may move forward to provide construction plans and a final plat.

5. Property not to be further subdivided shall obtain site plan approval as set forth in [Section 4.06](#), Site Plan.

H. Control Document Modifications

1. When authority to do so is clearly spelled out in any adopting ordinance or resolution for a planned development control document, amendments to said document, if minor in scope, may be approved administratively by the Community Development Director. Minor changes shall include up to ten percent (10%) modifications to the original mixture of uses (so long as the minimum and maximum stated are maintained), minor adjustments to phasing (as long as the quantity of phases remains) and the realignment of internal roadways. Minor changes to the sign, lighting and landscape requirements may also be approved administratively by the Community Development Director.
2. Major modifications shall require resubmittal to the Town Board. These shall include the addition of land modifications to the originally approved mixture of uses in excess of ten percent (10%), a change in the number of phases within the development and the addition or deletion of main vehicular entrances serving the development or their relocation. Major modifications shall also include any proposed revisions that are deemed by the Community Development Director to be inconsistent with the adopted plans and policies of the Town.

Section 4.04 Minor Subdivision

A. Purpose

The procedure for approval of a minor subdivision is intended to simplify processing of routine small subdivisions and replats with due regard to protection of the public interest.

B. Applicability

A minor subdivision is any minor division of land into three (3) lots or less that does not require dedication of rights-of-way or easements. Minor subdivisions may be used to allow adjustments and corrections to lot lines and boundary lines, to combine lots, or to otherwise replat land where no public dedication is required.

C. Initiation

A request to subdivide property may be initiated by an owner of land within the jurisdiction of the Town or a duly authorized agent or representative of the owner.

D. Procedure

Figure 4.D identifies the application steps from in [Article 3](#), General Review Procedures, which apply to the review of minor subdivision applications. Additions or modifications to the general review procedures are noted below.

Figure 4.D: Summary of Minor Subdivision Procedure



1. Pre-application conference
 - a. All applicants seeking subdivision approval shall schedule a pre-application conference with the Community Development Director in accordance with [Section 3.04](#).
 - b. The Community Development Director shall make a determination as to which approval process authorized by this Section can be used. The Community Development Director may require the applicant to submit whatever supplemental information is necessary to make this determination.

2. Application submittal

Applications for a minor subdivision shall be submitted in accordance with [Section 3.05](#).

3. Application review and revision

The Community Development Director shall review and distribute the application to appropriate internal and external review agencies pursuant to [Sections 3.06](#).

4. Staff Action

- a. Following a public hearing, the Community Development Director shall make a decision pursuant to [Section 3.07](#).
- b. If the minor subdivision is determined not to be in conformance with the requirements for a minor subdivision, the applicant may proceed with the major subdivision.

E. Approval Criteria

Minor subdivisions shall be approved only when the following conditions are found to be met:

1. Consistency with the adopted plans and policies of the Town;
2. The plat complies with the standards of [Article 9](#), Subdivision Regulations, and any other applicable requirements of this LDC;
3. The plat indicates that all subject lots will have frontage on existing approved streets;
4. New or residual parcels conform to the requirements of this LDC and other applicable regulations;
5. No new streets are required or are likely to be required for access to interior property;
6. No drainage or utility easements will be required to serve interior property;
7. No extension of public sewerage or water lines will be required;
8. The proposed subdivision will not adversely affect permissible development of the remainder of the parcel or of adjoining property; and
9. No waivers from [Article 9](#), Subdivision Regulations, have been requested.

F. Endorsements

Minor subdivision plats received by the Town shall contain, at least, the following information:

1. Certificate of ownership;
2. Certificate of survey by professional surveyor, signed, sealed and acknowledged;
3. Certificate of Community Development Director approval;
4. Title certificate;
5. Reference to any separate instruments, including restrictive covenants, filed in the office of the County Clerk and Recorder which directly affects the land being subdivided.

G. Action After Approval

1. No plat or other land subdivision instrument shall be recorded in the office of the County Clerk and Recorder until it shall have been approved by the Community Development Director as required.
2. After final approval, the subdivider shall affix all the required signatures and the Town Clerk shall file one (1) contact reproducible cloth tracing or Mylar with the County Clerk and Recorder. The subdivider shall also provide the Community Development Director with three (3) white background prints and one (1) contact reproducible Mylar as well as an electronic copy. The subdivider shall pay all required County recording fees.
3. The Town Clerk shall record the approved plat in the office of the County Clerk and Recorder for recording within sixty (60) days after the date of approval. The Community Development Director, upon receipt of a written request, may extend this date an additional thirty (30) days, if the request is received prior to the original expiration date and the plat meets all applicable provisions of this LDC.

H. Continuing Validity of Minor Subdivision

Within twelve (12) months of the date of approval of the minor subdivision, the plat shall be recorded in the office of the County Clerk and Recorder; otherwise the minor subdivision shall be null and void.

Section 4.05 Major Subdivision

A major subdivision is any division of land into four (4) or more lots or a division of land that requires a dedication of public rights-of-way or easements. Subdivisions of ten (10) or more lots or ten (10) or more dwelling units shall occur in three (3) stages, beginning with review of a concept plan, followed by review of a preliminary plat, and a final plat. Major subdivisions for fewer than ten (10) lots or dwelling units shall occur in two (2) stages, beginning with review of a preliminary plat, followed by review of a final plat.

A. Major Subdivision – Concept Plan

1. Purpose

The purpose of the concept plan is to allow the Planning Commission and the Board of Trustees to preview the proposed subdivision and offer an initial evaluation regarding the subdivision layout and design, public open space, public dedications and public improvements.

2. Applicability

A concept plan is required for any residential subdivision of ten (10) or more lots or ten or more dwelling units.

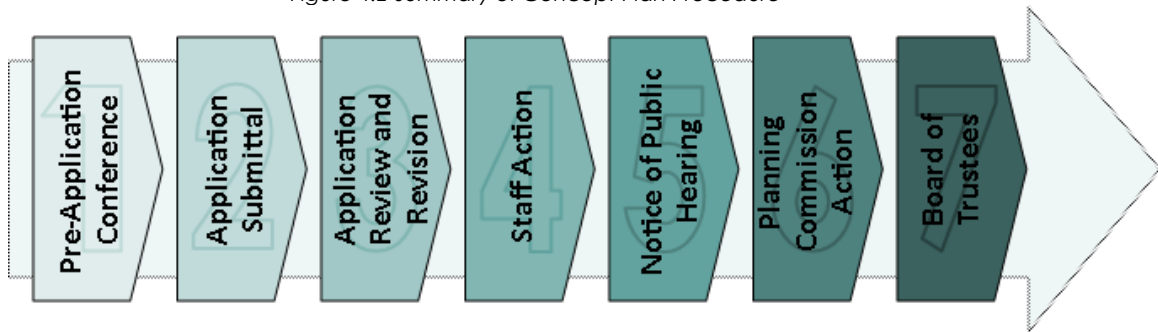
3. Initiation

A request for a concept plan review shall be initiated by an owner of land with the jurisdiction of the Town or a duly authorized agent or representative of the owner.

4. Procedure

Figure 4.E identifies the application steps in [Article 3](#), General Review Procedures, which apply to the review of the concept plan applications.

Figure 4.E Summary of Concept Plan Procedure



a. Pre-application conference

At the time of the pre-application, applicants shall submit a concept plan for review by the Community Development Director. This plan should, in simple sketch form, show the proposed layout of streets, lots and other features in relation to existing conditions.

b. Application submittal

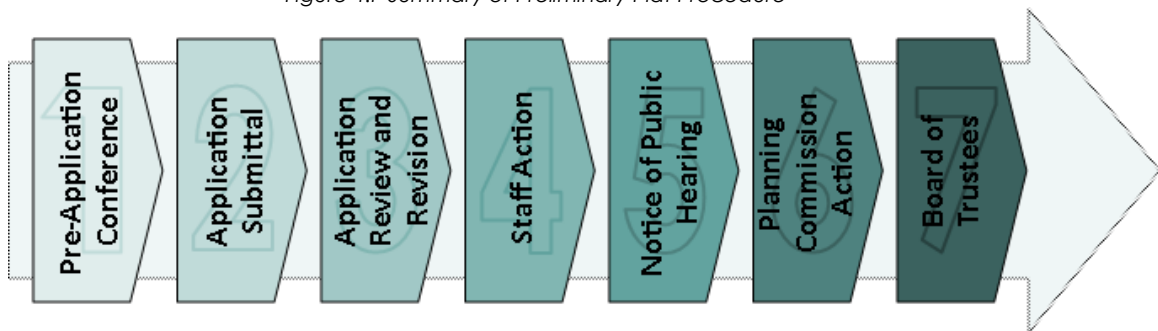
- i. Application for a concept plan shall be submitted in accordance with [Section 3.05](#).
- ii. The concept plan shall include the following information presented as a graphic concept or as a statement of the plan:
 - (a) vicinity map
 - (b) legal description of the site
 - (c) general topographic features
 - (d) labeled access to the site from existing street network
 - (e) location of common (shared) areas
 - (f) location and areas of lots, rights-of-way, public open space, school land, irrigation and drainage features, and water ways
 - (g) land use summary that includes the total area; acreage of developable land; number of residential units by type of dwelling units; and residential units per acre of developable land
 - (h) separate phases

- (i) any other information required by the Community Development Director for Planned Developments or Cluster Subdivisions to demonstrate how the major subdivision Concept Plan embraces the general provisions described in [Section 8.01](#) for Planned Developments or in [Section 9.14](#) for Cluster Subdivisions
- c. Application review and revision
The Community Development Director shall review and distribute the application to appropriate internal and external review agencies pursuant to [Section 3.06](#).
- d. Staff Action
The Community Development Director shall prepare a staff report with an initial summary review.
- e. Notice and public hearings
The Town shall hold all required public hearings and give notice in accordance with [Section 3.08](#).
- f. Planning Commission Action
The Planning Commission shall review the application and forward its evaluation and any comments or concerns to the Board of Trustees for consideration.
- g. Town Board Action
The Town Board shall review the Concept Plan along with the Planning Commission's comments or concerns and may offer additional evaluation and comments regarding the subdivision layout and design and public dedications and improvements.

B. Major Subdivision – Preliminary Plat

1. Purpose
The subdivision procedure provides a process to evaluate the orderly and efficient development of land and to promote the health, safety and welfare of the residents of the Town.
2. Applicability
A preliminary plat is required for all major subdivisions.
3. Initiation
A request to subdivide property may be initiated by an owner of land within the jurisdiction of the Town or a duly authorized agent or representative of the owner.
4. Procedure
Figure 4.F identifies the application steps from in [Article 3](#), General Review Procedures, which apply to the review of preliminary plat applications. Additions or modifications to the general review procedures are noted below.

Figure 4.F Summary of Preliminary Plat Procedure



- a. Pre-application conference
All applicants seeking subdivision approval shall schedule a pre-application conference with the Community Development Director in accordance with [Section 3.04](#).
- b. Application submittal
 - i. Applications for a preliminary plat shall be submitted in accordance with [Section 3.05](#).
 - ii. Applications shall be accompanied by a certificate of design, signed by the professional engineer preparing the plat stating that they have, to the best of their

ability, designed the subdivision in accordance with the requirements of [Article 9](#), Subdivision Regulations; and other applicable requirements of this LDC.

- iii. An application for a waiver from any of the provisions of [Article 9](#), Subdivision Regulations, shall be submitted in writing by the applicant at the time the preliminary plat is filed. The application shall state the grounds for the waiver and all the facts relied upon by the applicant pursuant to [Section 4.05.A.6](#).
 - iv. When a subdivision is to be developed in stages, a subdivision phasing document shall be submitted for the entire development and a preliminary plat shall be submitted for each individual stage. A final plat is submitted for individual stages as each stage is developed. Each new stage shall be developed adjacent to an earlier stage.
 - c. Application review and revision

The Community Development Director shall review and distribute the application to appropriate internal and external review agencies pursuant to [Sections 3.06](#).
 - d. Staff Action

The Community Development Director shall prepare a staff report and recommendation pursuant to [Section 3.07](#).
 - e. Notice and public hearings

The Town shall hold all required public hearings and give notice in accordance with [Section 3.08](#).
 - f. Planning Commission Action

The Planning Commission shall review the application and make a recommendation pursuant to [Section 3.09](#).
 - g. Town Board Action

The Town Board shall review the application and make a decision pursuant to [Section 3.10](#) within ninety (90) days of the submittal date, unless additional time is agreed to by the subdivider.
- 5. Findings of fact required

No preliminary plat may be approved by the Town Board unless all of the following findings are made concerning the subdivision:

 - a. Consistency with the adopted plans of the Town.
 - b. The subdivision meets all required specifications of [Article 9](#), Subdivision Regulations, and other applicable requirements of this LDC.
 - c. The subdivision will not be detrimental to the use or orderly development of other properties in the surrounding area and will not violate the character of existing standards for development of properties in the surrounding area.
 - d. The subdivision design will provide for the distribution of traffic in a manner that will avoid or mitigate congestion within the immediate area, will provide for the unified and orderly use of or extension of public infrastructure and will not materially endanger the environment, public health, safety or the general welfare.
- 6. Waivers
 - a. Whereby affirmative vote of three-fourths (3/4) of its membership, the Town Board finds that extraordinary hardships or practical difficulties may result from strict compliance with [Article 9](#), Subdivision Regulations, and the intent of this LDC may be served to a greater extent by an alternative proposal, a waiver may be granted. A waiver shall not have the effect of nullifying the intent and purpose of this LDC, and the Town Board shall not grant a waiver unless the Town Board makes findings based upon the evidence presented in each case that:
 - i. The granting of the waiver will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located;
 - ii. The conditions upon which the request for a waiver are based are unique to the property for which the waiver is sought and are not generally applicable to other

- property;
- iii. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of this LDC are enforced; and
 - iv. The purpose of the waiver is not based primarily upon financial consideration.
- b. In granting a waiver, the Town Board may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of this LDC.
7. Action following approval
- a. Upon preliminary plat approval, the applicant may initiate proceedings to begin site work and installation of improvements. Any applicant wishing to exercise this right does so completely at his or her own risk. The Town shall be held harmless from any costs or damages in the event the applicant does not ultimately receive final plat approval. Additionally, the applicant will be required to provide the Town with a performance guarantee such as a letter of credit or surety performance bond to cover the costs of reclamation in the event the applicant does not receive final plat approval. Prior to constructing any necessary public improvements, a complete set of construction drawings shall be submitted to and approved by the Town Engineer. All work shall be performed in compliance with the requirements of [Article 9](#), Subdivision Regulations, and other applicable regulations of the Town and the state.
 - b. Approval of a preliminary plat does not constitute approval of the final plat. Application for approval of the final (record) plat will be considered only after the requirements for final plat approval as specified in [Section 4.05.B](#), below, have been fulfilled and after all other specified conditions have been met.
8. Continuing validity of preliminary plats
- a. Within twelve (12) months of the date of approval of the preliminary plat, the applicant shall submit a final plat for at least one (1) section of the subdivision; otherwise the preliminary plat shall be null and void unless the Board of Trustees agrees to an extension of time. A formal request for extension and reasons thereof must be submitted prior to the one (1) year deadline date. Extensions may be granted for a period of one (1) year and may not be granted more than two (2) times.
 - b. All sections of an approved preliminary plat must be submitted for final plat approval within three (3) years of preliminary plat approval for a preliminary plat unless approval for extension beyond three (3) years has been granted by the Town Board.

C. Major Subdivision – Final Plat

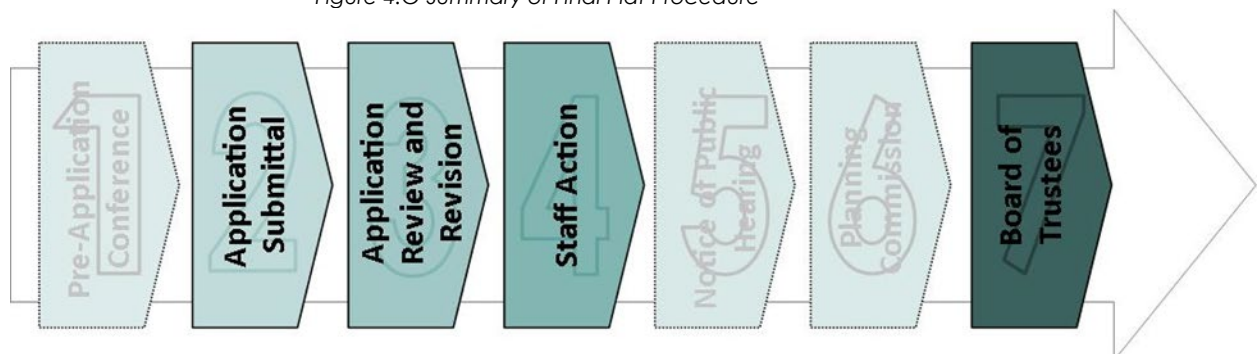
1. Applicability

A final plat shall be required for all subdivision of land in the Town.

2. Procedure

Figure 4.G identifies the application steps from [Article 3](#), General Review Procedures, which apply to the review of final plat applications. Additions or modifications to the general review procedures are noted below.

Figure 4.G Summary of Final Plat Procedure



- a. Application submittal
 - i. Applications for a final plat shall be submitted in accordance with [Section 3.05](#).
 - ii. Final plat applications shall include final construction plans for all required improvements, signed and sealed by a professional engineer, licensed to practice in the State of Colorado.
- b. Application review and revision

The Community Development Director shall review and distribute the application to appropriate internal and external review agencies pursuant to [Sections 3.06](#).
- c. Town Board Action

The Board of Trustees shall make a decision pursuant to [Section 3.07](#).
- 3. Final plat approval criteria

Final plats shall be approved when the following conditions exist:

 - a. Consistency with the adopted plans and policies of the Town;
 - b. The plat substantially complies with the approved preliminary plat;
 - c. The plat complies with the standards of [Article 9](#), Subdivision Regulations, and the other applicable requirements of this LDC;
 - d. New and residual parcels will conform to the requirements of this LDC and other applicable regulations;
 - e. All necessary right-of-way has been offered for reservation or dedication; and
 - f. All necessary drainage easements have been provided.
- 4. Endorsements

Major subdivision plats received by the Town shall contain, at least, the following information:

 - a. Certificate of ownership and dedication;
 - b. Certificate of survey by professional surveyor, signed, sealed and acknowledged;
 - c. Certificate for release of mortgage for any part dedicated to the public, signed and acknowledged;
 - d. Certificate of Town Board of Trustees approval;
 - e. Title certificate;
 - f. Reference to any separate instruments, including restrictive covenants, filed in the office of the County Clerk and Recorder which directly affects the land being subdivided.
- 5. Action after approval
 - a. No plat or other land subdivision instrument shall be recorded in the office of the County Clerk and Recorder until it shall have been approved by the Board of Trustees as required.
 - b. After the final approval of the plat and, the affixing of all required signatures, the Town Clerk shall file one (1) contact reproducible cloth tracing or Mylar with the County Clerk and Recorder. The subdivider shall also provide the Community Development Director with three (3) white background prints and one (1) contact reproducible Mylar as well as an electronic copy. The subdivider shall pay all required County recording fees.
 - c. The Town Clerk shall record the approved final plat in the office of the County Clerk and Recorder for recording within sixty (60) days after the date of approval. The Community Development Director, upon receipt of a written request, may extend this date an additional thirty (30) days, if the request is received prior to the original expiration date and the final plat meets all applicable provisions of this LDC.
 - d. Although clear indication of any dedications shall be noted on the plat, the approval of a final plat shall not be deemed to constitute or affect the acceptance by the Town of the dedication of any street or other ground, public utility line or other public facility shown. The Town Board may, by resolution, accept any dedication made to the public of lands or facilities for streets, parks, public utility lines or other public purposes when the lands or facilities are located within the Town.

D. Required Dedications

The developer may be required to dedicate or convey to the Town right-of-way, parks, open space or a variety of easements such as access, drainage easements, access easements, bicycle and pedestrian trail easements, utility easements, multi-purpose easements, etc. This should occur at the time of approval of the site plan or development improvements agreement.

E. Required Improvements

The applicant shall bear the costs of the installation of all on-site improvements as required by this LDC, including provision for surface drainage, pavement, landscaping and utilities. Any applicant required to install or construct off-site improvements pursuant to this Section may, with the approval as a condition of subdivision approval and upon a determination by the Board of Trustees that such improvements are not necessary or desirable at the time but will be needed in the future, make a payment in lieu of such improvements or part thereof plus any funds in amount sufficient to address inflation. The amount of any such payment shall be an amount estimated by the Town to be the actual and total installation and construction costs of such improvements. The amount paid for a given improvement shall be considered total and complete payment for the improvements considered and will preclude any further assessment of the property in the event that the Town elects to install such improvements at a later date.

1. Guarantees of improvements

Guarantee of improvements shall be made in accordance with [Section 9.06](#).

2. Inspections of required improvements

Inspections of improvements shall be made in accordance with [Section 9.07c](#).

F. Approved Plat Modifications

1. Minor modifications

- a. Preliminary plat

Minor revisions to an approved preliminary plat may be approved by the Community Development Director if the revisions are within the scope and intent of the original approval. Such revisions may include but not be limited to:

- i. Reducing the lot count;
 - ii. Modifying phase lines; or
 - iii. Minor adjustments to lot or street locations.

- b. Final plat

A final plat may be rerecorded with the Mayor's signature on the Town Board of Trustees Certificate. The re-recording of the final plat would be to:

- i. Revise or correct dimensions;
 - ii. Change street names;
 - iii. Add, delete or modify easements or private covenants;
 - iv. Change subdivision name; or
 - v. Other minor modifications that are within the scope and intent of the original approval subject to approval of the Community Development Director.

- c. Procedures

- i. Preliminary plat

(a) When minor revisions are proposed to an approved preliminary plat, the applicant shall submit a written request to the Community Development Director delineating the revisions and requesting authorization for administrative revision.

(b) The Community Development Director shall notify the applicant whether the proposed revision qualifies for minor modification and the basis for the determination. If approved, the final plat may be submitted in accordance with the revisions.

(c) The Community Development Director shall distribute copies of the revised plat to the appropriate agencies.

- ii. Final plat
 - (a) When minor revisions are proposed to an approved final plat, the applicant shall submit a written request to the Community Development Director delineating the revisions and requesting authorization for administrative revision.
 - (b) If the plat has been recorded, the applicant shall submit the recorded plat with a statement describing the revisions made and title block for the Community Development Director signature and date of signing.
 - (c) If the ownership of the subdivision has changed or if any lots have been sold since the previous recording, an owner's and notary's certificates shall be provided on the plat for each current owner.
 - (d) In addition to the letter and the revised final plat, the applicant shall submit the required fees to the Community Development Director for processing and rerecording the revised plat.
 - (e) The Community Development Director shall distribute copies of the recorded final plat to the appropriate agencies.
- 2. Major modifications

Proposed modifications to an approved preliminary plat or final plat not considered minor revisions shall be submitted and processed as new applications in accordance with the provisions of this Section.

Section 4.06 Site Plan

A. Purpose

The site plan review procedure provides a process to evaluate proposed development for compliance with the development and design standards of this LDC. The site plan review procedure ensures that the Town has the opportunity to mitigate potential impacts of proposed developments prior to issuance of a planning clearance.

B. Applicability

All proposed development, except for single-family detached and zero lot line dwelling units on individual lots, shall be subject to the site plan review process.

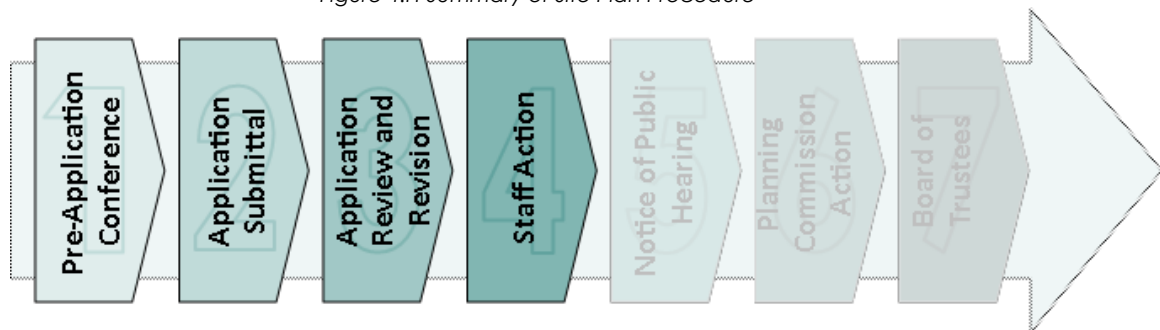
C. Initiation

An owner of land within the jurisdiction of the Town (or a duly authorized agent or representative) may apply for site plan approval.

D. Procedure

Figure 4.H identifies the application steps from [Article 3](#), General Review Procedures, which apply to the review of site plan applications. Additions or modifications to the general review procedures are noted below.

Figure 4.H Summary of Site Plan Procedure



1. Pre-application conference

All applicants seeking site plan approval shall schedule a pre-application conference with the Community Development Director, in accordance with [Section 3.04](#), Pre-Application Conference.

2. Application submittal
Application for a site plan shall be submitted in accordance with [Section 3.05](#).
3. Application review and revision
The Community Development Director shall review and distribute the application to appropriate internal and external review agencies pursuant to [Sections 3.06](#).
4. Staff action
The Community Development Director shall make a decision pursuant [Section 3.07](#).

E. Approval Criteria

In approving a site plan, the Community Development Director shall consider the following:

1. Consistency with the adopted plans;
2. Compliance with all applicable requirements of this LDC and the Town's adopted comprehensive plan;
3. Site design and development intensity is appropriate for and tailored to the unique natural characteristics of the site, such as significant wooded areas, wetlands and floodplains;
4. For nonresidential and multifamily projects, the site plan displays the location of trash handling, recycling, grease bins and other waste-related facilities employed in the normal operation of the use;
5. Adequacy and location of parking areas and pedestrian and vehicular access points;
6. Compliance with site construction specifications;
7. Adequacy of stormwater facilities, water supply, sanitary sewer service, fire protection, street signs and street lighting as evidenced by conformance with department standards, specifications and guidelines;
8. That the application will not substantially injure the value of adjoining or abutting property and will not be detrimental to the use or development of adjacent properties or other neighborhood uses;
9. Compliance with requirements for easements or dedications;
10. Compliance with any applicable subdivision improvements;
11. If applicable, compliance with the approved planned development control document;
12. Building design and materials uphold and promote high quality development in the Town and are compatible with other uses in the surrounding neighborhood; and
13. Compliance with landscaping and general design requirements of [Section 10.03](#).

F. Appeals

An appeal from any final decision by the Community Development Director shall be made within five (5) working days of the final decision in accordance with [Section 4.14](#), Administrative Appeal.

G. Period of Validity

1. An approved site plan shall expire three (3) years from the date of approval unless the proposed development is pursued as set forth below;
2. A complete building permit application has been submitted and remains valid;
3. Where more than one (1) building is to be built, the applicant may submit a series of building permit applications. The first application shall be submitted within one (1) year from the date that site plan approval is granted. Each subsequent application shall be submitted within one hundred eighty (180) days from the date of issuance of a certificate of occupancy for the previous building; or
4. If no building permit is required, a certificate of occupancy has been issued.

H. Building Permit/Certificate of Occupancy

No building permit or certificate of occupancy shall be issued until the required site plan of the proposed use or development has been approved by the appropriate Town officials.

I. Required Dedications

1. The developer may be required to dedicate or convey to the Town right-of-way, parks, open space or a variety of easements such as access, drainage easements, access easements,

bicycle and pedestrian trail easements, utility easements, multi-purpose easements, etc. This should occur at the time of approval of the site plan or development improvements agreement.

J. Required Improvements

1. The developer may be required to install on and off-site improvements in accordance with this LDC.
2. The applicant shall bear the costs of the installation of all on and off-site improvements as required by this LDC.

K. Guarantees of Improvements

1. Prior to the approval of any site plan, the applicant shall submit a cost estimate and time schedule for installation of each phase of site improvements.
2. The Town shall require security in the form of a certified check, a letter of credit, escrow or a surety performance bond, guaranteeing required on-site and off-site improvements. The security shall be in the amount determined by the Community Development Director.
3. As each phase of improvements is installed and inspected by the Town, the security amount shall be reduced by the costs of the installed improvements.
4. In the event that the applicant wishes to occupy any building or any portion of any building prior to the completion of the required site improvements, the security guaranteeing improvements shall be retained by the Town until the remaining required improvements are completed.

L. Inspections of Required Improvements

Inspections of site improvements shall be made in accordance with [Section 9.07](#).

Section 4.07 Conditional Use

A. Purpose

In order to provide flexibility and to help diversify uses within a zoning district, specified uses are permitted in certain districts subject to the granting of a conditional use permit.

B. Applicability

1. A conditional use is a use that may or may not be appropriate depending on the location and the conditions imposed upon the approval of the use that are designed to reasonably mitigate any adverse impacts upon surrounding properties. Conditional uses may be approved for the uses indicated in the use regulations of the zoning district of the property for which the conditional use permit is requested. A pre-existing use that is permitted as a conditional use pursuant to this LDC shall be deemed to have already received conditional use approval. Provided, however, that any change or expansion of a conditional use, whether pre-existing or otherwise, shall require a new conditional use permit pursuant to the terms of this Section.
2. Conditional uses within each base zoning district are uses that may be appropriate in a particular district, but because of the increased potential for incompatibility with adjacent uses requires individual review by the Town Board.
3. A conditional use permit shall be required for all conditional uses as set forth in the Use Table (see [Section 6.01](#)). A development comprised of uses regulated by separate rows on the table shall be reviewed using the most restrictive process from among the proposed uses.
4. Where a use requiring an approval as a conditional use lies on a separate legal lot, only the building containing the use and its separate lot shall be subject to conditional use review, not the entire project. However, where the separate legal lot is an outparcel, the application shall describe the relationship of the outparcel to the remaining site.

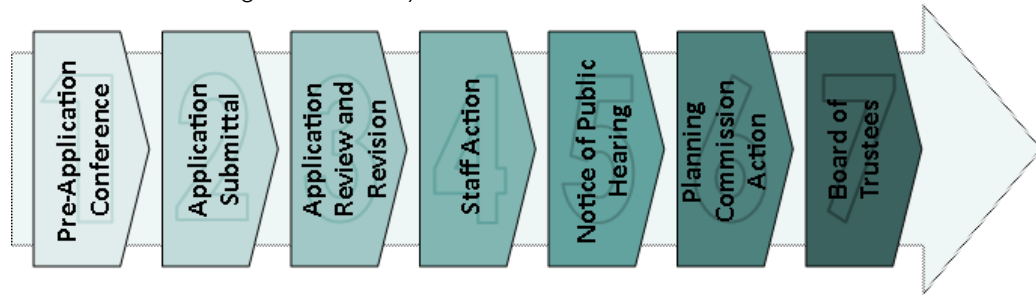
C. Initiation

An owner of land within the jurisdiction of the Town (or a duly authorized agent or representative) may apply for conditional use permit approval.

D. Procedure

Figure 4.1 identifies the application steps from [Article 3](#), General Review Procedures, which apply to the review of conditional use applications. Additions or modifications to the general review procedures are noted below.

Figure 4.1 Summary of Conditional Use Procedure



1. Pre-application conference

All applicants seeking conditional use approval shall schedule a pre-application conference with the Community Development Director, in accordance with [Section 3.04](#).

2. Application submittal

- a. Applications for a conditional use permit shall be submitted in accordance with [Section 3.05](#).
- b. Unless otherwise approved by the Community Development Director, concurrent with a request for a conditional use permit, an applicant shall submit a site plan for review and approval.

3. Application review and revision

The Community Development Director shall review and distribute the application to appropriate internal and external review agencies pursuant to [Sections 3.06](#).

4. Staff action

The Community Development Director shall prepare a staff report and recommendation pursuant to [Section 3.07](#).

5. Notice of public hearing

The Town shall hold all required public hearings and give notice in accordance with [Section 3.08](#).

6. Planning Commission action

- a. The Planning Commission shall review the application and make a recommendation pursuant to [Section 3.09](#).
- b. If the Planning Commission fails to make a recommendation, the Town Board may process the request without a recommendation.

7. Town Board action

- a. The Town Board shall review the application and make a decision pursuant to [Section 3.10](#), Board of Trustee Action.
- b. Concurrently with adopting, denying or remanding any conditional use permit, the Town Board shall adopt a statement describing whether its action is consistent with the adopted plans and policies of the Town and explaining why the Town Board considers the action taken to be reasonable and in the public interest.

E. Findings of Fact

No conditional use permit shall be approved unless the following findings are made concerning the application:

1. That the application will not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted and approved.
2. That the application meets all required specifications and conforms to the standards and practices of sound land use planning and other applicable regulations.
3. That the application will not substantially injure the value of adjoining or abutting property and will not be detrimental to the use or development of adjacent properties or other neighborhood uses.
4. That the application will not adversely affect the adopted plans and policies of the Town or

violate the character of existing standards for development of the adjacent properties.

F. Additional Conditions

1. In granting approval of a conditional use permit, the Board of Trustees may impose reasonable conditions which serve to assure that the required findings are upheld. Such conditions may include, but are not limited to right-of-way or easement dedication; recreation, open space or buffer provision; limitation in scale, intensity or hours of operation; and other reasonable restrictions.
2. Any additional condition approved by the Board of Trustees shall become a part of the permit and be of equal importance in the responsibility of the applicant or subsequent assigns to adhere to its terms.

G. Modifications to Approved Conditional Use Permit

1. Minor deviations

The Community Development Director is authorized to approve minor deviations to a conditional use permit, if such change is not contrary to the approving action of the Board of Trustees, but shall not have the authority to approve substantial deviations as set forth below.

2. Substantial deviations

Any deviation requiring evidentiary support in addition to that presented at a public hearing on applications for the original permit shall constitute a substantial deviation. Before making a determination as to whether a proposed action is a minor deviation or a substantial deviation, the Community Development Director shall review the record of the proceedings on the original application. Substantial deviations shall include the following:

- a. A change in the boundaries of the approved site;
 - b. A change from the approved use;
 - c. An increase of five percent (5%) or more in the approved floor area, unless proposed addition is five hundred (500) square feet of floor area or less, whether such addition is proposed at one (1) time or over an extended period of time;
 - d. An increase of five percent (5%) or more in the number of approved parking spaces, unless the proposed addition is ten (10) or fewer spaces, whether such addition is proposed at one (1) time or over an extended period of time;
 - e. Substantial change in the location of principal or accessory structures;
 - f. Structural alterations significantly affecting the basic size, form; style, ornamentation and appearance of principal or accessory structures as shown on the approved site plan;
 - g. Substantial changes in pedestrian or vehicular access or circulation; and
 - h. Substantial change in the amount or location of landscape screens.
3. If a proposed amendment deviates substantially from the approved conditional use permit, the approved conditional use permit shall be amended in accordance with the procedure and standards which governed its approval.

H. Transfer of the Conditional Use Permit

The conditional use permit and additional conditions, if applicable, shall run with the land and shall be binding on the original applicant as well as any successors, assigns and heirs, except when in conflict with any condition that limit such transfer.

I. Period of Validity

1. An approved conditional use permit shall expire three (3) years from the date of approval unless the proposed development is pursued as set forth below:
2. A complete building permit application has been submitted and remains valid;
3. Where more than one (1) building is to be built, the applicant may submit a series of building permit applications. The first application shall be submitted within twelve (12) months from the date approval was granted. Each subsequent application shall be submitted within one hundred eighty (180) days from the date of issuance of a certificate of occupancy for the previous building; or
4. If no building permit is required, a certificate of occupancy has been issued.

5. Once the appropriate permit has been issued, the conditional use permit shall remain in force unless the use, construction or activity ceases for a period of twelve (12) consecutive months. If a conditional use is determined by the Community Development Director to be void, such determination shall be transmitted in writing to the applicant.

J. Building Permit/Certificate of Occupancy

No building permit or certificate of occupancy shall be issued until the required site plan of the proposed use or development has been approved by the Town Board.

K. Revocation of a Conditional Use Permit

The Board of Trustees may revoke a conditional use permit following a public hearing if it is determined that:

1. The applicant has misrepresented any material fact on his or her application or supporting materials;
2. The conditional use fails or ceases to comply with applicable standards, conditions or criteria for issuance of a permit;
3. The operation of the conditional use violates any statute, law, ordinance or regulation; and/or
4. The operation of the conditional use constitutes a nuisance or poses a real or potential threat to the health, safety or welfare of the public.

L. Coordination with Variance

Applications for variance may be submitted concurrently with a request for a conditional use permit. The conditional use permit request shall be considered first (including any site plan) and where it is denied, the variance request shall be null and void.

M. Coordination with Rezoning

An application for a conditional use permit may be reviewed concurrently with a rezoning application. However, a decision by the Town Board shall be rendered first for any rezoning and then subsequently for any conditional use permit.

Section 4.08 Planning Clearance

A. Applicability

1. It shall be unlawful to begin moving, constructing, altering, grading or clearing, demolition or repairing, except ordinary repairs, of any building, fence, wall or other structure on a site including an accessory structure, until the Community Development Director has issued a planning clearance for such work.
2. It shall be unlawful to change the type of use of land, to change the type of use or type of occupancy of any building or to extend any use or any lot on which there is a nonconforming use, until the Community Development Director has issued a planning clearance for such intended use, including a determination that the proposed use, in all respects, conforms to the provisions of this LDC.
3. It shall be unlawful to undertake any land-disturbing activity until the Community Development Director has issued a planning clearance permit for such work.
4. No planning clearance is required for permitted temporary uses.

B. Timing of Application

In all cases where a building permit is required, application for a planning clearance shall be made concurrently with the application for a building permit. In all other cases, application shall be made before initiating any of the activities that trigger compliance with this Section.

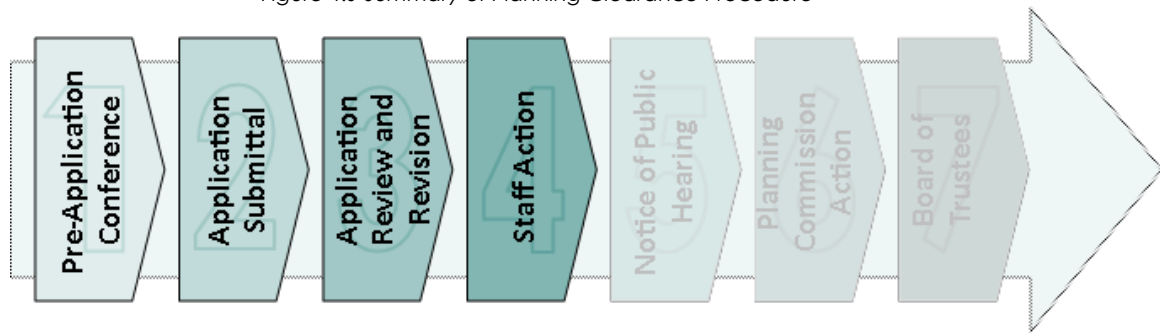
C. Initiation

An owner of land within the jurisdiction of the Town (or a duly authorized agent or representative) may apply for planning clearance approval.

D. Procedure

Figure 4.1 identifies the application steps from [Article 3](#), General Review Procedures, which apply to the review of planning clearances. Additions or modifications to the general review procedures are noted below.

Figure 4.J Summary of Planning Clearance Procedure



1. Application submittal
All applications for a planning clearance shall be submitted in accordance with [Section 3.05](#). Such applications must include a plot plan or site map which shows the applicant's property boundaries and the proposed location of the proposed building, fence, wall or other structure.
2. Application review and revision
The Community Development Director shall review and distribute the application to appropriate internal and external review agencies pursuant to [Sections 3.06](#).
3. Staff Action
 - a. If the proposed application is in conformity with the provisions of this LDC, the Community Development Director shall issue the planning clearance, provided that all of the following conditions shall apply:
 - i. Issuance of a planning clearance shall in no case be construed as waiving any provisions of this LDC;
 - ii. The Community Development Director shall not grant any exceptions to the actual meaning of any clause, standards or regulation contained in this LDC to any person making application to excavate, construct, move, alter or use buildings, structures or land;
 - iii. The Community Development Director shall issue a planning clearance when the imposed conditions of this LDC are complied with by the applicant regardless of whether the use of the clearance would violate contractual or other arrangements (including, but not limited to private covenants) among private parties; and
 - iv. The planning clearance shall include a determination that plans, specifications and the intended use of such structure and land do, in all respects, conform to the provisions of this LDC. Prior to the issuance of a planning clearance, the Community Development Director shall consult with other applicable departments, as necessary.
 - b. At the option of the Community Development Director, the planning clearance may be referred to the Planning Commission for final action.
 - c. If the proposed application is not in conformity with the provisions of this LDC, the Community Development Director shall not issue the planning clearance and shall provide in writing the cause of such disapproval to the applicant.

E. Required Dedications

1. The developer may be required to dedicate or convey to the Town right-of-way, parks, open space or a variety of easements such as access, drainage easements, access easements, bicycle and pedestrian trail easements, utility easements, multi-purpose easements, etc. This should occur at the time of approval of the site plan or development improvements agreement.

F. Required Improvements

1. The developer may be required to install on and off-site improvements in accordance with this LDC.
2. The applicant shall bear the costs of the installation of all on and off-site improvements as required by this LDC.

G. Guarantee of Improvements

1. Prior to the approval of any planning clearance, the applicant shall submit a cost estimate and time schedule for installation of each phase of the site improvements.
2. The Town shall require security in the form of a certified check, a letter of credit, escrow or a surety performance bond, guaranteeing required on-site and off-site improvements. The security shall be in the amount determined by the Community Development Director. As each phase of improvements is installed and inspected by the Town, the security amount shall be reduced by the costs of the installed improvements.
3. In the event that the applicant wishes to occupy any building or any portion of any building prior to the completion of the required site improvements, the security guaranteeing improvements shall be retained by the Town until the remaining required improvements are completed.

H. Inspection of Required Improvements

Inspections of site improvements shall be made in accordance with [Section 9.07](#).

I. Expiration

Once a planning clearance has been issued, all activities pursuant to such clearance shall be commenced within six (6) months. If the proposed moving, constructing, altering, repairing or use of land, as set forth in an application for a planning clearance, is discontinued for a period of one (1) year or more, the planning clearance shall lapse and be of no further force and effect.

J. Appeal

Final action on a planning clearance may be appealed to the Board of Adjustment in accordance with [Section 4.14](#), Administrative Appeal.

Section 4.09 Temporary Use Permit

A. Purpose

The temporary use permit procedure provides a process to evaluate proposals for uses and/or structures of limited duration to ensure compliance with the applicable standards of the LDC

B. Applicability

Temporary uses occurring on property outside of the public right-of-way, including those operating for less than thirty (30) days within a one-year time period, shall obtain a temporary use permit from the Community Development Director that outlines conditions of operations to protect the public, health, safety and welfare subject to the standards of [Section 4.09](#), Temporary use standards.

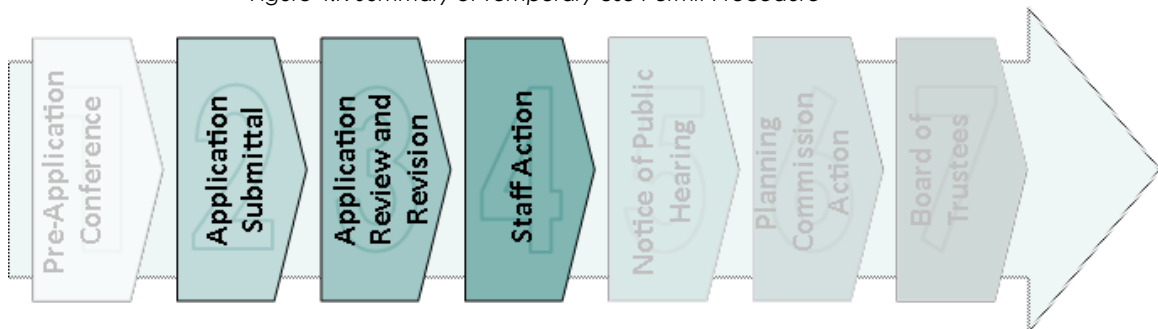
C. Initiation

An owner of land within the jurisdiction of the Town (or a duly authorized agent or representative) may apply for temporary use permit approval.

D. Procedure

Figure 4.K identifies the application steps from [Article 3](#), General Review Procedures, which apply to the review of temporary use permits. Additions or modifications to the general review procedures are noted below.

Figure 4.K Summary of Temporary Use Permit Procedure



1. Application submittal

An application for a temporary use permit shall be submitted in accordance with [Section 3.05](#). The Community Development Director may require that a temporary use application include

an application for site plan review pursuant to [Section 4.06](#).

2. Application review and revision

After receiving a complete application, the Community Development Director shall have up to thirty (30) days to review the application pursuant to [Sections 3.06](#).

3. Staff Action

The Community Development Director shall make a decision pursuant to [Section 3.07](#) or refer the application to the Planning Commission for final action.

E. Approval Criteria

In approving a temporary use permit, the Community Development Director or the Planning Commission, as applicable, shall approve the issuance of a temporary use permit subject to the following:

1. No lighting or electrical service shall be provided without an electrical permit and no temporary use structure shall be erected without a building permit;
2. No temporary use structure shall block fire lanes or pedestrian or vehicular access;
3. The site of the temporary use shall be cleared of all debris at the end of the temporary use. All temporary structures shall be cleared from the site within five (5) days after the use is terminated;
4. Written permission of the property owner for the temporary use shall be provided;
5. Adequate parking and traffic control measures shall be provided; and required parking for other uses shall remain available;
6. Adequate provisions for trash disposal and sanitary facilities shall be provided; and
7. When appropriate, adequate provisions for crowd control shall be provided.

F. Revocation of a Temporary Use Permit

1. A temporary use permit shall be revoked by the Community Development Director if it is found that the terms of the permit have been violated or that there is a hazard to the public health, safety and welfare.
2. If it is determined that the temporary use permit shall be revoked, the Community Development Director shall provide in writing the cause of such revocation to the applicant.

G. Appeal

Final action on a temporary use permit may be appealed to the Board of Adjustment in accordance with [Section 4.14](#), Administrative Appeal.

Section 4.10 Sign Permit

A. Applicability

No sign, including permanent, temporary, portable and sandwich signs, may be erected, located or altered in any manner until a sign permit, and building permit if necessary, has been secured from the Community Development Director. Change of copy on a legally constructed sign shall not require a permit.

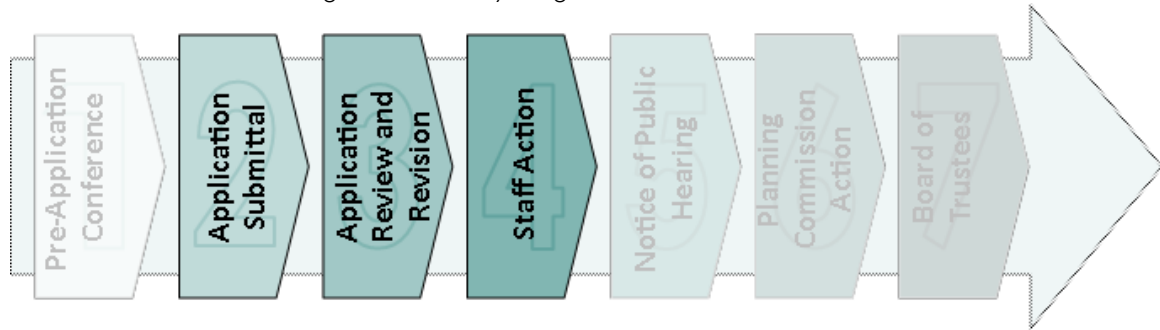
B. Initiation

An owner of land within the jurisdiction of the Town (or a duly authorized agent or representative) may apply for sign permit approval.

C. Procedure

Figure 4.L identifies the application steps from [Article 3](#), General Review Procedures, which apply to the review of sign permits. Additions or modifications to the general review procedures are noted below.

Figure 4.L Summary of Sign Permit Procedure



1. Application submittal
An application for sign permit shall be submitted in accordance with [Section 3.05](#).
2. Application review and revision
After receiving a complete application, the Community Development Director shall have up to thirty (30) days to review the application pursuant to [Sections 3.06](#).
3. Staff action
The Community Development Director shall approve the sign permit pursuant to [Section 3.07](#) or refer the sign permit to the Planning Commission for final action.

D. Approval Criteria

In approving a sign permit, the Community Development Director or the Planning Commission as applicable shall consider the sign standards of [Section 10.10](#).

E. Maintenance of Permanent Signs

It shall be a continuing responsibility of the applicant and or owner of the sign to assure that the sign is erected and maintained in a condition so as not to be a hazard to the safety of the public and of property.

F. Revocation of a Sign Permit

1. Sign permit shall be revoked, following an appropriately noticed public hearing, if a sign is found to be in violation of the requirements of this LDC or other applicable electrical and Building Code requirements.
2. The sign permit shall be null and void if sign installation is not completed within six (6) months or the signs are not in conformance with the approved application.

G. Appeal

Final action on a sign permit may be appealed to the Board of Adjustment in accordance with [Section 4.14](#), Administrative Appeal.

Section 4.11 Written Interpretation

A. Applicability

When uncertainty exists, the Town Board, after consultation with the Community Development Director, Town Attorney and other involved staff, shall be authorized to make all interpretations concerning the provisions of this LDC.

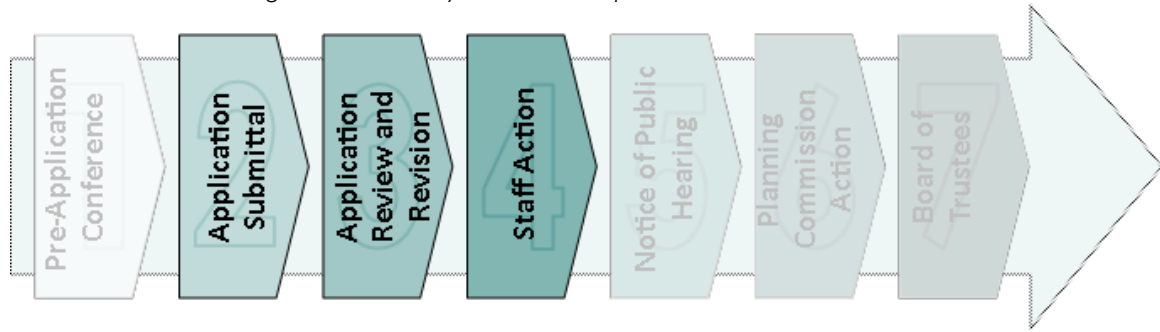
B. Initiation

A request written interpretation of this LDC may be initiated by the Town Board, Board of Adjustment, Planning Commission, Community Development Director or the general public.

C. Procedure

Figure 4.M identifies the application steps from [Article 3](#), General Review Procedures, which apply to the review of written interpretations requests. Additions or modifications to the general review procedures are noted below.

Figure 4.M Summary of Written Interpretation Procedure



1. Application submittal
An application for a written interpretation shall be submitted in accordance with [Section 3.05](#).
2. Application review and revision
 - a. The Community Development Director shall review and evaluate the request in consideration of the text of this LDC, the Zoning Map, the adopted plans and policies of the Town and any other relevant information.
 - b. If needed, the Community Development Director shall distribute the application to appropriate internal and external review agencies for their review and input.
3. Staff action
Following completion of the technical review period, the Community Development Director shall prepare a formal interpretation which shall be delivered to the applicant.

D. Appeal

Final action on a sign permit may be appealed to the Board of Adjustment in accordance with [Section 4.14](#), Administrative Appeal.

E. Official Record

The Town Clerk shall maintain an official record of all interpretations. The record of interpretations shall be available for public inspection during normal business hours.

Section 4.12 Variance

A. Purpose

The variance procedure provides a process to grant limited relief from the requirements of this LDC for property where strict application of the LDC would result in an exceptional practical difficulty or undue hardship.

B. Applicability

1. The Board of Adjustment is authorized to grant variances from the dimensional standards and the off-street parking and loading standards of this LDC, unless a variance is specifically prohibited for a particular requirement. The granting of a variance shall not be contrary to the public interest or the purposes of this LDC where, owing to special physical conditions, a literal enforcement of the provisions of this LDC would result in unnecessary physical (not economic) hardship to the property owner.
2. It is the intent of this delegation of power to the Board that no variance shall be granted which is a use variance and has the practical effect of rezoning property to a higher intensity of use than the district in which the property is located.

C. Initiation

An owner of land within the jurisdiction of the Town (or a duly authorized agent or representative) may apply for variance.

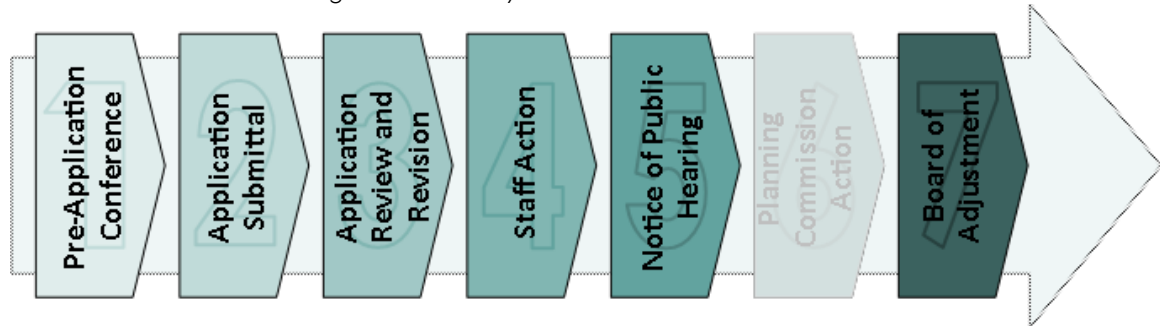
D. Deadline for Submission of Application

An appeal of an administrative decision shall be filed with the Board of Adjustment within thirty (30) days of receipt of the decision.

E. Procedure

Figure 4.N identifies the application steps from [Article 3](#), General Review Procedures, which apply to the review of variance applications. Additions or modifications to the general review procedures are noted below.

Figure 4.N Summary of Variance Procedure



1. Pre-application conference
All applicants seeking conditional use approval shall schedule a pre-application conference with the Community Development Director, in accordance with [Section 3.04](#).
2. Application submittal
An application for a variance shall be submitted and reviewed in accordance with [Section 3.05](#).
3. Application review and revision
After receiving a complete application, the Community Development Director shall have up to thirty (30) days to review the application pursuant to [Sections 3.06](#).
4. Staff action
The Community Development Director shall prepare a staff report and recommendation pursuant to [Section 3.07](#).
5. Notice of public hearings
The Town shall hold all required public hearings and give notice in accordance with [Section 3.08](#).
6. Board of Adjustment action
 - a. The Board of Adjustment may approve, deny or continue the request.
 - b. Each decision shall be accompanied by a finding of fact that specifies the reason for the decision.
 - c. In approving the variance, the Board of Adjustment may prescribe reasonable and appropriate conditions which will ensure that the use will be compatible with adjacent properties and will not alter the character of the neighborhood.
 - d. Conditions may be imposed by the Board of Adjustment regarding the location, character and other features of the proposed building or use as may be deemed by the Board of Adjustment to protect property values and general welfare of the neighborhood. Nonconformance with such conditions and safeguards, when part of the terms under which the variance is granted, shall be deemed a violation of this LDC.

F. Findings of Fact

No variance shall be approved by the Board of Adjustment unless all of the following findings are made.

1. There are exceptional conditions pertaining to the particular piece of property in question because of its shape, size or topography that are not applicable to other lands or structures in the same district, or there is a peculiar characteristic of an establishment which makes the parking and/or loading requirements of this LDC unrealistic.
2. Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located.
3. A literal interpretation of the provisions of this LDC would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.

4. The requested variance will be in harmony with the purpose and intent of this LDC and will not be injurious to the neighborhood or to the general welfare.
5. The special circumstances are not the result of the actions of the applicant.
6. The variance requested is the minimum variance that will make possible the legal use of the land, building or structure.

G. Uses

The Town cannot accept or process a variance to allow a use which is not a permitted or conditional use in the district involved.

H. Burden of Proof

The applicant seeking the variance shall have the burden of presenting evidence sufficient to allow the Board of Adjustment to reach the conclusions set forth below as well as the burden of persuasion on those issues.

I. Effect of Appeal

1. A variance request shall stay all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal has been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by the District Court on application on notice to the officer from whom the appeal is taken and on due cause shown.
2. A variance request shall not stop action lawfully approved (including construction activities authorized by a building permit); only actions presumed in violation of this LDC are stayed.

Section 4.13 Administrative Adjustment

A. Purpose

The administrative adjustment procedure provides a process for evaluating minor modifications or deviations from the dimensional or numeric standards of this LDC that may be permitted by the Community Development Director. The intent is to allow for greater flexibility when necessary without requiring a formal zoning amendment, LDC amendment or variance.

B. Applicability

Pursuant to the requirements of this Section, the Community Development Director may authorize adjustment of the numerical standards of this LDC by up to ten percent (10%) of the applicable standards as set forth in all other portions of this LDC. However, the provisions of this Section may not be used to increase allowable density.

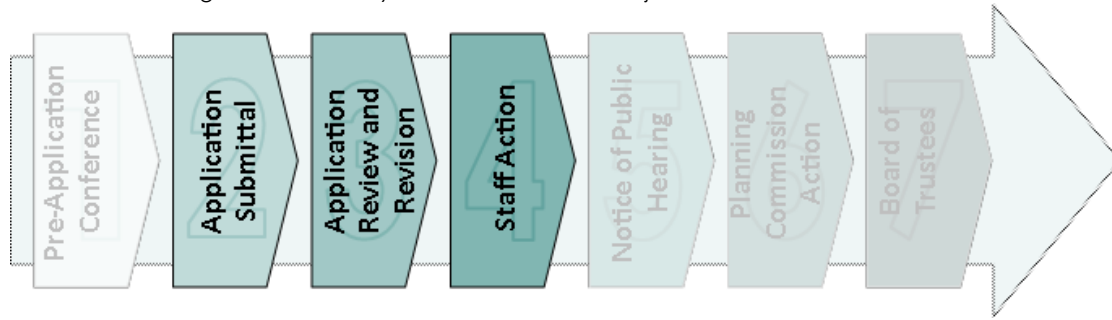
C. Initiation

An owner of land within the jurisdiction of the Town (or a duly authorized agent or representative) may apply for an administrative adjustment.

D. Procedure

Figure 4.O identifies the application steps from [Article 3](#), General Review Procedures, which apply to the review of administrative adjustment applications. Additions or modifications to the general review procedures are noted below.

