

Developments are not intended to eliminate or replace the requirements applicable to the subdivision of land or air space, as defined in state statutes and the ordinances and regulations of the Town. However, the uniqueness of each PD may require that specifications for the width and surfacing of streets, public ways, public utility rights-of-way, curbs and other standards may be subject to modifications from the specifications established in the Subdivision Regulations adopted by the Town, if the reasons for such exceptions are well documented. Modifications may be incorporated only with the approval of the Board of Trustees as a part of their review of the official development plan for a PD and shall conform to acceptable engineering, architectural and planning principles and practices.

(d) Standards for Approval. The following standards shall be utilized by the Board of Trustees in evaluating any plan for Planned Development:

(1) Open space. A minimum of eight percent (8%) of the total nonresidential PD area and twenty-five percent (25%) of any residential use shall be devoted to open lands, useable open space and common areas that are public or quasi-public. No more than five percent (5%) of the required percentage of usable open space shall be in the form of water surfaces, floodplains, steep slopes or storm water detention areas. Acreage dedicated for school sites and other public land dedications shall be considered at a negotiated percentage in the open space calculation.

(2) Gross building floor area. The gross building floor area of any use may be limited as required by the Board of Trustees upon consideration of the official development plan and individual characteristics of the subject land.

(3) Architecture. The following architectural standard is intended to prevent monotonous streetscapes and to avoid uniformity and lack of variety in design among nonresidential development within any PD. Building facades facing a primary access street or a parking area should have clearly defined, highly visible pedestrian entrances that feature the following:

- a. Canopies or porticos;
- b. Overhangs, recesses/projections;
- c. Distinctive roof forms;
- d. Arches;
- e. Outdoor patios, plazas or courtyards;
- f. Display windows; and/or
- g. Planters or wing walls that incorporate landscaped areas and/or places for sitting.

(4) The PD shall provide an adequate internal street circulation system designed for the type of traffic generated, safety and separation from living areas, convenience and access. Private internal streets may be permitted, provided that adequate access for police and fire

protection is maintained and provisions for using and maintaining such streets are imposed upon the private users and approved by the Board of Trustees. Bicycle lanes, horse paths and trails shall be provided for, if appropriate for the land use.

(5) The PD shall provide parking areas in conformance with the minimum parking standards of this Zoning Ordinance in terms of number of spaces for each use, location, dimensions, circulation, landscaping, safety, convenience, separation and screening.

(6) The PD shall strive for optimum preservation of the natural features on the site.

(7) Any residential PD shall provide for a variety in housing types and densities, other facilities and common open space.

(8) Any residential PD shall provide adequate privacy between dwelling units.

(9) The PD shall provide pedestrian ways adequate in terms of safety, separation, convenience and access to points of destination.

(10) The uses within any PD must be served by an approved public water and sanitary sewer system.

(11) The maximum height of buildings may be increased or decreased above the maximum permitted for like buildings in other zone districts in relation to the following characteristics of the proposed building:

- a. Its geographic location;
- b. The probable effect on surrounding slopes and terrain;
- c. Unreasonable adverse visual effects on adjacent sites or other areas in the vicinity;
- d. Potential problems for adjacent sites caused by shadows, loss of air circulation or loss of view;
- e. Influence on vistas and open space;
- f. Uses within the proposed building; and
- g. Fire protection.

(e) Common Open Space and Maintenance.

(1) Organization for maintenance. No PD shall be approved unless the Board of Trustees is satisfied that the landowner has provided for or established an adequate organization for the ownership and maintenance of common open space and private roads, drives and parking to ensure maintenance of such areas.

(2) Lot area and coverage, setbacks and clustering. In a multi-lot PD, the averaging of lot areas shall be permitted to provide flexibility in design and to relate lot size to topography, but each lot shall contain an acceptable building site. The clustering of development with usable common open areas shall be permitted to encourage provision for and access to common open areas and to save street and utility construction and maintenance costs. Such clustering is also intended to accommodate contemporary building types, which are not spaced individually on their own lots but share common side walls, combined service facilities or similar architectural innovations, whether or not providing for separate ownership of land and buildings.

(3) Maintenance provisions. In the event that the organization established to own and maintain common open space or any successor organization, shall at any time after approval of the Planned Development fail to maintain the common open space in reasonable order and condition, the following procedures may be initiated by the Board of Trustees:

- a. The Board of Trustees may serve written notice upon such organizations or upon the owners of the lots within the PD setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition, and the notice shall include a demand that such deficiencies of maintenance be cured within thirty (30) days thereof and shall state the time, date and place of a hearing thereon, which shall be held within fifteen (15) days of the date of notice.
- b. At such hearing, the Board of Trustees may modify the terms of the original notice as to deficiencies and may give an extension of time within which they shall be cured.
- c. If the deficiencies set forth in the original notice and in the modifications thereof are not cured within the period set, the Town, in order to preserve the taxable values of the properties within the PD and to prevent the common open space from becoming a public nuisance, may enter upon the common open space and maintain the same for a period of one (1) year. Such entry and maintenance shall not vest in the public any rights to use the common open space except when it is dedicated to the public by the owners.
- d. Prior to the expiration of the year of Town maintenance, the Board of Trustees shall call a public hearing upon notice to the organization responsible for the maintenance of the open space or to the residents of the Planned Development, at which hearing the organization or the residents shall show cause why such maintenance by the Town shall not continue for the succeeding year. If the Board of Trustees determines that the responsible organization is not ready and able to maintain the open space in a reasonable condition, the Town, in its discretion, may continue to maintain the open space during the next succeeding year and, subject to a similar hearing and determination, in each year thereafter.
- e. The cost of maintenance by the Town shall be paid by the owners of properties within the PD who have a right of enjoyment of the open space, and any unpaid

assessment shall become a tax lien in the office of the County Clerk and Recorder upon the properties affected by such lien to the Board of Trustees and Town Clerk for collection, enforcement and remittance in the manner provided by law for the collection, enforcement and remittance of general property taxes.

