

- e. Public art and/or public plazas, which contribute to the overall benefit of the community.
 - f. Inviting street level storefront that is oriented toward pedestrians and provides visually interesting forms or displays for the pedestrian.
 - g. Parking placed totally behind the primary structure, below grade, in a parking structure or limit parking to one (1) side of the building.
- (d) Topographic Standards.
- (1) Locational considerations in the siting of new development.
 - a. Integrated structures and roadways into the surrounding natural landscape and topography.
 - b. Avoid visible construction cuts and permanent scarring.
 - c. Orient lots toward views and vistas.
 - d. Place development in less sensitive areas of the site.
 - e. Minimize disturbance of natural features, such as slopes, drainage areas, flood prone areas and open spaces.
 - f. Engineer grade cuts and fills to imitate natural slope changes with rounded tops of cuts and gradual transitions at the toes of fills.
 - g. Fit structures into the existing topography of the site. Buildings shall step with the site as opposed to sitting on the site. The building should appear to grow out of the land. This will not only minimize site disturbance, it will also create architectural interest by breaking up the mass of the building.
 - (2) Grading and site specifications. Prior to submission of a grading plan, the applicant shall meet with Town staff to develop a grading plan which adequately addresses these standards, engineering standards and other applicable ordinances and regulations.
 - a. All slopes shall be landform graded. Landform grading is defined as a grading method that creates artificial slopes with curves and varying slope ratios. Landform grading is designed to simulate the appearance of surrounding natural terrain.
 - b. At the intersections of manufactured and natural slopes, abrupt angular intersections shall be avoided. Contours shall be curved to blend with the natural slope.
 - c. Grading for pads shall follow the contours of the existing underlying landform.

- d. Standard prepared building pads resulting in grading outside of the building footprint and driveway area is discouraged.
 - e. To minimize grading and protect natural contours, roads shall follow the natural contours.
 - f. All newly graded slopes shall be planted with appropriate erosion control plant materials.
 - g. Areas that will not be graded shall be delineated in the field with fences during construction to ensure that these areas remain undisturbed.
- (e) Building Orientation, Use and Function.
- (1) Entrances to buildings shall be designed to ensure smooth and safe pedestrian circulation and ease of snow removal.
 - (2) Buildings shall be designed to minimize snow shedding and runoff onto pedestrian areas and public ways.
 - (3) The ground floor of building frontages shall be primarily occupied by active commercial or institutional uses.
 - (4) Buildings shall orient facades and main entries toward the street, toward a plaza or pedestrian way that leads directly to a street.
 - (5) Two (2) or more of the following design elements shall be incorporated for each fifty (50) horizontal feet of a building facade or wall:
 - a. Changes in color, texture or materials.
 - b. Projections, recesses and reveals, expressing structural bays, entrances or other aspects of the architecture with a minimum change of plane of twelve (12) inches.
 - c. Grouping of windows or doors.
 - d. Trellis, arcades or pergolas providing pedestrian interest.
- (f) Surfacing. All streets, driveways and curb cuts shall be surfaced immediately upon completion. Surface material shall be asphalt or concrete. Surfacing within the right-of-way shall extend from the traveled portion of the street to the right-of-way line.

ARTICLE 4

Special Requirements

Sec. 4-10. Home occupations.

(a) Permitted Accessory Use in residential zone districts. Home occupations are a permitted accessory use in all residential zone districts. Any home occupation must comply with the following criteria:

- (1) The home occupation shall be accessory to the use of the structure as a residence.
- (2) The home occupation must be conducted entirely within the principal dwelling structure. The storage of materials and goods associated with the home occupation may be stored in an accessory building.
- (3) Only the persons residing in the home shall conduct the home occupation business.
- (4) There shall be no visible advertising of the home occupation on the premises.
- (5) There shall be no outdoor storage of goods or materials associated with the home occupation.
- (6) There shall be no excessive or offensive noise, vibration, smoke, dust, odor, heat, glare or light or dumping of materials produced by the home occupation.
- (7) The receipt or delivery of merchandise, goods or supplies for use in a home occupation shall be limited to the United States Mail, commercial parcel delivery companies or private passenger vehicle, but shall exclude large truck and/or trailer-delivered goods or merchandise.
- (8) The home occupation shall not change the appearance or character of the dwelling or neighborhood. No exterior structural alterations to accommodate the home occupation are permitted.
- (9) Sales conducted in conjunction with the home occupation shall be primarily by telephone, direct mail or other telecommuting means. Incidental pick-up of goods is permitted. However, a home occupation shall not generate an amount of traffic that perceptively alters the residential character of the neighborhood.

