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LAND USE CODE

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Chapter 16.01

General Provisions

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16.01.010 Title.

This chapter establishes the regulations and standards governing the use and development of land within the city. Included are provisions for the annexation, subdivision and zoning of land, as well as the administrative procedures governing the submission of applications, administrative and public reviews and appeals. Also included are city standards for site design, landscaping, parking and public infrastructure. (Ord. 962 §§1, 2, 2007)

16.01.020 Short title.

This chapter shall be known and may be cited as the *City of Craig Land Use Code*. Within this chapter, the City of Craig Land Use Code shall simply be referred to as "this code." (Ord. 962 §§1, 2, 2007)

16.01.030 Authority.

A. This code is adopted pursuant to the authority contained in the Colorado Revised Statutes (C.R.S.) and the Colorado Constitution, Title 20, Section 6. Local governments are provided broad authority to plan for and regulate the use of land within their jurisdictions, as authorized in Title 29, Article, et seq., and Title 31, Article 23, et seq., C.R.S. Additional statutory authority may also exist for specific types of land use regulation.

B. Whenever a section of the Colorado Revised Statutes cited in this code is later amended or superseded, this code shall be deemed amended to refer to the amended section or section that most nearly corresponds to the superseded section. (Ord. 962 §§1, 2, 2007)

16.01.040 Jurisdiction.

A. This code shall be effective throughout the city's corporate boundaries. The city's planning jurisdiction includes all land within the city and, where applicable, the lands within three (3) miles of the city's boundaries with reference to a major street plan. For purposes of zoning and subdivision, this code only applies to lands within the city's corporate boundaries.

B. A copy of a map showing the boundaries of the city and the area within the three-mile planning jurisdiction shall be available for public inspection at city hall. (Ord. 962 §§1, 2, 2007)

16.01.050 Purpose.

The purpose of this code is to create a well-designed community in order to enhance the city's character and further the citizens' goals as identified in the city Master Plan. This code is designed to:

- A. Encourage the most appropriate use of land in the city;
- B. Encourage innovative, quality site design, architecture and landscaping;
- C. Encourage new development to relate to the city's historic development pattern;
- D. Promote compact neighborhoods that enhance the city's character;
- E. Create livable neighborhoods that foster a sense of community;
- F. Encourage the proper arrangement of streets in relation to existing and planned streets and ensure that streets facilitate safe, efficient and pleasant walking, biking and driving;
- G. Provide a variety of lot sizes and housing types;
- H. Protect sensitive natural and historic areas and the city's environmental quality;
- I. Integrate a high-quality, natural environment into the developed portions of the community;
- J. Facilitate adequate and efficient provision of transportation, water, sewage, schools, parks and other public requirements;
- K. Provide protection from geologic, flood and fire hazards and other dangers; and
- L. Promote the health, safety, morals and general welfare of the city and its residents. (Ord. 962 §§1, 2, 2007)

16.01.060 Interpretation.

In their interpretation and application, the provisions of this code shall be held to be the minimum requirements for the promotion of the public health, safety and welfare. Whenever the requirements of this title are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the more restrictive, or that imposing the higher standard, shall govern. (Ord. 962 §§1, 2, 2007)

16.01.070 Applicability of land use code.

A. The provisions of this code shall apply to any and all development of land within the municipal boundaries of the city unless expressly and specifically exempted or provided otherwise in this code. No development shall be undertaken without prior and proper approval or authorization pursuant to the terms of this code. All development shall comply with the applicable terms, conditions, requirements, standards and procedures established in this code.

B. Except as herein provided, no building, structure or land shall be used and no building, structure or part thereof shall be excavated, erected, constructed, reconstructed, altered, repaired, moved or structurally altered except in conformance with the regulations herein specified for the zone district in which it is located; nor shall a yard, lot or open space be reduced in dimensions or area to an amount less than the minimum requirements set forth herein.

C. Whenever both the provisions of this code and provisions of any other law cover the same subject matter, whichever is more restrictive shall govern.

D. This code establishes procedural and substantive rules for obtaining the necessary approval to develop land and construct buildings and structures. Development applications will be reviewed for compliance with the city Master Plan and with adopted regulations, policies and other guidelines. (Ord. 962 §§1, 2, 2007)

16.01.080 Relationship to existing ordinances.

All ordinances, resolutions or motions of the city council, or parts thereof, in conflict with this code are, to the extent of such conflict, hereby superseded and repealed, provided that no such repeal shall repeal the repealer clauses of such ordinance, resolution or motion, nor revive any ordinance, resolution or motion thereby. The adoption of this code shall not adversely affect the city's right to seek remedies for any violation of previous ordinances that occurred while those ordinances were in effect. (Ord. 962 §§1, 2, 2007)

16.01.090 Relationship to Master Plan.

It is the intention of the city that this code implement the planning policies adopted in the Master Plan ("Master Plan") for the city and its extraterritorial planning area. While this relationship is reaffirmed, it is the intent of the city that neither this code nor any amendment to it may be challenged on the basis of any alleged nonconformity with the Master Plan.

A. Requirement for Master Plan amendment. Where a development proposal would be in substantial conflict with the Master Plan, an amendment to the Master Plan will be required prior to

any zoning or subdivision approvals. A substantial conflict will exist when a development proposal would result in changes from the designations of the Future Land Use Plan Map, Street System Map or Planning Influences Map in the Master Plan.

B. Criteria for evaluating amendment proposals. Amendments to the Master Plan resulting from development proposals under this code shall be evaluated according to the criteria and procedure outlined in the Master Plan. (Ord. 962 §§1, 2, 2007)

16.01.100 Effective date.

The provisions of this code became effective and were originally adopted on February 27, 2007. Development plans approved under previous regulations that received vested property rights through a site-specific development plan shall be valid for the duration of that vested property right, provided that all terms and conditions of the site-specific development plan are followed. Existing legal uses that may become nonconforming by adoption of this code shall become legal nonconforming uses subject to the provisions of Section 16.03.100. (Ord. 962 §§1, 2, 2007)

16.01.110 Fees.

Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters shall be charged to applicants for permits, plat approvals, zoning amendments, variances and other administrative relief. The fee schedule is hereby adopted by the city council pursuant to the ordinance codified herein and may be amended as necessary by council resolution. (Ord. 962 §§1, 2, 2007)

16.01.120 Reimbursement of city costs; deposit.

Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters will be charged to applicants for permits, plat approvals, zoning amendments, annexation, plan approvals, variances and other administrative relief. In addition to the standard fees, the applicant and the owner of the property which is the subject of the application shall be required to pay any actual costs incurred by the city for review of the application by consultants, including but not limited to engineering, surveying, legal and planning plus fifteen percent (15%) of such actual costs for city staff administrative costs and supplies. The city may require a deposit from applicants to offset the city's costs for review prior to consideration of any application submittal pursuant to this code. Subsequent deposits may be required when the initial deposits are eighty-five percent (85%) depleted. These deposits may exceed the total amount of fees collected using the standard schedule of fees. The city shall not continue the processing of any application for which the applicant or the property owner has refused to deposit the funds to cover the city's cost of review. Any funds deposited in excess of the standard fees remaining after paying the actual costs incurred by the city shall be refunded to the applicant. The city may certify to the county treasurer any amount due pursuant to this section as a lien on the property for which the application is submitted to be due and payable with the real estate taxes for the city if the applicant or the property owner does not pay such amount within thirty (30) days of written request by the city. (Ord. 962 §§1, 2, 2007)

16.01.130 Severability.

If any part, section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the code. The city council hereby declares that it would have passed the code, including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one (1) or more parts, sections, subsections, sentence, clauses or phrases is declared invalid. (Ord. 962 §§1, 2, 2007)

16.01.140 Computation of time.

A. In computing a period of days, the first day is excluded and the last day is included.

B. If the last day of any period is a Saturday, Sunday or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday or legal holiday.

C. If a number of months is to be computed by counting the months from a particular day, the period ends on the same numerical day in the concluding month as the day of the month from which the computation is begun, unless there are not that many days in the concluding month; in which case, the period ends on the last day of that month. (Ord. 962 §§1, 2, 2007)

16.01.150 Miscellaneous.

A. As used in this code, words used in the singular include the plural, and words used in the plural include the singular.

B. The words *must*, *shall* and *will* are mandatory; *may*, *can*, *should* and *might* are permissive. (Ord. 962 §§1, 2, 2007)

16.01.160 Definitions.

The words and phrases used in this code shall have the meanings defined below unless otherwise specifically provided or unless clearly required by the context. Questions of definition or word usage shall be interpreted by the city manager based on the context of their usage and the intention of the section of this code in which they occur.

Accessory building or structure means a detached subordinate and smaller building which is:

1. Integrally related to the principal use on the lot;
 2. Subordinate and clearly incidental to the principal building or use of the lot;
 3. Customarily incidental to the principal building or use of the lot;
 4. Located on the same lot as the principal building;
 5. Used only at the same time as the principal building is active and operational;
 6. Not detrimental or an alteration of the character of the area in which the building is located;
- and

7. Not used for living or sleeping quarters.

An *accessory building or structure* shall include, but not be limited to, storage sheds and detached garages in residential zone districts. Microwave dishes, antennas and similar devices having a surface area of six (6) square feet or larger shall also be considered accessory structures and shall comply with requirements for accessory buildings and structures, including height requirement.

Accessory dwelling means an apartment integrated within a single-family dwelling, or located in a detached accessory building, such as carriage houses or agricultural-type outbuildings, located on the same lot as single-family dwellings. Accessory dwellings shall be limited to eight hundred fifty (850) square feet in floor area. For purposes of calculating residential density, each accessory dwelling shall count as one-half ($\frac{1}{2}$) dwelling unit. There shall not be more than one (1) accessory dwelling located on a lot in addition to the single-family dwelling.

Accessory use means a use of land or structure incidental to or subordinate to the principal use of a lot which is:

1. Integrally related to the principal use on the lot;
2. Subordinate and clearly incidental to the principal use of the lot;
3. Customarily incidental to the principal use of the lot;
4. Located on the same lot as the principal use;
5. Used only at the same time as the principal building is active and operational; and
6. Not detrimental or an alteration of the character of the area in which the use is located.

Adjacent means meeting or touching at some point, or separated from a lot or parcel by one (1) of the following: a street, alley or other right-of-way, lake, stream or open space.

Adjacent property owner means an owner of record of any estate, right or interest in real property abutting the subject property.

Adult-oriented or sexually oriented use means a use of property where the principal use, or a significant or substantial adjunct to another use of the property, is the sale, rental, display or other offering of live entertainment, dancing or material which is distinguished or characterized by its emphasis on depicting, exhibiting, describing or relating to specified sexual activities or specified anatomical areas as the primary attraction to the premises, including but not limited to:

1. *Adult arcade* means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one (1) time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

2. *Adult bookstore, adult novelty store or adult video store* means a commercial establishment which devotes a significant or substantial portion of its stock-in-trade or interior floor space to, or has as one (1) of its principal business purposes, the sale, rental or viewing, for any form of consideration, of: (a) any books, magazines, periodicals or other printed matter or photographs, films, motion pictures, videocassettes, slides or other visual representations which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or (b) any instruments, devices or items which are designed or intended for use with or in specified sexual activities.

3. *Adult cabaret* means a nightclub, bar, restaurant, concert hall, auditorium or similar commercial establishment which features:

a. Persons who appear in a state of nudity;

b. Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or

c. Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

4. *Adult motel* means a hotel, motel or similar commercial establishment which offers private rooms to the public and provides patrons live performances or closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas and has a sign visible from a public right-of-way which advertises the availability of this adult type of photographic reproductions.

5. *Adult motion picture theater* means a commercial establishment which is distinguished or characterized by the showing of films, motion pictures, videocassettes, slides or similar photographic reproductions with an emphasis on depicting or describing specified sexual activities or specified anatomical areas which are regularly shown for any form of consideration.

6. *Adult theater* means a theater, concert hall, auditorium or similar business which, for any form of consideration, regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.

7. *Adult photo studio* means any establishment which, upon payment of a fee, provides photographic equipment and/or models for the purpose of photographing specified anatomical areas.

8. *Commercial establishment*, with respect to the regulation of sexually oriented businesses, may have other principal business purposes that do not involve the depicting or describing of specified sexual activities or specified anatomical areas and still be categorized as a sexually oriented business. Such other business purposes will not serve to exempt such commercial establishments from being categorized as a sexually oriented business so long as one (1) of its principal business purposes is the offering for sale or rental for consideration the specified

materials which depict or describe specified sexual activities or specified anatomical areas. The term *commercial establishment* includes clubs, fraternal organizations, social organizations, civic organizations or other similar organizations with paid memberships.

9. *Nude model studio* means any place where a person who appears in a state of nudity or displays specified anatomical areas is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculpted, photographed or similarly depicted by other persons.

10. *Nudity or state of nudity* means:

a. The appearance of human bare buttocks, anus, male genitals, female genitals or the areola or nipple of the female breast; or

b. A state of dress which fails to opaquely and fully cover human buttocks, anus, male or female genitals, pubic region or areola or nipple of the female breast.

11. *Peep booth* means a viewing room, other than a private room, of less than one hundred fifty (150) square feet of floor space upon the premises of a sexually oriented business where there are exhibited photographs, films, motion pictures, video cassettes or other video reproductions, slides or other visual representations which depict or describe specified sexual activities or specified anatomical areas.

12. *Private room* means a room in an adult motel that is not a peep booth, has a bed in the room, has a bath in the room or adjacent to the room and is used primarily for lodging.

13. *Sexual encounter establishment* means a business or commercial establishment which, as one (1) of its primary business purposes, offers for any form of consideration a place where two (2) or more persons may congregate, associate or consort for the purpose of specified sexual activities or the exposure of specified anatomical areas, when one (1) or more of the persons exposes any specified anatomical area.

14. *Sexually oriented business* means an adult arcade, adult bookstore, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, nude model studio, sexual encounter establishment or other similar business and includes:

a. The opening or commencement of any sexually oriented business as a new business;

b. The conversion of an existing business, whether or not a sexually oriented business, to a sexually oriented business;

c. The addition of any sexually oriented business to any other existing sexually oriented business;

d. The relocation of any sexually oriented business; or

e. The continuation of a sexually oriented business in existence on the effective date of the initial ordinance codified herein.

15. *Specified anatomical areas* means:

a. Less than completely and opaquely covered human genitals, pubic region, buttocks and female breast below a point above the top of the areola.

b. Human male genitals in a discernibly turgid state even if completely and opaquely covered.

16. *Specified sexual activities* means acts, simulated acts, exhibitions, representation, depictions or descriptions of:

a. Human genitals in a state of sexual stimulation or arousal.

b. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.

c. Intrusion, however slight, of any object, any part of an animal's body or any part of a person's body into the genital or anal openings of any person's body or into the body of an animal.

d. Cunnilingus, fellatio, anilingus, masturbation, bestiality, lewd exhibition of genitals or excretory function.

e. Flagellation, mutilation or torture for purposes of sexual arousal, gratification or abuse.

17. *Stage* means a raised floor or platform at least three (3) feet above the surrounding floor measured perpendicularly from the edge of the stage to the surrounding floor and at least thirty-six (36) square feet in area.

Affordable housing project means a development project in which: (1) at least seventy-five percent (75%) of the gross acreage to be developed under the plan is to be developed as residential dwelling units or mobile home park spaces; (2) at least ten percent (10%) of said dwelling units or spaces (the "affordable housing units") are to be available for rent or purchase on the terms described in the definitions of affordable housing unit for rent or affordable housing unit for sale (as applicable); (3) the construction of the dwelling units or spaces is to occur as part of the initial phase of the project and (i) prior to the construction of the market rate units or (ii) on a proportional basis, according to the same ratio as the number of affordable units bears to the number of the market rate units; and (4) the units will be required by binding legal instrument acceptable to the city and duly recorded with the county clerk and recorder, to be occupied by and affordable to low-income households for at least twenty (20) years.

Affordable housing unit for rent means a dwelling unit which is available for rent on terms that would be affordable to households earning eighty percent (80%) or less of the median income of county residents, as adjusted for family size, and paying less than thirty percent (30%) of their gross income for housing, including rent and utilities. The unit must be occupied by and be affordable to such low-income household(s) for a period of at least twenty (20) years.

Affordable housing unit for sale means a dwelling unit which is available for purchase on terms that would be affordable to households earning eighty percent (80%) or less of the median income of county residents, as adjusted for family size, and paying less than thirty-eight percent (38%) of their

gross income for housing, including principal, interest, taxes, insurance, utilities and homeowners' association fees. The unit must be occupied by and affordable to such low-income household(s) for a period of at least twenty (20) years or permanently.

Agricultural activity means farming, including plowing, tillage, cropping, utilization of best management practices, seeding, cultivating or harvesting for the production of food and fiber products; the grazing or raising of livestock (except in feedlots); aquaculture; sod production; orchards; Christmas tree plantations; nurseries; and the cultivation of products as part of a recognized commercial enterprise.

Agricultural land means land that is being used for agricultural activities.

Alley means a public minor or secondary way which is used primarily for vehicular service access to the back or side of properties that otherwise abut on a street.

Alteration means any change, addition or modification in construction, occupancy or use.

Amusement center means an establishment providing completely enclosed recreation activities, including but not limited to bowling, roller skating or ice skating, billiards, swimming pools, motion picture theaters and related amusements. Accessory uses may include the preparation, serving and sale of food and/or sale or rental of equipment related to the enclosed uses.

Amusement park means an outdoor enterprise whose main purpose is to provide the general public with entertaining activity where tickets are sold or fees collected at the activity. Commercial amusements include miniature golf courses, outdoor arcades, Ferris wheels, children's rides, roller coasters, skateboard parks, go-cart tracks, water parks and similar uses.