Figure 4.O Summary of the Administrative Adjustment Procedure



1. Application submittal
An application for an administrative adjustment shall be submitted in accordance with [Section 3.05](#).
2. Application review and revision
After receiving a complete application, the Community Development Director shall have up to thirty (30) days to review the application pursuant to [Sections 3.06](#).
3. Action by Community Development Director
The Community Development Director shall make a decision pursuant to [Section 3.07](#).

E. Approval Criteria

To approve an application for an administrative adjustment, the Community Development Director shall consider mitigation measures offered in support of the adjustment and the following criteria:

1. Granting the adjustment will ensure the same general level of land use compatibility as the otherwise applicable standards;
2. Granting the adjustment will not materially and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed development because of inadequate buffering, screening, setbacks and other land use considerations;
3. Granting the adjustment will be generally consistent with the purposes and intent of this LDC; and
4. Granting the adjustment will be based on the physical constraints and land use specifics, rather than on economic hardship of the applicant.

F. Appeals

An appeal from any final decision by the Community Development Director shall be made within five (5) working days of the final decision in accordance with [Section 4.14](#), Administrative Appeal.

Section 4.14 Administrative Appeal

A. Purpose

The appeal procedure provides a process whereby persons claiming to have been aggrieved by a decision of the Community Development Director or other administrative officer or agency in administering this LDC may appeal that decision.

B. Applicability

An appeal by any person aggrieved by a final order, interpretation or decision of the Community Development Director or other administrator or decision-making body of this LDC in regard to the provisions of this LDC may be taken to the Board of Adjustment as defined in Chapter 2 of the Palisade Municipal Code.

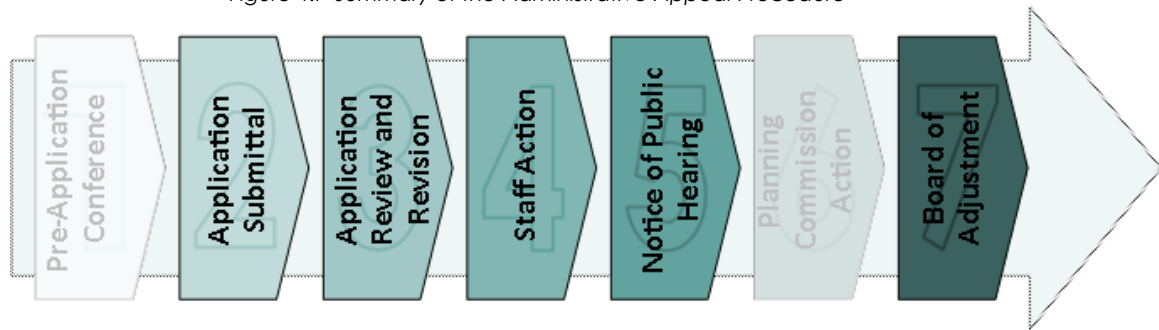
C. Initiation

An owner of land within the jurisdiction of the Town (or a duly authorized agent or representative) may apply for variance.

D. Procedure

Figure 4.P identifies the application steps from [Article 3](#), General Review Procedures, which apply to the review of administrative appeals. Additions or modifications to the general review procedures are noted below.

Figure 4.P Summary of the Administrative Appeal Procedure



1. Application Submittal
 - a. An appeal of an administrative decision shall be taken by filing a written notice of appeal specifying the grounds for the appeal with the Community Development Director and the Board of Adjustment.
 - b. An application for appeal of an administrative decision shall be submitted in accordance with [Section 3.05](#).
 - c. A notice of appeal of an administrative decision shall be considered filed when a complete application is delivered to the Community Development Director. The date and time of filing shall be entered on the notice.
2. Deadline for submission of application

An appeal of an administrative decision shall be filed with the Board of Adjustment within thirty (30) days of receipt of the decision.
3. Application review and revision

The Community Development Director shall review and distribute the application to appropriate internal and external review agencies pursuant to [Sections 3.06](#).
4. Staff action

The Community Development Director or designee shall prepare a staff report and recommendation pursuant to [Section 3.07](#).
5. Notice of public hearing

The Town shall hold all required public hearings and give notice in accordance with [Section 3.08](#).
6. Board of Adjustment action
 - a. The Board of Adjustment may reverse or affirm (wholly or partly) or may modify the order, requirement, decision or determination appealed from and shall make any order, requirement, decision or determination that in its opinion ought to be made in the case before it. To this end, the Board of Adjustment shall have all the powers of the officer from whom the appeal is taken.
 - b. A motion to reverse, affirm or modify the order, requirement, decision or determination appealed from shall include, insofar as practicable, a statement of the specific reasons or findings of fact that support the motion.
 - c. If a motion to reverse or modify is not made or fails to receive the four-fifths (4/5) of members eligible to vote, then appeal shall be denied.
 - d. Any motion to overturn a decision shall state the reasons or findings of fact that support the motion.
 - e. Pursuant to Section 31-23-307(4), C.R.S., the Board of Adjustment may vary or modify the application of the regulations in this LDC for the purpose of considering access to sunlight for solar energy devices.

E. Findings of fact

Every decision of the Board of Adjustment shall be accompanied by written findings of fact specifying the reason for the decision. These findings shall be filed in the office of the Community Development Director within ten (10) days after the date of the final action.

F. Effect of Appeal

1. An appeal shall stay all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal has been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by the District Court on application, on notice to the officer from whom the appeal is taken and on due cause shown.
2. An appeal shall not stop action lawfully approved (including construction activities authorized by a building permit); only actions presumed in violation of this LDC are stayed.

G. Burden of Proof

The applicant seeking the administrative appeal shall have the burden of presenting evidence sufficient to allow the Board of Adjustment to reach the conclusions set forth below as well as the burden of persuasion on those issues.

Section 4.15 Design Variance

A. Purpose

The design variance procedure provides a process to grant limited relief from the requirements of this LDC for property where strict application of the LDC would result in an exceptional practical difficulty or undue hardship.

B. Applicability

Pursuant to the requirements of this Section, the Planning Commission may authorize the creation, usage and modification of architectural, design, material and aesthetic elements not specifically addressed within the requirements of this LDC.

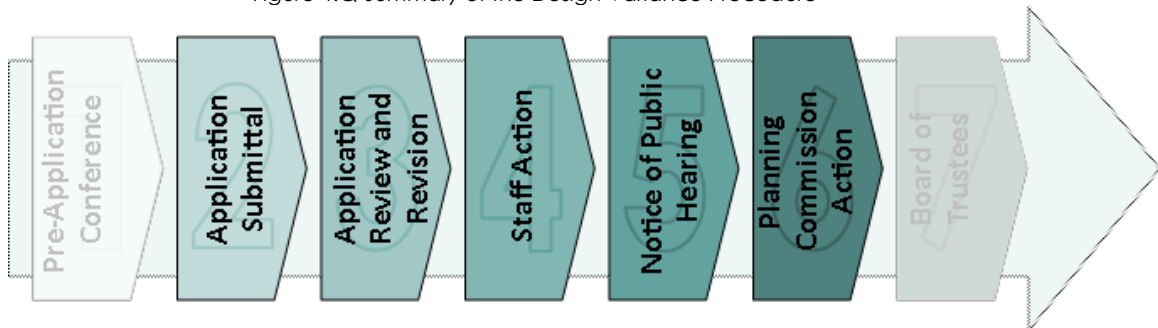
C. Initiation

An owner of land within the jurisdiction of the Town (or a duly authorized agent or representative) may apply for design variance approval.

D. Procedure

Figure 4.Q identifies the application steps from [Article 3](#), General Review Procedures, which apply to the review of design variance applications. Additions or modifications to the general review procedures are noted below.

Figure 4.Q Summary of the Design Variance Procedure



1. Application submittal
An application for a design variance shall be submitted in accordance with [Section 3.05](#).
2. Application review and revision
After receiving a complete application, the Community Development Director shall have up to thirty (30) days to review the application pursuant to [Sections 3.06](#).
3. Staff action
The Community Development Director shall review and prepare a staff report and recommendation pursuant to [Section 3.07](#).

4. Notice of public hearing

The Town shall hold all required public hearings and give notice in accordance with [Section 3.08](#).

5. Planning Commission action

The Planning Commission shall review the application and make a decision pursuant to [Section 3.09](#).

E. Approval Criteria

To approve an application for a design variance, the Community Development Director or the Planning Commission as applicable, shall consider mitigation measures offered in support of the design variance and the following criteria:

1. Granting the design variance will ensure the same general level of land use compatibility as the otherwise applicable standards;
2. Granting the design variance will not materially and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed development because of inadequate buffering, screening, setbacks and other land use considerations;
3. Granting the design variance will be generally consistent with the purposes and intent of this LDC; and
4. Granting the design variance will be based on the physical constraints and land use specifics, rather than on economic hardship of the applicant.

F. Appeals

An appeal from any final decision by the Planning Commission shall be made within five (5) working days of the final decision in accordance with [Section 4.14](#), Administrative Appeal.

Section 4.16 Appeals to Court

A. Applicability

An appeal from any action, decision, ruling, judgment or order of the Board of Adjustment may be taken by any person or persons, jointly or severally aggrieved or any taxpayer or any officer, department, commission or board of the Town to the District Court in the county.

B. Filing of Notice

An aggrieved applicant must, within thirty (30) days of the Board of Adjustment action, decision, ruling, judgment or order, file a petition in the Mesa County District Court and a copy of that petition must be served upon the Town.

Section 4.17 Vacation of Right-of-Way or Public Easement

A. Purpose

The purpose of this Section is to permit the vacation of surplus rights-of-way and/or public easements.

B. Applicability

This procedure applies to any request to vacate rights, interests or title of right-of-way or a public easement vested in the Town. Additionally, right-of-way vacations shall only be vacated pursuant to Section 43-3-302 and Section 43-3-303 C.R.S.

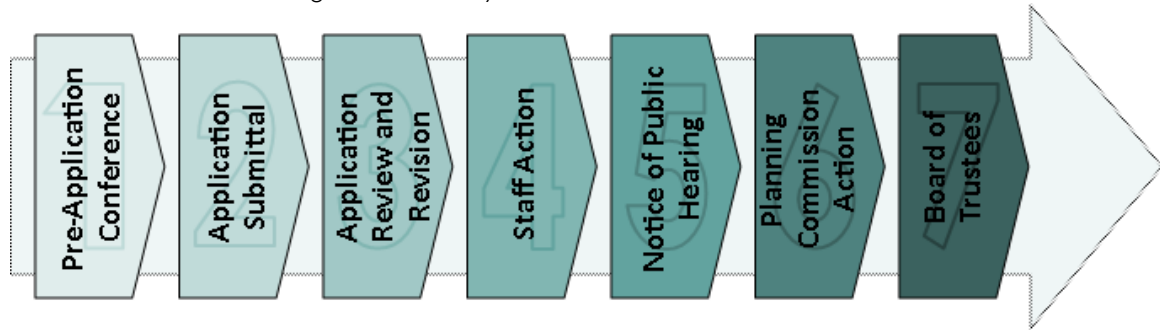
C. Initiation

An owner of land within the jurisdiction of the Town (or a duly authorized agent or representative) may petition the Town Board for designation as a Planned Development.

D. Procedure

Figure 4.R identifies the application steps from [Article 3](#), General Review Procedures, which apply to the review of vacation applications. Additions or modifications to the general review procedures are noted below.

Figure 4.R Summary of the Vacation Procedure



1. Pre-application conference
All applicants seeking conditional use approval shall schedule a pre-application conference with the Community Development Director, in accordance with [Section 3.04](#).
2. Application submittal
All applications for vacations shall be submitted in accordance with [Section 3.05](#).
3. Application review and revision
The Community Development Director shall review and distribute the application to appropriate internal and external review agencies pursuant to [Sections 3.06](#).
4. Staff action
The Community Development Director shall prepare a staff report and recommendation pursuant to [Section 3.07](#).
5. Notice and public hearing
The Town shall hold all required public hearings and give notice in accordance with [Section 3.08](#).
6. Planning Commission action
The Planning Commission shall review the application and make a recommendation pursuant to [Section 3.09](#).
7. Town Board action
The Town Board shall review the application and make a decision pursuant to [Section 3.10](#).

E. Approval Criteria

No vacation may be approved by the Town Board unless all of the following criteria are satisfied:

1. The Comprehensive Plan, Grand Valley Circulation Plan and other adopted plans and policies of the Town;
2. No parcel shall be landlocked as a result of the vacation;
3. Access to any parcel shall not be restricted to the point where access is unreasonable, economically prohibitive, or reduces or devalues any property affected by the proposed vacation;
4. There shall be no adverse impacts on the health, safety, and/or welfare of the general community, and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g., police/fire protection and utility services);
5. The provision of adequate public facilities and services shall not be inhibited to any property as required in this LDC; and
6. The proposal shall provide benefits to the Town such as reduced maintenance requirements, improved traffic circulation, etc.

F. Action After Approval

1. The revised plat or ordinance showing the vacation of right-of-way or resolution for a public easement shall be signed by the Board of Trustees.
2. The revised plat or ordinance showing the vacation of right-of-way or resolution for a public easement shall be recorded with the Mesa County Clerk and Recorder as soon as practicable following approval, subject to any conditions of approval which shall be satisfied prior to recordation.

Section 4.18 Performance Action

A. Applicability

1. The Board of Trustees is authorized to grant a performance action which may permit otherwise nonpermitted land uses as listed in [Section 6.01](#). The granting of a performance action shall only occur where it can be found that the proposed development may, due to its specifically proposed performance measures have the effect of furthering or complementing the goals of the Palisade Comprehensive Plan and the Land Development Code.
2. It is the intent of this delegation of power to the Board that no performance action shall be granted which does not have the practical effect of better serving the public health, safety and welfare of the district in which the property is located.

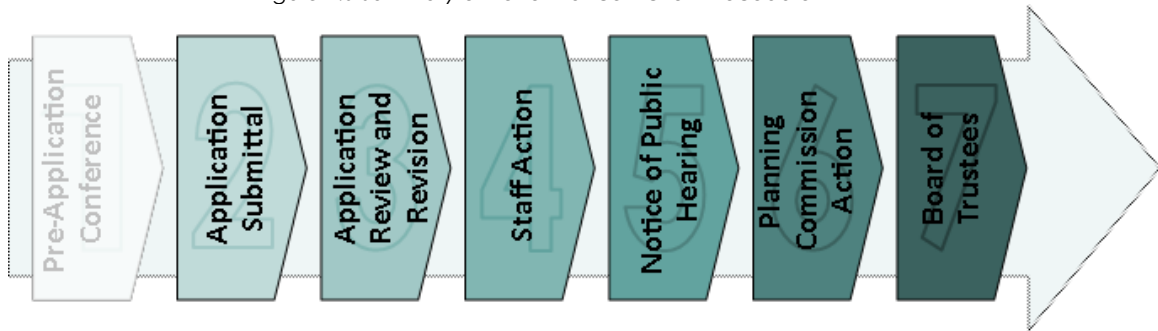
B. Initiation

An owner of land within the jurisdiction of the Town (or a duly authorized agent or representative) may apply.

C. Procedure

Figure 4.S identifies the application steps from [Article 3](#), General Review Procedures, which apply to the review of performance action requests. Additions or modifications to the general review procedures are noted below.

Figure 4.S Summary of Performance Action Procedure



1. Application submittal
An application for a performance action shall be submitted in accordance with [Section 3.05](#).
2. Application review and revision
The Community Development Director shall review and distribute the application to appropriate internal and external review agencies pursuant to [Sections 3.06](#).
3. Staff action
The Community Development Director shall prepare a report and recommendation pursuant to [Section 3.07](#).
4. Notice of public hearing
The Town shall hold all required public hearings and give notice in accordance with [Section 3.08](#).
5. Planning Commission action
The Planning Commission shall review the application and make a recommendation pursuant to [Section 3.09](#).
6. Town Board action
 - a. The Town Board shall review the application and make a decision pursuant to [Section 3.10](#).
 - b. Where a site plan is required, approval of the performance action permit by the Town Board shall be considered site plan approval.
 - c. Each decision shall be accompanied by a finding of fact that specifies the reason for the decision.
 - d. In approving the performance action, the Board of Trustees may prescribe reasonable

and appropriate conditions which will ensure that the use will be compatible with adjacent properties and will not alter the character of the neighborhood.

- e. Conditions may be imposed by the Board of Trustees regarding the proposed performance measures or use as may be deemed by the Board of Trustees to protect property values and general welfare of the neighborhood. Nonconformance with such conditions and safeguards, when part of the terms under which the performance action is granted, shall be deemed a violation of this LDC.

D. Burden of Proof

The applicant seeking the performance action shall have the burden of presenting evidence sufficient to allow the Board of Trustees to reach the conclusions set forth below as well as the burden of persuasion on those issues.

E. Findings of Fact

No performance action shall be approved by the Board of Trustees unless all of the following findings are made.

1. The proposed performance action contains no proposed land use which is specifically exempt from performance action eligibility. (see [Section 4.18.H.](#) below)
2. The proposed performance action would be located only within the land use zones within which performance action is permitted, namely, TC, MU, LI, CB and HR.
3. The proposed performance action applicant can show detailed performance measures, the implementation of which would have the net effect of furthering or complementing the goals of the Palisade Comprehensive Plan and the Land Development Code.

F. Performance Measures

1. Performance measures include but are not limited to:
2. Public seating
3. Access/ transportation (bike/ pedestrian/ parking)
4. Connectivity of the built environment
5. Landscaping
6. Environmental preservation (LEED standards, green energy, etc.)
7. Art
8. Historic preservation and/or accentuation
9. Housing availability
10. Open space
11. Public recreational facilities
12. Significant view sheds
13. Integration of public shade structures
14. Architectural features
15. Extension of public sidewalk 'off-site'
16. Traffic calming features
17. Agricultural land conservation
18. Habitat conservation
19. For consideration as a performance measure the applicant must show how provision of such measures exceeds the required provision of such measure under normal circumstances.

G. Effect of Appeal

1. A performance action request shall stay all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal has been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by the District Court on application, on notice to the officer from whom the appeal is taken and on due cause shown.

2. A performance action request shall not stop action lawfully approved (including construction activities authorized by a building permit); only actions presumed in violation of this LDC are stayed.

H. Exempt Land Uses

Land uses exempt from performance action eligibility shall include but not be limited to: heavy manufacturing, sexually oriented business, gravel pits.

ARTICLE 5 ZONING

Section 5.01 Official Zoning Map

The boundaries of the districts established by this LDC shall be shown on a map entitled "Official Zoning Map". An up-to-date copy shall be maintained at the Palisade Town Hall. Original copies of the official map and all amendments thereto shall be maintained by the Community Development Director. In any dispute regarding the classification of property subject to this LDC, the original map maintained by the Community Development Director shall control.

A. Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of any district shown on the Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
2. Boundaries indicated as approximately following municipal limits shall be construed as following such municipal limits;
3. Boundaries indicated as following river banks shall be construed to follow such river banks, and in the event of change in the river bank, shall be construed as moving with the actual river bank. Boundaries indicated as approximately following the center lines of a river, or canal shall be construed to follow such center lines;
4. Where distances are not specifically indicated on the Official Zoning Map, the boundary shall be determined by measurement, using the Official Zoning Map scale;
5. In the event of any other uncertainty not mentioned in this Section, the Community Development Director shall recommend the location of such boundaries to the Board of Adjustment and the Board of Adjustment shall make the final determination.

Section 5.02 Established Zoning Districts

In order to implement the Palisade Comprehensive Plan and promote the purposes of this Land Development Code, the following zoning districts are established:

Table 5.1: Zoning Districts	
Residential Districts	
AFT	Agriculture, Forestry Transitional
LDR	Low Density Residential
MDR	Medium Density Residential
HDR	High Density Residential
MU	Mixed Use
Nonresidential Districts	
TC	Town Center
CB	Commercial Business
LI	Light Industrial
HR	Hospitality Retail
CP	Community/Public
Special Purpose District	
PD	Planned Development

Section 5.03 Residential Districts

A. Agricultural and Forestry Transitional (AFT)

Established to provide for wineries, vineyards and related lodging and commercial activity compatible with the Town's rural and agricultural character. Development in the AFT district is compatible and complementary to the rural/agricultural surroundings.

The AFT district is intended to implement and correspond in part to the Comprehensive Plan's "Agricultural/Residential 2.5" and the "Agricultural/Residential 5" land use designation.

Table 5.2: AFT District Standards		
Use		
Allowed uses	Single-family	Nonresidential Development ⁽¹⁾
Density (maximum)		
Density	1 dwelling unit per 2.5 acres	N/A
Lot Requirements (minimum)		
Lot area (acres)	2.5	2.5
Lot width (feet)	150	150
Setback Requirements (minimum) ⁽²⁾		
Street yard (feet)	35	35
Side yard – interior (feet)	25	35
Side yard – street (feet)	35	35
Rear yard (feet)	20	20
Building Requirements (maximum)		
Height (feet)	35	35
Impervious surface	15%	15%

⁽¹⁾As set forth in the Principal Use Table (see [Section 6.01](#)) certain nonresidential uses are permitted.

⁽²⁾Setbacks are for primary structures only. Setbacks for accessory structures are located under [Section 7.05.B](#).

B. Low Density Residential (LDR)

Established to provide for orderly suburban residential development and redevelopment. Intended to maintain and protect residential areas at low to moderate densities, characterized predominantly by single-family detached units. The regulations for this district protect existing neighborhoods from undesirable uses and residential conversions.

The LDR district is intended to implement and correspond in part to the Comprehensive Plan's "Low Density Residential" land use designation.

Table 5.3: LDR District Standards			
Use			
	Single-family	Alley-loaded	Nonresidential Development ⁽¹⁾
Density (maximum)			
Density	4.5 dwelling unit per acre		N/A
Lot Requirements (minimum)			
Lot area (square feet)	7,500	7,500	9,000
Lot width (feet)	65	65	60
Setback Requirements (minimum) ⁽²⁾			
Street yard (feet)	20	15	25
Side yard – interior (feet)	10	10	10
Side yard – street (feet)	10	10	20
Rear yard (feet)	20	20	20
Building Requirements (maximum)			
Height (feet)	35	35	35
Impervious surface	45%	55%	45%

⁽¹⁾As set forth in the Principal Use Table (see [Section 6.01](#)) certain nonresidential uses are permitted.

⁽²⁾Setbacks are for primary structures only. Setbacks for accessory structures are located under [Section 7.05.B](#).

C. Medium Density Residential (MDR)

Established to maintain and protect residential areas of higher density which include a variety of small lot residential development options. The MDR district allows moderate to high residential density development. Proximity to public parks and open space is an asset for MDR district development.

The MDR district is intended to implement and correspond in part to the Comprehensive Plan's "Medium Density Residential" land use designation.

Table 5.4: MDR District Standards						
Use						
Allowed uses	Single-family	Alley-loaded	Zero lot line	Two-family	Town-house	Nonresidential Development ⁽¹⁾
Density (maximum)						
Density	7 dwelling unit per acre					N/A
Lot Requirements (minimum)						
Lot area (square feet)	5,000	5,000	5,000	10,000	2,000	6,000
Lot width (feet)	55	55	45	80	25	60
Setback Requirements (minimum) ⁽²⁾						
Street yard (feet)	20	15	15	15	15	20
Side yard – interior (feet)	10	10	0	10	10	10
Side yard – separation (feet) ⁽³⁾	N/A	N/A	20	N/A	N/A	N/A
Side yard – street (feet)	10	10	10	15	15	20
Rear yard (feet)	20	20	20	20	20	20
Building Requirements (maximum)						
Height (feet)	35	35	35	35	35	35
Impervious surface	55%	55%	55%	55%	80%	50%

⁽¹⁾As set forth in the Principal Use Table (see [Section 6.01](#)) certain nonresidential uses are permitted.

⁽²⁾Setbacks are for primary structures only. Setbacks for accessory structures are located under [Section 7.05.B](#).

⁽³⁾A total side yard separation between buildings is required (see [Section 7.01.D](#)).

D. High Density Residential (HDR)

Established to provide orderly high density residential development and redevelopment. Intended to protect, preserve and enhance existing residential areas of higher density which include multifamily dwellings mixed with other housing types. Proximity to public parks and open space is an asset for HDR district. The HDR district is appropriate for use as a transitional district between low density residential districts and MU, TC and CB districts.

The HDR district is intended to implement and correspond in part to the Comprehensive Plan's "High Density Residential" land use designation.

Table 5.5: HDR District Standards							
Use							
Allowed uses	Single-family	Alley-loaded	Zero lot line	Two-family	Town-house	Multi-family	Nonresidential Development ⁽¹⁾
Density (maximum)							
Density	11 dwelling unit per acre						N/A
Lot Requirements (minimum)							
Lot area (square feet)	3,500	3,500	3,500	7,000	2,000	11,000	6,000
Lot width (feet)	65	65	40	80	25	110	60
Setback Requirements (minimum) ⁽²⁾							
Street yard (feet)	20	15	15	15	15	15	20
Side yard – interior (feet)	5	5	0	5	10	15	10
Side yard – separation (feet) ⁽³⁾	N/A	N/A	10	N/A	N/A	N/A	N/A
Side yard – street (feet)	15	15	15	15	15	15	20
Rear yard (feet)	15	15	15	15	20	20	20
Building Requirements (maximum)							
Height (feet)	35	35	35	35	35	35	35
Impervious surface	55%	55%	55%	55%	80%	75%	60%

⁽¹⁾As set forth in the Principal Use Table (see [Section 6.01](#)) certain nonresidential uses are permitted.

⁽²⁾Setbacks are for primary structures only. Setbacks for accessory structures are located under [Section 7.05.B](#).

⁽³⁾A total side yard separation between buildings is required (see [Section 7.01.D](#)).

E. Mixed Use (MU)

Established to facilitate adaptive re-use and preservation of older residential structures and compatible new nonresidential development. The MU district is primarily a residential district, only modest-scale nonresidential uses are allowed. Nonresidential uses are encouraged to occupy existing residential structures without changing the character of such structures and to emphasize pedestrian rather than vehicular access. The MU district may be used as a transitional district between residential and nonresidential districts.

The MU district is intended to implement and correspond in part to the Comprehensive Plan's "Residential Mixed Use" land use designation.

Table 5.6: MU District Standards						
Use						
Allowed uses	Single-family	Alley-loaded	Zero lot line	Two-family	Town-house	Nonresidential Development ⁽¹⁾
Density (maximum)						
Density	7 dwelling unit per acre					N/A
Lot Requirements (minimum)						
Lot area (square feet)	5,000	5,000	5,000	10,000	2,000	5,000
Lot width (feet)	55	55	45	80	25	50
Setback Requirements ⁽²⁾						
Street yard (minimum feet)	20	15	15	15	15	25
Street yard (maximum feet)	N/A	N/A	N/A	N/A	N/A	30
Side yard – interior (feet)	10	10	0	10	15	10
Side yard – separation (feet) ⁽³⁾	N/A	N/A	20	N/A	N/A	N/A
Side yard – street (feet)	10	10	10	10	15	10
Rear yard (feet)	20	20	20	20	20	20
Building Requirements (maximum)						
Height (feet)	35	35	35	35	35	35
Impervious surface	55%	55%	55%	55%	80%	75%

⁽¹⁾As set forth in the Principal Use Table (see [Section 6.01](#)) certain nonresidential uses are permitted.

⁽²⁾Setbacks are for primary structures only. Setbacks for accessory structures are located under [Section 7.05.B](#).

⁽³⁾A total side yard separation between buildings is required (see [Section 7.01.D](#)).

Section 5.04 Nonresidential Districts

A. Town Center (TC)

Established to provide for business and civic functions that make up the Town core. The TC district has a strong pedestrian character and provides for concentrated commercial activity with buildings covering the entire street frontage. It contains a mix of business, commercial and residential uses and serves the needs of the entire community.

The TC district is intended to implement and correspond in part to the Comprehensive Plan's "Mixed Use" land use designation.

Table 5.7: TC District Standards	
Lot Requirements	
Lot area (minimum acres)	N/A
Lot width (minimum feet)	N/A
Setback Requirements	
Street yard (minimum feet)	0 ⁽¹⁾
Street yard (maximum feet)	10
Side yard – interior (minimum feet)	0
Side yard – street (minimum feet)	10
Rear yard (minimum feet)	10
Building Requirements	
Height (maximum feet)	50
Impervious surface (maximum)	N/A

⁽¹⁾Minimum distance from the street must allow for ten-foot sidewalk.

B. Commercial Business (CB)

Established to provide for commercial uses such as; office, service and retail for the community as a whole. Development standards provide for auto-oriented uses. Site design and buffering mitigate impacts of traffic, operations and scale on adjacent businesses and residential neighborhoods. Areas designated CB district are primarily located along U.S. Highway 6.

The CB district is intended to implement and correspond in part to the Comprehensive Plan's "Commercial" land use designation.

Table 5.8: CB District Standards	
Lot Requirements	
Lot area (minimum square feet)	8,000
Lot width (minimum feet)	60
Setback Requirements	
Street yard (minimum feet)	25
Street yard (maximum feet)	None
Side yard – interior (minimum feet)	15
Side yard – street (minimum feet)	25
Rear yard (minimum feet)	10
Building Requirements	
Height (maximum feet)	45
Impervious surface (maximum)	75%

C. Light Industrial (LI)

Established to promote the retention and growth of employment opportunities by providing areas where a broad range of industrial uses may locate and where options for complementary uses exist. Industries should be operated in a relatively clean and quiet manner and should not be obnoxious to nearby residential or business districts, warehousing and wholesaling activities and research facilities. The regulations of this district are intended to prohibit the use of land for industries, which by their nature, may create some nuisance to surrounding properties. Unless separated by a principal arterial, the LI district is not appropriate adjacent to any residential district.

The LI district is intended to implement and correspond in part to the Comprehensive Plan's "Industrial" land use designation.

Table 5.9: LI District Standards	
Lot Requirements	
Lot area (minimum square feet)	8,000
Lot width (minimum feet)	60
Setback Requirements	
Street yard (minimum feet)	35
Street yard (maximum feet)	None
Side yard – interior (minimum feet)	20
Side yard – street (minimum feet)	15
Rear yard (minimum feet)	40
Building Requirements	
Height (maximum feet)	45
Impervious surface (maximum)	75%

D. Hospitality Retail (HR)

Established to provide for hospitality and retail development along I-70 in the vicinity of Exits 42, in a pedestrian-oriented village or mall environment, compatible with the character of the adjacent historic neighborhoods and existing uses. Development within the HR district will exhibit a design continuity, compatible and complementary to the historic Town and to its existing wineries and agricultural uses. Upper floor residential uses are appropriate and desirable in the village setting envisioned for the HR district.

The HR district is intended to implement and correspond in part to the Comprehensive Plan's "Commercial—Agricultural/Lodging" land use designation.

Table 5.10: HR District Standards			
Use			
Allowed Uses	Nonresidential Development	Town-house	Multi-family
Density			
Density (maximum)	N/A	11 dwelling unit per acre	
Lot Requirements			
Lot area (square feet)	20,000	2,000	11,000
Lot width (minimum feet)	N/A	25	110
Setback Requirements ⁽²⁾			
Street yard (minimum feet)	0 ⁽¹⁾	N/A	N/A
Street yard (maximum feet)	10	20	20
Side yard – interior (minimum feet)	0	15	5
Side yard – street (minimum feet)	10	15	15
Rear yard (minimum feet)	10	10	15
Building Requirements			
Height(maximum feet)	50	25	25
Impervious surface (maximum)	80%	80%	75%

⁽¹⁾Minimum distance from the street must allow for ten-foot sidewalk.

⁽²⁾Setbacks are for primary structures only. Setbacks for accessory structures are located under [Section 7.05.B](#).

E. Community Public (CP)

The purpose of the CP zone is to designate areas for public uses within the Town. The zone is intended to accommodate public service, recreational and open space needs of the community, surrounding rural areas and visitors.

Table 5.11: CP District Standards	
Lot Requirements	
Lot area (minimum acres)	N/A
Lot width (minimum feet)	N/A
Setback Requirements	
Street yard (minimum feet)	0 ⁽¹⁾
Street yard (maximum feet)	10
Side yard – interior (minimum feet)	10
Side yard – street (minimum feet)	10
Rear yard (minimum feet)	10
Building Requirements	
Height (maximum feet)	50
Impervious surface (maximum)	N/A

⁽¹⁾ Minimum distance from the street must allow for ten-foot sidewalk.

Section 5.05 Planned Development

A. Authority

Article 67 of Title 24 of the C.R.S., the Planned Unit Development Act of 1972 gives the Town the authority to authorize Planned Developments, in order to protect public safety, integrity and welfare while encouraging innovations in residential, commercial and industrial development, more efficient use of land and incorporating the best features of modern design. Moreover, the Planned Development option allows a developer to relate the type, design and layout of residential, commercial and industrial development to the particular site, thereby encouraging preservation of the site's natural characteristics. Any Planned Development should also be within general conformity with the Town's Comprehensive Plan.

B. Purpose

The PD district, is established to accommodate proposals of the same or similar uses to be developed as integrated units such as offices, commercial or service centers, shopping centers, light industrial, residential developments or proposals where any appropriate combination of such uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. All development in the PD district should include significant open space for the benefit of residents and occupants of the development and the community. PD district standards are intended to provide for innovative development that is integrated and compatible with surrounding land uses and development patterns. The PD district provides for modification of the otherwise applicable dimensional requirements, as specified in [Article 8](#), in order to accomplish one (1) or more of the following purposes:

1. Promote innovative and creative design of residential and nonresidential areas;
2. Promote flexibility in the placement of structures so as to preserve and take advantage of the site's unique, natural resource or scenic features and to avoid or mitigate any hazardous area;
3. Encourage more efficient use of land and public streets, utilities and governmental services;
4. Preserve open space for the benefit of residents of developments and the community;
5. Achieve a compatible land use relationship with surrounding areas; or
6. Promote greater variety in the type and design of buildings and thereby improving the character and quality of new development.

Section 5.06 Measurements and Exceptions

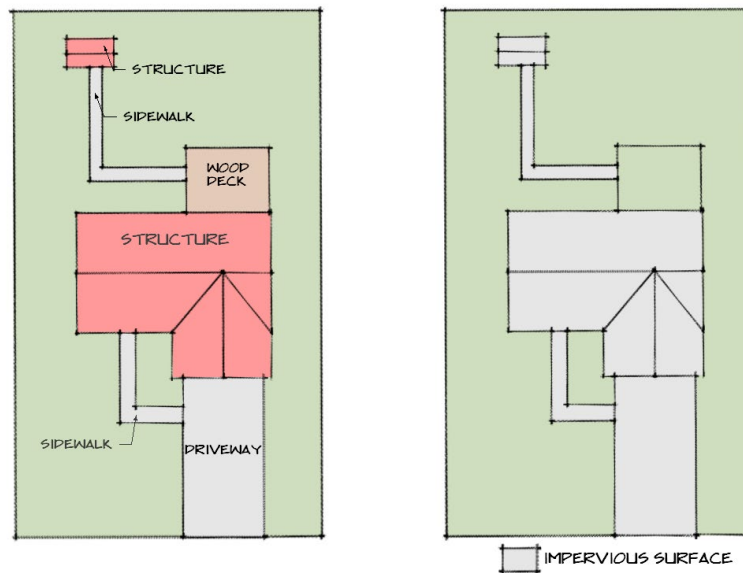
A. Lot Reduction

No lot, even though it may consist of one (1) or more adjacent lots of record in single ownership, shall be reduced in size so that the lot area, lot width, setbacks, impervious surface and any other requirements of this LDC cannot be maintained. This prohibition shall not be construed to prevent the purchase or condemnation of narrow strips of land for public utilities or street right-of-way purposes.

B. Impervious Surface

The maximum area of the lot that is permitted to be covered by buildings, including both principal structures and accessory buildings and areas surfaced with bituminous asphalt, concrete or other material that prevents absorption of stormwater into the ground.

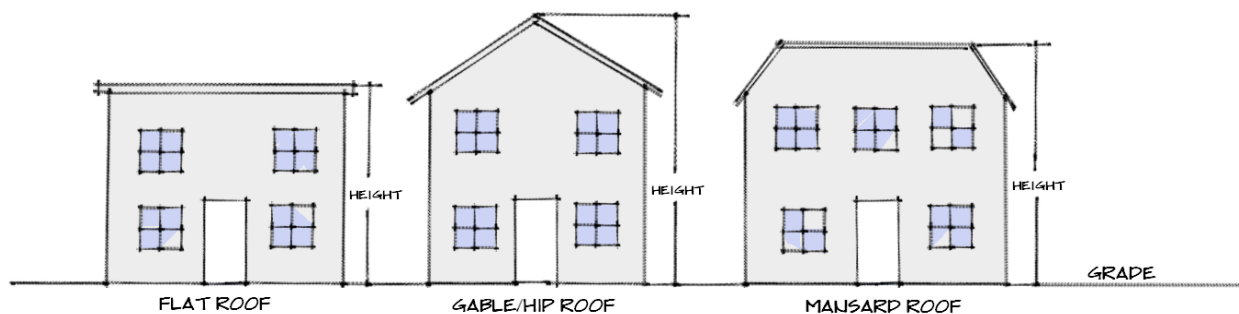
Illustration 5-1: Impervious Surface



C. Building Height

Height shall be determined by the vertical distance in feet between the lowest finished grade (including finished grade of a basement with direct, at-grade walk-out access) to the top of the highest roof beam on a flat, shed or mansard roof or the peak of a gable, hip or pitched roof.

Illustration 5-2: Building Height



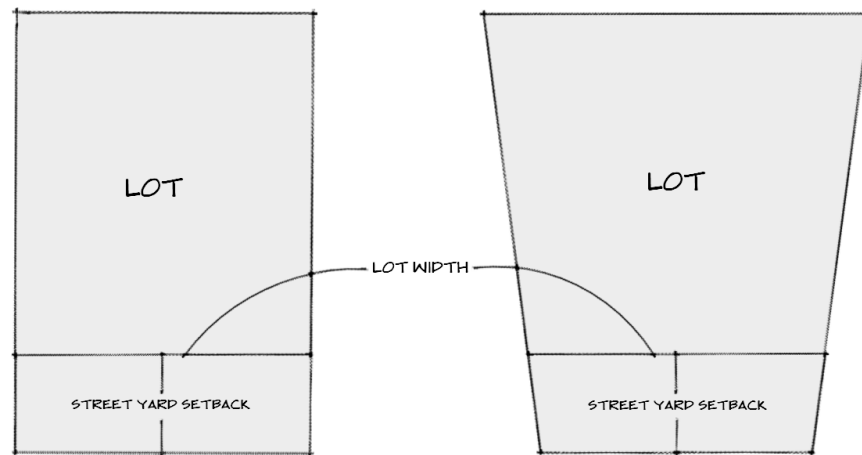
D. Lot Area

The area of a lot means the total horizontal area within the lot lines measured in square feet or acres.

E. Lot Width

Lot width shall be measured as the distance between the side lot lines, measured at the rear edge of the street yard (front building line) along a straight line or along the chord parallel to the front property line.

Illustration 5-3: Lot Width



F. Density

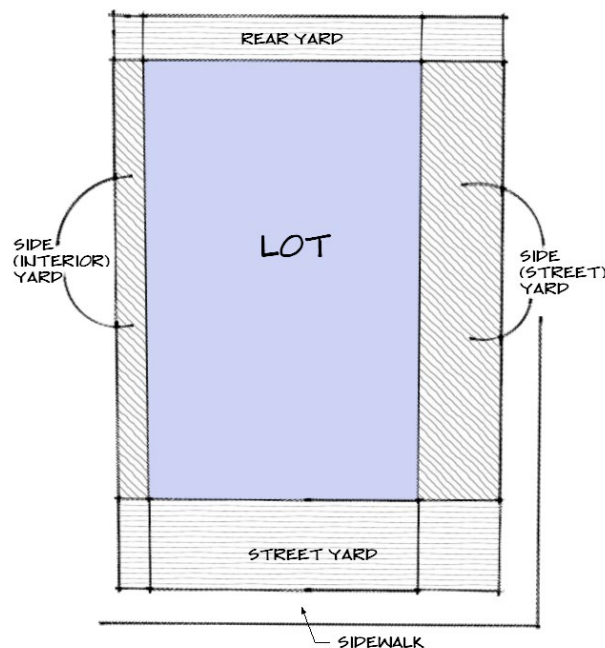
Density is measured as the number of dwelling units per gross acre of land. Maximum allowable density is determined by dividing the proposed number of dwelling units for a lot or parcel by the lot area.

G. Yards and Setbacks

1. General

- a. There are four (4) types of yards; street, side (street), side (interior) and rear yards.

Illustration 5-4: Yards and Setbacks



- b. All setbacks shall be measured from the property line to the foundation of any structure, except as otherwise provided in this LDC.
- c. Every part of every required yard shall be open and unobstructed above the general ground level of the graded lot upward to the sky except as provided or as otherwise permitted in this LDC.
- d. Double frontage lots shall be considered to have two (2) street yards.
- e. Side yard (total) shall be the minimum distance between adjacent structures within a zero lot line development.

2. Yard encroachments

The following encroachment standards shall apply to all required yards, so long as they do not extend into any easements:

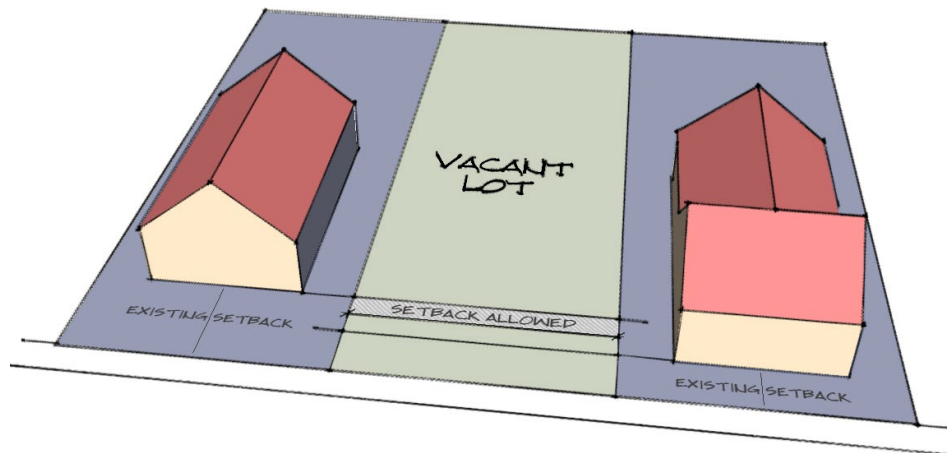
- a. Parking structures and accessory dwellings built over parking structures may extend into the rear yard of a dwelling unit when compliant with [Section 7.05.B](#).
- b. Fences and walls may extend into required yards in accordance with the standards found in [Section 7.05.D.6](#).
- c. Chimneys, pre-fabricated chimneys, flues or smokestacks may extend a maximum of four (4) feet into a required yard.
- d. Building eave or roof overhang may extend to within four (4) feet of the property line, provided it is located at least five (5) feet from any other building or eave.
- e. Sills and ornamental features may project up to twenty-four (24) inches into any required yard.
- f. Fire escapes may project up to eight (8) feet into any required yard.
- g. Signs may extend into required yards in conformance with standards found in [Section 10.10](#).
- h. Pedestrian bridges, breezeways, building connections and supports of these structures may extend into required yards upon findings by the approving authority that the connecting feature is necessary to provide safe pedestrian access or to improve transit access.
- i. Security gates and guard stations may be located within any required yard.
- j. Unenclosed patios, decks or terraces, including lighting structures, may extend up to four (4) feet into any required side yard or up to eight (8) feet into any required rear yard.
- k. Covered porches may encroach forty percent (40%) or eight (8) feet, whichever is less, into the street yard or street (side) yard setback.
- l. Mechanical equipment for residential uses, such as HVAC units and security lighting, may extend into any required side yard but shall remain at least four (4) feet from the property line.
- m. Bay windows, entrances, balconies and similar features that are less than ten (10) feet wide may extend up to eighteen (18) inches into any required yard, but shall remain at least six (6) feet from the property line.
- n. Structures below and covered by the ground may extend into any required yard.
- o. Driveways may extend into any required yard.
- p. Planters, retaining walls, other landscaping structures of twenty-four (24) inches in height or less as well as shrubs, hedges and other plant materials may encroach into any required yard setback subject to visibility restrictions. Such encroachments may not hinder in any way pedestrian movement along sidewalks, walkways or rights-of-ways.
- q. Utility lines located underground and minor structures accessory to utility lines (such as hydrants, manholes and transformers and other cabinet structures) may encroach into any required yard.
- r. Solar arrays and panels.

3. Setback averaging

Regardless of the minimum required street yard setback, the setback may be reduced to the average of the setbacks of the immediately adjoining lots that are on both sides of the subject lot. The following rules apply in calculating the average setback:

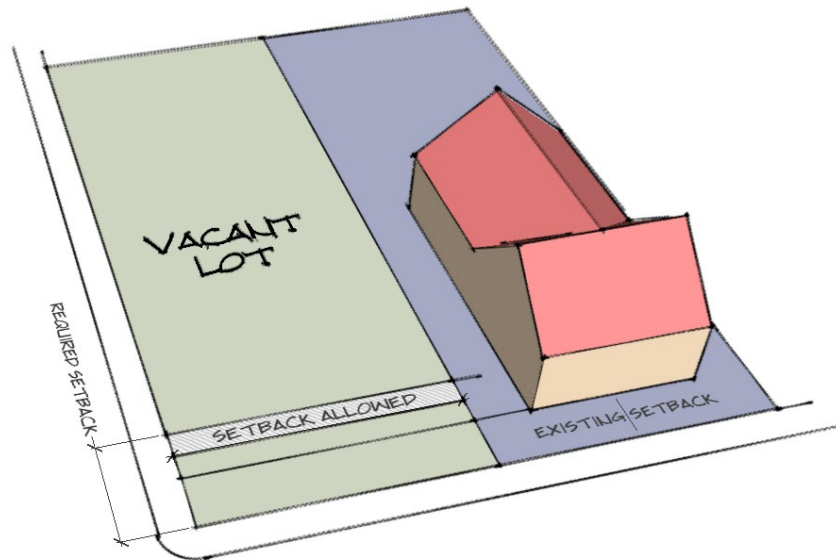
- a. Only the setbacks on the lots that abut a side of the subject lot at the street and are on the same side of the street may be used. Setbacks across the street or along a different street may not be used; and

Illustration 5-5: Setback Averaging



- b. When an abutting lot is vacant or if the subject lot is a corner lot, then the average is calculated using the setback of the abutting structure and the minimum setback required for the zone district.

Illustration 5-6: Setback Averaging



4. Street yard setbacks for the HR, TC and CB districts
Minimum street yard setbacks in the HR, TC, and CB districts shall allow for a minimum ten-foot sidewalk in all cases.
5. Side yard (interior) setbacks
Side yard (interior) setbacks on lots with less than sixty-foot width may be reduced to fifteen percent (15%) of the lot width, or five (5) feet, whichever is greater.

ARTICLE 6 USE REGULATIONS

Section 6.01 Use Table

A. Permitted

A "P" indicates that a use is allowed subject to all other applicable regulations of this LDC.

B. Conditional

A "C" indicates that a use is allowed only if approved by a conditional use permit in accordance with the procedures of [Section 4.07](#).

C. Uses Not Allowed

A blank cell indicates that a use is not allowed.

D. Specific Use Standards

The final column titled "Specific Use Standards" contains a cross-reference to standards that apply to specific uses. Where no cross-reference is shown, no additional use standard shall apply.

Table 6.1: Use Table												
Specific Uses Categories	Use Group	AFT	LDR	MDR	HDR	MU	TC	CB	LI	HR	CP	Specific Use Standards
Residential Uses												
Alley-loaded house			P	P	P	P						Section 7.01C
Group home (8 or more)		C	C	C	P	P		P				Section 7.01J
Manufactured home park or subdivision			C	C								Section 7.01I
Multifamily					C					C		Section 7.01G
Nursing home or assisted living center		C			P	C	P	P	P			Section 7.01K
Single-family detached		P	P	P	P	P						Section 7.01A
Short term vacation rental		P	P	P	P	P						Section 7.01M
Townhouse				P	P	P				P		Section 7.01F
Two-family dwelling (duplex)				P	P	P						Section 7.01B
Upper-story residential		P				P	P	P	P	P		Section 7.01H
Zero lot line house				P	P	P						Section 7.01D
Public and Civic Uses												
Airport, heliport									P		P	
Child care center					C	C	C	P		P	P	Section 7.02A
Civic club						P	P	P	P	P	P	
Hospital						C		P	P		C	
Museum, library		C			C	P	P	P	P	P	P	
Park, open area*	Tot lot and playgrounds; mini-parks; plazas; squares; greens; neighborhood parks; botanical gardens; nature preserves and recreation trails; areas suitable for concerts, festivals, and special events or any similar use.	P	P	P	P	P	P	P	P	P	P	
Place of worship		P	P	P	P	P	P	P	P	P	P	
Public facility		C					P	P	P	C	P	

Table 6.1: Use Table

Specific Uses Categories	Use Group	AFT	LDR	MDR	HDR	MU	TC	CB	LI	HR	CP	Specific Use Standards
School (public or private)								P			P	Section 7.02B
Technical, trade, business school						P	P	P	P		P	UPPER STORY ONLY IN TC
Utility, minor*	Pump stations, telephone exchanges, lift stations, electric substation or any similar use.	P	P	P	P	P	P	P	P	P	P	
Utility, major*	Water or wastewater treatment plant, water tower, electrical generation plant, wireless telecommunications or transmission facility or any similar use.	C									C	
Commercial Uses												
Agriculture, limited*	Orchard, vineyard, row and field crops, floriculture, pasturage, viticulture, tree or sod farm, silviculture; packing house for fruits or vegetables, produce stand; processing of fruits or vegetables or any similar use.	P									P	Section 7.03B
Amusement center, indoor							P	P	P	P		
Bed and breakfast		P	C	C	C	P	P	P		P		Section 7.03C
Brewpub							P	P	P	P		Section 7.03D
Club, private					C	P	P	P				
Distillery							C	P	P			Section 7.03D
Funeral home								P	P			
Gas station with convenience retail								P	P	P		Section 7.03E
Hemp Growing Establishment		C							C			Section 7.03F
Hemp Processing Establishment		C							C			Section 7.03G
Hotel, motel							P	P	P	P		
Indoor recreation*	Amusement or recreational activities carried on wholly within a building, including dance hall, theater, health club or any similar use.					C	P	P	P			
Kennels		C										Section 7.03H
Lumberyard, wholesale								C	P			
Medical marijuana center							C	C	C	C		
Medical marijuana infused products manufacturer center		C					C	C	C	C		
Medical Marijuana Optional premises cultivation operation		C					C	C	C	C		Section 7.03L
Microbrewery							P	P	P	P		Section 7.03D

Table 6.1: Use Table

Specific Uses Categories	Use Group	AFT	LDR	MDR	HDR	MU	TC	CB	LI	HR	CP	Specific Use Standards
Newspaper publisher						P	P	P	P			<u>UPPER STORY ONLY IN TC</u>
Office, general*	Advertising office; bank; business management consulting; data processing; financial business such as lender, investment or brokerage house; collection agency; real estate or insurance agent; professional service such as lawyer, accountant, bookkeeper, engineer, contractor or architect; sales office, travel agency or any similar use.				C	P	P	P	P			<u>UPPER STORY ONLY IN TC</u>
Office, medical*	Doctor, dentist, psychiatrist, physician's assistant, nurse practitioner or similar medical use.					P	P	P	P		P	<u>UPPER STORY ONLY IN TC</u>
Outdoor recreation*	Any recreational facility where activity takes place primarily outdoors, including RV parks and campgrounds, miniature golf courses, motocross tracks, batting cages, swimming pool, driving range or any similar use.	C					C	C	P			
Outdoor storage, general									P			<u>Section 7.03I</u>
Radio or television studio						P	P	P	P			
Recreational club or lodge, private								P				<u>Section 7.03J</u>
Restaurant		C			C	P	P	P	P	P		
Restaurant, drive through									C	C		
Retail, general*	Antiques; art; art supplies; bicycles; building supplies; cameras; carpet and floor coverings; crafts; clothing; computers; dry goods; electronic equipment; fabric; furniture; garden supplies; hardware; household products; jewelry; medical supplies; musical instruments; music; pets; pet supplies; printed materials; sporting goods auto parts (no service repair); plant nursery; plant nursery with landscape supply or any similar use.					C	P	P		P	C	
Retail Marijuana Cultivation Facility, Contiguous		C					C	C	C	C		<u>Section 7.03M</u>
Retail Marijuana Cultivation Facility, Noncontiguous		C					C	C	C	C		<u>Section 7.03M</u>
Retail Marijuana Products Manufacturer		C					C	C	C	C		<u>Section 7.03M</u>

Table 6.1: Use Table

Specific Uses Categories	Use Group	AFT	LDR	MDR	HDR	MU	TC	CB	LI	HR	CP	Specific Use Standards
Retail Marijuana Testing Facility		C					C	C	C	C		<u>Section 7.03M</u>
Retail Marijuana Store							C	C	C	C		<u>Section 7.03M</u>
Retail, neighborhood*	Selling, leasing or renting of the following goods: books; health and beauty products; photo finishing; crafts; flowers; gifts or souvenirs; groceries; plants; picture frames; produce; stationery; tobacco; videos or any similar use. Also includes preparation and sale of baked goods, coffee, ice cream, fountain drinks, confections and similar products whose preparation does not require installation of an exhaust hood.			C	C	P	P	P		P	C	
Self-storage facility								C	C			
Service, general*	Personal services that include: animal grooming; dance, martial arts, photographic, music studio or classroom; photocopy, blueprint, quick-sign service; security service; catering service or any similar use. General services shall also include the following repair services: bicycles; mopeds; canvas products; clocks; computers; jewelry; musical instruments; office equipment; radios; shoes; televisions; furniture; watches or any similar use. Also includes a tailor, milliner, upholsterer or locksmith							P	P			
Service, neighborhood*	Personal care services such as hair, nail, tanning, massage therapy or any similar use.				C	P	P	P		P		
Sexually oriented business									C			
Tasting room		P			C	P	P	P	P	P		
Tattoo parlor							P	P	P			
Vehicle sales*	A facility involved in providing direct sales, renting or leasing of motor vehicles, light and medium trucks, tractor trailers, recreational vehicles, earthmoving equipment; construction equipment; farming equipment; and other consumer motor vehicles such as motorcycles and boats or any similar use.							P	P			
Vehicle service, heavy*	Repair services or auto body work to tractor trailers, recreational vehicles, earthmoving equipment; construction equipment; farming equipment or any	C						C	P			

Table 6.1: Use Table												
Specific Uses Categories	Use Group	AFT	LDR	MDR	HDR	MU	TC	CB	LI	HR	CP	Specific Use Standards
	similar use.											
Vehicle service, passenger	Service to passenger vehicles and other small consumer vehicles such as: alignment shop; quick lubrication facilities; brake service, battery sales and installation; outdoor car wash; auto detailing, tire sales and mounting or any similar use.	C					C	P	P			
Veterinarian, animal hospital		C					C	C	C			Section 7.03K
Warehouse/freight movement*	Bulk storage, including nonflammable liquids, feed and grain storage; cold storage plants, including frozen food lockers; household moving and general freight storage; separate warehouse used by retail store such as furniture or appliance store; bus barn; parcel services, mail order facility; transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred or any similar use.							C	C			
Wholesale storage and/or sales								P	P			
Winery		P					C	P	P	P		Section 7.03D
Industrial Uses												
Crematorium								C	C			
Main line railroad facilities, shed, yards							P	P	P			
Manufacturing, general*	Bulk mailing service; clothing or textile manufacturing; manufacture or assembly of equipment, instruments (including musical instruments), appliances, precision items and electrical items, printing, publishing and lithography; production of artwork and toys; sign-making; building maintenance service; exterminator; movie production facility; laundry or dry cleaning plant; photo-finishing laboratory; repair of scientific or professional instruments and electric motors; sheet metal; welding, machine, tool repair shop or studio; woodworking, including cabinet makers and furniture manufacturing or any similar use.							C	P			

Table 6.1: Use Table

Specific Uses Categories	Use Group	AFT	LDR	MDR	HDR	MU	TC	CB	LI	HR	CP	Specific Use Standards
Manufacturing, limited*	Bulk mailing service; clothing or textile manufacturing; manufacture or assembly of equipment, instruments (including musical instruments), appliances, precision items and electrical items; printing, publishing and lithography; production of artwork and toys; sign-making; building maintenance service; exterminator; movie production facility; photo-finishing laboratory; repair of scientific or professional instruments and electric motors; sheet metal; welding, machine, tool repair shop or studio; woodworking, including cabinet makers and furniture manufacturing or any similar use.	P						C	P			Section 7.04B
Processing of food and related products		C						C	C			Section 7.04A
Research & development*	Laboratories, offices and other facilities used for research and development by or for any individual, organization or concern, whether public or private; prototype production facilities that manufacture a limited amount of a product in order to fully investigate the merits of such a product; pilot plants used to test manufacturing processes planned for use in production elsewhere; production facilities and operations with a high degree of scientific input; facilities and operations in which the input of science, technology, research and other forms of concepts or ideas constitute a major element of the value added by manufacture per unit of product or any similar use.							C	C			
Waste service*	Animal waste processing; landfill, incinerator; manufacture and production of goods from composting organic material; outdoor recycle processing center; outdoor storage of recyclable material, including construction material; transfer station; oil and gas facilities or any similar use.								C		C	

*As set forth in the Use Table, certain uses are grouped together based on common functional, product or physical characteristics. Characteristics include the type and amount of activity, the type of customers, how goods or services are sold or delivered and likely impact on surrounding properties and site conditions. Grouping uses provides a systematic basis for assigning uses to appropriate base zoning districts. Any use not specifically set forth in this LDC is expressly prohibited, unless determined otherwise as set forth in [Section 6.02](#) below.

Section 6.02 Uses Not Specifically Listed

A. Uses Not Listed

Any use not specifically listed in this LDC is expressly prohibited, unless the Community Development Director determines that the use is similar to a specific use or a group of uses as listed in the Use Table. Where such similar specific use or group of uses is subject to a use standard contained in this LDC or conditional use permit, the proposed use shall also be subject to such standard or approval.