(b) Home Occupations in Other Zone Districts. Home occupations which occupy less than thirty-five percent (35%) of the gross floor area of the principal use and which have no exterior indication of nonresidential activity, except for parking or signage as outlined in Article 3 of this Zoning Ordinance, are allowed in all other zone districts.

Sec. 4-20. Commercial mobile radio service facilities.

(a) Purpose. The purposes of this Section are: to allow the location of commercial mobile radio service facilities ("CMRS facilities") in the Town subject to certain standards; to act on applications for the location of CMRS facilities within a reasonable period of time; to encourage co-location of CMRS facilities; and to prevent unreasonable discrimination among providers of functionally equivalent services.

(b) Standards for all CMRS Facilities.

(1) Applicability. The standards contained in this Section apply to all applications for location of a CMRS facility. The applicant shall demonstrate in writing that its proposed CMRS facility meets all applicable standards and provisions of this Section.

(2) Co-location. The Town encourages co-location of CMRS facilities when feasible to minimize the number of CMRS facility sites. To further the goal of co-location:

a. No CMRS facility owner or operator shall unreasonably exclude a telecommunications competitor from using the same facility or location. Upon request by the Town, the owner or operator shall provide evidence explaining why co-location is not possible at a particular facility or site; and

b. If a telecommunications competitor attempts to co-locate a CMRS facility on an existing or approved CMRS facility or location and the parties cannot reach an agreement, the Town may require a third-party technical study to be completed at the expense of either or both parties to determine the feasibility of co-location.

(c) Compliance with FCC standards. Upon a request by the Town at any time, CMRS facility owners and operators shall verify that:

(1) The CMRS facility complies with the current FCC regulations prohibiting localized interference with reception of television and radio broadcasts; and

(2) The CMRS facility complies with the current FCC standards for cumulative field measurements of radio frequency power densities and electromagnetic fields.

By adopting this Section, the Town is not attempting to regulate radio frequency power densities or electromagnetic fields, which regulation is controlled by the FCC.

(d) Abandonment. If the CMRS facility ceases operation for any reason for one hundred eighty (180) consecutive days:

(1) The owner or operator shall remove the facility; and

(2) Any special review use site plan approval or permit shall expire.

(e) Freestanding CMRS Facilities.

(1) Application for special use approval is required prior to location of a freestanding CMRS facility in any zone district.

(2) Letter of credit. Each applicant who obtains approval for location of a freestanding CMRS facility shall, prior to commencing construction, post a letter of credit, in sufficient amount to cover removal of the CMRS facility if abandoned.

(3) Minimum setbacks. A freestanding CMRS facility shall be set back from each property line one (1) foot of distance for every foot of facility height.

(4) Maximum height for freestanding CMRS facilities. A freestanding CMRS facility, including antennae, shall not exceed the maximum structure height limit in the underlying zone district unless the Town approves a height variance. In no case shall a freestanding CMRS facility exceed fifty (50) feet in height.

(5) Design standards for freestanding CMRS facilities. A freestanding CMRS facility shall meet the following design standards to minimize impacts:

- a. The facility shall be designed to be compatible with surrounding buildings and structures and existing or planned uses in the area.
- b. Existing land forms, vegetation and structures shall be used to screen the facility from view and blend in the facility with the surrounding environment.
- c. Existing vegetation shall be preserved or enhanced.
- d. The total area of any equipment storage shelters shall not exceed four hundred (400) square feet for each CMRS facility.
- e. Equipment storage shelters shall be grouped as closely together as technically possible.
- f. No equipment storage shelter shall exceed fifteen (15) feet in height.
- g. All CMRS facilities shall accommodate co-location of facilities unless co-location is technically unfeasible.
- h. All applicable landscape regulations shall be observed.
- i. Any equipment that could be dangerous to persons or wildlife shall be adequately covered or fenced.

(f) Building-Mounted CMRS Facilities. CMRS facilities are allowed on any building either wall-mounted or roof-mounted, subject to the standards within this Subsection.

(1) A building wall-mounted CMRS facility shall adhere to the following design standards to minimize impacts:

- a. The facility shall be screened from view and/or colored to match the building or structure to which it is attached.
- b. The mounting of antennae shall be as flush to the building wall as possible and in no case shall the antennae extend more than three (3) feet out from the building wall.
- c. If the roof of the building is pitched, the facility shall not extend above the roof line of the building.
- d. If the roof of the building is flat, the facility shall not extend above the highest point of the building, including already existing facilities on the roof.

(2) A building roof-mounted CMRS facility shall adhere to the following design standards to minimize impacts:

- a. A building roof-mounted CMRS facility, including antennae, shall not extend more than twelve (12) feet above the height of the building on which the facility is mounted.
- b. The facility shall be screened from view and/or colored to match the building or structure to which it is attached.
- c. Antennae, support structures, accessory equipment and all other roof-mounted appurtenances shall not exceed an aggregate total of twenty-five percent (25%) of the total surface area of the building roof.
- d. The diameter of a microwave dish antenna shall not exceed four (4) feet.