Animal boarding means the operation of an establishment in which domesticated animals other than household pets are housed, groomed, bred, boarded, trained or sold. This term shall not include the operation of a kennel.

Animals, domestic means common household pets, such as dogs and cats, kept for amusement, companionship, decoration or interest.

Animals, food means fish, fowl, cattle, swine, sheep and others raised for the purposes of food consumption.

Animals, wild means animals, such as wolves, deer, elk and snakes, that are not normally a domestic animal or farm animal and would ordinarily be confined in a zoo or found in the wild.

Appeal means a request by an applicant to the board of adjustment for a review of and administrative interpretation of any provision of this title or a request for a variance.

Applicant means the owner of land; the owner's authorized representative or anyone holding an option on the land, as well as mineral owners and lessees; or the developer applying for an approval by the city pursuant to this chapter.

Appurtenances means the visible, functional or ornamental objects accessory to and part of a building.

Aquifer recharge area means an area where water is absorbed into a natural aquifer adding to the zone of saturation.

Arcade means a series of arches supported on piers or columns.

Area of lot means the total horizontal area within the lot line boundaries of a lot.

Area of special flood hazard means the land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year.

Automotive repair, major means an establishment primarily engaged in the repair or maintenance of commercial and heavy truck motor vehicles, trailers and similar large mechanical equipment, including paint, body and fender and major engine and engine part overhaul, provided that it is conducted within a completely enclosed building. Such use shall not include the sale of fuel, gasoline or petroleum products.

Automotive repair, minor means an establishment primarily engaged in the repair or maintenance of passenger and light truck motor vehicles, trailers and similar mechanical equipment, including brake, muffler, upholstery work, tire repair and change, lubrication, tune-ups and transmission work, car washing, detailing, polishing or the like, provided that it is conducted within a completely enclosed building. Such use shall not include the sale of fuel, gasoline or petroleum products.

Awning means a fixed or movable roof-like cover of canvas or other material extending in front of a doorway or window, or over a deck, to provide protection from the sun or rain.

Awning sign means a sign which is painted, stitched, sewn or stained onto the exterior of an awning.

Bar or tavern means an establishment providing or dispensing fermented malt beverages and/or malt, vinous or spirituous liquors and in which the sale of food products, such as sandwiches or light snacks, is secondary.

Base flood means the flood having a one-percent chance of being equaled or exceeded in any given year.

Beacon, revolving means a rotating source of light or electronic simulation of a revolving source of light.

Bed and breakfast means an establishment operated in a private residence or portion thereof, which provides temporary accommodations to overnight guests for a fee and which is occupied by the operator of such establishment.

Bikeway means a path designed for use by bicyclists, which may be used by pedestrians.

Blank wall shall mean an exterior building wall with no openings and a single material and uniform texture on a single plane.

Block means a unit of land or a group of lots bounded by streets or by a combination of streets and public lands or other rights-of-way other than an alley, waterway or any barrier to the continuity of development, or land which is designated as a block on any recorded subdivision tract.

Board of adjustment means the city council acting as the board of adjustment.

Boarding and rooming house means a building, a portion of which is used to accommodate, for compensation, four (4) or more boarders or roomers, not including members of the occupant's immediate family who might be occupying such building. The word *compensation* shall include compensation in money, services or other things of value.

Bollard means a pole used to close a road or path to vehicles above a certain width.

Building means any permanent or temporary structure built for the shelter or enclosure of persons, animals, chattels or property of any kind, which is governed by the following characteristics:

1. Is permanently affixed to the land.
2. Has one (1) or more floors and a roof.

Building codes means the set of standards that must be followed in the construction and remodeling of buildings and structures.

Building frontage means the horizontal, linear dimension of that side of a building which abuts a street, a parking area, a mall or other circulation area open to the public and has either a main window display or a public entrance to the building.

Building height is measured from the average of finished grade at the center of all walls of the building to the top of the parapet or highest roof beam (whichever is higher) on a flat or shed roof, to the top of the parapet or deck level (whichever is higher) of a mansard roof, or the average distance between the highest ridge and its eave of a gable, hip or gambrel roof.

Building site means a piece or parcel of land or group of lots entirely surrounded by streets and/or land on one (1) side of a street lying between intercepting streets or between the streets and any unsubdivided lands, railroads, parks, bodies of water or waterways.

Caliper means the standard used by the American Association of Nurserymen for trunk measurement of nursery stock, as measured at six (6) inches above the ground for trees up to and including four-inch-caliper size, and as measured at twelve (12) inches above the ground for larger sizes.

Canopy sign means a sign that is permanently affixed to a roofed shelter attached to and supported by a building, by columns extending from the ground or by a combination of a building and columns.

Cash-in-lieu, also known as *fee-in-lieu*, means that the applicant, at the determination of the city council, may pay the city money instead of land dedication in those cases where the dedication of land is required, but is not the preferred alternative. The payment shall comply with the following requirements unless otherwise provided for by this code:

1. Payment shall be based on the market value, to be determined after completion of the platting process, of the entire property as it is valued after platting.

2. The value of the land is based upon an appraisal by a competent, independent appraiser selected by the city and the applicant, or upon a value negotiated between the city and the applicant. The suitability of the land to be dedicated for public purposes and the credit to be given toward the land dedication requirement is at the city's sole option and discretion.

3. A combination of dedication and cash-in-lieu: The applicant, at the option of the city council, may meet the dedication requirements through a combination of cash-in-lieu and land dedication in those cases where a portion of the dedication of land is not desired.

Cemetery means land used, or intended to be used, for the burial of the dead and dedicated for cemetery purposes, including mausoleums and mortuaries when operated in conjunction with, and within the boundaries of, such cemetery.

Character means those attributes, qualities and features that make up and distinguish a building or development and give it a sense of purpose, function, definition and uniqueness.

Child care center shall have the same definition as Section 26-6-102(1.5), C.R.S., in effect at the time of interpretation.

Church or place of worship and assembly means a building containing a hall, auditorium or other suitable room or rooms used for the purpose of conducting religious or other services or meetings of the occupants of such structure. *Church or place of worship and assembly* shall include churches, synagogues or the like, but shall not include buildings used for commercial endeavors, including but not limited to commercial motion picture houses or stage productions.

City means the City of Craig, a municipal corporation of the State of Colorado. The city may act through the city council or an official of the city specifically authorized to perform the act.

City council means the governing body of the city; also known as the *council*.

City Master Plan means the comprehensive plan which was adopted by the planning commission and city council in accordance with Section 31-23-206, C.R.S., to guide the future growth, protection and development of the city, affording adequate facilities for the housing, transportation, comfort, convenience, public health, safety and general welfare of its population.

Clerestory means a portion of an interior rising above adjacent rooftops and having windows admitting daylight to the interior.

Clinic means a building designed and used for the diagnosis and treatment of human patients, that does not include overnight care facilities.

Clubs and lodges means organizations of persons for special purposes or for the promulgation of sports, arts, literature, politics or other common goals, interests or activities, characterized by membership qualifications, dues or regular meetings, excluding clubs operated for profit and/or places of worship or assembly.

Commercial mineral deposits means oil, gas, gravel and other natural deposits that may be extracted from a property for economic benefit.

Common area means an area of land set aside within a subdivision for the use in common by the residents thereof; such areas shall be subject to approved legal controls, and the governing body may require that it be made a party to legal agreements thereof.

Common equestrian stabling and grazing means shared pastures and/or common barns for horses in a conservation subdivision which is owned and maintained by a homeowners' association.

Common open space means a parcel of land, an area of water or a combination of land and water within the site designated for a planned development overlay zone (PD), designed and intended primarily for the use or enjoyment of residents, occupants and owners of the planned development.

Community Design Standards means the standards set forth in Chapter 2 of this title.

Community facility means a publicly owned facility or office building which is primarily intended to serve the recreational, educational, cultural and administrative or entertainment needs of the community as a whole.

Community development director means a person or persons designated to implement and enforce the provisions of this code.

Compatibility means the characteristics of different uses or activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include height, scale, mass and bulk of structures. Other characteristics include pedestrian or vehicular traffic, circulation, access and parking impacts, landscaping, lighting, noise, odor and architecture. *Compatibility* does not mean "the same as." Rather, compatibility refers to the sensitivity of development proposals to nearby existing and proposed development.

Comprehensive Plan means the City of Craig Master Plan, as adopted.

Compressed gravel means gravel that has ninety-five percent (95%) compaction at standard proctor densities at two percent plus or minus (2% ±) optimum moisture content.

Conditional approval means an affirmative action by the planning commission indicating the approval of a preliminary plat subject to certain specified stipulations.

Condominium means a single dwelling unit in a multiple-unit structure, which is separately owned and which may be combined with an undivided interest in the common areas and facilities of the property.

Conservation easement means a right to prohibit certain acts with respect to the property in order to maintain the property in a manner that will preserve its value for recreation, education, habitat, open space or historical importance.

Container (also known as *cargo* or *shipping container*) means a truck trailer body that can be detached from the chassis for loading into a rail car or stacked in a container depot. Containers may

be ventilated, insulated, refrigerated, flat-rack, vehicle-rack, open-top or bulk-liquid design, or equipped with interior devices.

Convenience retail store means a retail store containing less than five thousand (5,000) square feet of gross floor area which sells everyday goods and services which may include, without limitation, ready-to-eat food products, groceries, over-the-counter drugs and sundries.

Convenience shopping center means a shopping and service center located in a complex which is planned, developed and managed as a single unit and located within and intended to primarily serve the consumer demands of adjacent employment areas and residences.

Cornice means a continuous, molded projection that crowns a wall or other construction, or divides it horizontally.

Covenant means a private written agreement outlining regulations specific to a development. It is not enforced by the city. No covenant shall be construed to be a waiver or modification of a requirement of this code.

Critical feature of flood control system means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

Critical plant community means vegetation which is essential to the conservation of threatened or endangered species and which may require special management considerations or protection.

Crosswalk means a designated area for pedestrians to cross a street or other right-of-way.

Cul-de-sac means a local street with only one (1) outlet, having the other end for the reversal of traffic movement.

Cultural assets means buildings, locations and other features considered historically or socially significant to the community.

Dedicated land means land transferred to the city by platting, title, deed or other legal method approved by the city attorney.

Dedication means any grant to a public entity by a landowner of a right to use that land for public purposes. It involves a transfer of property rights and an acceptance of the dedicated property by the appropriate public agency.

Density, gross means the overall average number of dwelling units located on the development and calculated on a per-acre basis. Gross density is calculated by dividing the total number of residential units by the total acreage contained within a development.

Density, net means the number of dwelling units located on the development divided by the developable area. *Developable area* includes the entire residential portion of the development, except land dedicated for public and private streets, rights-of-way, parks, open space and other land areas open to the public.

Design standards means the Community Design Standards that set forth specific requirements for buildings and infrastructure as described in Chapter 2 of this code.

Detached structure means any structure having no party wall or common wall with another structure. Bridges, tunnels and other similar means of connecting one (1) structure to another shall not be considered to constitute a party wall or a common wall.

Detention basin means a man-made or natural water collection facility designed to collect surface and subsurface water in order to impede its flow and to release the water into natural or manmade outlets at a rate that is not greater than the rate of flow prior to the development of the property.

Developer means any person, partnership, joint venture, limited liability company, association or corporation which participates as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a development.

Development means the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land or the dividing of land into two (2) or more parcels. When appropriate in context, *development* shall also mean the act of developing or the result of development.

1. *Development* shall also include:

- a. Any construction, placement, reconstruction, alteration of the size or material change in the external appearance of a structure on land;
- b. Any change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on a tract of land or a material increase in the intensity and impacts of the development;
- c. Any change in use of land or a structure;
- d. Any alteration of a shore or bank of a river, stream, lake, pond, reservoir or wetland;
- e. The commencement of drilling oil or gas wells, mining, stockpiling of fill materials, filling or excavation on a parcel of land;
- f. The demolition of a structure;
- g. The clearing of land as an adjunct of construction;
- h. The deposit of refuse, solid or liquid waste or fill on a parcel of land;
- i. The installation of landscaping within the public right-of-way, when installed in connection with the development of adjacent property;
- j. The construction of a roadway through or adjoining an area that qualifies for protection as a wildlife or natural area; and

k. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

2. *Development* shall not include:

a. Work by a highway, road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way;

b. Work by any public utility for the purpose of inspecting, repairing, renewing or constructing on established rights-of-way any mains, pipes, cables, utility tunnels, power lines, towers, poles or other infrastructure. This exemption shall not include work by a public entity in constructing or enlarging mass transit or fixed-guideway mass transit depots or terminals or any similar traffic-generating activity;

c. The maintenance, renewal, improvement or alteration of any structure if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure;

d. The use of any land for an agricultural activity;

e. A change in the ownership or form of ownership of any parcel or structure; or

f. The creation or termination of rights of access, easements or covenants concerning development of land, or other rights in land.

Development plan means the written and graphic documents that detail the provisions for development of a PUD. These provisions may include, and need not be limited to, easements, covenants and restrictions relating to: use; location and bulk of buildings and other structures; intensity of use or density of development; utilities; private and public streets, ways, roads, pedestrian areas and parking facilities; common open space; and other public facilities.

Developmental disability means a disability that is manifested before the person reaches twenty-two (22) years of age which constitutes a substantial handicap to the affected individual and is attributable to mental retardation or related conditions which include cerebral palsy, epilepsy, autism or other neurological conditions when such conditions result in impairment of general intellectual functioning or adaptive behavior similar to that of a mentally retarded person.

Disposition means a contract of sale resulting in the transfer of equitable title to an interest in subdivided land; an option to purchase an interest in subdivided land; a lease or an assignment of an interest in subdivided land; or any other conveyance of an interest in subdivided land which is not made pursuant to one (1) of the provisions of this title.

Dormer means a projecting structure built out from a sloping roof, usually with a vertical window or vent.

Double-frontage lot means a lot which fronts on one (1) street and backs on another.

Downtown means the central business district of the city. The boundary of downtown may change as the city grows.

Drainage means the removal of surface water or groundwater from land by drains, grading or other means that include runoff controls to minimize erosion and sedimentation during and after construction or development.

Drive aisles means the lanes in a parking lot devoted to the passage of vehicles, as opposed to the parking stalls. The term *drive aisle* does not include lanes used only, or primarily, for drive-in customer service.

Drive-in use means an establishment which, by design, physical facilities, service, product or packaging procedures, encourages or permits customers to receive services, obtain goods or be entertained while remaining in their motor vehicles.

Driveway means a constructed vehicular access serving one (1) or more properties and abutting a public or private road.

Dwelling means a building used exclusively for residential occupancy, including single-family dwellings, two-family dwellings and multi-family dwellings.

Dwelling, multi-family means a dwelling containing three (3) or more dwelling units, not including hotels, motels, fraternity and sorority houses or similar group accommodations.

Dwelling, single-family means a building designed exclusively for occupancy by one (1) family, but not including mobile homes, except as otherwise provided herein.

Dwelling, single-family attached means a residential building containing dwelling units, each of which has primary ground floor access to the outside and which are attached to each other by party walls without openings. The term is intended primarily for such dwelling types as townhouses and duplexes.

Dwelling, single-family detached means a single-family dwelling which is not attached to any other dwelling or building by any means, excluding mobile homes and manufactured housing situated on a permanent foundation.

Dwelling, two-family means a building designed for occupancy by two (2) families living independently of each other.

Dwelling unit means one (1) or more rooms, a single kitchen and at least one (1) bathroom, designed, occupied or intended for occupancy as separate quarters for the exclusive use of a single family for living, cooking and sanitary purposes, located in a single-family, two-family or multi-family dwelling or mixed-use building.

Easement means a right generally established in a real estate deed or on a recorded plat to permit the use of land by the public, a corporation or particular persons for specified uses.

Eave means the overhanging lower edge of a roof.

Elevation means the external vertical plane of a building. Elevations are considered different if they have different roof lines, building materials, details, color and overall stylistic expression.

Engineer means a professional engineer licensed by the State of Colorado.

Entertainment facilities and *theaters* mean a building or part of a building devoted to showing motion pictures or dramatic, musical or live performances.

Environmentally sensitive areas means aquifer recharge areas, significant wildlife habitat and migration corridors, unique vegetation and critical plant communities and ridge lines.

Evidence means any map, table, chart, contract or any other document or testimony prepared or certified by a qualified person to attest to a specific claim or condition, which evidence must be relevant and competent and must support the position maintained by the subdivider.

Exhaust pipe or *vent* means a pipe or continuous open vent used to guide waste exhaust or flue gases away from a controlled combustion inside an engine or stove.

Exotic animals means all animals raised or boarded that are not commonly classified as household pets or livestock, but are wild in nature and may have the ability to inflict bodily harm on humans, including snakes in excess of four (4) feet in length.

Family means an individual living alone, or either of the following groups living together as a single housekeeping unit and sharing common living, sleeping, cooking and eating facilities:

1. Any number of persons related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship; or
2. Any unrelated group of persons consisting of:
 - a. Not more than three (3) persons;
 - b. Not more than two (2) unrelated adults and their children, if any;
 - c. Not more than eight (8) developmentally disabled persons and appropriate staff occupying a dwelling unit and living as a single housekeeping unit; or
 - d. Not more than one (1) individual related by blood, marriage or adoption who is required to register as a sexual offender under the provisions of state law.

Family child care home shall have the same definition as Section 26-6-102(4), C.R.S., applicable at the time of interpretation.

Farm animals means animals commonly raised or kept in an agricultural, rather than urban, environment, including but not limited to chickens, pigs, sheep, goats, horses, cattle, llamas, emus, ostriches, donkeys and mules.