B. Determination

1. When considering the appropriate districts for a use not listed in the Use Table, the district intent statements (see [Article 5](#)) shall be taken into consideration.
2. Determination of an appropriate group of uses for a proposed use not currently listed shall be made by applying the following criteria:
 - a. The actual or projected characteristics of the activity in relationship to the stated characteristics of each use category;
 - b. The relative amount of site area or floor space and equipment devoted to the activity;
 - c. Relative amounts of sales from each activity;
 - d. The customer type for each activity;
 - e. The relative number of employees in each activity;
 - f. Hours of operation;
 - g. Building and site arrangement;
 - h. Types of vehicles used and their parking requirements;
 - i. The relative number of vehicle trips generated;
 - j. Signs;
 - k. How the use is advertised;
 - l. The likely impact on surrounding properties; and
 - m. Whether the activity is likely to be found independent of the other activities on the site.

C. Appeal

Where a use not listed is found by the Community Development Director not to be similar to any other specific use or group of uses, the use shall be permitted only following a text amendment in accordance with [Section 4.01](#). The decision of the Community Development Director may be appealed to the Board of Adjustment in accordance with [Section 4.14](#), Administrative Appeal.

Section 6.03 Change of Use

A. Permitted Uses

1. A change of use from one (1) permitted use to another permitted use in the same Zone District shall not require a development application process including a public hearing except for the issuance of a planning clearance by Town staff.
2. The Community Development Director may permit a proposed land use in an existing structure or on an existing site when the proposed land use is permitted in the principal use table found in [Section 6.01](#), and it shall conform to [Article 12](#) of this LDC.

Section 6.04 Developments with Multiple Uses or Buildings

A. Multiple Uses

When two (2) or more uses are located on a single parcel the following shall be met:

1. When the uses of a development fall within one (1) use category, the entire development shall be assigned to that use category.
2. When the uses of a development fall within different groups or specific uses, each use shall be classified in the applicable group of uses or specific use and each use shall be subject to all applicable regulations for that group of uses or individual use.
3. A development comprised of uses regulated by separate rows on the Use Table shall be reviewed using the most restrictive process from among the proposed uses.

4. Where a use requiring approval as a conditional use or a conditional use lies on a separate legal parcel, only the building containing the use and its separate parcel shall be subject to review, not the entire development.

B. Multiple Buildings

When two (2) or more principle buildings are located on a single parcel the following shall be met:

1. The development shall meet all applicable development standards as set forth in [Article 5](#), Zoning Districts, and [Article 10](#), General Development Standards.
2. Uses within the development shall be limited to those permitted within the zoning district in which the development is located (see [Section 6.01](#), Use Table).
3. The overall intensity of the land use shall be no higher and the standard of development no lower than that permitted in the district in which the project is located.
4. The minimum spacing between buildings in the development shall be twenty (20) feet, with an additional ten (10) feet provided between buildings for every story over two (2). Location of building must allow access by firefighting equipment from all sides.
5. In addition to complying with the applicable building design requirements of [Section 10.06](#), the development shall exhibit a unity of design through the use of similar elements such as rooflines, materials, window arrangement, sign location, landscaping, access, building orientation and details.

ARTICLE 7 SPECIFIC USE STANDARDS

Section 7.01 Residential Use Standards

A. Single-Family Detached

Single-family detached shall meet the following standards:

1. The siding shall be wood, brick, stucco or stone or material which looks like wood, brick, block, stucco or stone;
2. Be attached to an excavated and backfilled, continuous concrete or concrete block perimeter foundation that complies with the Building Code;
3. Have a gable or hip type roof construction with at least Class C shingle or metal roofing material; and the roof slope must have a vertical rise of four (4) inches for every twelve (12) inches of horizontal run with a minimum eave projection and roof overhang of one (1) foot, which may include guttering. Roofs may be flat if the architecture is such that it reflects Santa Fe or Territorial style architecture;
4. Have a minimum of eight hundred (800) square feet of enclosed and heated living area per dwelling unit; and

B. Two-Family Dwelling (Duplex)

All two-family dwellings shall meet the following standards:

1. The siding shall be wood, brick, stucco or stone or material which looks like wood, brick, block, stucco or stone;
2. Be attached to an excavated and backfilled, continuous concrete or concrete block perimeter foundation that complies with the Building Code;
3. Have a gable or hip type roof construction with at least Class C shingle or metal roofing material; and the roof slope must have a vertical rise of four (4) inches for every twelve (12) inches of horizontal run with a minimum eave projection and roof overhang of one (1) foot, which may include guttering. Roofs may be flat if the architecture is such that it reflects Santa Fe or Territorial style architecture; and
4. Have a minimum of eight hundred (800) square feet of enclosed and heated living area per dwelling area.

C. Alley-Loaded House

Alley-loaded houses shall meet the following standards:

1. Only dwelling units with alley access shall be considered alley-loaded houses. All vehicular access shall take place from the alley. No parking shall be permitted in the required street yard or street (side) yard;
2. The siding shall be wood, brick, stucco or stone or material which looks like wood, brick, block, stucco or stone;
3. Be attached to an excavated and backfilled, continuous concrete or concrete block perimeter foundation that complies with the Building Code;
4. Have a gable or hip type roof construction with at least Class C shingle or metal roofing material; and the roof slope must have a vertical rise of four (4) inches for every twelve (12) inches of horizontal run with a minimum eave projection and roof overhang of one (1) foot, which may include guttering. Roofs may be flat if the architecture is such that it reflects Santa Fe or Territorial style architecture; and
5. Have a minimum of eight hundred (800) square feet of enclosed and heated living area per dwelling unit.

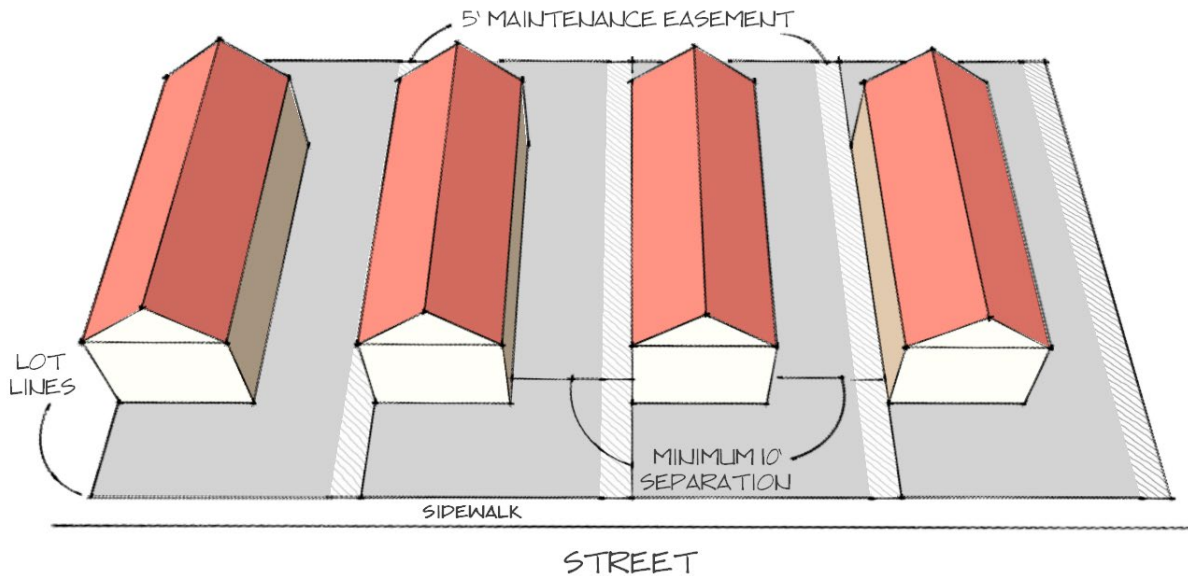
D. Zero Lot Line House

Zero lot line houses shall meet the following standards:

1. The site area designated for a detached single-family zero lot line development shall not be less than one (1) acre;
2. A single side yard shall be provided comprising the equivalent of two (2) side yards of a conventional detached house or ten (10) feet, whichever is more. This reduction shall not be

allowed on the street yard or to the side yard adjacent to lots that are not part of the zero lot line development;

Illustration 7-1: Zero Lot Line Home Requirements



3. An easement between the two (2) properties to allow for maintenance or repair of the house shall be required when the roof overhang or side wall of the house are within four (4) feet of the adjacent property line. The easement on the adjacent property must provide at least five (5) feet of unobstructed space. The easement shall be recorded on the subdivision plat;
4. The eaves on the side of a house with a reduced setback may project a maximum of eighteen (18) inches over the adjacent property line. In this case, an easement for the eave projection must be recorded on the deed for the lot where the projection occurs;
5. If the side wall of the house is on the property line or within three (3) feet of the property line, windows or other openings that allow for visibility into the side yard of the adjacent lot shall not be allowed. Windows that do not allow visibility into the side yard of the adjacent lot, such as a clerestory window or a translucent window, shall be allowed;
6. In no case other than in [Section 7.01.D.4](#) above, shall any part of a dwelling unit in a zero lot line development extend beyond the property line;
7. The siding shall be wood, brick, stucco or stone or material which looks like wood, brick, block, stucco or stone;
8. Be attached to an excavated and backfilled, continuous concrete or concrete block perimeter foundation that complies with the Building Code;
9. Have a gable or hip type roof construction with at least Class C shingle or metal roofing material; and the roof slope must have a vertical rise of four (4) inches for every twelve (12) inches of horizontal run with a minimum eave projection and roof overhang of one (1) foot, which may include guttering. Roofs may be flat if the architecture is such that it reflects Santa Fe or Territorial style architecture;
10. Have a minimum of eight hundred (800) square feet of enclosed and heated living area per dwelling unit; and
11. All garages and parking areas shall be located to the rear of the lot. No parking shall be permitted in the required street yard.

E. Manufactured Home

Manufactured homes located outside of manufactured home parks shall meet the following standards:

1. The home shall have a label or documents certifying that it is constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974;

2. The wheels, axles, tongue, towing apparatus and transporting lights shall be removed prior to final installation of the unit;
3. The siding shall be wood, brick, block or stone or material which looks like wood, brick or stone;
4. Be attached to an excavated and backfilled, continuous concrete or concrete block perimeter foundation that complies with the Building Code;
5. Have a gable or hip type roof construction with at least Class C shingle roofing material; and the roof slope must have a vertical rise of four (4) inches for every twelve (12) inches of horizontal run with a minimum eave projection and roof overhang of one (1) foot, which may include guttering; and
6. Have a minimum of eight hundred (800) square feet of enclosed and heated living area per dwelling.

F. Townhouse

Townhouses shall meet the following standards:

1. Side yards are not required for interior townhouses, but street and rear yards shall be provided for all townhouses and building separation requirements shall be maintained for all townhouse structures;
2. The siding shall be wood, brick, stucco or stone or material which looks like wood, brick, block, stucco or stone;
3. Be attached to an excavated and backfilled, continuous concrete or concrete block perimeter foundation that complies with the Building Code;
4. Have a gable or hip type roof construction with at least Class C shingle or metal roofing material; and the roof slope must have a vertical rise of four (4) inches for every twelve (12) inches of horizontal run with a minimum eave projection and roof overhang of one (1) foot, which may include guttering. Roofs may be flat if the architecture is such that it reflects Santa Fe or Territorial style architecture; and
5. The maximum number of units allowed in a single building is eight (8).

G. Multifamily

Multifamily structures shall meet the following standards:

1. All garages and parking areas shall be located to the rear of the lot. No parking shall be permitted in the required street yard;
2. No off-street parking space shall be located closer than ten (10) feet to any residential building wall;
3. For developments of forty (40) or more dwelling units, a divided ingress-egress driveway with a landscaped median for all entrances from public streets shall be provided;
4. Sidewalks shall be constructed within the interior of the development to link residential buildings with other destinations such as, but not limited to: parking, adjoining streets, mailboxes, trash disposal, adjoining sidewalks or greenways and on-site amenities such as recreation areas;
5. No building shall be located closer than ten (10) feet from any interior street, drive or off-street parking area;
6. All dwelling units shall have a minimum usable living area of four hundred eighty (480) square feet for an efficiency unit, five hundred seventy-five (575) square feet for a one-bedroom apartment and one hundred fifty (150) square feet of additional area for each additional bedroom;
7. Maximum number of dwelling units per building shall be limited to eight (8);
8. No building shall exceed two hundred (200) feet in length or width; and
9. Location of building must allow access by firefighting equipment from all sides.

H. Upper-Story Residential

Such uses shall adhere to all dimensional standards of the permitted nonresidential use.

I. Manufactured Home Park and Subdivision

1. Applicability

The standards of this Section shall apply equally to all allowed uses in a manufactured home

park and subdivision. General requirements

- a. Minimum park and subdivision area: four (4) acres.
- b. Maximum density: six (6) homes and spaces or lots per acre.
- c. Minimum space or lot area: four thousand five hundred (4,500) square feet.
- d. Minimum space or lot width: forty (40) feet.
- e. Minimum building separation: fifteen (15) feet, provided that the minimum separation may be reduced to ten (10) feet between carports, porches and patios open on three (3) sides and adjacent buildings.
- f. Each manufactured home shall be located on a manufactured home space designated on a site plan prepared in accordance with the requirements of [Section 4.06](#), which shall be approved and filed as part of the approval of a new manufactured home park established after the effective date of this LDC and prior to the enlargement of any existing manufactured home park.
- g. Up to (2) manufactured home park identification signs may be utilized, but the sum of the areas of one (1) side of these signs shall not exceed forty (40) square feet. Only external, nonflashing lighting shall be used for illumination. The top portion of any sign shall not exceed twelve (12) feet in height.
- h. Within a manufactured home park, one (1) manufactured home shall be used as an administrative office, identified by a sign, in which the office of the person in charge is located. Copies of all required Town and State licenses and permits shall be posted therein and the park register shall be kept in this office at all times.
- i. Maximum impervious cover shall not exceed fifty percent (50%) of the manufactured lot or space.

2. Allowed uses

Allowed uses shall include:

- a. Manufactured homes, single-family dwellings and mobile homes lawfully installed prior to the adoption of this LDC.
- b. Common uses and uses accessory to dwelling units, including recreation facilities for the use of residents of the park only, management offices, laundry rooms, tenant storage lockers, parking areas and garbage and trash disposal facilities.

3. Site plan, internal relationship

The site, including manufactured home spaces, structures and all site improvements, shall be harmoniously and effectively organized in relation to topography, the shape of the tract and the shape, size and position of structures, with consideration for usability of space, appearance and livability. An informal park type of arrangement, with grouping or clustering of manufactured home dwelling units and which conforms to the terrain and natural landscape features, is preferable to a rigid, stylized pattern.

4. Streets and accessways

- a. Paved streets at least twenty-two (22) feet in width shall extend from the existing street system as necessary to provide convenient access to each manufactured home space and to common facilities and uses. Private streets shall be permitted in a manufactured home park or subdivision.
- b. Convenient access shall be provided to each manufactured home space by an accessway at least fifteen (15) feet in width. Such accessway shall be reserved for maneuvering manufactured homes into position and shall be kept free of trees and other immovable obstructions, but need not be paved. Temporary planks or steel mats may be used during the placement of a manufactured home.
- c. In the event that the developer of a manufactured home park chooses to retain ownership of streets and accessways, he or she shall be required to dedicate to the Town a blanket emergency service access easement to permit police, ambulance and fire protection personnel to enter the park or subdivision.
- d. In addition, pursuant to Section 42-4-1102, C.R.S., the Town elects to impose and enforce stop sign regulations, speed limits and parking restrictions posted in accordance with the

Manual of Uniform Traffic Control Devices upon all streets which are privately maintained in manufactured home parks or subdivisions. The owner of the manufactured home park or subdivision shall provide such signs as may be required by the Town's Engineer and agrees to erect and maintain such signs in conformity with the Model Traffic Code and other applicable regulations.

- i. The stop sign placement, speed limits and parking restrictions shall be determined by the Town's Engineer, but shall be consistent with the provisions of Sections 42-4-1101 to 42-4-1104 et al., C.R.S., Sections 42-4-1204, C.R.S. and Section 42-4-1208, C.R.S.
- ii. There shall be posted at each entrance to any manufactured home park or subdivision a sign giving notice of such enforcement in the following text: "NOTICE: Stop sign, speed limits and parking restrictions enforced by the Town."
- iii. When all signs are in place, stop signs, speed limits and parking regulations shall be enforced and violations thereof punished in accordance with the provisions of the Model Traffic Code, as adopted by the Town.

5. Pedestrian access

- a. Pedestrian walkways at least two (2) feet in width and having an all-weather surface shall be provided for access to each manufactured home from a paved street or from a paved driveway or parking area connected to a public street.
- b. Common walkways at least three (3) feet in width and having an all-weather surface shall be provided for access to common facilities and uses from each manufactured home group or cluster. Walkways through the interiors of blocks are preferable to walkways adjacent to streets.

6. Parking

- a. Parking areas shall be located off-street and shall have an all-weather surface. Parking spaces may be located on each lot or space or on the lot or space immediately adjacent, and the remainder shall be located in common parking areas adjacent to the street or adjacent to a vehicular accessway connected to a street.
- b. Parking spaces shall be provided at the rate of two (2) parking spaces for each manufactured home, plus one (1) additional parking space for each four (4) manufactured home lots or spaces to provide for guest parking and delivery and service vehicles.

7. Project boundary buffer

A Class C buffer shall be provided (see [Section 10.03.D](#), Landscaping and Buffering) along all project boundaries of a manufactured home park or subdivision; provided that the minimum distance from the line or corner of any manufactured home space to a boundary line of the park or subdivision shall be twenty (20) feet.

8. Signs and numbering of manufactured home spaces

- a. Each manufactured home park shall have a sign located adjacent to a public street which includes the name of the park and the street address in letters and numbers in accordance with the following requirement:
 - i. Up to two (2) on-premises permanent signs for each street frontage are permitted, but the sum of the areas of one (1) face of these signs shall not exceed forty (40) square feet.
- b. Each manufactured home space shall be numbered with four-inch reflective numbers on contrasting background and/or letters set at least forty (40) inches above ground level and clearly visible from public right-of-way.

9. Yard requirements

- a. The following yard requirements shall pertain to every manufactured home in the manufactured home park or subdivision:
 - i. Minimum depth of street yard, measured from front lot or space line: twenty (20) feet.
 - ii. Minimum width of side yard, measured from side lot or space line: ten (10) feet.
 - iii. Minimum depth of rear yard, measured from rear lot or space line: twenty (20) feet.
- b. Detached garages and accessory buildings may be erected on manufactured home

spaces as permitted in [Section 7.05](#), Accessory Uses and Structures.

10. Utility requirements

a. Water and sewer

Water and sewer services and hookups shall conform with the Colorado Department of Public Health and Environment, Sanitary Standards and Regulations for Manufactured Home Parks, as amended from time to time.

b. Solid waste

- i. The storage, collection and disposal of solid waste in the manufactured home park or subdivision shall be so constructed as to create no health hazards, rodent harborage, insect breeding area, accident or fire hazard or pollution and shall be maintained at least one hundred (100) feet from a well site.
- ii. All solid waste containing garbage shall be stored in a standard fly-tight, watertight, rodent-proof container which shall be located at each manufactured home space or an approved bulk container site. The proper storage, collection and disposal of solid waste shall be as specified by the adopted Building Code.
- iii. Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation.
- iv. No junked or abandoned vehicles shall be allowed in the park or subdivision.

11. Service buildings

Service buildings, when constructed and which supply laundry facilities for occupants of the manufactured home park, shall have:

- a. Adequate heating facilities to maintain a temperature of seventy (70) degrees Fahrenheit during cold weather and to supply a minimum of fifteen (15) gallons of hot water per hour per laundry machine at a temperature of one hundred fifty (150) degrees Fahrenheit during times of peak demand;
- b. All rooms well-ventilated, with all openings effectively screened;
- c. At least one (1) mop-sink or other satisfactory facility supplied with hot and cold water; and
- d. Separate flush-type toilet facilities for each sex plainly marked by appropriate signs, which shall be provided in separate rooms if in the same building. Each water closet shall be placed in a separate compartment, at least three (3) feet wide, properly separated from other water closets.

12. Storage

- a. Tenant storage facilities shall be provided for materials which cannot be conveniently stored in a manufactured home. A minimum of thirty-two (32) square feet shall be provided for each manufactured home unit.
- b. Storage facilities may be located adjacent to the manufactured homes or in common compounds within a reasonable distance from the manufactured homes. Storage facilities shall be designed in a manner that will enhance the park and shall be constructed of suitable weather-resistant materials appropriate under the use and maintenance contemplated.
- c. Covered storage sheds on individual spaces and lots shall contain a minimum of forty-eight (48) square feet of floor area for the storage of personal belongings. This requirement may be satisfied by a separate common building that serves more than one (1) manufactured home space, provided that a like amount of space is set aside in each building for each manufactured home space serviced by that building.
- d. No storage shall be allowed under a manufactured home.

13. Landscaping

- a. Lawn and ground cover, which may include aggregates, shall be provided on all common ground areas except those undisturbed areas, such as watercourses, left in their natural state.
- b. Screen planting and/or fencing at least six (6) feet in height shall be provided where

necessary for screening purposes, such as around refuse collection points, common recreation areas and playgrounds and at such other points as necessary for screening of objectionable views.

14. Street lights

All streets in the manufactured home park or subdivision shall be adequately illuminated. Street lights shall be installed/ located at each intersection.

15. Telephone and power lines

All telephone lines and power lines are to be located underground. Utility easements shall not be less than ten (10) feet in width.

16. Recreation areas and facilities

- a. Not less than ten percent (10%) of the total land area of the park or subdivision shall be devoted to space for common facilities and uses, such as a laundry, swimming pool or recreation and play areas.
- b. Laundry, recreation rooms, management offices and other common facilities may be consolidated in a single building if the single location will adequately serve all manufactured home units.

17. Maintenance: owner or manager responsibilities

The manufactured home park owner or manager shall have the following park maintenance responsibilities:

a. Annual business license for manufactured home parks

No person shall operate a manufactured home park within the Town without first having obtained an annual business license therefor from the Town Clerk. Each manufactured home park shall be licensed for each calendar year and each license shall expire on December 31 of each year.

b. Compliance with regulations required

Both the owner and operator of any manufactured home park shall arrange for the management and supervision of the manufactured home park so as to enforce or cause compliance with all of the provisions of this Section.

c. Register of tenants required

It shall be the duty of the owner or operator to keep at all times a register, which shall be open at all times to inspection by United States, State, County and Town officers, showing for all tenants in the manufactured home park:

- i. The names of all persons inhabiting each manufactured home.
- ii. The date of entry and departure of each manufactured home.
- iii. The license numbers and state issuing, for each manufactured home and the towing vehicle used to tow the manufactured home into or from the manufactured home park.

d. Use restrictions

Both the owner and operator shall prohibit the use of any manufactured home located in the manufactured home park for other than use as a single-family dwelling, with the exception of the park's office.

e. Repair and maintenance of facilities

Both the owner and operator of every home park shall be responsible for maintaining in good repair and condition all facilities of the manufactured home park and for maintaining the manufactured home park in a clean, orderly and sanitary condition at all times.

f. Owner duty to report violations

Both the owner and operator of each manufactured home park shall report promptly to the proper authorities any violations of this Section which may come to his, her or their attention.

18. Roadway repair and maintenance.

No part of any manufactured home shall obstruct any roadway. All easements and public areas shall be cared for and kept free from weeds and trash. The physical repair and maintenance to all roadways, to include street sweeping and snow removal, shall be the responsibility of the

manufactured home park owner.

J. Group Home

Group homes shall comply with the following standards:

1. Neighborhood density

No group home shall be located closer than seven hundred fifty (750) feet to another group home.

2. Health and safety codes

Group homes shall comply with all applicable local, State or Federal health, safety, fire and building codes.

K. Nursing Home or Assisted Living Center

Nursing homes or assisted living centers shall conform to applicable State regulations, administered by the Colorado Department of Human Services.

L. Tiny Home Development

A tiny home development shall be considered a multifamily development and shall be reviewed and processed as a PD subject to the standards and regulations under [Section 4.03](#).

M. Short Term Vacation Rental

A short term vacation rental use is permitted subject to the following standards:

1. Site plan

The short term vacation rental shall be subject to site plan approval by the Planning Commission with public notification as per [Section 4.06](#) of this LDC. The site plan shall demonstrate compliance with the standards as set forth. Any decision to approve or deny the application may be appealed to the Board of Trustees in accordance with the notice requirements and procedures of [Section 4.14](#) of this LDC. The appeal shall be received from either the applicant or an affected property owner within the notification area by the Town Clerk within ten (10) days of the Planning Commission decision.

2. A property management plan

A property management plan demonstrating how the vacation rental will be managed and how impacts to neighboring properties will be minimized, shall be submitted for review and approval as part of the site plan approval.

- a. The property management plan shall include local points of contact available to respond immediately to complaints, clean up garbage, manage unruly tenants, etcetera.
- b. The property management plan shall be mailed to all adjoining property owners within three hundred (300) feet as a condition of approval, and shall be posted in a visible location within the short term vacation rental. If the responsible party of a short-term rental use does not reside within the Town, the management plan must identify an individual or individuals within a twenty-five-mile radius of the property to serve as local contacts and respond to emergency conditions.
- c. If concerns are raised by any affected person within the area of notification at the time of or prior to the public hearing, the Planning Commission may establish, at the time of public hearing, specific conditions on the use of a short term vacation rental to address impacts to the neighborhood. Those conditions shall be incorporated into the property management plan that is mailed to all adjoining property owners within three hundred (300) feet of the property.

3. Standards and requirements

Vacation rentals are permitted subject to the following standards:

- a. No sign identifying the short term vacation rental is permitted on the property.
- b. No changes shall be made to the dwelling or site which would diminish or detract from the residential appearance in the neighborhood.
- c. Overnight guest occupancy for short term vacation rentals shall be two (2) persons per sleeping room or guest room on the main level of the house and/or the upper floor(s), plus two (2) additional renters overall, up to a maximum occupancy of no more than eight (8) persons. Any sleeping room located in the basement of the house may only be occupied

- by the home owner or primary resident(s) but not the guests.
- d. During the daytime, maximum number of total guests and visitors allowed at any time in a short term vacation rental shall not exceed the maximum overnight occupancy plus six (6) additional persons per property, or fourteen (14) persons, whichever is less.
 - e. Quiet hours shall be from 10:00 p.m. to 7:00 a.m. and no outside assembly of more than the maximum overnight occupancy shall be permitted during this period.
 - f. Outdoor amplified sound (microphone or speaker system) shall not be allowed at any time. This provision does not apply to casual music from personal music devices or similar situations that are typical of residential surroundings.
 - g. Pets if allowed by owner shall be secured on the property at all times. Continual nuisance barking by unattended pets is prohibited per Section 7-116 of the Palisade Municipal Code.
 - h. Outdoor fire areas, when not prohibited by state or local fire codes, may be allowed but shall be limited to three (3) feet in diameter, shall be located on a non-combustible surface, shall be covered by a fire screen, and shall be extinguished as soon as it is unattended or by 10:00 p.m. whichever is earlier.
 - i. Parking shall be provided to accommodate one (1) space per the dwelling unit plus one (1) space for each occupied sleeping room or guest room with a minimum of two (2) off-street parking spaces provided. Any on-street parking, where appropriate, shall be limited to no more than one (1) parking space.
 - j. All vehicles shall be parked in designated parking areas, such as driveways and garages, or on-street parking, where permitted. No parking shall occur on lawns or sidewalks.
 - k. The short term vacation rental shall be subject to the same safety and health inspections, licenses, registrations, fees and taxes, including the occupation lodging tax, to which other licensed businesses or places of accommodation are subject.
 - l. The number of short term vacation rentals that may operate at any one time, shall be no more than 3 percent of the total number of single family housing units in the Town. The number of single family housing units shall be based on the most recent data available from the U.S. Census Bureau and the State of Colorado Demographer's office.
 - m. No food service shall be offered to overnight guests by the owner or operator of the short term vacation rental.
4. If no business license is issued for a short term vacation rental within a year of approval by the Planning Commission, the Planning Commission approval shall expire. If a business license is not renewed for a short term vacation rental for a consecutive year, the use as a short term vacation rental shall be considered discontinued. An expired approval or discontinued use, as per this Section, shall require notification, hearings and approval to re-establish the short term vacation rental consistent with this Section of this LDC.
 5. Any violations of this Section are subject to the enforcement and penalty provisions of [Article 13](#). Upon receipt of any combination of three (3) citations, or violations of any section of this LDC or Municipal Code by the Town of Palisade, within a two-year period, the use of the short term vacation rental is summarily revoked. The revocation is subject to an appeal to the Board of Trustees, if requested within ten (10) days of the decision of revocation. Should such a revocation occur, an application to re-establish a short term vacation rental at the subject property shall not be accepted by the Town of Palisade for a minimum period of two (2) years after the revocation takes effect.
 6. Upon approval by the Planning Commission, the applicant shall obtain a business license in order to operate the short term vacation rental consistent with the approved site plan and management plan. Operation and/or advertisement of a short term vacation rental prior to the issuance of a business license is considered a violation of this LDC and is subject to the enforcement and penalty provisions of [Article 13](#). Violation as per this Section shall also impose an automatic re-consideration of the application by the Planning Commission at the next available meeting, subject to the same public notification of the original application.
 7. If a short term vacation rental is denied either by the Planning Commission or upon an appeal by the Board of Trustees, a request for a short term vacation rental for the same property may

not be made until at least six months from the date of denial. This provision does not apply if the property is transferred after the denial and a request is made by a new land owner.

Section 7.02 Civic Use Standards

The standards of this Section shall apply to all permitted, special and conditional uses, as set forth in the Use Table (see [Section 6.01](#)). All uses shall meet or exceed applicable standards.

A. Child Care Center

1. Child care centers shall conform to the regulations contained in the Colorado Child Care Facilities Licensing Act, which is administered by the Colorado Department of Human Services.
2. When operated within the HR district, child care centers must be done in conjunction with another commercial use.
3. Child care centers do not include family child care homes located in places of residences and permitted as an accessory use (see [Section 7.05.C.1.h](#)).

B. Schools

1. Elementary schools
Elementary schools shall have a street yard and street (side) yard setback of not less than fifty (50) feet, shall front on a collector street and shall not front on an arterial street. Portable classrooms shall not be permitted in any street yard.
2. Middle schools
Middle schools shall have a street yard and street (side) yard setback of not less than fifty (50) feet and shall front on either a major collector or minor arterial street. Portable classrooms shall not be permitted in any street yard.
3. High schools
High schools shall have a street yard and street (side) yard setback of not less than fifty (50) feet and shall front on either a minor or major arterial. Portable classrooms shall not be permitted in any street yard.

Section 7.03 Commercial Use Standards

The standards of this Section shall apply to all permitted and conditional uses, as set forth in the Use Table (see [Section 6.01](#)). All uses shall meet or exceed applicable standards.

A. Agriculture (general)

It is prohibited to house, keep or maintain any livestock including but not limited to; cattle, horses, swine, sheep, turkeys, geese, roosters, goats, poultry, rabbits and other small animals, apiculture, aquaculture, personal or commercial animal breeding and development in any zoning district.

B. Agriculture (limited)

Agricultural uses in the Hospitality Retail District shall not include pasturage.

C. Bed and Breakfast

A bed and breakfast establishment is permitted subject to the following standards:

1. Either the owner or operator of the bed and breakfast must be a full-time resident of the property in which the bed and breakfast establishment is housed.
2. No exterior evidence of the bed and breakfast shall be allowed, except for one (1) wall sign no larger than twelve (12) square feet or one (1) free-standing sign not to exceed four (4) square feet and not to exceed a height of four (4) feet. A larger sign may be applied for under the conditional use permit process as defined in [Section 4.07](#).
3. No food preparation, except beverages, is allowed within individual guestrooms. Meal service may be provided.
4. Preparation and service of food shall conform to all applicable regulations of the State of Colorado.
5. All parking areas on property (except driveways) shall be behind any building lines and must be screened from the view of adjacent residences to a height of six (6) feet by a solid screening fence or dense shrubs and vegetation.

6. Parties, receptions, events or similar functions intended to draw in excess of two hundred (200) people shall require a Temporary Use Permit and shall be limited to a total of six (6) such functions per calendar year.

D. Brewpub, Microbrewery, Distillery and Winery

These facilities may serve food and must maintain a License with the Colorado Department of Revenue, Liquor Enforcement Division.

E. Gas Station with Convenience Store

Gas stations with convenience stores are permitted subject to the following standards:

1. Fuels shall be transferred from underground storage tanks by means of approved dispensing units located at least fifteen (15) feet from all property lines.
2. All dispensers shall be protected from vehicle damage by rigidly mounting them in a concrete platform of at least six (6) inches in height extending a minimum of twelve (12) inches beyond the dispenser in all directions. Pipe bollards or guard rails shall be used to provide additional safeguards as necessary.
3. Underground tanks for the storage of flammable or combustible liquids shall be located at least five (5) feet from any wall, foundation or property line. The top of the flammable liquid tanks shall be below the lowest floor elevation of any building within twenty (20) feet of said tanks.
4. All canopies shall have a minimum vertical clearance of fifteen (15) feet. Such canopies shall be set back at least fifteen (15) feet from all property lines.
5. All servicing of vehicles and assembly of equipment carried on as an incidental part of the sales operation shall be conducted within a completely enclosed building.
6. A visual barrier or screen shall be provided between the gas station and any adjacent residential use or district.
7. All uses shall be so operated as to comply with all applicable local, state and federal standards of performance or their equivalent which have been adopted or amended from time to time.

F. Hemp Growing Establishment

1. Hemp growing establishments must be registered with the Colorado Department of Agriculture for Commercial Industrial Hemp or Research and Development
2. Cultivation may include outdoor farming, greenhouse farming and indoor farming.
3. The growing of hemp shall be limited to only female plants. The growing of male plants is allowed only if planted indoors.
4. Black-out curtains shall be required for greenhouse farming.
5. No establishment may be allowed as a home occupation or home business.
6. No establishment shall be located in a building containing any residential units.
7. No establishment may be located in a movable or mobile structure.

G. Hemp Processing Establishment

1. No hemp processing shall occur on the site without a signed letter from the property owner allowing the hemp processing establishment.
2. Pursuant to Section 9-7-113, C.R.S. the use of compressed flammable gas as a solvent in the extraction, processing and stripping of oils and CBD shall be prohibited. Industrial hemp processing shall only use non-volatile chemicals.
3. No establishment may be allowed as a home occupation or home business.
4. No establishment shall be located in a building containing any residential units.
5. No establishment may be located in a movable or mobile structure.

H. Kennel

A kennel may only be allowed in conjunction with a veterinary animal hospital facility (See [Section 7.03.K.](#)) and in accordance with requirement of the Municipal Code.

I. Outdoor Storage, General

General outdoor storage is permitted subject to the following standards:

1. General outdoor storage shall include salvage yards, vehicle storage yards, overnight outdoor

storage of shipping containers, lumber, pipe, steel, junk and other similar merchandise, material or equipment.

2. General outdoor storage shall be screened by one hundred percent (100%) opaque, eight-foot high visual barrier or screen, except where located abutting or across the street from a residential use or residentially-zoned property such screening shall be high enough to completely conceal all outdoor storage from view.
3. All general outdoor storage shall be located at least fifteen (15) feet from the public right-of-way and any abutting residential use or residential district.
4. No general outdoor storage shall be permitted in a street yard or otherwise forward of the front building line.
5. General outdoor storage may be located in the side or rear yard only.

J. Recreation Club, Private

A recreational club shall be located on a parcel of land not less than three (3) acres in size.

K. Veterinary Animal Hospital

A veterinary clinic or animal hospital facility shall comply with the following standards:

1. Kennel areas shall be completely enclosed, indoors, within sound proof walls.
2. Facilities shall be developed and maintained so as to meet all County Health Department requirements and so as to minimize pollution or health risks to adjacent property owners.
3. Services shall only be provided for small animals; i.e., animals weighing no more than two hundred (200) pounds.
4. Large animal veterinary practices shall be limited to the AFT zone.

L. Medical Marijuana Optional Premises Cultivation Operation (Non-Contiguous).

1. Optional premises cultivation operation that is not contiguous to the medical marijuana center and/or medical marijuana infused operations manufacturer shall meet the following minimum standards in addition to any conditions that are placed on the use through the conditional use permit procedures of [Section 4.07](#) of this LDC:
2. If the cultivation area is on the agricultural land in the AFT District, it shall be limited to a location east of Elberta Avenue, and north of the Price Ditch and be designed to blend into the surrounding rural landscape.
3. All storage of equipment shall be inside a structure or within an enclosed fenced area.
4. The use is considered a "limited access area" and shall meet the requirements of the Colorado Department of Revenue's Permanent Rules and the Colorado Medical Marijuana Code, Section 12.43.3-101 et seq., C.R.S., for sufficient security measures to demonstrate that the outdoor areas are not readily accessible by the general public.
5. No advertising or identification sign is permitted anywhere upon or attached to the facility or property.
6. Cultivation area shall be set back a minimum of fifty (50) feet from the property lines.
7. The application for a conditional use permit shall include a scaled site plan showing the location and description of uses, parking spaces, and physical features; a location plan showing all uses within one thousand (1,000) feet of the property boundary line; a waste disposal plan; a security plan, and a water plan demonstrating a legal and physically adequate water supply for the use.
8. An alternative security fence design shall be submitted waiving the fencing standards found in [Section 7.05.D.2.](#) of this LDC.

M. Retail Marijuana Establishments

A retail marijuana establishment is a retail marijuana store, retail marijuana cultivation facility, retail marijuana products manufacturing facility or a retail marijuana testing facility. Retail marijuana establishments shall meet the following minimum standards in addition to licensing requirements and regulations of Article V of Chapter 6 of the Palisade Municipal Code.

1. Regardless of zoning, no retail marijuana establishment shall be located in the designated Retail Marijuana Free Zone in the downtown core as identified by the Retail Marijuana Free Zone Map:

Illustration 7-2: Retail Marijuana Free Zone Map



2. Regardless of zoning, no retail marijuana establishment, with the exception of the retail marijuana testing facilities, shall be established closer than a one thousand (1,000) foot distance from any school or preschool as measured from the nearest property boundary of such school use to the boundaries of the proposed licensed premises.
3. Retail marijuana stores may only be open to the public between the hours of 8:00 a.m. and 10:00 p.m. daily. A licensed cultivation facility or its contracted agent may deliver marijuana and marijuana products on any day of the week except between the hours of 9:00 p.m. and 7:00 a.m.
4. Shipping and receiving of products and supplies shall only occur between the hours of 4:00 a.m. and 10:00 p.m. daily for retail marijuana cultivation facilities, retail marijuana products manufacturing, and retail marijuana testing facilities.
5. All retail marijuana businesses shall contain the best available filtration system, such as carbon air filter scrubbers or charcoal filtration systems.
6. For retail marijuana stores, the odor of marijuana must not be perceptible at the exterior of the building, the exterior of the licensed premises or at any adjoining use of the property.
7. Retail marijuana cultivation facilities shall be indoor only.

N. Recreational Vehicle Parks.

1. Intent

This section is intended to provide commercial rental parking spaces and sites for recreational vehicles (RVs), including motor homes, travel trailers, pick-up campers and tent trailers; to provide goods and services customarily needed by occupants of the park; and to assure reasonable standards for the development of facilities for the occupancy of recreational vehicles on a temporary basis subject to the following standards:

2. Design Standards

a. Minimum park area

The minimum size of an RV park shall be seven (7) acres.

b. Rental space size and surfacing

A minimum of eighty percent (80%) of all spaces shall be equipped with a surfaced area of not less than ten (10) feet by forty (40) feet, consisting of gravel, asphalt or concrete. Where gravel surfacing is used, the design of the gravel pad shall be designed to maintain proper drainage and minimize dust. All other spaces shall be equipped with a surfaced area of not

less than ten (10) feet by twenty-five (25) feet, consisting of gravel, asphalt or concrete.

c. Setback requirements

Each rental space shall meet the following setback requirements:

- i. RV spaces shall maintain a minimum front, side and rear yard setback of fifteen (15) feet;
- ii. There shall be a minimum distance of fifteen (15) feet provided between RV units parked side by side;
- iii. There shall be a minimum distance of ten (10) feet between RV units parked end to end;
- iv. There shall be a minimum distance of twenty (20) feet between any RV space and any building.

d. Roadways and parking areas

- i. All interior roadways and parking areas shall be designed to provide safe and convenient access to all spaces and to facilities for common use by park occupants, and shall be constructed and maintained to allow free movement of emergency and service vehicles at all times, and shall be graded to drain and surfaced with gravel, asphalt or concrete.
- ii. Parking shall only be allowed in designated areas only. No parking shall be allowed on interior roadways.
- iii. All roadways, parking areas and walkways within the park shall be adequately lighted at night, to provide safe access.

e. Sanitary facilities

Every RV park shall be provided with one or more service buildings equipped with flush toilets, lavatories, showers and laundry facilities meeting minimum state Health Department standards. Such facilities shall be conveniently located at a distance of not more than three hundred (300) feet from any RV served. All such facilities shall be adequately lighted at all times of the day and night and shall be well ventilated.

f. Sanitary disposal stations

Every RV park shall contain at least one sanitary disposal station for the sole purpose of removing and disposing of wastes from holding tanks in a clean, efficient and convenient manner.

- i. Each station shall have a concrete slab a minimum of three (3) feet by (3) three feet, with six (6) inch walls, four (4) inches thick with proper reinforcement steel, troweled to a smooth finish, and sloped from each side inward to a sewer inlet.
- ii. The sewer inlet shall consist of a four-inch self-closing, foot-operated hatch with a tight-fitting cover. The inlet shall discharge into an approved sewer system.
- iii. The disposal hatch of sanitary station units shall be connected to the sewage disposal system. Related facilities required to wash holding tanks and the general area of the sanitary station shall be connected to the RV park water supply system.
- iv. Each sanitary station shall have a sign posted stating "Danger—Not to be used for drinking or domestic purposes."
- v. Sanitary stations shall be approved by the state Department of Health.

g. Utilities

All utilities shall be placed underground. A minimum of eighty percent (80%) of all spaces shall contain hookups for water, sewer and electricity.

- i. The water supply system shall be designed, constructed and maintained in compliance with the state Health Department standards and applicable Town standards.
- ii. Each space, with sewer hookup, shall be equipped with a sewer riser pipe at least four (4) inches inside diameter with screw or clamp-type fitting. Sewer hookup shall be capped with a watertight cap or plug when not in use. Sanitary sewage systems shall be installed in compliance with the state Health Department standards and applicable Town standards.
- iii. Each space with electrical hookup shall be equipped with an electrical outlet supplying

at least 110 volts, or 110/220 volts, installed in accordance with applicable state electrical codes.

h. Refuse disposal

The storage, collection and disposal of refuse shall be performed so as to minimize accidents, fire hazards, air pollution, odors, insects, rodents or other nuisance conditions in centralized storage facilities. All refused disposal areas shall be screened with landscaping and protective fencing.

i. Landscaping

A landscape plan shall be required for all RV parks meeting the applicable standards of [Section 10.03](#) and designed to perform the following functions:

- i. Provide an attractive entrance and street frontage;
- ii. Provide dust and erosion control; and
- iii. Provide a neat, attractive and aesthetically pleasing appearance.

j. Buffer

The RV park shall be screened from adjacent properties by a Class C buffer (see [Section 10.03.D.](#)) along all project boundaries.

k. Open space

Open space for common areas, playgrounds and other recreational uses shall be provided at the rate of at least ten percent (10%) of the gross area of the RV park, and shall be of sufficient size and distribution as to be a functional part of the entire development plan. Open space shall not include any area designated as a roadway, RV rental space, storage area, swimming pool, yard area surrounding the caretakers or manager's residence, or any area required as a buffer as set forth in [Section 10.03.D.](#) of this LDC.

l. Fire Protection

- i. Fire hydrants shall be installed throughout all RV parks in accordance with the specifications of the Town of Palisade Fire Department. There shall be one hydrant at the entrance to the development, and additional hydrants at a distance not to exceed three hundred (300) feet between hydrants. All buildings within the RV park shall be equipped with fire extinguishing equipment in good working order of such type, size and number as prescribed by the Fire Department.
- ii. If the sale of LP is provided on-site, location of the LP sales facility must meet all standards and regulations required by the Fire Department.

m. Storage Sheds

No storage sheds shall be allowed within or adjacent to an RV rental space.

n. Tents

i. Tent rental spaces

- (a) Tent rental spaces shall be permitted at a ratio of one (1) tent space per regular rental space.
- (b) Only one (1) tent is allowed per tent space.

ii. Areas for group tent camping may be established, with the following provisions:

- (a) The area set aside for such group use is not a part of any designated open space;
- (b) An adequate number of parking spaces is provided;
- (c) The area is served by one (1) or more water outlets; and
- (d) The area is located no further than three hundred (300) feet from a service building.

o. Occupancy

- i. No recreational vehicle or tent shall be occupied as a permanent place of abode, dwelling, or business for indefinite periods of time. A person(s) occupying a recreational vehicle or tent for more than ninety (90) consecutive days shall be considered permanent occupancy in a recreational vehicle park except as otherwise permitted by this section.
- ii. No more than twenty-five percent (25%) of campsites in an RV park may allow extended

stays of more than thirty (30) consecutive days. Extended stays are limited to no more than ninety (90) consecutive days during the months of April to September and to no more than one-hundred-fifty (150) consecutive days during the months of October to March.

- iii. All spaces shall be vacated a minimum of fourteen (14) consecutive days between maximum stays.
- iv. The following requirements apply to all stays longer than thirty (30) consecutive days:
 - (a) Execution of a formal Agreement of Services establishing a transient guest relationship that specifically cites it is not a landlord/tenant relationship or 'permanent living.'
 - (b) The location may not be listed as an address on official documents.
 - (c) No more than one (1) passenger vehicle and one (1) camping rig allowed at a campsite.
 - (d) Rigs older than fifteen (15) years are not allowed (remodeled 'vintage' rigs may be approved upon inspection).
 - (e) Limit of two (2) adults (maximum five-person immediate family).
 - (f) No wood decks or add-on structures to the RV are allowed.
 - (g) No visible storage of personal items allowed. Exemptions may apply for daily use items (i.e. bicycles).
 - (h) Any temporary skirting must be same color as the rig siding.
- v. The owner, manager and employed personnel are exempt from the extended stay regulations in this section.
- vi. It shall be the responsibility of the owner or manager of the RV park to keep a current record of the names and addresses of the owners and/or occupants of each RV space, the make, model, year and license number of each RV and motor vehicle by which it is towed, the state, territory or country issuing such licenses, and the arrival and departure dates of each occupant. This record must be made available for inspection to all appropriate agencies whose duties necessitate acquisition.
- p. **Swimming Pools**
Swimming pools and natural swimming areas shall be operated, maintained and used in compliance with recommendations and requirements of the Colorado Department of Health's Regulations and Standards Governing Swimming Pools and Swimming Areas.

Section 7.04 Industrial Use Standards

A. Processing of Food and Related Products

Processing of food and related products shall comply with the requirements of [Section 7.04.B.](#)

B. Manufacturing, Limited

Limited manufacturing may be allowed subject to the following standards:

1. All limited manufacturing activity shall be conducted entirely within a fully-enclosed building.
2. Outdoor storage and display may be allowed subject to [Section 7.03.I.](#)
3. Uses shall not emit smoke, odor or objectionable waste materials.
4. No vibration shall be produced that is transmitted through the ground (and is discernible without the aid of instruments) at or beyond the lot line.
5. No direct glare from high temperature processes such as combustion or welding visible from the street shall be permitted.

C. Prohibited Uses

Any use that is potentially dangerous, noxious or offensive to neighboring uses or those who pass on public ways by reason of smoke, odor, noise, glare, fumes, gas, vibration, threat of fire or explosion, emission of particulate matter, interference with radio, television reception, radiation or any other likely cause are prohibited within any zone. Such uses include but are not limited to:

1. Commercial feed lot animal processing, packing, treating and storage; livestock or poultry

- slaughtering;
- 2. Citrus concentrate plant;
- 3. Production of chemical, rubber, leather, clay, bone, paper, pulp, plastic, stone or glass materials or products,
- 4. Production or fabrication of metals or metal products including enameling and galvanizing, sawmill;
- 5. Bulk storage of flammable liquids;
- 6. Concrete batching and asphalt processing and manufacture; and
- 7. Wrecking, junk or salvage yard; bottling plant.

Section 7.05 Accessory Uses and Structures

A. General Standards

1. Accessory uses and structures shall be clearly incidental and subordinate to an existing permitted principal use or structure.
2. Accessory uses and structures shall not involve operations or structures not in keeping with the character of the primary use or principal structure served.
3. Tractor trailers and pods are prohibited as storage buildings or structures except as permitted on an active construction site or as otherwise specifically allowed.
4. Accessory structures which constitute a building (shed, dwelling unit, guardhouse, etc.) shall not be located closer than five (5) feet to any other building.
5. Maximum height of accessory structures shall be fifteen (15) feet; provided, however, accessory garages with approved accessory dwellings over a garage may be twenty-four (24) feet or the height of the principal structure, whichever is less. In no case shall the height of the accessory structure be greater than that of the principal structure.
6. Maximum floor area of any accessory structure shall be no greater than fifty percent (50%) of the floor area of the principal structure.
7. In the event that two (2) or more adjacent landowners choose to mutually accept the placement of a structure of two hundred (200) square feet or less with no electric or water improvements, they may reduce side and rear setbacks of said structure(s) to zero (0) after submission of a notarized Mutual Placement Agreement.

B. Setback Requirements

1. Front yard
Accessory structures shall not be located in the front yard.
2. Side (street) yard
Accessory structures shall not be located in the side (street) yard of a corner lot with the following exception:
 - a. If the adjacent property is oriented to face opposite the applicant's front or the adjacent property is separated from the applicant's by an alley or right-of-way or the property is located in a higher or more intense land use zone, the following side (street) yard setbacks may apply:
 - i. Setbacks for accessory structures up to eight (8) feet in height may be reduced to five (5) feet.
 - ii. Setbacks for accessory structures up to twelve (12) feet in height may be reduced to ten (10) feet.
3. Side (interior) yard
Side (interior) yard setbacks for accessory structures shall be five (5) feet.
4. Rear yard
 - a. Rear yard setbacks for accessory structures, other than garages, carports and similar structures, may be reduced to zero (0) feet adjacent to an alley right-of-way.
 - b. Rear yard setbacks for garages, carports and similar structures may be reduced to zero (0) feet adjacent to an alley right-of-way with a width of at least twenty (20) feet.

- c. Rear yard setbacks for accessory structures, other than garages, carports and similar structures, may be reduced to five (5) feet in all cases.
- d. Rear yard setbacks for accessory structures of two hundred (200) square feet or less may be reduced to zero (0); provided, however, that the drip line of said structure shall not cross the rear property lines.

C. Accessory Use and Structure Types

1. Residential accessory uses and structures shall include but not be limited to the following:
 - a. Accessory dwelling units, subject to the standards of [Section 7.05.D.1](#);
 - b. Driveways and off-street parking areas;
 - c. Cultivation of Medical Marijuana subject to the standards of [Section 7.05.D.2](#);
 - d. Cultivation of Marijuana for Personal Use subject to the standards of [Section 7.05.D.3](#);
 - e. Fences and walls, subject to compliance with the requirements of [Section 7.05.D.6](#);
 - f. Fruit and vegetable stands, subject to the standards of [Section 7.05.D.7](#);
 - g. Garages, carports and other similar vehicle storage facilities, subject to compliance with the requirements of [Section 7.05.D.8](#);
 - h. Family child care home, no more than twelve (12) children subject to [Section 7.05.D.12](#);
 - i. Home occupations, subject to the standards of [Section 7.05.D.9](#);
 - j. Home businesses, subject to the standards of [Section 7.05.D.10](#);
 - k. Keeping of domestic animals for noncommercial purposes;
 - l. Playhouses, patios, cabanas, porches, gazebos and incidental household storage buildings;
 - m. Radio and television receiving antennas and support structures;
 - n. Recreational facilities for the use of residents;
 - o. Outdoor storage, subject to the standards of [Section 7.05.D.11](#);
 - p. Solar energy systems; and
 - q. Other necessary and customary uses determined by the Community Development Director to be appropriate, incidental and subordinate to the principal use on the lot.
2. Nonresidential accessory uses and structures shall include but not be limited to the following:
 - a. Dwelling units for security or maintenance personnel;
 - b. Fences and walls, subject to compliance with the requirements of [Section 7.05.D.6](#);
 - c. Cultivation of Medical Marijuana subject to the standards of [Section 7.05.D.4](#);
 - d. Cultivation of Marijuana for Personal Use subject to the standards of [Section 7.05.D.5](#);
 - e. Gates and guardhouses;
 - f. Outdoor storage, subject to the standards of [Section 7.05.D.11](#);
 - g. Off-street parking and loading facilities, subject to compliance with the requirements of [Section 10.01](#);
 - h. Radio and television receiving antennas and support structures;
 - i. Signs, subject to compliance with the requirements of [Section 10.10](#);
 - j. Solar energy systems; and
 - k. Other necessary and customary uses determined by the Community Development Director to be appropriate, incidental and subordinate to the principal use on the lot.

D. Specific Accessory Use and Structure Standards

1. Accessory dwelling units

One (1) accessory dwelling unit (ADU) shall be permitted as an accessory use to each principal single-family dwelling subject to the following requirements:

 - a. The living area of the ADU shall be no greater than six hundred fifty (650) square feet and not less than four hundred (400) square feet and shall contain no more than one (1) bedroom.

- b. Detached ADUs must be located in the rear half of the residential lot or parcel unless the ADU is to be located within or above a garage. Private entrances to an ADU contained in the principal dwelling shall be located on the side or rear of the principal dwelling.
- c. An ADU shall not be condominiumized and/or sold separate and apart from the principal dwelling to which it is an accessory.
- d. The design, exterior treatments and color of an ADU shall be the same as or compatible with, the design and exterior color and treatments of the primary building to which it is accessory.
- e. Either the principal structure or the ADU shall be owner occupied.
- f. One off-street parking space per unit is required, in addition to the spaces otherwise required.

2. Cultivation of Medical Marijuana in residential structures

The cultivation, production or possession of marijuana plants for medical use by a patient or primary caregiver, as such terms are defined by Article XVIII, Section 14 of the Colorado Constitution, shall be allowed in residential dwelling units subject to the following conditions:

- a. The cultivation, production or possession of marijuana plants shall be in full compliance with all applicable provisions of Article XVIII, Section 14 of the Colorado Constitution, the Colorado Medical Marijuana Code, Section 12-43.3-101, et seq., C.R.S., and the Medical Marijuana Program, Section 25-1.5-106, C.R.S.
- b. Marijuana plants that are cultivated, produced or possessed shall not exceed the presumptive limits of no more than two (2) ounces of a usable form of marijuana, unless otherwise permitted under Article XVIII, Section 14 of the Colorado Constitution, and no more than twelve (12) marijuana plants shall be cultivated or permitted within or on a residential property.
- c. Such cultivation, production or possession of marijuana plants shall be limited to the following space limitations within a residential unit:
 - i. Within a single-family dwelling unit (Group R-3 as defined by the International Building Code, as adopted in Section 18-21 of the Palisade Municipal Code); a secure, defined, contiguous area not exceeding one hundred fifty (150) square feet within the primary residence of the licensed patient or registered caregiver.
 - ii. Within a multifamily dwelling unit (Group R-2 as defined by the International Building Code, as adopted in Section 18-21 of the Palisade Municipal Code); a secure, defined, contiguous area not exceeding one hundred (100) square feet within the primary residence of the licensed patient or registered caregiver.
- d. Marijuana plants shall not be grown in the common area of a multifamily residential structure.
- e. If a licensed patient or primary caregiver elects to cultivate quantities of marijuana in excess of the amounts permitted under [Section 7.05.D.2.b](#) above, as permitted in Article XVIII, Section 14(4)(b) of the Colorado Constitution, each patient must be in full compliance with the Colorado Medical Marijuana Program as provided in Section 25-1.5-106(10), C.R.S., and may grow medical marijuana for personal use as a patient or as a primary caregiver for licensed patients within the Town Center (TC), Commercial Business (CB) and Light Industrial (LI) Zone Districts only.
- f. The cultivation of medical marijuana plants on a residential property shall meet the requirements of all adopted Town building and safety codes. Any licensed patient or registered primary caregiver cultivating medical marijuana in a primary residential unit shall have an initial building and safety inspection conducted by the Town, shall comply with any conditions of said inspection and shall submit to an annual building and safety code inspection thereafter. The names and locations of patients and caregivers shall not be made available to the general public in accordance with Section 24-72-204(3)(a)(I), C.R.S., as contained in the Colorado Open Records Act.
- g. The cultivation of medical marijuana plants may occur in enclosed accessory structures such as a shed or greenhouse located on residential property if such structure contains rigid walls and is a locked space to prevent access by children, visitors or intruders. For the

purpose of this Section, “enclosed” means a permanent or semi-permanent area covered and surrounded on all sides. Temporary opening of windows, doors or the temporary removal of wall or ceiling panels does not convert the area into an unenclosed space. The term “locked space” means secured at all points of ingress and egress with a locking mechanism designed to limit access such as with a key or combination lock. The cultivation, production or possession of marijuana plants on a residential property must not be perceptible from the exterior of the residence and shall comply with the following:

- i. Any form of signage shall be prohibited; unusual odors, smells, fragrances or other olfactory stimulants shall be prohibited; light pollution, glare or brightness resulting from grow lamps that disturbs adjacent residents shall be prohibited; and excessive noise from ventilation fans shall be prohibited.
 - ii. Marijuana plants shall be used or consumed exclusively by a licensed patient for the patient's personal use and solely to address a debilitating medical condition.
 - h. Pursuant to Section 9-7-113, C.R.S. the use of compressed flammable gas as a solvent in the extraction of THC or other cannabinoids is prohibited.
 - i. Any primary caregiver cultivating medical marijuana for licensed patients and providing said marijuana to patients for consideration, such as a monetary sum, shall obtain a business license from the Town pursuant to Chapter 6, Article I of the Palisade Municipal Code. Any primary caregiver transferring medical marijuana to a licensed patient for consideration shall also obtain a sales tax license and shall comply with the requirements of Chapter 4, Article IV of the Palisade Municipal Code concerning collection and payment of municipal sales tax.
 - j. Cultivation of medical marijuana on or in a residential property that is not used for a primary residence is not permitted.
 - k. For the purposes of this Section, primary residence means the place that a person, by custom and practice, makes his or her principal domicile and address to which the person intends to return following any temporary absence such as a vacation. Residence is evidenced by actual daily physical presence, use and occupancy of the primary residence and the use of the residential address for domestic purposes, such as, but not limited to, slumber, preparation of and partaking in meals, vehicle and voter registration, or credit, water and utility billing. A person may only have one (1) primary residence. A primary residence shall not include accessory buildings.
 - l. For the purposes of this Section, a secure area means an area within the primary residence accessible only to the patient or primary caregiver. Secure premises shall be locked or partitioned off to prevent access by children, visitors or anyone not licensed and authorized to possess medical marijuana.
3. Cultivation of Marijuana for Personal Use in residential structures
- a. Purpose. This Section is intended to apply to the growing of marijuana on a residential property for personal use to the extent authorized by Article XVIII, Section 16(3)(b) of the Colorado Constitution.
 - b. Any person, for purposes of this Section and consistent with Article XVIII, Section 16(3)(b) of the Colorado Constitution, who is twenty-one (21) years of age or older that is cultivating marijuana plants for his or her own use may possess, grow, process or transport no more than twelve (12) marijuana plants subject to the following requirements:
 - i. Such processing, growing, possessing or transporting of marijuana plants for personal use must be in full compliance with all applicable provisions of Article XVIII, Section 16 of the Colorado Constitution.
 - ii. With the exception outlined in [Section 7.05.D3.b.iv](#) below, such marijuana plants are possessed, grown or processed within the primary residence of the person possessing, growing or processing the marijuana plants for personal use, as defined by [Section 7.05.D3.b.viii](#) below.
 - iii. No more than twelve (12) marijuana plants may be cultivated on a single-family primary residential property in any zone district, including but not limited to the Low Density (LDR), Medium Density (MDR), High Density (HDR), Mixed Use (MU), Town Center (TC),

Commercial Business (CB), Agricultural Forestry Transitional (AFT) and the Light Industrial (LI) Zone Districts.