**Sec. 2-120. Submittal and processing requirements for official development plan.**

(a) Application Process for Official Development Plan. The Planned Development process requires the preparation of an official development plan for any project proposed for PD Zone designation and the preparation of a final development plan for each phase of the PD. An applicant must enter the subdivision process no later than at the time of final development plan preparation. An official development plan is the first step in the PD process. This document establishes the permitted uses, siting restrictions and official development controls and standards for the entire PD Zone. The official development plan constitutes the zoning plan for the property. The Board of Trustees may adjust official development plans over time to reflect changing conditions through minor and major adjustments pursuant to Section 2-90. No building, structures or improvements shall be constructed without first obtaining approval for a final development plan and final subdivision plat.

(b) Application Form, Application Fee and Cost Reimbursement Agreement. The Town Clerk shall provide land use application forms, an application fee schedule and a cost reimbursement agreement form to the applicant. Applicants for land development approvals are responsible for the costs of processing and review by the Town, as well as the Town's cost for notification and publication. The amount to be paid shall be determined based on the current Town Fee Schedule to be established by resolution. An applicant for PD Zoning shall submit an original signed application form and required number of paper plan set copies to the Town Administrator for review of completeness and subsequent referral to the Town Attorney, Town Engineer and other agencies for comment. Additional copies may be required after initial review. A signed cost reimbursement agreement shall accompany the original application. The applicant shall include the following information with the application form:

- (1) Applicable fees.
- (2) Letter of intent explaining the uses, type of development proposed and reasons for the requested PD Zone classification.
- (3) List names and addresses of property owners within seven hundred fifty (750) feet and one (1) set of mailing labels for the properties.
- (4) Proof of ownership.

(c) Preapplication Conference (Step 1). The applicant is required to have a meeting with the Town Administrator. The meeting shall occur prior to submitting a zoning or rezoning application for a PD Zone designation.

- (1) The purpose of this meeting is:

- a. To review the general feasibility of the proposal;
- b. To inform the applicant about procedures, process and submittal requirements;
- c. To review applicable development standards and provide the applicant with any other information necessary to ensure that the formal application furthers the intentions stated within the adopted Comprehensive Plan and meets the objectives and requirements of the Town; and
- d. To allow the applicant to ask questions to determine all known issues and concerns about the proposal. Town staff's opinions presented during the preapplication conference are intended to be informational only and do not represent a commitment on behalf of the Town regarding the acceptability of the proposal.

(2) In addition to a preapplication review with the Town Administrator, the Town Engineer shall review the PD zoning application to determine if public improvements may be necessitated because of the zoning or rezoning. If public improvements are necessary, the standards, criteria, timing and extent of the public improvements as specified by the Town Engineer shall be outlined in a public improvements agreement detailing the owner's obligations to design and construct the public improvements necessary to serve the development. The public improvements agreement shall be executed prior to the recordation of the required final subdivision plat. The need for public improvements shall consider:

- a. The extent of existing and contemplated development of the surrounding area.
- b. The need to ensure that the health, safety and welfare of the public will be maintained.
- c. Whether the zoning or rezoning may ultimately create a need for public improvements to serve the area.
- d. All rights-of-way, easements and access rights shall be required at the time of zoning or rezoning and other public improvements shall be constructed at a time designated by the Town Engineer.

(3) Within fourteen (14) days after the date of the preapplication review, the Town Administrator shall notify the applicant in writing of its conclusions regarding the desired change with respect to the following items:

- a. Ordinances of the Town of Deer Trail.
- b. Appropriateness of the change with respect to the policies set forth in the Comprehensive Plan.
- c. Need, if any, to replat pursuant to the Subdivision Regulations. Subdivision is required for any PD.

- d. Any required site development plan considerations.
- e. General concerns related to the anticipated impact upon public rights-of-way and public improvements and appropriate requirements.

(d) Mandatory Neighborhood Meeting (Step 2). After receiving the written conclusions of the preapplication review, but prior to filing a formal application, the applicant shall meet with residents and persons owning property in the vicinity of the site. It shall be the obligation of the applicant, unless otherwise waived by the Town, to provide notice of the hearing to the following people or entities:

- (1) The fee owners of the subject property.
- (2) The applicant.
- (3) The fee owners of real property within seven hundred fifty (750) feet from the boundary of the subject property.
- (4) The registered representative of neighborhood homeowners' organizations within one thousand (1,000) feet of the subject property.

(e) Official Development Plan Submittal (Step 3).

(1) Graphic Plan. The plan document shall have an outer dimension of 24" x 36" and shall also be duplicated in 11"x17" reproducible size; along with an electronic file, containing the following information:

- a. Parcel size stated as gross acres and square footage; and perimeter boundary.
- b. Existing topographical character of the land with elevation contours at ten-foot intervals or less, showing all water bodies and courses, wetlands, floodplains, unique natural features and existing vegetation, critical wildlife habitat as identified by existing habitat conservation plans and/or the Colorado Division of Wildlife.
- c. Approximate acreage and gross density of each area proposed for residential and nonresidential uses; number and type of residential units; and estimated floor area and types of nonresidential uses.
- d. Total land area and location and amount of open space.
- e. Approximate alignment of proposed and existing streets and pedestrian, trail and bicycle routes, including major points of access. Major points of access must be in conformance with the adopted CDOT Access Control Plan.
- f. Internal traffic and circulation systems, off-street parking areas and loading areas.