Feedlot means any tract of land, structure, pen or corral, wherein cattle, sheep, goats, emus, ostriches or swine are maintained in close quarters for the purpose of fattening such livestock. Also

known as *confined* or *intensive agriculture* where vegetative cover cannot be maintained within the enclosure.

FEMA means Federal Emergency Management Agency.

FHA means Federal Housing Administration.

Flood or *flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters or the unusual and rapid accumulation of runoff or surface waters from any source.

Floodplain or *flood hazard area* means areas which have been designated by the city council, the Colorado Water Conservation Board or FEMA as susceptible to flooding.

Flood-prone means areas subject to flooding which have not been designated as a floodplain or flood hazard area by the city council, the Colorado Water Conservation Board or FEMA.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one-half ($\frac{1}{2}$) foot.

Flood Insurance Rate Map (FIRM) means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Boundary-Floodway Map and the water surface elevation of the base flood.

Floor area, also called *gross floor area*, means the total square footage of the building measured along the outside walls of the building and including each floor level, but not including open balconies, garages or other enclosed automobile parking areas or basement storage areas, and not including one-half ($\frac{1}{2}$) of all storage and display areas for durable goods.

Floor Area Ratio (FAR) means the amount of gross floor area of all principal buildings on a lot or block, as the case may be, divided by the total area of such lot, or the block size, respectively, on which such buildings are located. For mixed-use blocks, the residential square footage shall be added to the commercial development for a total block *FAR*.

Footprint, also called *ground-level footprint*, means the outline of a building's perimeter at ground level.

Foster care home shall have the same meaning as Section 26-6-102(4.5), C.R.S., applicable at the time of interpretation.

Freestanding sign means a sign which is supported by one (1) or more columns, uprights, poles or braces extended from the ground or which is erected on the ground, and shall also include a monument sign and pole signs but does not include a sign attached to a structure.

Functional open space means open space which is large enough to serve a practical purpose such as recreation, wildlife habitat or preservation of areas of agricultural, archeological or historical significance and shall exclude areas used for off-street parking, off-street loading, service driveways and setbacks from oil and gas wells or their appurtenances, or other hazards to the public.

Funeral home means a building used for the preparation of deceased persons for burial or cremation, for the display of deceased persons and/or for ceremonies or services related thereto, including cremation and the storage of caskets, funeral urns, funeral vehicles and other funeral supplies.

Gable means the triangular portion of wall enclosing the end of a pitched roof from the cornice or eaves to the ridge.

Garage means a building or part of a building wherein motor vehicles are housed or stored.

Gasoline station means any building, land area, premises or portion thereof, where gasoline or other petroleum products or fuels are sold and light maintenance activities such as engine tune-ups, lubrication and minor repairs may be conducted. *Gasoline stations* shall not include premises where heavy automobile maintenance activities, such as engine overhaul, automobile painting and body and fender work, are conducted.

Geologic hazards means unstable or potentially unstable slopes, undermining, faulting, landslides, rock falls, flood, wildfire or similar naturally occurring dangerous features, or soil conditions or natural features unfavorable to development.

Grade means the degree of rise or descent of a sloping surface.

Grade, finished means the final elevation of the ground surface after development.

Grade, natural means the elevation of the ground surface in its natural state before man-made alterations.

Grocery store, large means a retail establishment which primarily sells food, but also may sell other convenience and household goods, and which occupies a space greater than twenty-five thousand (25,000) square feet. The term *large grocery store* is synonymous with supermarket.

Grocery store, small means a retail establishment primarily selling food, as well as other convenience and household goods, which occupies a space of not more than twenty-five thousand (25,000) square feet.

Gross square footage (GSF) means the total floor area designed for occupancy and use, including basements, mezzanines, stairways and upper floors, if any, expressed in square feet and measured from the centerline of joint partitions and from outside wall faces.

Group home, developmentally disabled means a group home, licensed by the state, for the exclusive use of not more than eight (8) developmentally disabled persons and the appropriate staff.

Group home, elderly means an owner-occupied or nonprofit group home for the exclusive use of not more than eight (8) persons sixty (60) years of age or older and the appropriate staff.

Group home, mentally ill means a group home licensed by the state, for the exclusive use of not more than eight (8) mentally ill persons and the appropriate staff.

Group home, nonprofit means a group home for the aged which is owned and operated by a person or organization as provided by Section 31-23-303, C.R.S.

Group home, owner-occupied means a group home for the aged which is owned and operated by an individual or individuals who actually reside at and maintain their primary place of residence in the group home.

Growth Management Area (GMA) means the area surrounding the city that the city will consider for annexation and development applications. The GMA is delineated on the Land Use Map in the city Master Plan.

Guest house means an accessory structure which is physically detached from a single-family dwelling unit, is serviced through the same utility meters or connections as the principal use, is intended for temporary occupancy by visitors to the family residing in the single-family dwelling and has no cooking facilities.

Health club means a facility that provides physical fitness services and/or equipment to its members.

Highway, corridor means the area within and adjacent to the right-of-way of U.S. 40 and Colorado Highways 13 and 394.

Hip roof means a roof having sloping ends and sides meeting at an inclined projecting angle.

Historic district means an area related by historical events or themes, by visual continuity or character or by some other special feature that helps give it a unique historical identity. Such area may be designated a historic district by local, state or federal government and given official status and protection.

Historic site means a structure or place of historical significance. Such structure or place may be designated a historic site by the local, state or federal government and given official status.

Home occupation means an occupation or business activity conducted by the resident which results in a product or service and which is actively conducted by a person on the same lot on which the person resides.

Homeowners' association means the association set up to enforce the covenants and to maintain all common areas and buildings for a development. Also known as an *owners' association*.

Horticulture means the growing of fruits, vegetables, herbs, flowers or ornamental plants.

Hospital means an institution providing health services for human in-patient medical or surgical care for the sick or injured, and including related facilities such as laboratories, out-patient departments, training and central services facilities and staff offices.

Hotel/motel/lodging establishment means a building intended and used for occupancy as a temporary abode for individuals who are lodged, with or without meals, and in which there are five (5) or more guest rooms.

Household pet means any animal that has been bred or raised to live in or about the habitation of humans and is dependant on people for food and shelter, not including animals defined as livestock, exotic animals or animals capable of inflicting substantial physical harm to humans. *Household pet* includes dogs, domestic cats, canaries, parrots, hamsters, ferrets, pot-bellied pigs, guinea pigs and similar rodents, fish, reptiles, rabbits and such other species as would normally be sold at a local pet shop.

Human scale (pedestrian scale) means the proportional relationship between the dimensions of a building or building element, street, outdoor space or streetscape element and the average dimensions of the human body, taking into account the perceptions and walking speed of a typical pedestrian.

Illumination, direct means lighting by means of an unshielded light source (including neon tubing) which is effectively visible as a part of a sign, where light travels directly from the source to the viewer's eye.

Illumination, indirect means lighting by means of a light source directed at a reflecting surface in a way that illuminates a sign from the front, or a light source that is primarily designed to illuminate the entire building facade upon which a sign is displayed. *Indirect illumination* does not include lighting which is primarily used for purposes other than sign illumination; e.g., parking lot lights or lights inside a building that may silhouette a window sign but are primarily installed to serve as inside illumination.

Illumination, internal means lighting by means of a light source that is within a sign having a translucent background, silhouetting opaque letters or designs, or which is within letters or designs that are made of a translucent material.

Infrastructure means those man-made structures which serve the common needs of the population, such as: potable water systems; wastewater disposal systems; solid waste disposal sites or retention areas; storm drainage systems; electric, gas or other utilities; bridges; roadways; bicycle paths or trails; pedestrian sidewalks, paths or trails; and transit stops.

Integrate means to combine or coordinate separate elements, such as housing, recreation, jobs and shopping, to provide a harmonious, interrelated whole, organized or structured so that constituent parts function cooperatively.

Inter-neighborhood connections means connections, such as trails and roads, between neighborhoods.

Intra-neighborhood connections means connections, such as trails and roads, within the same neighborhood.

Irrigation ditch or canal means a channel designed to transport irrigation water.

Junk means scrap brass, iron, lead, tin, zinc; all other scrap metals and alloys; bones; rags; used cloth, rope, rubber, tinfoil, bottles; old or used machinery of any type; used tools; used appliances; used lumber or crates; building materials; industrial equipment, fabrication of any material; used pipe or pipe fittings; used conduit or conduit fittings; used automobile parts; derelict vehicles, farm and heavy-equipment construction vehicles; used tires and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition.

Junkyard means a building, structure or parcel of land, or portion thereof, used for collecting, displaying, storing, selling or reselling junk. *Junkyard* shall not include a recycling facility.

Kennel means a facility licensed to house dogs, cats or other household pets and/or where grooming, breeding, boarding, training or selling of animals is conducted as a business.

Landowner means any owner of a legal or equitable interest in real property, and includes the heirs, successors and assigns of such ownership interests.

Landscaping means any combination of living plants, such as trees, shrubs, plants, vegetative ground cover or turf grasses, and may include structural features, such as walkways, fences, benches, works of art, reflective pools or fountains. *Landscaping* shall also include irrigation systems, mulches, topsoil and soil preparation, re-vegetation and the preservation, protection and replacement of existing trees.

Lane means a private street, a portion of a roadway delineated for a single line of vehicles or a secondary means of access to the lots abutting a street and not intended for general traffic circulation.

Large retail establishment means a retail establishment, or any combination of retail establishments in a single building, occupying a total of more than twenty-five thousand (25,000) gross square feet of floor area, except that no supermarket shall be deemed to be a large retail establishment.

Laundry and dry-cleaning retail outlet means a laundry or dry-cleaning business which consists primarily of serving retail customers, provided that any laundry and dry-cleaning processing that occurs on the premises is limited to items which are brought directly to the premises by the retail customer.

Levee means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

Levee system means a flood protection system which consists of a levee or levees and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lighting, indirect when applied to the lighting of signs, means reflected light only from a concealed light source outside the sign face which reflects from the sign face only or from the sign face and sign copy.

Limited indoor recreation facility means a place where recreation activities occur completely within an enclosed structure, including but not limited to bowling alleys, skating rinks, pool halls and video and pinball parlors.

Limited outdoor recreation facility means a place with outdoor activities, including but not limited to miniature golf, batting cages, water slides, skateboard parks, driving ranges and go-cart tracks.

Livestock means cows, horses, elk, goats, donkeys, swine, asses, mules, sheep or chickens.

Long-term care facility means any of the following:

1. *Convalescent center* means a health care institution that is planned, organized, operated and maintained to offer facilities and services to inpatients requiring restorative care and treatment and that is either an integral patient care unit of a general hospital or a facility physically separated from, but maintaining an affiliation with, all services in a general hospital.

2. *Nursing care facility* means a health care institution planned, organized, operated and maintained to provide facilities and health services with related social care to inpatients who require regular medical care and twenty-four-hour-per-day nursing services for illness, injury or disability. Each patient shall be under the care of a physician licensed to practice medicine in the state. The nursing services shall be organized and maintained to provide twenty-four-hour-per-day nursing services under the direction of a registered professional nurse employed full time.

3. *Intermediate health care facility* means a health-related institution planned, organized, operated and maintained to provide facilities and services which are supportive, restorative or preventive in nature, with related social care, to individuals who, because of a physical or mental condition, or both, require care in an institutional environment but who do not have an illness, injury or disability for which regular medical care and twenty-four-hour-per-day nursing services are required.

Lot means a designated parcel, tract or area of land, established by plat or subdivision, of at least a sufficient size to meet minimum requirements for use, street frontage coverage and area, to provide required yards and other open spaces in the zoning district in which the lot is located, and which has direct access onto a public or private street.

Lot depth means the average distance between the front lot line and the rear lot line.

Lot, flag means a lot so shaped and designed that the main building site area is set back from the street on which it fronts and includes a narrow access strip connecting the main building site with the frontage street.

Lot line, front means the property line dividing a lot from a street. On a corner lot, only one (1) street line shall be considered as a front line, and the shorter street frontage shall be considered the front line.

Lot line, rear means the line opposite the front lot line.

Lot, reverse corner means a corner lot having its side street line substantially a continuation of the front lot line of the first lot to its rear.

Lot line, side means any lot lines other than the front lot line or rear lot line.

Lot size means the total horizontal area within the lot lines of a lot; synonymous with area of lot.

Lot width means the distance parallel to the front lot line, measured at the front building setback line. *Lot width* on a curving front lot line means the distance parallel to the tangent of the front lot line at the building setback line. The lot width and the lot frontage may have different lengths on an irregularly shaped lot as they are measured at different points on the lot.

Lowest floor means the lowest floor of the lowest enclosed area (including basement) of a building. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this title.

Machine shop means a workshop where power-driven tools are used for making, finishing or repairing machines or machine parts.

Management Agency means the agency in charge of the "2008 Water Quality Plan" in the Craig area.

Manager means the city manager or manager of the city.

Manufactured home means a single-family dwelling which:

1. Is partially or entirely manufactured in a factory;
2. Is at least twenty-four (24) feet wide and thirty-six (36) feet long;
3. Is permanently affixed to and installed on an engineered permanent foundation at the entire perimeter of the dwelling.
4. Has a pitched or cosmetically equivalent roof of at least 3:12 pitch and brick or cosmetically equivalent wood exterior siding; and
5. Is certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. § 5401, et seq., as amended.

Manufacturing means a business which makes products by hand or by machinery.

Master Plan means the city of Craig Master Plan, as adopted.

Mean sea level means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

Medical and dental office or clinic means an establishment operated by one (1) or more duly licensed members of the human health care professions, including but not limited to physicians, dentists, chiropractors, psychiatrists and osteopaths, where patients are not lodged overnight but are admitted for outpatient examination and/or treatment.

Meeting place and place for public assembly mean a hall, auditorium or other suitable room or rooms used for the purpose of conducting meetings of the membership and guests of the owner of such structure. The same shall not include commercial endeavors such as commercial movie picture houses, stage productions or the like.

Mini-storage warehouse means a building or a group of buildings containing separate, individual self-storage units divided from the floor to ceiling by walls, each with an independent entrance from the exterior of the building, and that are designed to be rented or leased on a short-term basis to the general public for private storage of personal goods, materials and equipment.

Mixed use means the development of a lot, tract or parcel of land, building or structure with two (2) or more different uses, including but not limited to residential, office, retail, public uses, personal service or entertainment uses, designed, planned and constructed as a unit.

Mixed-use building means a building designed, planned and constructed as a unit, used partially for residential use and partially for commercial uses, including but not limited to office, retail, public uses, personal service or entertainment uses.

Mixed-use dwelling unit means the dwelling unit in a mixed-use building. For purposes of calculating residential density, each mixed-use dwelling unit shall count as one-half (½) dwelling unit.

Mobile home means a unit partially or entirely manufactured in a factory, built on a permanent chassis and designed to be transported on streets to the place where it is to be occupied as a dwelling unit; is at least fourteen (14) feet wide and forty (40) feet long; and is designed to be used as a dwelling without a permanent foundation when connected to required utilities. A *mobile home* does not include a factory-built home, manufactured home or recreational vehicle (RV).

Model home means a dwelling temporarily used as a sales office or demonstration home for a residential development under construction, said dwelling being used as an example of a product offered for sale to purchasers by a realtor, building developer or contractor. The dwelling may be furnished but not occupied as a residence while being used as a model home.

Model plans means a set of standard plans for a home. Models are considered different if they have different floor plans, garage placement and building massing (form and structure).

Modified grid pattern means a grid pattern of streets and blocks adapted to the topography, unique natural features, environmental constraints and peripheral open space areas.

Mullion means a slender, vertical member dividing the opening for a pair of double doors, sometimes removable to permit the passage of large objects, or a vertical member between the panes of a window.

Multiple-family dwelling means a structure containing three (3) or more dwelling units, including what is commonly known as an apartment building, but not including group, row or townhouses, hotels, motels, condominiums or fraternity and sorority houses and similar group accommodations.

Municipality means the incorporated city of Craig.

Natural areas means floodplains and flood ways, natural drainage and water ways, significant native trees and vegetation.

Neighborhood means a geographical area, the focus of which is residential uses, but also may include a mixture of activities that people need to live. A neighborhood may include a diversity of housing types, schools, parks, shopping and jobs (frequently service-type) and civic buildings.

Neighborhood commercial center means a shopping center which contains businesses that are intended to provide goods and services to the immediate neighborhood within a one-quarter-mile radius.

New construction means structures for which the start of construction or remodeling commenced on or after the effective date of this code.

Nightclub means a bar or tavern containing more than one hundred (100) square feet of dance floor area.

Nonconforming building means a building, structure or portion thereof that does not conform to the regulations of this code, but that was lawfully constructed under the regulations in force at the time of construction.

Nonconforming use means a use that does not conform to the use regulations of this code, but that was lawfully established under the regulations in force at the time the use was established and has been in regular use since that time.

Noxious weeds means plants that are determined by the Colorado Department of Agriculture, the county, or the city in Chapter 8.08 of the municipal code as a noxious weed or an alien plant that is aggressively invasive, including but not limited to: leafy spurge, Russian knapweed, spotted knapweed, diffuse knapweed, Canada thistle, musk thistle, Scotch thistle, hoary cress, field bindweed, volunteer rye, Dalmatian Toadflax and jointed goatgrass.

Nursing facility means a facility, or a distinct part of a facility, which meets the state nursing home licensing standards, is maintained primarily for the care and treatment of inpatients under the direction of a physician and meets the requirements in federal regulations for certification as a qualified provider of nursing facility services. *Nursing facility* includes private, nonprofit or proprietary intermediate nursing facilities for the mentally retarded or developmentally disabled.

Off-street parking space means the space required to park one (1) passenger vehicle, which space shall not be less than two hundred (200) square feet in area, exclusive of access drives.