- iv. In accordance with Section 18-18-406, C.R.S., regardless of whether the marijuana plants are for medical or recreational use, a person or persons cannot cultivate, grow or produce more than twelve (12) marijuana plants on or in a residential property, no matter how many persons reside on such property. If more than one (1) person over the age of twenty-one (21) resides in the single-family dwelling as a primary residence and more than one (1) person within that residence desires to cultivate marijuana for personal use, then the cultivation of plants over the twelve (12)-plant limit shall be grown in commercial structures located in the Town Center (TC), Commercial Business (CB) and the Light Industrial (LI) Zone Districts only.
- v. The possession, growing and processing of such marijuana plants must not be observable from the exterior of the single-family primary residence, including but not limited to:
 - (a) Common visual observation;
 - (b) Unusual odors, smells, fragrances or other olfactory stimulus; and
 - (c) Light pollution, glare or brightness that disturbs others.
- vi. Marijuana plants shall not be grown or processed in the common areas of a planned community or in the private or common area of a multifamily or attached residential development.
- vii. Such cultivation, production, growing and processing of marijuana plants shall be limited to the following space limitations within the residential property:
 - (a) Within a single-family dwelling, a secured, defined, contiguous area not exceeding one hundred fifty (150) square feet within the primary residence of the person possessing, growing or processing the marijuana plants for personal use.
 - (b) Within any primary residence occupied by people under the age of twenty-one (21), a "secure area" means an area within the primary residence accessible only to the person possessing, growing or processing the marijuana plants for personal use. Secure areas shall be locked or partitioned off to prevent access by children, visitors or anyone not authorized to possess marijuana.
 - (c) The cultivation, growing or processing of marijuana plants may occur in enclosed accessory structures such as a shed or greenhouse if such structure contains rigid walls and is a locked space to prevent access by children, visitors or intruders. "Enclosed" means a permanent or semi-permanent area covered and surrounded on all sides. Temporary opening of windows or doors or the temporary removal of wall or ceiling panels does not convert the area into an unenclosed space. "Locked area" means secured at all points of ingress or egress with a locking mechanism designed to limit access such as with a key or combination lock.
- viii. Such possession, growing and processing of marijuana plants shall meet the requirements of all adopted Town building and life/safety codes, including requirements concerning electrical systems and ventilation systems, as the same may be amended from time to time. Any person cultivating marijuana for personal use shall have an initial building and safety inspection conducted by the Town, shall comply with any conditions of said inspection and shall submit to periodic building and safety code inspections thereafter.
- ix. Pursuant to Section 9-7-113, C.R.S., the use of a compressed flammable gas as a solvent in the extraction of THC or other cannabinoids is prohibited.
- x. The possession, growing and processing of marijuana plants shall meet the requirements of all adopted water and wastewater regulations promulgated by the Town.
- xi. Cultivation of marijuana on or in a residential property that is not used for a primary residence is not permitted.

For the purposes of this Section, primary residence means the place that a person, by custom and practice, makes his or her principal domicile and address to which the person intends to return following any temporary absence, such as a vacation.

Residence is evidenced by actual daily physical presence, use and occupancy of the primary residence and the use of the residential address for domestic purposes, such as, but not limited to, sleep, preparation of meals, regular mail delivery, vehicle and voter registration or credit and utility billings. A person shall have only one (1) primary residence. A primary residence may include accessory dwelling units.

4. Cultivation of Medical Marijuana in nonresidential structures

The cultivation, production or possession of marijuana plants for medical use by a patient or primary caregiver, as such terms are defined by Article XVIII, Section 14 of the Colorado Constitution, shall be allowed in nonresidential units or structures in the Town Center (TC), Commercial Business (CB) and Light Industrial (LI) Zone Districts as a permitted use subject to the following conditions:

- a. The cultivation, production or possession of marijuana plants shall be in full compliance with all applicable provisions of Article XVIII, Section 14 of the Colorado Constitution, the Colorado Medical Marijuana Code, Section 12-43.3-101, et seq., C.R.S., and the Medical Marijuana Program, Section 25-1.5-106, C.R.S.
- b. Marijuana plants that are cultivated, produced or possessed shall not exceed the presumptive limits of no more than two (2) ounces of a useable form of marijuana per patient and no more than twelve (12) marijuana plants per patient, unless otherwise permitted under Article XVIII, Section 14 of the Colorado Constitution, shall be cultivated. A caregiver may cultivate medical marijuana for no more than five (5) licensed patients. Two (2) or more primary caregivers shall not join together for the purpose of cultivating medical marijuana within any nonresidential unit located in the Town Center (TC), Commercial Business (CB) and Light Industrial (LI) Zone Districts provided, however, each plant shall be tagged in a manner approved by the Town indicating who is cultivating the plant.
- c. Marijuana plants shall not be grown in the common area of any commercial or industrial building.
- d. The cultivation of medical marijuana plants in any building or unit within the Town Center (TC), Commercial Business (CB) and Light Industrial (LI) Zone Districts shall meet the requirements of all adopted Town building and safety codes. Any licensed patient or registered primary caregiver cultivating medical marijuana shall have an initial building and safety inspection conducted by the Town, shall comply with any conditions of said inspection and shall submit to an annual building and safety code inspection thereafter. The names of patients and caregivers and the location of their cultivation operations shall not be made available to the general public in accordance with Section 24-72-204(3)(a)(I), C.R.S., as contained in the Colorado Open Records Act.
- e. The cultivation of medical marijuana plants shall not be permitted on exterior portions of a lot. The cultivation, production or possession of marijuana plants within a building or unit must not be perceptible from the exterior of the building or unit.
- f. Any form of signage shall be prohibited; unusual odors, smells, fragrances or other olfactory stimulants shall be prohibited; light pollution, glare or brightness resulting from grow lamps that disturbs adjacent property shall be prohibited; and excessive noise from ventilation fans shall be prohibited.
- g. Any primary caregiver cultivating medical marijuana for licensed patients and providing said marijuana to patients for consideration, such as a monetary sum, shall obtain a business license from the Town pursuant to Chapter 6, Article I of the Palisade Municipal Code. Any primary caregiver transferring medical marijuana to a licensed patient for consideration shall also obtain a sales tax license and shall comply with the requirements of Chapter 4, Article IV of the Palisade Municipal Code concerning the collection and payment of municipal sales taxes.
- h. Pursuant to Section 9-7-113, C.R.S. the use of a compressed flammable gas as a solvent in the extraction of THC or other cannabinoids is prohibited.

5. Cultivation of Marijuana for Personal Use in nonresidential structures

The cultivation, production or possession of marijuana plants for personal use by a person twenty-one (21) years of age or older, as permitted by Section 16 of Article XVIII of the Colorado

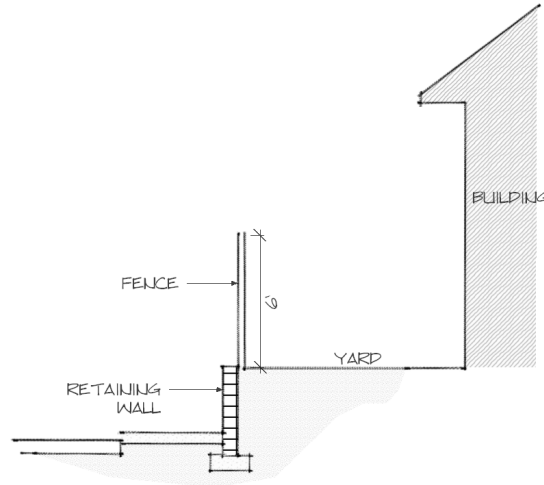
Constitution, shall be allowed in nonresidential units or structures in the Town Center (TC), Commercial Business (CB) and Light Industrial (LI) Zone Districts as a permitted use, subject to the following conditions:

- a. The cultivation, production or possession of marijuana plants shall be in full compliance with all applicable provisions of Article XVIII, Section 16 of the Colorado Constitution.
 - b. No more than twelve (12) marijuana plants per person may be cultivated.
 - c. Marijuana plants shall not be grown in the common area of any multi-tenant commercial or industrial building.
 - d. The cultivation of marijuana plants in any nonresidential building or unit within the Town Center (TC), Commercial Business (CB) and Light Industrial (LI) Zone Districts shall meet the requirements of all adopted Town building and safety codes. Any person cultivating marijuana for personal use shall have an initial building and safety inspection conducted by the Town, shall comply with any conditions of said inspection and shall submit to a periodic building and safety code inspection thereafter.
 - e. Two (2) or more persons may join together for the purpose of cultivating marijuana for personal use within nonresidential units located in the Town Center (TC), Commercial Business (CB) and Light Industrial (LI) Zone Districts if each plant is tagged in a manner approved by the Town indicating who is cultivating the plant.
 - f. The cultivation of marijuana plants shall not be permitted on exterior portions of a lot. The cultivation, production or possession of marijuana plants within a building or unit must not be perceptible from the exterior of the building or unit.
 - g. Unusual odors, smells, fragrances or other olfactory stimulants shall be prohibited; light pollution, glare or brightness resulting from grow lamps that disturbs adjacent property shall be prohibited; and excessive noise from ventilation fans shall be prohibited.
 - h. Pursuant to Section 9-7-113, C.R.S., the use of a compressed flammable gas as a solvent in the extrication of THC or other cannabinoids is prohibited.
6. Fences and walls
- a. General
 - i. Fences and walls not more than six (6) feet in height may be installed along any side (interior) and rear lot line.
 - ii. Fences and walls in any required street yard shall not exceed four (4) feet in height.
 - iii. Fences and walls placed on corner lots shall comply with the requirements of [Section 9.04.B.2.c.](#)
 - iv. Fences and walls higher than six (6) feet in height shall comply with all applicable yard requirements; provided, however, that the provisions of this Section shall not apply in the LI district.
 - v. Fences and walls shall be constructed of high quality materials, such as decorative blocks, brick, stone, vinyl, treated wood, wrought iron and chain link. Fences shall be constructed so that the supporting side of any fence (beams or cross arms, supports) are facing away from the right-of-way. Chain link shall not extend above the top fence rail. Barbed wire or other wire fence materials shall not be permitted outside the LI district.
 - vi. Electrical fences are prohibited.
 - vii. Breaks in any required fence or wall may be required for pedestrian connections to adjacent developments.
 - viii. The maximum length of a continuous, unbroken and uninterrupted fence or wall plane shall be one hundred (100) feet. Breaks shall be provided through the use of columns, landscaped areas, transparent sections and a change in material.
 - ix. All fences shall be kept in good repair at all times. Failure by the property owner to keep a fence in good repair may result in the Board of Trustees ordering that the fence be repaired or removed.
 - b. Height

The height of fences or walls shall be measured as the vertical distance between finished

grade on the highest side of the fence or wall to the top of the fence or wall.

Illustration 7-3: Fence Height



c. Location

The quality of the estimated location of the property line on which the fence is to be placed or replaced shall determine the conditions for approval of the planning clearance.

- i. If the corners which define the property line on which the fence is to be placed are monumented, the fence shall be placed up to or inside that property line. No other approval is required except that of the Town in approving the planning clearance.
- ii. If the property line on which the fence is to be placed is not marked by survey monuments and is adjacent to another private property, the notarized signature of the owner of that adjacent property approving the proposed location of the fence must be provided in the planning clearance application. The language to which the adjacent owner is attesting must be clear as to having knowledge of the proposed location of the fence and of having no objection to the proposed location. If the applicant is unable to obtain a signature of approval from the adjacent property owner, the applicant will be required to obtain a survey monumenting the property lines on which the fence is to be placed.
- iii. If the property line is adjacent to a street or alley for which the Town has determined a reasonable location of the right-of-way line, the fence shall be placed up to or inside that line except that the location of the fence may not be closer than the edge of the sidewalk, if existing, or from the edge of the most probable location of a future sidewalk as determined by the Town.
- iv. If the property line is one which is adjacent to an alley and cannot be reasonably located, the fence shall be placed on the property side of the right-of-way line based on the evidence of existing fences and buildings along the alley. If the evidence is insufficient, the fence shall be placed no less than fifteen (15) feet from the apparent centerline of the alley.

7. Fruit and vegetable stands

Fruit and vegetable stands are allowed provided no hazards are created with parking, ingress, egress and the operation does not disrupt the peace, quiet and dignity of the neighborhood and shall comply with the following standards:

- a. The fruit and vegetables offered for sale shall be grown on the lot or upon any parcel of land which is contiguous to such lot and which is also owned by the owner of the lot.
- b. The fruit and vegetables may be offered for sale only during the normal growing season for such fruit and vegetables or for such period of time thereafter as may be reasonably necessary to sell the fruit and vegetables which were produced during the normal growing season.
- c. The owner of the lot shall comply with all other applicable requirements, restrictions and

regulations of this LDC, including without limitation all setback requirements and requirements for signs and outdoor advertising devices.

8. Garages, carports and similar vehicle storage facilities

Garages, carports and similar structures shall:

- a. Be built of materials similar to the principal structure; and
- b. Be used for the storage of automobiles, recreation vehicles and/or commercial vehicles or for uses incidental to the dwelling to which it is an accessory.

9. Home occupations

Home occupations shall meet the following standards:

- a. Home occupations shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes.
- b. No exterior alterations of the structure shall be made which are of a nonresidential nature and shall change the character of the residence. No evidence, other than signage, of any home occupation shall be perceptible to an observer in the street or on any other property.
- c. Home occupations shall only be conducted within a dwelling or accessory structure.
- d. There shall be no visible storage of equipment, materials or vehicles that have more than two (2) axles.
- e. No person shall be employed at any time, other than a member of the immediate family residing on the premises.
- f. Advertising signs shall be limited to one (1) unlighted wall sign no larger than three (3) square feet in area, attached to the structure housing the home occupation or one (1) free-standing sign of the same size not to exceed three (3) feet in height.
- g. No trading in merchandise shall be carried on and in connection with a home business and there shall be no display of merchandise.
- h. In the event the home occupation involves tutoring or instruction, no more than two (2) students may be present at the dwelling unit at any one time.
- i. No use or activity shall be conducted that creates undue noise, vibration, electrical interference, smoke or particulate matter emission, excessive power demands or odors beyond the confines of the lot on which said occupation is conducted. Such uses shall comply with the operational performance standards of [Section 10.12](#).
- j. All persons engaged in home occupations shall register said occupations with the Town Clerk. The registration shall include the name and address of the persons conducting the home occupation and a description of said occupation. Such registration shall include a statement that the home occupation complies and will continue to comply with the conditions set forth above.

10. Home businesses

The following home business standards are intended to permit residents to engage in home businesses within residential zoning districts that are compatible with residential land uses and to ensure that home businesses do not adversely affect the integrity of residential areas. Home businesses shall comply with the following standards:

- a. The use shall be subject to the conditional use review procedures of [Section 4.07](#); provided, however, that no such conditional use permit will be transferable to future owners or occupants of the principal dwelling unit.
- b. Home business shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes.
- c. No exterior alterations of the structure shall be made which are of a nonresidential nature and shall change the character of the residence. No evidence of any home business, other than signage, shall be perceptible to an observer in the street or on any other property.
- d. Home occupations shall only be conducted within a dwelling or accessory structure. There shall be no visible storage of equipment, materials or vehicles that have more than two

- (2) axles.
 - e. Up to two (2) persons other than a member(s) of the immediate family occupying such a dwelling may be employed by the home business.
 - f. Advertising signs shall be limited to one (1) unlighted wall sign no larger than three (3) square feet in area, attached to the structure housing the home occupation, or one (1) free-standing sign of the same size not to exceed three (3) feet in height.
 - g. No equipment shall be used and no activity conducted that creates undue noise, vibration, electrical interference, smoke or particulate matter emission, excessive power demands or odors beyond the confines of the lot on which said occupation is conducted. Home businesses shall comply with the operational performance standards of [Section 10.12](#).
 - h. One (1) off-street parking space shall be provided for each person working on the premises other than member(s) of the immediate family occupying such a dwelling. Such parking shall be in addition to otherwise required off-street parking.
 - i. No mechanical equipment is used or activity is conducted which creates any noise, dust, odor or electrical disturbance beyond the confines of the lot on which said occupation is conducted.
 - j. No trading in merchandise, other than incidental sales, shall be carried on in connection with a home business and there shall be no display of merchandise. This provision shall not apply to beauty salons, which otherwise comply with these standards.
11. Outdoor storage
- a. Merchandise and materials which are not completely assembled or which are not immediately and actively being offered for sale, shall be so screened by ornamental fences or evergreen planting or by permanent buildings, that it cannot be seen from a public street.
 - b. Areas for truck parking and loading and areas for outdoor storage, including trash collection and compaction, shall be incorporated in the overall design of the site to assure adequate screening. The screening shall be a combination of structures and evergreen landscaping to minimize visibility from adjacent streets and residential areas.
 - c. Nonenclosed areas for the storage and sale of seasonal inventory shall be permanently screened with walls and/or fences.
 - d. All trash collection and loading areas shall be located and designed to ensure adequate on-site maneuvering of vehicles.
 - e. All developments, including multi-family housing, shall provide a designated trash collection area meeting the requirements of this Section.
12. Family child Care Home
- A family child care home shall be considered an accessory use to a residence in all districts, provided no more than twelve (12) children are present on the premises at any one time. Family child care homes are licensed and regulated under regulations issued by the Colorado Department of Human Services.

Section 7.06 Temporary Uses

A. General

Temporary use permits will be required in those circumstances where, due to proximity to residential land uses or potential for traffic, noise, visual and other impacts, the Community Development Director deems it necessary to regulate certain aspects of the temporary use. Temporary use permits shall not be required for those occasional special events which are held in conjunction with and subordinate to an established, legal land use.

B. Use Requirements

No temporary use shall be established unless a temporary use permit has been approved pursuant to the provisions of [Section 4.09](#). In addition to complying with the approval criteria of [Section 4.09](#), the following uses shall comply with the applicable specific use requirements:

1. Concrete and asphalt products

Temporary facilities for manufacturing concrete, asphalt or related products shall comply with the standards of this Section. Such uses may be located in any zoning district where they are directly associated with construction in the area. Retail sales of such products shall be prohibited in conjunction with temporary plants. The production site must be returned to its pre-construction state following completion of the associated project. Such permits shall be valid for up to six (6) months.

2. Carnival, circus or similar events

Temporary large scale events including political rallies, concerts, festivals, carnivals, circuses or similar events which are intended to draw crowds in excess of two hundred (200) people shall comply with the following standards:

- a. Minimum setback from lot lines adjacent to residential uses (all sides): one hundred fifty (150) feet.
- b. The above minimum setback shall apply to all equipment, structures and displays.
- c. The maximum length of the permit shall be seven (7) days and no more than one (1) such permit shall be issued per lot in any calendar year.
- d. The applicant must provide adequate parking.
- e. The applicant must make arrangements for police protection and security guards for crowd control.
- f. The applicant must guarantee cleanup of the premises.
- g. The applicant may be required to post a bond in a reasonable amount as determined by the Town to ensure compliance with the requirements of this Section.

3. Construction field offices, temporary

Temporary construction field offices shall comply with the requirements of this Section.

- a. A temporary building for use as a construction field office is permitted on a nine-month basis. One (1) construction field office shall be allowed for each builder in a subdivision in which that builder has the authority to construct structures.
- b. If the temporary building or use as a construction field office violates any Town ordinances, the certificate of occupancy shall be revoked, unless satisfactory compliance is achieved.

4. Sales offices and model homes, temporary

A temporary sales office and model home may be located within any zoning district provided such use shall comply with the standards of this Section.

- a. Temporary residential sales offices and model homes may be located within a residential district as part of an on-going residential development.
- b. Any temporary residential sales office or model home shall be removed or converted to a use permitted within the district when certificates of occupancy have been issued to eighty percent (80%) of the associated residential units or when use as a sales office or model home has ceased.
- c. Model homes for new subdivisions shall only be occupied for residential habitation after all business activities have ceased and upon sale of the home and shall comply with the applicable residential parking standards at that time.

ARTICLE 8 PLANNED DEVELOPMENT (PD)

Section 8.01 General provisions

A. Applicability

In accordance with Article 67 Title 24, C.R.S., planned development districts may be approved only when the applicant demonstrates to the satisfaction of the Town Board that a proposed planned development project would not negatively affect surrounding property and uses and/or that the PD would result in a greater benefit to the Town than would development under conventional zoning district regulations.

B. Review Process

All planned developments shall be reviewed and approved in accordance with the procedures of [Section 4.03](#), Planned development and approval thereof shall constitute a Zoning Map amendment.

C. Approval Criteria

In approving a planned development, the Town Board shall find that the district designation and Planned Development Control Document (PDCD) both comply with the general provisions for all planned developments in this Section and the specific standards for the proposed planned development as listed in [Section 4.03.E](#).

D. Planned Development Control Document Requirement

In approving a PD, the Town Board shall require a PDCD of the proposed development. The PDCD shall show the development to be compatible with the character of surrounding land uses, the Palisade Comprehensive Plan, and maintain and enhance the value of surrounding properties. The PDCD shall be prepared by a landscape architect, engineer or architect or land use planner. The PDCD shall include the necessary maps, permitted land uses as well as [Section 4.03.F](#) of this LDC. The PDCD shall be reviewed and recorded as part of the approval process.

E. Identification on Zoning Maps

Approved PD district shall be indicated on the Official Zoning Map.

F. Recreation and Open Space

At least twenty percent (20%) of the gross land area of any planned development district must be dedicated as recreation and open space in accordance with [Section 9.14](#).

G. Preservation of Natural Features

Mature trees, vegetative cover, watercourses and other natural site features must be preserved to the maximum extent feasible.

H. Allowed Uses

Allowed uses in the PD district shall be established as part of the review application approval process and shall be clearly indicated on the PDCD.

I. Dimensional Standards

Dimensional standards in the PD district shall be established as part of the rezoning application approval process and shall be clearly indicated on the PDCD.

J. Roadway Access

Unless otherwise expressly approved during the application process (see [Section 4.03](#)), principal vehicular access must be from collector or higher classification streets.

K. Project Boundary Buffer

1. Residential PD

- a. No buffer is required where the width of the project's perimeter lots is equal to or greater than the minimum lot width of the adjoining development or the minimum lot width required by the zoning district applied to any adjoining undeveloped parcel.
- b. Where narrower lot widths are provided, a Class C buffer shall be provided (see [Section 10.03.D](#)) along all project boundaries.

2. Commercial or industrial PD

A Class C buffer shall be provided (see [Section 10.03.D](#)) along all project boundaries.

L. Architectural Review

The Planning Commission may require an architectural site plan review for the purpose of promoting the preservation of the visual character of the neighborhood, the stability of land values and investment, the public safety and the general welfare by preventing the erection of structures or additions or alterations thereto of unsightly or obnoxious appearance, which are not properly related to their sites or to prevent the indiscriminate clearing of property, excessive grading and the destruction of trees and shrubbery. In carrying out the purpose of this Section with respect to the external design of the buildings, approval shall be considered in accordance with the following objectives:

1. Reducing the adverse visual impacts of structures which, because of size, scale, color or location are out of harmony with the neighborhood in which they are to be constructed.
2. Minimizing disturbances to the natural terrain and existing significant vegetation; enhancing drainage; reducing soil erosion; and otherwise maximizing compatibility with policies and regulations of this LDC.
3. It is the intent of this Section that the Town shall exercise the minimum control necessary to achieve the overall objectives thereof.

M. Additional Conditions

The Town Board shall impose such other conditions as are deemed necessary to accomplish the purposes of this Section, this LDC and the Comprehensive Plan.

N. Amendments

1. All proposed amendments to an approved PDCD or text thereof shall be considered a major amendment and must be processed in accordance with the procedures and requirements of [Section 4.03](#), Planned Development.
2. The applicant requesting such change shall notify the property owners' association, at least fifteen (15) days prior to any decision and ask that all comments be directed to the Community Development Director. Proof of such notification shall be provided to the Community Development Director. If the Community Development Director determines that the change does not have the support of the affected property owners, the request will be referred to the Town Board for review.

O. Effect on Other Code Standards

Except as expressly authorized by the regulations of this Section and approved as a part of a PD control document in accordance with the procedures of [Section 4.03](#), Planned Development, the standards of this LDC shall apply to development within any PD.

ARTICLE 9 SUBDIVISION REGULATIONS

Section 9.01 General Provisions

A. Intent

This Article is designed and enacted with the intent to promote the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants of the Town. Therefore:

1. It is hereby declared to be the policy of the Town to consider the of land and its subsequent development to be subject to control by the Town pursuant to the Palisade Comprehensive Plan for the orderly, planned, efficient and economical development of the Town.
2. Land shall not be subdivided unless it is of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace and, land shall not be subdivided until public facilities and improvements exist and provision has been made for necessary improvements such as drainage, water, sanitary sewer and transportation facilities.
3. Existing and proposed public improvements shall conform to the intent of and be properly related to the policies and recommendations of the Palisade Comprehensive Plan. It is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in this LDC, the Palisade Comprehensive Plan and all related sections of the Palisade Municipal Code.
4. The Town shall not approve the subdivision of land if, from adequate investigations conducted by all public agencies concerned, it has been determined that in the best interest of the public, the site is not suitable for platting and development purposes of the kind proposed. Land subject to flooding and land deemed to be topographically unsuitable shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property or aggravate erosion or flood hazard. Such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or shall not produce unsatisfactory living conditions. General provisions

B. Plat Required

The subdivider of a tract of land located within the Town limits; and the developer of multi-family and nonresidential development within the Town limits shall prepare and submit for approval a plat and or site plan of the subdivision in accordance with this Section. This requirement shall not apply to the Town or to other governmental agencies.

C. Unapproved Plat

No Town approvals, including but not limited to building, repair, plumbing or electrical permits, shall be issued by the Town for any structure on a lot in a subdivision for which a final plat has not been approved and filed for record.

D. No Town Maintenance

The Town shall not repair or maintain any streets or public utility services that have not been accepted in writing by the Board of Trustees. The Town shall not repair, maintain, install or provide any streets or public utilities or services in any subdivision for which a final plat has not been approved and filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full.

E. No Utility Service

The Town shall not sell or supply water or wastewater services within a subdivision for which a final plat has not been approved and filed for record, nor in which the standards contained herein have not been complied with in full.

F. Reserved Strips and Remnants Prohibited

There shall be no reserved strips controlling access to a proposed or existing public easement or right-of-way in such a manner that it denies access from adjacent property to said street or easement, except where their control is placed in the Town under condition approved by the Planning Commission.

G. Sequence and Continuity of Improvements

1. Unless otherwise approved by the Community Development Director, improvements shall be

installed on the site in the following sequence:

- a. Street grading and installation of water distribution lines, fire hydrants, sanitary sewers, storm sewers, gas, telephone, cable television and electric service lines, with connections for each system extended beyond the curb line to preclude subsequent cutting of pavement;
 - b. Street base material;
 - c. Curb and gutter and sidewalks; and
 - d. Street paving.
2. Continuity of improvements
- a. All improvements shall be designed and installed so as to provide for a logical system of utilities, drainage and streets and to create continuity of improvements for the development of adjacent properties.
 - b. Water distribution lines shall be looped or connected to at least two (2) existing sources whenever possible.

H. Existing Structures

The subdivision or resubdivision of a tract or lot shall not be permitted to cause an existing permanent structure to violate the standards of this LDC.

I. Engineering and Construction Standards

All required improvements shall be constructed in accordance with the Town's most recent construction standards. Where such standards do not specifically cover a design or construction issue, the Community Development Director shall have the authority to enforce other nationally recognized standards. Where a roadway is maintained by CDOT, the roadway and any intersections with such roadway shall be constructed in conformance with the Town's construction standards or CDOT standards and specifications, whichever is more stringent.

J. Drainage

All drainage improvements shall be designed and constructed consistent with the latest issue of the Stormwater Management Manual adopted by Mesa County.

K. Traffic Impact Analysis

Where the Community Development Director or the Planning Commission deems it necessary, a traffic impact analysis shall be provided by a qualified, professional traffic engineer.

Section 9.02 Access

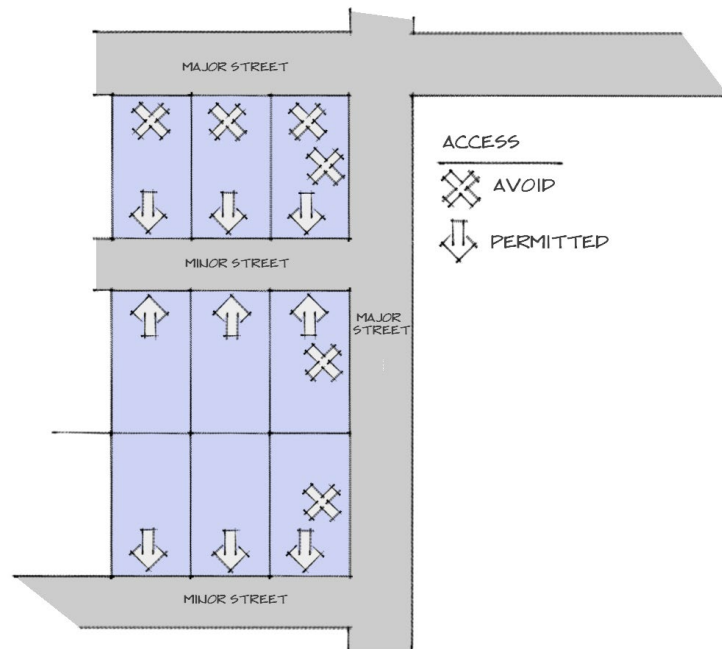
A. Large Tracts or Parcels

When land is subdivided into lots or blocks that are to be reserved for future development, such lots or blocks shall be arranged so as to allow for the opening of future streets and logical further subdivisions. If the Comprehensive Plan recommends major streets to cross the subdivision, the rights-of-way shall be dedicated to the public.

B. Single-Family Residential Lots

1. Single-family residential lots shall derive access from minor streets only. Unless approved by the Planning Commission, access from major streets should be avoided.
2. Where a single-family residential lot borders a major street and a minor street, access shall be gained from the minor street only and the final plat shall include a note restricting access to such lots from the collector, arterial or other major street.
3. Where driveway access from a major street may be necessary for several adjoining lots, a combined access drive may be required in order to limit possible traffic hazards.

Illustration 9-1: Single-Family Lot Access



C. Access Requirements

1. Residential subdivisions

- Any residential subdivision of greater than thirty (30) lots shall include at least two (2) access points. The second access may consist of a stub street.
- Any residential subdivision of greater than seventy-five (75) lots shall include at least two (2) access points. Stub streets shall not be considered part of the two (2) access points.
- No more than seventy-five (75) planning clearances may be issued within the subdivision until the required secondary access has been constructed or security guaranteeing construction has been accepted by the Town.
- Residential subdivisions of two hundred fifty (250) or more lots shall provide three (3) separate access points. Where three (3) or more access points are required, the Planning Commission may waive the requirement for immediate construction of more than two (2) access points, provided that subdivision phasing and design illustrates the additional required connections. For those subdivisions large enough to require a third access, a stub-out street may be credited as a required access if the two (2) functioning access roads are both connected to a collector road.

2. Nonresidential subdivisions

Nonresidential subdivisions shall have access to an arterial street; provided that the Planning Commission may approve access to a collector street if traffic conditions warrant such access. Nonresidential subdivisions shall not have access to local streets other than local streets which comprise a part of the same nonresidential subdivision.

3. Waiver

A waiver of the standards of this Section pursuant to the provisions of [Section 9.02.C.3](#) may be allowed by the Planning Commission in conjunction with the approval of the preliminary subdivision plat only in extreme cases where limited frontage, natural features (slope, topography) or similar circumstances preclude the required connections and there is no substantial impact noted regarding emergency service delivery.

Section 9.03 Street Design

A. Street Layout

- The layout of new streets shall be considered in their relation to existing and planned streets, to

the public safety and convenience and to their appropriate relationship to the proposed use of the land to be served by such streets.

2. Street layout shall conform as much as possible to topography; to permit efficient drainage and utility systems; to require the minimum number of streets necessary for convenient and safe access to property.
3. Minor streets (collector and local streets) shall be designed so that their use by arterial traffic will be discouraged.
4. Where the plat to be submitted includes only part of the property owned or intended for development by the subdivider, a tentative plan of a proposed future street system for the unsubdivided portion shall be prepared and submitted by the subdivider with the preliminary plat.

B. Relationship to Adjoining Street Systems

1. The arrangement of streets should provide for the continuance of local, collector or arterial streets between adjacent properties when such continuance is deemed necessary by the Planning Commission for convenient movement of traffic, for effective fire protection, for efficient provision of utilities and where such continuation is in accordance with the Comprehensive Plan.
2. Whenever connections to anticipated or proposed surrounding streets are required by this Section, the rights-of-way shall be extended and the street developed to the property line of the subdivided property at the point where the connection to the anticipated or proposed street is expected. The Community Development Director may require temporary turnarounds in accordance with the requirements of [Section 9.03.F](#).
3. Whenever a residential subdivision abuts or contains an existing or proposed major street, access to such major street shall be limited by one (1) or more of the following means:
 - a. Reverse frontage may be required with screened planting along the rear property line. Deep lots or other such treatment must be required along with this solution. For corner lots or lots with double or reverse frontage, the Planning Commission shall require that a "limits of access" note be placed on the face of the final plat resulting in no access from collector streets or major streets when a lot may derive its access from a local street.
 - b. A series of cul-de-sacs, U-shaped streets or short loops entered at right angles to parallel street shall be encouraged.

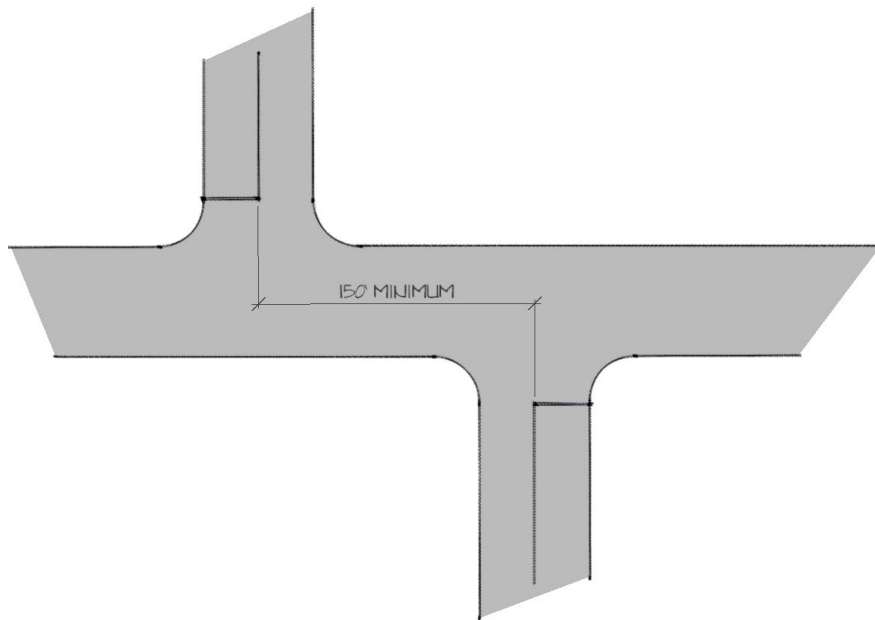
C. Intersections

1. Streets shall be designed to intersect, as nearly possible at right angles (90°) to other streets.
2. No more than two (2) streets shall intersect at any one (1) point unless specifically approved by the Planning Commission.
3. Street corners shall have a minimum radius of twenty-five (25) feet at the curb line. Street intersections involving major streets shall have a minimum street corner radius of thirty (30) feet at the curb line. Alley intersections and abrupt changes in alignment within a block shall have the corners rounded to permit safe vehicular movement in accordance with [Section 9.03.N](#) and standard engineering practice.
4. The design of intersections with an existing state or federal highway shall be in accordance with CDOT specifications, but in no case shall the standard be less than the applicable specifications and requirements of these regulations or other applicable regulations of the Town.

D. Street Jogs

Street jogs with centerlines of less than one hundred fifty (150) feet apart shall be avoided. The Planning Commission shall require that streets be connected in such a manner that a smooth flow of traffic and the elimination of traffic hazards are assured.

Illustration 9-2: Street Jogs

**E. Half Streets**

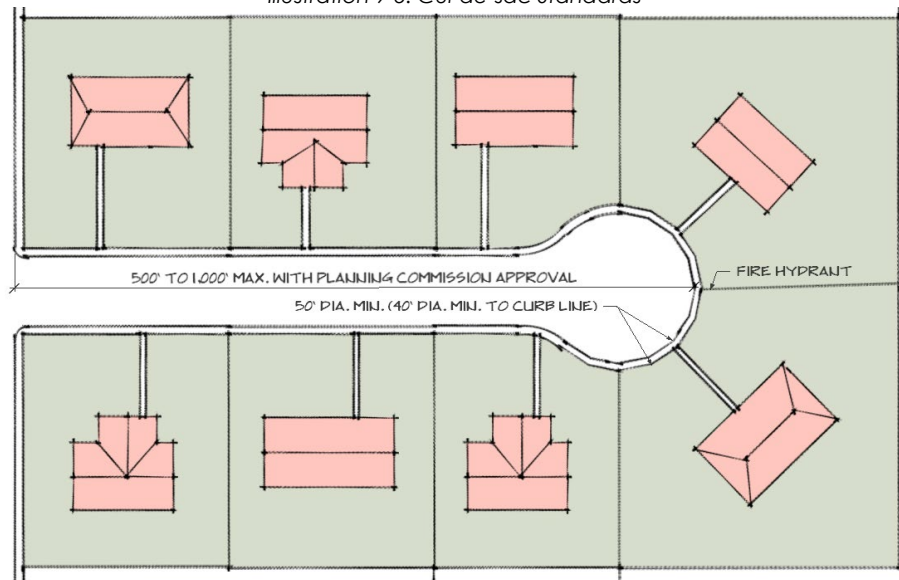
1. Half streets shall be prohibited except where essential to reasonable development of the subdivision in conformity with other requirements of these regulations, and provided that the Community Development Director recommends to the Planning Commission that it will be practical to obtain the dedication of the other half of the street right-of-way when the adjoining property is subdivided. Whenever a half street is adjacent to the tract to be subdivided, the other half of the street shall be platted within the tract being subdivided.
2. Where a subdivision borders an existing street or road meeting Town standards and specifications or when the Comprehensive Plan or zoning setback requirement indicate plans for realignment or widening of that street or road which would require use of some of the land in the subdivision, the applicant shall dedicate the additional right-of-way from the centerline. All arterial or section line roads abutting or bordering a proposed subdivision shall be improved to Town standards and specifications. Upon recommendation by the Community Development Director, the Planning Commission may require the improvement of an abutting collector or local street or road or any part thereof to Town standards and specifications. Land reserved for any public street purposes shall not be counted in satisfying yard or area requirements of this LDC. Said land shall be dedicated to the municipality in fee simple, as right-of-way, and indicated on an approved final plat.
3. Whenever a development is adjacent to an already existing unpaved street, the developer will not be required to pave the entire breadth of said street but only half of the same street adjacent and parallel to said development.
4. Whenever a subdivision contains a half street approved by the Planning Commission, the subdivider will be required to pave the half of the street dedicated.

F. Temporary Dead-End Street (Stub Street)

1. Temporary dead-end streets shall be permitted up to one thousand (1,000) feet in length subject to the following requirements:
 - a. Temporary turnarounds shall be required where a temporary dead-end street exceeds two hundred (200) feet in length. The developer shall provide a sign at the stub declaring that the particular street shall connect with any future development.
 - b. Provisions shall be made for adequate storm drainage structures to prevent water from standing in the end of a temporary dead-end street.

G. Cul-de-sac

1. Cul-de-sacs may be permitted only on local streets.
2. No cul-de-sac or permanent dead-end street shall exceed five hundred (500) feet in length, measured from the nearest street right-of-way line to the outer curb line of the cul-de-sac.
 - a. When topography or ownership creates a hardship, the Planning Commission may waive the five hundred (500) foot maximum cul-de-sac length, but in no case shall the cul-de-sac length be in excess of one thousand (1,000) feet.
 - b. In approving a cul-de-sac greater than five hundred (500) feet in length, the Planning Commission may require an intermediate turnaround or emergency access.
3. A cul-de-sac shall have a turnaround radius of not less than fifty (50) feet at the property line and forty (40) feet at the curb line. The cul-de-sac's terminus shall be no closer than one hundred (100) feet from the right-of-way line to the boundary of adjoining property.
4. A fire hydrant shall be provided at the end of each cul-de-sac in accordance with the requirement of the Fire Protection Ordinance.
5. Provisions shall be made for adequate storm drainage structures to prevent water from standing in the end of a cul-de-sac.

Illustration 9-3: Cul-de-sac Standards**H. Frontage Road (Service Road)**

Where a parcel of land to be subdivided adjoins an arterial or railroad, the Planning Commission may require that such lots be provided access by a frontage road. Reverse frontages with screen planting contained in a nonaccess reservation along the rear property line, deep lots or such other treatment may also be required as may be necessary for adequate protection of residential properties and to afford separation of arterial and local traffic.

I. Private Streets

1. All private streets shall be constructed according to the Town's public street construction standards.
2. Unless the recorded plat of a subdivision clearly indicates a street to be private, the recording of such plat shall constitute an offer of dedication of such streets and shall contain the words "dedicate, transfer" or "convey."
3. The Town shall have the discretion to require a public street connection for safety or access purposes.
4. The recorded plat of any subdivision that includes a private street shall clearly state that such street is a private street.
5. All private streets shall be maintained by a designated responsible party in accordance with

Section 10.09.

6. Where private streets are later made public through dedication to the Town, such streets shall be brought up to public construction and maintenance standards, prior to their acceptance by the Town.

J. Major Streets

1. Major streets include all principal arterials, minor arterials, major collectors and minor collector streets.
2. Where a subdivision encompasses a major street as shown on the Comprehensive Plan, provisions must be made for the uninterrupted extension of such streets as shown on said Plan. In certain cases the Town may have constructed a street through the area to be subdivided, in which case the subdivider shall develop the necessary street intersections at his or her expense, in accordance with the requirements of this Section.
3. Where a subdivision contains a major street that requires a street facility that is more costly than is required to serve the future occupants of the subdivision, the subdivider shall be required to pay only the portion of the cost of the arterial street that would equal the cost of any improvements required to serve only the subdivision, as determined by the Town.

K. Street Classification

Street classification shall be as follows, with principal arterial being the highest classification and alley being the lowest.

1. Principal arterial
A multilane facility for traffic movement with a minimum number of at-grade intersections, which serves as the principal network for high volumes of traffic. Residences should not front on a principal arterial.
2. Minor arterial
A multilane facility for traffic movement and for giving access to abutting property in accordance with the access management provision of Section 10.07, which provides connections between local and collector streets and the principal arterials and freeways, and which provides movement of relatively large volumes of traffic for short distances within the community. Residences fronting on a minor arterial are discouraged.
3. Major collector
A street located within neighborhood or other integrated use area which collects and distributes traffic from local streets or other minor streets and connects with arterial streets or community or neighborhood facilities.
4. Minor collector
A street which serves as a connector street between local streets, cul-de-sacs and major and minor arterials.
5. Local
A street which collects and distributes traffic between parcels of land and collector or arterial streets, with the principal purpose to provide access to abutting property.
6. Alley (lane)
A local street with a single lane providing service access along rear or side property lines of lots which are also served by one (1) of the other listed street types.

L. Street Names and Numbers

1. Street names shall not be used which will duplicate or be confused with the names of existing streets in the Town or county. Street name shall be subject to the approval of the appropriate decision maker.
2. Streets that are obviously in alignment with other already existing streets shall bear the names or numbers of all existing streets.
3. Street numbers shall be established by the Fire Chief.

M. Street Signs and Traffic Control Devices

1. All pavement marking, signs and other traffic control devices needed for new subdivisions shall

be installed by the developer at his expense, subject to location approval by the Community Development Director. All traffic control devices required by this Section shall be in conformance with the Uniform Traffic Code.

2. All street signs shall be installed, at the expense of the developer, at each intersection within the subdivision and shall conform to the requirements of Manual Uniform Traffic Control Devices and the Model Traffic Code, as appropriate. Street signs shall be supplied and installed by the developer and approved by the Public Works Department.

N. Alleys

1. Alleys shall be provided in all districts, except that upon review, the decision making authority may waive this requirement where other definite and assured provision is made for service access, such as adequate off-street loading, unloading and parking facilities consistent with and adequate for the uses proposed. (See [Section 10.01](#))
2. Placing utilities under paved alleys should be avoided in commercial or industrial areas which contain utility lines.
3. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be designed and constructed in such a manner as to permit safe and convenient vehicular movement.
4. When alley intersections are unavoidable, as in "T," "L" or "H" alley configurations, easements shall be established to ensure compliance with the corner setback and safe sight triangle requirements of [Section 10.07.L](#).
5. Dead-end alleys shall be avoided, but where unavoidable, shall be provided with adequate turnaround facilities at the dead-end, as determined by the Community Development Director.

Section 9.04 Lots and Blocks

A. General

The arrangement of lots and blocks shall be such that there will be no foreseeable difficulties for reasons of topography or other conditions, in securing a building permit. All building lots shall be arranged to comply with the Comprehensive Plan, this LDC and current building codes.

B. Lots

1. Access

All lots must have access in accordance with access management standards of [Section 10.07](#) and have frontage on a street constructed to the standards of this LDC.

2. Lot configuration and dimensions

a. Width and area

Lots shall have a width and area of not less than that required by this LDC. Lots, tracts and parcels created for a particular commercial or industrial use shall have sufficient area and dimensions to provide for off-street parking and loading facilities as required by this LDC for the type of use and development proposed.

b. Lot lines

Side lot lines should be at right angles to street line or radial to curving street lines except in townhouse developments abutting a curvilinear right-of-way.

c. Safe sight triangle

Corner lots shall comply with the corner setback and safe sight triangle requirements of [Section 10.07.L](#). Said triangle shall be protected by easement or right-of-way dedicated to the Town.

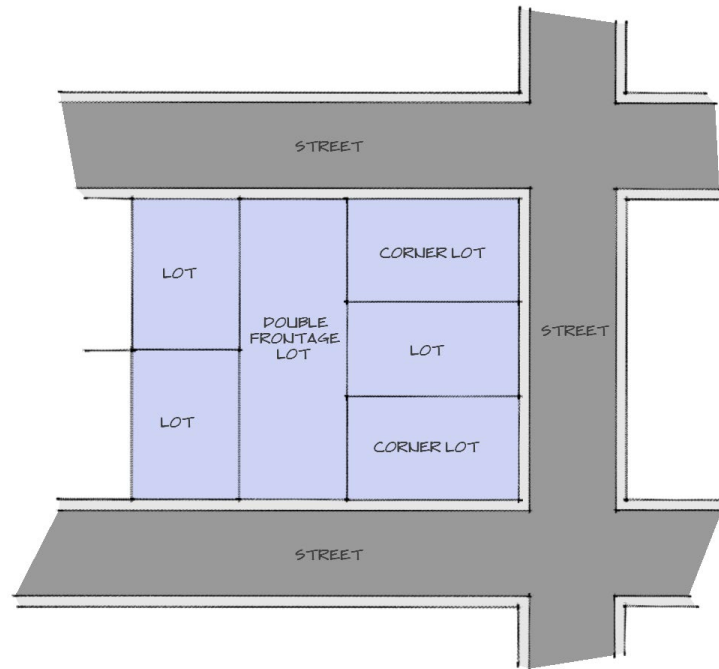
d. Drainage

i. Each lot, site and block within a plat or subdivision shall be adequately drained, as prescribed by these regulations and all other ordinances and regulations.

ii. Lots shall be laid out so as to provide positive drainage away from all buildings. Individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.

- iii. No lot or site within a plat or subdivision shall derive sole access to a public street through a regulatory floodway unless such access shall be designed to remain open under base flow or one-hundred-year floodplain conditions.
3. Double frontage (through lots)
- Residential lots may not have frontage on two (2) nonintersecting local or collector streets, unless access is taken from the street with the lower classification in accordance with [Section 9.03.K](#).

Illustration 9-4: Double Frontage Lot



- a. Residential lots adjacent to both an arterial street and a local street must have frontage on the local street. Vehicular access to these lots may be from the local street only. Nonresidential lots with double frontage must have offset access points to inhibit cut-through traffic.
 - b. Where rear of lot abuts an arterial street, a sight-proof screening shall be provided and shall not be less than six (6) feet in height. There shall be no access to the rear or side portion of any lot abutting such street.
4. Undivided lots
- Where a lot or lots are to be held for future development, the lot or lots must meet all requirements of these regulations and other applicable regulations for lots and blocks including lot sizes and dimensions, shall be shown on the preliminary plat and shall be included in the proposed phasing schedule.
5. Numbering
- Lots shall be numbered consecutively within each block, phase or plat and from block to block in a uniform manner.

C. Blocks

1. Length
- a. Blocks for residential use should not be longer than five hundred (500) feet measured along the centerline of the block. Wherever practical, blocks along primary and minor arterial streets should be not less than one thousand (1,000) feet.
 - b. A waiver of the standards of this Section pursuant to the provisions of [Section 4.05.A6](#) may be allowed provided that where a block exceeds six hundred (600) feet in length, the Planning Commission may require a pedestrian accessway if deemed necessary to provide circulation or access to schools, playgrounds, shopping centers, transportation or

other community facilities (see [Section 10.02.E](#)).

2. Width and depth

Blocks used for residential purposes shall be of sufficient width to allow for two (2) tiers of lots of appropriate depth but shall not be less than two hundred twenty (220) feet in width except where otherwise required to separate residential development from through traffic. Other exceptions to the prescribed block width shall be permitted for blocks adjacent to major streets, railroads or waterways. Such exceptions are allowed provided other applicable provisions of these regulations are adhered to.

3. Numbering

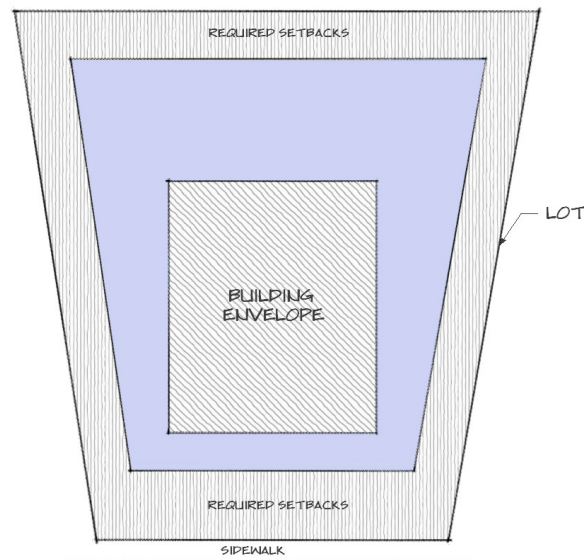
Blocks shall be numbered consecutively within the overall plat or sections of an overall plat as recorded.

D. Building Envelopes

Building envelope lines may be provided on the plat for lots within subdivisions.

1. Building envelope lines shall meet the minimum required setback of this LDC unless approved by the Planning Commission.
2. Building envelopes shown on an approved final plat that are more restrictive than the setback requirements of this LDC, shall represent the mandatory setback line.

Illustration 9-5: Building Envelope



E. Monuments

Permanent reference monuments shall be installed for all sites proposed for development.

1. At least one (1) corner of a development shall be designated by course and distance from a readily discernible reference marker such as a U.S. Government marker, section corner or quarter-section corner.
2. At least two (2) reasonably permanent markers shall be installed within each development. Additional monuments shall be installed if so directed by the Community Development Director or the Planning Commission.
3. Reasonably permanent markers shall be consistent in size and materials and shall be set in accordance with Mesa County's current standards.
4. A durable cap bearing the registration number of the professional land surveyor responsible for the establishment of the monument shall be affixed securely to the top of each monument.
5. A bench mark, based on USGS or NGS datums shall be established and shown on the site plan. An assumed datum will not be allowed.

Section 9.05 Utilities

A. Water Supply

1. Connect to Town system

All development occurring within the Town shall be connected to the Town's water supply system unless otherwise approved by the Community Development Director.

2. Water lines

The developer shall provide adequate service lines and stubs to each lot such that street and sidewalk cuts will not be required in order to connect the proposed buildings with the water mains. The tap of the water main shall be made by the Town or be accomplished under Town supervision, in conformance with all applicable Town standards, including the Town's construction standards.

B. Sanitary Sewer

1. Connect to Town system

All developments occurring within the Town shall be connected to the Town's sewage disposal system unless otherwise approved by the Community Development Director.

2. Sewage collection lines

The developer shall provide adequate service lines and stubs to each lot in such a manner that street and sidewalk cuts will not be required in order to connect the proposed buildings with the sanitary sewer mains. The actual tap of the sewer main shall be made under close Town supervision, in conformance with all applicable Town standards, including the Town's construction standards.

C. Underground Utilities

All franchised utilities shall be installed beneath the surface of the ground unless it is determined by the Community Development Director or the Planning Commission, depending on which is responsible for the review, that soil, topographical or any other compelling conditions make underground installation of such utility lines unreasonable and impractical. Underground installation of bulk electric power supply lines such as transmission and primary distribution feeder lines may not be required.

D. Street Lighting

The subdivider shall be responsible for the installation and cost of street lighting in all subdivisions in accordance with the requirements of this Section.

1. Prior to installation of street lighting, a street lighting design plan shall be approved by the Community Development Director, including determination of the location and number of street lights. Streetlights shall be located so as to be of general benefit to the surrounding neighborhood. The developer shall be required to provide and install ornamental metal standard and high pressure sodium vapor lamps on public streets in subdivisions within the Town limits.
2. 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 and the requirements of [Section 10.05](#).

Section 9.06 Responsibility for Payment of Installation Costs

A. Required Improvements

Required improvements shall include but not be limited to: streets, street signs and traffic control devices, pedestrian facilities, easements and utilities, water system, sanitary sewer, storm sewers and drainage, public areas and open space and street lighting.

B. Payment for Required Improvements

The developer shall be responsible for construction and installation of all required improvements (see [Section 9.06.A](#), above), unless otherwise provided, in accordance with the requirements of this LDC, the Town's engineering and construction specifications, and with the specific plans and specifications for such improvements approved by the appropriate Town, County, state or federal agencies.

C. Town Participation Provisions

The cost of utilities, streets, storm sewers and other improvements that are required by the Town to be larger than would normally be needed to serve the proposed addition may be cost-shared between the developer and the Town.

D. Recapture Agreement

Where practical, the Town may wish to enter into a recapture agreement with a developer and/or other property owners wherein terms and conditions may be specified under which part of the cost of improvements may be recoverable from subsequent development which makes use of the improvements.

Section 9.07 Completion of Required Improvements

A. General

1. Improvements shall be installed only in accordance with the subdivision or development improvement agreements. Said improvements must be in accordance with construction plans approved by the decision-making body.
2. The developer shall build and pay for all costs of temporary improvements required by the decision-making body and shall warrant and maintain same for the period specified in [Section 9.10](#).
3. All required improvements shall be made by the developer, at his/her expense, without reimbursement by the Town or an improvement district therein, except where approved by the Town.

B. Time Limit for Completion of Improvements

1. The period within which required improvements must be completed shall be specified by the decision-making body and shall be incorporated in the bond or other instrument and shall not in any event exceed three (3) years from date of final approval of the plat or surety bond whichever is later.
2. The decision-making body may, upon application of the developer and upon proof of hardship, approve an extension of the completion date set forth in such bond or other instrument for a maximum period of one (1) additional year. Such extension shall be granted no more than two (2) times. Each application for extension shall be accompanied by an updated estimate of construction cost prepared by a professional engineer.

C. Testing and Inspection.

1. Developer shall employ, at its own expense, a licensed and registered testing company, previously approved by the Town in writing, to do all testing of materials or construction that the Town may reasonably require, including but not limited to compaction testing for embankment fills, structural backfills, pipe bedding, trench backfills, subgrade, road base course and asphalt, and concrete strength testing, and shall furnish copies of test results to the Town on a timely basis for Town review and approval before commencement or continuation of construction to which the testing is applicable. Developer shall repair or remove all materials and work not conforming to such regulations, plans and specifications and replaced at Developer's expense to conform to such regulations, plans and specifications.
2. At all times during construction of the public improvements the Town shall have access to inspect the materials and workmanship of said construction, determine the progress of the work, and determine compliance of the work with the approved plans and the Town's regulations. The Town Engineer shall be present to inspect the pressure leakage testing of potable water lines conducted by the developer, and the developer shall employ, at the developer's expense, a testing laboratory acceptable to the Town to conduct bacteriological tests of the potable water lines after the developer has disinfected said lines according to the Town's regulations.
3. All work shown on the approved public improvement plans shall be subject to inspection by the Town Engineer. Inspection by the Town Engineer shall not relieve the developer from compliance with the approved plans and specifications or the Town's construction regulations. Inspection services requiring the presence of the Town Engineer shall be scheduled a minimum of forty-eight (48) hours in advance with the Town Engineer.