- g. Approximate location and number of acres of any public use, such as parks, trails, school sites and other public or semi-public uses.
- h. Height, yard, lot, setback and other dimensional standards in a development stipulations table as outlined in Appendix A to this Zoning Ordinance.
- i. Location of existing and proposed primary utility lines.
- j. An "existing conditions" map of the area surrounding the site to a distance of at least one-quarter (1/4) mile, showing the following:
  - 1. Zoning districts.
  - 2. General location of existing structures (to remain) with square footage and heights.
  - 3. Major public facilities.
  - 4. Location of existing municipal boundaries, service and school district boundaries.
  - 5. Location and building envelope for all new structures and improvements.
- k. A preliminary landscaping plan that illustrates the following:
  - 1. Areas to be landscaped.
  - 2. General types of plantings (shrubs, trees, groundcover and indicate whether deciduous or coniferous).
  - 3. Berms, buffers and other treatments that serve to mitigate the impact of new development on adjacent land uses.
- l. Signature blocks for the Board of Trustees, Arapahoe County Clerk and Recorder and owner.
- (2) Written narrative. The applicant shall provide the following written information:
  - a. A legal description of the total site, including any recorded easements proposed for development, including a statement of present and proposed ownership. This statement shall include the address of the applicant, all the property owners, developers, parties of interest and any lien holders.
  - b. Evidence of the present ownership or agents thereof of all lands included within the Planned Development in the form of a current commitment for title insurance or title insurance policy issued within thirty (30) days of application.

- c. A statement of planning objectives.
- d. A statement of proposed ownership of public and private open space areas.
- e. A proposed development phasing schedule.
- f. General physiographic conditions and environmental studies of the proposed site.
- g. A statement of the proposed method for controlling architectural design throughout the development.
- h. A generalized drainage plan for the entire project indicating proposed on-site facilities and treatment and abatement of drainage to adjoining properties.
- i. Water and sewer demand for projected uses and a statement concerning proposed water and sanitary sewer systems, including source and availability prepared by a qualified engineer registered in the State.
- j. A letter from the Town, appropriate utility districts and boards stating their ability to serve the development with water, sewer, electricity, natural gas, telephone and fire protection service.
- k. A generalized trip generation study for the entire development and its sub-parts. Also, a statement of the general intent of the applicant as regards the use of public versus private roads.

(f) Completeness Review and Referral.

(1) Information required for adequate review. Any information or reports required by this Section may be postponed or waived by the Town Administrator or Town Engineer on the basis that the information is not necessary for a review of the application. There may be additional information or reports required by the Town staff or the Board of Trustees to evaluate the character and impact of the PD Zone request.

(2) Acknowledgement of complete application. When all required submissions and copies have been received by the Town, the Town will notify the applicant in writing that the application is complete and the Town shall forward the complete application to the Town Attorney, Town Engineer and other Town consultants. The Town shall determine the number of copies required for each required item.

(3) Referral of PD zoning request. Copies of the application shall be referred to the following agencies for their review and comment, if any. Upon receipt of the application for PD zoning, the Town Administrator will check the application to determine if additional submissions or copies are needed for referral agencies. If additional submissions or copies are required, the Town Administrator will notify the applicant. Referral comments must be received from the referral agencies at least fifteen (15) days prior to of any scheduled public hearings. All referral comments shall be reflected in Town staff reports regarding the PD zoning application.



- (4) Mandatory Referral Agencies:
  - a. Colorado Department of Transportation.
  - b. Arapahoe County.
  - c. Deer Trail School District No. 26J
  - d. Deer Trail Rural Fire Protection District.
- (5) Optional Referral Agencies:
  - a. Any applicable Water and Wastewater Authority.
  - b. Any applicable Water and Sanitation District.
  - c. Tri-County Health Department.
  - d. Homeowners Association as appropriate.
  - e. Any other agency or individual whose review is considered necessary.

(g) Review Criteria used by the Board of Trustees. Any official development plan shall be reviewed to ensure that the general public health, safety and welfare are safeguarded and for substantial conformance to the following applicable review criteria:

(1) The official development plan is consistent with the Town's Comprehensive Plan and other adopted plans.

(2) The official development plan achieves the stated objectives of the PD District, by allowing for the mixture of uses and greater diversity of building types, promoting environmental protection, limiting sprawl, improving design quality and a higher quality living environment, encouraging innovative design and a variety of housing types and managing the increase in demand for public amenities.

(3) The proposed land uses are compatible with other land uses in the development and with surrounding land uses in the area and the type, density and location of proposed land uses are appropriate based on the findings of any required report or analysis.

(4) The street design and circulation system are adequate to support the anticipated traffic and the proposed land uses do not generate traffic volumes which exceed the capacity of existing transportation systems or that adequate measures have been developed to effectively mitigate such impacts.

(5) The official development plan adequately mitigates off-site impacts to public utilities facilities and residential development, which is the predominant land use within the Town.

(6) The fiscal impacts have been satisfactorily addressed and the Town or a special district will be able to provide adequate levels of service for police and fire protection, street maintenance, snow removal and other public services or that adequate measures have been developed to effectively mitigate such impacts.

(7) Higher levels of amenities, including open spaces, parks, recreational areas and trails, will be provided to serve the projected population.

(8) The official development plan preserves significant natural features and incorporates these features into parks and open space areas.

(9) There are special physical conditions or objectives of development that the proposal will satisfy to warrant a departure from the standard regulation requirements.

(10) The applicant adequately demonstrates that the proposal is feasible and complies with all adopted development standards set forth in the official development plan and other requirements of this Zoning Ordinance. In cases of conflicting provisions, the more restrictive shall apply.

(h) Official Development Plan; Board of Trustees Action. The Board of Trustees shall hold at least one (1) public hearing. The Board of Trustees shall notify the applicant in writing of any of the following actions taken:

(1) Approval of the official development plan as submitted, with certain conditions as stated, if any;

(2) Denial of the official development plan as submitted or certain portions thereof, with all reasons clearly stated. Denial means that application for an official development plan shall not be accepted; or

(j) Filing and Recording of Approved Official Development Plan.

(1) Following the decision of the Board of Trustees, the Town Administrator will inform the applicant in writing of the Board's decision and, if the official development plan was approved, instructions on the preparation of the signature Mylar, including any special notes or revisions required as a condition of approval and the amount of outstanding fees, if any, that are due. The fees shall include the amount necessary to record the official development plan and other materials. The letter shall also state the submittal requirements and required fees for the final development plan.