(3) Accessory equipment for a building roof- or wall-mounted CMRS facility shall be placed inside the building if feasible. All equipment storage shelters shall be grouped as closely as technically possible and the total area of all accessory equipment, including storage shelters, shall not exceed four hundred (400) square feet per CMRS facility.

(g) Pole-Mounted CMRS Facilities. A pole-mounted CMRS facility shall adhere to the following design standards to minimize impacts:

- (1) The facility shall be designed to be compatible with surrounding buildings and structures and existing or planned uses in the area.
- (2) The facility shall be colored to match the pole to which it is attached.
- (3) The total area of all accessory equipment, including equipment storage shelters, shall not exceed four hundred (400) square feet per facility.
- (4) Equipment storage shelters shall be screened from view by vegetation, fencing or comparable screening.

(h) Application Procedures.

(1) CMRS facilities require a special review use permit in every zone district.

(2) An application for approval of a proposed CMRS facility shall include a written, narrative statement describing in detail how the proposed CMRS facility will comply with each of the applicable design standards set forth in this Section.

(3) A site plan on 24" x 36" sheets, which includes the following:

a. The location of all proposed and existing improvements;

b. A north arrow;

c. Scale (written and graphic);

d. Scaled building elevations; and

e. The legal description of the property.

(4) A title commitment or other proof of ownership of the property or, if the property is leased, a copy of the fully executed lease with the property owner. The lease may be edited to black out or redact portions which the applicant does not want to become a public record, except: the term of the lease; any renewal provisions; provisions relating to termination of the lease; provisions relating to modification or removal of the facility; and the signature page.

(5) Photographic simulations showing the proposed facility and the structure on which it will be attached.

(6) Preliminary structural design drawings and antenna specifications, which drawings shall include the coverage of the facility and the relationship with other existing or proposed facilities.

(7) For freestanding CMRS facilities, drawings and a site plan including the foundation design, method of attachment, location of the facility, elevation drawings and landscape drawings.

(8) For building roof- or wall-mounted CMRS facilities, structural drawings depicting the method of attachment to the building, including wind load calculations.

(9) For pole-mounted CMRS facilities, a copy of the ownership or attachment agreement.

(i) Procedure for Administrative Approval. The applicant shall submit a completed application to the Town, which shall approve or deny the request within fifteen (15) days of receipt.

(j) Procedure for Special Review Use Approval of a CMRS Facility.

(1) Criteria for approval or denial of application. In considering an application for approval for a CMRS facility, the Board of Trustees shall base its decision as to the approval or denial of the application on whether the proposed CMRS facility meets the applicable design standards as outlined in this Section.

(2) Application denial. A final decision by the Town to deny an application under this Section shall be in writing and supported by substantial evidence contained in a written record.

(3) Approval and conditions of approval. The Board of Trustees may require, as a condition of approval of any CMRS facility: any reasonable conditions necessary to improve or modify the site plan; any reasonable conditions necessary to ensure that any negative impacts of the proposed use are eliminated or mitigated; and any reasonable conditions necessary to ensure that the proposed development and use will be commenced and fully completed in a timely fashion.

(4) Change in ownership. In the event there is a change in either the owner or operator of a CMRS facility, new approval shall not be required. The new owner or operator shall notify the Town of the change within fifteen (15) days after the date the change becomes effective; shall register such change with the Town by providing the name and business address of the new owner or operator and by verifying in writing that the new owner or operator has fully reviewed this Section; and shall pay to the Town an inspection fee to be determined by resolution of Board of Trustees. Upon receipt of notification of a change in the owner or operator of a CMRS facility, the Town may inspect the property to make certain that the new owner or operator is complying with this Section.

Sec. 4-30. Grading, erosion and sediment control requirements.

(a) Purpose. The purpose of this Section is to provide regulations to monitor and control the high rates of erosion and sedimentation due to land disturbance caused by grading (cut or fill). This Section is further intended to ensure the protection of existing drainageways as well as private and/or public property adjacent to any disturbed area regulated by this Article.

(b) Grading Defined. For purposes of this Section, *grading* is any change to the native contours of the surface of the property. This includes grading associated with building permits, the placement of fill material, cutting or reshaping a slope, berms, landscaping, or revising the area (square footage) and/or the point of discharge of surface drainage to adjacent property.

(c) Overlot Grading Permit Required. An overlot grading permit is required if any one (1) of the following conditions occurs:

(1) The area of grading is greater than ten thousand (10,000) square feet.