D. Improvement Assurance Options

The Town will make a determination as to which of the following methods will be used to ensure completion of any improvement agreements:

1. Subdivision/Development improvements agreement.

Prior to recording a final plat or issuing a certificate of occupancy, the Town shall enter into an improvements agreement with the developer, whereby the developer shall guarantee to complete all required improvements as may be specified and approved by the Town. To secure this agreement the developer shall provide, subject to the approval of the Town, a financial guarantee as provided in [Section 9.07.E](#) below.

E. Financial Guarantees

If the developer decides or elects to file security in lieu of completing construction prior to final plat approval or issuance of a certificate of occupancy, he or she may utilize one (1) of the following methods of posting security:

1. Irrevocable letter of credit.

Subject to the approval of the Town, the developer shall provide a letter of credit from a bank or other reputable institution or individual. This letter shall be submitted to the Town and shall contain and certify the following:

- a. The expiration date shall be a minimum of two (2) years from the date of issuance;
- b. A provision shall be included that requires the developer to submit a substitute letter of credit at least thirty (30) prior to the expiration date if more time is required to complete the required improvements;
- c. That the creditor does guarantee funds equivalent of one hundred ten percent (110%) of the full amount as estimated by a professional engineer and approved by the Community Development Director;
- d. That, in case of failure on the part of the developer to complete the specified improvement within the required time period, the creditor shall pay to the Town or its designee immediately and without further action, such funds as are necessary to finance the completion of those improvements, up to the limit of the credit stated in the letter; and
- e. The letter of credit may not be withdrawn or reduced in amount, until approved by the Town according to provisions of this article.

2. Escrow account.

The developer shall deposit funds in escrow or other Town approved institution pursuant to an escrow and disbursement agreement. The amount of the deposit shall be one hundred ten percent (110%) of the full amount of the cost of the required improvements, cost estimated by a professional engineer and approved by the Community Development Director. In the case of any escrow account, the developer shall file with the Town an agreement between the financial institution and himself, approved by an attorney, guaranteeing the following:

- a. That the funds of said escrow account shall be held in trust until such time that the Town's inspector or engineer may sign a release form for said funds. Escrow funds may not be used or pledged by the developer as security in any other matter during that period; and
- b. That in the case of a failure on the part of the developer to complete said improvements, the financial institution shall immediately make the funds in said account available to the Town for use in the completion of those improvements.

3. Surety performance bonds.

The developer shall file a surety bond with the Town, as set forth herein the amount of one hundred ten percent (110%) of the estimated construction costs of the required improvements. A professional engineer shall furnish estimates of the costs of all required improvements and utilities to the Community Development Director who shall review the estimates in order to determine the adequacy of the bond for ensuring the construction of the required improvements. All dedications, easements and improvements shall be brought before the Town for acceptance.

F. Issuance of Certificate of Occupancy

Where security is required for a development, no certificates of occupancy or temporary certificates

of occupancy shall be issued until all development improvements have been completed and inspected by the Town, unless otherwise provided in the improvements agreement.

Section 9.08 Failure to Complete Improvements

A. No Improvement Agreement

For developments for which no improvement agreement has been executed and no security has been posted, if the improvements are not completed within the period specified in the improvements agreement, the application approval shall be deemed to have expired.

B. Executed Improvement Agreement

In those cases where an improvements agreement has been executed and security has been posted and required improvements have not been installed within the terms of the agreement, the Town may:

1. Declare the agreement to be in default and require that all improvements be installed regardless of the extent of the development at the time the agreement is declared to be in default;
2. Suspend or revoke authorization for development, including without limitation suspension or revocation of previously issued permits and suspend issuance of further permits until the improvements are completed and record a document to that effect for the purpose of public notice;
3. Obtain funds under the security and complete improvements itself or through a third party;
4. Assign its right to receive funds under the security to any third party, including a subsequent owner of the development for which improvements were not constructed, in whole or in part, in exchange for that subsequent owner's promise to complete improvements in the development; or
5. Exercise any other rights available under the law.

Section 9.09 Dedication of Improvements

The following shall be submitted to the Community Development Director when requesting the Town accept dedication of completed improvements:

A. Letter from Developer

A letter from the developer describing the location of said improvements, the construction costs and a request for acceptance for operation and maintenance of the improvement by the Town

B. As-Built Plans

A certified copy of as-built plans executed by the developer's engineer.

C. Letter from Developer's Engineer

A letter from the developer's engineer certifying that the construction of any improvements was performed in full compliance of the approved plans.

D. Materials Testing Report

A materials testing laboratory report for each test performed on material incorporated in the construction of the improvements.

E. Warranty bond

A warranty bond from the developer's contractor benefiting the Town as specified in [Section 9.11](#).

Section 9.10 Acceptance and Release of Financial Guarantee

The Community Development Director, may release financial guarantees for required improvements in accordance with the requirements of this Section. If the improvements are not in substantial compliance with construction plans approved by the decision-making body. The Community Development Director may establish additional submission requirements and procedures for the release of financial guarantee.

A. Periodic Releases

1. As public improvements are made, an applicant may apply to the Community Development Director for release of part or all of the financial guarantees. Upon inspection and approval, the

Community Development Director shall release financial guarantees.

2. If the Community Development Director, determines that any of the required improvements are not constructed in substantial compliance with the approved construction plans, the Community Development Director shall furnish the applicant a list of specifications and shall be entitled to withhold financial guarantees sufficient to insure substantial compliance.
3. If the Community Development Director determines that the developer will not construct any or all of the improvements in accordance with the approved construction plans, the Community Development Director may withdraw and employ such funds as may be necessary to construct the improvements in accordance with the approved specifications.

B. Financial guarantees Release Procedure

1. financial guarantees release requests shall be complete at least fourteen (14) days prior to any desired release date; and must show or include all of the following:
 - a. Dollar amount of commitment guarantee;
 - b. Improvements completed, including dollar value;
 - c. Improvements not completed, including dollar value;
 - d. Amount of previous releases;
 - e. Amount of commitment guarantee requested released;
 - f. Release or waivers of mechanics' liens of all parties who have furnished work, services or materials for the improvements;
 - g. Certification by the design engineer that the improvements have been completed according to approved standards and specifications; and
 - h. Reasonable fees to cover the cost of administration and inspections.
2. Upon receipt of the application, the Community Development Director shall promptly refer the application to the Town Engineer. The Town Engineer shall inspect the required improvements, both those completed and those uncompleted, at his earliest convenience. If the Town Engineer determines from the inspection that the required improvements shown on the application have been completed as provided herein, the Town Engineer shall so advise the Community Development Director and the Community Development Director shall release that portion of the financial guarantees supporting the commitment guarantee relative to the completed improvements.
3. All financial guarantees releases shall be made in writing signed by the Community Development Director. Such releases shall be made in all cases as soon as practical, following the submission of a complete request, as described above.
4. The Town may release the financial guarantees for the required improvements completed to date, less one hundred ten percent (110%) of the costs of the required improvements not completed; plus ten percent (10%) of the amount of the financial guarantees for the required improvements completed to date as identified by the approved cost estimate, pending satisfaction of the warranty bond requirements of Section 9.11. Alternatively, the amount to be released may be one hundred percent (100%) of the amount of the financial guarantees for the required improvements completed to date, upon submission of a warranty bond in accordance with Section 9.11.

C. As-Built Plans Required

1. The as-built construction plans for improvements required by this LDC shall be prepared by a professional engineer and shall conform to the Town's construction standards.
2. As-built plans and specifications for all improvements shall be filed with the Community Development Director in hard copy with copies as specified by the Community Development Director and digital format, if required by the Community Development Director, prior to final inspection or acceptance by the Town of any improvement installed by the developer and prior to the release of any performance documents and guarantees. Digital information, when required, shall be provided in format compatible with the Town's Geographic Information System and as specified by the Community Development Director.
3. The as-built plans shall indicate the location, dimensions, materials and other information required by the Community Development Director. The plans shall further illustrate that the layout

of the line and grade of all improvements are in accordance with construction plans for the development and that said improvements are ready for dedication to the Town.

4. Evidence as may be required by the Community Development Director shall be submitted demonstrating that all improvements are free and clear of any and all liens and encumbrances.

D. Final Acceptance and Release

1. Subject to the requirements of [Section 9.09.C](#) and [Section 9.10](#), the developer shall request, in writing, the final inspection of completed improvements and release of any remaining guarantee.
2. Upon receipt of this request and a finding that the construction of the improvement is in compliance with this LDC, the Community Development Director shall approve in writing all improvements in accordance with approved plans and specifications; and the Town may approve the release of any remaining guarantee.
3. The Town, upon finding that the construction of the improvement is in compliance with this LDC and the Town's construction standards, shall accept dedications as provided by this Code.

Section 9.11 Warranty of Improvements

A. Warranty

The developer shall warrant and guarantee that all materials and workmanship in connection with the improvements required under this LDC are free of defects. A letter of credit, escrow funds or warranty bond shall be submitted in an amount of 20 percent of the cost of the completed improvements for a period of eighteen (18) from the date of acceptance of such improvements. Specifically, but not by way of limitation, the developer shall warrant the following:

1. That the title conveyed shall be good as transfer rightful; and
2. Any and all facilities conveyed shall be free from any security interest or other lien or encumbrance; and
3. Any and all facilities so conveyed shall be free from any and all defects in materials or workmanship.

B. Failure to Perform

The developer, if using construction contractors for furnishing the materials or installing the improvements required under this LDC, shall require that all contracts include such a guarantee. If the developer fails to perform the necessary work to correct defects during the guarantee period, the Town will make necessary repairs and bill the developer for the total cost of the repair work.

Section 9.12 School Land Dedication (SLD)

A. Purpose

1. Every subdivision, planned development, mobile or manufactured home park and multifamily development which increases the number of permitted residential dwelling units over and above that approved as of the effective date of this Section shall be required to dedicate land for school purposes, based on the increased number of approved dwelling units, if the Mesa County School District No. 51 ("School District") determines that such development includes within it "suitable school lands" which are necessary for implementing a school plan. If such development does not contain "suitable school lands," the fee required under [Section 9.12.C](#) shall be paid in lieu of a school land dedication, based upon the increased number of approved residential dwelling units. The provisions of this Section and [Section 9.12.C](#) shall be the exclusive standards for the dedication of "suitable school lands" and imposition of fees in lieu thereof as prescribed by [Section 9.12.C](#), and in the event of any conflict between such provisions and any other provision contained in this Section, the requirements of this Section and [Section 9.12.C](#) shall control.
2. In the event a dedication of land for school purposes is required under this Section, such dedication shall be made by the developer at or before the time of approval of the development. No such approval shall be granted until good and sufficient title to the "suitable school lands" to be dedicated under this Section, free and clear of all liens and encumbrances whatsoever, except for current general property taxes and patent reservations, is conveyed or dedicated to and accepted by the School District.

B. Amount

1. The amount of "suitable school lands" which may be required to be dedicated under this Section shall be roughly proportional to the additional real property required by the school district for expansion of existing school facilities and construction of new school facilities to accommodate enrollment growth from the proposed residential development and the future inhabitants thereof. Such rough proportionality shall be deemed to be met by the following formula:
 - a. $\text{Number of dwelling units in the proposed residential development} \times \text{student generation fee factor of twenty-three thousandths (.023)} = \text{number of acres of suitable school lands required.}$
2. The student generation fee factor is based upon a study conducted by Mesa County School District No. 51 and referenced in the intergovernmental agreement between Mesa County School District No. 51 and the Town and may be modified from time to time in the manner provided in Section 9.12.C.6.c below.

C. Fee In Lieu of School Land Dedication

1. When required

Except for developments where a school land dedication is required in accordance with Section 9.12.A above or is permitted under Section 9.12.C.4 below or an exemption under Section 9.12.C.3 applies, all residential developments which increase the number of approved dwelling units over and above the number approved as of the effective date of this Section, shall pay fees in lieu of SLD in an amount per unit based upon the increased number of dwelling units set forth in Section 9.12.C.6 hereof. SLD fees shall be collected by the Town for the exclusive use and benefit of the School District and shall be expended by such school district solely to acquire real property or an interest in real property reasonably needed for development or expansion of school sites and facilities or to reimburse the school district for sums expended to acquire such property or interests. Revenues derived from such fees shall be used only for such purposes.

2. Payment of SLD fee

- a. No residential development shall be approved until and unless the applicable SLD fee in effect at the time such approval is applied for has been paid as required by this Section.
- b. The Town may elect to approve a residential development subject to payment of the required SLD fees pursuant to a deferred payment plan. Provided, however, any deferred payment plan shall provide for a performance guarantee such as an irrevocable letter of credit, escrow fund or surety performance bond approved by the Town, to assure payment of such fees.
- c. Any plan for payment of SLD Fees on a deferred basis in accordance with Section 9.12.C.2 above shall be documented in a written deferred payment plan referenced on the recorded final plat or final development plan. Such deferred payment plan shall contain, at a minimum, the following:
 - i. The legal description of the real property subject to the deferred payment plan.
 - ii. A detailed statement of the SLD fees owed pursuant to the condition of approval of the final plat of the development or final development plan of the PUD or other final development plan which remain unpaid.
 - iii. The agreement of the owner/developer to pay all SLD fees owed with respect to such real property upon the sale of such property or upon application for a planning clearance for a building permit for one (1) or more dwelling units to be constructed on such property, whichever first occurs.
 - iv. A description of the performance guarantee assuring that such fees shall be paid when due and owing.
 - v. The notarized signature of the record owners of the property or their duly authorized agents.
 - vi. The notarized signature of the Community Development Director or his designee, indicating approval of the deferred payment plan.

3. Exemptions

The following shall be exempted from dedication of school lands or payment of the SLD fee:

- a. Subdivisions or other developments containing only nonresidential buildings, other structures or nonresidential mobile homes;
- b. Subdivisions or other developments containing only nursing homes, adult foster care facilities or specialized group care facilities; and
- c. Approved residential developments that are subject to recorded covenants restricting the age of the residents of dwelling units contained within such developments in such a manner that the dwelling units may be classified as "housing for older persons" pursuant to the Federal Fair Housing Amendments Act of 1988.

4. Credits

- a. An applicant for subdivision or other residential development approval who owns other "suitable school lands" within the same school district may offer to convey such lands to the district in exchange for credit against all or a portion of the SLD fees otherwise due or to become due. The offer must be in writing, specifically request credit against fees in lieu of school land dedication and set forth the amount of credit requested. If the Town and the school district accept such offer, the credit shall be in the amount of the value of the "suitable school lands" conveyed, as determined by written agreement between the Town, the school district and the developer.
- b. Credit against SLD fees otherwise due or to become due will not be provided until good and sufficient title to the property offered under this Section is conveyed to and accepted by the school district in which the development is located. Upon such conveyance, the school district and the Town shall provide the developer with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit and a description of the project or development to which the credit shall be applied.
- c. Credits shall not be transferable from one project or development to another.

5. Refund of fees paid

- a. Any SLD fee which has not been expended by a school district within five (5) years of the date of collection shall be refunded, with all accumulated interest, if any, to the person or entity which paid the fee. Prior to such refund, such amount shall be reduced by an amount equal to three percent (3%) of the principal amount to be refunded, for the costs incurred by the Town in the refund of such fee. The Town shall give written notice by first class mail to the person or entity which paid the fee at the last known address as contained in the records of the Town or Mesa County Clerk and Recorder. If such person or entity does not file a written claim for such refund with the Town within ninety (90) days of the mailing of such notice, such refund shall be forfeited and shall be retained and used for the purposes set forth in [Section 9.12.A.](#)
- b. The Board of Trustees may, upon the school district's request, extend the five (5) year period of time specified in [Section 9.12.C.5.a](#) above upon a showing that such extension is reasonably necessary in order for the school district to complete or close a purchase transaction entered into in writing by the district prior to expiration of such period or to give the district an opportunity to exercise a purchase option it acquired prior to expiration of such period. Such request shall be made at a public hearing of the Board of Trustees. In no event shall any extension of time exceed one (1) additional five-year period.

6. SLD fees—establishment and application

- a. SLD fees shall be collected and held in trust for the use and benefit of the school district. Such fees shall be expended by the school district to acquire additional real property for expansion of existing school facilities and construction of new school facilities necessitated by new residential development in the school district or to reimburse the school district for sums expended to acquire such property. The amount of the SLD fee shall be based on a methodology which takes into account the student generation rates of new residential development, the quantity of land required to build new school facilities on a per pupil basis and the anticipated cost of acquiring suitable school lands in the school district to expand existing school facilities and construct new school facilities to accommodate new residential development without decreasing current levels of educational services.

- b. At the time SLD fees were initially adopted and annually thereafter, the Board of Trustees shall determine the average cost per acre of "suitable school lands," after a public hearing. The Town shall give the school district sixty (60) days prior written notice of the hearing. Such hearing shall consider the school district's long range capital improvement plans and any other evidence, comments or recommendations submitted by the school district and the public in making such determination.
- c. The SLD fee shall then be set, by resolution of the Board of Trustees, in accordance with the following formula:
 - i. Cost per acre of suitable school lands within the school district x student generation fee factor of twenty-three hundredths (.023) = SLD fee per dwelling unit.
 - ii. The student generation fee factor may also be modified at the hearing, provided that either the school district gives notice to the Board of Trustees that it requests such a modification at least thirty (30) days prior to the hearing, or the Board of Trustees adopts a motion providing for consideration of a modification of said fee factor and its hearing notice to the school district pursuant to this Section so states. Said hearing shall consider the school district's school facilities plan currently in place, the methodology and data supporting the proposed modification and any evidence, comments or recommendations submitted by the County Community Development Department, the Town's Planning Department, the school district and interested members of the public.

Section 9.13 Open Space Requirement

A. Purpose

The Board of Trustees declares it is the policy of the Town that dedications of real property for public parks, open space, recreation and other municipal purposes and/or exactions in the form of monetary payments shall be required in those instances where the Board of Trustees determines that a proposed subdivision: (1) will create the need for new public park, open space, recreation or other municipal facilities; or (2) will result in increased use of existing public park, open space, recreation or other municipal facilities in such a manner as to require the expansion or eventual replacement thereof. In those instances, this Section shall be applied to provide a method whereby such dedication or fee in lieu thereof shall be quantified to assure that a fair and equitable proportionality is established between the cost of the improvements or facilities, which are attributable to the proposed subdivision (and which are therefore the responsibility of the developer), and the overall public cost of the provision of such improvements or facilities. In interpreting and implementing the provisions of this Section, the Board of Trustees shall give due weight to the needs of the general public, and especially the residents of the subdivision proposed, so as not to burden disproportionately the general public and existing residents with costs or expenses to provide public park, open space, recreation or other municipal facilities and improvements or services, the need for which are generated by the proposed new development.

B. Authority to Impose Dedication or Fee Requirements

1. Pursuant to the provisions of applicable law, authority is hereby specifically granted to the Board of Trustees, upon the recommendations of the Planning Commission, following a public hearing before the Planning Commission and the Board of Trustees at the time of preliminary plat review, in conjunction with any requested subdivision approval to impose public land dedication requirements or the payment of fees in lieu thereof for public park, open space, recreation or other municipal purposes.
2. The Town Board, in its discretion, shall accept or reject any proposed dedication of land to the Town prior to final approval of a proposed subdivision. Any land dedicated to the Town shall be free and clear of all liens and encumbrances.

C. Open Space Dedication.

1. The developer of any residential development of ten (10) or more lots or dwelling units shall dedicate ten percent (10%) of the gross acreage of the property or the equivalent of 10 percent of the value of the property. The decision as to whether to accept money or land as required by this Section shall be made by the Board of Trustees upon the recommendations of the Planning Commission. Subdivisions with less than ten (10) lots or residential dwelling units are not required to dedicate ten percent (10%) of the gross acreage of the property or the equivalent

- of ten percent (10%) of the value of the property unless the developer or owner owns land adjacent to the proposed subdivision, in which case the Board of Trustees, upon the recommendations of the Planning Commission, shall determine the open space requirement.
2. For any residential development required to provide open space, the owner shall hire an MAI appraiser to appraise the property. For purposes of this requirement, the property shall be considered the total acreage notwithstanding the fact that the owner may develop or propose to develop the property in filings or phases.
 3. The appraiser's report shall be submitted to the Town for purposes of determining fair market value and otherwise determining compliance with this Section. The developer shall pay all costs of the appraisal. The developer waives any privilege and/or protection that may exist or be asserted to exist over the details of the appraisal. The appraisal is and shall be considered by the Town as an open record under the Colorado Open Records Act.
 4. The required dedication and/or payment shall be subject to and made in accordance with this LDC. The Town may accept the dedication of land in lieu of payment so long as the fair market value of the land dedicated to the Town is not less than ten percent (10%) of the value of the property.
 5. As part of any project approval, the developer shall dedicate, at no cost to the Town, public trails, rights-of-way and waterfront greenbelts/access as designed on and as needed to implement adopted plans of the Town. If such dedication is claimed to exceed constitutional standards, the developer shall so request that the Town pay a fair share of the value of such dedication or waive all or part of such required dedication.

Section 9.14 Cluster Subdivisions in AFT District

A. Intent

The intent of a cluster subdivision is to provide a development alternative to a conventional subdivision in the AFT district. A cluster subdivision involves placing a cluster of home sites within a portion of the development site, allowing housing units on smaller lots than those permitted in a conventional residential subdivision to promote environmental sensitivity, make more efficient use of the land and provide additional common open space. Development is encouraged in the AFT district by the Town in the form of these flexible design and maximum density provisions. Other purposes of a cluster residential subdivision include the following:

1. To preserve in perpetuity orchards and prime agricultural land, rural character and farming as an economic activity;
2. To permit clustering of houses and structures in a manner that will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development;
3. To reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development;
4. To promote interconnected, contiguous greenways and corridors throughout the community; and
5. To protect scenic views.

B. Applicability

A cluster residential subdivision is permitted in the AFT district subject to the following standards:

C. Maximum District Density

In no case shall the density of the cluster subdivision exceed the maximum density of the AFT district.

D. Development Standards

Applicants utilizing the cluster subdivision option shall meet all applicable development standards as set forth in [Article 10](#), General Development Standards. Applicants shall comply with all other provisions in this LDC and all other applicable laws.

E. Dimensional Standards

Applicants utilizing the cluster subdivision option shall meet the following dimensional standards and shall comply with all other provisions of this LDC and all other applicable laws.

Table 9.1: Cluster Development Standards in AFT Zone Districts				
Use				
Use	Single-family	Alley-loaded	Zero lot line	Townhouse
Open Space (minimum)				
Recreational/Open Space	60%	60%	60%	50%
Lot Requirements (minimum)				
Lot area (square feet)	5,000	5,000	5,000	2,000
Lot width (feet)	50	50	50	25
Setback Requirements (minimum)				
Street yard (feet)	20	15	15	15
Side yard – interior (feet)	5	5	5	10
Side yard – street (feet)	15	15	15	15
Rear yard (feet)	20	15	10	10
Building Requirements (maximum)				
Height(feet)	35	35	35	35
Impervious surface	45%	55%	55%	65%

F. Utilities

To the maximum extent determined feasible, utilities in cluster residential subdivisions shall be placed underground.

G. Project Boundary Buffer

1. No buffer is required where the width of the project's perimeter lots is equal to or greater than the minimum lot width of the adjoining development or the minimum lot width required by the zoning district applied to any adjoining undeveloped parcel.
2. Where narrower lot widths are provided, a Class C buffer shall be provided (see [Section 10.03.D.2](#), Landscaping, Screening and Buffering) along all project boundaries of a cluster residential subdivision.

H. Recreation and Open Space Requirements

1. Applicability

Recreation and open space is an integral part of cluster subdivisions. If a cluster development is being developed in phases, the amount of recreation and open space shall be computed separately for each phase, but may be combined with existing recreation and open space in earlier phases to create a larger uniform area.

2. Configuration of recreation and open space

- a. The minimum width for any required recreation and open space shall be fifty (50) feet. Exceptions may be granted by the Planning Commission for items such as trail easements, mid-block crossings, linear parks/medians, greenways, when their purpose meets the intent of this Section.
- b. At least sixty percent (60%) of the required recreation and open space shall be in a contiguous parcel. For the purposes of this Section, contiguous shall include any recreation and open space bisected by a local, residential street, provided that:
 - i. A pedestrian crosswalk is constructed to provide access to the recreation and open space on both sides of the street; and
 - ii. The right-of-way area is not included in the calculation of minimum recreation and open space required.
- c. The recreation and open space shall adjoin any neighboring areas of recreation and open space, other protected areas and unprotected natural areas that would be candidates for inclusion as part of a future area of protected recreation and open space.
- d. The required recreation and open space shall be directly accessible to the largest practicable number of lots within the subdivision. Nonadjoining lots shall be provided with safe, convenient access to the open space (i.e., mid-block connections in logical locations). No lot within the subdivision should be further than a ¼-mile radius from the

required recreation and open space. This radius shall be measured in a straight line, without regard for street, sidewalk or trail connections to the open space.

- e. Access to the recreation and open space shall be provided either by an abutting street or easement. Such easement shall be not less than thirty (30) feet wide.
 - f. At least twenty-five percent (25%) of the recreation and open space shall be improved with trails, passive recreational uses or other similar improvements. Trails may be developed in accordance with the trail standards of this LDC (see [Section 10.02.F](#)). Other improved recreation and open space areas shall be developed as set forth below. The shape, topography and subsoils shall be appropriate to the improvements proposed. Where recreation or open space consists of prime, actively cultivated agricultural land, this improvement requirement shall not apply.
3. Uses of recreation and open space may include the following:
 - a. Conservation areas for natural, archeological or historical resources;
 - b. Meadows, woodlands, wetlands, wildlife corridors, game preserves or similar conservation-oriented areas;
 - c. Pedestrian or multipurpose trails;
 - d. Pedestrian plazas, greens, squares suitable for passive recreation, concerts, festivals and special events;
 - e. Passive recreation areas;
 - f. Active recreation areas, provided that impervious area is limited to no more than fifty percent (50%) of the total recreation and open space;
 - g. Above-ground utility rights-of-way, provided the area does not exceed fifty percent (50%) of the required recreation and open space;
 - h. Agriculture, horticulture, silviculture or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts;
 - i. Landscaped stormwater management facilities;
 - j. Easements for drainage, access, and underground utility lines; and
 - k. Other conservation-oriented uses compatible with the purposes of this LDC.
 4. Recreation and open space shall not include the following:
 - a. Community or individual wastewater disposal systems;
 - b. Streets (except for street crossings as expressly provided above) and parking areas; and
 - c. Other activities as determined by the applicant and recorded on the legal instrument providing for permanent protection.
 5. Ownership and management of recreation and open space
 - a. Ownership

Recreation and open space shall be accepted and owned by one (1) of the following entities:

 - i. Land conservancy or land trust

The responsibility for maintaining the recreation and open space and any facilities shall be borne by a land conservancy or land trust.
 - ii. Homeowners' association

A homeowners' association representing residents of the subdivision shall own the recreation and open space. Membership in the association shall be mandatory and automatic for all homeowners of the subdivision and their successors. The homeowners' association shall have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the recreation and open space and any facilities shall be borne by the homeowners' association.
 - iii. Private landowner

A private landowner may retain ownership of recreation and open space. The responsibility for maintaining the recreation and open space and any facilities shall be borne by the private landowner. Regardless of ownership, the use of the property is

restricted in accordance with the requirements of [Section 9.14.H.3](#) above.

iv. The Town

At the discretion of the Town, the recreation and open space may be dedicated to the Town. Regardless of ownership, the use of the property is restricted in accordance with the requirements of [Section 9.14.H.3](#) above.

b. Management

Applicants shall submit a plan for the management of recreation and open space and other common facilities that:

- i. Allocates responsibility and guidelines for the maintenance and operation of the recreation and open space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements;
- ii. Estimates the costs and staffing requirements needed for maintenance and operation of and insurance for the recreation and open space and outlines the means by which such funding will be obtained or provided;
- iii. Provides that any changes to the Plan be approved by the Town; and
- iv. Provides for enforcement of the Plan.

c. Maintenance

- i. Passive recreation and open space maintenance is limited to removal of litter, dead tree and plant materials (that is obstructing pedestrian movement) and brush; weeding and mowing. Natural water courses are to be maintained as free-flowing and devoid of debris. Stream channels shall be maintained so as not to alter floodplain levels.
- ii. No specific maintenance is required for agricultural uses.
- iii. Active recreation and open space areas shall be accessible to all residents of the development. Maintenance is limited to ensuring that there exist no hazards, nuisances or unhealthy conditions.

iv. Failure to maintain

In the event the party responsible for maintenance of the recreation and open space fails to maintain all or any portion in reasonable order and condition, the Town may assume responsibility for its maintenance and may enter the premises and take corrective action including the provision of extended maintenance in accordance with Subsection (1)(c) of Section 24-67-105, C.R.S. The costs of such maintenance may be charged to the homeowners' association or to the individual property owners that make up the homeowners' association, and may include administrative costs and penalties, usually totaling ten percent (10%) of such costs. The Town may also certify the unpaid assessments to the Mesa County Board of County Commissioners and the Mesa County Treasurer for collection, enforcement and remittance in accordance with Section 31-20-105, C.R.S. Such costs shall become a lien on all subdivision properties.

6. Legal instrument for permanent protection

- a. The recreation and open space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument shall be one (1) of the following:
 - i. A permanent conservation easement in favor of either:
 - (a) A land trust or similar conservation-oriented nonprofit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for re-transfer in the event the organization becomes unable to carry out its functions; or
 - (b) The Town or another governmental entity with an interest in pursuing goals compatible with the purposes of this LDC. If the entity accepting the easement is not the Town, then a third right of enforcement favoring the Town shall be included in the easement.
 - ii. A permanent restrictive covenant for conservation purposes in favor of a governmental entity.
 - iii. An equivalent legal tool that provides permanent protection, if approved by the Town.

- b. The instrument for permanent protection shall include clear restrictions on the use of the recreation and open space. These restrictions shall include all restrictions contained in this LDC, as well as any further restrictions the applicant chooses to place on the use of the recreation and open space. Where appropriate, the instrument shall allow for stream or habitat restoration within the easement area.

ARTICLE 10 GENERAL DEVELOPMENT STANDARDS

Section 10.01 Off-Street Parking and Loading Requirements

A. Purpose

The purpose of this Section is to ensure that adequate off-street parking and loading facilities are provided for motorized and non-motorized vehicles while minimizing the visual and transportation impacts created by these facilities.

B. General Provisions

1. All existing and proposed development shall provide off-street parking and loading facilities in accordance with this Section with the following exceptions:
 - a. Restriping a parking or other vehicular use area which does not result in a reduction of parking spaces, any modification to existing off-street parking and loading facilities shall conform to the requirements of this Section.
 - b. Buildings and uses lawfully existing as of the effective date of this LDC may be redeveloped, renovated or repaired without providing additional off-street parking and loading facilities, providing there is no increase in gross floor area or change in use of existing floor area that would increase parking demands, with the following exception:
 - i. Where a building or use existed as of the effective date of this LDC and such building or use is enlarged in gross floor area or impervious area by no more than ten percent (10%) or two thousand (2,000) square feet, whichever is less, off-street parking and loading requirements shall not be required.
 - c. A change in use shall comply with the requirements of this Section unless:
 - i. The building is less than two thousand (2,000) square feet in floor area; or
 - ii. The new use has the same parking requirement or a lesser requirement than the previous one.
 - d. In the TC district, the Community Development Director may allow a new use to be established, even if all off-street parking and loading requirements of this Section cannot be met for the new use, provided that as much off-street parking and loading as can reasonably be provided is provided by the use and no foreseeable traffic congestion problems will be created.
2. No proposed parking area of six (6) spaces or more shall be developed without an approved site plan issued in accordance this Section and [Section 4.06](#).

C. Required Off-Street Parking

1. Calculation of parking ratios
 - a. Developments containing more than one (1) use shall provide parking spaces in an amount equal to the total of the requirements for all uses.
 - b. Where fractional spaces result, the parking spaces required shall be rounded up to the next highest whole number.
 - c. The parking space requirements for a use not specifically listed in [Table 10.1](#) shall be the same as for the listed use deemed most similar by the Community Development Director. The Community Development Director shall use the criteria in [Section 6.02](#) to determine how an unlisted use should be treated.
2. Off-street parking

The following off-street parking ratios shall be applicable to all zoning districts. Where in the opinion of the applicant, a listed ratio requires too much or too little parking, the applicant may provide an alternative parking plan with data submitted in support of higher or lower ratios (see [Section 10.01.E](#)).

Table 10.1: Off-street Parking Ratios

Use Category	Use Type	Parking Requirement
Residential Uses		
Single-family detached Alley-loaded house Zero lot line house Two-family house Townhouse Manufactured home park or subdivision Group home (8 or less)	All uses	2 per unit
Multifamily Upper-story residential	Studio 1 bedroom 2 bedroom 3+ bedroom	1.25 per unit 1.50 per unit 1.75 per unit 2.00 per unit
Adult care home	—	1 per 5 beds
Nursing home or assisted living center	—	1 per 5 beds
Public and Civic Uses		
Use Category	Use Type	Parking Requirement
Airport, heliport	—	As determined by Community Development Director
Child care center	All uses	1 per employee
Civic club	—	1 per 500 sq. ft. of GFA
Hospital	—	1 per 2 beds
Museum, library	—	1 per 200 sq. ft. of GFA
Park, open area	All uses	As determined by Community Development Director
Place of worship	—	1 per 8 seats in largest assembly room
Public facility	—	As determined by Community Development Director
School (public or private)	Elementary Junior High/ High School	1 per classroom + 1 per 300 sq. ft. of office area 6 per classroom + 1 per 300 sq. ft. of office area + 1 per 5 seats in any auditorium or similar facility
Technical, trade or business school	—	6 per classroom + 1 per 300 sq. ft. of office area + 1 per 5 seats in any auditorium or similar facility
Utility, minor*	All uses	1 per 1,000 sq. ft. of GFA
Utility, major*	All uses	1 per 1,000 sq. ft. of GFA
Wireless telecommunication facility	—	As determined by Community Development Director
Commercial Uses		
Use Category	Use Type	Parking Requirement
Agriculture - general*	All uses	As determined by Community Development Director
Agriculture - limited*	All uses	As determined by Community Development Director
Amusement center, indoor	—	1 per 400 sq. ft. of GFA
Bed & Breakfast	—	1 per unit + 1 per guest room
Cemetery	—	As determined by Community Development Director
Club, private	—	1 per 500 sq. ft. of GFA
Contractor's office	—	1 per 1,000 sq. ft. of GFA
Funeral home	—	1 per 8 seats in largest assembly room

Table 10.1: Off-street Parking Ratios

Use Category	Use Type	Parking Requirement
Gas station with convenience retail	—	1 per 200 sq. ft. of GFA
Hotel, motel	—	1 per guest room + 1 per 200 sq. ft. of conference/ banquet/restaurant area
Hemp Growing Establishment		As determined by Community Development Director
Hemp Processing Establishment		1 per 1,000 sq. ft. of GFA
Indoor recreation*	Bowling alley All other uses	3 per lane 1 per 300 sq. ft. of GFA
Kennels	—	1 per 300 sq. ft. of GFA of office area
Lumberyard, wholesale		1 per 500 sq. ft.
Medical marijuana center		1 per 300 sq. ft.
Newspaper publisher	All uses	1 per 1,000 sq. ft. of GFA
Office, general*	Bank All other uses	1 per 300 of GFA 1 per 400 sq. ft. of GFA
Office, medical*	All uses	1 per 300 sq. ft. of GFA
Outdoor recreation*	Campground Golf course All other uses	1 per campsite 2 per hole + 1 per 200 GFA As determined by Community Development Director
Outdoor storage, general	—	As determined by Community Development Director
Radio or television studio	—	1 per 300 sq. ft. of GFA
Recreational club or lodge, private	—	1 per 300 sq. ft. of GFA
Restaurant, brewpub, bar	—	1 per 150 sq. ft. of GFA
Restaurant, drive-through	—	1 per 100 sq. ft. of GFA
Retail, general	All uses	1 per 250 sq. ft. of GFA
Retail Marijuana Store	—	1 per 250 sq. ft. of GFA
Retail Marijuana Products Manufacturing	—	1 per 1,000 sq. ft. of GFA
Retail Marijuana Testing Facility	—	1 per 1,000 sq. ft. of GFA
Retail and Medical Marijuana Cultivation Facility	—	As determined by Community Development Director
Retail, neighborhood*	All uses	1 per 250 sq. ft. of GFA
Self-storage facility	—	Minimum 5 + 1 per 100 storage units
Service, general*	All uses	1 per 250 sq. ft. of GFA
Service, neighborhood*	All uses	1 per 250 sq. ft. of GFA
Sexually oriented business	All uses	1 per 300 sq. ft. of GFA
Vehicle sales	All uses	1 per 500 sq. ft. of GFA
Vehicle service (passenger/heavy)*	Car wash All other uses	1 per wash bay 3 per bay
Veterinarian, animal hospital	—	1 per 300 sq. ft. of GFA
Winery/tasting room, distillery, microbrewery	—	1 per 300 sq. ft. of GFA
Warehouse and freight movement*	All uses	1 per 1,000 sq. ft. of GFA

Industrial Uses		
Use Category	Use Type	Parking Requirement
Crematorium	—	1 per 8 seats in largest assembly room
Manufacturing, general*	All uses	1 per 1,000 sq. ft. of GFA
Manufacturing, limited*	All uses	1 per 1,000 sq. ft. of GFA
Manufacturing, heavy*	All uses	1 per 1,000 sq. ft. of GFA
Gravel pits	—	As determined by Community Development Director
Research and development*	All uses	1 per 1,000 sq. ft. of GFA
Waste service*	All uses	1 per 5,000 sq. ft. of GFA + 1 per 5,000 sq. ft. of outside storage area

* = Group of uses (Table 6.1)

GFA = Gross Floor Area

3. Handicapped-accessible parking shall be provided per the following schedule:

Table 10.2: Handicap Requirement	
Total Parking Spaces in Lot	Minimum Accessible Spaces
0 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
Over 200	7 plus 1 for each 100 over 200

4. Bicycle storage
- Bicycle spaces shall be provided at a rate of one bicycle space per ten (10) vehicle spaces. Each bicycle space shall be capable of locking the frame of a full-sized bike.
 - This requirement may be waived at the discretion of the Community Development Director based on the nature of the proposed business.
 - The location of required bike racks shall be determined based on consideration of the safety and convenience of users and shall be located near building entrances.
5. Maximum number of parking spaces
- No use shall provide more than one hundred percent (100%) of the required parking shown in the table above unless the additional parking is pervious or is provided through use of a parking structure.*
6. Phased Development
- Where a project is intended to be developed in phases, the Community Development Director may approve a phased parking plan to serve current and future development.*
7. Modification of the number of parking spaces
- The Community Development Director may reduce the required number of spaces by up to ten percent (10%) if for reasons of topography, mix of uses, ride sharing programs, availability of transit or other conditions specific to the site, provided the reduction in the required number of parking spaces satisfies the intent of this LDC.

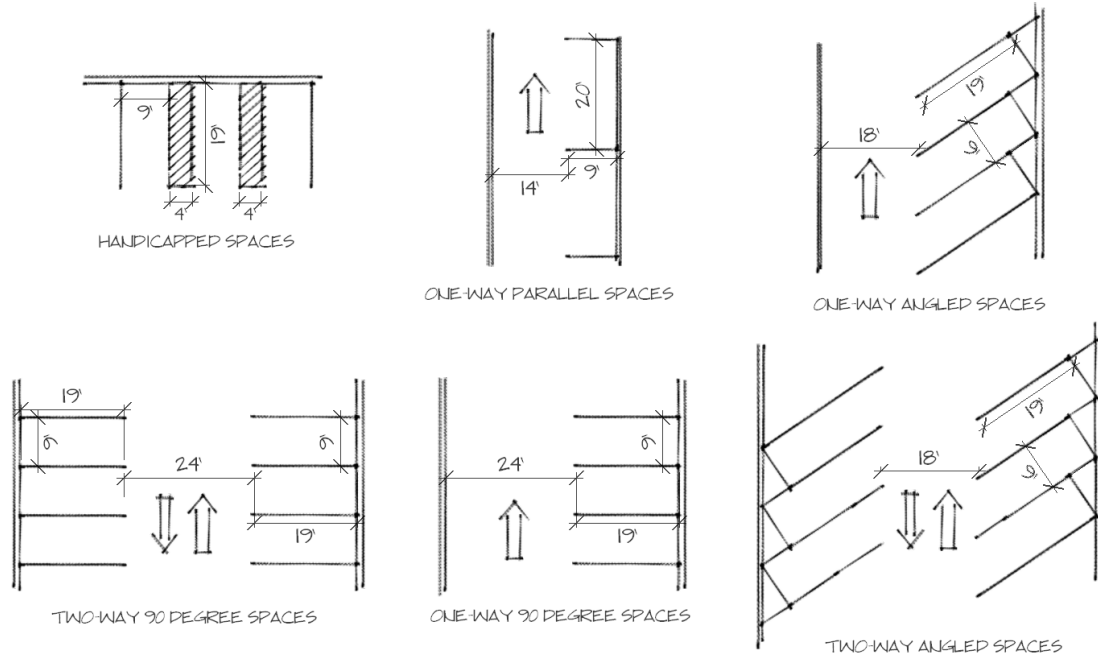
D. Design Standards

1. Dimensions

a. Parking dimensions:

Table 10.3: Parking Space Dimensions		
Type of Stall	Minimum Dimensions	Aisle Width in Feet
Parallel	20 ft. x 9 ft.	14
Angled	19 ft. x 9 ft.	18
Ninety-degree	19 ft. x 9 ft.	24
Handicapped	19 ft. x 13 ft.	24

Illustration 10-1: Parking Space Dimensions



- The maximum grade permitted for any required parking or other vehicular use area shall not exceed eight percent (8%).
- Parking spaces using geometric standards other than those specified above may be approved if prepared and sealed by a registered engineer with expertise in parking facility design, subject to a determination by the Community Development Director that the proposed facility will satisfy off-street parking requirements as adequately as would a facility using those specified above.

2. Surfacing

- Any parking or other vehicular use area, shall be surfaced with asphalt bituminous, concrete or other dustless, unified material approved by the Community Development Director and shall be maintained in a smooth, well-graded condition.
- Permeable materials with durability and dustless characteristics similar to asphalt bituminous and concrete may be used with the approval of the Community Development Director.

3. Landscaping

Off-street parking areas in excess of one thousand five hundred (1,500) square feet or five (5) spaces shall provide landscaping in accordance with the following requirements.

a. Perimeter screening

- All parking areas and other vehicular use areas with frontage on any portion of an existing public right-of-way shall provide the following:

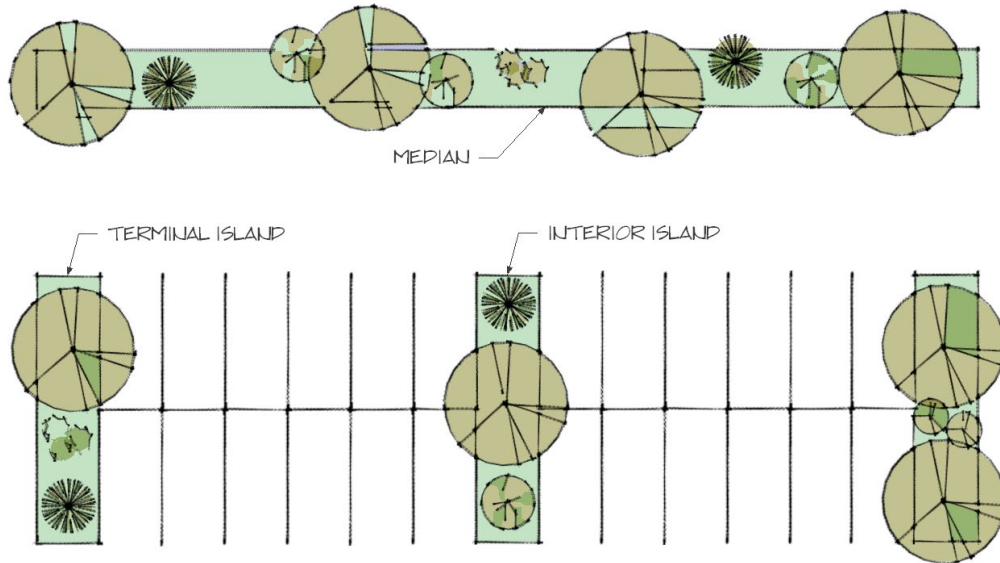
- (a) The perimeter of all parking areas and other vehicular use areas with frontage on any portion of an existing public right-of-way shall be screened by either a berm, a continuous landscaped hedge, a decorative masonry wall or any combination thereof.
 - (b) At the time of installation, such screening shall be at least thirty (30) inches in height. Any vegetative screen shall reach a maximum height of four (4) feet within two (2) years of planting.
 - (c) A solid wood, treated fence may be substituted for a required buffer along an alley.
 - (d) A compact hedge may be substituted for any individual shrubs that may be required along a street.
- ii. The perimeter of all parking areas and other vehicular use areas adjacent to residentially-zoned property shall provide one of the following buffers:
 - (a) Ten (10) foot buffer which shall include two (2) canopy trees, three (3) understory trees and twelve (12) shrubs.
 - (b) Fifteen (15) foot buffer which shall include two (2) canopy trees, two (2) understory trees and twelve (12) shrubs.
- b. Interior landscaping
 - i. Interior islands

An interior landscaped island shall be provided for every ten (10) spaces. Each island shall contain a minimum of one hundred seventy (170) square feet with a minimum width of eight (8) feet inside the curb and include a minimum of one (1) tree with a minimum caliper of two (2) inches. Planting islands shall be evenly distributed throughout the parking area, with no parking space located more than one hundred (100) feet from a planting island. Interior islands may be consolidated or intervals may be expanded in order to preserve existing trees where approved by the Community Development Director.
 - ii. Terminal islands

All rows of parking spaces shall terminate in a curbed, landscaped island. Each island shall contain a minimum of one hundred seventy (170) square feet with a minimum width of eight (8) feet inside the curb and include a minimum of one (1) tree with a minimum caliper of two (2) inches.
 - iii. Medians

A median island with a minimum width of eight (8) feet inside the curb shall be sited between every six (6) double parking rows and along primary internal and external access drives. Median intervals may be expanded in order to preserve existing trees, where approved by the Community Development Director.

Illustration 10-2: Parking Landscaping

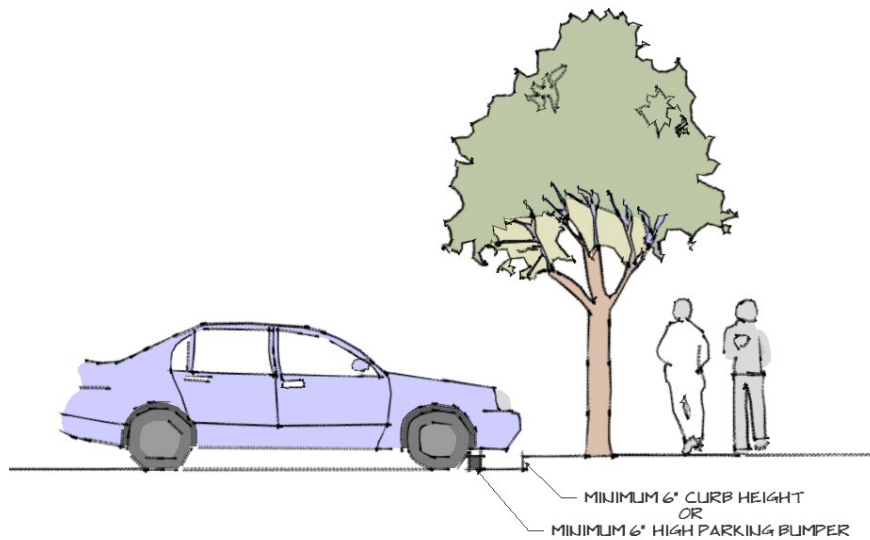


- c. Landscaped areas adjacent to parking areas shall be designed so that no plant material greater than twelve (12) inches in height will be located within two (2) feet of the curb or other protective barrier.
4. Markings
Each parking stall shall be marked off and maintained so as to be distinguishable.
5. Lighting
Where off-street facilities are provided for parking or any other vehicular use, adequate outdoor lighting shall be provided. Lighting shall be so arranged as to direct the light and glare away from streets and adjacent property (see [Section 10.05](#), Outdoor lighting).
6. Yards
All parking lots shall observe the following minimum yards:

Table 10.4: Required Parking Lot Setbacks		
Yards	Residential districts	All other districts
Street yard	15	5
Side yard (street)	15	5
Side yard (interior)	5	N/A
Rear yard	5	N/A

7. Curbing
 - a. All landscaped areas shall be protected from vehicular damage by a raised concrete curb six (6) inches in height or equivalent barrier, however, the barrier need not be continuous.

Illustration 10-3: Parking Lot Curbing



- b. In the event any parking area abuts a walkway, sidewalk or street, the parking area shall be separated by curbing or other protective device with a minimum distance of three and one-half (3½) feet between the protective device and the edge of the walkway.

8. Drainage

Parking lots shall not drain onto or across public sidewalks or into adjacent property, except into a natural watercourse or a drainage easement. In already developed areas where this condition would be impossible to meet, the Community Development Director may exempt the applicant from this requirement, provided that adequate provision is made for drainage.

9. Entrances and exits

- a. Vehicular openings shall be located at least twenty (20) feet from the point of intersection of established right-of-way lines.
- b. No entrance and exit, whether or not on a corner lot, shall exceed thirty (30) feet in width at the property line or forty (40) feet in width at the curb line.
- c. There shall be a minimum distance between driveways of twenty-five (25) feet, measured along the curb line, unless such driveways are less than five (5) feet apart.

E. Alternative Parking Plans

1. General

The Community Development Director may modify the parking requirements of this Section (beyond that permitted by [Section 10.01.C.7](#)) where applicant-submitted parking data, prepared and sealed by a registered engineer in the State of Colorado with transportation expertise, illustrates that the standards of this Section do not accurately apply to a specific development. The data submitted for an alternative parking plan shall include, at a minimum, the size and type of the proposed development, the mix of uses, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads of all uses.

2. On-street parking

The Community Development Director may approve on-street parking spaces that abut the subject parcel and not within any required clear sight triangle as meeting some or all off-street parking requirements.

3. Off-site parking

The Community Development Director may approve the location of required off-street parking spaces on a separate lot from the lot on which the principal use is located if the off-site parking complies with all of the following standards.

- a. Location

Off-site parking spaces shall be located within three hundred (300) feet from the primary entrance of the use served. Off-site parking may not be separated from the use that it serves by a street right-of-way with a width of more than eighty (80) feet.

b. Zoning classification

Off-site parking areas serving uses located in nonresidential districts shall be located in nonresidential districts. Off-site parking areas serving uses located in residential districts may be located in residential or nonresidential districts.

c. Ineligible activities

- i. Off-site parking may not be used to satisfy parking requirements for residential uses (except for guest parking) or for convenience stores or other convenience-oriented uses.
- ii. Required parking spaces reserved for persons with disabilities may not be located off-site.

d. Agreement

- i. Off-site parking will be enforced through written agreement among all owners of record. An attested copy of the agreement between the owners of record shall be submitted to the Community Development Director.
- ii. An off-site parking agreement may be rescinded only if all required off-street parking spaces will be provided in accordance with this Section.
- iii. The Town shall be permitted to enforce such agreement and such agreement shall bind the parties, heirs, successors and assigns and be approved by the Town Attorney.

4. Shared parking

The Community Development Director may allow shared parking facilities if the shared parking complies with all of the following standards.

a. Location

Shared parking spaces shall be located within seven hundred fifty (750) feet of the primary entrance of all uses served, unless shuttle bus service is provided to the parking area.

b. Zoning classification

Shared parking areas serving uses located in nonresidential districts shall be located in nonresidential districts. Shared parking areas serving uses located in residential districts may be located in residential or nonresidential districts. Shared parking areas shall require the same or a more intensive zoning classification than that required for the most intensive of the uses served by the shared parking area.

c. Shared parking analysis

Applicants wishing to use shared parking as a means of satisfying off-street parking requirements shall submit a shared parking analysis to the Community Development Director that clearly demonstrates the feasibility of shared parking. The analysis shall address, at minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.

d. Ineligible activities

- i. Shared parking may not be used to satisfy the off-street parking standards for upper-story residential uses.
- ii. Required parking spaces reserved for persons with disabilities may not be located off-site.

e. Agreement

- i. A shared parking plan will be enforced through written agreement among all owners of record. An attested copy of the agreement between the owners of record shall be submitted to the Community Development Director.
- ii. A shared parking agreement may be rescinded only if all required off-street parking spaces will be provided in accordance with this Section.
- iii. The Town shall be permitted to enforce such agreement and such agreement shall bind

the parties, heirs, successors and assigns and be approved by the Town Attorney.

5. Recording of approved plans.

An attested copy of an approved alternative parking plan shall be recorded in the office of the County Clerk and Recorder. An alternative parking plan may be amended by following the same procedure required for the original approval. The applicant shall provide proof of recording prior to approval of the certificate of occupancy.

6. Violations.

Violations of an approved alternative parking plan constitute a violation of this LDC and will be subject to the enforcement and penalty provisions of [Article 13](#), Violations, Penalties and Enforcement.

F. Off-Street Stacking Requirements

The following vehicle stacking standards shall apply unless otherwise expressly approved by the Community Development Director. The Community Development Director may require additional stacking spaces where trip generation rates suggest that additional spaces will be needed.

1. Minimum number of spaces

Off-street stacking spaces shall be provided as follows:

Table 10.5: Stacking Requirements		
Specific Use	Minimum Spaces	Measured From
Automated teller machine	3	Machine
Bank teller lane	4	Teller or window
Car lubrication stall	2	Entrance to stall
Car wash stall, automated	4	Entrance to wash bay
Car wash stall, hand-operated	3	Entrance to wash bay
Day care drop off	3	Passenger loading area
Gasoline pump island	2	Pump island
Parking area, controlled entrance	4	Key code box
Restaurant drive-through	6	Order box
Restaurant drive-through	4	Order box to pick-up window
School drop-off (public and private)	Determined by Community Development Director	
Other	Determined by Community Development Director	

2. Design and layout

Required stacking spaces are subject to the following design and layout standards:

a. Dimensions.

Stacking spaces shall be a minimum of eight (8) feet in width by twenty (20) feet in length.

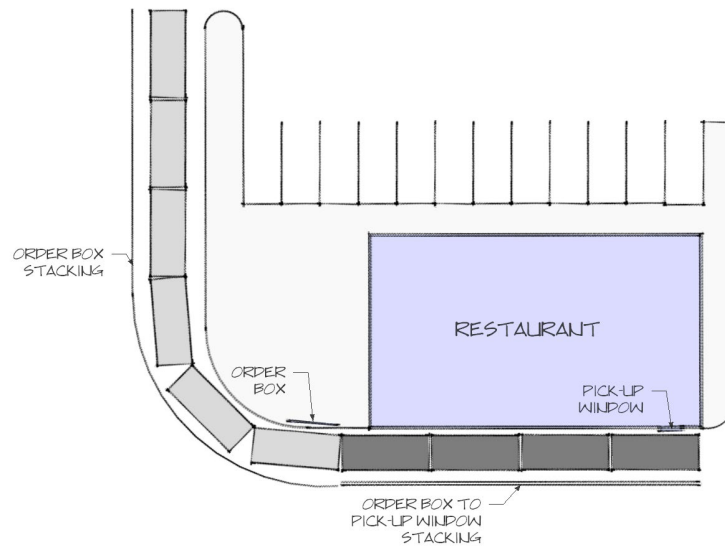
b. Location.

Stacking spaces shall not impede on- or off-site pedestrian or traffic movements or movements into or out of off-street parking spaces.

c. Design.

Stacking spaces shall be separated from other internal driveways by raised medians if deemed necessary by the Community Development Director for traffic movement and safety.

Illustration 10-4: Required Stacking Spaces



G. Off-Street Loading Requirements

1. Loading facilities required
 - a. As determined by the Community Development Director, off-street loading facilities shall be required for uses that regularly handle large quantities of goods. Loading facilities shall be of sufficient quantity to adequately serve the proposed use.
 - b. Any vehicle sales or rental facility or similar use requiring delivery of vehicles by truck shall demonstrate adequate on-site area exists for the loading and unloading of such trucks.
 - c. Any convenience store or similar use requiring deliveries by truck shall demonstrate adequate on-site area exists for the loading and unloading of such trucks.
2. Design and layout
 - a. Loading and unloading activity shall not be permitted in any public right-of-way. In no case shall loading and unloading activity encroach on or interfere with the public use of streets, sidewalks and lanes by automotive vehicles or pedestrians. Adequate space shall be made available for the unloading and loading of goods, materials, items or stock for delivery and shipping
 - b. Where off-street loading facilities are provided, they shall be not less than fifteen (15) feet in width by forty (40) feet in length, with not less than fifteen (15) feet of vertical clearance.
3. Screening

All loading areas shall be screened in accordance with [Section 10.04.C.](#)

Section 10.02 Pedestrian Facilities

A. Purpose

The purpose of this Section is to provide consistent requirements for pedestrian facilities that are safe, convenient and unobstructed and that connect neighborhoods, commercial uses and community facilities.

B. Applicability

1. All new development shall provide pedestrian facilities and pedestrian access in accordance with the requirements of this Section.
2. Buildings and structures lawfully existing as of the effective date of this Section, may be redeveloped, renovated, repaired or expanded without providing pedestrian facilities in conformance with this Section, provided there is no increase in gross floor area in such building or structure or impervious area on the site.