(2) The applicant shall have one hundred eighty (180) days to submit a final Mylar of the official development plan, the required written narrative and an electronic file to the Town Administrator for the Mayor's signature. In its discretion and for good cause shown by the applicant, the Board of Trustees may extend the time a maximum of sixty (60) days. Upon lapse of the two-hundred-forty-day period and any time extension, the approval of the official development plan shall be void.

(3) The official development plan is valid for a period not to exceed three (3) years unless the applicant proceeds to a final development plan for any portion or phase of the subject property.

(4) Signature Mylar. The applicant will submit three (3) check prints of the signature Mylar to the Town Administrator, who will send a copy to the Town Attorney and Town Engineer, if necessary. After review by the Town Administrator, the applicant will be notified to prepare two (2) sets of the signature Mylars, with any corrections as directed by Town staff. The applicant shall sign and submit the Mylar set to the Town Clerk.

(5) The Mayor will sign the signature Mylar sets and return them to the Town Clerk to have one (1) set recorded in the office of the County Clerk and Recorder.

(6) The second signed reproducible Mylar sets will be maintained in the files of the Town Clerk. Paper copies of the signed Mylar set will be maintained in the files of the Town Administrator and Town Engineer.

(7) Amend the Official Zoning Map. Following the recording of the official development plan map, the Town Administrator will amend the Official Zoning Map.

#### **Sec. 2-130. Amendments to official development plan.**

(a) Intent. From initial concept and approval to final construction, unforeseen changes and ordinary refinements occur which may require changes to the approved official development plan. In order to streamline the review process and to eliminate unnecessary delays, the intent of this Section is to establish a procedure for approving minor official development plan revisions. It is also the intent of this Section to establish a procedure to review and approve significant changes to the approved official development plan.

(b) Minor Amendments. Minor amendments to an approved official development plan may be approved administratively by the Town Administrator after written authorization from the Board of Trustees stating that the amendments are minor in nature.

(1) Minor amendments shall not represent more than a ten-percent change in the location, height, yard, lot and other development standards and can only be granted if required by engineering or other circumstances not foreseen at the time the official development plan was approved, so long as no modification violates any standard or regulation set forth in this Zoning Ordinance.

(2) The applicant shall make a written request to the Town Administrator justifying the proposed minor amendment and clearly showing on the official development plan and accompanying written narrative that portion which is proposed for amendment. A record of such approved minor amendment shall be filed and recorded in the same manner as the original.

(c) Major Amendments.

(1) Major amendments to an approved official development plan shall be processed in the same manner as the original official development plan. Approval of a major amendment to an approved official development plan shall be by ordinance. Major plan amendments include without limitation the following:

- a. A change in land use or development concept.
- b. An increase in building coverage of nonresidential uses or an increase in residential density levels.
- c. An increase in the height of any proposed structure.
- d. A realignment of major circulation patterns or a change in functional classification of the street network.
- e. A reduction in approved open space or common amenities.
- f. Other significant changes that involve policy questions or issues of overriding importance to the community.

(2) Submittal requirements. A request for a major amendment shall be accompanied by the same type and quality of information as was necessary for the original final approval and passage of the official development plan, in addition to the following:

- a. A map of the entire official development plan area, which clearly defines that portion which is proposed for amendment.
- b. A justification of the proposed amendment, including a discussion of any changes in impact, which would result from the amendment.

**Sec. 2-140. Obsolete official development plan.**

An official development plan may be considered obsolete if the Board of Trustees finds that any of the following conditions exist for an official development plan that is not a site specific development plan within the meaning of Section 1-150 of this Zoning Ordinance:

- (1) The original development concept has not been followed and is deemed a zoning violation.
- (2) The official development plan has been inactive and no final development plans have been approved and filed for the past three (3) years.
- (3) A final development plan has been approved but no building permits have been issued for the past five (5) years.

(4) In the event an official development plan is found to be obsolete, a new official development plan shall be required subject to the submission and approval process of this Section.

(5) The Town may withdraw or rescind approval of any official development plan deemed obsolete.

**Sec. 2-150. Submittal and processing requirements for final development plan.**

(a) Application Process.

(1) Approval of a final development plan is the last stage of the Planned Development process. Whereas the official development plan establishes permitted land uses and general development stipulations, the final development plan provides more detailed specifications, including but not limited to:

- a. Building envelopes.
- b. Building design (scaled architectural elevations).
- c. Detailed landscape plan (design and materials).
- d. Parking lot layout.
- e. Lighting plan and fixtures.
- f. Signs.
- g. Access and on-site circulation.

(2) The final development plan may include all or a portion of the site covered by the approved official development plan. The final development plan application is intended to specify design components of the PD District or portions thereof and provide for the review of additional items not required by the official development plan. A final development plan application may be made for all or a portion of the entire District as previously approved at the official development plan stage. All final development plans must have accompanying them appropriate subdivision plats, which either have been approved or are undergoing the approval process if they are integral to the proposed development. Final development plans must include structure locations and building footprint dimensions. In any PD District, an approved final development plan for all or portions of the district must be in effect before any building permits may be issued for the construction of structures in the approved portions of the district. The completed application shall be known as the final development plan.

(b) Application Form. An applicant for final development plan approval shall submit an original signed application form to the Town. A deposit check for review expenses and a signed charge back agreement (if one is not already on file in the Town Clerk's office) shall be

submitted with the original application. Copies will be transmitted to Town consultants and outside referral agencies for comment.

(c) Submittal Requirements. The final development plan shall include all the information required in the official development plan in its finalized, detailed form plus any additional items included below. Omissions are cause to continue or deny the application.

(1) Final development plan – written documentation (fifteen [15] copies or as directed by Town staff.).