Oil and gas operation means any structure, facility or activity which is constructed on or disturbs land in association with oil or gas drilling, production or waste treatment and disposal, including but

not necessarily limited to wells, tanks or tank batteries, pits, access roads for ingress and egress and pipelines.

Oil or gas well means a well that produces oil or gas.

Open space means any land or water area with its surface open to the sky, which serves specific uses of providing park and recreation opportunities, conserving natural areas and environmental resources and protecting areas of agricultural, archeological or historical significance. *Open space* shall not be considered synonymous with vacant or unused land. *Usable open space* shall exclude areas used for off-street parking, off-street loading, service driveways, setbacks from oil and gas wells and their appurtenances, other hazards to the public, native open areas on steep slopes, floodways or easements for utilities.

Outdoor storage means the keeping, in an unroofed area, of any equipment, goods, junk, material, merchandise or vehicles in the same place for more than twenty-four (24) hours. Containers and semi-trailers may not be used for residential or storage uses except on construction sites.

Outlot means a measured piece of land contained within subdivided land that is not a building lot. An outlot may be conveyed to the public for open space or other public purposes, be retained by the developer for merging with a later subdivision or be conveyed to an owners' association.

Owner means any person who, alone, jointly or severally with others, or as an agent, trustee, executor or other representative capacity, has legal or equitable title to any property.

Parapet means a low, protective wall at the edge of a terrace, balcony or roof, especially that part of an exterior wall, fire wall or party wall that rises above the roof.

Parcel means a tract or plot of land.

Park means an area open to the general public and reserved and usable for recreational, educational or scenic purposes.

Parking area, off-street means all off-street areas and spaces designed, used, required or intended to be used for the parking, storage, maintenance, service, repair, display or operation of motor vehicles, including driveways or access ways in and to such areas, but not including any outdoor storage area used principally as a recreational vehicle, boat or truck storage use, storage areas for landscaping and other bulk items or public streets and rights-of-way.

Parking garage means an off-street parking area within a building.

Parking lot means an outdoor off-street parking area or vehicular use area.

Permanent monument means any structure of masonry and/or metal permanently placed on or in the ground, including those expressly placed for surveying reference.

Person means a natural person, joint venture, stock company, partnership, association, club, company, corporation, business, trust or organization or the manager, lessee, agent, representative, officer or employee of any of the foregoing entities, acting as a unit.

Personal and business service shops means shops primarily engaged in providing services generally involving the care of a person or such person's apparel or rendering services to business establishments, such as laundry or dry-cleaning retail outlets, portrait/photographic studios, beauty shops or barbershops, employment services or mailing and copy shops.

Phase means a portion of property that is being platted and engineered for development at one time.

Planned Development (PD) Overlay Zone means a development involving a related group of residences, businesses or industries and associated uses. Planned as a single entity, the project is subject to development and regulations as one (1) land-use unit rather than as an aggregation of individual buildings located on separate lots. The Planned Development Overlay Zone will include usable, functional open space for the mutual benefit of the entire tract and is designed to provide variety and diversity through the variation of normal zoning and subdivision standards so that maximum long-range benefits can be gained and the unique features of the development or site preserved and enhanced while still being in harmony with the surrounding neighborhood.

Planning commission means the city planning commission.

Plant nursery and *greenhouse* mean any land or structure used primarily to raise trees, shrubs, flowers or other plants for sale or for transplanting.

Plat means a map of certain described land showing property and lot boundaries, location of public utilities, easements and other information prepared in accordance with the requirements of this code, approved by the city and recorded in the records of the county clerk and recorder.

Prairie dogs means small, stout-bodied, burrowing rodents with shallow cheek pouches native to both North and Central America.

Prime farmland means land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber and oilseed crops and other agricultural crops with minimum inputs of fuel, fertilizer, pesticides and labor and without intolerable soil erosion, as determined by the Secretary of Agriculture. *Prime farmland* includes land that possesses the above characteristics but is being used currently to produce livestock and timber. It does not include land already in or committed to urban development or water storage.

Principal use means the main use of land or of a structure as distinguished from a subordinate or accessory use.

Private school means a school that does not derive its support, in whole or in part, from monies raised by a town, city, state, county or school district tax.

Professional office means an office for professionals, including but not limited to physicians, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers, accountants and others who, through training, are qualified to perform services of a professional nature and where no storage or sale of merchandise exists, except as accessory to the professional services.

Program deficiency means a defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations or of the NFIP standards in Section Ord. 967 §1, 2007; 60.3, 60.4, 60.5 or 60.6.

Proof of ownership means ownership as specified in a current title insurance commitment or policy, or certification of title, issued by a title insurance company licensed by the state.

Property means all real property subject to land use regulation by the city.

Property line means the boundary of any lot, parcel or tract as the same is described in the conveyance of such property to the owner, and does not include the streets or alleys upon which the lot, parcel or tract abuts.

Public areas means streets, parks, open spaces and other property designated or described for public use on a map or plat approved by the city and for which fee title is vested in the city or other public entity.

Public facilities means those constructed facilities, including but not limited to transportation systems or facilities; water systems or facilities; wastewater systems or facilities; storm drainage systems or facilities; fire, police and emergency systems or facilities; electric, gas, telecommunication utilities or facilities; and publicly owned buildings or facilities.

Public hearing means a meeting called by the city council, planning commission or board of adjustment for which public notice has been given, and which is held in a place at which interested parties may attend to hear issues and to express their opinions.

Public improvement means any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree lawn, landscaped open space, off-street parking area, lot improvement or other facility which benefits the public.

Public open space means an open space area conveyed or otherwise dedicated to the city for public recreational or conservation uses. Public open spaces are to be unencumbered by oil and gas wells, their appurtenances or other hazards to the public.

Public school means a school that derives all or a portion of its support from monies raised by a general state, county or school district tax and is controlled and operated by the county school district.

Public utility means a common carrier supplying electricity, wire telephone service, natural gas, water, wastewater or stormwater service or similar public services, but shall not include railroads or other forms of rail mass transit or depots or terminals supporting the same, or wireless telecommunication facilities.

Raw water means water rights acceptable to the city for domestic purposes after treatment, or water rights acceptable to the city that may be used for irrigation of public facilities.

Recreational vehicle (RV) means a vehicle primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is drawn by another vehicle. The following shall be considered a *recreational vehicle*:

1. *Camping trailer* or *tent trailer* means a folding structure, constructed of canvas, plastic or similar water-repellent material designed to be mounted on wheels and designed for travel and recreation.

2. *Motorized camper, motor home, recreational conversion van* or *bus* means a recreational vehicle consisting of a portable, temporary dwelling to be used for travel, recreation and vacation uses, and constructed as an integral part of a self-propelled vehicle.

3. *Pickup camper* means an enclosure designed to be mounted on or loaded into a pickup truck chassis for use as a temporary dwelling for travel and recreation.

4. *Tent* means a portable or temporary cover or shelter, with or without side panels, which is supported by poles and is made of canvas, plastic or similar materials.

5. *Travel trailer* means a towed vehicle designed as a temporary dwelling for travel and recreation. *Travel trailer, self-contained* means a trailer which can operate independently of connections to sewer, water and electric systems. It contains a water-flushed toilet, lavatory, shower or bath and kitchen sink, all of which are connected to water storage and sewage holding tanks located within the trailer.

Recreational vehicle park means a parcel of land specifically developed for locating only recreational vehicles on lots on a short-term basis.

Recreational vehicle site means a plot of ground within a recreational vehicle park intended for the accommodation of a recreational vehicle, tent or other individual camping unit on a temporary basis.

Recycling facility means a building or lot used for the collection and/or processing of recyclable material. *Processing* means the preparation of material for efficient shipment by such means as baling, compacting, flattening, grinding, crushing, mechanical sorting or cleaning. Such a facility, if entirely enclosed within a building or buildings, shall be considered a warehouse.

Resource extraction, processes and sales means removal or recovery by any means whatsoever of sand, gravel, soil, rock, minerals, mineral substances or organic substances other than vegetation, from water or land on or beneath the surface thereof, exposed or submerged.

Restaurant, drive-through means any establishment in which the principal business is the sale of food and beverages to the customer in a ready-to-consume state and in which the design or principal method of operation of all or any portion of the business is to allow food or beverages to be served directly to the customer in a motor vehicle without the need for the customer to exit the motor vehicle.

Restaurant, fast food means any establishment in which the principal business is the sale of food and beverages to the customer in a ready-to-consume state and in which the design or principal method of operation includes the following characteristics:

1. Food and beverages are usually served in paper, plastic or other disposable containers.

2. The consumption of food and beverages is encouraged or permitted within the restaurant building, within a motor vehicle parked upon the premises or at other facilities on the premises outside the restaurant building; or the food and beverages are available for carry-out or pick-up from drive-through facilities.

Restaurant, standard means any establishment in which the principal business is the sale of food and beverages to customers in a ready-to-consume state; where fermented malt beverages, and/or malt, special malt or vinous and spirituous liquors may be produced on the premises as an accessory use; and where the design or principal method of operation includes one (1) or both of the following characteristics:

1. Customers are served their food and/or beverages by a restaurant employee at the same table or counter at which the items are consumed; or

2. Customers are served their food and/or beverages by means of a cafeteria-type operation where the food or beverages are consumed within the restaurant building.

Resubdivision means the changing of any existing lot or lots, street rights-of-way or easements of a subdivision plat previously recorded with the county clerk and recorder.

Retention basin means a pond, pool or basin used for permanent storage of water runoff.

Right-of-way means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main or for another special use. The usage of the term *right-of-way*, for land platting purposes, shall mean that every right-of-way established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains or any other use involving maintenance by a public agency may be dedicated to that public use on the plat on which such right-of-way is established.

Roadway means that portion of the street right-of-way designed for vehicular traffic.

Roof, gable means a roof sloping downward in two (2) parts from a central ridge, so as to form a gable at each end.

Roof, hip means a roof having sloping ends and sides meeting at an inclined projecting angle.

Salvage or wrecking yard means a place where motor vehicles and parts are wrecked, disassembled, repaired and resold, a place where secondhand goods including waste paper, bottles, automobile tires, clothing, other scrap materials and salvage are collected to be stored and a place where used lumber and used building materials are stored for sale or resale.

Sanitary facilities means toilets, urinals, lavatories, showers, utility sinks and drinking fountains, and the service buildings containing these units.

Sanitary waste station means a facility used for removing and disposing of waste from self-contained camping vehicle sewage holding tanks.

Searchlight means an apparatus used to project a beam of light.

Senior citizen means a person fifty (50) years of age or older.

Service building means a structure housing a toilet, lavatory, bath, laundry, service sink and other such sanitary facilities as may be required.

Setback means the required unoccupied space between the nearest projection of a structure and the property line of the lot on which the structure is located.

Setback, front yard means the distance a building or structure must be placed from the front lot line.

Setback, rear yard means the distance a building or structure must be placed from the rear lot line.

Setback, side yard means the distance a building or structure must be placed from the side lot line.

Shopping center means a group of retail and service establishments located in a complex which is planned, developed, owned or managed as a unit, with off-street parking provided on the property.

Sidewalk means the hard surface (concrete) path within the street right-of-way for use by pedestrians and/or bicyclists.

Sight distance triangle means the area at the corner of an intersection that is to be kept free of shrubs, ground covers, berms, fences, structures or other materials or items greater than thirty (30) inches in height. Trees shall not be planted in the triangular area. The size of the sight distance triangles is determined as follows:

1. At the intersection of any two (2) streets or where a street intersects with an alley, a triangle measuring fifty (50) feet along each curb or edge of roadway from their point of intersection, the third side being a diagonal line connecting the first two (2).

2. At the intersection of a driveway or private access and a street, a triangle measuring fifteen (15) feet in length along the edge of the driveway and along the curb or edge of the roadway from their point of intersection, the third side being a diagonal line connecting the first two (2).

Sign means any device that is sufficiently visible to persons not located on the lot where the device is located, to accomplish either of the following objectives: (a) is designed to attract the attention of such persons; or (b) is designed to communicate information to them.

Sign, projecting means any sign supported by a building wall and projecting from that wall.

Sign, wall means any sign painted on, incorporated in or affixed to the building wall, or any sign consisting of cut-out letters or devices affixed to the building wall with no background defined on the sign other than the building wall itself.

Sign, window is a sign that is painted on, applied or attached to a window or that can be read through the window from the public right-of-way.

Site plan means a scale drawing of a lot, showing the actual measurements, the size and location of any existing or proposed buildings, the location of the lot in relation to abutting streets and other details, such as parking areas, access points, landscaped area, building areas, setbacks from lot lines, building heights, floor areas, densities, utility locations and easements.

Site-specific development plan means and is limited to the "final plat" of a subdivision or a "final site plan" of a PD Planned Development Overlay District (also known as a "final PD development plan") when approved as a site-specific development plan by the city council by ordinance.

Split garages means having at least two (2) separate garages that are oriented in different directions.

Staff means a full- or part-time employee of the city. *Staff* may also include professional firms and/or persons designated by the city to act within a certain capacity, including legal, engineering, planning, code enforcement, inspection and other professional fields.

Start of construction includes substantial improvement and means the date the building permit was issued, provided that the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of the permit date. The *actual start* means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. *Permanent construction* does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Street means a public thoroughfare which affords the principal means of vehicular access to abutting property. The term includes public or private streets.

Street, arterial means a major street for carrying a large volume of traffic normally controlled by traffic signs and signals and as described in Chapter 2 of this title.

Street, collector means a relatively low speed (25 to 30 mph) and lower volume (average of five thousand [5,000] daily trips or less) street that provides circulation within and between neighborhoods and as described in Chapter 2 of this title.

Street furniture means constructed objects, such as outdoor seating, kiosks, bus shelters, sculpture, tree grids, trash receptacles, fountains and telephone booths, that have the potential for enlivening and giving variety to streets, sidewalks, plazas and other outdoor spaces open to and used by the public.

Street, local means a street with existing or proposed traffic volumes of less than one thousand (1,000) trips per day and as described in Chapter 2 of this title.

Street, rural means a street serving low-density residential developments and as described in Chapter 2 of this title.

Street, service head means a street or road paralleling and abutting major streets to provide access to adjacent property so that each adjacent lot will not have direct access to the major street.

Street, stub means a street or road extending from within a subdivision boundary and terminating there with no permanent vehicular turnaround. Stub streets are provided to permit adjacent undeveloped parcels of land to be developed later with an adjacent connecting street system.

Streetscape means the distinguishing character of a particular street, within the public right-of-way, including paved materials, and the adjacent space extending along both sides of a street, including landscaping, sidewalks, medians, lighting, street furniture and signage.

Structure, enclosed means a combination of materials to form a construction for use, occupancy or ornamentation. Enclosed structures have a solid roof and a minimum of three (3) exterior walls, provided that there shall be no more than a twenty-five-percent opening along the entire perimeter of the structure.

Subdivider or developer means any person, partnership, joint venture, limited liability company, association or corporation which participates as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a development.

Subdivision means the platting of a lot or the division of a lot, tract or parcel of land into two (2) or more lots, plots or sites.

Subdivision Improvement Agreement (SIA) means the agreement between the city and the developer providing for the construction and installation of public improvements and landscaping, security and warranties therefor and dedications of public improvements and land.

Subsidence means a local mass movement that involves the downward settling or sinking of the solid Earth's surface. Subsidence may be due to natural geologic processes or man's activity, such as coal mining.

Substantial improvement means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:

1. Before the improvement or repair is started; or
2. If the structure has been damaged and is being restored, before the damage occurred.

For the purpose of this definition, *substantial improvement* is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. Substantial improvements shall be calculated cumulatively over a period of the previous ten (10) years. The term does not, however, include either:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or

2. Any alteration of a structure listed on the National Register of Historic Places or the Colorado State Registers of Historic Properties.

Swing-in garage means a garage that is oriented so that the garage doors are perpendicular to the street.

Tandem garage means a garage that allows for the parking of one (1) car in front of another.

Tandem parking means parking two (2) cars in a driveway or parking space so that one (1) car is right in front of the other and the front car cannot move until the back car is moved.

Tavern means an establishment providing or dispensing fermented malt beverages and/or malt, special malt, vinous or spirituous liquors, and in which the sale of food products, such as sandwiches or light snacks, is secondary.

Temporary use means a prospective use intended for limited duration and located in a zoning district not permitting such use, and shall not include continuing a nonconforming use or building.

Title means Title 16 of the Craig Municipal Code, also referred to as the Craig Land Use Code, both also referred to as the *code*.

Title commitment means formal documentation from a title insurance company licensed by the state, listing the name of the owner of the property under consideration, the legal description of the property and any encumbrances of the property, such as easements, rights-of-way, liens or mineral interests.

Tourist facility means an establishment set up to primarily provide local tourist information to visitors.

Tree lawn means a strip of landscaping within the right-of-way, generally between the street and an adjacent sidewalk.

Truck stop means an establishment engaged primarily in the fueling, servicing, repair or parking of tractor trucks or similar heavy commercial vehicles, including the sale of accessories and equipment for such vehicles. A *truck stop* may also include overnight accommodations, showers or restaurant facilities primarily for the use of truck crews.

Undermining means land that has been mined under the surface of the ground.

USGS datum means United States Geological Survey basis of elevations.

Vacant land means land that does not have structures or other development on it.

Variance means a grant of relief from the requirements of this code, which permits construction in a manner that would otherwise be prohibited by this code.

Vegetation means plants growing in a place, including but not limited to trees, shrubs, vines, grasses and ground cover.

Vehicle major repair, servicing and maintenance means any building or portion thereof, where heavy maintenance activities, such as engine overhauls, automobile/truck painting, body or fender work, welding or the like, are conducted. Such use shall not include the sale of fuel, gasoline or petroleum products.