(2) More than one hundred (100) cubic yards of fill material is imported or placed from on site cut;

(3) The proposed grading increases or changes the historical flow of surface water to adjacent lots or the Town rights-of-way; or

(4) The disturbed area is within seventy-five (75) feet of an existing drainageway, floodplain or wetlands as determined by the Town Engineer.

(d) Overlot Grading Permit Applications Required.

(1) Project of less than one (1) acre. For any proposed project which requires disturbing an area less than one (1) acre, the following information shall be provided in addition to the overlot grading permit application for approval by the Town Engineer:

- a. A sketch of the entire property showing existing improvements (i.e., boundary lines, buildings, driveways, fences, etc.);
- b. North arrow and scale of the drawing;
- c. The limits of the work area shall be indicated on the sketch with the area square footage and the amount of cut/fill in cubic yards labeled;
- d. All surface water hydrologic features within one hundred (100) feet of the proposed work area (i.e., drainageways, floodplains, wetlands);
- e. Directional flow arrows indicating stormwater runoff;
- f. Temporary and, if applicable, permanent erosion and sediment control BMPs in accordance with the Town's standards and specifications; and
- g. If the existing driveway access to the area is not to be used for the construction access, then a temporary construction access from the Town's paved roadway to the applicant's property must be approved by the Town Engineer.

(2) Project of one (1) acre or more. For any site disturbing an area of one (1) acre or more, a Grading, Erosion and Sediment Control (GESC) Report and Plan shall be prepared, stamped and sealed by a registered engineer in accordance with the County's GESC Manual, as adopted by the Town, along with the overlot grading permit application for approval by the Town Engineer.

(e) Fee for Overlot Grading Permit Applications.

(1) Project of less than one (1) acre. The minimum fee charged by the Town for an overlot grading permit for a disturbance of less than one (1) acre as set for above will be three hundred seventy dollars (\$370.00) for review of the permit application and a site inspection by the Town Engineer.

(2) Project of one (1) acre or more. The minimum deposit charged by the Town for an overlot grading permit for a disturbance of one (1) acre or more will be seven hundred forty dollars (\$740.00) for review of the permit application and site inspections by the Town Engineer. An additional deposit amount may be required depending on the complexity of an application and the review required by the Town Engineer.

(3) All inspection fees incurred pursuant to this Section are to reimburse the Town for actual costs associated with the review of the permit application and any necessary inspections as determined by the Town Engineer.

(f) Penalty. It shall be unlawful for any person to violate the provisions of this Section. Any person convicted of violating any provision of this Section shall, upon conviction, be punished by a fine of not more than four hundred ninety-nine dollars (\$499.00) per day for each separate offense. Each day a violation of this Section continues shall constitute a separate offense. The Town may also seek upon a finding of a violation of this Section an injunction, abatement, restitution or any other remedy to prevent, enjoin, abate or remove the violation. A person convicted of violating the provisions of this Section shall also be liable for the actual cost of rehabilitating the property.

Sec. 4-40. Growing of medical marijuana in residential structures.

(a) Purpose. This Section is intended to apply to the growing of medical marijuana in residential structures, whether such growing is done by patients for their own use or by primary caregivers.

(b) Generally. A primary caregiver, for purposes of this Section, and consistent with Article XVIII, Section 14(1)(f) of the Colorado Constitution, is defined as a natural person other than the patient and the patient's physician who is eighteen (18) years of age or older and has significant responsibility for managing the well-being of a patient who has a debilitating medical condition. In addition to other activities conducted on behalf of the patient, a primary caregiver, a patient or a group of patients cultivating marijuana plants for their own use may cultivate, possess, produce, use or transport marijuana or paraphernalia to administer marijuana for medical purposes, subject to the following:

(1) Such cultivation, production or possession of marijuana plants must be in full compliance with all applicable provisions of Article XVIII, Section 14 of the Colorado Constitution, the Colorado Regulated Marijuana Code, C.R.S. § 44-10-101, *et seq.*, and the Medical Marijuana Program, C.R.S. § 25-1.5-106.

(2) Such marijuana plants are cultivated, produced or possessed within a licensed patient's or registered caregiver's primary residence, as defined by Paragraph (8) below.

(3) The cultivation, production or possession of such marijuana plants must not be perceptible from the exterior of the primary residence, including without limitation:

a. Common visual observation, including any form of signage;

- b. Unusual odors, smells, fragrances or other olfactory stimulus;
- c. Light pollution, glare or brightness that disturbs the repose of another; and
- d. Undue vehicular or foot traffic, including excess parking within the residential zone.

(4) Such marijuana plants shall not be grown or processed in the common areas of a multifamily or attached residential development.