- a. Proof of ownership. (Title Commitment with Schedule B) dated within thirty (30) days of the application.
- b. Letter of Intent describing the proposed development.
- c. List of properties within seven hundred fifty (750) feet, plus a set of mailing labels for the properties.
- d. A final development schedule indicating the approximate dates when construction of the phases of said development can be expected to begin and to be completed.
- e. A description of the proposed open space to be provided at each stage of development; an explanation of how said open space shall be coordinated with surrounding developments; total amount of open space (including a separate figure for usable amount of open space); and a statement explaining anticipated legal treatment of ownership and maintenance of common open space areas and the amounts and location of dedicated public open space.
- f. Copies of proposed final covenants, declarations, architectural design standards, grants of easements or other restrictions to be imposed upon the use of the land, including common open spaces, buildings and other structures within the development.
- g. Physiographic and environmental studies of the proposed site prepared and attested to by qualified professional authorities in the following fields: soil quality, slope and topography, geology, water rights and availability, ground water conditions and impact on wildlife.
- h. Any required dedication documentation and/or improvement agreements and bonds plus an updated title insurance commitment.
- i. Any new items or studies not submitted with the official development plan.
- j. The applicant shall submit required fees.
- k. Quantitative data for the following: final number of dwelling units, number of bedrooms in multi-family residential units, final figures for previously agreed-

upon design or development standards or any other negotiated items and footprint sizes of all proposed nonresidential buildings.

- l. A detailed study of the traffic impact of the development on the regional street system.
- m. Any written documents associated with providing utility service and demonstrating water and wastewater availability.
- n. Approved access permit from the Colorado Department of Transportation, if applicable.

(2) Final development plan – graphic documentation. Fifteen (15) paper sets of the final development plan map set or as directed by Town staff, which shall be a blackline print or photocopy of original drawings (24" x 36" size) containing the following information:

- a. Project name, type of proposal (final development plan), legal description of the plan's land area, date of the drawing, scale, north arrow and existing zoning of the site.
- b. Vicinity map with north arrow (scale of 1" = 2,000' preferred), with an emphasis on the major roadway network within one (1) mile of the proposal.
- c. Nonresidential: The graphic locations (building envelopes), dimensions, maximum heights and gross floor area of all existing and proposed structures and the location of entrances, loading areas, location of outdoor trash receptacle systems and emergency vehicle access, if any. Location of parking spaces with typical dimensions.
- d. Residential: Graphic representation showing lots, street names and dimensions, sidewalks or pedestrian walkways.
- e. Any plan maps that have been revised since the official planned development plan approval.
- f. A landscape plan indicating the treatment and materials used for parking lots, public and common open spaces and a revegetation plan showing treatment of disturbed areas.
- g. Information on land areas adjacent to the proposed development to indicate integration of circulation systems, public facilities and utility systems and open space.
- h. The planned pedestrian, trail, bicycle and vehicular circulation system, including their interrelationships with the vehicular parking and unloading system, indicating proposed detailed treatments of points of conflict. Show all proposed curb cuts and driveway locations and dimensions, off-street parking in terms of

- location, dimensions and total numbers by type (full-size, compact, handicap, etc.) and types of surfacing.
- i. A soil erosion and prevention plan.
  - j. The proposed treatment of the perimeter of the development, including materials and techniques used such as screens, fences, walls and landscape plan.
  - k. A detailed engineered drainage plan indicating general on-site and required off-site facilities and proposed treatment and abatement of run-off drainage to adjoining properties.
  - l. Preliminary or final subdivision plats required and prepared as per the requirements of the Town's Subdivision Regulations.
  - m. Preliminary or final engineering plans for public roads within the development, points of access and designs for intersections with and modifications of existing public rights-of-way and designs for any off-site road improvements to connect the Planned Development to the existing street system. Final plans for private roads are to be included for any portions of the site undergoing final review.
  - n. A site map that depicts the development phases thereof, sites and building footprint sizes and locations outlined in the development schedule.
  - o. Engineering schematic plans that depict general line sizes and proposed points of connection to existing or planned utility systems, both on and off site; final engineered plans and specifications. Include dimensions of all existing and proposed easements.
  - p. Existing and proposed finished grade topography at two-foot contours or less, tied to U.S.G.S. datum.
  - q. Documentation showing conformance to applicable floodplain regulations and adopted engineering standards.
  - r. A snow removal and storage plan.
  - s. A detailed lighting plan depicting on-site streetlight location, height and fixture type, with supplemental specifications, including a photometric plan for the site.
  - t. A detailed sign plan showing the location, size, height and materials for all signs on the property.
  - u. Chart comparing all regulations and requirements of the proposed final development plan with those of the approved official development plan regarding the proposed uses, building heights, gross floor area, residential density, gross



floor area ratios, setbacks, open space, parking ratios and any other applicable standards.

- v. Standard and special notes approved by the Board of Trustees that regulate the development, certifications and dedications as approved by the Town Attorney.
- w. Required signature blocks as shown in Appendix B to this Zoning Ordinance.
- x. Development Stipulations Chart as shown in Appendix A to this Zoning Ordinance.
- y. Other information as requested by Town staff or Board of Trustees or required as a condition of the official development plan.

(d) Review Procedure.

(1) The applicant shall file a minimum of fifteen (15) copies of the final development documents or an alternative number of copies as directed by Town staff, with the Town Clerk and pay the required fees.

(2) Filing of documents is to be made thirty (30) days in advance of the regular meeting date of the Board of Trustees at which the final development plan will be discussed. Responsible Town staff shall make any written comments in advance of this meeting. Upon receipt of the documents for Board of Trustees approval, and after review by the Town staff, the Town Clerk shall schedule the project on the next available Board of Trustees agenda, but no sooner than thirty (30) days, as a public meeting and give due notice of general description to the public of said meeting in a newspaper of local circulation.

(3) The final development plan must be in conformance with the official development plan as approved or amended. Should any unapproved modifications to the official development plan be presented for review at this final development plan stage, then these changes must be approved before the final development plan can be approved as a whole. Should this be the case, these modifications may not involve one (1) or more of the following unless formal public hearings are conducted on each change:

- a. Violation of any provision of this Zoning Ordinance.
- b. Varying the original lot area requirement by more than ten percent (10%).
- c. A reduction of the original areas reserved for the open space.
- d. Increasing the original floor areas proposed for nonresidential use by more than ten percent (10%).
- e. Increasing the original total ground area covered by buildings.
- f. Increasing the original density.