Vehicle minor repair, servicing and maintenance means the use of any building, land area, premises or portion thereof, where light maintenance activities, such as engine tune-ups, lubrication, carburetor cleaning, brake repair, car washing, detailing, polishing or the like, are conducted.

Vehicle trip means a single or one-way vehicle movement to or from a property or study area. Vehicle trips can be added together to calculate the total number of vehicles expected to enter and leave a specific land use or site over a designated period of time.

Vested property right means the right to undertake and complete the development and use of property under the terms and conditions of a site-specific development plan approved as provided in this title.

Veterinary facilities, small animal clinic means any facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment or prevention of animal diseases wherein the animals are limited to dogs, cats or other comparable household pets and wherein the overnight care of said animals is prohibited except when necessary in the medical treatment of the animal.

Veterinary hospital means any facility which is maintained by or for the use of a licensed veterinarian in the diagnosis, treatment or prevention of animal diseases.

Walkable means a distance of one-quarter ($\frac{1}{4}$) mile or within a five- to ten-minute walk.

Walkway means:

1. A right-of-way dedicated to public use that is not within a street right-of-way, to facilitate pedestrian access through a subdivision block by means of a hard surface path; or
2. Any portion of a parking area restricted to the exclusive use of pedestrian travel.

Walkway, connecting means:

1. Any street sidewalk; or
2. Any walkway that directly connects a building entrance to a sidewalk adjoining a street sidewalk and connects other origins and destinations for pedestrians, including but not limited to commercial establishments, schools, parks, dwellings, work places and transit stops, without requiring pedestrians to walk across parking lots or driveways, around buildings or following parking lot outlines which are not aligned to a logical route.

Warehouse and distribution means storage, wholesale and distribution of manufactured products, supplies or equipment, including accessory offices or showrooms, including incidental retail sales, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

Warehousing means a business which stores or stocks merchandise or commodities.

Water surface elevation means the height, in relation to the NGVD of 1929 (or other datum where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Wetland means lands that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

Wireless telecommunication equipment means any equipment used to provide wireless telecommunication service which is not affixed to or contained within a wireless telecommunication facility, but is instead affixed to or mounted on an existing building or structure that is used for some other purpose. *Wireless telecommunication equipment* also includes a ground-mounted base station used as an accessory structure that is connected to an antenna mounted on or affixed to an existing building.

Wireless telecommunication facility means any freestanding facility, building, pole, tower or structure used to provide only wireless telecommunication services, and which consists of, without limitation, antennae, equipment, storage and other accessory structures used to provide wireless telecommunication services.

Wireless telecommunication services means services providing for the transmission of wireless communications utilizing frequencies authorized by the Federal Communications Commission for paging systems, enhanced specialized wireless telecommunication, television, personal communication services or cellular telephones.

Workshop and *custom small industry* mean a facility wherein goods are produced or repaired by hand, using hand tools or small-scale equipment, including small engine repair, furniture making and restoring, upholstering, restoration of antiques and other art objects or other similar uses.

Yard means that portion of the open area on a lot extending open and unobstructed from the ground upward from a lot line for a depth or width specified by the regulations for the zone district in which the lot is located.

Yard, front means a yard extending across the full width of the lot between the front lot line and the nearest line or point of the building.

Yard, front setback means the distance a building or structure must be placed from the front property line.

Yard, rear means a yard extending across the full width of the lot between the rear lot line and the nearest line or point of the building.

Yard, rear setback means the distance a building or structure must be placed from the rear property line.

Yard, side means a yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the building.

Yard, side setback means the distance a building or structure must be placed from the side property line.

Zone district means a zone district of the city as established in Chapter 3 of this title, unless the term is used in a context that clearly indicates that the term is meant to include both the zone districts of the city and the zone districts of an adjoining governmental jurisdiction. Also referred to as *zoning district*.

Zoning map means the official zoning map adopted by the city by ordinance, as amended. (Ord. 962 §§1, 2, 2007)

16.01.170 Public hearing and general notice provisions.

A. Specific purposes. Public hearings are open meetings conducted by the planning commission and city council to gather information from the public and to survey public opinion as part of the local rule-making process. Public hearings are required by statute or ordinance and will be conducted before the planning commission, the city council or the city council acting as the board of adjustment. Public hearings will be conducted under the following general conditions:

1. Before reviewing an application for a permit that requires a public hearing, said hearing shall be scheduled within a reasonable time as allowed by the schedules of city officials and staff. The city is responsible for the scheduling of all public hearings.
2. Annexation hearings, according to the Colorado Revised Statutes, must be scheduled thirty (30) to sixty (60) days after the city council adopts a resolution of substantial compliance for the annexation petition.
3. Hearings shall be open to the public, and all persons interested in the outcome of the appeal or application shall be given an opportunity to present evidence and arguments.
4. The city council, planning commission or board of adjustment conducting the hearing may place reasonable and equitable limitations on the presentation of evidence, arguments and the cross-examination of witnesses.

B. Public notice requirements. The city shall give notice of any public hearing required as provided below. The applicant shall be responsible for all costs of such notice.

1. Notice shall be given to any person who makes a written request for such notice by mailing a written notice to such person not later than fifteen (15) days before the hearing.
2. Where required by statute or ordinance to give notice to surrounding property owners, notice shall be given by mailing a written notice not later than fifteen (15) days before the hearing to those persons who have listed for taxation any real property located within one hundred fifty (150) feet of the lot, parcel or property area that is the subject of the application or appeal.

3. Where required by statute or ordinance to give notice to other interested property owners, such as mineral interest owners of record, mineral and oil and gas lessees for the property and appropriate ditch companies, notice shall be given by mailing a written notice not later than fifteen (15) days before the hearing.

4. Where required by statute or ordinance to give notice to other parties of interest or referral agencies, notice shall be given by mailing a written notice not later than fifteen (15) days before the hearing.

5. Where required by statute or ordinance to give notice of annexation hearings to special districts, school districts and county commissioners and the county attorney, notice shall be given by a certified mailing of a written notice not later than twenty-five (25) days before the hearing.

6. If notice by posting of the property is required by statute or ordinance, such notice shall occur by prominently posting signs on the property that is the subject of the proposed action. Such signs shall be posted no less than fifteen (15) days prior to the hearing and shall be easily legible from the nearest public streets. Signs shall be in the format available from the city. Posting shall be required for all properties seeking annexation, zoning, rezoning, major subdivision, minor subdivision or Planned Development (PD) Overlay District approvals and any amendments to such approvals.

7. If posting was done by the applicant, the applicant shall provide (prior to the hearing) an affidavit showing that the property was posted within the specified time.

8. The city shall give notice of any public hearing required as follows:

a. Notice shall be given to potentially interested persons by publishing a notice one (1) time in a newspaper having general circulation in the area not less than fifteen (15) days prior to the hearing.

b. For annexation hearings, notice should be published in a newspaper having general circulation in the area for four (4) successive weeks beginning not less than thirty (30) days prior to the hearing.

c. The notice shall state the date, time and place of the hearing, reasonably identify the lot, parcel or property that is the subject of the application or appeal and give a brief description of the action requested or proposed. Proof of publication shall be made part of the record at the time of the public hearing.

C. Table of hearing and notification requirements. Listed below are the notification requirements in the city:

Table 16.1.1 Hearing and Notification Requirements

	<i>Hearing</i>	<i>Publication</i>	<i>Mailed Notice</i>	<i>Post Sign</i>
Annexation Before city council	Yes, scheduled by city staff for a date not less than 30 days or more than 60 days after resolution of substantial compliance by city council	4 successive weeks starting at least 30 days prior to hearing	By city no less than 25 days and no more than 30 days prior to hearing. Notices sent to county, special districts and others sent by certified mail. Applicant mail to mineral owners as per 16.13.060.C.3 of code	Yes (posted by applicant; must supply an affidavit of posting)
Zoning Before planning commission <u>and</u> city council as hearings	Yes, scheduled within a reasonable amount of time by city staff	No less than 15 days prior to hearing*	By city to properties within 150-foot area sent no less than 15 days prior to hearing*	Yes (posted by applicant; must supply an affidavit of posting)
Rezoning Before planning commission <u>and</u> city council as hearings	Yes, scheduled within a reasonable amount of time by city staff	No less than 15 days prior to hearing*	By city to properties within 150-foot area sent no less than 15 days prior to hearing*	Yes (posted by applicant; must supply an affidavit of posting)
Sketch Plan Before planning commission and city council as regular agenda item	Agenda item scheduled within a reasonable amount of time by city staff	No	No	No
Preliminary Plat Before planning commission and city council as regular agenda item	Agenda item scheduled within a reasonable amount of time by city staff	Yes, by city staff*	By city staff to referral agencies and property owners within 15 feet' no less than 15 days prior to hearing*	Yes (posted by applicant, must supply an affidavit of posting)
Final Plat Before planning commission and city council as regular agenda item	Scheduled within a reasonable amount of time by city staff	No	Referral material to review agencies by city staff within a reasonable time prior to commission meeting	Yes (posted by applicant, must supply an affidavit of posting)
Site Plan Before planning commission as regular agenda item	Scheduled within a reasonable amount of time by city staff	No	Referral material to review agencies by city staff within a reasonable time prior to commission meeting	No
PD Overlay Zone Before <u>both</u> planning commission and city council as public hearing	Scheduled within a reasonable amount of time by city staff	Yes, no less than 15 days prior to commission hearing*	By city to surrounding properties, interested parties and agencies no less than 15 days before commission hearing*	Yes (posted by applicant, must supply an affidavit of posting)

	<i>Hearing</i>	<i>Publication</i>	<i>Mailed Notice</i>	<i>Post Sign</i>
Master Plan Amendment Hearing before planning commission	Scheduled by city staff	Yes, no less than 15 days prior to hearing	No	No
Title 3: Zoning Amendment Before planning commission and city council as public hearing	Scheduled by city staff	Yes, no less than 15 days prior to hearing*	By city to surrounding properties within 150 feet no less than 15 days prior to meeting*	Yes, (posted by applicant, must supply an affidavit of posting)
Variances, Appeals, Temporary Permits Board of adjustment as public hearing	Scheduled within a reasonable amount of time by city staff	Yes, no less than 15 days prior to hearing*	By city to surrounding properties within 150 feet, interested parties and referral agencies no less than 15 days prior to hearing*	Yes (posted by applicant, must supply an affidavit of posting)
Conditional Use Before planning commission as regular agenda item, city council as public hearing	Scheduled after planning commission recommendation	Yes, no less than 30 days prior to council hearing*	By city to owners of properties within 150 feet of the affected property, interested parties and referral agencies no less than 30 days prior to hearing*	Yes (posted by applicant no less than 30 days prior to hearing; applicant must supply an affidavit of posting)
Minor Subdivision Before planning commission as regular agenda item, city council as public hearing	Scheduled within a reasonable amount of time by city staff	Yes, no less than 15 days prior to hearing*	By city to owners of properties within 150 feet of the affected property, interested parties and referral agencies no less than 15 days prior council to hearing*	No

* Publications and public hearing and referral mailings for both planning commission and city council review of the same proposal may include both proposed commission and council meeting dates/times in a single notice. Any single notice for both projected meetings will serve as good and sufficient notice of these review events.

D. Hearing continuations. The city council, planning commission or board of adjustment may continue the hearing to a subsequent meeting at a certain date and time or may close the hearing and continue the meeting to deliberate the issues until a final decision is made. If a hearing is continued to a certain date and time, no further notice of a continued hearing or meeting need be published unless a period of six (6) weeks or more elapses between hearing dates.

E. Record. A tape or digital recording shall be made of all hearings, and transcripts of such hearings may be requested within thirty (30) days of the close of the hearing. Transcripts shall be provided within a reasonable time after deposit of the cost of the preparation of the transcript with the city.

F. Written decision.

1. Any final decision made by the manager, board of adjustment, planning commission or city council regarding an application shall be written and sent to the applicant or appellant and all other persons who make a written request for a copy.

2. In addition to a statement of the hearing body's final decision on an application, the written decision shall include the findings, conclusions and supporting reasons or facts. (Ord. 969 §2. 2007; Ord. 962 §§1, 2, 2007)

Chapter 16.02

Community Design Standards

Sections:

- 16.02.010 General provisions
- 16.02.020 Vision and intent
- 16.02.030 Application of community design standards
- 16.02.040 Lots and blocks
- 16.02.050 Streets
- 16.02.060 Parking
- 16.02.070 Sidewalks and trails
- 16.02.080 Easement and utility standards
- 16.02.090 Architectural standards
- 16.02.100 Parks and open space
- 16.02.110 Public sites and dedication requirements
- 16.02.120 Landscape design
- 16.02.130 Buffering and screening
- 16.02.140 Fences, hedges and walls
- 16.02.150 Lighting
- 16.02.160 Sanitary sewer
- 16.02.170 Stormwater drainage
- 16.02.180 Potable water
- 16.02.190 Fire hydrants

16.02.010 General provisions.

A. Applicability. All development applications shall comply with the applicable standards contained in this chapter.

B. Relation to zone district standards. In the event of a conflict between a standard or requirement contained in the Density and Dimensional Chart in Article 3, and text in this chapter, the standard in the chart in Chapter 16.03 of this title shall prevail. (Ord. 962 §§1, 2, 2007)

16.02.020 Vision and intent.

The intention of the city in enacting this chapter is to clearly describe the city's vision for its physical development and to create a cohesive and well-designed community that furthers the goals identified in the Master Plan. (Ord. 962 §§1, 2, 2007)

16.02.030 Application of community design standards.

The planning commission and the city council will evaluate each proposal based on these standards and the context within which each project is located. Applicants must conform to the design standards in this chapter unless it can be demonstrated that an acceptable alternative meets the following condition: Strict application of the standard or unique site features makes the particular standard impractical. (Ord. 962 §§1, 2, 2007)

16.02.040 Lots and blocks.

A. Intent. The intent of the block and lot standards is to continue the city's existing block pattern in a manner that is compatible with site-specific conditions. The design and development of subdivisions shall preserve, insofar as it is possible, the natural terrain, natural drainage, existing topsoil and trees.

B. General provisions.

1. Blocks. Streets shall be designed to create blocks that consider interconnectedness, topography, solar orientation, views and other design features.

2. Lot dimension and configuration.

a. Lot size, width, depth, shape and orientation and minimum building setback lines shall conform to this chapter and shall facilitate the placement of buildings with sufficient access, outdoor space, privacy and view.

b. Depth and width of properties shall be adequate to provide for off-street parking, landscaping and loading areas required by the type of use and development contemplated.

c. Lot frontage. All lots shall have frontage that is either adjacent to or directly accessible to a street. Street frontage shall typically not be less than twenty-five percent (25%) of the lot depth.

d. Corner lots. Corner lots for residential use shall have extra width to accommodate the required building setback and utility easements on both street frontages. For a corner lot, the front of the lot is defined as the side having the shortest street frontage. In the case of a reverse corner lot, both sides abutting a street shall maintain a front yard setback.

e. Double frontage. Residential lots that front on two (2) streets (double frontage) shall not be permitted.

f. Side lot lines. Side lot lines shall be substantially at right angles or radial to road right-of-way lines or centerlines.

g. Residential lot access to adjacent street.

1) Driveway access to a local or collector street from a single-family detached residential lot shall be limited to one (1) driveway curbcut or driveway access of no greater than twenty (20) feet in width. A circular drive in which each access to the local or collector street is less than ten (10) feet in width, separated by at least thirty (30) feet, and which is constructed as an integral part of the overall architectural design of the single-family residence may be considered as a single driveway access.

2) Driveway access to a local street from a single-family detached residential lot shall be greater than thirty (30) feet from the intersection of the local street and a collector street or one hundred fifty (150) feet from the intersection of the local street, and an arterial street as measured from the intersecting right-of-way lines.

3) Driveway access to a collector street from a single-family detached residential lot shall be greater than seventy-five (75) feet from the intersection of the collector street and a local street, another collector street or an arterial street, as measured from the intersecting right-of-way lines.

h. Commercial, business and industrial lot access to adjacent street.

1) Driveway access to a local or collector street from a multi-family residential, commercial, business or industrial lot shall be greater than one hundred twenty-five (125) feet from any street intersection, as measured from the intersecting right-of-way lines.

2) Driveway access to an arterial street from a commercial, business or industrial lot shall be not less than one hundred (100) feet from any intersection on the arterial street or from another commercial, business or industrial lot's access, as measured from the intersecting right-of-way lines or driveways.

3) Driveway access to a local street, collector street or arterial street from a multi-family residential, commercial, business or industrial lot may be allowed by the city at its sole discretion. (Ord. 962 §§1, 2, 2007)

16.02.050 Streets.

A. Intent. The intent of the street standards is to establish a safe, efficient, attractive transportation system that promotes all modes of transportation and is sensitive to the environment.

B. General provisions. The local street system of any proposed development shall be designed to be safe, efficient, convenient and attractive, and consider all modes of transportation that will use the system. Streets should be an inviting public space and an integral part of community design. Local streets shall provide for both intra- and inter-neighborhood connections to knit developments together. All streets should interconnect to help create a network of public areas to allow free movement of cars, bicycles and pedestrians.

1. Street connections. All streets shall be aligned to join with planned or existing streets consistent with the Master Plan, Comprehensive Street and Highway Plan, or as approved by the

city council. All streets shall be designed to bear a logical relationship to the topography of the land. Intersections of streets shall be at right angles unless otherwise approved by the city.

2. Street layout. The street layout shall form an interconnected system of streets, where feasible, primarily in a grid or modified pattern adapted to the topography, unique natural features, environmental constraints and open space areas.

3. Controlling street access. A strip of land between a dedicated street and adjacent property shall only be reserved for the purpose of controlling access to such street from such property when control of such land is given to the city.