(5) Such cultivation, production or possession of marijuana plants shall be limited to the following space limitations within a primary residence:

- a. Within a single-family dwelling unit (Group R-3 as defined by the International Building Code): a secure, contiguous one-hundred-fifty-square-foot area within the primary residence of the licensed patient or registered caregiver.
- b. Within a multifamily dwelling unit (Group R-2 as defined by the International Building Code): a secure, defined, contiguous one-hundred-square-foot area within the primary residence of the patient or registered caregiver.
- c. Such cultivation, production or possession of marijuana plants shall not occur in any accessory structure.

(6) Such cultivation, production or possession of marijuana plants shall meet the requirements of all adopted Town building and life/safety codes, as the same may be amended from time to time.

(7) Such cultivation, production or possession of marijuana plants shall meet the requirements of all adopted water, sewer and fire district regulations promulgated and applicable to the Town.

(8) For purposes of this Section, *primary residence* means the place that a person, by custom and practice, makes his principal domicile and address and to which the person intends to return following any temporary absence, such as 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 of meals, regular mail delivery, vehicle and voter registration, or credit, water and utility billing. A person shall have only one (1) primary residence. A primary residence shall not include accessory buildings.

(9) For 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, casual passersby, vandals or anyone not licensed and authorized to possess medical marijuana.

(10) The cultivation, production or possession of marijuana plants in a residential structure pursuant to this Section is and shall be deemed consent by the primary caregiver or patient upon reasonable notice for the Town to inspect the premises to assure compliance with the provisions of this Section.

Sec. 4-50. Growing of marijuana in residential structures for personal use.

(a) Purpose. This Section is intended to apply to the growing of marijuana in residential structures for personal use to the extent authorized by Article XVIII, Section 16(3)(b) of the Colorado Constitution.

(b) Generally. Any person, for the 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 and who is cultivating marijuana plants for his own use may possess, grow, process or transport no more than six (6) marijuana plants, with three (3) or fewer being mature, subject to the requirements that follow.

(1) Such possessing, growing, processing 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.

(2) 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 Paragraph (8) below.

(3) The possession, growing and processing of such marijuana plants must not be perceptible from the exterior of the primary residence, including but not limited to:

- a. Common visual observation, including any form of signage;
- b. Unusual odors, smells, fragrances or other olfactory stimulus;
- c. Light pollution, glare or brightness that disturbs the repose of another; and
- d. Undue vehicular or foot traffic, including excess parking within the residential zone.

(4) Such marijuana plants shall not be grown or processed in the common areas of multi-family or attached residential development.

(5) Such cultivation, production, growing and processing of marijuana plants shall be limited to the following space limitations within a primary residence:

- a. Within a single-family dwelling unit (Group R-3 as defined by the International Building Code): A secure, defined, contiguous one-hundred-fifty-square-foot area within the primary residence of the person possessing, growing or processing the marijuana plants for personal use.

b. Within a multi-family dwelling unit (Group R-2 as defined by the International Building Code): A secure, defined, contiguous one-hundred-square-foot area within the primary residence of the person possessing, growing or processing the marijuana plants for personal use.

c. Such possession, growing and processing of marijuana plants shall not occur in any accessory structure.

(6) Such possession, growing and processing of marijuana plants shall meet the requirements of all adopted Town building and life/safety codes, as the same may be amended from time to time.

(7) Such possession, growing and processing of marijuana plants shall meet the requirements of all adopted water and sewer regulations promulgated by the Town.

(8) For purposes of this Section, *primary residence* means the place that a person, by custom and practice, makes his principal domicile and address and to which the person intends to return following any temporary absence, such as 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 of meals, regular mail delivery, vehicle and voter registration or credit, water and utility billing. A person shall have only one (1) primary residence. A primary residence shall not include accessory buildings.

(9) For purposes of this Section, 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 premises shall be locked or partitioned off to prevent access by children, visitors, casual passersby, vandals or anyone not licensed and authorized to possess marijuana.

(10) The possession, growing and processing of marijuana plants in a residential structure pursuant to this Section is and shall be deemed consent by the person possessing, growing or processing the marijuana plants for personal use, upon reasonable notice, for the Town to inspect the premises to assure compliance with the provisions of this Section.

ARTICLE 5

Administration and Procedures

Sec. 5-10. Administration.

(a) Intent. It is the intent and purpose of this Article to provide for the efficient, reasonable and impartial enforcement of this Zoning Ordinance. This Article establishes and prescribes the basic duties and operating procedures of the administrative individuals responsible for administering and enforcing this Zoning Ordinance and establishes the requirements for development applications and building permit applications with regard to the following:

- (1) Administration.
- (2) Certificates of occupancy.
- (3) Site development plans.
- (4) Special review use.
- (5) Changes and amendments to the Zoning Ordinance.
- (6) Variances and appeals.
- (7) Nonconforming uses, structures and lots and parking specifications.
- (8) Notice of public hearings.
- (9) Fees.