- g. Any other items where changes amount to greater than ten percent (10%) of originally negotiated amounts.

(e) Approval Procedure.

(1) The Board of Trustees shall determine the application's compliance with the provisions of this Zoning Ordinance and the official development plan based on a review conducted by the Town. After consideration of the application, the Board of Trustees shall, by resolution, approve said application as presented, approve said application subject to specified conditions or disapprove it.

(2) If the final development plan is approved subject to conditions, the formal acceptance and recording of such approval shall not be made until the applicant has obtained the signature of the Mayor of the Town on the plan face. All conditions must be satisfied before any official Town signatures are fixed thereto.

(3) The Board of Trustees shall direct the Town Clerk to record the pertinent written and graphic documents of the final development plan with the County Clerk and Recorder. All recording and duplicating costs are to be paid in advance by the applicant. Copies of all records are to be kept in the Town Hall. Preparation of signature Mylars shall be as set forth in Subsection 2-80(j) of this Article.

(f) Amendments to Final Development Plan.

(1) This Section shall serve as the mechanism for reviewing and approving changes to the final development plan. Minor changes in the location, siting and height of buildings and structures may be authorized by the Town Administrator without additional public hearings if required by engineering or other circumstances not foreseen at the time the final development plan was approved. No change authorized by this Subsection may cause any of the following:

- a. A change in the use or character of the development.
- b. An increase in the official land coverage of structures.
- c. An increase in the intensity and density of use.
- d. A reduction in approved open space.
- e. A reduction of off-street parking and loading space.
- f. A reduction in required pavement widths.
- g. An increase in height that is more than five (5) feet.

(2) All other changes in use or rearrangement of lots, blocks and building tracts or any changes in the provision of common open spaces may be made by the Board of Trustees after a report is prepared by the responsible Town staff.

(3) Such amendments may be made only if they are shown to be required by changes in conditions that have occurred since the final development plan was approved or by changes in the official development plan. Any changes which are approved for the final development plan must be recorded as amendments in accordance with the procedure established for the recording of the initial final development plan documents.

### ARTICLE 3

#### General Regulations and Development Standards

##### Sec. 3-10. Application of general regulations and development standards.

(a) Purpose. In addition to the requirements contained elsewhere in this Zoning Ordinance, all uses of land and structures shall be governed by the general regulations and development standards contained in this Article to promote the general health, safety and welfare of Deer Trail residents.

(b) Intent. The intent of this Article is to encourage the creation of safe, adequate and attractive facilities and to minimize views of unattractive uses or activities through use of sound site design principles and the establishment of minimum requirements. The standards set forth herein are recognized as enhancing the compatibility of dissimilar uses and promoting stable property values.

(c) Application.

(1) The general regulations and development standards of this Article shall not be retroactive on existing uses. However, these standards shall apply to all uses in all zoning districts under the following circumstances:

- a. New buildings and uses of land that require a permit, license, or site development plan.
- b. Additions involving expansion of the gross floor area or developed site area by twenty percent (20%) or more above that in existence prior to the effective date of this Zoning Ordinance.
- c. A change in the use of the building or land which requires a change in the zoning district or a special review use permit.
- d. A change in the occupancy of a building or the land, which requires a new sign or other site improvements addressed in this Article.

(2) Prior to issuance of any permit, license or special review use permit or granting of a change in use in any zoning district for any property, the applicant shall demonstrate that the property complies with the all applicable regulations.

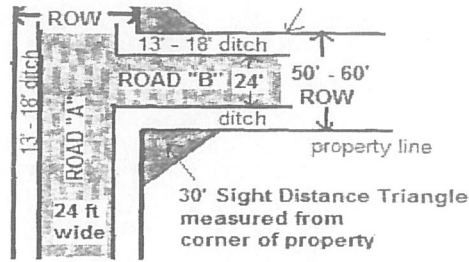
(3) All buildings, parking areas, landscaping, signs and other improvements noted in the general regulations and development standards in this Article shall be constructed and installed in accordance with the approved plans prior to issuance of a certificate of occupancy for the building or use.

- a. The Town Administrator may allow certain improvements to be constructed or installed within an agreed-upon time allowing for seasonal changes. Such arrangements may involve performance bonds or other methods as deemed appropriate by the Town Administrator to assure eventual compliance with this Zoning Ordinance.
- b. The Town Administrator at their sole discretion may permit in a particular district a permitted use and a temporary use not listed in this Zoning Ordinance, provided that such use is of the same general type as the uses permitted by this Zoning Ordinance.

(d) Land Dedications. Land designated as floodplain or open space through dedication or reservation for any reason shall be indicated as such on any land development application. Such land and facilities shall be built and maintained by a unit of government, by a nonprofit corporation or by private interests as part of a subdivision or development of land for use either by the inhabitants or general public thereof. Ownership of the land may be deeded or reserved to a property owner's association or be dedicated to the public or as required by any condition for granting of a subdivision plat, zone district or PD District, including designation of a park, trail or other open recreation use.

**Sec. 3-20. Visibility at intersections; application of sight triangle.**

(a) At all street intersections, there shall be maintained a clear field of vision between a point which is thirty-six (36) inches above the average street grade and ninety-six (96) inches above that point. Such field of vision shall be of such a distance as to enable the operator of any motor vehicle, bicycle or other transportation device or horseback rider to clearly see onto the intersecting street from a distance which is thirty (30) feet along the property line from the point where such street rights-of-way intersect, providing for clear visibility from each of said streets. Said field of vision is described as a sight triangle and is determined by measuring from the Town rights-of-way point of intersection a distance of thirty (30) feet along each Town right-of-way line as depicted in Figure 1 below.



**Figure 1**  
**Sight Distance Triangle**

(b) The following structures shall be permitted within the sight triangle:

(1) Fences that are seventy percent (70%) or more open as viewed from outside the fence; for example, a rail or wire fence. Solid fences such as stockade or board-on-board fences are prohibited.