4. Visibility at intersections. No shrubs, ground cover, berms, fences, structures or other materials or items greater than thirty-six (36) inches in height shall be planted, created or maintained at street intersections within the site distance triangle. Trees shall not be planted in the site distance triangle.

5. Pedestrian crossings at street intersections and mid-block. Pedestrian crossings shall be accessible to handicapped individuals, and mid-block crossings may be required at the direction of the city council.

6. Street right-of-way dedication. The full width of right-of-way for all streets being platted must be conveyed to the city after final acceptance unless otherwise approved by the city.

7. Perimeter streets. When a street is dedicated which ends on the plat, the street right-of-way must be dedicated to the boundary of the plat.

8. Street names. Names of new streets shall not duplicate names of existing streets in the city. However, new streets which are extensions of, or which are in alignment with, existing streets within the city shall bear the names of such streets. Street naming and property address numbering will be coordinated between the applicant, the city and county where applicable.

9. Street standards. Streets shall conform to the adopted city specifications and all other applicable laws, rules and regulations.

10. General design standards.

a. Design of streets, curbs and gutters shall be in accordance with the Americans with Disabilities Act (ADA) standards.

b. Concrete curb and gutter is required on all city streets. The standard curb and gutter for city streets will be six (6) inches straight back with a twenty-two-inch gutter.

c. Streets shall be designed in accordance with the American Association of State Highway and Transportation Officials Policy on Geometric Design of Highways and Streets, 1990, and shall conform to the adopted city specifications, as amended.

d. The layout of arterial and collector streets shall be per the city Transportation Plan unless otherwise approved by the city council.

e. Culs-de-sac shall be permitted, provided that they are not more than five hundred (500) feet in length and have a turnaround diameter of at least eighty (80) feet. Surface drainage shall be toward the intersecting street or, if this is not possible, a drainage easement shall be required through the cul-de-sac.

f. Dead-end streets, with the exception of culs-de-sac, shall be prohibited unless they are designed to connect with future streets in adjacent land that has not been platted, in which case a temporary turnaround easement of sixty (60) feet shall be required.

g. Restrictions of access shall be required when a subdivision or portion thereof adjoins an arterial highway. Marginal access streets, reverse frontage with screen planting contained in a nonaccess reservation, deep lots or similar treatment shall be required to reduce the impact of traffic on residential properties and to avoid interference with the movement of traffic on thoroughfares.

h. Half-streets shall be prohibited. When a proposed half-street in one (1) subdivision is adjacent to another property, the approval of the adjacent owner shall be obtained and the entire street shall be dedicated. The responsibility for acquiring the additional right-of-way shall be the subdivider's. In the event the adjacent land is not obtainable, the subdivider shall dedicate the full width of the street.

i. Right-of-way widths shall be specified in the city Transportation Plan.

11. Arterial streets and major streets design.

a. Arterial streets shall be designed to accommodate present and future transportation requirements.

b. Arterial streets shall align and connect across intersecting arterials to distribute traffic and provide continuity of travel throughout the city.

c. Design standards

Right-of-way width	100 feet
Minimum grade	0.3%
Maximum grade	5.0%

12. Collector streets.

a. Intersections of collector streets and arterial streets shall be aligned to distribute traffic and provide continuity across the city.

b. Design standards

Right-of-way width	80 feet
Minimum grade	0.3%
Maximum grade	7.0%

13. Local streets.

a. These streets shall generally parallel the arterial and collector street system, provide a variety of route options, interconnect to allow traffic to disperse in an equitable manner and be as narrow as possible without sacrificing the ability to accommodate expected traffic and services. Local street cross-sections will generally include a four-foot landscaped area adjacent to the roadway.

b. Design standards.

Right-of-way width	60 feet
Minimum grade	0.3%
Maximum grade	7.0%

14. Alleys.

a. Alleys shall be treated as public ways, and any lot having access from an alley shall also front upon a public street. Alleys shall be provided in commercial and industrial areas, except that this requirement may be waived where other provisions are made and approved for service access.

b. Garages, accessory dwellings above garages and rear yards may access the collector and local street system via an alley.

c. Design standard.

Right-of-way width	20 feet
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(Ord. 962 §§1, 2, 2007)

16.02.060 Parking.

A. Intent. The intent of this section is to provide adequate parking for motor vehicles while minimizing the visual impact of parking lots and structures.

B. General provisions. In all zone districts, off-street parking facilities for the storage of motor vehicles for the use of occupants, employees and patrons of the buildings or structures hereafter erected, altered or extended shall be provided and maintained as herein prescribed.

1. Surface. All parking and driveway areas and primary access to parking facilities shall be surfaced with asphalt or concrete.

2. Integrate parking lots with surrounding developments. Parking lots shall not dominate the street frontage of pedestrian-oriented streets (downtown area), interfere with pedestrian or bicycle routes or negatively impact surrounding neighborhoods.

3. Landscaping. Parking lots shall be landscaped and shall also be screened from adjacent (especially residential) uses with landscaping, berms, walls or fencing as provided in this chapter. Parking lot landscape designs located adjacent to residential uses shall minimize any negative impact on residential properties from the parking lot.

4. Shared access. Where feasible, and in order to reduce traffic and vehicle turning movements on major streets, parking lots shall share access drives and cross-access easements with adjacent property with similar land uses.

5. Off-street parking design. Any off-street parking area (except for individual residential lots) shall be designed so that vehicles may exit without backing onto a public street unless no other practical alternative is available. Off-street parking areas shall be designed so that parked vehicles do not encroach upon or extend onto public rights-of-way or sidewalks or strike against or damage any wall, vegetation, utility or other structure.

6. Circulation area design. Circulation areas shall be designed to facilitate the safe movement of vehicles without posing a danger to pedestrians or impeding the function of the parking area.

7. Striping. All parking areas shall be striped to identify individual parking spaces.

8. Lighting. All parking area lighting shall be full cut-off-type fixtures. Any light used to illuminate parking areas or for any other purpose shall be so arranged as to reflect the light away from nearby residential properties and away from the vision of passing motorists.

9. Shared off-street parking. When there are opportunities to support parking demand through shared off-street parking for compatible uses (such as a movie theater and an office building), a parking study and shared-parking agreements shall be used to demonstrate the adequacy of the parking supply as a substitute for standard parking requirements.

10. Adjacent on-street parking in CD and MU districts. In order to promote a pedestrian scale and encourage a perception of safety in the CD - Commercial Downtown and MU – Mixed Use districts, parking may be satisfied using adjacent on-street parking or shared rear-lot parking areas. A parking study and shared-parking agreements shall be used to demonstrate the adequacy of the parking supply as a substitute for standard parking requirements.

C. Paved off-street parking requirements. Paved off-street parking shall be provided according to the minimum requirements as specified below:

<i>Use</i>	<i>Required parking (Must be outside of rights-of-way)</i>
Single-family detached	2 spaces
Townhouse and duplex	2 per unit
Apartment dwellings	2 per unit
Drive-in and walk-up restaurants and similar types of eating establishments	1 space for every 200 square feet gross floor area and 1 space for each 8 seats, if provided
Bowling alley	4 spaces per lane
Child care facility	1 space per employee plus adequate drop-off/pick-up lanes and parking
Funeral homes, mortuaries, churches, auditoriums, theaters or other places of assembly	1 space for every 6 seats in the main auditorium
Medical offices and clinics	3 spaces per examining room
Hospitals	1 space per every 2 beds, plus 2 spaces for each 3 employees
Service stations	2 spaces, plus 2 spaces for each enclosed service bay
Beauty shops, barbershops	2 spaces per each customer chair
Nursing homes	1 space per 4 beds, plus 1 space per employee
Elementary and junior high schools	1 space per employee, plus 1 space for every 6 seats in any auditorium
High schools and colleges	1 space per 2 employees, plus adequate student parking plus 1 space for every 6 seats in any auditorium
Industrial uses	Adequate space for company vehicles and equipment, plus 1 space for each employee on a shift, plus adequate visitor parking
Other retail and service establishments	Up to 300 square feet = 1 space; 301 to 500 square feet = 2 spaces 501 to 800 square feet = 3 spaces over 800 square feet = 1 per each 200 square feet
Hotels and motels	1 parking space for each sleeping room or suite, plus 2 spaces for manager's unit, plus 1 parking space for each 2 seats in any meeting rooms
Restaurants and lounges	1 parking space for each 100 square feet gross floor area and 1 space for each 4 seats

Off-street parking for commercial uses shall be sufficient to provide parking for employees of all proposed uses. Spaces reserved for employees shall be designated as such by means of striping and signage.

D. Location of spaces for residential uses. Off-street parking facilities for residential uses shall be provided and located on the same lot as the building they are intended to serve.

E. Handicap parking spaces.

1. Handicap parking spaces shall be required for all retail, office, business, multi-family, industrial and institutional uses.

2. Handicap parking spaces shall be designated as being for the handicapped with painted symbols and standard identification signs.

3. Handicap parking spaces shall be located as close as possible to the nearest accessible building entrance.

4. Number of handicap parking spaces:

<i>Total parking spaces in lot</i>	<i>Minimum required number of handicap parking spaces</i>
1—25	1
26—50	2
51—75	3
76—100	4
101—150	5
151—200	6
201—300	7
301—400	8
401—500	9
501—1,000	2% of total
1,000 and over	20 plus 1 for every 100 over 1,000

For every eight (8) handicap parking spaces, there must be at least one (1) van-accessible space. If there is only one (1) handicap parking space, that space must be van-accessible.

F. Minimum handicap parking space dimensions are as shown below:

1. Parking spaces must be eight (8) feet by eighteen (18) feet with a five-foot-wide access aisle.

2. Van-accessible spaces must be eight (8) feet by eighteen (18) feet, with an eight-foot-wide access aisle.

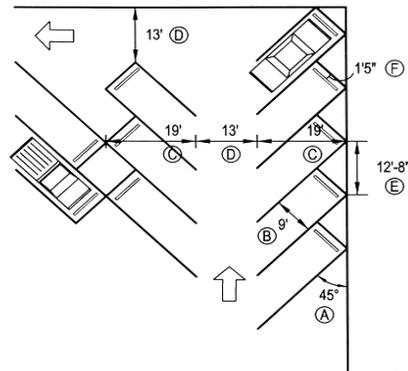
3. Parking spaces for the physically handicapped that are parallel to a pedestrian walk which is handicap-accessible may have the same dimensions as those for standard vehicles.

G. Parking stall dimensions. Parking stalls for automobiles shall meet the following standards. All dimensions represent the minimum requirement for any required parking space.

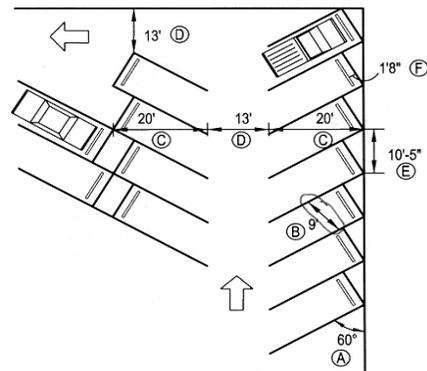
PARKING STALL DIMENSIONS

<i>Parking Angle (A)</i>	<i>Stall Width (B)</i>	<i>Stall to Curb (C)</i>	<i>Aisle Width (D)</i>	<i>Curb Length (E)</i>	<i>Overhang (F)</i>
45°	9'	19'	13'	12'8"	1'5"
60°	9'	20'	13'	10'5"	1'8"
90°	9'	18'	24'	9'	2'
0° (parallel)	8'	8'	12'	24'	0'

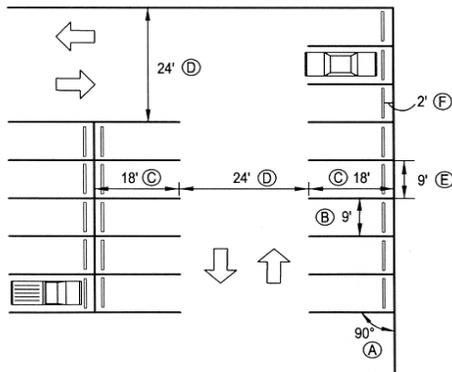
45° PARKING ANGLE



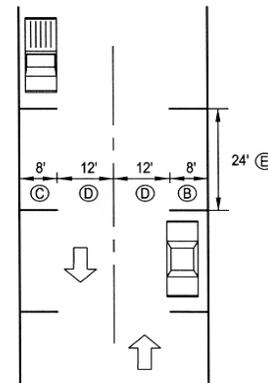
60° PARKING ANGLE



90° PARKING ANGLE



0°/PARALLEL PARKING ANGLE



H. Bicycle parking spaces. Commercial, industrial, civic, employment, multi-family and recreational uses shall provide bicycle facilities to meet the following standards:

1. A minimum number of bicycle parking spaces shall be provided, equal in number to two percent (2%) of the total number of automobile parking spaces provided by the development, but not less than one (1) space.

2. For convenience and security, bicycle parking facilities shall be located near building entrances. Within downtown commercial areas, however, a grouping of spaces shall be provided as directed by the city.

3. Bicycle parking facilities shall be designed to allow the bicycle frame and one (1) wheel to be securely locked to a structure which is permanently attached to the pavement.

4. Bicycle parking facilities shall be located so as not to interfere with pedestrian traffic or access to buildings. (Ord. 962 §§1, 2, 2007)

16.02.070 Sidewalks and trails.

A. Intent. The intent of the standards for sidewalks and trails is to assure a safe, convenient and attractive pedestrian/bicycle system that minimizes conflicts between vehicles, bicycles and pedestrians.

B. General provisions.

1. Interconnected network. A sidewalk network that interconnects all dwelling units with other dwelling units, nonresidential uses and common open space shall be provided throughout each development. Sidewalks shall be separate and distinct from motor vehicle circulation routes to the greatest extent possible. The pedestrian circulation system shall include gathering/sitting areas and provide benches, landscaping and other street furniture where appropriate.

2. Sidewalks required. In all zone districts except the A and RR districts, sidewalks are required along both sides of a street. Within the RR district, sidewalks are required along one (1) side of the street unless the development is served by rural streets.

3. Sidewalk width. Sidewalks shall be a minimum of four (4) feet wide when adjacent to local streets. A four-foot-wide detached sidewalk is the preferred sidewalk alternative within local street rights-of-way. Sidewalks adjacent to storefronts in commercial areas shall be ten (10) to fifteen (15) feet in width, or consistent with the average sidewalk width on a block if building in an area with existing sidewalks. Sidewalk width in industrial and mixed-use areas may be wider than four (4) feet, depending upon location and existing conditions.

4. Sidewalk location. Sidewalks shall be located within the right-of-way unless otherwise authorized by the city council.

5. Sidewalk materials. Sidewalks shall be constructed of concrete and of sufficient strength to support light maintenance vehicles. If used as a secondary emergency access, sidewalks must also be able to support a fire truck (sixty thousand [60,000] pounds).

6. Sidewalk installation. Sidewalks and related improvements shall be installed or constructed by the subdivider in accordance with plans and specifications approved by the city and, after installation or construction, they shall be subject to inspection and approval by the city.

7. Accessibility. Sidewalks and plazas shall be accessible to disabled individuals as required by this code and the Americans with Disabilities Act.

8. Walkways. Walkways through a subdivision block shall be not less than eight (8) feet in width, shall be within a dedicated right-of-way not less than twenty (20) feet in width and shall be flanked with appropriate landscaping. Walkways along buildings and within parking lots shall be raised and curbed where suitable. A direct pedestrian connection to building entries, public space and parking areas shall be provided from public sidewalks. Walkways shall be constructed of the same materials as sidewalks, except that walkways internal to asphalt surfaced parking lots may be of asphalt construction. Walkways crossing driveways in parking lots shall be clearly delineated by a change in pavement color, texture or paint striping.

9. Lighting. All sidewalks and other pedestrian walkways shall work with Yampa Valley Electric Association to install appropriate lighting using poles and fixtures consistent with the overall design theme for the development.

10. Trails. Trails shall be provided within open space areas and be designed to connect to other open space areas. Trails shall be a minimum of eight (8) feet in width. A trail may be flanked on one (1) side by a soft-surface path a minimum of four (4) feet in width. The soft-surface path shall be constructed with a minimum depth of eight (8) inches of com-pressed gravel and crowned and compacted with edging to contain the trail material. (Ord. 962 §§1, 2, 2007)

16.02.080 Easement and utility standards.

A. Utility easement width. Utility easements shall measure five (5) feet on each side of abutting rear lot lines. On subdivision perimeter rear lot lines adjacent to unsubdivided property, utility easements shall measure ten (10) feet in width. In the event that the location of utility easements adjacent to rear property lines is unsuitable for use by utility companies due to drainage, irrigation ditches or other obstructions, the subdivider shall provide like width easements adjacent to said areas of obstruction. Side lot line easements, where necessary, shall measure ten (10) feet in full width; five (5) feet either side of a lot line is acceptable. Front lot line easements shall measure ten (10) feet in width. Easements may be more or less than widths stated if the specific utility indicates in writing a width other than those required by this code. Utility easements shall be subject to the approval of the city.

B. Multiple installations within easements. Easements shall be designed so as to provide efficient installation of utilities. Public utility installations shall be located as to permit multiple installations within the easements. The developer will establish final utility grades prior to utility installations.

C. Underground utilities. Telephone lines, electric lines, cable television lines and other like utility services shall be placed underground. The subdivider shall be responsible for complying with the requirements of this section and shall make the necessary arrangements, including any construction or installation charges with each utility provider for the installation of such underground

facilities. Transformers, switching boxes, meter cabinets, pedestals, ducts and other facilities necessarily appurtenant to such underground utilities shall be placed underground or on the surface but not on utility poles. Screening or fencing is required to the satisfaction of the city council. Electric transmission and distribution feeder lines and necessary appurtenances thereto may not be placed above ground unless they are carrying greater than fifteen (15) kV. Upon approval of the city, such facilities shall be placed within easements or rights-of-way provided for particular facilities.