C. Sidewalks

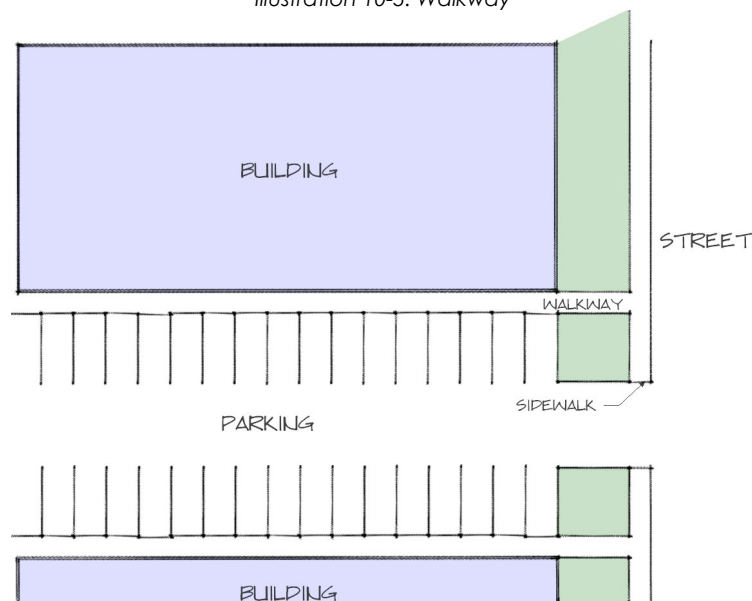
Sidewalks shall be placed within the rights-of-way as determined by the Community Development Director and as specified below.

1. Sidewalks shall be required on both sides of all arterial and collector streets.
2. Sidewalks, as needed, shall be required to provide pedestrian access to existing or future schools, community facilities, commercial facilities, parks, greenways or streets.
3. The Planning Commission may review each plat on its own merit as to whether additional sidewalks will be required based on anticipated pedestrian demand and analysis of surrounding conditions and land uses in the area.
4. Where sidewalks are required, the developer shall construct all sidewalks according to one of the following placement alternatives:
 - a. Sidewalks placed against the back of curb shall have a minimum paved width of six (6) feet; or
 - b. Sidewalks placed such that a minimum five-foot green space is maintained between the back of curb and the inside edge of the sidewalk shall have a minimum paved width of four (4) feet.
5. Where a combination or variation from the two (2) placement methods described in [Section 10.02.C.4](#) is necessary or desired or that an obstruction is located within the paved area, the following criteria must be satisfied.
 - a. All radii in the transition section must be a minimum of ten (10) feet.
 - b. All transition sections must be approved by the Community Development Director.
6. All sidewalks must be constructed concurrently with the street or, if the street is already constructed, prior to issuance of a certificate of occupancy.

D. Walkways

Walkways shall be a minimum of four (4) feet in width and be provided by the developer connecting parking areas or sidewalks with building entrances in addition to creating interconnecting paths between buildings.

Illustration 10-5: Walkway

**E. Accessways**

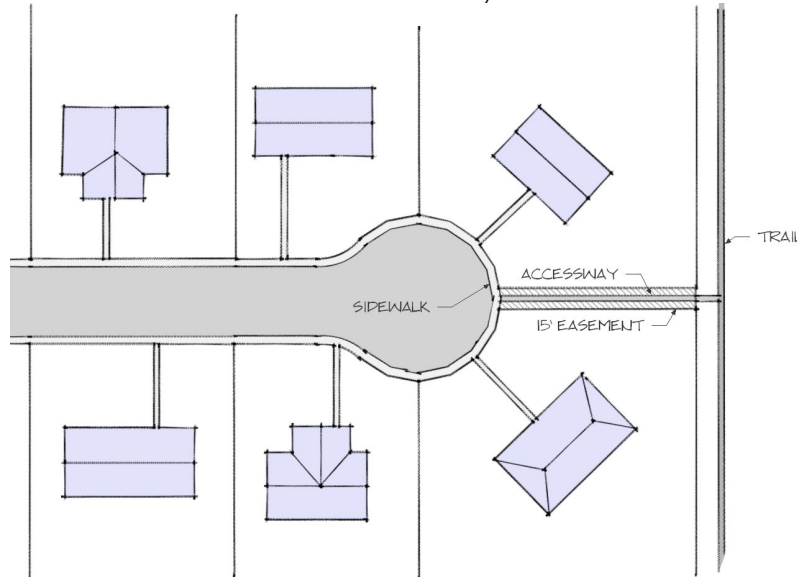
1. Accessways shall be provided by subdividers in blocks over eight hundred (800) feet in length and at the end of cul-de-sacs that abut an existing or future school, park, greenway, trail, bikeway or street.
2. Accessways shall be a minimum of four (4) feet in width.

3. Accessways shall be located within a dedicated public easement not less than fifteen (15) feet in width.

F. Trails

1. Trails shall be provided by subdividers in accordance with adopted Town plans. Trails may be substituted for sidewalks with the approval of the Planning Commission when it can be shown that accessibility and connection to interior and exterior destinations has been met as thoroughly or better than would a lateral sidewalk.
2. Trails shall be a minimum of four (4) feet in width.
3. Trails located on private property shall be located within a dedicated public easement not less than fifteen (15) feet in width.

Illustration 10-6: Accessways and Trails



Section 10.03 Landscaping and Buffering

A. Purpose

The purpose of this Section is to ensure that new landscaping and buffering are provided to contribute to high-quality development, conservation of water, reduction of heat islands and maintain the character of the Town of Palisade.

B. Applicability

Unless specifically exempt, all proposed development shall comply with the provisions of this Section.

1. Buildings, structures and uses lawfully existing as of the effective date of this Section may be redeveloped, renovated or repaired without providing or modifying landscaping and buffering in conformance with this Section, provided there is no increase in gross floor or impervious area on the site with the following exceptions:
 - a. Where a building, structure or use existed as of the effective date of this Section and such building or structure is enlarged in gross floor or impervious area by no more than ten percent (10%) or two thousand (2,000) square feet, whichever is less, landscaping and buffering as specified in this Section shall not be required.
 - b. Development in the TC district shall comply with the standards of this Section to the extent practical and as determined by the Community Development Director.
2. Individual lots and parcels for single-family and two-family dwellings are excluded from these requirements.

C. General Requirements

1. Landscape plan

- a. A landscape plan shall be submitted in conjunction with a required site plan or preliminary subdivision plat.
 - b. Landscape plans shall be stamped by a licensed landscape architect. Inspection and compliance with approved landscape plan must be certified by a licensed landscape architect prior to issuance of a certificate of occupancy.
- 2. Landscape requirements

Twenty percent (20%) of the total lot area shall be landscaped.

 - a. No less than one (1) canopy tree, one (1) understory tree and two (2) shrubs shall be planted for each thousand (1,000) square feet of landscape area required. Trees need to be evenly planted throughout the landscaped area, but may be staggered or clustered as necessary to maximize visual and screening objectives and to meet the needs of the particular species of plants for root space, water, light and air circulation.
 - b. At the time of planting all canopy trees shall be at least two (2) inches in caliper, all understory trees shall be at least one and one-half (1 1/2) inches in caliper, coniferous trees shall be at least six (6) feet in height and all shrubs shall be at least five (5) gallons in size.
 - c. Interior landscaping in parking lots and other vehicular use areas (see [Section 10.01.D.3.b](#)) may be used when calculating landscaped areas. However, the district boundary buffer requirements of [Section 10.03.D.1.b](#) shall be provided completely, as required, in addition to these requirements.
- 3. Design, installation and establishment
 - a. Plant material
 - i. Plant material shall be chosen from the lists of recommended plant species maintained by the Community Development Director. Plant materials shall be reviewed for suitability with regard to the eventual size and spread, susceptibility to diseases and pests and appropriateness to existing soil, climate and site conditions. Plant materials that vary from this list may be used with the approval of the decision making body.
 - ii. Any plant material listed by Mesa County as a noxious weed or invasive species will not be allowed.
 - b. Cold hardy and drought tolerant plants

Plantings shall be cold hardy for the specific location where they are to be planted. Trees and shrubs shall be drought tolerant and able to survive on natural rainfall once established with no loss of health.
 - c. Soils

Planting areas shall have uncompacted soil that is a minimum of twelve (12) inches deep. Soils shall be appreciably free of gravel, stones, rubble or trash. All compacted soil, contaminated soil or road base fill shall be removed.
 - d. Irrigation

Irrigation systems shall be provided to ensure survival of required plantings and planting areas.
 - e. Guarantee of installation

Required landscape improvements shall be installed prior to issuance of a certificate of occupancy or recordation of a final plat. If weather conditions or other reason, as approved by the Community Development Director, prevent installation, the developer shall post a financial guarantee for the improvements (see [Section 9.07.E](#)).
- 4. Requirements for maintaining planted areas
 - a. Responsibility

Unless otherwise designated by covenants, the responsibility for maintenance of a planted area shall remain with the owner, successors, heirs, assignees or any consenting grantee. Maintenance is required in order to ensure the proper functioning of a planted area.
 - b. Maintenance
 - i. All plantings and landscape features shall be maintained in an attractive, safe and healthy condition. Maintenance shall include, but not be limited to, watering, mulching,

fertilizing, pest management, mowing, weeding, removal of litter and dead plant material and necessary pruning and trimming.

- ii. Natural water courses shall be maintained in a natural condition.
 - iii. A water source shall be supplied within fifty (50) feet of any planting requiring continuing watering. Where non-native or nondrought tolerant native vegetation is incorporated an irrigation system shall be required. Irrigation systems shall meet the standards of the Town.
 - iv. Where other uses exist, including pedestrian, bike or other trails, these uses shall be maintained to provide for their safe use.
- c. Failure to maintain

In the event that any owner of a planted area fails to maintain the planted area according to the standards of this Section, the Town shall have the right to recover the cost of enforcement, including reasonable attorney fees. The Town may also, following reasonable notice and a demand that deficiency of maintenance be corrected, enter the planted area to take maintenance action. The cost of such maintenance, including administration fees equal to ten percent (10%) of such costs shall be paid by the party primarily responsible for such maintenance and any unpaid assessments shall become a tax lien on said properties. In such cases the Town shall file a notice of such lien in the office of the Mesa County Clerk and Recorder upon the property affected by such lien and shall certify such unpaid assessments to the Mesa County Board of County Commissioners and the Mesa County Treasurer for collection, enforcement and remittance in the manner provided by law for the collection, enforcement and remittance of general property taxes, as authorized by Section 31-20-105, C.R.S.

5. Credit for existing plant material

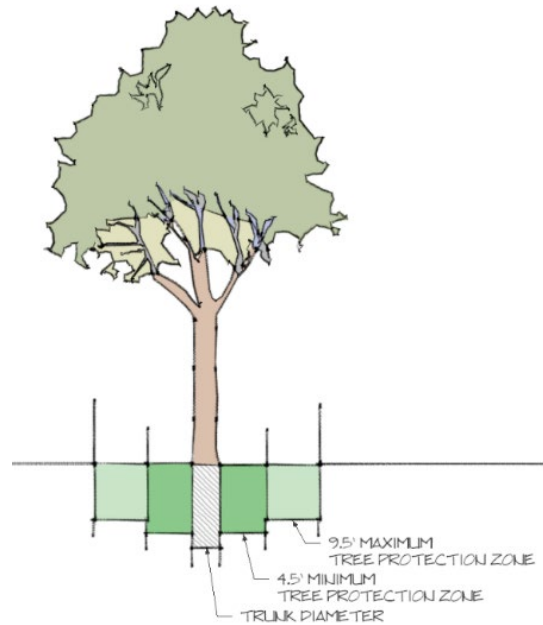
- a. Required planting areas shall incorporate existing natural vegetation to the maximum extent feasible. Prior to disturbance of a required planting area approval shall be obtained from the Town. Where existing vegetation is inadequate to meet the required planting standards, additional plant material shall be required.
- b. The retention of existing, noninvasive non-noxious vegetation shall be maximized within proposed planting areas. Existing native habitat or vegetation located within a planting area that meets the requirements of this Section may be counted, provided such plant material meets the minimum standards of this Section. If the existing vegetation has been credited and is subsequently removed or dies, it shall be replaced with the appropriate planting material.

6. Tree protection during construction

Existing trees specified on the landscape plan to remain on the site as a function of fulfilling the purpose of this Section shall be protected from vehicular movement and material storage over their root spaces during the following construction. An undisturbed area with a porous surface shall be reserved around a tree, as follows, with no protective distance less than four (4) feet from the base of the tree.

Table 10.6: Tree Protection		
Trunk Diameter	Area Required	Radius
4 - 10 inches	80 sq. ft.	4.5 ft.
11 - 16 inches	180 sq. ft.	7.5 ft.
17 - 20 inches	320 sq. ft.	9 ft.
21 inches plus	340 sq. ft.	9.5 ft.

Illustration 10-7: Tree Protection Requirements



D. Buffers

1. Buffer types

a. Street buffers

All new development with street frontage (including both frontages abutting a double frontage lot) shall provide a Class A buffer as described in [Section 10.03.D.2](#) below.

b. District boundary buffers

Perimeter compatibility is required along the boundaries of all incompatible zoning districts. The following table shall be used to determine the required buffer classification between adjacent districts.

Zone District	AFT	LDR	MDR	HDR	MU	HR	TC	CB	LI
AFT	—	—	—	—	—	—	—	—	—
LDR	A	—	—	—	—	—	—	—	—
MDR	A	A	—	—	—	—	—	—	—
HDR	B	A	—	—	—	—	—	—	—
MU	B	A	A	—	—	—	—	—	—
HR	B	B	B	A	A	—	—	—	—
TC	—	—	—	—	—	—	—	—	—
CB	C	C	C	B	B	—	—	—	—
LI	C	C	C	C	C	B	B	A	—

c. Natural feature buffer

A natural feature buffer may be required where specific natural or sensitive environmental features (stream, shoreline, drainage swale, wetland) merit the protection of such feature from the effects of erosion, pollution or other degradation. Natural feature buffers and the requirements thereof will be decided on a case by case basis and approved by the Planning Commission.

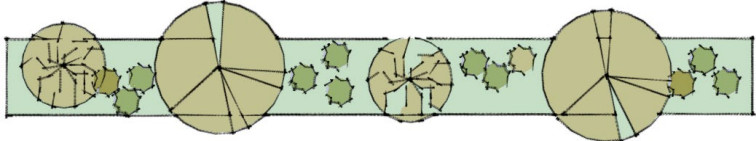
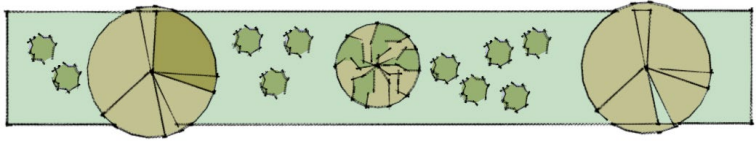
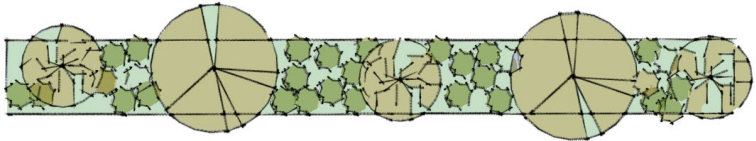
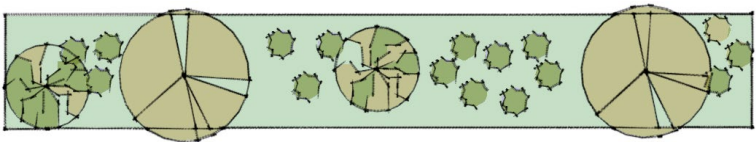
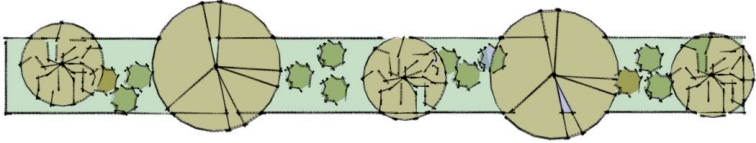
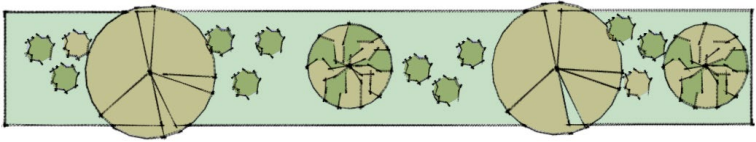
2. Buffer classifications

- The following table establishes the specific width and plant material for each buffer classification. The applicant is free to choose from either alternative in the respective

classification.

- b. Buffers planted below overhead utility lines shall replace understory trees for any canopy trees at a rate of two (2) understory trees per canopy tree.
- c. As determined by the Community Development Director, a wall or berm meeting the standards in [Section 10.03.D.7](#) may be substituted in lieu of some of the required shrubs in buffer types A and B. A wall or berm is required in all Type C buffers.

Table 10.8: Buffer Classifications

Alternative Width	General Illustration	Plants per 100 linear feet
Class A Buffer		
10 feet		2 canopy trees 2 understory trees 12 shrubs
15 feet		2 canopy trees 1 understory tree 10 shrubs
Class B Buffer		
10 feet		2 canopy trees 3 understory trees 30 shrubs
15 feet		2 canopy trees 2 understory trees 16 shrubs
Class C Buffer		
10 feet		1 wall or berm 2 canopy trees 3 understory trees 12 shrubs
15 feet		1 wall or berm 2 canopy trees 2 understory trees 12 shrubs

3. Design variations

While the buffer depth is normally calculated as parallel to the property line, design variations may be permitted and are calculated on the average depth of the buffer per one hundred (100) feet or portion of buffer. The minimum depth of the buffer at any point shall not be less than one-half ($\frac{1}{2}$) the required depth of the buffer chosen. Maximum depth for the purposes of installing required landscaping or receiving credit for existing vegetation shall not be more than one and one-half ($1\frac{1}{2}$) the required depth of the buffer chosen.

4. Credit for existing plant material

- a. To the greatest extent possible, existing plant material should not be eliminated, other than noxious weed or invasive species.
- b. Credit for existing plant material shall be allocated on a one-for-one basis for canopy trees, understory trees or shrubs. The size of material shall not be taken into account, except where such material is below the required minimum planting size.

5. Plant and structure location within buffer

The placement of required plants and structures shall be the decision of the applicant, except that the following requirements shall be satisfied:

- a. Plant materials shall be located so as to achieve the maximum level of protection. Plant material shall meet the buffer requirements every one hundred (100) feet.
- b. Canopy trees shall be located no closer than five (5) feet from any structure. Understory trees shall be planted no closer than three (3) feet from any structure.
- c. Buffer areas not retained in native habitat shall be seeded or sodded with lawn, established with ground cover or mulched with organic mulch. No turf grass shall be planted under the drip line of trees. Inorganic ground cover shall not exceed twenty percent (20%) of the total required area of the buffer.

6. Planting in easements

- a. Any buffer area which contains wet retention ponds or drainage easements must prove to be compatible with storm water management.
- b. Trees and shrubs shall be installed a minimum of five (5) feet away from the flow line of a swale.
- c. Existing trees may remain in dry retention ponds provided that the natural grade is undisturbed to the tree line, species are planted that are adapted to seasonal flooding and the pond is adequately maintained.
- d. Trees may be planted in underground utility easements with the Community Development Director's approval, provided the root structure of the proposed tree is not anticipated to extend more than three (3) feet below the ground. Shrubs may be planted, provided they are only within the outer three (3) feet of the easement. Where such trees and shrubs are planted, the property owner shall be responsible for replacement of such required vegetation if maintenance or other utility requirements require their temporary removal.
- e. A minimum of five (5) feet, or at least one-half (½) the minimum required buffer width, shall be provided outside of any required easements. The majority of buffer plantings and all structures shall be located outside the easements.

7. Walls, berms and fences

a. Walls

Where walls are placed within any required buffer area, they shall meet the following requirements:

- i. Walls shall be a minimum of three (3) feet and a maximum of six (6) feet in height.
- ii. Walls shall be constructed of one or more of the following materials: stucco over concrete block, brick, stone, split-faced block or glass block in a structurally safe and attractive condition. Alternative walls (including vinyl, EIFS or other similar systems) may be permitted with the approval of the Community Development Director. No walls of exposed concrete block are permitted, whether painted or not.
- iii. No wall shall be located within any required drainage, utility or similar easement.
- iv. The applicant shall be required to demonstrate provision for access and maintenance of landscaping and the wall structure at the time of landscape plan approval.
- v. Breaks in the wall may be provided for pedestrian connections to adjacent developments.

b. Berms

Where berms are placed within any required buffer area, they shall meet the following requirements:

- i. Berms shall have a minimum average height of two and one-half (2½) feet with side slopes of not less than four (4) feet horizontal for each one (1) foot vertical.
- ii. Slopes in excess of four (4) feet horizontal for each one (1) foot vertical may be permitted if sufficient erosion control methods are taken and deemed by the Community Development Director to be maintainable.

c. Fences

Where fences are placed within any required buffer area, they shall meet the following requirements:

- i. Fences in accordance with [Section 7.05.D.6](#) may be constructed in a required buffer, however, no reduction in buffer width shall be provided based on the provision of a fence.
- ii. Fences shall be a minimum of three (3) feet and a maximum of six (6) feet in height.
- iii. Fences shall be constructed of high quality materials, such as treated wood and wrought iron. Chain-link fences shall not be permitted.
- iv. Breaks in the fence may be provided for pedestrian connections to adjacent developments.
- v. Fences shall be maintained in a structurally safe and attractive condition and with finished faces and plantings located towards the adjacent property with at least one (1) upright shrub for every six (6) linear feet of fence length.
- vi. Any fence constructed in a buffer shall be capable of withstanding a thirty (30) pound per square foot horizontal wind load from any direction.

8. Permitted use of buffer area

A buffer area shall not be used for any principal building or use, accessory building or use, vehicle use area or storage area except as specifically permitted below:

- a. A buffer may be used for passive recreation and picnic facilities and may contain pedestrian or bike trails, provided that:
 - i. Trails may be incorporated provided adequate width (minimum fifteen [15] feet) is added to the required buffer width to accommodate both the trail and the required buffer plantings. Buffers with trails may also count toward the provision of recreation and open space for the development.
 - ii. All other requirements of this Section shall be met.
- b. Other appurtenances which require high visibility and easy access, such as fire hydrants, public and emergency telephones, mail boxes and bus shelters or benches, are also permitted in a buffer. No screening of such appurtenances shall be required.
- c. A required buffer is encouraged to retain areas of native habitat and may incorporate water resources including stormwater detention or retention facilities. However a minimum ten-foot contiguous width of the buffer shall be preserved as a planting area without stormwater facilities.

9. Ownership of buffers

Buffers may remain in the ownership of the original applicant; they may be subjected to deed restrictions and subsequently be freely conveyed; or they may be transferred to any consenting grantees, such as the Town, a land conservancy or land trust or homeowners' association. Any such conveyance shall adequately guarantee the protection and maintenance of the buffer in accordance with the provisions of this Section.

10. Alternative compliance

The buffer requirements may be modified by the decision making body upon a finding that:

- a. The modification would be consistent with the purpose of this Section and the adopted plans and policies of the Town;
- b. The modification would not adversely affect the land use compatibility or public interest; and
- c. The subject parcel or modified buffer complies with one or more of the following criteria:
 - i. The buffer is parallel and adjacent to an existing utility or drainage easement of at least

- one hundred (100) feet in width;
 - ii. The buffer is between uses that are to be developed under a common development plan or series of development plans;
 - iii. The buffer is adjacent to a property that has a joint use agreement with the subject parcel;
 - iv. The buffer is parallel and adjacent to an existing railroad right-of-way; or
 - v. The topography of the parcel is such that buffering would not be effective.
- d. Financial hardship due to meeting the requirements of this Section shall not be sufficient justification for alternative compliance.

Section 10.04 Screening

A. Drive-Through Facilities

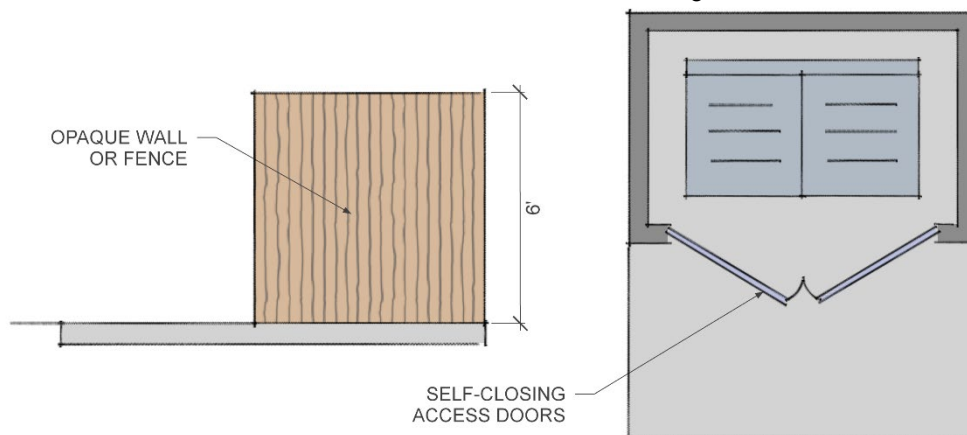
Drive-through windows and lanes shall be designed to adhere to the following standards:

1. Drive-through windows and lanes placed between the right-of-way and the associated building shall require landscape plantings installed and maintained along the entire length of the drive-through lane, located between the drive-through lane and the adjacent right-of-way.
2. Such screening shall be a compact evergreen hedge or other type of dense foliage. At the time of installation, such screening shall be at least thirty-six (36) inches in height and shall reach a height of forty-eight (48) inches within two (2) years of planting.
3. No drive-through window shall be permitted on the side of a building adjacent to any residential district.

B. Service Areas

1. Trash collection, trash compaction, recycling collection and other similar service areas shall be located on the side or rear of the building and shall be effectively screened from view from residential properties or public rights-of-way.
2. Screening enclosures shall be fully enclosed by opaque walls or fences at least six (6) feet high with self-closing access doors and shall be constructed of brick, masonry, architectural metals, stucco, or wood.

Illustration 10-8: Trash Enclosure Screening



3. All service areas shall be limited to the area shown on an approved site plan.
4. All service areas shall be located a minimum of fifty (50) feet away from any residentially-zoned property line.

C. Loading Areas

Loading areas shall be subject to the following screening requirements:

1. Provide a minimum one hundred percent (100%) year-round screen of all loading areas visible from residential properties or public rights-of-way.
2. This screen shall consist of berms, walls, fences, plant material or combination totaling eight (8) feet in height at installation or completion of construction. Wall or fence materials shall be

compatible with the primary structure.

3. Loading docks not in an LI district shall be located at the side or rear of buildings a minimum of fifty (50) feet away from any residentially-zoned property, unless the loading area is wholly within a closed building.

D. Mechanical Equipment

1. All roof, ground and wall-mounted mechanical equipment (e.g., air handling equipment, compressors, duct work, transformers and elevator equipment) shall be screened from view from residential properties or public rights-of-way at ground level of the property line.
2. Roof-mounted mechanical equipment shall be shielded from view on all sides. Screening shall consist of materials consistent with the primary building materials and may include metal screening or louvers which are painted to blend with the primary structure.
3. Wall or ground-mounted equipment screening shall be constructed of:
 - a. Planting screens;
 - b. Brick, stone, reinforced concrete or other similar masonry materials; or
 - c. Redwood, cedar, preservative pressure treated wood or other similar materials.

E. Utilities

Above-ground utilities and appurtenances to underground utilities which require above-ground installation shall be screened by a continuous planting of shrubs, with a minimum mature height equal to that of the utility structure. Required accessways to these utilities are exempt from the screening provisions.

Section 10.05 Outdoor Lighting

A. Purpose

The purpose of this Section is to ensure that vehicle circulation, pedestrian, parking and other areas have adequate outdoor lighting to provide safety at night, while limiting the negative impacts on adjacent properties.

B. Applicability

1. All new development shall comply with the standards of this Section.
2. Where a building, structure or use existed as of the effective date of this Section and such building is enlarged in gross floor area or impervious area on the site by no more than ten percent (10%) or two thousand (2,000) square feet, whichever is less, outdoor lighting as specified in this Section shall not be required.
3. The following shall be exempt from the outdoor lighting requirements of this Section:
 - a. Fixtures (luminaries) with a light output of less than one thousand (1,000) lumens.
 - b. Public recreational playfield lighting; and
 - c. Fixtures with a light output of more than one thousand (1,000) lumens may be allowed with an active or activated motion sensor.

C. Prohibited Light Sources

The following light fixtures and sources shall not be used within the Town where the direct light emitted is visible from adjacent areas:

1. Low-pressure sodium and mercury vapor light sources;
2. Cobra-head-type fixtures having dished or drop lenses or refractors which house other than incandescent sources; and
3. Searchlights and other high-intensity narrow-beam fixtures.

D. Design Requirements

Outdoor lighting shall primarily be used to provide safety while secondarily accenting key architectural elements and to emphasize landscape features. Light fixtures shall be designed as an integral design element that complements the design of the project. This may be accomplished through style, material or color. All lighting fixtures designed or placed so as to illuminate any portion of a site shall meet the following requirements:

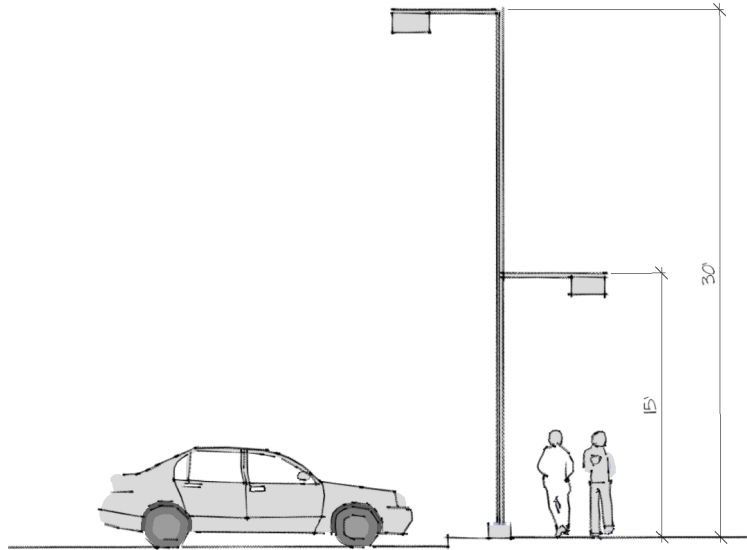
1. Fixture (luminaire)

The light source shall be concealed and shall not be visible from any street rights-of-way or adjacent properties. In order to direct light downward and minimize the amount of light spillage into the night sky and onto adjacent properties, all lighting fixtures shall be full cutoff fixtures.

2. Fixture height

Lighting fixtures shall be a maximum of thirty (30) feet in height within parking areas and shall be a maximum of fifteen (15) feet in height within non-vehicular pedestrian areas. All light fixtures located within fifty (50) feet of any residential use or residential property boundary shall not exceed fifteen (15) feet in height.

Illustration 10-9: Light Fixture Height Standards



3. Light source (lamp)

Only incandescent, fluorescent, metal halide or color corrected high-pressure sodium may be used. The same light source type shall be used for the same or similar types of lighting on any one (1) site throughout any development.

4. Mounting

Fixtures shall be mounted in such a manner that the cone of light is contained on-site and does not cross any property line of the site.

5. Limit lighting to periods of activity

The use of sensor technologies, timers or other means to activate lighting during times when it will be needed may be required by the Community Development Director to conserve energy, provide safety and promote compatibility between different land uses.

E. Specific Standards

1. Security lighting

- a. Building-mounted security light fixtures such as wall packs shall not project above the fascia or roof line of the building and shall be shielded.
- b. Security fixtures shall not face a residential property.
- c. Security fixtures shall not be substituted for parking area or walkway lighting and shall be restricted to loading, storage, service and similar locations.

2. Accent lighting

Only lighting used to accent architectural features, landscaping, art or that employs a particular historic and thematic style as preferred by the Comprehensive Plan such as Victorian lamp posts, may be directed upward.

3. Canopy area lighting

All development that incorporates a canopy area over fuel sales, automated teller machines or similar installations shall use a recessed lens cover flush with the bottom surface of the canopy that provides full cutoff or shielded light distribution.

4. Tear sheets required

Tear sheets for all lighting fixtures (luminaries) to be installed on site shall be required.

F. Entrances and Exits in Nonresidential and Multifamily Development

All entrances and exits to buildings used for nonresidential purposes and open to the general public, along with all entrances and exits in multifamily residential buildings, shall be adequately lighted to ensure the safety of persons and the security of the building.

G. Commercial Parking Area Lighting

All commercial parking areas shall be required to provide lighting during nighttime hours of operation.

H. Excessive Illumination

1. Lighting within any lot that unnecessarily illuminates and interferes with the use or enjoyment of any other lot is prohibited. Lighting unnecessarily illuminates another lot if it clearly exceeds the requirements of this Section or if the standard could reasonably be achieved in a manner that would not interfere with the use or enjoyment of neighboring properties.
2. Lighting shall not be oriented so as to direct glare or excessive illumination onto streets in a manner that may distract or interfere with the vision of drivers on such streets.
3. All lighting, including any exterior floodlights, shall be shielded so that substantially all emitted light falls within the property line of the property from which the light emanates.
4. Illumination using bare illuminated tubing or strings of lights that completely outline or define property lines, sales areas, roofs, doors, windows or similar areas in a manner that is not primarily for safety purposes is prohibited, except for temporary holiday displays.
5. All lighting fixtures used to illuminate an off-street parking area shall be arranged so as to direct or shield the light away from any adjoining residential premises.
6. Lighting used to illuminate commercial sites and parking areas shall be arranged, located or screened to direct light away from any adjoining or abutting residential district or use or any street rights-of-way.

Section 10.06 Building Design

A. Purpose

The purpose of this Section is to provide interest in design, articulation and human scale to the façade of a building.

B. Applicability

This Section shall apply to the construction, renovation or redevelopment of:

1. Nonresidential structures, outside of the LI district, visible from the public right-of-way with a gross floor area of more than three thousand (3,000) square feet;
2. Multifamily structures; and
3. Residential and nonresidential multibuilding developments.

C. General

1. Architectural styles and materials for all structures shall be complementary to that of historic structures (fifty [50] years and older) found in the Town.
2. Use of standard, off-the-shelf corporate image architecture is prohibited.
3. Design for buildings within multibuilding developments shall exhibit a unity of design through the use of similar elements such as rooflines, materials, window arrangement, sign location and details.

D. Façades

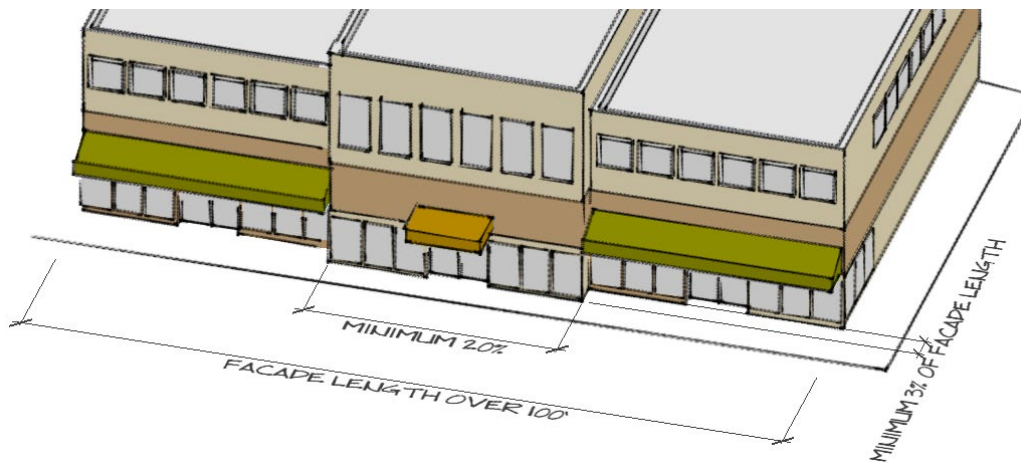
1. All nonresidential street façades should be constructed of the following materials:

- a. Masonry including brick, stucco, architectural concrete, hardiplank or similar siding or stone;
 - b. Wood;
 - c. Non-corrugated metal (for beams, lintels, trim elements and ornaments); or
 - d. Glass (no more than eighty percent [80%] of any façade).
2. Corrugated metal may compose a maximum of fifty percent (50%) of any façade that faces any public right-of-way.
 3. Any side or rear wall facing a street, residential zoning district or public or semipublic area shall consist of the same facing materials as the building front.

E. Building Articulation Standards

1. Façades greater than one hundred (100) feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a minimum depth of three percent (3%) of the length of the façade and comprising a minimum of twenty percent (20%) of the length of the façade. No uninterrupted length of any façade shall exceed one hundred (100) horizontal feet.

Illustration 10-10: Building Articulation Standards - Façade



2. Ground floor façades that face public rights-of-way shall have arcades, display windows, entry areas, awnings or other such features along a minimum of sixty percent (60%) of their horizontal length.
3. No wall section shall extend for a distance greater than three (3) times its height without a change in elevation of a minimum of fifteen percent (15%) of such height. This height change shall continue for a minimum of twenty-five percent (25%) of the length of either adjacent plane.

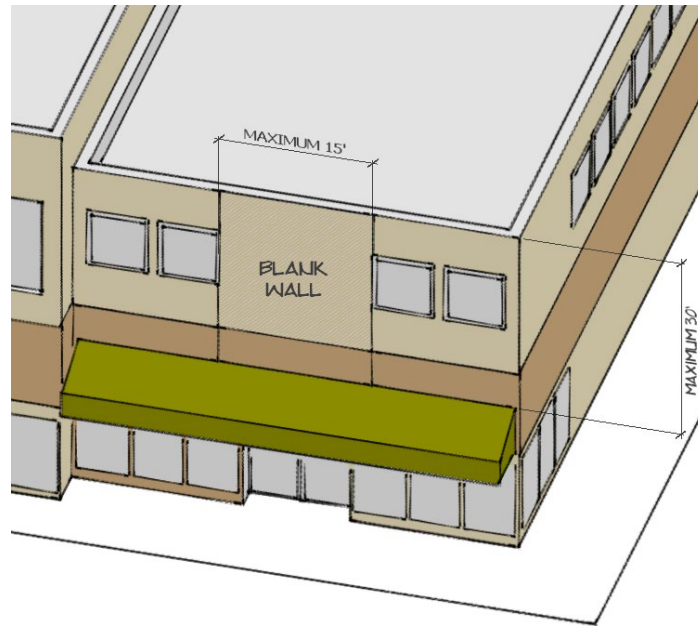
Illustration 10-11: Building Articulation Standards - Height



F. Blank Wall Area

Blank wall areas on building façades on nonresidential buildings facing a public right-of-way shall extend a no more than fifteen (15) feet vertically or thirty (30) feet horizontally.

Illustration 10-12: Blank Wall Standard



Section 10.07 Access Management

A. Access Required

1. No principal building, structure or use may be erected or established on any lot which does not abut a public or private street.
2. The Community Development Director may authorize, in specific situations, the erection or establishment of a principal building, structure or use on a lot not meeting these requirements if it is clear that adequate provision for access for the type and intensity of the use proposed has been or will be provided, and there are special circumstances, such as the rural nature of the lot and area, or in the case of a nonresidential use, that an easement has been recorded guaranteeing accessibility, that make the application of these requirements to the proposed use not feasible or undesirable.

B. Access to Major Arterials

1. Whenever a subdivision that involves the creation of one (1) or more new streets borders on or contains an existing or proposed major arterial, no direct driveway access may be provided from lots within the subdivision onto this street.
2. When a lot or development borders on or contains an existing or proposed collector, driveway access between the lot and the arterial or collector shall be located not closer than one hundred (100) feet to the nearest centerline of any other proposed or existing driveway access along the same side of the thoroughfare.
 - a. Approval of driveway access between a lot and the thoroughfare at an interval less than those specified above may be granted by the decision making body.
3. No certificate of occupancy may be issued until the major arterial access requirements of this Section have been met.

C. Access to Minor Arterials

All access to minor arterials shall occur in accordance with the following:

1. Lots may take direct access onto a frontage road.
2. Lots may take indirect access by fronting on cul-de-sacs.

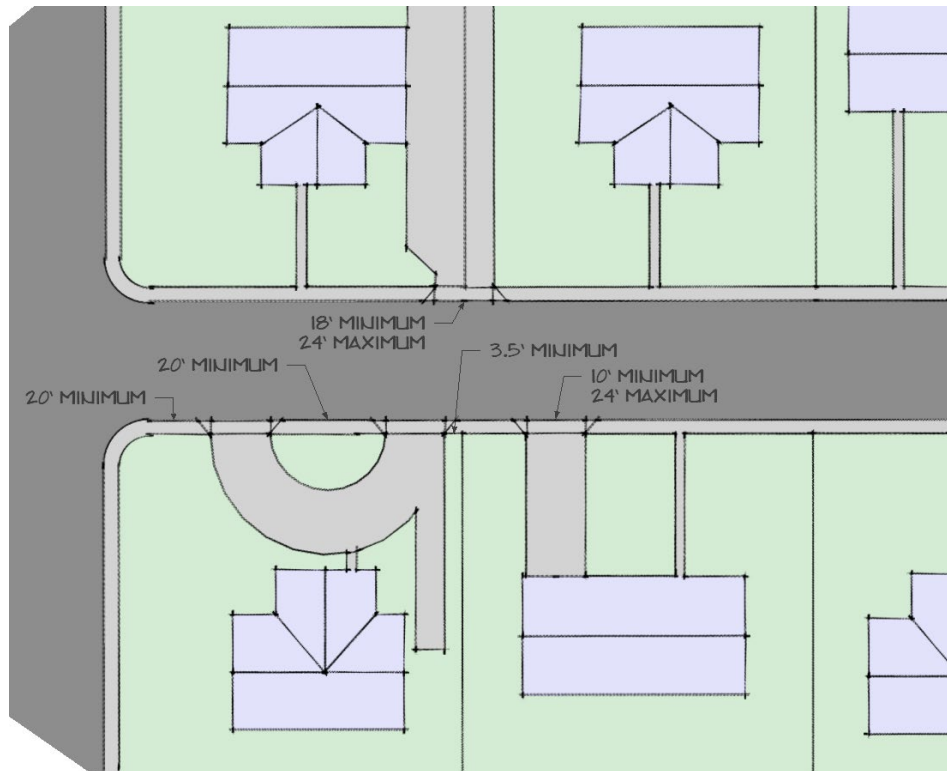
D. Driveways

1. Residential driveways

Residential driveway access to and from streets shall be constructed in accordance with Town standards and with the specifications as outlined below:

- a. The width of a residential driveway serving a single-family residence shall be no less than ten (10) feet. The width of a residential driveway serving more than one (1) residence shall be no less than eighteen (18) feet. No residential driveways shall have a width of more than twenty-four (24) feet at the curb and extending to a point no less than five (5) feet behind the sidewalk. When two (2) residential driveways coincide along a property line, the maximum width shall not exceed twenty-four (24) feet.
- b. Residential driveway approaches shall have minimum curb radius of five (5) feet.
- c. The number of residential driveway access points servicing any lawful lot should be limited to one (1) unless otherwise approved by the Community Development Director; however, in no instance shall there be more than two (2) residential driveway access points servicing the lot.
- d. Residential driveways shall be spaced at least twenty (20) feet from any other driveway on the same lot, but not nearer than three and one-half (3½) feet to any lot line, except where two (2) residential driveways coincide along the same lot line. The minimum corner clearance from the curb line or edge of pavement of intersecting streets shall be at least twenty (20) feet from the point of tangency of the radius curvature or twenty (20) feet from the intersection of right-of-way lines, whichever is greater.

Illustration 10-13: Driveway Standards



- e. Driveways shall be graded so that the driveway at the back of the sidewalk or property line is at least as high as the adjacent top of curb. If the site served by the driveway is lower than the road, then the driveway may have a grade break and slope down once the curb elevation is obtained. Driveways and other areas of access to a structure shall be sloped so as to prevent the runoff of surface water into any structure, including garage and carport areas.

2. Nonresidential driveways

a. Number of driveways

- i. The number of driveway access points may be restricted where it is necessary for purposes of decreasing traffic congestion or hazards. These restrictions may include required common access points. The Town Attorney shall approve the recordable documents for all required common access points.
- ii. Outparcels shall take access from within the development, where possible.
- b. Nonresidential driveway approaches shall have a minimum curb radius of fifteen (15) feet.
- c. Emergency access drives shall be a minimum of twenty-four (24) feet in width.

E. Driveway location

1. Minimum driveway separation from street intersections shall be as follows:

Table 10.9: Driveway Separation				
Intersecting Street	Major Arterial	Minor Arterial	Collector	Local
Major Arterial	175'	150'	100'	80'
Minor Arterial	150'	125'	90'	75'
Collector	100'	90'	60'	60'
Local	100'	70'	60'	60'

2. Driveways shall be separated from each other as follows:

- a. The standards of [Section 10.07.E.1](#) shall not apply to the following uses on collector streets: two-family houses (duplexes); multifamily dwellings with a maximum of four (4) units; or townhouses.
- b. Driveway separation shall be measured from the center of the driveway to the center of the intersecting street. This shall not be interpreted as prohibiting the use of a shared driveway.

F. Divided Entrances Required

Where the decision making body determines it is necessary, a divided entrance shall be required for a subdivision or development. Where a divided entrance is credited as two (2) access points, the divided entrance shall be four (4) travel lanes from the intersection with the public road system to the first intersection within the development.

G. Nonresidential Driveway Access to Adjacent Development

1. Driveway connections to adjacent development shall be provided and clearly identified. All driveway connections shall be constructed and stubbed, and future development of adjacent property shall complete a connection to any existing stub.
2. Access easements may be required to ensure out parcels or adjacent developments have adequate access if ownership patterns change.
3. The decision making body may waive the requirement for a driveway connection required above in those cases where unusual topography or site conditions would render such an easement of no benefit to adjoining properties.
4. The decision making body may approve the closure of driveway access in those cases where adjoining parcels are subsequently developed with a residential use.

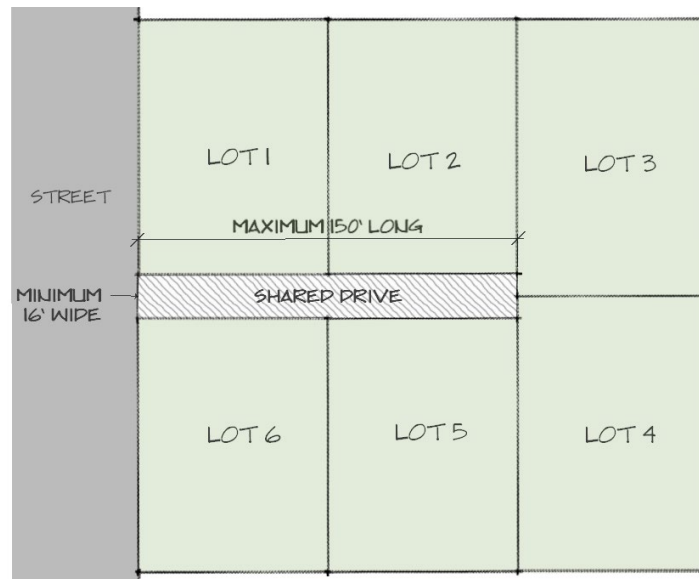
H. Shared Driveways

Shared driveways shall comply with the following standards:

1. A shared driveway shall be owned and maintained by the owners of the parcels or lots that abut the shared driveway. The shared driveway shall be platted in a tract dedicated to the property owners of the parcels that abut the shared driveway.
2. Not more than six (6) single-family lots shall abut or touch any portion of the shared driveway and no more than four (4) single-family units may access a shared driveway.
3. Shared driveways shall be a minimum of sixteen (16) feet wide flowline to flowline and a maximum of one hundred fifty (150) feet long.

4. Parking on a shared driveway shall be prohibited.
5. A shared driveway may be used only where it intersects a street with on-street parking.
6. Each lot abutting a shared driveway shall provide four (4) on-site parking spaces. For homes on shared driveways that access a cul-de-sac, five on-site parking spaces shall be provided. These additional spaces may be provided on the shared driveway if it is widened to accommodate such parking.
7. Each lot abutting a shared driveway shall access off of the shared driveway unless approved otherwise at the time of subdivision.
8. Shared driveways shall be designed to permit the ASHTO "P" design vehicle to back out of an individual driveway and turn ninety (90) degrees in either direction on the shared driveway without any portion of the vehicle:
 - a. Leaving the individual driveway from which the vehicle is exiting or the shared driveway; or
 - b. Entering on or over the individual driveways of any other residence.
9. The building setback adjacent to a shared driveway shall be the minimum setback required for that side of the property by the underlying zoning district or fifteen (15) feet, whichever is greater. All entrances to garages shall be set back a minimum distance of twenty (20) feet from the shared driveway.
10. No fences or hedging taller than thirty (30) inches shall be located within the setback adjacent to the shared driveway. Open fences are acceptable.
11. No gateways, locked entries or other restrictive access constraints are allowed across a shared driveway.
12. Finished surface may be composed of variable hard surfaces such as brick, interlocking pavers, cobblestones or similar finishes, designed by a professional engineer and as approved by the Town Engineer.

Illustration 10-14: Shared Driveway Standards



I. Loop Lane Standards.

A loop lane is an alternate street design that provides a turnaround in place of a cul-de-sac. The loop lane is desirable because it allows for additional open space/park area instead of an expanse of asphalt paving found in a standard cul-de-sac. Loop lanes shall comply with the following standards:

1. A maximum of seven homes may access off the loop.

2. The minimum loop lane is sixteen (16) feet from flowline to flowline and shall consist of a paved surface with roll-over curb and gutter on at least one side and a roll-over curb or vertical curb on the other side.
3. No curve on any portion of the flowline of the loop lane shall have an inside radius of less than thirty-three (33 feet) and an outside radius of less than forty-eight (48) feet.
4. No portion of the loop lane shall extend more than two hundred fifty (250 feet) from the abutting street right-of-way.
5. A minimum separation of sixty-six (66) feet is required between the right-of-way on each side of the loop.
6. Four guest-parking spaces, located in the public right-of-way, are required at the end of the loop. The parking area is reserved for guest parking and shall not be used for the parking of residents' vehicles and/or recreation vehicles for more than a twenty-four (24) hour period.
7. The loop lane and parking shall be dedicated to and maintained by the Town. The right-of-way shall extend one (1) foot beyond the curb on the park side of the lane and one (1) foot beyond curb on outside edge of the lane.
8. The loop shall provide for two-way traffic.
9. "No parking" signs shall be installed and maintained so that no parking is allowed between the curbs on any traveled portion of the loop lane, except the guest parking area.
10. Each residence shall provide and maintain four (4) off-street parking spaces, two (2) of which may be within a garage or carport.
11. The park shall be owned and maintained by the homeowners' association, subject to any easements.
12. The developer shall landscape the park and provide an irrigation system in accordance with the Zoning and Development Code.

J. Shared Access

A shared access easement may be required between adjacent lots fronting on arterial and collector streets in order to minimize the total number of access points along those streets and to facilitate traffic flow between lots. The location and dimensions of such easement shall be determined by the decision making body and reviewed by the Town Attorney.

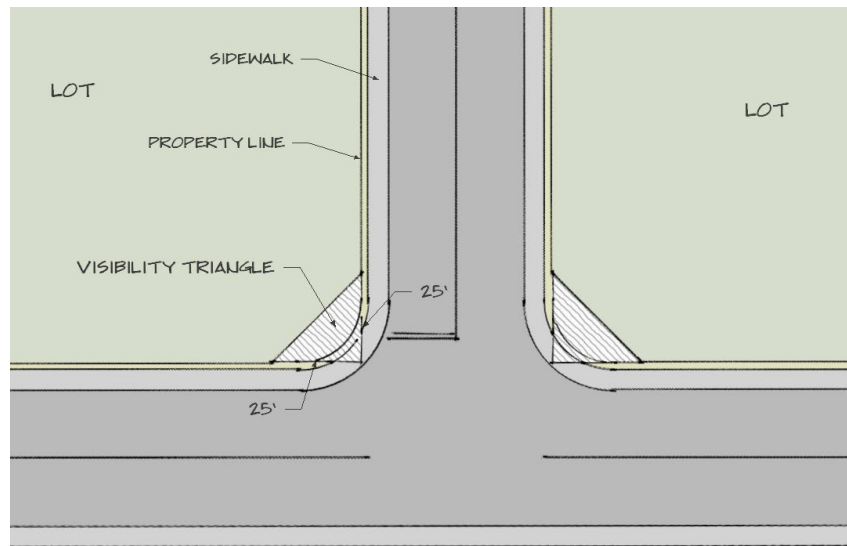
K. Closure or Relocation of Existing Access Points

The decision making body, in conjunction with CDOT, shall have the authority to require the closure or relocation of existing access points where multiple access points to the site are available.

L. Visibility Triangle

1. No fence, wall, hedge, landscaping, sign or other material or structure that will obstruct vision between a height of three (3) feet and eleven (11) feet shall be erected, placed or maintained within the triangular area formed by an imaginary line starting at the point of intersection of property lines and extending twenty-five (25) feet along property lines from their point of intersection, to a point twenty-five (25) feet from their point of intersection, as shown below.

Illustration 10-15: Visibility Triangle



2. Those legs of the safe sight triangle which extend along a driveway or alley may be reduced to fifteen (15) feet at the discretion of the Community Development Director.
3. Visibility triangle requirements may be increased when deemed necessary for traffic safety.

Section 10.08 Fire Protection

A. Applicability

Fire hydrants and protection facilities shall be installed in all subdivisions, planned developments, manufactured home parks and subdivisions, multifamily developments and nonresidential developments.

B. Fire Protection Standards

Fire hydrants and protection facilities shall comply with the following standards:

1. Fire flows shall comply with the most recent edition of the International Fire Code as adopted by the Town.
2. In the case of single-family or duplex residential development, one- or two-story motels, hotels or multifamily dwellings or mobile home parks, hydrants shall be installed at intervals not to exceed five hundred (500) feet with a minimum main size of six (6) inches.
3. In the case of business or industrial development and other developments excluding that described in [Section 10.08.B.2](#), above, hydrants shall be installed at intervals not to exceed three hundred (300) feet with a minimum main size of eight (8) inches.
4. In the case of a building which will provide standpipe and/or sprinkler systems, a fire hydrant shall be installed within one hundred fifty (150) feet of the exterior fire department connection with a minimum main of eight (8) inches.
5. In the case of high hazard areas or intense development, spacing of hydrants and sizing of mains shall be determined after computing required fire flows.
6. All fire hydrants shall deliver the required fire flows with a residual pressure of twenty (20) psi.
7. A gridded or looped hydrant supply system shall be used wherever possible. When such is not practical as determined by the Fire Chief, the dead-end line may not exceed one thousand (1,000) feet, and all fire flow standards shall apply.
8. Uniform marking of fire hydrants shall be consistent with the requirements of the Fire Chief.

Section 10.09 Mandatory Homeowners' Associations

Under the Colorado Common Interest Ownership Act of 1998 (CCIOA), planned residential communities may

be required to comply with provisions of CCIOA and therefore, form a mandatory homeowners' association. When a subdivision or development 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, adequate provision shall be made for the establishment and creation of a mandatory homeowners' association or similar legal entity to assume and be responsible for the continuous and perpetual operation, maintenance and supervision of such facilities, structures, improvements, systems, areas or grounds.

Section 10.10 Signs

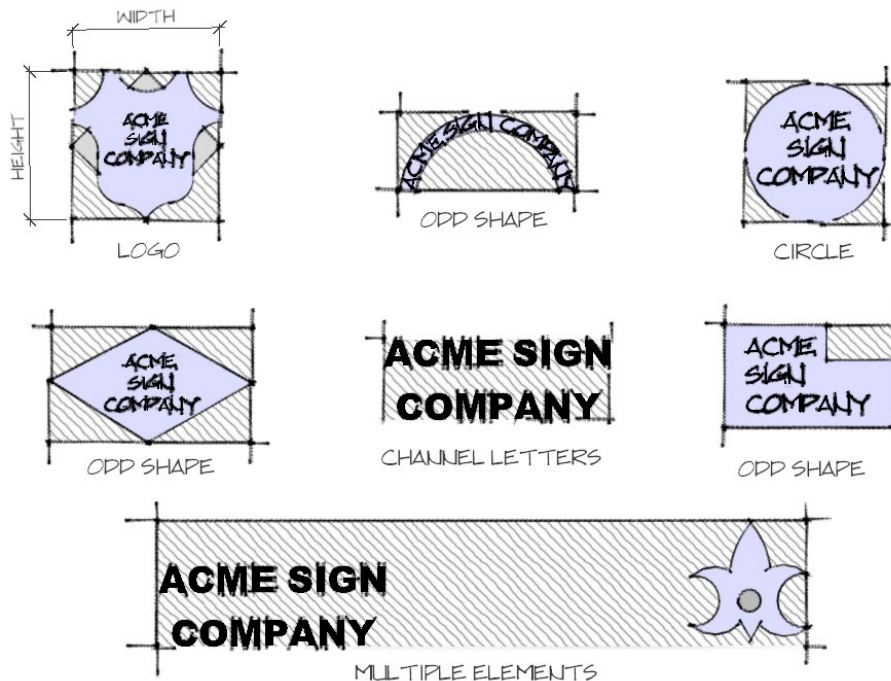
A. Purpose and Intent

The purpose and intent of this Section is to prevent their over-concentration, improper placement and excessive height, bulk and area in order to maximize sign legibility and effectiveness, while at the same time preserving community scenic, economic and aesthetic values.

B. General sign regulations

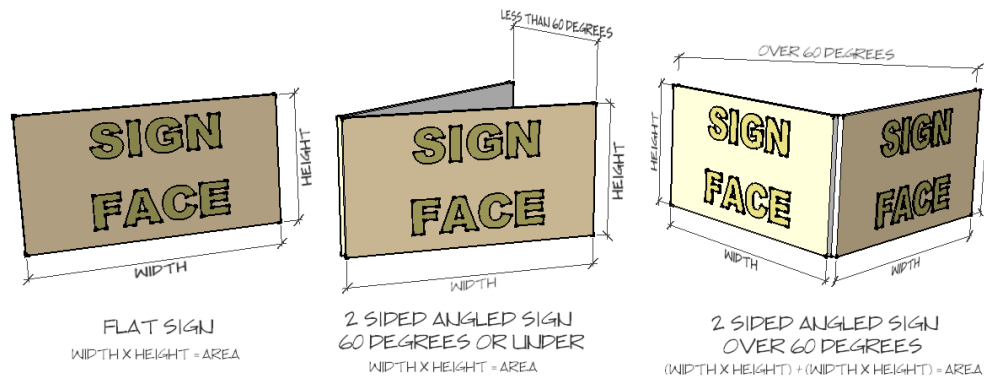
1. Sign area measurement

- a. The area of a sign face shall be computed by means of the smallest rectangle that will encompass the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, base, bracing or decorative fence or wall when such fence or wall otherwise meets the regulations of this LDC and is clearly incidental to the display itself.
- b. For a single wall, all pieces of information or other graphic representations on that wall shall be measured as though part of one (1) sign, encompassed within one (1) rectangle, which may not exceed the maximum permitted sign area.