(b) Town Administrator.

(1) The Town Administrator or the Town Administrator's designee as appointed or designated by the Board of Trustees shall be charged with the responsibility for interpretation of and enforcement of this Zoning Ordinance. Interpretation of this Zoning Ordinance includes without limitation clarification of intention, classification and approval of land uses not specified in this Article, clarification of zoning district boundaries and delegation of procedure. The Town may contract for the services or position of the Town Administrator with a planning professional.

(2) No oversight or dereliction or error on the part of the Town Administrator or on the part of any other official or employee of the Town shall legalize, authorize or excuse the violation of any provisions of this Zoning Ordinance.

(3) Right of entry. The Town Administrator shall have the right to enter any premises or structures at any reasonable time for making an inspection as may be necessary to carry out his duties in the enforcement of this Zoning Ordinance.

(c) Building Official. The Building Official shall have duties including the inspection of plans, structures and site improvements for compliance with the provisions of this Zoning Ordinance and for issuance of permits for building construction and site improvements, certificates of occupancy and other duties as herein authorized. In meeting the responsibilities of the above duties, the Building Official may solicit the assistance of other Town officials, other agencies or consultants as deemed necessary. The Town may contract for the services or position of the Building Official with a planning, construction, or engineering professional.

(d) Planning Commission.

(1) Affirmation: The Planning Commission of the Town is created pursuant to and under the authority of C.R.S. § 31-23-201, *et seq.*

(2) Powers and duties: The Planning Commission shall have all powers, discretion and duties established by C.R.S. § 31-23-201, *et seq.*

(3) The Town declares, pursuant to C.R.S. § 31-23-203, that the personnel of the Planning Commission shall be the members of the Board of Trustees, and that to the extent approval by the Planning Commission is required, such approval shall be deemed to have occurred when the Board of Trustees takes final action on an application.

(e) Board of Adjustment.

(1) Appointment of the Board of Adjustment. In accordance with the powers and authority of the Board of Trustees, the Board of Adjustment may consist of the Board of Trustees acting as the Board of Adjustment.

(2) The Board of Adjustment shall hear appeals from and review any order, requirement, decision or determination made by any administrative official of the Town charged with the enforcement of this Zoning Ordinance. The Board may reverse or affirm, wholly or partly or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as in its own opinion ought to be made in the premises and, to that end, has all the power of the official from whom the appeal is taken.

(3) The Board of Adjustment has the authority to vary or modify the application of this Zoning Ordinance relating to the use, construction or alteration of buildings or structures or the use of land, so that the spirit of this Zoning Ordinance is observed, public safety and welfare secured and substantial justice done, when the strict application of this Zoning Ordinance will deprive a property of the privileges enjoyed by other property of the same zoning classification in the same zoning district because of special circumstances applicable to a property, including its size, shape, topography, location or surrounding.

(4) The Board of Adjustment does not have the power to change this Zoning Ordinance or to change the Zoning District Map of the Town.

Sec. 5-20. Certificates of occupancy.

When Required. After the effective date of this Zoning Ordinance, no change in the use or occupancy of land, nor any change of use or occupancy in an existing building or structure other than for a residential use, shall be made, nor shall any new building or structure be occupied until a certificate of occupancy has been issued by the Building Official. No certificate of occupancy shall be issued by the Building Official unless the proposed use of the building, structure or land and improvements thereto, conforms to the requirements of this Zoning Ordinance.

Sec. 5-30. Site development plans.

(a) Site Development Plan Requirement.

(1) Site development plans shall be required for any nonresidential development. All site development plans shall contain the following information.

- a. Name of the project located at the top center of the sheet. Below this should be the location of the development by streets adjacent to the zone lot, along with the section, range and township.
- b. Legal description of zone lot.
- c. North point – the top of the sheet will be north whenever possible.
- d. A survey showing property boundary lines and dimensions; existing and proposed public and private easements; and existing easements of record, roadways and rights-of-way adjacent to or crossing the property. Boundary lines of the zone lot shall be shown in heavy solid line. (Also, show the elevation and location of benchmark used, U.S.G.S. datum.).
- e. Sheet size shall be 24" x 36" with a preferred scale of 1" = 50'. The top, bottom and sides of the sheet should have a one-inch-wide margin.
- f. A general vicinity map drawn to an approximate scale of 1" = 1,000'.
- g. The existing and proposed finished grade contour lines of the project area, shown in intervals not to exceed two (2) feet.
- h. The present zoning classifications of all abutting properties.
- i. The required setbacks shown as dotted lines on the property.
- j. The location, size and arrangement of proposed buildings and existing buildings which will remain, if any; the maximum height of buildings in stories and feet; the floor area ratio, total floor area and total square feet of ground area coverage; the number of dwelling units.
- k. A minimum of front and side elevations of all buildings showing predominant architectural elements and extension treatments.
- l. Location, dimensions and number of all vehicular and pedestrian circulation elements, including streets and roadways, driveways, entrances, curbs, curb cuts, parking stalls, loading spaces and access aisles; sidewalks, walkways, trails and bikeways, including slope and gradient of vehicular elements; the private roads or streets within the project shall be designed to allow reasonable ingress and egress for emergency vehicles.
- m. Utility plans, indicating placement of water mains, sanitary sewers and storm sewers, including surface and subsurface drainage.
- n. Locations, design, height, size and orientation of all outdoor signs and illumination.