D. Easements of not less than ten (10) feet in width shall be provided for utilities on each side of all rear lot lines where alleys are not provided, and along each side of certain side lot lines.

E. Street lighting. Street lighting is required on all city streets. Streetlights will be required at all intersections, at ends of culs-de-sac and at three-hundred-foot spacing along streets. All street lighting will meet Yampa Valley Electric Association standards for installation and equipment. Street lighting on city streets will be operated and maintained by Yampa Valley Electric Association. Associated underground lighting supply circuits shall be installed. (Ord. 962 §§1, 2, 2007)

16.02.090 Architectural standards.

A. Intent. The city establishes the following minimum architectural standards in order to support and develop commercial, retail and industrial districts that enhance the appearance of the city.

B. General provisions.

1. Blank walls and wall articulation.

a. Blank, windowless walls are discouraged, and walls shall not have an uninterrupted length exceeding fifty (50) feet. Pilasters, texture transitions, windows and stepping of the wall plane are required.

b. Blank wall or service area treatment of side and/or rear elevations visible to the general public is not allowed unless the city determines that there are adequate building or landscape features to conceal the view of the blank wall.

c. Continuous cornice lines or eaves are encouraged between adjacent buildings.

d. Buildings with flat roofs shall provide a parapet with an articulated cornice.

2. Facade treatment. The architectural treatment of the front facade shall be continued, in its major features, around all visibly exposed sides of a building.

3. Windows. Windows shall be vertically proportioned wherever possible.

4. Awnings. Fixed or retractable awnings are permitted. Canvas is the preferred material, although other waterproofed fabrics may be used; metal or aluminum awnings shall not be used unless otherwise approved by the city council.

5. Screening. All air-conditioning units, HVAC systems, exhaust pipes or stacks, elevator housing and satellite dishes, other telecommunications receiving devices and any other apparatus placed on the roof of a building shall be thoroughly screened from view from the public right-of-

way and from adjacent properties by using walls, fencing, roof elements and landscaping. In addition, all trash facilities and loading and parking areas shall be screened from public view by landscaping, building elements or approved fencing.

6. Roof materials. If galvanized, metal roofs shall be colored.

C. CD – Commercial Downtown District architectural standards.

1. Setbacks. Buildings shall abut the front property line. Building facades may be recessed if an arcade or similar structure abuts the front setback. Architectural projections, including cornices, balconies, canopies and entry features, may encroach into public rights-of-way, subject to permits as required by the city code.

2. Multi-story, mixed-use structures. Commercial uses shall be contained in multi-story mixed-use structures with commercial/ retail uses on the ground level and above and/or apartment dwellings or offices on the upper levels.

3. Pedestrian scale. The establishment of buildings on isolated "pad sites" surrounded by parking lots and driveways, and that offer mainly auto-oriented signage to define entrances, is not allowed.

4. Entries. Transparent entries and large storefront windows are strongly encouraged. Recessed and other styles of window openings are desired.

5. Windows. Street-level storefront windows are strongly encouraged.

6. Awnings and canopies. Awnings or canopies, which provide a generally consistent cover along the pedestrian walk, are encouraged. Translucent awnings made of plastic, Teflon or similar materials are not permitted in the CD Zone District.

7. Historic buildings. Where feasible, historic structures shall be preserved and restored to allow for reuse as businesses. Restoration of any structure, if on the National Register of Historic Places, shall comply with the Secretary of Interior Standards for Restoration.

D. C-2 – Community Commercial District architectural standards.

1. Design of developments with internal orientation. In multiple-building developments, where setbacks are increased to accommodate independent development with internal orientation, all primary building entrances should face walkways, plazas or courtyards that have direct, continuous linkage to the street without making people walk through parking lots. However, it may be necessary for such direct pedestrian access ways to cross drive aisles. Driveway crossings must place priority on the pedestrian access.

2. Requirement for four-sided design. A building's special architectural features and treatments shall not be restricted to a single facade. All sides of a building open to view by the public, whether viewed from public or private property, shall display a similar level of quality and architectural interest.

3. Building form. The design of all buildings shall employ textured surfaces, projections, recesses, shadow lines, color, window patterns, overhangs, reveals, changes in parapet heights and similar architectural features to avoid monolithic shapes and surfaces and to emphasize building entries. Buildings shall not contain unbroken, flat walls of fifty (50) feet or greater in length. Buildings having single walls exceeding fifty (50) feet in length shall incorporate one (1) or more of the following for every fifty (50) feet:

- a. Changes in color, graphic patterning, changes in texture or changes in material.
- b. Pilasters.
- c. Projections, recesses and reveals.
- d. Windows and fenestration.
- e. Arcades and pergolas.
- f. Towers.
- g. Gable projections.
- h. Horizontal/vertical breaks.
- i. Other similar techniques.

4. Exterior building materials and colors. Intense, bright or fluorescent colors shall not be used as the predominant color on any wall or roof of any primary or accessory structure. These colors, however, may be used as building accent colors.

E. I-L – Light Industrial and I-H – Heavy Industrial District architectural standards.

1. Intent. These districts provide the opportunity to develop quality light industrial, business park, service and commercial projects. The following standards shall apply:

- a. The C-2 – Community Commercial District architectural standards shall apply.
- b. Building massing and form:
 - 1) Office and entry spaces shall be distinguished from the building mass.
 - 2) Large, square, "box-like" structures are prohibited. Architectural elements with smaller forms stepping outward and downward are permissible.
 - 3) Loading areas shall not front any street or public right-of way.
 - 4) Parking requirements shall be provided to the extent possible at the rear or sides of the building.

c. Wall articulation. Walls shall not have an uninterrupted length exceeding fifty (50) feet. Pilasters, texture transitions, windows and stepping of the wall plane are required.

d. Siting structures.

1) Structures shall be sited to avoid a "wall" effect along public rights-of-way and along adjacent property lines. This can be achieved by varying the building setbacks and clustering buildings.

2) Where multiple buildings are proposed on a development parcel, buildings shall be oriented to allow views into the project and shall preserve high-quality views through the project (e.g., views of the mountains). (Ord. 962 §§1, 2, 2007)

16.02.100 Parks and open space.

A. Intent. It is the intent of this section to ensure that an integrated network of parks and open space is developed and preserved as the city grows.

B. Types of parks and open space.

1. Plazas. A plaza is typically located in a commercial or industrial area to serve as a gathering place. A plaza is usually bordered by buildings and may feature seating, formal landscape plantings and amenities such as fountains or public art. Developers are responsible for developing and providing the appropriate amenities for each plaza.

2. Neighborhood parks. Every residential development shall provide land (or cash in lieu of land) for a neighborhood park and develop such park that will serve the neighborhood in accordance with the requirements set forth in this chapter. Land dedicated for park purposes may be credited toward the open space land dedication required at the time of subdivision. A homeowners' association, the landowner or the city, at its discretion, shall be responsible for the maintenance of the park. A neighborhood park shall be at least five (5) acres and include active play areas and sprinklered landscaping

3. Community park. Community parks serve the residents of several neighborhoods. Community parks are to be located on or near arterial streets, at the edge of residential areas or in nonresidential areas. The developer shall dedicate land (or make a cash-in-lieu contribution) for land and improvements in accordance with the requirements of this chapter. A community park shall be at least twenty (20) acres and include an active play area, ball fields and sprinklered landscaping in the majority of the park.

4. Trails. The trail system shall link neighborhoods, parks, schools, open spaces, employment centers, community facilities and neighboring communities and will provide important transportation connections, as well as recreational opportunities. Developers must provide trail connections to both the city's trail system and destinations within the neighborhood.

5. Regional open space. The city's regional open space system includes: drainage ways, floodplains, natural areas, natural area buffer zones, wetlands, subsidence areas, agriculture

preservation areas and lands of archeological or historic significance. Public access to these areas will generally be limited to trails and similar improvements.

6. Storm drainage facilities. Storm drainage facilities, including stormwater detention and stormwater retention ponds, may function as open space for active recreation, trail corridors or habitat enhancement areas if they are designed appropriately. Credit toward the open space dedication requirements will be considered on a case-by-case basis by the city council at the time of platting.

C. General provisions.

1. Open space should serve as the neighborhood focus. Open space, such as drainage ways and developed parks and plazas, shall be used to organize lot, block and street patterns and to enhance surrounding developments.

2. Public access. Areas designated as public open space shall be both visibly and physically accessible to the community. Adequate public access shall be provided to all public open space, natural and developed, directly from the public street and trail system. Pocket parks and plazas shall be integrated into the neighborhood design and be accessible to pedestrians and bicyclists.

3. Ownership and maintenance of open space. Ownership and maintenance of public open space shall be determined by the city on a case-by-case basis through the review process.

a. Generally, the city shall own and maintain neighborhood parks, community parks and public trails.

b. Landscaped outlots and private recreational facilities shall be owned and maintained by a homeowners' association or the landowner.

c. Environmentally sensitive, archaeological and historic resources may be dedicated to and maintained by the city, if approved by the city council.

d. Stormwater detention and retention areas that function as open space shall be owned and maintained by a homeowners' association or the landowner unless otherwise approved by the city.

e. Areas designated as open space shall be maintained according to the designated function of the area. Applicants shall develop a management plan which addresses: irrigation, revegetation, erosion control and weed management. If the area is to remain in private ownership, a mechanism which will assure maintenance will be funded in perpetuity must be in place at the time of final plat.

4. Open space protection. Areas designated as open space shall be protected by conveyance to the city, as provided on the plat and by this chapter, deed restriction or other appropriate method to ensure that they remain open in perpetuity and cannot be subdivided or developed in the future without approval of the city.

D. Open space requirements.

1. Functional open space includes:

- a. Areas within the community designated for the common use of the residents of an individual development and/or the community at large.
- b. Areas designated for preservation and protection of environmental resources, including floodplains, natural drainage ways and wetland areas.
- c. Areas designated for agricultural preservation.
- d. Areas of archeological and historic significance.
- e. Areas of critical or important habitat as defined by the Colorado Division of Wildlife.

2. Required open space shall not include the following:

- a. Required setback areas around oil and gas production facilities.
- b. Disconnected remnants of land created by division of sites into lots or parcels that do not qualify as functional open space or that preserve environmental resources, unless approved by the city council.
- c. Private yards.
- d. Stormwater conveyance and detention facilities unless approved by the city.
- e. Required parking lot landscaping associated with all uses, except parking specifically designated for access to open space areas and within commercial/ industrial projects.

3. Amount of open space required. In addition to streets, the overall open space dedication for all residential subdivisions is six percent (6%) of the gross land area. Developers shall dedicate to the city a minimum of six percent (6%) of the gross land area for open space that includes public parks, trails, natural open lands or other civic purposes at the time of subdivision.

a. Residential developments. For residential developments, the developer shall provide:

1) The land for one (1) neighborhood park for every two hundred (200) dwelling units or portion thereof, which shall be constructed in the subdivision within a one-quarter-mile radius of the proposed homes; or a fair-share, cash-in-lieu contribution for the cost of the neighborhood park that will serve the development; and

2) The land for one (1) community park for every four hundred (400) dwelling units or portion thereof, which shall be constructed in the subdivision, or a fair-share, cash-in-lieu contribution for the cost of the community park that will serve the development.

b. Commercial and industrial developments. In addition to streets, the developer shall provide a minimum of six percent (6%) of the gross land being subdivided or cash-in-lieu of land as functional open space, which may include: plazas, trails, landscaped areas (including parking lot landscaping), natural areas and other civic purposes.

c. Planned Unit Development Overlay District (PUD). In addition to streets, the developer shall provide a minimum of thirty percent (30%) of the gross land area being developed as open space, which may include parks, trails, homeowners' association- or landowner-owned landscaped areas (excluding parking lots), natural areas and amenities for residents and other civic purposes. (Ord. 962 §§1, 2, 2007)

16.02.110 Public sites and dedication requirements.

The developer of residential projects shall dedicate public sites for open space, parks, schools or other civic purposes in accordance with the requirements of this section, to serve the proposed subdivision and future residents thereof.

1. Land dedication. Payments and dedications made under the requirements of this section shall be made payable or dedicated to the city. Dedication of such sites and land areas to the city shall be free and clear of all liens and encumbrances. The applicant shall provide for the installation of the streets adjacent to the park and school sites, the installation of water, sewer and other public utilities to the park and school sites and overlot grading of the park and school sites.

2. Fee in lieu of dedication. If there is not sufficient property on the plat to provide land for the entire school or park facility required, with the approval of the city council, the subdivider may, in lieu of dedication of all or part of the land requirements, pay fees in lieu of the equivalent land areas which would have been dedicated to public facilities. Fees are to be calculated in the following manner:

a. Fees shall be calculated based on the full market value of the land assuming the plat has been approved and proper zoning exists.

b. Full market value shall be determined by mutual agreement between the subdivider and the city council. In the event of inability of any of the above parties to agree on the value of the subject land, the subdivider shall submit to the city a written appraisal from a qualified appraiser meeting the value requirements set forth herein. Said appraisal shall be made by an individual or entity that does not have a financial interest in the subdivision and is a member of the Appraisal Institute (MAI), a member of the Society of Real Estate Appraisers (SRA), or such other qualified person mutually agreeable to the manager and the applicant. The applicant shall pay the cost of said appraisal.

c. Such appraisal may be submitted during the review period of the final plat. If the city council believes that the appraised value is not accurate, it may obtain its own appraisal from a qualified appraiser, or determine the fair market value by such procedure as the city council deems appropriate.

d. All fees in lieu of dedications are to be paid prior to the approval of the final plat unless otherwise agreed by the city council.

e. For subdivisions that are platted in phases, the above calculations can be made on a phase-by-phase basis through methods to be devised by the city council, realizing that by virtue of developing one (1) phase, the value of the undeveloped adjacent phase will increase. The

subdivider has the option of paying the fees for all phases upon the due date of fees for the first phase.

3. Unacceptable land for dedication. Unless otherwise determined by the city council in its sole discretion, land areas that are not acceptable in determining the fulfillment of the requirements for the provision of land areas for public purpose facility sites shall include the following:

a. Natural drainageways, streams, gullies and rivers, including all lands within the one-hundred-year floodplain.

b. Rights-of-way and/or easements for irrigation ditches and aqueducts.

c. Steep, rugged and hazardous geological land areas and such other areas as are not conducive for use as the intended park or school site. (Ord. 962 §§1, 2, 2007)

16.02.120 Landscape design.

Intent. The intent of this section is to preserve the city's character and integrate new development into the city by promoting quality landscape design.

1. Site design. Landscape improvements shall be an integral part of the overall site design for each property. Landscape improvements shall be designed to complement and enhance the character of multi-family, commercial and industrial properties and shall follow these guidelines:

a. Configured to maximize connections within the site to landscaped areas in adjacent developments. Small, isolated islands of landscaping should be avoided except as required in parking lots and for screening along roadways.

b. Consistent with the character of the proposed development and the surrounding area to reinforce neighborhood identity.

c. Enhance natural features, drainage ways and environmental resources.

d. Designed for mature landscapes and shall provide appropriate visibility for cars and pedestrians.

e. No more than thirty-six (36) inches high when located in a sight distance triangle.

2. Environmental considerations.

a. Landscapes shall use the following Xeriscape design principles to facilitate water conservation:

1) Use of mulch to maintain soil moisture and reduce evaporation.

2) Appropriate turf selection to minimize the use of bluegrass.

3) Zoning of plant materials according to their microclimatic needs and water requirements.

4) Improve soil with organic matter if needed.

5) Efficient irrigation systems.

6) Proper maintenance and irrigation schedules.

b. All landscapes shall strive to maximize the use of native species. Where native material is not appropriate for the intended use or appearance, species that are regionally adapted and noninvasive may be used.

c. Landscapes shall consist of a variety of species. No one (1) species may make up more than twenty-five percent (25%) of the total nongrass plant materials on the site.

d. Where possible, trees shall be located to provide summer shade and limit winter shade on walks and streets.

e. Weed control will be practiced on all areas disturbed by construction, and those areas shall be reseeded to prevent erosion. Native, noninvasive grasses shall be used for revegetation where practical. Weed control is the responsibility of the landowner on all reseeded areas and all preservation areas. Weed control shall be a continual responsibility of the owner during all phases of land clearing and construction. Every effort shall be made to prevent the spread of noxious weeds.

3. Plant materials.

a. The minimum planting sizes on all required landscaping shall be two-inch-caliper deciduous trees, one-and-one-half-inch caliper ornamental trees, six-foot-tall evergreen trees and five-gallon shrubs. Caliper sizes will be measured one (1) foot above the ground.

b. Ground cover and vines shall be a minimum one-gallon size, except when a higher quality landscaping can be produced by utilizing smaller container sizes planted on closer centers.

c. Wood chips and wood shavings have no minimum size, but shall have a minimum of three (3) inches in depth, installed over a geotextile fabric.

d. When used as ground cover, rock or stone shall be one (1) to four (4) inches in size and to a minimum depth of three (3) inches installed over a geotextile fabric.

e. Plants shall be healthy, well-branched, vigorous stock with a growth habit normal to the species and variety and free of diseases, insects and injuries. A variety of plant species should be installed to prevent the spread of disease.

f. All plants shall conform to standards for measurements, grading, branching, quality and ball and burlapping as stated in the current edition of the American Standard for Nursery Stock,

American Association of Nurserymen, Inc., (AAN-ASNS) and the Colorado Nursery Act of 1965 (CNA).