(2) Utility poles, light standards and traffic control devices.

**Sec. 3-30. Landscape standards for nonresidential uses and planned developments.**

(a) Calculation of Landscaped Area. Nonresidential developments and Planned Developments shall dedicate the required open space as specified in Article 2 of this Zoning Ordinance. The required gross land area for open space, parks and trails may include one (1) or more of the following:

- (1) Parks;
- (2) Open spaces;
- (3) Pathways, including sidewalks and bicycle paths, that are separate and distinct from any parking area or lot;
- (4) Landscaped areas, including buffers and berms, to separate dissimilar uses;
- (5) Public or private outdoor seating areas;
- (6) Plazas;
- (7) Courtyards; and
- (8) Play areas.

(b) Required Buffers.

(1) A buffer consisting of landscape materials, fences, walls, berms or a combination of these techniques is required for all nonresidential uses abutting a residential lot or residential street.

(2) The required buffer between a residential lot or residential street and all nonresidential structures shall be at least twenty (20) feet. Additional standards may also apply as outlined in Section 3-130 below.

(3) Buffers between a residential lot or residential street and all nonresidential structures shall be landscaped by providing trees of at least two-and-one-half-inch caliber, spaced no further apart than thirty-five (35) feet on center, at a ratio of one (1) tree and five (5) shrubs for every seven hundred fifty (750) square feet of buffer area or one (1) tree and five (5) shrubs for each thirty (30) linear feet of buffer, whichever is greater.

(4) All service areas or mechanical equipment areas shall be fenced or screened from view.

(5) Buffers may be interrupted for necessary pedestrian and vehicle access.

(c) General Landscape Standards.

(1) Required landscape areas shall be covered with live, irrigated, lower water-consuming groundcover over at least seventy-five percent (75%) of the landscaped area. Pedestrian walks and other hardscape landscape features (excluding parking spaces and drives) may comprise up to twenty-five percent (25%) of the landscaped area. No large open mulch or bare soil areas are allowed.

(2) Plantings shall be located to preserve and enhance the use of the site and complement the open space. Landscape plantings shall be located in front of walls or fences to maximize the intent of the screening and buffering.

(3) Landscaping of the adjacent local street right-of-way may be included in meeting the landscape area requirement for individual lots if the property owner improves and maintains it.

(4) Landscaping in buffers may count toward the total landscaping/open space requirement.

(5) At least fifty percent (50%) of the trees shall be overstory/shade deciduous species and twenty-five percent (25%) of the trees shall be coniferous species, except in the required buffer area, which may be any combination of species.

(6) Grading of landscape areas shall not exceed slopes greater than 4:1 where mowing is required; 6:1 for common open space and pocket park areas; and 3:1 where shrub beds or native grasses are provided.

**Sec. 3-40. Temporary and seasonal uses.**

(a) Upon application to the Town Clerk and review by the Town Administrator, a temporary use permit may be issued for the uses specified below in any zone district. Such permits shall be valid only for the period of time specified in the permit, as determined by the maximum time periods set forth in the chart below and only two (2) renewals of the permit may be granted. Failure to terminate such temporary use by the specified time shall be considered a violation of this Zoning Ordinance. Uses may be added to the list set forth below from time to time by the Board of Trustees by ordinance. All temporary uses involved in the sale of goods require a sales tax license. Other licenses may also apply. No application shall be approved until the applicable permit fee is received by the Town.

(b) Stipulations and Conditions. Permits are subject to reasonable stipulations and conditions established at the time of application and review, including but not limited to requirements for: safe and adequate access; sufficient parking without interfering with public rights-of-ways, streets and sidewalks; adequate sanitation facilities; provision for collection, recycling and disposal of all waste; and compliance with all zoning, building, construction and fire codes.

(c) Exceptions. Nothing in this Section shall be construed so as to prohibit persons from conducting garage or yard sales or children's beverage and snack stands in the residential zone districts of the Town, subject to all applicable rules and regulations.

(d) Uses and Permitted Time Periods. The following chart sets forth temporary uses that may be permitted and the maximum time periods for which the uses may be allowed prior to renewal.

| <i>Temporary Use</i>  | <i>Time Period Permitted</i>                                      |
|---|---|
| Construction and sales office which also can be used as security quarters incidental to construction on the premises  | 2 years after a site plan is approved as outlined in Section 5-30 |
| Carnival, circus, bazaar, fair, music and art festivals, open air market which may include retail sales of specialty items  | 1 week  |
| Seasonal sales, including but not limited to sporting goods, farm produce or other food products. Any structures used for display shall be removed during the period when not in use            | 3 months per year   |
| Temporary facilities related to special events, including, without limitation, grand openings, weddings, parties, luncheons, reunions, award ceremonies, auctions and Town/Chamber theme events | 2 weeks   |
| Banners, flags and pennants only for grand openings of a new business   | 30-day period within the first 180 days of business               |

|  |  |
|--|--|
| Parking for another temporary use  | Same as temporary use for which it is permitted                          |
| Christmas tree sales   | 60 consecutive days  |
| Temporary offices, classrooms and bank facilities in modular units designed for that occupancy classification  | Not to exceed 2 years after a site development plan is approved          |
| Real estate offices and model homes used to promote the sale of property within new housing subdivisions or projects   | Not to exceed 2 years after a site development plan is approved          |
| Temporary residential or commercial storage containers   | 40 consecutive days  |
| Sidewalk sales, which shall be conducted only by the establishment located in a nonresidential zone on the property and shall only include merchandise that is regularly offered for sale or storage inside that establishment | 4 separate occasions per calendar year, not to exceed 3 consecutive days |
| Outdoor sales by charitable organizations; written documentation of charitable status is required  | Not to exceed 2 weeks  |

| <i>Temporary Use</i>                               | <i>Time Period Permitted</i> |
|--|------------------------------|
| Display and sale of seasonal merchandise           | 18 weeks per calendar year   |
| Stationary food stands, including vending machines | 12 months *                  |
| Mobile food service                                | 12 months **                 |
| Natural disaster and emergency offices             | 12 months                    |

Footnotes to Chart:

- \* Stationary food stands, including vending machines:
- Notwithstanding any provisions of this Section to the contrary, food stands shall be permitted in all zone districts of the Town so long as the location of the food stands is not within 300 feet of an occupied dwelling or of property upon which a public or private school is located.
  - No food stands shall be located so as to obstruct a public sidewalk or the traveled portion of the public right-of-way.
- \*\* Mobile food service – Permit required.
- No person shall conduct a food stand business within the Town unless said person has first obtained a peddler and solicitor license from the Town for each location within the Town at which the food stand's business is to be conducted.