- c. Where the sign faces of a double-faced sign are parallel or the interior angle formed by the faces is sixty (60) degrees or less, only one (1) display face shall be measured in computing sign area. If the two (2) faces of a double-faced sign are of unequal area, the area of the sign shall be the area of the larger face.

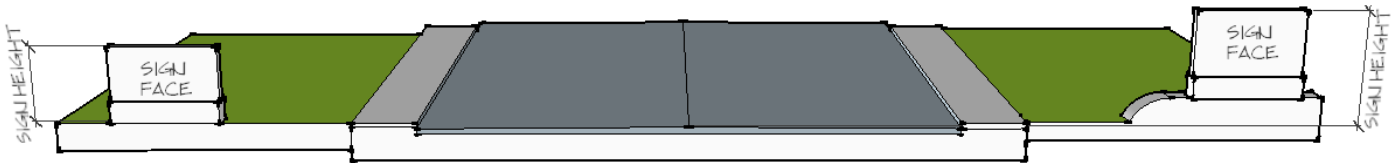
Illustration 10-16: Double Face Sign Standards



2. Sign height computation

The height of a sign shall be measured from the highest point of a sign to the finished grade beneath it. When any filling, berming, mounding or excavation solely for the purpose of locating the sign, the height of the sign shall be measured from the mean elevation of the fronting street centerline.

Illustration 10-17: Sign Height Computation



3. Construction standards

- All signs shall comply with the appropriate provisions of the current building and electrical codes and this LDC.
- Signs shall be located in such a way that they maintain sufficient horizontal and vertical clearance of all overhead electrical conductors in accordance with electric code specifications, provided that no sign, except governmental signs, shall be installed closer than ten (10) feet horizontally or vertically from any conductor or public utility guy wire.
- In no way shall a sign hinder or obstruct the visibility of the right-of-way, as defined by [Section 10.07.K](#), either at intersections or points of ingress or egress from parking lots.

C. Specific Sign Regulations

1. On-premises signs

- Sign area permitted
 - The total amount of on-premises sign area permitted on any lot shall not exceed one and one-fourth (1.25) square feet per lineal foot of street frontage.
 - On lots with more than one street frontage, the longest dimension may be used to calculate the maximum area permitted.
 - When no freestanding sign other than a ground sign or monument sign is proposed, a ten percent (10%) increase in permitted sign area shall be allowed.
- Wall/fascia signs
 - Size

No more than twenty-five percent (25%) of the area of any wall may be devoted to wall/fascia signage.

ii. Number

More than one (1) wall/fascia sign may be erected, provided the total surface area regulation is not exceeded.

Illustration 10-18: Wall Sign



iii. Height

No wall/fascia sign may extend above parapet walls or above roof lines of buildings without parapet walls.

iv. Projection/clearance

No wall/fascia sign may project more than twelve (12) inches from the building wall. If a sign projects more than six (6) inches from the building, the sign shall maintain a clear height of eight (8) feet above finished grade.

Illustration 10-19: Wall Sign Projection/Clearance



v. Illumination

Wall/fascia signs may be illuminated either internally or externally, provided that, where internal illumination is utilized, only the face area of the letters or logos may be

illuminated and at least sixty percent (60%) of the sign face shall have an opaque background. Lighting directed toward a sign shall be shielded so that it does not shine directly into a public right-of-way or residential building and does not interfere with the safe vision of motorists.

vi. Location

(a) Wall/fascia signs may be located in all zoning districts so long as no illuminated sign is located in any residential district. Home occupation and home business signs shall be permitted in residential districts in accordance with [Section 7.05.D.9](#) and [Section 7.05.D.10](#), respectively.

(b) Wall/fascia signs for bed and breakfasts shall be permitted in residential districts in accordance with [Section 7.03.C](#).

c. Projecting signs

i. Size

The maximum area of any single side of a projecting sign shall be ten (10) square feet, and such signs shall be limited to two (2) sides.

ii. Number

Not more than one (1) projecting sign shall be permitted for each business establishment.

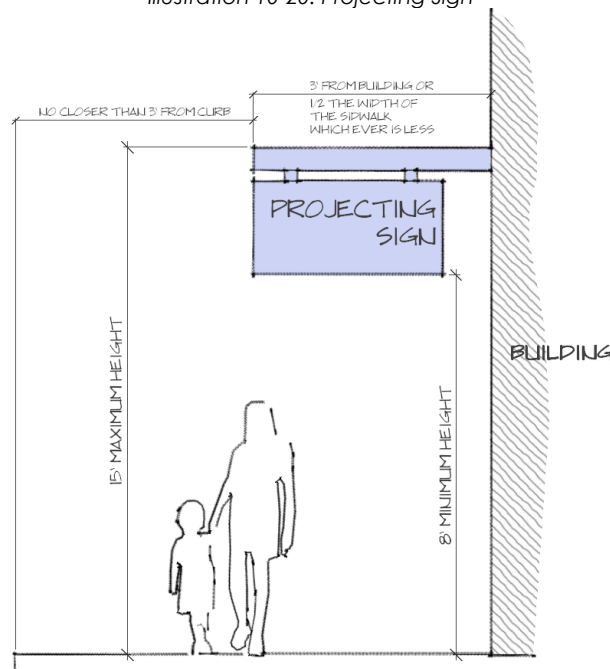
iii. Height

No sign shall extend above parapet walls or above roof lines of buildings without parapet walls and in no instance shall the top of the sign be higher than fifteen (15) feet above the finished grade.

iv. Projection/clearance

No sign shall project more than three (3) feet from the building wall or one-half ($\frac{1}{2}$) the width of the sidewalk, whichever is less, provided that no sign shall project closer than three (3) feet to the curb line. All projecting signs shall maintain a clear height of eight (8) feet above the finished grade.

Illustration 10-20: Projecting Sign



v. Construction

All projecting signs shall be fastened directly to the supporting building wall, with the supporting structure physically integrated into the sign. All projecting signs shall intersect

the building wall at right angles.

vi. Illumination

Projecting signs may be illuminated either internally or externally, provided that where internal illumination is utilized, only the face area of the letters or logos may be illuminated and at least sixty percent (60%) of the sign face shall have an opaque background. Lighting directed toward a sign shall be shielded so that it does not shine directly into a public right-of-way or residential building and does not interfere with the safe vision of motorists.

vii. Location

Projecting signs are permitted only in nonresidential zoning districts.

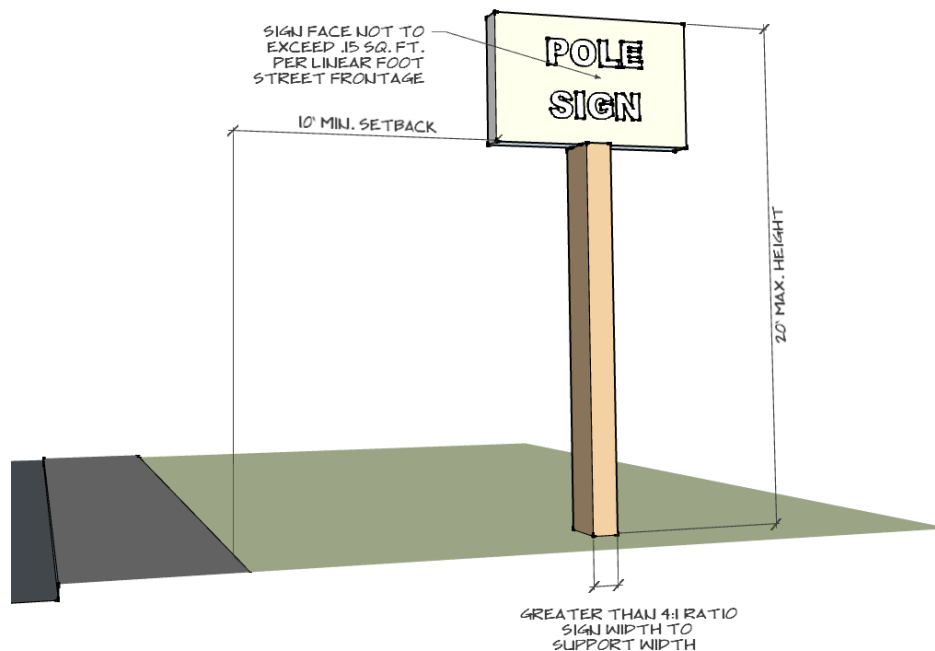
d. Freestanding signs (pole, monument, ground signs).

i. Types

(a) Pole sign

- (1) A freestanding sign attached to the ground by one (1) or more support structures having a ratio of greater than four to one (4:1) sign width to narrowest width of support structure.
- (2) The maximum surface area of a single side of a pole sign shall not exceed fifteen hundredths (0.15) square foot per linear foot of street frontage along the street toward which such sign is primarily oriented.

Illustration 10-21: Pole Sign

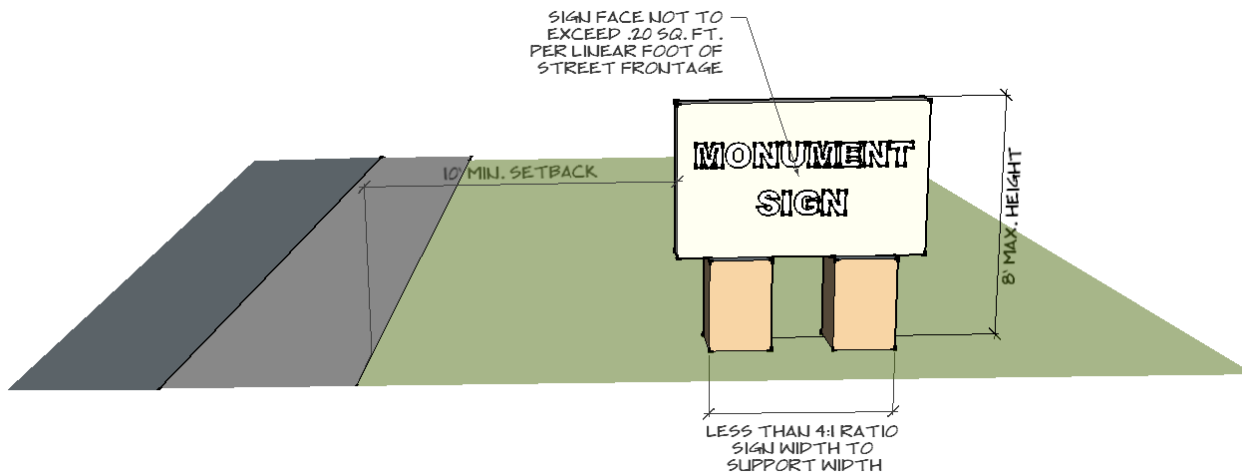


- (3) The maximum height of a pole sign or any part thereof, including base or apron, supports, supporting structures and trim, shall not exceed twenty (20) feet.
- (4) All pole signs shall maintain a clear height of eight (8) feet above the finished grade.

(b) Monument sign

- (1) A freestanding sign attached to the ground by one (1) or more support structures having a ratio of less than four to one (4:1) sign width to narrowest width of support structure.
- (2) The maximum surface area of a single side of a monument sign shall not exceed two-tenths (0.20) square foot per linear foot of street frontage along the street toward which such sign is primarily oriented.

Illustration 10-22: Monument Sign

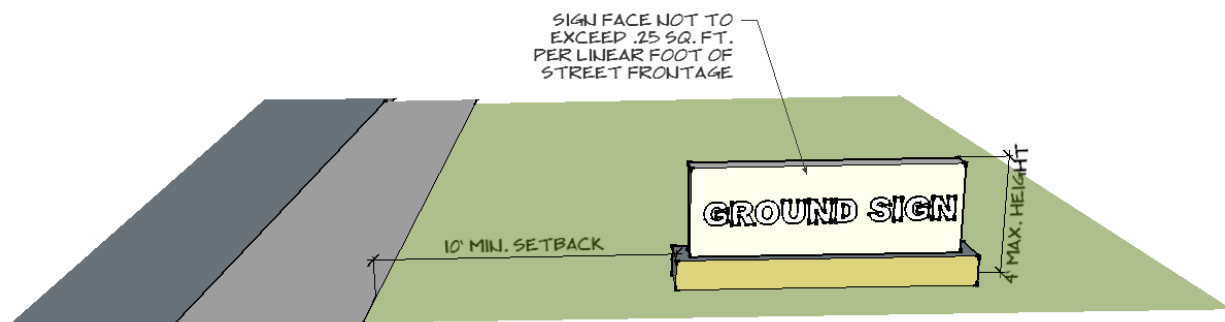


- (3) The maximum height of a monument sign or any part thereof, including base or apron, supports, supporting structures and trim, shall not exceed eight (8) feet.

(c) Ground sign

- (1) A freestanding sign attached to the ground with a clearance of less than eight (8) inches and not exceeding forty-eight (48) inches in height.
- (2) The maximum surface area of a single side of a ground sign shall not exceed one-fourth (.25) square foot per linear foot of street frontage along the street toward which such sign is primarily oriented.

Illustration 10-23: Ground Sign



- (3) The maximum height of a ground sign or any part thereof, including base or apron, supports, supporting structures and trim, shall not exceed four (4) feet.

ii. Number

- (a) One (1) freestanding sign shall be allowed on any lot, subject to the criteria in this LDC.
- (1) A pole sign shall only be allowed on a lot which contains one hundred (100) feet or more of frontage on the street to which such sign is to be oriented.
- (b) If a common signage plan is approved by the Community Development Director, the following shall apply:
- (1) Two (2) freestanding signs may be allowed on a lot or development having a minimum frontage of three hundred (300) feet on each of two (2) adjacent streets or more than six hundred (600) lineal feet of frontage on a single street, but only one (1) may be a pole sign.
- (2) Three (3) freestanding signs may be allowed on a lot or development having a minimum frontage of one thousand five hundred (1,500) linear feet on a single street, or has frontage of three hundred (300) feet or more on each of three (3) adjacent streets, a maximum of three (3) freestanding signs may be allowed,

but there shall be only one (1) pole sign permitted.

- (3) When more than one (1) freestanding sign is to be constructed, the total permitted sign area of all signs shall not exceed the standard set forth in this Section and the total amount of freestanding sign area shall not exceed twenty-five hundredths (0.25) square feet per linear foot of frontage on the adjacent street of greatest length.

iii. Setback

Freestanding signs shall be setback a minimum of ten (10) feet from any street right-of-way line and fifteen (15) feet from any interior side lot line.

iv. Illumination

Freestanding signs may be illuminated either internally or externally. Lighting directed toward a sign shall be shielded so that it does not shine directly into a public right-of-way or residential building and does not interfere with the safe vision of motorists.

v. Location

Freestanding signs are permitted in nonresidential districts, however, pole signs are not permitted in the TC district.

- (a) Home occupation and home business signs shall be permitted in residential districts in accordance with [Section 7.05.D.9](#) and [Section 7.05.D.10](#), respectively.

- (b) Bed and breakfast signs shall be permitted in residential districts in accordance with [Section 7.03.C](#).

vi. Landscaping

Shrubs, flowers or ground cover with a minimum height of eighteen (18) inches and planting bed area equal to one-half ($\frac{1}{2}$) of the sign area shall be planted around the entire base of any freestanding sign. The height of the plant materials may be waived for ground signs or monument signs.

e. Awning, marquee, canopy and hanging signs.

i. Size

- (a) The maximum area of a single awning, marquee or canopy sign shall not exceed seventy-five percent (75%) of the surface area of the face of the awning or marquee to which it is attached.

- (b) The maximum area of one (1) side of any sign hanging from an awning shall be six (6) square feet and in no instance be larger than the area permitted for a wall/fascia sign.



ii. Number

One (1) awning or marquee sign shall be permitted per awning or marquee side that faces a public right-of-way or sidewalk. Where multiple businesses are covered by one (1) awning, one (1) hanging sign is permitted per business premises.

iii. Setback

No portion of any awning or marquee sign shall project closer to the curb line than the awning or marquee to which it is attached.

iv. Height

Awning and marquee signs shall not extend above the top of the awning or marquee to which they are attached. Hanging signs shall not exceed eighteen (18) inches in height.

v. Projection/clearance

No portion of an awning or marquee sign shall project more than twelve (12) inches from the surface it is attached to. Hanging signs shall maintain a clear height of seven and one-half (7½) feet above the ground.

vi. Illumination

All awning and marquee signs may be illuminated either internally or externally. Illumination shall be for the sign only. Lighting directed toward a sign shall be shielded so that it does not shine directly into a public right-of-way or residential building and does not interfere with the safe vision of motorists.

vii. Location

Awning and marquee signs are permitted only in nonresidential zoning districts.

2. Digital or electronic sign

- a. Digital or electronic signs are permitted as freestanding signs only, except they are not allowed in the Town Center (TC) Zone District, and in accordance with [Section 10.10.E.11](#) and [Section 10.10.E.12](#).
- b. The maximum brightness levels for signs shall not exceed 0.3 (three tenths) footcandles over ambient light levels. Measurements of light are based on the area of the sign versus measurement of the distance. Using a footcandle meter, brightness shall be in conformance with the following distance table:

Table 10.10: Maximum Brightness Level	
Area of sign (square feet)	Measurement distance (feet from sign)
0 – 10	30
10 – 24	45
25 – 49	55
50 – 99	90
100 – 149	110
150 – 199	135

- c. All new electronic display signs shall have photocell technology that will be used to dim the displays for appropriate nighttime viewing from dusk to dawn or when ambient light conditions warrant such changes.

3. Outdoor advertising signs

No outdoor advertising sign or other advertising media not directly related to the use of the premises on which it is located shall be permitted in any district except after a plan for such sign has been approved by the Board of Trustees pursuant to the variance procedures of [Section 4.12](#).

a. Size

The maximum area of a single side of an outdoor advertising sign shall not exceed two hundred (200) square feet, with a maximum height of fifteen (15) feet and a maximum width

of twenty (20) feet, inclusive of any border and trim, but excluding the base or apron, supports and other structural members. If an advertising message appears on the base or apron, it will not be excluded from the maximum dimensions. Not more than one (1) advertising face is allowed on each side of the display.

b. Spacing

No part of any outdoor advertising sign shall be located less than two thousand (2,000) feet from any part of another outdoor advertising sign. The minimum distance between outdoor advertising sign shall be measured along the nearest edge of the pavement between points directly opposite the sign along each side of the highway and shall apply only to outdoor advertising signs located on the same side of the highway. Outdoor advertising signs shall not be located in such a manner as to obscure or physically interfere with the effectiveness of an official traffic sign, signal or device or obstruct or physically interfere with a driver's view of approaching, merging or intersecting traffic.

c. Setback

Outdoor advertising signs shall be placed at least fifty (50) feet off the state right-of-way.

d. Height

No outdoor advertising sign or part thereof, including base or apron, supports, supporting structures and trim shall exceed twenty-five (25) feet in height, measured from the top of the sign to the ground at the base of the sign or highway grade level, whichever may be higher.

e. Projection/clearance

Outdoor advertising signs shall maintain a clear height of eight (8) feet above the ground at the base of the sign or highway grade level, whichever may be higher.

f. Illumination

Outdoor advertising signs may be externally illuminated, so long as such lighting is effectively shielded to prevent beams or rays of light from being directed into any portion of the traveled ways of the highway or any public street and is not of such intensity or brilliance as to cause glare or to interfere with any driver's operation of a motor vehicle.

g. Location

Outdoor advertising signs may be permitted in all zoning districts on I-70. All outdoor advertising signs shall be primarily oriented toward the east-bound or west-bound lanes of I-70.

h. Annexation

Outdoor advertising signs located on property that is annexed by the Town shall be allowed for a period of forty-two (42) months from the date of annexation to comply with the provisions of this Section.

i. Other off-premises signs

All other types of off-premises signage is prohibited unless specifically addressed below.

4. Signs that do not require a permit

The following signs are allowed on a lot/parcel in any zone district:

- a. One sign that is integral to or flush-mounted on a building or structure that is no greater than four square feet in area.
- b. A sign that is not illuminated, not digital or electronic, and not permanent in nature; one that is planted into the ground or affixed to an object or structure by temporary means, does not have a foundation, is made of lightweight and thin materials such as a single sheet of plastic, thin metal, plywood or paper, except for prohibited signs discussed in [Section 10.10.E](#), with the following limitation:
 - i. On a parcel of less than one acre, up to four (4) such signs are allowed, so long as each sign is not greater than six (6) square feet in area, except in that one of these signs may be up to thirty-two (32) square feet in area when construction is occurring on a parcel or a subdivision of land is being developed.
 - ii. On a parcel of one acre or larger, up to four (4) such signs per acre are allowed, so long as each sign is not greater than six (6) square feet in area, except that one sign per acre

can be up to thirty-two (32) square feet in area.

5. Signs in Residential Zoning

One permanent non-digital monument or ground sign may be permitted for any non-residential use that is permitted in residential zoning. The sign may not exceed twenty-four (24) square feet in area and shall not be over six feet (6') in height if a monument sign, or over four feet (4') in height if a ground sign. No monument or ground signs, however, may be permitted in combination with wall signs allowed under Section [10.10 C.1.b.vi](#). One permanent non-digital monument or ground sign up to twenty-four (24) square feet in area is allowed at a multifamily apartment/condominium building/complex and on each common area parcel that abuts a public right-of-way. The sign may not be over six feet (6') in height if a monument sign, or over 4 feet (4') in height if a ground sign. For purposes of this subsection, "common area parcel" means a parcel that is owned by a homeowners' association for the benefit of all lot owners in a planned community, common interest community or condominium. The provisions under this subsection shall not apply to standards established for bed and breakfast uses, manufactured home parks, short term vacation rentals, home occupations, home businesses, and marijuana for personal or medical uses in residential structures.

D. Exemptions

The following signs shall not be subject to regulation hereunder:

1. Historic signs. A sign that is fifty (50) years or older, or a sign that is particularly unique in character, design or history, or that is part of the historic character of the business or building.
2. Signs placed by a governmental entity or agency of the government on public property or public rights-of-way.
3. Murals. An on-premises wall sign depicting, but not limited to artistic renderings of Town history, environment or community life. Such signs may be approved as a conditional use, subject to the provisions of [Section 4.07](#).
4. Window signs. An on-premise sign attached flat but parallel to the inside of a window shall be exempt provided no more than five (5) such signs per business shall be erected and no more than thirty percent (30%) of any window shall be occupied by such signs.
5. Easel signs. No more than one (1) easel sign (an upright A-frame structure) shall be permitted per business or use; however, such sign may not exceed six (6) square feet per face, and must be removed at close of business hours. Easel signs shall also meet the following minimum standards. Signs that cause potential risks to public safety due to a failure to comply with these standards shall be immediately removed or shall be subject to removal by the Town of Palisade.
 - a. Sign shall not block sidewalk ramp or curb-cut and shall not cause passage upon a public sidewalk to be decreased to less than forty-eight (48) inches in width.
 - b. Sign is limited to that portion of the sidewalk immediately in front of (and alongside in the case of a corner lot) the property or business establishment. Except for corner lot, the sign shall be nearest the curb when possible.
 - c. No sign shall exceed a height of three (3) feet.
 - d. Sign shall not render unusable any public seating, parking or access.
 - e. No signs shall be located within ten (10) feet of any fire hydrant.
 - f. Signs shall be constructed of high quality materials such as plastic, metal or wood, and shall not be in a condition of deterioration as defined in [Section 10.10.H](#) of this Code.

E. Prohibited Signs

The following signs are expressly prohibited within all zoning districts:

1. Signs that are erected after adoption of this code and do not comply with the provisions of this LDC.
2. Roof signs. A sign that is attached to the roof of a building that projects more than twelve (12) inches above the apex of the roof to which it is attached.
3. Nongovernmental signs erected on public property or public rights-of-way.
4. Signs affixed to trees, shrubbery, vines, utility poles and similar objects.

5. Signs that display any statement, word, character or illustration of an obscene nature.
6. Portable signs, except in the AFT district, and then only on a seasonal basis to advertise the sale of agricultural products.
7. Signs painted on or displayed on vehicles or trailers usually parked in public places primarily for displays, except where provided for in [Section 10.10.E.6](#).
8. Signs designed to be portable shall not be permitted to be altered so as to be made permanent.
9. Windblown signs, including banners, pennants, streamers, spinners, blimps, gas balloons and no more than two (2) flags, unless specifically provided for in [Section 10.10.E.6](#) or unless associated with a temporary event such as a festival.
10. Interactive signs.
11. Signs that contain any illumination or display that is in motion, including video or animation. A display shall be considered in motion if the display changes more frequently than once every 4 seconds or has an interval between messages of less than one second.
12. Signs that change intensity during display.

F. Common Signage Plan

1. When required

A common signage plan shall be provided for all multi-use developments.

2. Elements of a common signage plan

An application for a common signage plan shall be filed with the Community Development Director by utilizing the same form used for other sign permits. In addition, the applicant shall indicate the standards of consistency of all signs on the subject property with regard to:

- a. Colors: a maximum of four (4), including white, may be used. Federal and State registered trademarks may be employed in addition to the specified colors, but may not exceed twelve (12) square feet in copy area;
- b. Letter/graphics style;
- c. Location of each sign;
- d. Materials used in sign construction;
- e. Maximum dimensions and proportion;
- f. Limitation in number of freestanding signs to one (1) per street frontage; and
- g. Other restrictions imposed by the applicant.

G. Maintenance

1. All signs shall be maintained in a state of good repair. Whenever it appears that any sign has been or is being maintained in violation of this Section, such sign shall be made to conform with all regulations herein or shall be removed at the expense of the owner within ten (10) days after written verification thereof by the Community Development Director.
2. Maintenance responsibilities: to ensure that signs are erected and maintained in a safe and attractive manner, the following maintenance requirements shall apply to all signs visible from any street right-of-way:
 - a. A sign shall have no more than twenty percent (20%) of its surface area covered with disfigured, cracked, ripped or peeling paint, poster paper or other material for a period of more than thirty (30) successive days.
 - b. A sign shall not stand with bent or broken sign facing, broken supports, loose appendages or struts more than fifteen percent (15%) from vertical, for a period of more than ten (10) successive days.
 - c. A sign shall not have weeds, trees, vines or other vegetation growing upon it or obscuring the view of the sign from the street or right-of-way from which it is to be viewed, for a period of more than thirty (30) successive days.

H. Removal of Obsolete or Deteriorated Signs

1. Obsolete signs

Signs which identify business establishments are no longer in existence, products no longer being sold, services no longer being rendered or events which have already occurred shall be

removed by the owner of the premises on which the sign is situated within thirty (30) days of receipt of notification by the Community Development Director.

2. Deteriorated signs

Any sign which, together with its supports, braces, anchors and other structural elements, is not maintained in accordance with the provisions of the current building code or which is otherwise determined to be unsound or unsafe shall be removed or brought into compliance with all codes and ordinances within thirty (30) days of notification by the Community Development Director.

Section 10.11 Transportation Impact Fee

A. Purpose

The purpose of this Section is to require impact-generating development bear a proportionate share of the cost of improvements to the Town's Major Street System; to require that the proportionate share does not exceed the cost of providing such street improvements; and to require that funds collected from impact-generating development are actually used to construct major street system improvements. Likewise, it is acknowledged that certain development normally classified as impact-generating can, due to location and design, substantially offset traffic impacts by maximizing the value of available infrastructure (infill development) and offering alternatives to vehicle travel (pedestrian-friendly design), both stated goals of the Palisade Comprehensive Plan. It is not the purpose of this Section to collect any money from any impact-generating development in excess of the actual amount necessary to offset demands generated by that development for major street system and regional street system improvements for which the fee is paid.

B. Time of Fee Obligation and Payment

1. On or after the effective date of the adoption of this LDC, no planning clearance shall be approved for any traffic impact-generating development until a transportation impact fee has been assessed pursuant to the terms of this Section.
2. The impact fee shall be collected from the applicant for a planning clearance or other traffic-generating development, such as change of use, before a planning clearance for a building permit is issued, according to the fee schedule in effect at the time the planning clearance is applied for.
3. The developer shall indemnify and hold harmless the Town from all loss or damage which the Town may suffer, including attorneys' fees and litigation expenses, based upon any claim by the planning clearance applicant or others that deferral of the impact fee payment is unenforceable for any reason; and the developer shall be secondarily responsible for the payment of the applicable impact fee.

C. Exemptions

1. The following shall be exempt from the terms of this Section. An exemption must be claimed at the time of submittal of a development application or planning clearance:
 - a. Alterations of an existing dwelling unit where no additional dwelling units are created.
 - b. Replacement of a destroyed, partially-destroyed or moved residential building or structure with a new building or structure of the same use and with the same number of dwelling units.
 - c. Replacement of destroyed, partially-destroyed or moved nonresidential building or structure with a new building or structure of the same gross floor area and use.
2. The Community Development Director shall determine the validity of any claim for exemption pursuant to the criteria set forth in this Section.
3. In order to promote the economic development of the Town or the public health, safety and general welfare of its residents, the Board of Trustees may agree to pay some or all of the impact fees imposed on a proposed development or redevelopment from other funds of the Town that are not restricted to other uses. Any such decision to pay Impact Fees on behalf of an applicant shall be at the discretion of the Board of Trustees and shall be made pursuant to goals and objectives articulated by the Board of Trustees.
4. The Board of Trustees shall reserve the right to credit developers toward their transportation impact fee obligations in those cases wherein the proposed development can justify a high degree of pedestrian-friendly design, be located in a recommended infill concentration zone, or demonstrate a high degree of complementation with these stated goals of the Palisade Comprehensive Plan.
5. No waivers shall be granted for any required Impact Fees.

D. Fee Determination

1. Every person who applies for a traffic impact-generating development, except those exempted or preparing an independent fee calculation study, shall pay a transportation impact fee in accordance with the Town fee schedule prior to approval of the development or prior to the

issuance of a planning clearance as set forth in [Section 10.11.B](#), above. If any credit is due pursuant to [Section 10.11.F](#), the amount of such credit shall be deducted from the amount of the fee to be paid.

2. The Town fee schedule will be adopted and updated from time to time by resolution.
3. If the type of traffic impact-generating development for which a site plan or other development application is requested is not specified on the above schedule, the Community Development Director shall determine the fee on the basis of the fee applicable to the most nearly comparable type of land use on the fee schedule. The Community Development Director shall use the most current edition of the report titled Trip Generation, prepared by the Institute of Transportation Engineers (ITE), or articles or reports appearing in the ITE Journal, as a guide to selecting a comparable type of land use by trip generation rates.
4. Impact fees generally are assessed based on the primary land use. If the applicant can document that an auxiliary land use accounts for over twenty-five percent (25%) of the gross floor area of the structure and that the auxiliary use is not assumed in the trip generation, then the impact fees may be assessed based on the individual square footage of the primary and auxiliary uses.
5. Existing use or development
 - a. If the request is for a change of use or for the expansion, redevelopment or modification of an existing use, the fee shall be based on the net increase in the fee for the new use as compared to the previous use.
 - b. In the event that the proposed change of use, redevelopment or modification results in a net decrease in the fee for the new use or development as compared to the previous use or development, there shall be no refund of impact fees previously paid.
 - c. For fees expressed per one thousand (1,000) square feet, the square footage shall be determined according to gross floor area, measured from the outside surface of exterior walls, and excludes unfinished basements and enclosed parking areas. The fees shall be prorated and assessed based on actual floor area, not on the floor area rounded to the nearest one thousand (1,000) square feet.

E. Independent Fee Calculation

1. The impact fee may be computed by the use of an independent fee calculation study at the election of the applicant by an experienced and knowledgeable consultant approved by the Town, or upon the request of the Community Development Director, for any proposed traffic impact-generating development interpreted as not one of those types listed on the fee schedule or as one that is not comparable to any land use on the fee schedule, and for any proposed traffic impact-generating development for which the Community Development Director concludes the nature, timing or location of the proposed development makes it likely to generate impacts costing substantially more to mitigate than the amount of the fee that would be generated by the use of the fee schedule.
2. The preparation of the independent fee calculation study shall be the sole responsibility and cost of the party electing to utilize the study.
3. The Community Development Director may require any person who requests an independent fee calculation study pay an application fee for administrative costs associated with the review and decision on such study.
4. The independent fee calculation study shall be based on the same formulas, level of service standards and unit costs for facilities used in the impact fee study and shall document the methodologies and assumptions used.
5. The impact fee shall be calculated according to the formula in the Town Fee schedule that will be adopted and updated from time to time by resolution.

6. An independent fee calculation study submitted for the purpose of calculating a transportation impact fee may be based on data, information or assumptions from independent sources, provided that:
 - a. The independent source is an accepted standard source of transportation engineering or planning data; or
 - b. The independent source is a local study on trip characteristics carried out by a qualified transportation planner or engineer pursuant to an accepted methodology of transportation planning or engineering that has been approved in advance by the Community Development Director.

F. Credits

1. General standards

- a. Any person initiating traffic impact-generating development may apply for credit against transportation impact fees otherwise due for payment under the provisions of this Section, for any dedication or construction for any nondevelopment-related capital street improvements on the Town's major street system. If all conditions and requirements set forth in this Section are met, a credit will be issued.
- b. Any person initiating traffic impact-generating development may apply for a credit against transportation impact fees otherwise due, up to but not exceeding the full obligation for fees proposed for payment under the provisions of this Section, for any dedication of land not required by this Code and accepted by the Town, which is not already decreed, declared, proclaimed or otherwise granted to the Town.
- c. Credits for dedications or construction for nondevelopment-related capital street improvements on the Town's major street system are transferable only within the same development or to another development owned by the owner originally receiving the credit. There shall be no transferable credits associated with any dedication of land. Credits are not transferable for credit against any other fees required to be paid or dedications required to be made, including fees and dedications required for other public facilities.
- d. To be eligible for credits, any person initiating traffic impact-generating development must enter into an agreement with the Town prior to issuance of development application approval.
- e. Only a credit may be issued; in no case shall there be a refund of money.
- f. A credit must be used within thirty-six (36) months of the credit agreement.

2. Non-development-related capital street improvements

a. Credit against fees

A credit will be in an amount equal to the value of the costs of the street construction at the time of its completion; or the fair market value of the land dedicated for right-of-way at the time of dedication. The procedure for credit reviews will be the following:

- i. The determination of any credit will be undertaken upon the submission of an application for credit agreement, which shall be submitted to the Community Development Director.
- ii. The application for a credit agreement shall include the following information:
 - (a) If the proposed application for credit agreement involves construction:
 - (1) The proposed plan of the specific construction prepared and certified by a duly qualified and licensed Colorado engineer or contractor;
 - (2) Complete engineering drawings and specifications for the suggested improvements. Lane reconstruction, sidewalk construction, medians, landscaping, street lighting and other ancillary components of a capacity-expanding street improvement shall not be considered system improvements when not an integral part of a capacity-expanding improvement; and
 - (3) The projected costs for the suggested improvement, which must be based on local information for similar improvements, along with the construction timetable for the completion thereof. The estimated cost must include the cost

of construction or reconstruction, the cost of all labor and materials, the cost of all lands, property, rights, easements and franchises acquired, costs of plans and specifications, surveys of estimates of costs and of revenues, costs of professional services and all other expenses necessary or incident to determining the feasibility or practicability of such construction or reconstruction.

- (b) If the proposed application involves credit for the dedication of land, the Town will evaluate the land value for the purpose of the right-of-way dedication. For purposes of the credit agreement, the applicant must submit:
 - (1) A drawing and legal description of the land; and
 - (2) If the applicant disagrees with the right-of-way dedication value amount, the applicant must provide an appraisal for the fair market value of the land at the time of the dedication, prepared by a professional real estate appraiser who is a member of the Member Appraisal Institute (MAI) or who is a member of Senior Residential Appraisers (SRA).
- iii. The Community Development Director will determine if the application is complete. If it is determined that the proposed agreement is not complete, the Community Development Director will send a written statement to the applicant outlining the deficiencies. The Community Development Director will take no further action on the proposed application for credit agreement until all deficiencies have been corrected or otherwise settled.
- iv. The application for credit agreement may be approved by the Community Development Director if it complies with the general standards set forth in this Section. With respect to an application for right-of-way dedication credits, if the Community Development Director disagrees with the applicant's appraisal, the Town may conduct a second appraisal. Any right-of-way dedication credit agreement shall take into consideration the appraisals conducted. If no agreement can be reached, the Board of Trustees shall determine the amount of the right-of-way dedication credit.
- v. If the application for credit agreement is approved by the Community Development Director, the agreement shall be signed by the applicant and the Town. It will specifically outline the construction or land dedication; the time by which it will be completed, dedicated or paid and any extensions thereof; and the dollar credit the applicant will receive for the construction or land dedication. For the purposes of this Section, the Community Development Director or Mayor is authorized to sign the credit agreement.
- vi. The Town shall reserve the right to credit developers toward their Transportation Impact Fee obligations in those cases wherein the proposed development can justify a high degree of pedestrian-friendly activity, be located in a designated infill concentration zone, or demonstrate a high degree of complementation with the stated goals of the Palisade Comprehensive Plan.

G. Developer's Street Improvements

- 1. The design and construction of street improvements required to serve a development shall be made in accordance with [Article 9](#) and [Article 10](#) of this Code as well as any design standards and specifications adopted by the Town. Street improvements shall include, but are not limited to the following:
 - a. Absent unique needs or characteristics of the development, improvements shall include construction of full asphalt radii consistent with the classification of the future street and necessary drainage improvements, in accordance with Town standards, for each intersection with a perimeter street and/or improvements necessitated if the proposed development creates lots with direct access to the perimeter streets, as determined by the Community Development Director. If a traffic study is required and improvements in addition to those set out above are required, the required improvements shall conform to the traffic study.
 - b. Curb, gutter and sidewalk improvements shall be constructed as part of minimum access improvements when connecting directly to a street.
 - c. Determination of required improvements shall consider pedestrian connections, school

bus stops and transit stops in determining what improvements are required.

- d. Drainage structures including bridges. The developer shall construct drainage structures and/or bridges associated with the connection of the development to the street system.
 - e. Traffic studies. Preparation of traffic studies shall be the responsibility of new development as currently set forth in this Code.
 - f. Utilities. The extension of utilities, including water, wastewater, stormwater improvements, gas, electric, cable, telephone, etc., shall be the responsibility of new development.
2. In addition to the transportation impact fee and required street improvements, a developer must fully construct (or, if current needs do not require construction, then the developer must guarantee for future construction) all internal streets, roads, alleys and future connections in accordance with the development's approved plan.

H. Miscellaneous Provisions

- 1. If a transportation impact fee has been calculated and paid based on a mistake or misrepresentation, it shall be recalculated.
 - a. Any amounts overpaid by an applicant shall be refunded by the Town Treasurer to the applicant within thirty (30) days after the acceptance of the recalculated amount, with interest since the date of such overpayment.
 - b. Any amounts underpaid by the applicant shall be paid to the Town within thirty (30) days after the acceptance of the recalculated amount, with interest since the date of such underpayment.
 - c. In the case of an underpayment to the Town, the Community Development Director shall not issue any additional planning clearances, permits or approvals for the project for which the impact fee was previously underpaid until such underpayment is corrected, and if amounts owed to the Town are not paid within such thirty-day period, the Town may also rescind any zoning clearances, permits or approvals issued in reliance on the previous payment of such impact fee.
- 2. The transportation impact fees and the administrative procedures established by this Section shall be reviewed annually.
- 3. Payment of a transportation impact fee does not obligate the Town to construct any specific major street system or regional street system improvement.
- 4. Nothing in this Section shall prohibit the Town from contributing funds, materials or labor for additional improvements to its major street system or regional street system when it is deemed in the public interest to do so.

I. Appeals

Any determination made by the Town employee charged with the administration of any part of this Section may be appealed to the Board of Trustees within thirty (30) days from the date of the decision to be appealed.

J. Violation

Furnishing false information on any matter relating to the administration of this Section, including without limitation the furnishing of false information regarding the expected size, use or impacts from a proposed development, shall constitute a violation of this Section and shall result in the process beginning over with the correct information. Any person violating any provisions of this Section or failing to comply with the mandatory requirements of this Section shall be guilty of a municipal offense and shall be punished as set forth in [Article 13](#).

Section 10.12 Operational Performance

A. Purpose

The operational performance standards of this Section are intended to protect the health, safety and welfare of the citizens of the Town by regulating potential nuisance features associated with certain land uses.

B. Applicability

The operational performance standards of this Section shall apply to all uses, buildings and structures within the Town unless otherwise specifically indicated.

C. Exemptions

1. The following are exempt from the operational performance standards of this Section:
2. Temporary construction, excavation and grading associated with development for which applicable permits have been issued and with the installation of streets or utilities; and
3. Demolition activities that are necessary and incidental to permitted development on the same lot, on another of several lots being developed at the same time or in public rights-of-way or easement.

D. Standards

Under this Section, the following standards shall apply:

1. Noise
Sites shall be laid out and uses shall be operated to prevent noise from becoming a nuisance to adjacent single-family and duplex uses and residential district zoned sites as per Section 25-12-103, C.R.S.
2. Vibration
All uses shall be operated so that ground vibration is not perceptible outside the lot lines of the site on which the use is located.
3. Smell
All uses shall be operated so that smell is not perceptible outside the lot lines of the site on which the use is located.
4. Fire and explosive hazards
Underground storage tanks for flammable liquids and gases shall be located at least fifty (50) feet from the lot line of lots with residential zoning or that contain a single-family or duplex use. Above ground tanks shall be set back at least one hundred (100) feet from such lot lines, unless the Board of Adjustment determines, based on information provided by the applicant, that a fifty-foot setback will ensure compliance with all applicable State standards. The storage tank setback requirements of this Section shall not apply to tanks that are necessary to single-family or duplex units.
5. Electromagnetic interference
No operations or activities shall be conducted that cause electrical disturbances to be transmitted across lot lines.
6. Usable, livable open space (yards).
 - a. Required yards
No building used in whole or in part for residential purposes shall be hereafter erected, structurally altered or relocated on a lot so as to reduce the usable livable open space of such lot to less than that thereafter specified by the regulations of the district in which such building is located.
 - b. Usability of required open space
To be considered usable, livable open space shall be readily accessible and of a size and shape which can be reasonably considered to provide for amenities and the necessities of light, air, play space, yard area, garden, etc., but shall not include parking area and drives.
 - c. Maintenance and use of yards
Required yards shall be landscaped and kept clean and free from the accumulation of debris and refuse and shall not be used for the storage or display of equipment, products, vehicles or any other material except as may be specifically otherwise permitted under this LDC.

E. Compliance

Any use existing at the time of the adoption of this LDC that does not comply with one (1) or more of the operational performance standards of this Section shall not be deemed a nonconforming use for the purposes of this LDC.

ARTICLE 11 FLOODPLAIN REGULATIONS

Section 11.01 Floodplain Development Permits

A. Purpose

It is the purpose of this Article to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas.

B. Applicability

A floodplain development permit is required prior to any land disturbance, as defined in [Section 14.02](#), and before construction or development begins within any area of special flood hazard area established in [Section 11.03.A.6](#) within the Town limits to ensure conformance to the stormwater quality provisions and other applicable requirements of this LDC.

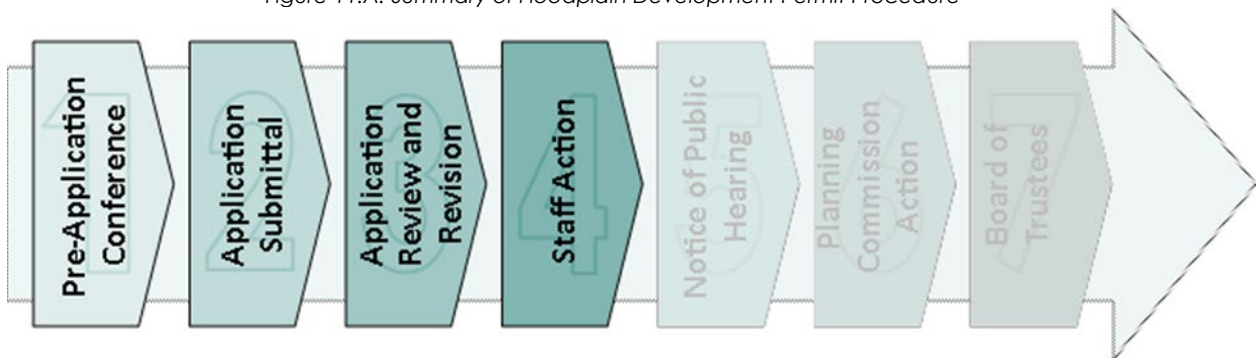
C. Initiation

An owner of land within the jurisdiction of the Town (or a duly authorized agent or representative) may apply for floodplain development permit approval.

D. Procedure

Figure 11.A identifies the application steps from [Article 3](#), General Review Procedures, which apply to the review of floodplain development permit applications. Additions or modifications to the general review procedures are noted below.

Figure 11.A: Summary of Floodplain Development Permit Procedure



1. Pre-application conference

All applicants seeking floodplain development permit approval shall schedule a pre-application conference with the Community Development Director, in accordance with [Section 3.04](#), Pre-Application Conference.

2. Application submittal

Application for a floodplain development permit shall be presented to the Floodplain Administrator and may include, but not be limited to, plans in duplicate, drawn to scale, showing the location, dimensions and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to the special flood hazard areas. Additionally, the following information is required:

- a. Elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures;
- b. Elevation (in relation to mean sea level) to which any nonresidential structure shall be floodproofed;
- c. A certificate from a registered Colorado professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of [Article 11](#).
- d. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
- e. Maintain a record of all such information in accordance with [Section 11.03.A.13](#).

3. Action by Floodplain Administrator

- a. After receiving a complete application, the Floodplain Administrator shall have up to thirty (30) days to review the application.
- b. Other referral agencies and officials as the Floodplain Administrator may deem necessary and desirable shall be given an opportunity to review the application.
- c. After technical review, the Floodplain Administrator shall determine whether the site plan conforms to the requirements of this LDC and approve or disapprove the floodplain development permit or refer the permit to the Town Board for final action.

E. Criteria for Approval

1. Approval or denial of a floodplain development permit by the Floodplain Administrator shall be based on the requirements of [Article 11](#) and the following relevant factors:
 - a. The danger to life and property due to flooding or erosion damage;
 - b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - c. The danger that materials may be swept onto other lands to the injury of others;
 - d. The compatibility of the proposed use with existing and anticipated development;
 - e. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - f. 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;
 - g. 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;
 - h. The necessity to the facility of a waterfront location, where applicable;
 - i. The availability of alternative locations not subject to flooding or erosion damage for the proposed use;
 - j. The relationship of the proposed use to the comprehensive plan for that area.
2. The applicant must ensure that the application for a floodplain development permit was prepared or reviewed and approved by a licensed professional engineer prior to submission to the Town and that the application meets the requirements of [Section 11.01.D.2](#).
3. A floodplain development permit is conditional upon issuance of all applicable related permits required from the U.S. Environmental Protection Agency or any other state or federal agency.

F. Expiration

A floodplain development permit shall expire twelve (12) months after the date that the permit was issued.

G. Appeals

An appeal from any final decision by the Community Development Director or request for variance shall be made within five (5) working days of the final decision in accordance with [Section 4.14](#), Administrative Appeal.

Section 11.02 Floodplain Development Permit Variances (Appeal)

A. Applicability

The Town Board shall hear and render judgment on a variance (appeal) only when it is alleged there is an error in any requirement, decision or determination made by the Floodplain Administrator in the enforcement or administration of this [Article 11](#) as follows:

1. Variances may be approved for new construction, for substantial improvements and for other development necessary for the conduct of a functional dependent use, provided that 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.
2. Variances may be approved for new construction and substantial improvements to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided that the relevant factors of [Section](#)

11.02.C and the danger to life have been fully considered. As the lot size increases beyond one-half (½) acre, the technical justification required for issuing the variance increases.

B. Review Process

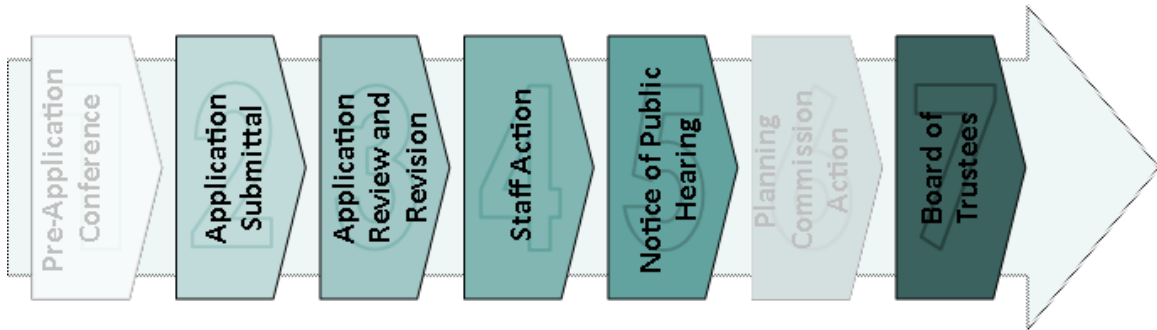
1. Initiation

Initiation of a floodplain development permit variance may be made upon application of a property owner or his or her designated agent.

2. Procedure

Figure 11.B identifies the application steps from Article 3, General Review Procedures, which apply to the review of floodplain development permit variance requests. Additions or modifications to the general review procedures are noted below.

Figure 11.B: Summary of Floodplain Development Permit Variance Procedure.



3. Application Submittal

An application for a floodplain development permit variance shall be submitted in accordance with Section 3.05, Application Submittal.

a. Application and completeness determination

The Floodplain Administrator is responsible for checking that a complete application has been submitted with all material necessary for the Town Board to render an informed decision.

4. Staff review

The Floodplain Administrator shall review the application, consider any applicable criteria for approval and prepare a report to the Town Board. A copy of the staff report shall be mailed to the applicant at least five (5) days prior to the public hearing on the application. The Floodplain Administrator's report may include a recommendation for final action.

5. Notice of public hearing

The Town shall hold all required public hearings and give notice in accordance with Section 3.08.

6. Town Board final action

- a. The Town Board shall review the application in a regular public meeting and may take final action on the proposed floodplain development permit variances. The Town Board may attach such conditions to the granting of variances as it deems necessary to further the purpose for floodplain development permit regulations as stated in Section 11.02.D.
- b. The floodplain development permit variance shall become effective upon approval by the Town Board.

C. Criteria for Approval of Variances

1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
2. Floodplain development permit variances shall only be issued upon:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - c. 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 or conflict with existing local laws or ordinances;

- d. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result;
- e. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure; and
- f. Variances may be issued by the Town for new construction, for substantial improvements and for other development necessary for the conduct of a functionally dependent use, provided that:
 - i. The criteria outlined in Subsections, a. through e., of this Section are met; and
 - ii. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

D. Conditions of Approval

In approving a floodplain development permit variance, the Town Board may establish conditions of approval as necessary to ensure compliance with the criteria for approval of [Section 11.02.C](#).

E. Action Following Approval

- 1. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- 2. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

F. Expiration

A floodplain development permit variance shall expire twelve (12) months after the date that the permit was issued.

G. Appeal

Any person aggrieved by the decision of the Town Board may appeal such decision in the courts of competent jurisdiction.

Section 11.03 Floodplain Regulations

A. General Provisions and Applicability

1. Purpose

The purpose of this Section is to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed 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 and other public facilities and utilities such as water and gas mains, electric, telephone and sewer lines 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 manner as to minimize future flood blight areas;
- g. Ensure that potential buyers are notified that property is in a flood area; and
- h. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

2. Applicability

The Section 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.

3. Findings of fact

- a. The flood hazard areas of the Town are subject to periodic inundation which results 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 public health, safety and general welfare.
- b. 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.

4. Floodplain development permit required

Approval of a floodplain development permit pursuant to the requirements of [Section 11.01](#) shall be required prior to any development, as defined in [Section 14.02](#), to ensure conformance to the provisions and requirements of this Section.

5. Methods of reducing flood losses

In order to accomplish its purposes, this Section uses the following methods:

- a. Restrict or prohibit uses that are dangerous to health, safety or property in the times of flood or that cause excessive increases in flood heights or velocities;
- b. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- c. Control the alteration of natural floodplains, stream channels and natural protective barriers, which are involved in the accommodation of floodwaters;
- d. Control filling, grading, dredging and other development which may increase flood damage; and
- e. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

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 Mesa County, Colorado and Incorporated Areas," dated July 6, 2010, 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 Section. These special flood hazard areas identified by the FIS and attendant mapping are the minimum area of applicability of this Section and may be supplemented by studies designated and approved by the Town. 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.

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 Section and other applicable regulations. Nothing herein shall prevent the Board of Trustees 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.

8. Abrogation and greater restrictions

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

9. Interpretation

In the interpretation and application of this Section, all provisions shall be:

- a. Considered as minimum requirements;
- b. Liberally construed in favor of the Town Board; and
- c. Deemed neither to limit nor repeal any other powers granted under state statutes.

10. Warning and disclaimer of liability

The degree of flood protection required by this Section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions, greater floods can and will occur and flood heights may be increased by manmade or natural causes. This Section 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 Section shall not create liability on the part of the Town or any officer or employee of the Town for any flood damages that result from reliance on this Section or any administrative decision lawfully made under this Section.

11. Severability

This Section and the various parts thereof are hereby declared to be severable. Should any Section of this Section be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Section as a whole, or any portion thereof other than the Section so declared to be unconstitutional or invalid.

12. Designation of the Floodplain Administrator

The Town Administrator is hereby appointed as Floodplain Administrator to administer, implement and enforce the provisions of this Section and other appropriate Sections of 44 C.F.R. (National Flood Insurance Program Regulations) pertaining to floodplain management.

13. Duties and responsibilities of the Town's Floodplain Administrator shall include, but are not limited to, the following:

- a. Maintain and hold open for public inspection all records pertaining to the provisions of this Section, including the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures and any floodproofing certificate required by [Section 11.01](#).
- b. Review, approve or deny all applications for floodplain development permits required by this Section.
- c. Review floodplain development permit applications to determine whether a proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
- d. Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. § 1334) from which prior approval is required.
- e. Inspect all development at appropriate times during the period of construction to ensure compliance with all provisions of this Section, including proper elevation of the structure.
- f. Where interpretation is needed as to the exact location of the boundaries of the special flood hazard area (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the Floodplain Administrator shall make the necessary interpretation.
- g. When base flood elevation data has not been provided in accordance with this [Section 11.03](#), the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer the general provisions of this [Section 11.03](#).
- h. For waterways with base flood elevations for which a regulatory floodway has not been designated, no new construction, substantial improvements or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one-half (½) foot at any point within the community.
- i. Under the provisions of 44 C.F.R., Chapter 1, Section 65.12, of the National Flood Insurance

Program Regulations, a community may approve certain development in Zones A1-30, AE and 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.

- j. Notify, in riverine situations, adjacent communities and the state coordinating agency, which is the Colorado Water Conservation Board, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.
- k. Ensure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.

14. Violations

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this Section by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall be a violation of this LDC. Any person who violates this Section or fails to comply with any of its requirements shall, upon conviction thereof, be fined or imprisoned as provided by the laws of the Town. See also [Article 13](#). Nothing herein contained shall prevent the Town from taking such other lawful action as is necessary to prevent or remedy any violation.

15. Floodplain development variance

Variance to the requirements of this Section may be approved pursuant to the requirements of [Section 11.02](#).

B. General Standards

In all areas of special flood hazard, the following standards are required:

1. 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 the hydrostatic and hydrodynamic loads, including the effects of buoyancy.
- b. All manufactured homes shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

2. 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; and
- c. All new construction or 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.

3. 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 sewer systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge; and
- c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

4. Subdivision proposals

- a. All subdivision proposals including the placement of manufactured home parks and

subdivisions shall be reasonably safe from flooding. If a subdivision or other development proposal is in a flood-prone area, the proposal shall minimize flood damage.

- b. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet floodplain development permit requirements of [Article 11](#).
- c. All subdivision proposals including the placement of manufactured home parks shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage;
- d. All subdivision proposals including the placement of manufactured home parks shall have adequate drainage provided to reduce exposure to flood hazards.
- e. Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions greater than fifty (50) lots or five (5) acres, whichever is less, if not otherwise provided pursuant to this [Section 11.03](#).

C. Specific Standards

In all areas of special flood hazards where base flood elevation data has been provided as set forth in [Section 11.03.A.6](#) or [Section 11.01](#), the following provisions are required:

1. Residential construction

New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork) elevated to one (1) foot above the base flood elevation. Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado professional engineer, architect or land surveyor. Such certification shall be submitted to the Floodplain Administrator.

2. Nonresidential construction

With the exception of critical facilities, outlined in this Section, new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement), electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork), elevated to one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, be designed so that, at one (1) foot above the base flood elevation, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

A registered Colorado professional engineer or architect shall develop and/or review structural design, specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this Section. Such certification shall be maintained by the Floodplain Administrator.

3. Enclosures

New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

Designs for meeting this requirement must either be certified by a registered Colorado professional engineer or architect or 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, valves or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

4. Manufactured homes

- a. Manufactured homes shall be anchored in accordance with [Section 11.03.B.1](#) of this LDC.
- b. All manufactured homes that are placed or substantially improved within Zones A1-30, AH and AE on the community's FIRM on sites (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 manufactured home has incurred substantial damage as a result of a flood, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home, electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork) are 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.

- c. All manufactured homes placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of the above Section shall be elevated so that either:
 - i. The lowest floor of the manufactured home, electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork), are one (1) foot above the base flood elevation; or
 - ii. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

5. Recreation vehicles

All recreational vehicles placed on sites within Zones A1-30, AH and AE on the community's FIRM shall either:

- a. Be on the site for fewer than one hundred eighty (180) consecutive days;
- b. Be fully licensed and ready for highway use; or
- c. Meet the permit requirements of [Section 11.01](#) and the elevation and anchoring requirements for manufactured homes in [Section 11.03.C.4](#).

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices and has no permanently attached additions.

6. Prior approved activities

Any activity for which a floodplain development permit was issued by the Town or a CLOMR was issued by FEMA prior to thirty (30) days after August 27, 2013, may be completed according to the standards in place at the time of the permit or CLOMR issuance and will not be considered in violation of this Section if it meets such standards.