- o. Location and height of all walls, fences, screens, berms, buffers and planting areas.
- p. Location, height and type of all outdoor lighting.
- q. A tabulation of the following information with respect to the area included in the site development plan:

<i>Area included in the Site Development Plan</i>	
Total project area	_____ acres
Floor area ratio	_____ FAR
Maximum height of buildings	_____ feet
Number of parking spaces required	_____ spaces
Number of loading spaces required	_____ spaces
Landscaped area	_____ sq. feet
Area of planting beds and landscaping adjacent to parking areas (for commercial developments)	_____ sq. feet
Total paved area within the project	_____ sq. feet

- r. Location of all outside facilities for solid waste disposal.
- s. Location of all existing and proposed fire hydrants, control facilities, standpipes, etc.
- t. Drainage way plans, detention areas and water pollution control devices with the volumes described in cubic feet.
- u. Types of surfacing to be used at various locations.
- v. All vehicular and pedestrian elements designed and constructed to Town specifications.
- w. Generally depict the landscape plan for the site. Include:
 - 1. Locations and general plant types planned therein; types of surface such as asphalt paving, turf, gravel etc.; proposed initial plant sizes;

2. Designation of any snow storage areas and proposed landscaping thereon;
 3. Locations and types of any passive or active recreation areas; and
 4. Proposed means of plant irrigation.
- x. Proposed facilities and method for public transit boarding and unloading where appropriate.

(b) Administrative Review.

(1) Except for special review uses (which require review and approval by the Board of Trustees), site development plans shall be reviewed by the Town Administrator within fourteen (14) working days of the submittal of a plan or building permit accompanied by a plan. At the Town Administrator's discretion, the site development plan may be reviewed by the Board of Trustees. Decisions of the Town Administrator and Board of Trustees are final.

(2) Five (5) copies of the site development plan shall be submitted to the Town Clerk, who will forward the site development plan to the Town Administrator and, if necessary, the Town Engineer for review either prior to or at the time of application for a building permit. The Town Clerk or Town Administrator can request additional copies as necessary.

(3) Upon approval of a site development plan, the Town Administrator shall so note by signing and dating the plan and proceeding to issue a building permit as per Town regulations. Failure of the applicant to comply with constructing an approved site development plan arrangement shall have certificates of occupancy withheld until compliance is determined.

Sec. 5-50. Special review use.

(a) Intent. The purpose of a special review use is first, to recognize that some uses may or may not be appropriate in a particular district depending upon the circumstances of the individual case; and, second, to allow review of such cases so that the Town is assured that these uses are compatible with their locations and surrounding land uses and will further the purposes of this Zoning Ordinance. Uses which require a special review use permit are those which may be allowed in the zoning district in which they are listed if it can be demonstrated that the use, in the proposed location, is compatible with the district characteristics, purposes, dimensional regulations and development standards for the zone district in which the use is proposed and the use is compatible with the zoning purposes of the district, the particular site and the surrounding area. Uses stipulated in this Zoning Ordinance as requiring a special review use permit shall only be allowed with prior issuance of such permit by the Board of Trustees as described below.

(b) Procedures and Processing for a Special Review Use Permit.

(1) Who may apply. Both the owner of the property on which the proposed use will be conducted and the operator of the use for which a special review use permit is required or their authorized representatives, shall be party to the application for a special review use permit.

(2) Process. The application shall be submitted on forms provided by the Town and shall contain the following minimum information:

- a. Name, address and telephone number of the property owner and applicant.
- b. Legal description of the property and street address.
- c. Lot size, existing zoning and tax schedule number.
- d. Description of the proposed special review use.
- e. The names and addresses of all adjoining property owners of record.
- f. Justification as to why the requested special review use should be approved.

(3) Town staff comment. Prior to the Board of Trustees public hearing, the Town Administrator shall request Town staff comment on the application. Comments received shall be submitted to the Board of Trustees.

(4) An application shall not be considered accepted until all required information is submitted.

(c) Transferable. Special review use permits allow a particular use for which it is granted to operate on the specific property listed in the permit in accordance with approved plans. A special review use permit may be transferred to any other person to operate the same use per the same terms of the permit, with approval by the Town Administrator, but may not be transferred to any other property or building.