- Every applicant for a food stand permit shall submit a completed application to the Town Clerk. Said application shall be accompanied by the permit fee and shall contain the following information:
  - Name and address of the applicant.
  - A written description of the nature of the food stand service to be conducted by the applicant, including the type of food or beverages to be served.
  - A valid copy of the sales tax license issued by the Town.
  - A description of the cart or other vending device from which food or beverages are to be served.
  - A plot plan showing the proposed location of the food stand in relation to the Town rights-of-way and the traveled portion in any Town street or sidewalk.
  - A statement indicating the distance of the proposed mobile food stand location from the nearest occupied dwelling and public or private school property.
  - Evidence of compliance with any regulations of the Colorado Department of Public Health and Environment.
- In the event the food stand business is to be conducted on private property, the application shall be accompanied by a written statement signed by the owner of said property granting the operator of the proposed food stand the right to conduct business on said property.
- Before issuing a food stand permit, Town staff shall first determine whether the vending device to be used complies with all applicable standards established by the Town and whether the proposed location of the food stand is compatible with the public interest in the use of the public right-of-way. In making the determination as to the compatibility with the use of the public right-of-way, Town staff shall consider the width of the sidewalk or right-of-way at or adjacent to the proposed food stand location, the location of adjacent buildings, the availability of adequate parking areas, the proximity of loading zones or the presence of other characteristics which may result in obstruction of the sidewalk or right-of-way or in pedestrian or street congestion.
- The food stand permit shall be valid for a period of 12 months from the date of issuance. In the event a food stand operator wishes to renew the permit, he shall first submit to the Town an application updating all information contained in the initial application, along with the annual permit fee.
- Each permit shall be valid for not more than 1 location.
- A person to whom a food stand permit has been issued shall pick up and remove any paper, cardboard, wood or plastic containers, wrappers or any similar litter which is deposited by any person within 25 feet of the approved location designated on the permit; and the permittee shall carry a suitable container for placement of such litter by customers or other persons.

**Sec. 3-130. Site development standards for nonresidential uses and planned developments.**

(a) Transition Required between Residential Uses and Streets and Nonresidential Development. When a nonresidential use which is over fifteen (15) feet in height shares a common lot line with a residential use or the nonresidential use is adjacent to a public street that abuts residential uses, the required setback buffer for the nonresidential use shall be twenty-five (25) feet and shall provide adequate screening to a combination of walls, fences, berms and landscaped plant material to include trees, shrubs, grasses and low water plant material.

(b) Features Allowed Within Setbacks. The following structures and features may be located within required setbacks:

(1) Landscaping, including trees, shrubs, berms and other vegetation.

(2) Fences or walls, subject to permit approval, that do not exceed the standards established in this Article.

(3) Drive aisles, sidewalks and loading spaces or bays.

(4) Signs, if permitted by the sign regulations of this Article.

(5) Bay windows, architectural design embellishments and cantilevered floor areas that do not project more than two (2) feet into the required setback, provided that they do not encroach on public easements.

(6) Eaves that do not project more than two and one-half (2½) feet into the required setback.

(7) Open outside stairways, entrance hoods, terraces, canopies and balconies that do not project more than five (5) feet into a required front or rear setback and/or not more than two (2) feet into a required side setback, provided that they do not encroach on public easements.

(8) Chimneys, flues and ventilating ducts that do not project more than two (2) feet into a required setback and when placed so as not to obstruct light and ventilation, provided that they do not encroach on public easements.

(9) Utility lines, wires and associated structures, such as power poles and fire hydrants.

(c) Site Function Standards. These standards specify the location of buildings on a lot and where parking, refuse areas, storage and other amenities should be located.

(1) Storage and utilities: Adequate provision shall be made for the following storage and utility functions: snow storage, trash containers, general storage and utility cabinets. All trash containers, general storage and utility cabinets shall be screened from view from any public right-of-way or sidewalk.

(2) Parking: To decrease the visual impact of parking areas, parking areas should be located in one (1) of the following ways:

- a. Located to the sides and/or rear of buildings;
- b. Comprised of several, linked parking areas rather than one (1) large parking area; or
- c. Provided in another manner that meets the goal of this standard.
- d. Parking areas shall be located to encourage shared-use.
- e. Parking areas shall be designed to fit with topography and minimize impacts to the terrain.

(3) Pedestrian and vehicular safety: Care should be taken to provide pedestrian circulation that is separate from and does not conflict with vehicle circulation.

- a. Use durable pavers, bricks, scored concrete, raised walkways or other materials that provide a similar texture and character to distinguish pedestrian walkways across public streets and across internal drive aisles from driving surfaces.
- b. Consolidate access points with abutting properties through joint access easements or other negotiated means.
- c. Improve pedestrian connections within the site and from the site to adjacent uses.
- d. Ensure that sidewalks are contiguous with abutting properties.
- e. Entrance drives shall be readily recognizable to the first-time visitor.
- f. Reduce potential points of conflict between service vehicles, private automobiles and pedestrians through changes in paving patterns, landscape design and allowable signage.

(4) Street appeal: All nonresidential development and Planned Developments shall provide at least three (3) or more of the following design features as a condition of development approval:

- a. Public or private outdoor seating areas.
- b. Useable public spaces located in sunny places.
- c. Pathways to public facilities and amenities.
- d. Primary structure built to the sidewalk.