D. Standards for Areas of Shallow Flooding (AO/AH Zones)

Located within the special flood hazard area established in [Section 11.03.A.6](#) 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, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

1. Residential construction

All new construction and substantial improvements of residential structures must have the lowest floor (including basement), electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork) elevated above the highest adjacent grade at least one (1) foot above the depth number specified in feet on the community's FIRM (at least three [3] feet if no depth number is specified). Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado professional engineer, architect or land surveyor. Such certification shall be submitted to the Floodplain Administrator.

2. Nonresidential construction

With the exception of critical facilities, outlined in [Section 11.03.H](#), all new construction and substantial improvements of nonresidential structures must have the lowest floor (including basement), electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork) 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 or effects of buoyancy. A registered Colorado professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this [Section 11.03](#) are satisfied.
3. Within Zones AH or AO, adequate drainage paths around structures on slopes are required to guide floodwaters around and away from proposed structures.

E. Floodways

Located within areas of special flood hazard established in [Section 11.03.A.6](#) 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 shall apply:

1. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway, unless it has been demonstrated through hydrologic and hydraulic analysis performed by a licensed Colorado professional engineer and in accordance with standard engineering practice, that the proposed encroachment would not result in any increase (requires a no-rise certification) in flood levels within the community during the occurrence of the base flood discharge.
2. If [Section 11.03.D](#) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this Section.
3. Under the provisions of 44 C.F.R., Chapter 1, Section 65.12 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.

F. Alteration of Watercourse

For all proposed developments that alter a watercourse within a special flood hazard area, the following standards apply:

1. Channelization and flow diversion projects shall appropriately consider issues of sediment transport, erosion, deposition and channel migration and properly mitigate potential problems through the project, as well as upstream and downstream of any improvement activity. A detailed analysis of sediment transport and overall channel stability should be considered, when appropriate, to assist in determining the most appropriate design.
2. Channelization and flow diversion projects shall evaluate the residual 100-year floodplain.
3. 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.
4. Any stream alteration activity shall be designed and sealed by a registered Colorado professional engineer or certified professional hydrologist.
5. All activities within the regulatory floodplain shall meet all applicable federal, state and Town floodplain requirements and regulations.
6. Within the regulatory floodway, stream alteration activities shall not be constructed unless the project proponent demonstrates through a floodway analysis and report, sealed by a registered Colorado professional engineer, that there is not more than a 0.00-foot rise in the proposed conditions compared to existing conditions in the 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 11.03.E](#).
7. Maintenance shall be required for any altered or relocated portions of watercourses so that the flood-carrying capacity is not diminished.

G. Properties Removed from the 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), unless such new structure or addition complies with the following:

1. Residential construction

The lowest floor (including basement), electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork) must be elevated to one (1) foot above the base flood elevation that existed prior to the placement of fill.

2. Nonresidential construction

The lowest floor (including basement), electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork) must be elevated to one (1) foot above the base flood elevation that existed prior to the placement of fill or, together with attendant utility and sanitary facilities, be designed so that the structure or addition is watertight to at least one (1) foot above the base flood level that existed prior to the placement of fill, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads or effects of buoyancy.

H. Standards for Critical Facilities

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

1. Classification of critical facilities

It is the responsibility of the Town to identify and confirm that specific structures in their community meet the following criteria:

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.

- a. Essential services facilities include public safety, emergency response, emergency medical, designated emergency shelters, communications, public utility plant facilities and transportation lifelines.

These facilities consist of:

- i. Public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage and emergency operation centers);
- ii. Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions and non-ambulatory surgical structures, but excluding clinics, doctors' offices and non-urgent care medical structures that do not provide these functions);
- iii. Designated emergency shelters;
- iv. 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);
- v. 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
- vi. 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)).

Specific exemptions to this category include wastewater treatment plants (WWTP), nonpotable water treatment and distribution systems and hydroelectric power-generating plants and related appurtenances.

Public utility plant facilities may be exempted if it can be demonstrated to the satisfaction of the Town 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. These facilities may include:
 - i. Chemical and pharmaceutical plants (chemical plant, pharmaceutical manufacturing);
 - ii. Laboratories containing highly volatile, flammable, explosive, toxic and/or water-reactive materials;
 - iii. Refineries;
 - iv. Hazardous waste storage and disposal sites; and
 - v. Aboveground gasoline or propane storage or sales centers.

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 workplace 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 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," and 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 Section, but exclude later amendments to or editions of the regulations.

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 authority having land use jurisdiction) 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 (preschools, K-12 schools), before-school and after-school care serving twelve (12) or more children;
- d. Facilities vital to restoring normal services, including government operations.

These facilities consist of:

 - i. Essential government operations (public records, courts, jails, building permitting and inspection services, community administration and management, maintenance and equipment centers);
 - ii. Essential structures for public colleges and universities (dormitories, offices and

classrooms only).

These facilities may be exempted if it is demonstrated to the Town 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 Section, 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 Town 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 Section, protection shall include one (1) of the following:

- a. Location outside the special flood hazard area; or
- b. Elevation of the lowest floor or floodproofing of the structure, together with attendant utility and sanitary facilities, 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 Town, have continuous noninundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event.

Section 11.04 Definitions

100-year flood means a flood having a recurrence interval that has a one-percent chance of being equaled or exceeded during any given year (one-percent-annual-chance flood). The terms one-hundred-year flood and one-percent-chance flood are synonymous with the term 100-year flood. The term does not imply that the flood will necessarily happen once every one hundred (100) years.

100-year floodplain means the area of land susceptible to being inundated as a result of the occurrence of a one-hundred-year flood.

500-year flood means a flood having a recurrence interval that has a 0.2-percent chance of being equaled or exceeded during any given year (0.2-percent-chance annual flood). The term does not imply that the flood will necessarily happen once every five hundred (500) years.

500-year floodplain means the area of land susceptible to being inundated as a result of the occurrence of a five-hundred-year flood.

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.

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.

Area of special flood hazard means the land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

Base flood elevation (BFE) 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.

Channelization means the artificial creation, enlargement or realignment of a stream channel.

Code of Federal Regulations (CFR) means the codification of the general and permanent Rules published in

the Federal Register by the executive departments and agencies of the federal government. It is divided into fifty (50) titles that represent broad areas subject to federal regulation.

Conditional Letter of Map Revisions (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.

DFIRM database means a database (usually spreadsheets containing data and analyses that accompany DFIRMs). The FEMA Mapping Specifications and Guidelines outline requirements for the development and maintenance of DFIRM databases.

Digital Flood Insurance Rate Map (DFIRM) means a FEMA digital floodplain map. These digital maps serve as "regulatory floodplain maps" for insurance and floodplain management purposes.

Elevated building means a nonbasement building (i) built, in the case of a building in Zones A1-30, 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.

Federal Register means the official daily publication for Rules, proposed Rules and notices of federal agencies and organizations, as well as executive orders and other presidential documents.

FEMA means the Federal Emergency Management Agency, the agency responsible for administering the National Flood Insurance Program.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

The overflow of water from channels and reservoir spillways;

The unusual and rapid accumulation or runoff of surface waters from any source; or

Mudslides or mudflows that occur from excess surface water that is combined with mud or other debris that is sufficiently fluid so as to flow over the surface of normally dry land areas (such as earth carried by a current of water and deposited along the path of the current).

Flood control structure means a physical structure designed and built expressly or partially for the purpose of reducing, redirecting or guiding flood flows along a particular waterway. These specialized flood-modifying works are those constructed in conformance with sound engineering standards.

Flood Insurance Rate Map (FIRM) means an official map of a community on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) means the official report provided by the Federal Emergency Management Agency. The report contains the Flood Insurance Rate Map, as well as flood profiles for studied flooding sources that can be used to determine base flood elevations for some areas.

Floodplain or flood-prone area means any land area susceptible to being inundated as the result of a flood, including the area of land over which floodwater would flow from the spillway of a reservoir.

Floodplain Administrator means the community official designated by title to administer and enforce the floodplain management regulations.

Floodplain development permit means a permit required before construction or development begins within any special flood hazard area (SFHA). If FEMA has not defined the SFHA within a community, the community shall require permits for all proposed construction or other development in the community, including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed within flood-prone areas. Permits are required to ensure that proposed development projects meet the requirements of the NFIP and this LDC.

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local

regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing means any combination of structural and/or nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway (regulatory) 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 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.

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.

Letter of Map Revision (LOMR) means FEMA's official revision of an effective Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA).

Letter of Map Revision Based on Fill (LOMR-F) means FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.

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 C.F.R. 65.10.

Levee system means a flood protection system which consists of a levee or levees and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

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.

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.

No-rise certification means a record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A no-rise certification must be supported by technical data and signed by a registered Colorado professional engineer. The supporting technical data should be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM).

Physical Map Revision (PMR) means FEMA's action whereby one (1) or more map panels are physically revised and republished. A PMR is used to change flood risk zones, floodplain and/or floodway delineations, flood elevations and/or planimetric features.

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.

Water surface variation 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.

ARTICLE 12 NONCONFORMITIES

Section 12.01 Intent

It is the intent of this LDC to permit nonconformities to continue until they are removed, or to incrementally bring them into conformance but not to encourage their survival. Such uses are hereby declared to be incompatible with permitted uses in the underlying district. It is further the intent of this LDC that nonconformities not be enlarged, expanded or extended, nor be used as justification for the addition of other structures or uses, except as may be specifically allowed in this LDC.

Section 12.02 Nonconforming Status

A. General

The use of land, use of a structure or a structure itself shall be deemed to have legal nonconforming status when each of the following conditions are satisfied:

1. The use, site or structure does not conform to the regulations prescribed in the district in which such use, site or structure is located and was in existence and lawfully constructed, located and operating prior to, and at the time of, the event that made such use or structure nonconforming.
2. The event that made such use, site or structure nonconforming was one (1) of the following:
 - a. Boundary adjustment of the Town;
 - b. Adoption of this LDC or a previous zoning ordinance; or
 - c. Amendment of this LDC.
3. The nonconforming use or the use occupying the nonconforming structure or site has been operating since the time that the use or structure first became nonconforming without abandonment, as abandonment is defined in [Section 12.02.B](#) of this LDC.

B. Abandonment

Whenever a legal nonconforming use or a conforming use in a nonconforming structure or a conforming use on a nonconforming site is abandoned, all nonconforming rights shall cease and the use of the premises shall henceforth conform to this LDC. Abandonment shall involve the actual act of discontinuance regardless of the intent of the user or owner to discontinue a nonconforming operation. Any legal nonconforming use that is discontinued for or that remains vacant for a period of twelve (12) months shall be considered to have been abandoned. Any nonconforming use that is moved from the premises shall be considered to have been abandoned.

C. Burden of Proof

The burden of establishing that a nonconforming use, structure or site lawfully exists under this LDC shall, in all cases, be the owner's and not the Town's.

Section 12.03 Nonconforming Uses

A. Authority to Continue

Legal nonconforming uses may continue in accordance with the provisions of this LDC.

B. Extensions

A legal nonconforming use shall not be extended or enlarged. This limitation shall be construed so as to prevent:

1. Enlargement of a legal nonconforming use by extension of the area of the structure which it occupies, by extension of the structure itself or by extension of the site occupied by the nonconforming use; or
2. Occupancy of additional land area by the legal nonconforming use.

C. Relocation

A structure containing a legal nonconforming use shall not be moved to another location unless it shall thereafter conform to the provisions of the district into which it is moved.

D. Change in use

No use shall be changed to a conforming use until the Community Development Director has

determined that the requirements of the zone district will be met. If a legal nonconforming use is changed to a conforming use for any period of time, it may not thereafter be changed back to any nonconforming use.

E. Discontinuance

If a legal nonconforming use is discontinued for a period of twelve (12) consecutive months or eighteen (18) accumulative months during any three-year period, then such use may not be reestablished or resumed, and any subsequent use must conform to the provisions of this LDC.

Section 12.04 Nonconforming Structures

A. Authority to Continue

Legal nonconforming structures, nonconforming due solely to failure to meet the dimensional standards or performance standards pertaining to a structure and the criteria of the underlying zone may be used for any purpose permitted in the zone, as long as the use is in accordance with the provisions of this Section.

B. Maintenance and Reconstruction

1. Normal maintenance

Normal maintenance, repairs and alterations may be performed to permit continuation of a legal nonconforming structure provided that no expansion of the nonconformity occurs.

2. Reconstruction

If a legal nonconforming structure is damaged by fire or other cause to the extent of more than Seventy-five percent (75%) of its replacement cost, as determined by the Community Development Director, it shall only be reconstructed in compliance with the provisions of this LDC.

C. Change of Use

1. Changes of use located in legal nonconforming structures that necessitate an increase in the number of parking spaces shall be required to provide the difference between the required parking for the prior use and that required for the proposed use in accordance with this LDC.
2. Where this calculation results in the addition of less than five (5) spaces, no additional spaces shall be required.
3. Any additional parking area shall comply with all associated landscaping and drainage requirements of this LDC.
4. New outdoor operations/ storage/display uses require that the entire lot or parcel meet all requirements of this LDC.

D. Extensions

A legal nonconforming structure shall not be extended by an enlargement or expansion that increases its nonconformity with the following exceptions:

1. Permitted extensions

A legal nonconforming structure may be extended or altered in a manner that does not increase its nonconformity.

2. Americans with Disabilities Act

An extension to a legal nonconforming structure may be permitted by the Community Development Director to comply with the provisions of the Americans with Disabilities Act (ADA), provided that it is demonstrated that the only way to comply with the Act would be through an extension which increases the structure's legal nonconformity and that the extension is the minimum necessary to comply with the Act.

E. Relocation

A legal nonconforming structure shall not be moved to another location unless it shall thereafter conform to the provisions of the district into which it is moved.

Section 12.05 Nonconforming Sites

A. Authority to Continue

A parcel of land that is nonconforming due solely to failure to meet the parking, landscaping or screening/buffering standards or required off-site public improvements may be used for any purposes permitted in the zone so long as the use is in conformance with the provisions of this LDC.

B. Maintenance and Expansion

1. Normal maintenance

Normal maintenance and repair may be performed provided that no expansion of the nonconformity occurs, unless the expansion occurs in conformance of this Section.

2. Expansion

Additions to structures or additional paving, parking or outdoor storage on legal nonconforming sites shall require correction of existing nonconforming parking, landscaping and screening/buffering.

- a. Redevelopment or expansion which results in a sixty-five percent (65%) or greater increase of the gross square footage of the existing structure, outdoor operations/ storage/display, paving or parking areas or combination of these requires the entire property to meet all of the landscaping, screening/buffering and off-site public improvements requirements of this LDC.
- b. Redevelopment or expansion which would result in less than sixty-five percent (65%) increase of the gross square footage of the existing structure, outdoor operations/ storage/display, paving or parking areas shall require a corresponding percentage increase in compliance for landscaping, screening/buffering and off-site public improvements requirements of this LDC until the site achieves one hundred percent (100%) compliance.
- c. Redevelopment or expansion that necessitates an increase in the number of parking spaces shall be required to provide fifty percent (50%) of the required parking spaces for the additional floor area in accordance with this LDC. The additional parking area shall comply with all associated landscaping and drainage requirements of this LDC.
- d. The conversion of legal nonconforming commercial and/or residential structures and sites to condominiums shall not require that the site be brought into compliance with parking, lighting and landscaping requirements of this LDC.
- e. Properties that are physically constrained from complying with these provisions shall comply to the maximum extent practicable as determined by the Community Development Director using the following criteria:
 - i. Is the general intent of the requirement being met by the applicant, such as landscaping along the site frontage, even if some of it is in the right-of-way?
 - ii. Are there other upgrades, amenities or public benefits being provided, such as upgrades to building façade, relocating landscaping on site, increasing plant sizes and/or planting density, public art, etc.?
 - iii. Will the proposed deviation result in a safe, efficient condition?
 - iv. What other alternatives have been considered that would meet the current standards?

C. Changes of Use

1. Changes of use on legal nonconforming sites that necessitate an increase in the number of parking spaces shall be required to provide the difference between the required parking for the prior use and that required for the proposed use in accordance with this LDC.
2. Where this calculation results in the addition of less than five (5) spaces, no additional spaces shall be required.
3. Any additional parking area shall comply with all associated landscaping and drainage requirements of this LDC.
4. New outdoor operations/storage/display uses require that the entire lot or parcel meet all requirements of this LDC.

Section 12.06 Nonconforming Lots of Record

A. Authority to Utilize

1. Any permitted structure may be developed on a lot of record which is nonconforming as to minimum lot area, provided that it can be located on the lot so that all other dimensional standards are met, or a variance from said dimensional standards is obtained pursuant to [Section 4.12](#), Variance, and provided that the development complies with all other applicable standards of this LDC.
2. If two (2) or more adjoining and vacant lots of record are in one (1) ownership when this LDC is adopted, or at any time after the adoption of this LDC, and such lots individually do not meet the dimensional requirements of this LDC for the district in which such lots are located, then such group of lots shall be considered as a single lot and therefore the provisions of [Section 12.06.A.1](#) above do not apply.

B. Conforming Lots

No lot of record that is conforming as to minimum lot size or minimum lot frontage as of the effective date of this LDC may be reduced in size or subdivided in such a way that it creates a nonconforming lot or causes any structure or use to become nonconforming.

1. Lot reduction shall not increase nonconformity
No lot of record that is nonconforming as to minimum lot area as of the effective date of this LDC may be reduced in size in such a way that its nonconformity would increase, or that causes the nonconformity of any use to increase.
2. Nonconforming lots shall not be subdivided
No lot of record that is nonconforming as to minimum lot area as of the effective date of this LDC may be subdivided.

ARTICLE 13 VIOLATIONS, PENALTIES AND ENFORCEMENT

Section 13.01 Enforcement Officer and Authorization

The Community Development Director shall have the authority to enforce this LDC. Under the powers of this Article, the Community Development Director shall have the authority to enter onto property within the Town limits to inspect or to investigate suspected violations of this LDC.

A. Premises Occupied

If the building or premises upon which the suspected violation is located is occupied, the Community Development Director shall present proper identification and request access. If access is denied, pursuant to Rule 241 of the Colorado Municipal Court Rules of Procedure, the Municipal Court may issue an administrative search warrant for the inspection of private premises by an authorized public inspector upon showing that the premises is located within the municipality, the inspection is required or authorized by ordinance, is in the interest of public safety and that the owner or occupant has refused entry to the public inspector.

B. Premises Unoccupied

If the building or premises upon which the suspected violation is located is unoccupied, the Community Development Director shall make reasonable efforts to locate persons having charge of the premises. If entry is refused, pursuant to Rule 241 of the Colorado Municipal Court Rules of Procedure, the Municipal Court may issue an administrative search warrant for the inspection of private premises by an authorized public inspector upon showing that the premises is located within the municipality, the inspection is required or authorized by ordinance and is in the interest of public safety.

Section 13.02 Enforcement Powers and Remedies

A. Denial, Withholding or Revocation of Permits

The Town may enforce the requirements of this LDC by withholding the appropriate development permits. It is unlawful to erect, construct, reconstruct, alter or change the use of any building or other structure without approval of a development permit and a building permit. The Town may not issue a development permit unless the plans of and for the proposed erection, construction, reconstruction, alteration or use fully conforms to the provisions of this LDC.

B. Grievance

Any person aggrieved by a violation or apparent violation of the provisions of this LDC may file a written complaint with the Community Development Director, who shall investigate such complaint and take the appropriate action to have the violation penalized or removed if such violation is found to exist. When it is determined that there has been a violation of any provision of this LDC, the Community Development Director shall serve written legal notice of violation in the following manner:

1. Determine and include a list of violations, which refer to Section(s) of this LDC;
2. Specify a time for compliance within twenty-one (21) days from the service of the notice; and
3. Serve the notice on the owner, occupant, operator, lessee, agent or other responsible party in person, provided that such notice and requirement shall be deemed to be properly served on such responsible party if a copy thereof is delivered to, posted on or sent by registered or certified mail to his/her last known mailing address, residence or place of business.

Section 13.03 Penalties for Violation

A. Municipal Offenses

Violation of the provisions of this LDC or any order issued by the Community Development Director shall constitute a municipal offense. Upon conviction, the municipal offense shall be punishable by a fine of up to three hundred dollars (\$300) or imprisonment for a period of up to ninety (90) days or both such fine and imprisonment for each offense.

B. Each Day a Separate Offense

Each day that a violation continues to exist shall be considered a separate offense.

C. Each Lot a Separate Offense

Each lot or parcel in violation of the provisions of this LDC shall be considered a separate and distinct offense.

Section 13.04 Remedies for Violations

Whenever the Community Development Director shall find a violation of any of the provisions of this LDC, he shall be authorized to order the following remedies:

A. Discontinuance of Use Violation

The Community Development Director may order any use of land, buildings or structures which violates the provisions of this LDC to be discontinued or abated. The Community Development Director shall order the immediate repair or removal of hazardous conditions, including hazardous signs. If a use, sign or structure poses an immediate threat to life, property or the environment, the Community Development Director may take whatever actions necessary to have it removed. The Community Development Director may notify the Town Attorney, who may enjoin, by action for injunction brought in any court of competent jurisdiction, any use that poses an immediate threat to life, property or the environment. All remedies provided for in this Section are cumulative, are not exclusive and shall be in addition to any other remedies provided by law.

B. Removal of Structures

The Community Development Director may order any signs, buildings, structures or additions, alterations or structural additions thereto which violate the provisions of this LDC to be removed.

C. Sign Impoundment

Any sign placed upon or over Town property or a public right-of-way without a sign permit approved pursuant to the provision of [Section 4.10](#) may be impounded as evidence.

D. Stoppage of Illegal Development

The Community Development Director may order any development activities being accomplished which violate the provisions of this LDC to be stopped.

E. Enjoin Illegal Transfers

The Community Development Director may notify the Town Attorney, who may enjoin, by action for injunction brought in any court of competent jurisdiction, any offer to sell, agreement to sell, sale or transfer of any subdivided property before a final plat has been approved by the Town and recorded or filed in the office of the County Clerk and Recorder.

F. Other Actions

The Community Development Director may order such other actions to be taken as are necessary and as are authorized by this LDC, by statute or by law to ensure compliance with or to abate violation of, the provisions of this LDC.

ARTICLE 14 DEFINITIONS

Section 14.01 Rules of Construction

A. The Following Rules Apply:

1. For the purpose of these regulations, certain numbers, abbreviations, terms and words used herein shall be used, interpreted and defined as set forth in this LDC.
2. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word herein means in these regulations; the word regulations means these regulations.
3. A person includes a corporation, a partnership and an incorporated association of persons such as a club; shall and will are always mandatory; a building includes a structure; a building or structure includes any part thereof; used or occupied as applied to any land or building shall be construed to include the words intended, arranged or designed to be used or occupied.
4. Words not herein defined shall use the definition found in the most recent edition of Webster's New International Dictionary.
5. Examples and lists shall not be considered to be all-inclusive unless the content clearly states to the contrary.

Section 14.02 Defined Terms

A.

Abutting means the property directly touches another piece of property.

Accessory building, structure or use means a detached building, structure or use on the same lot with or of a nature customarily incidental or subordinate to and of a character related to the principal use or structure

Accessways means a hard-surfaced pedestrian walk or raised path typically not located parallel to the side of a street, which provides pedestrian access from a development to an adjacent sidewalk, accessway or adjoining property.

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

Adult care home means an assisted living residence in which the housing management provides twenty-four hour, scheduled and unscheduled personal care services to residents, either directly or, for scheduled needs, through formal written agreement with licensed home care or hospice agencies. Some licensed adult care homes provide supervision to persons with cognitive impairments whose decisions, if made independently, may jeopardize the safety or well-being of themselves or others and therefore require supervision.

Agriculture means the use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture and animal and poultry husbandry, and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the principal use. The operation of commercial feed pens, sales yards and auction yards for horses, cattle or hogs is deemed an industrial and not an agricultural use.

Agriculture, general means uses that are intended primarily for the raising of livestock, conservation and the secondary industries associated with livestock production.

Agriculture, limited means agricultural uses and activities limited to uses that are customary to local agricultural activities including but not limited to: orchards, vineyards, row and field crops, floriculture, pasturage, viticulture, tree or sod farms, silviculture; packing houses for and the processing of fruits or vegetables and produce stand.

Alley means a single lane that provides alternative vehicular and service access.

Allowed use means a use which is allowed in a district, subject to all of the restrictions applicable to that district and all of the standards of this LDC.

Alteration means any change, addition or modification in construction or occupancy of an existing structure or sign; any change, grading or construction within a regulated floodplain.

Amusement center means any indoor place that contains three (3) or more amusement devices of any description, including but not limited to pinball games, billiards, computer amusement (video games) and/or

games of chance for the public amusement, patronage and recreation.

Antenna means a system of electrical conductors that transmit or receive electromagnetic waves or radio frequency or other wireless signals. Such system shall include, but not be limited to, radio, television, cellular, paging, personal telecommunications services (PCS), microwave telecommunications and services not licensed by the FCC, but not expressly exempt from the Town's building and permitting authority.

Applicant means any person, firm, partnership, joint venture, association, corporation, group or organization applying for any permit, approval or decision governed or required by this code. "Developer" or "subdivider" may be used interchangeably.

Approval authority means the Town Board, Board of Adjustment or other board or official designated by ordinance or this LDC as being authorized to grant the specific zoning or land use permit or approval.

As-built plans means a set of detailed plans and documents specifying how required public improvements were actually constructed.

Assisted living center means any group housing and services program for two (2) or more unrelated adults, by whatever name it is called, that makes available, at a minimum, one (1) meal a day and housekeeping services and provides personal care services directly or through a formal written agreement with one (1) or more licensed home care or hospice agencies.

B.

Basement means a story partly or wholly underground.

Bed and breakfast means a building or buildings on the same parcel containing one (1) or more guest rooms for an overnight stay, which are rented at a daily rate.

Bedroom means a room in a dwelling unit that is marketed and designed for sleeping or otherwise has the potential to function primarily for sleeping.

Berm means a man-made landform, typically built as a planted earth mound, located so as to separate differing land uses, screen structures, parking area or yards from view or provide sound relief from a nearby road or use.

Best management practices means a structural or nonstructural management-based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals.

Billboard (including poster and panel types) means a non-accessory sign or sign structure upon which advertising may be posted, painted or affixed and which is primarily designed for the rental or lease of the sign space for advertising not related to the use of the property upon which the sign is located.

Block means a parcel of land intended to be used for purposes, which is entirely surrounded by public streets or highways, railroad rights-of-way, public walks, public green strips, rural land or drainage channels, boundaries of a municipality or a combination thereof.

Breezeway means a covered area that connects two (2) buildings.

Building means any structure having a roof supported by columns or walls that is used or intended to be used for the shelter or enclosure of persons, animals or property.

Building line or setback line means a line designating the area outside of which buildings may be erected, except as otherwise provided by this LDC.

Building, main or principal, means a building in which is conducted the principal use of the lot on which it is situated. In any residential district, any dwelling is deemed to be a main building on the lot on which it is situated.

Building Official means the designated official responsible for enforcement of building codes and the supervision of building inspections in the Town.

Buffer is a specified land area, located parallel to and within the outer perimeter of a lot and extending to the lot line, together with the planting and landscaping required on the land. A buffer may also contain or be required to contain a barrier such as a berm or wall where such additional screening is necessary to achieve the desired level of buffering between various land use activities.

Building width shall be measured by the distance along the front plane of any building, as determined by the location of an entrance fronting on a street.

C.

Caliper means the diameter of plant material, measured at six (6) inches above grade for calipers of up to four (4) inches and twelve (12) inches above grade for larger calipers.

Carport means a permanent roofed structure that is permanently open on at least two (2) sides and designated for or occupied by private passenger vehicles.

CDOT means the Colorado Department of Transportation.

Cemetery means a place used or to be used and dedicated or designated for interments of human remains or pet animal remains.

Certificate of survey means an instrument prepared by a registered surveyor licensed to practice in the State describing the location and boundaries of a tract or parcel of land.

Channel means the physical confine of a stream or waterway consisting of a bed and stream banks, existing in a variety of geometries.

Child care center means a child care arrangement in a location which is maintained for the whole or part of a day, where at any one (1) time, for less than twenty-four (24) hours a day there are five (5) or more children receiving child care. Child care center, as defined in this Section, meets the provisions set forth in Section 26-6-102(5) of the Colorado Revised Statutes.

Club, civic means an organization of persons for specific purposes or for the promulgation of sports, arts, literature, politics or the like, but not operated for profit, excluding churches, synagogues or other houses of worship.

Club, private means any establishment that is organized and operated solely for a social, recreational, patriotic or fraternal purpose that is not open to the general public, but is open only to the members of the organization and their bona fide guests. The definition of private club does not include adult oriented businesses as defined in this Section.

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.

Community Development Director means the Town employee primarily responsible for administering the provisions of this LDC, or his or her designee.

Comprehensive Plan means the long-range comprehensive physical development plan for the Town as adopted by the Town Board, to provide long-range development policies for the area subject to urbanization in the foreseeable future and which includes, among other things, the plan for land use, land subdivision circulation transportation and community facilities.

Construction means on-site erection, fabrication, installation, alteration, demolition or removal of any structure, facility or addition thereto, including all related activities, including but not restricted to clearing of land, earthmoving, blasting and landscaping.

Construction plan means maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of these regulations.

Covenant means a private legal restriction on the use of land contained in the deed to the property or otherwise formally recorded.

Crematorium means a building used for the cremation of human remains.

Cul-de-sac means a local street having one (1) end open to vehicular traffic and having one (1) closed and terminated by a turnaround.

D.

Debt service means principal, interest and any fees associated with obtaining financing and servicing any debt.

Developer means a person, firm, partnership, joint venture, association, corporation, group or organization who shall participate as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a development.

Development includes but is not limited to any of the following: the division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, reduction or

enlargement of any structure; any mining, drilling, excavation, clearing of roadways or building sites, landfill or land disturbance and any use or extension of the use of land, the placement of a use on any property, or any planned development.

Development application means any application for development under this LDC, including but not limited to planning clearance permit, rezoning, planned development review, conditional use permit review, major or minor subdivision plat review or site plan review.

Driveway means a private roadway located on a parcel or lot used for vehicle access.

Duplex means a building arranged to be occupied by two (2) families.

Dwelling, single-family, means one dwelling unit which is not attached to any other dwelling or building by any means, on a single lot.

Dwelling unit means a building or portion thereof providing complete and permanent living facilities for one (1) household and includes the following: alley-loaded house, multifamily dwelling, single-family detached, townhouse, two-family house, upper-story residential and zero lot line house.

E.

Easement means a grant of one (1) or more of the property rights by the owner to or for the use by the public, a corporation or another person or entity.

Existing 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 before the effective date of the floodplain management regulations adopted by a community.

Expansion to existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads).

F.

Family means one (1) or more persons related by blood or marriage, including adopted children or a group not exceeding five (5) persons (excluding domestic servants) not all related by blood or marriage, occupying premises and living as a single nonprofit housekeeping unit, as distinguished from a group occupying a boardinghouse or lodging house, hotel, club or similar dwelling for group use. A family is deemed to include domestic servants employed by the family.

Family child care home means a child care arrangement located in a place of a residence, where at any one (1) time, for less than twenty-four (24) hours a day, not more than twelve (12) children, receive child care.

Fence means any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

Fire Chief means the Fire Chief of the Town of Palisade.

Frontage means the dimension of a property that is adjacent to a street.

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.

Funeral home means a building used for the preparation of the deceased for burial and display of the deceased before burial or cremation. A funeral home, as defined in this LDC, includes a funeral chapel.

G.

Gas station with convenience retail means a building used for the sale of gasoline products that also offers for sale prepackaged food items and tangible consumer goods, primarily for self-service by the consumer. Hot beverages, fountain-type beverages and pastries may be included in the food items offered for sale, but food items that are prepared or individually proportioned on the premises shall be prohibited.

Governing body means the Board of Trustees of the Town of Palisade.

Grade, finished, means the level of the soil or improvement after completion of site development.

Gross floor area means the area of a building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings, excluding unfinished basements and enclosed parking areas, and including the area of each floor of the structure and attic space used for active commercial space.

Groundcover means any natural vegetative growth or other material which renders the soil surface stable against accelerated erosion.

Guest room means a room or suite used as living accommodations for one (1) or more paying visitors.

H.

Health Department means the Mesa County Department of Health.

Hemp Growing Establishment means any establishment which has been issued a Research and Development (R & D) Industrial Hemp or Commercial Industrial Hemp Registration by the Colorado Department of Agriculture, pursuant to the Industrial Hemp Regulatory Program Act, Title 35, Article 61, Colorado Revised Statutes.

Hemp, Industrial means a plant of genus cannabis and any part of the plant, whether growing or not, containing a delta-9 tetrahydrocannabinol (THC) concentration of no more than three-tenths of one percent (0.3%) on a dry weight basis.

Hemp Processing means the refinement of Industrial Hemp to create products derived from hemp.

Hemp Processing Establishment means any establishment which processes Industrial Hemp as defined herein as hemp processing.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure means any structure that is:

1. 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;
2. 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;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
5. By an approved state program as determined by the Secretary of the Interior; or
6. Directly by the Secretary of the Interior in states without approved programs.

Homeowners' association means an incorporated nonprofit organization operating under recorded covenants for the purpose of maintaining any physical facilities, structures, improvements, systems, areas or grounds held in common.

Hospital means an institution providing human health services primarily for in-patient medical and surgical care for the physically or mentally sick and injured and includes related support facilities such as laboratories, out-patient departments, staff offices, food services and gift shops.

Hotel/motel means a building containing one (1) or more guest rooms for overnight guests and containing registration facilities, on-site management, cleaning services and combined utilities.

Household means one (1) or more persons occupying a single dwelling unit.

Housing types. The following permitted housing types are established to provide a common terminology for housing in the Town. Additional accessory housing types may also be allowed in accordance with [Section 7.05](#).

1. Single-family detached means a dwelling unit located on a single lot with private yards on all 4 sides.
2. Alley-loaded house means a detached dwelling unit located on a single lot with private yards on all 4 sides; however, the house is set closer to the street than a single-family detached house and access is from the alley.

3. Zero lot line house means a detached dwelling unit located on a single lot with private yards on 3 sides. The unit has a single side yard on one side comprising the equivalent of 2 side yards of a single-family detached house.
4. Two-family house means two attached dwelling units in a single structure on a single lot (often called a duplex). The 2 units can be located on separate floors or side-by-side.
5. Townhouse means two or more attached dwelling units located on separately owned lots or on a single lot where the units are lined up in a row and share side walls, individual units can be mixed vertically.
6. Multifamily means three or more attached dwelling units in a single structure on a single lot. A multifamily dwelling can vary in height from 2 to 3 stories, individual units can be mixed vertically.
7. Upper-story residential means a dwelling unit located on a floor above a nonresidential use or in the rear half of the first floor, preserving the front half for nonresidential uses.

I.

Impact fee means the transportation impact fee.

Impact fee study means the impact fee study prepared for the Town by Duncan & Associates in September, 2002, or a subsequent similar report.

Infill development means development upon land within the Town limits previously occupied by an impact-generating use or structure, or within a recommended infill concentration zone as described in the Comprehensive Plan.

Intensity means the degree to which land is used; refers to levels of concentration or activity in uses.

J.

Junk means a dilapidated scrap of abandoned metal, paper, building materials and equipment, bottles, glass, appliances, furniture, beds and bedding, rags, rubber, motor vehicles or parts thereof.

Junkyard means the use of more than six hundred (600) square feet of any lot or parcel for outdoor storage and/or sale of waste paper, rags, scrap metal or other junk, including the storage of automobiles or other vehicles or dismantling of such vehicles or machinery or parts thereof.

K.

Kennel means an establishment for the keeping or breeding of dogs for profit or having four (4) dogs or more on any premises.

L.

Land surveyor, registered means a professional land surveyor licensed, and registered in the State of Colorado.

Land-disturbing activity means any use of land in residential, industrial, educational, institutional or commercial development, highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation. Sedimentation occurs whenever solid particulate matter, mineral or organic, is transported by water, air, gravity or ice from the site of its origin and is deposited elsewhere.

Landfill means a disposal facility or part of a disposal facility where solid waste is placed in or on land. This term does not include composting facilities.

Landscape plan is a legal document that is binding on the developer or owner, their successors and assigns that includes information as set forth under [Section 10.03](#) of this LDC.

Landscaping means any live plant material such as trees, shrubs, groundcover and grass used in spaces void of any impervious material or building structures, areas left in their natural state or areas where mulch is used as a groundcover.

Licensed premises means the premises specified in an application for a license pursuant to Article V of the Palisade Municipal Code and the Colorado Retail Marijuana Code that is owned by or in possession of the licensee and within which the licensee is authorized to distribute, sell, cultivate or manufacture marijuana products, or test retail marijuana in accordance with the provisions of Colorado Retail Marijuana Code.

Livestock means all animals kept or raised on a farm, except, however, that necessary working animals and

pets are not included.

Loading area means a completely off-street space on the same lot for the loading or unloading of freight carriers with ingress and egress to a street or alley.

Lot means a parcel of land located within a platted subdivision.

Lot, building means a Town-approved lot that conforms to the requirements of this LDC.

Lot, corner means a lot located at the intersection of two (2) or more abutting streets.

Lot, double frontage means a lot having a frontage on two (2) nonintersecting streets, as distinguished from a corner lot.

Lot, flag means an irregularly shaped lot which has an appendage or extension which does not meet lot width requirements of the district at the street.

Lot frontage means that dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

Lot, interior means a lot other than a corner lot and bounded by a street on only one (1) side.

Lot line adjustment means a relocation of the lot lines of two (2) or more lots included on a plat which is filed of record, for the purpose of making necessary adjustments to building sites.

Lot lines means the lines bounding a lot.

Lot of record means a lot which is a part of an approved plat or metes and bounds subdivision, the map of which has been recorded in the office of the Mesa County Clerk and Recorder.

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, 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 nonelevation design requirement of Section 60.3 of the National Flood Insurance Program Regulations.

M.

Major street system means all principal arterials, minor arterials, major collectors and minor collector streets within the Town.

Major street system improvements means improvements that expand the capacity of the major street system, including but not limited to the construction of new streets, the widening of existing streets, intersection improvements, facilities to provide for safe turning movements for vehicles and installation of traffic signals and other traffic control devices.

Manufactured home means a structure transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term manufactured home does not include a recreational vehicle.

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

Manufactured home space means a plot of land within a manufactured home park designed for the accommodation of one (1) manufactured home and not located on a manufactured home sales lot.

Manufacturing, general means a facility where industrial operations including the processing, fabricating, assembly, or disassembly of material with some operations conducted outside.

Manufacturing, limited means a facility where industrial operations are conducted and including the processing, fabricating, assembly, or disassembly of material takes place within an enclosed building and the use is generally serviced by trucks no longer than twenty-four (24) feet in length.

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.

Medical marijuana business means a person holding a medical marijuana center license, as defined in

Section 12-43.3-402, C.R.S.; a medical marijuana-infused products manufacturer license, as defined in Section 12-43.3-404, C.R.S.; and/or an optional premises cultivation operation license, as defined in Section 12-43.3-403, C.R.S. For the purposes of this article, a patient who cultivates, produces, possesses or transports medical marijuana or a primary caregiver who cultivates, produces, sells distributes, possesses or transports or makes available marijuana in any form to one (1) or more patients shall not be deemed a medical marijuana business.

Medical marijuana center means a medical marijuana business licensed pursuant to the Colorado Medical Marijuana Code, Sections 12-43.3-101 et seq., C.R.S., that operates to distribute medical marijuana to patients or primary caregivers, but that does not operate as a primary caregiver. Such center shall meet all criteria and requirements of Section 12-43.3-402, C.R.S., as well as all other regulatory requirements applicable to medical marijuana centers as set forth in this article, the Palisade Municipal Code and within Article 43.3 of Title 12, C.R.S.

Medical marijuana infused products manufacturer means a medical marijuana business licensed pursuant to the Colorado Medical Marijuana Code, Sections 12-43.3-101 et. seq., C.R.S., that manufactures marijuana infused products for the purposes of sales of the product at licensed medical marijuana centers. Such facility shall meet all criteria and requirements of Section 12-43.3-404, C.R.S. as well as all other regulatory requirements applicable to medical marijuana-infused products manufacturing as set forth in this article, the Palisade Municipal Code and within Article 43.3 of Title 12, C.R.S.

Medical marijuana optional premises cultivation operation means a licensed medical marijuana business that is under the identical ownership as the licensed medical marijuana center and/or the licensed medical marijuana infused operation manufacturer and that produces and harvests medical marijuana plants for a medical use for such medical marijuana center and/or medical marijuana infused operation manufacturer.

Medical marijuana optional premises cultivation operation—Non-contiguous means a cultivation operation that is located on a separate parcel from the medical marijuana center or medical marijuana-infused products manufacturer and that is not adjacent to the lot on which the medical marijuana center or medical marijuana-infused products manufacturer is located.

Metes and bounds means a system of describing and identifying land by measures (metes) and direction (bounds) from an identifiable point of reference, such as a monument or other marker.

Mobile home means a portable manufactured housing unit built before June 15, 1976, designed for transportation on its own chassis and placement on a temporary or semi-permanent foundation, having a measurement of over thirty-two (32) feet in length and over eight (8) feet in width.

Mobile home park means any plat of ground upon which two (2) or more mobile homes, occupied for dwelling purposes, are located, regardless of whether a charge is made for such accommodations.

Mobile home subdivision means a subdivision designed and intended for residential use where residence is in a mobile home exclusively and mobile home lots are sold for occupancy.

Multifamily dwelling means a building arranged to be occupied by three (3) or more families. This term shall include apartments and upper-story residential dwelling units.

Museum means an establishment for the display of art or historic or science objects.

N.

New construction means structures for which the start of construction commenced on or after the effective date of the original ordinance codified in this LDC and includes any subsequent improvements to such structures.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

Non-development-related capital street improvements means those major street system improvements which are of benefit to the general public and not required as a reasonable street improvement for the development.

Nursing home means a facility, however named, which is advertised, announced or maintained for the express or implied purpose of providing nursing or convalescent care for three (3) or more persons unrelated to the licensee. A nursing home is a home for chronic or convalescent patients, who, on admission, are not, as a rule, acutely ill and who do not usually require special facilities, such as an operating room, X-ray facilities,

laboratory facilities and obstetrical facilities. A nursing home provides care for persons who have remedial ailments or other ailments for which medical and nursing care are indicated; who, however, are not sick enough to require general hospital care. Nursing care is their primary need, but they will require continuing medical supervision.

O.

Office means a room, group of rooms or building whose primary use is the conduct of a business, professional service or governmental activity of a nonretail nature; including administration, record keeping, clerical work and similar functions. This definition is not meant to include manufacturing, processing, repair or storage of materials or products.

Off-site improvements means any utility, paving, grading, drainage, structure or modification of topography which is or will be located on property not within the boundary of the property to be developed.

Outdoor recreation-active means generally any recreational activity that requires infrastructure or development for the purposes of active outdoor sports, recreation or organized events. Examples of active outdoor development include playgrounds, ball fields, golf courses, swimming pools, skate parks, bicycle courses, permitted camping and similar facilities.

Outdoor recreation-passive means generally space or areas that are undeveloped or require minimal development for the public's enjoyment of the outdoors. Examples of passive activities include walking, jogging, hiking, fishing and similar activities.

Outparcel means individual retail sites in a retail center that, when combined, are less than the square footage of the attached retail spaces which form the majority of the square footage of the center.

Owner means any person having charge of any real property according to the records held by the Mesa County Clerk and Recorder.

P.

Parcel means a continuous quantity of land in the possession of or owned by or recorded as property of the same person or persons. A parcel may contain multiple buildings or uses.

Park means an area open to the general public and reserved for recreational, educational or scenic purposes.

Parking lot means an area not within a building, where motor vehicles may be stored for the purpose of temporary, daily or overnight off-street parking.

Parking space means a designated off-street area designed to accommodate the parking of one (1) vehicle.

Pedestrian-friendly design means a commercial development which can demonstrate a high capacity to encourage pedestrian and bicycle traffic to, from and an interconnectivity with adjacent land uses.

Preschool means a facility that provides preschool programs and services to a school district under the Colorado Preschool Program Act to a majority of the children who attend or are enrolled in that facility.

Place of worship means a building primarily used by a nonprofit organization for organized religious services and supporting uses.

Professional engineer means an engineer licensed and registered in the State of Colorado.

Professional surveyor means a surveyor licensed and registered in the State of Colorado.

Public facility means a building or area owned or used by any department or branch of the Town, the State or the federal government.

Public improvement means any improvement consisting of drainage, water, sanitary sewer, parkway, sidewalks, pedestrian way, trees, lawn, off-street parking area, lot improvement or other facility which the local government may ultimately assume responsibility for maintenance and operation or may affect an improvement for which local government responsibility is established.

Public sewer means any sewerage system serving ten (10) or more customers.

Public street means a dedicated and accepted public right-of-way for vehicular traffic.

Public use means any area, building or structure held and/or controlled exclusively for public purposes by the department or branch of any government, without reference to the ownership of the building or structure.

Public utility means a business or service which is in the business of regularly supplying the public with some

commodity or service which is of public consequence and need, such as electricity, gas, water, sewage disposal, transportation or communications.

Public water means any water supply furnishing potable water to ten (10) or more customers.

R.

Radio or television studio means a building used for radio (audio) or television (visual) recording and production.

Recreation and open space means land intended to be used for passive or active recreation or conservation which may include, but shall not be limited to; parks, playgrounds, playing fields, community gardens, plazas/squares, trails, or natural areas.

Recreational club, private means any indoor recreational establishment that is not open to the general public, but is open only to the members of the organization and their bona fide guests, including but not limited to a country club, golf, swimming or tennis club.

Recreational vehicle means a vehicle which is built on a single chassis; four hundred (400) square feet or less when measured at the largest horizontal projections, designed to be self-propelled or permanently towable by a light duty truck; and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Required yard. See Setback.

Research and development means a facility focused primarily on the research and development of new products.

Restaurant means an establishment whose primary purpose is serving meals to patrons.

Retail, general means a facility involved in the sale, lease or rental of new or used products to through traffic as well as the surrounding neighborhood.

Retail marijuana means all parts of the plant of the genus cannabis (hereafter the plant) rather growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacturer, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin including marijuana concentrate, that is cultivated, manufactured, distributed, or sold by a licensed retail marijuana store. Retail marijuana does not include industrial hemp, nor does it include fiber produced from stalks, oil or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products.

Retail marijuana cultivation facility, contiguous has the same meaning as "marijuana cultivation facility" as defined in Section 16(2)(h) of Article XVIII of the State Constitution except that the facility is also located either within the same building of a retail marijuana establishment or located in a separate building on the same parcel of land as a retail marijuana establishment.

Retail marijuana cultivation facility, non- contiguous has the same meaning as "marijuana cultivation facility" as defined in Section 16(2)(h) of Article XVIII of the State Constitution except that the facility is also located on a separate parcel from a retail marijuana establishment.

Retail marijuana establishment means a retail marijuana store, a retail marijuana cultivation facility, a retail marijuana products manufacturer, or a retail marijuana testing facility.

Retail marijuana products manufacturer has the same meaning as "marijuana product manufacturing facility" as defined in Section 16(2)(j) of Article XVIII of the State Constitution.

Retail marijuana store has the same meaning as defined in Section 16(2)(n) of Article XVIII of the State Constitution.

Retail marijuana testing facility means "marijuana testing facility" as defined in Section 16(2)(l) of Article XVIII of the State Constitution that is licensed pursuant to the Colorado Retail Marijuana Code.

Retail, neighborhood means a facility involved in the sale, lease or rental of new or used products primarily to local traffic in the surrounding neighborhood.

Right-of-way, private means a strip of land in private ownership to be occupied or intended to be occupied by a street, accessway, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main or for another conditional use. The usage of the term rights-of-way for land platting purposes, shall mean that every right-of-way hereafter established and shown on the final plat as private rights-of-way shall be maintained by the property owners abutting the rights-of-way.

Rights-of-way means an area or strip of land, either public or private, on which an irrevocable right-of-

passage has been recorded for the use of vehicles or pedestrians or both.

Rights-of-way line means a boundary or dividing line between a lot, tract or parcel of land and a contiguous street. Also known as property line. Also, it is a line between private and public ownership.

Rights-of-way, public means a strip of land dedicated to the public, in fee simple or by easement, to be occupied or intended to be occupied by a street, accessway, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main or for another conditional use. The usage of the term right-of-way, for land platting purposes, shall mean that every right-of-way hereafter established and shown on the final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions of areas of such lots or parcels.

Roadway means the improved or unimproved portion of a street intended for the accommodation of vehicular traffic.

Roof line means the top edge of the roof or the top edge of the parapet, whichever forms the top line of the building silhouette, but not including equipment structures.

S.

School, public or private means a public or private institution offering a curriculum of education authorized by the State, giving regular instruction at the primary or secondary level or a school for the mentally or physically handicapped. Included in this definition are preschool programs; however, this definition does not include day care facilities, individual instruction or classes in a specialized subject.

School, trade or business means an institution offering instruction beyond high school level with a course of study in vocational, technical or other special subjects.

Screening means the method by which a view of one (1) site from another abutting site is shielded, concealed or hidden. Screening techniques include fences, walls, hedges, berms or other features.

Self-storage facility means a building or group of buildings consisting of individual, self-contained units leased to individuals, organizations or businesses for self-service storage of personal property.

Service area is the Town.

Service, general means a facility involved in providing personal or repair services to through traffic as well as the surrounding neighborhood.

Service, neighborhood means a facility involved in providing limited personal services to local traffic in the surrounding neighborhood.

Setback means the minimum distance between a structure and a property line of a parcel of land or other established reference point.

Sexually oriented business means adult entertainment businesses which shall be those listed herein, as defined:

1. **Adult bookstore** means an establishment having as a significant portion of its stock in trade books, films, magazines and other periodicals which are distinguished or characterized by an emphasis on depicting or describing sexual conduct or specific anatomical areas.
2. **Adult mini motion picture theater** means an enclosed building with a capacity of less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on depicting or describing sexual conduct or specific anatomical areas.
3. **Adult motel** means a motel wherein material is presented which is distinguished or characterized by an emphasis on depicting or describing sexual conduct or specific anatomical areas.
4. **Adult motion picture arcade** means any place to which the public is permitted or invited wherein coin- or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one (1) time and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing sexual conduct or specific anatomical areas.
5. **Adult motion picture theater** means an enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on depicting or describing sexual conduct or specific anatomical areas.
6. **Cabaret** means a nightclub, theater or other establishment which features live performances by topless and/or bottomless dancers, "go-go" dancers, exotic dancers, strippers or similar entertainers,

where such performances are distinguished or characterized by an emphasis on depicting or describing sexual conduct or specific anatomical areas.

7. **Massage parlor** means any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments or any other treatment or manipulation of the human body occurs as part of or in connection with sexual conduct, or where any person providing such treatment, manipulation or service related thereto exposes specific anatomical areas.
8. **Model studio** means any establishment or business which provides, as a substantial or significant part of its business, the service or modeling of adults distinguished or characterized by emphasis on depicting sexual conduct or specific anatomical areas by means of photography, painting, sketching, drawing or sculpture by persons paying any form of consideration or gratuity.
9. **Sexual encounter center** means any business, agency or person who, for any form of consideration or gratuity, provides a place where three (3) or more persons, not all members of the same family, may congregate, assemble or associate for the purpose of engaging in sexual conduct or exposing specific anatomical areas.

Short term vacation rental means a single family dwelling unit rented on a regular or seasonal basis for monetary consideration for a period of time less than thirty (30) consecutive days, not including a bed and breakfast, residency unit, boarding or rooming house, or hotel. A short term vacation rental may be owner-occupied, whereby the owner occupies the residence and rents to a single party of individuals exclusive use of a sleeping room or rooms and shared use of a full bathroom. A short term vacation rental may also be a non owner-occupied residence, whereby the residence is not occupied by the owner and the entire residence is rented. On properties containing both a primary residence and an accessory dwelling unit, only one (1) residential structure shall be considered a short term vacation rental, but not both. This definition does not include offering the use of one's property where no fee is charged or collected, or for house sitting arrangements. House sitting is defined as the care of a house or residence by a guest occupant while the owner or primary occupant is temporarily away.

Sidewalk means a hard-surfaced pedestrian walk or raised path and any curb ramps or blended transition along and generally paralleling the side of a street.

Sign means any device or visual communicator that is used for the purpose of bringing the subject thereof to the attention of the public.

Sign; awning, marquee, canopy or hanging, means a sign which is attached flat to an awning, marquee or canopy or hanging from an awning, marquee or canopy.

Sign, digital or electronic, means a sign that displays a message or picture made of internally illuminated components that display an electronic image, which may or may not include text and is capable of changing the message periodically; including but not limited to television screens, holographic displays, programmable ink, LCD, LED or plasma displays.

Sign, freestanding, means an on-premises sign that is not directly attached to, erected on or supported by a building or other structure having a principal function other than the support of such sign, but is instead attached to, erected on or supported by some structure such as a pole, frame or other structure that is not itself a part of the building.

Sign, interactive, means a sign which contains QR codes or invites the viewer, as the sign is viewed from the street or roadway, to capture an image with a camera or other device or otherwise immediately and physically interact with the sign in order to obtain a benefit, prize or discount.

Sign, on premise, means a sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction or other activity that is conducted, sold or offered at the location on which the sign is located.

Sign, outdoor advertising, means a sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction or other activity that is conducted, sold or offered at a location other than the premises on which the sign is located.

Sign, projecting, means an on-premises sign fastened directly to a supporting building wall and intersecting the building wall at a right angle

Sign, wall/fascia, means an on-premises sign attached flat to or mounted away from but parallel to the building wall, projecting no more than twelve (12) inches from the building wall.

Silviculture means a branch of agriculture dealing with forests.

Site map means a required submission element for various land use actions. For specific requirements.

Site plan means a plan prepared to scale, showing accurately and with complete dimensions, the boundaries of the site and the location of all buildings, streets, uses and principal site development features proposed for a specific parcel of land.

Site-specific development plan means a plan of land development submitted to the Town pursuant to Title 24, Article 68, C.R.S., for the purpose of obtaining one (1) of the following zoning or land use permits or approvals: subdivision plat, zoning clearance permit, conditional use permit, conditional use permit or variance; provided, notwithstanding the foregoing, that neither a variance, a plat nor any other document that fails to describe with reasonable certainty that type and intensity of use for a specified parcel or parcels of property shall constitute a site-specific development plan.

Start of construction means substantial improvement and means the date the building permit was issued, provided that the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. 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.

Street means a dedicated and accepted public right-of-way for vehicular traffic and pedestrian use. Includes the following street classifications: major arterial, minor arterial, major collector, minor collector, local street, and alley.

Street, public means any county road dedicated to the public annexed to the Town or any street or road dedicated to the Town for public purposes.

Street stub means a temporary dead-end street designated to provide future connection with adjoining unsubdivided areas.

Structure means anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having permanent location on the ground (not including sidewalks/driveways and similar improvements areas). This includes, but is not limited to, advertising signs, billboards, antennas, wind generators, fence, poster panels and buildings.

Subdivider means any person, firm, partnership, corporation or other entity, acting as a unit, subdividing or proposing to subdivide land as herein defined.

Subdivision means any parcel of land which is to be used for condominiums, multifamily dwellings or any other multiple-dwelling units, unless such land was previously subdivided and the filing accompanying such subdivision complied with municipal regulations applicable to subdivisions of substantially the same density, or the division of a lot, tract or parcel of land into two (2) or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale or of building development. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. It includes mobile home subdivisions, which is a parcel of land intended to be used exclusively for and occupied solely by mobile homes and within which the homes and the land are owned by occupants.

Subdivision improvements agreement means one (1) or more security arrangements which may be accepted by the Town to guarantee the construction of such public improvements as are required by the subdivision regulations within the subdivision and shall include *financial guarantee*, such as but not limited to letter of credit, escrow agreement, surety bond, loan commitment, assignment of receivables, liens on property, deposit of certified funds or other similar surety agreements.

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 seventy-five percent (75%) of the market value of the structure before the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds seventy-five percent (75%) of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include

either:

1. 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
2. Any alteration of an historic structure; provided that the alteration will not preclude the structure's continued designation as a historic structure.

T.

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.

Tiny home means a single family detached dwelling unit less than four hundred (400) square feet in size.

Town means the Town of Palisade, Colorado.

Town Engineer means the licensed engineer designated by the Town Board to furnish engineering assistance for administration of these regulations.

Town Board means the governing or legislative authority of the Town.

Traffic impact-generating development means any land development designed or intended to permit a use of the land that will increase the number of vehicle miles of travel.

Trail means a hard- or soft-surface walk or path which is part of an alternate transportation system typically not located parallel to streets providing pedestrian access to and through property.

U.

Urban area means all that part of the incorporated area of the Town which is designated on the Palisade Comprehensive Plan for urbanization.

V.

Vehicle miles of capacity (VMC) means the product of the maximum number of vehicles that can be accommodated on a street or roadway during a weekday and the length of the roadway in miles.

Vehicle miles of travel (VMT) means the product of the number of vehicles traveling during a week day and the distance in miles that those vehicles travel.

Veterinary animal hospital means a building used for the care and treatment of small animals, including household pets.

Violation means the failure of a structure or other development to be fully compliant with the community's flood plain management or land use regulations. A structure or other development without the elevation certificate, other certifications or other evidence of compliance required in Article 4 of this LDC is presumed to be in violation until such time as that documentation is provided.

W.

Warehouse and freight movement means a facility involved in the storage or movement of goods for themselves or other firms. Goods are delivered to other firms or the final consumer with little on-site sales activity to customers.

Waste service means a facility that generally receives solid or liquid wastes from others for transfer to another location, collects sanitary waste or manufactures a product from the composting or organic material.

Wireless telecommunications facility includes telecommunications towers, telecommunications sites and personal wireless facilities. A structure, facility or location designed or intended to be used as or used to support antennas or other transmitting or receiving devices. This includes, without limit, towers of all types and kinds and structures that employ camouflage technology, including but not limited to structures such as a multi-story building, church steeple, silo, water tower, sign or other structures that can be used to mitigate the visual impact of an antenna or the functional equivalent of such, including all related facilities such as cabling, equipment shelters and other structures associated with the site. It is a structure and facility intended for transmitting and/or receiving radio, television, cellular, paging, 911, personal telecommunications services, commercial satellite services, microwave services and services not licensed by the FCC, but not expressly exempt from the Town's siting, building and permitting authority, excluding those used exclusively for the Town's fire or police departments or exclusively for private, noncommercial radio and television reception and private citizen's bands, amateur radio and other similar noncommercial telecommunications where the height of the facility is below the height limits set forth in this LDC.