(d) Duration. A special review use permit shall remain in full force and effect as long as the use for which the permit is granted continues or for the term specified on the permit.

(e) Special Review Use Criteria, Conditions and Modifications.

(1) No approval of a special review use shall be granted unless the special review use conforms to the minimum development requirements and regulations of the applicable zone district. In reviewing the special review use, the Board of Trustees shall consider the following review criteria, where applicable:

- a. Is the use consistent with the intent and purpose of this Zoning Ordinance?
- b. Is the use consistent with the intent of the zone district in which the applicant intends to locate such use?
- c. Is the use compatible with other uses in the area? Will the impacts generated by the use be abated through the utilization of mitigation measures, such as increased setbacks, screening or buffering?

- d. Is the use consistent with the Town's Comprehensive Plan and other approved plans?
- e. Will the use create any adverse environmental influences on the surrounding area? For example: will the use generate excessive dust, odors, fumes, noise, glare or vibration?
- f. Will the use generate traffic hazards or congestion in the area? Will existing transportation systems be overburdened by the use? Are ingress and egress points appropriately and safely located?
- g. Have adequate water, sewer, drainage and other utility facilities been provided?
- h. Is the physical appearance of the site, including building orientation, scale, architectural treatment and landscaping, sensitive to other uses in the area?
- i. Is the use reasonably related to the overall needs of the community?

(2) In approving an application for special review use, the Board of Trustees may impose conditions or modifications which it deems reasonably necessary to secure the intent and purpose of this Zoning Ordinance.

(f) Abandonment of Right. Approval of a special review use in accordance with this Section shall expire in one (1) year from date of approval unless a site development plan has been approved or if the rights and privileges granted thereby have not been exercised or utilized or if construction work is involved, the work has actually not commenced on the premises. If, thereafter, any discontinuance of the exercise of any rights or privileges occurs for a continuous period of one (1) year, the special review use shall be considered abandoned.

(g) Revocation of Special Review Use Approval.

(1) All conditions or modifications imposed by the Board of Trustees shall be maintained in perpetuity with the special review use. If at any time the conditions or modifications are not complied with by the applicant or are found to have been altered in scope, application or design, the use shall be in violation of special review use approval.

(2) If and when any use is determined to be in violation of special review use approval, the Town Administrator shall notify the applicant in writing of said violation and of a thirty-day period in which to rectify the violation. The notice shall state a time and place after the thirty-day period at which a revocation hearing will be held if the violation is not timely rectified.

(3) Within thirty (30) days after notification of violation of special review use approval, the applicant shall rectify the violation. Upon completion of any required changes, the applicant shall notify the Town Administrator in writing that said changes have been made.

(4) Failure of the applicant to rectify said violations within thirty (30) days shall be cause for cancellation and revocation of the special review use approved by the Board of Trustees. A revocation hearing shall be conducted by the Board of Trustees prior to any revocation. The revocation of the special review use approval shall require the applicant to vacate the premises of or stop the use authorized by the special review use approval. After revocation, the applicant may reapply for approval of a special review use pursuant to the procedures outlined in this Section.

Sec. 5-60. Changes and amendments.

(a) Authority. The Board of Trustees may, from time to time, on its own motion, on motion of the Town Administrator or on petition by any property owner, after notice and public hearings as provided by law and in accordance with the procedures and requirements set forth in this Article, amend, supplement or change the Zoning Map or any provision of this Zoning Ordinance.

(b) Submittal Requirements for Property Owner Petitions.

(1) Petition. Any petition to establish or change zoning for a specific property shall be filed with the Town Clerk and shall be signed by the owners of one hundred percent (100%) of the property proposed for zoning, rezoning or a Planned Development District designation, exclusive of public streets and alleys. Such petition shall furnish or provide at a minimum the following information:

- a. A legal description of the property proposed for zoning.
- b. A list of the names and addresses of all owners of property within the area proposed for zoning, together with a legal description of the property within such area owned by each such owner.
- c. A statement of the present zoning of the area proposed for zoning.
- d. A statement of the type of zoning sought by the petition.
- e. A narrative summary of the existing uses within the area proposed for zoning.
- f. A narrative summary of the proposed uses within the area proposed for zoning.

(2) Required attachments. Such petition shall be accompanied by the attachments listed below. The number of copies of each shall be as determined from time to time by the Town Clerk or Town Administrator.

- a. A map prepared at a scale of one hundred (100) feet to one (1) inch or larger, showing the property proposed for zoning, its location and the length and direction of each boundary thereof, the location and use of all buildings on such property and the principal use of all properties within one hundred (100) feet of the boundaries of such lands, disregarding intervening public streets and alleys.