4. Irrigation. All required landscaping shall be irrigated as required for plant establishment and maintenance. Irrigation shall be appropriate to the type and scope of the improvements.

a. Required landscaping in urban developments shall be irrigated with a permanent irrigation system.

b. Landscaped areas in commercial parking lots are limited to drip irrigation for trees and shrubs, with no impact or spray heads permitted. For grass areas, only drought-tolerant grasses shall be permitted.

c. Irrigation systems shall be drip irrigation where possible. All irrigation systems shall be designed to minimize overspray and runoff onto paved or other nonlandscaped areas.

d. Temporary irrigation may be used to establish native grasses and vegetation.

5. Guarantee of installation. Required landscape improvements shall be installed prior to issuance of a certificate of occupancy (C.O.) for all structures. If weather conditions prevent installation, the developer shall post a financial guarantee for the improvements. This guarantee shall be released upon completion of the installation of the landscaping.

6. Maintenance.

a. All plantings shall be maintained in a healthy and attractive manner by the property owner of record, the property owner's agent or tenant or a homeowners' association which has assumed landscaping maintenance responsibility. Maintenance shall include, but not be limited to: watering, fertilizing, weeding, cleaning, pruning, trimming, spraying and cultivating.

b. Dead plant materials shall be removed and replaced within one (1) month of their death with planting materials that meet the original intent of the approved landscaping design.

c. Natural landscaping materials, such as rock, stone, bark chips and shavings which no longer cover the area in which they were originally deposited, shall be replenished so that they again achieve full coverage to a minimum depth of three (3) inches.

d. Landscaping structural features, such as fencing, planter boxes, etc., shall be maintained in a sound structural and attractive condition.

7. Landscaping standards.

a. Landscape improvements within the RHD, MU, CD, C-2, LI and HI zone districts shall be designed to enhance the overall appearance of the development and to integrate the project with adjacent land uses and into the surrounding neighborhood. For each district, the following minimum percentage of the gross lot size shall be landscaped per these standards:

RHD: Residential High Density	= 15%
MU: Mixed Use	= 8%
CD: Commercial Downtown	= 8%
LI: Light Industrial and HI: Heavy Industrial	= 4%
C-2: Community Commercial	= 8%

b. The developer or assigns shall provide:

1) Site trees – plant a minimum of two (2) trees per one thousand (1,000) square feet of landscaped area or fraction thereof, distributed on the site.

2) Shrubs – plant a minimum of three (3) shrubs per one thousand (1,000) square feet of landscaped area or fraction thereof. Group shrubs and distribute throughout the site. Trees may be substituted for up to one-half (½) of the required shrubs at the rate of one (1) tree for six (6) shrubs.

3) Ground cover – establish irrigated grass turf maintained to appropriate standards for active recreation in areas that will function for active recreation. Where appropriate, use native grass for areas that will not function as active recreation areas. Native grass must be weed-free and maintained at a maximum height of twelve (12) inches. There shall be a minimum of seventy-five percent (75%) live materials between the building and the street unless otherwise approved by the city. For active recreation areas, a turf-type tall fescue or a brome/fescue mix will be used.

4) For all lots, a minimum of twenty-five percent (25%) of the linear frontage of the developed site abutting public rights-of-way shall be landscaped to a depth of fifteen (15) feet. Such frontage landscape areas shall be utilized in calculating the minimum area requirements.

5) Screen loading areas – loading areas (including vehicles being loaded) and service and storage areas visible from the public right-of-way or adjacent property must be screened from view with an opaque screen that is an integral part of the building architecture, or by landscaping. Chain-link fencing with slats, tires or used building materials are not acceptable screening materials.

c. The building owner or occupant shall maintain the yard and landscaping within the adjacent road right-of-way in accordance with city regulations.

8. Parking lot landscaping standards. Parking lot landscaping is intended break up large expanses of pavement, create shade, buffer views of parking lots from adjacent streets and development and enhance the overall appearance of each project. All parking lots with forty (40) spaces or more shall be subject to these requirements. The developer or assigns shall provide:

a. Site trees – a minimum of one (1) tree per five (5) parking spaces. Group trees together in islands which are a minimum of ten (10) feet wide. Use the landscaping to break up large expanses of pavement and to create a tree canopy for summer shade.

b. Shrubs – a minimum of one (1) shrub per one hundred fifty (150) square feet of landscaped area. Group plantings in landscape islands.

c. Ground cover – limit areas of irrigated turf. Grass is discouraged in areas less than ten (10) feet wide. Install a grass buffer (native grass where possible) around the perimeter to filter runoff and improve water quality.

d. Landscape setback to parking lots – not less than five (5) feet from streets or any property line. The purpose of the setback is to provide a buffer between the adjacent street and parking or loading areas and to screen the parking from the street.

e. When the provision of off-street parking for forty (40) or more vehicles is required, there shall be landscaped areas within the perimeter of the parking area in the minimum amount of twelve (12) square feet for each parking space. The required landscaped areas need not be contiguous, but there shall be at least one (1) tree in each separate area.

f. Provide a plan for long-term maintenance of landscaping – all landscaping within and adjacent to parking lots shall be owned and maintained by the landowner or occupant.

B. Submittal standards for landscape plans. All land development applications will be accompanied by the appropriate landscape plan:

1. Preliminary landscape plan (submit with preliminary plat). Intent: to illustrate the master landscape plan for the development.

a. Describe the design intention and how the proposal is consistent with the purpose and intent of these regulations.

b. Landscaping should be included on the preliminary open space and ecological characterization plan if it can be clearly illustrated and the scale is not greater than 1" = 100'.

c. Information required on the plan is listed in the table below.

2. Final landscape plan (submit with final plat). Intent: to ensure that each phase of the final landscape plan is consistent with the master landscape plan for the development and to illustrate the specific landscaping details for each phase.

a. Describe the design intention and how the proposal is consistent with the preliminary landscape plan.

b. The final landscape plan must be on a separate page from the final plat map and should be included with the final open space plan. The scale shall not be greater than 1" = 50'.

c. Information required on the plan is listed in the table below:

<i>Information required</i>	<i>Preliminary</i>	<i>Final</i>
Scale, north arrow, site boundary	√	√
Existing and proposed streets	√	√
Existing and proposed utilities and easements	√	√
Existing contours (2' intervals), can be USGS for conceptual landscape plan	√	√
General grading concepts for proposed improvements, typical cross-sections of streets and special treatment areas	√	
Proposed contours (2' intervals)		√
Describe the design intention	√	√
Describe the general character and location of proposed landscaping and open space and how it meets the purpose of these regulations	√	
Illustrate how the open space network and pedestrian circulation system will function		√
Existing site features, including ditches, trees, shrubs and ground covers and any drainageways, wetlands or wildlife habitat present on the site. Indicate which plants will be preserved, the method of preservation and which will be removed	√	√
Proposed landscaping including: trees, shrubs, ground cover, walks and fences. Show which plantings are deciduous and evergreen.	√	
Indicate which areas will be irrigated and method of irrigation.	√	√
Typical detail drawings at 1" = 20' to illustrate perimeter treatment, buffering, typical front yard and any special treatment areas on the site.	√	
Define areas to be considered open space and if they will be public or private. Indicate how open space will be maintained including: erosion control, revegetation and weed management both during and after construction.	√	√
Detailed planting plan indicating location, species, size and quantity of all proposed plantings and ground cover. Improvements shall be shown in their final location and mature size. Include a plant list in chart form and description of the type and location of groundcover, walks, fences and mulches. Include a cost estimate for improvements. (This may be submitted as a separate sheet and is not required on the plans.)		√

C. Prohibited plant materials list. The following trees are prohibited in the city: Russian olive, Lombardy poplar, Siberian elm, Boxelder maple, cotton-bearing cottonwood, salt cedar or tamarisk. (Ord. 969 §2, 2007; Ord. 962 §§1, 2, 2007)

16.02.130 Buffering and screening.

A. Intent. The intent of this section is to integrate adjacent land uses and provide seamless transitions from one (1) use to another through the use of building orientation and access, landscaping, appropriate architectural elements and nonbuildable buffer areas.

B. Location and screening of required loading and service areas.

1. Loading docks, solid waste facilities, recycling facilities and other service areas shall be placed to the rear or side of buildings in visually unobtrusive locations.

2. Screening, buffering and landscaping shall be incorporated to prevent direct views of the loading areas and their driveways from adjacent properties or from the public right-of-way. Screening and landscaping shall also prevent spill-over glare and noise. Screening and buffering shall be achieved through walls, architectural features and landscaping. Recesses in the building or depressed access ramps may be used.

C. Dumpsters.

1. Every development that is required to provide one (1) or more Dumpsters for solid waste collection shall provide sites for such Dumpsters that are:

a. Located to facilitate collection and minimize any negative impact on persons occupying the development site, neighboring properties or public rights-of-way; and

b. Constructed to allow for collection without damage to the development site or the collection vehicle and constructed of a reinforced concrete block wall with a concrete pad.

Such developments shall provide an area for recycling as well as disposal of solid waste.

2. All such Dumpsters shall be screened to prevent them from being visible to:

a. Persons located within any dwelling unit on residential property other than that where the Dumpster is located;

b. Occupants, customers or other invitees located within any building on nonresidential property other than that where the Dumpster is located; and

c. Persons traveling on any public street, sidewalk or other public way. (Ord. 962 §§1, 2, 2007)

16.02.140 Fences, hedges and walls.

A. Intent. The intent of this section is to ensure that walls, hedges and fences are attractive and in character with the neighborhood. The creation of fence "canyons" along streets, parks or other public areas is prohibited.

B. General provisions.

1. Compatibility. Walls and fences shall be architecturally compatible with the style, materials and colors of the principal buildings on the same lot. If used along collector or arterial streets, such features shall be made visually interesting by integrating architectural elements, such as brick or stone columns, varying the alignment or setback of the fence, softening the appearance of fence lines with plantings or through similar techniques.

2. Prohibited materials (except in Agriculture or Open Space Districts). Contemporary security fencing, such as concertina or razor wire, barbed wire or electrically charged fences is prohibited unless specifically allowed by the city council. Chain-link fencing with or without slats shall not be used as a fencing material for screening purposes, except as permitted in Industrial zone districts.

3. Retaining walls. Retaining walls shall be designed to resist loads due to the lateral pressure of retained material in accordance with accepted engineering practice and shall not be unsightly or detrimental to abutting property.

4. Residential and Mixed Use District fence standards. Fences, hedges or walls shall follow the provisions below:

a. Fences, hedges and walls not greater than six (6) feet in height shall be permitted on or within all rear and side property lines and on or to the rear of all front yard setback lines.

b. Fences, hedges and walls not greater than three (3) feet in height shall be permitted on or within all front and side property lines in any required front yard setback. Such fences may be increased to four (4) feet maximum height if the fencing material is at a ratio of 2:3 open space per square foot for that part of the fence extending above three (3) feet in height.

c. No person shall erect a fence without first obtaining a permit from the building department. The property owner shall provide the building department with a survey by a state-licensed land surveyor to determine lot line locations. If a survey is not provided, an agreement must be submitted with the signatures of all abutting property owners that includes the exact location of the proposed fence.

d. Fences and hedges on corner lots (no more than six [6] feet in height) are permitted in a front yard setback up to the property line under the following conditions:

1) The front yard to be fenced is that yard readily recognizable as it orients toward the street;

2) No fence or related landscape element obstructs vision between the heights of three (3) feet and ten (10) feet above street level within a triangular area formed by connecting two (2) points, each fifty (50) feet away from the intersection of the curb lines (visibility triangle); and

3) In no case shall a fence, wall or hedge greater than six (6) feet in height encroach upon the predominant setback except as stated above.

5. Business and Industrial District fence standards.

a. Fences, hedges and walls shall be permitted on or within all rear, side and front property lines, provided that a clear field of view is not obstructed for vehicles traveling on public roads or entering from private access roads.

b. In the Industrial (LI and HI) zone districts, a chain-link fence may be permitted so long as it is not higher than eight (8) feet anywhere on the premises and the visibility at the intersection and from public ways meet the requirements of this chapter.

6. Maintenance. Dilapidated, unsightly or dangerous fences shall be removed or repaired when so ordered by the city. Hedges shall be maintained in a healthy condition, trimmed and pruned as appropriate for the plant type. Dead plant material in hedges shall be removed or

replaced as appropriate when so ordered by the city. Hedges shall not encroach upon sidewalks or street rights-of-way. (Ord. 962 §§1, 2, 2007)

16.02.150 Lighting.

A. Intent: Street lighting is required on all city streets. Streetlights will be required at all intersections, at ends of culs-de-sac and at three-hundred-foot spacing along streets. All street lighting will meet Yampa Valley Electric Association standards for installation and equipment. Street lighting on city streets will be operated and maintained by the Yampa Valley Electric Association.

1. To create an attractive lighting system to enhance visibility and safety, while minimizing glare and contrast.

2. To encourage exterior lighting that is functional, aesthetically pleasing and complimentary to the architectural style of buildings.

B. General provisions.

1. Evaluation of exterior lighting. Exterior lighting shall be evaluated in the development review process to ensure that the functional and security needs of the project are met in a way that does not adversely affect the adjacent properties or neighborhood. The degree to which exterior night lighting affects a property owner or neighborhood will be examined, considering the light source, level of illumination, hours of illumination and need for illumination in relation to the effects of the lighting on the adjacent property owners and the neighborhood.

2. Light style. The style of lights shall be consistent with the style and character of architecture proposed on the site. Light fixtures that illuminate signage shall be compatible with the architecture of the building on which they are placed.

3. Concealed light source. Light sources shall be concealed or shielded to the maximum extent feasible to minimize the potential for glare and unnecessary diffusion on adjacent property and away from the vision of passing motorists. All lights shall be directed downward, and the light source shall be equipped with "cut-off" devices so that it will not be visible from any adjacent property and to ensure that ambient skyward light is eliminated. Accent and flagpole lighting shall be permitted to be directed upward as long as the light source is shielded and not visible from any adjacent property. Light fixtures installed under canopies, awnings, overhangs and the like shall be fully recessed.

4. Hours of lighting operation. All parking lot lighting fixtures and exterior building lights, except those required for security purposes, shall be extinguished within one (1) hour after the end of business hours and remain extinguished until one (1) hour prior to the beginning of business hours. If a portion of a parking lot is used after dark, only that portion shall be lighted.

5. Light standards. All light fixtures shall be mounted on concrete, fiberglass or painted metal poles per electric service provider.

6. Excessive illumination. Lighting within any lot that unnecessarily illuminates any other lot and substantially interferes with the use or enjoyment of such other lot is prohibited. Lighting

unnecessarily illuminates another lot if it clearly exceeds the standards set forth in this section, if the light shines directly into a residence or if the standards set forth in this section could reasonably be achieved in a manner that would not substantially interfere with the use or enjoyment of neighboring properties.

7. Exemption for outdoor recreational uses. Because of their limited hours of operation and their unique requirements for nighttime visibility, ball diamonds, playing fields, tennis courts and other similar outdoor recreational uses (both public and private, unless otherwise restricted by the city council) shall be exempt from the general provisions of this section. However, exterior lighting for such uses shall be extinguished no later than 12:00 a.m. (midnight).

The city manager shall have the authority to grant an exemption from these requirements for special events. (Ord. 962 §§1, 2, 2007)

16.02.160 Sanitary sewer.

A. Intent. All residential, commercial and industrial uses which have human occupancy shall have sanitary sewer. The sanitary sewer system shall be connected to an existing public sanitary sewer system and shall consist of a closed system of sanitary sewer mains and lateral branch connections to each structure or lot upon which a structure is to be built. Sanitary sewer lines are to be of sufficient size and designed to collect all sewage from all proposed or portable structures within the subdivision or development. Wastewater collection systems will be designed to flow as projected in the city Master Plan.

B. Wastewater pump stations are not allowed unless all other alternatives have been exhausted, and sewer service will not be allowed unless the collection system abuts the property to be served.

C. Sewer lines smaller than a fifteen-inch diameter shall be designed for a maximum flow depth of one-half ($\frac{1}{2}$) of the diameter, or half-full flow, during periods of peak flow. Sewer lines fifteen (15) inches in diameter or larger shall be designed for a maximum flow depth of eight-tenths (0.8) diameter or eighty percent (80%) full flow during periods of peak flow.

D. Sewer lines shall have a sufficient slope to maintain a minimum flow velocity of two (2) feet per second. These minimum slopes are outlined on the attached chart. The maximum velocity of the sewer flow will not exceed fifteen (15) feet per second.

Table 16.1
General assumptions used in evaluating the sanitary sewer system capacity

Sewer Dia. (in.)	Min. Slope (ft./ft.)	Velocity Flowing Full (ft./s.)	50% Full Pipe – $d / D = 0.5$			80% Full Pipe – $d / D = 0.8$		
			Area of Cross-Section (sq. ft.)	Wetted Perimeter (ft.)	Flow Rate (gpm)	Area of Cross Section (sq. ft.)	Wetted Perimeter (ft.)	Flow Rate (gpm)
8	0.0040	2.19	0.17	1.05	172	—	—	—
10	0.0028	2.13	0.27	1.31	260	—	—	—
12	0.0022	2.13	0.39	1.57	375	—	—	—
15	0.0015	2.04	0.61	1.96	561	—	—	—
18	0.0012	2.06	—	—	—	1.52	3.32	1,596
21	0.0010	2.08	—	—	—	2.06	3.88	2,198
24	0.0008	2.04	—	—	—	2.69	4.43	2,807
27	0.00067	2.02	—	—	—	3.41	4.98	3,517
30	0.00058	2.01	—	—	—	4.21	5.54	4,334
36	0.00046	2.02	—	—	—	6.06	6.64	6,276

Manning's Roughness Factor (n) assumed to be 0.013

Minimum slopes are based on a mean velocity, when flowing full, of not less than 2.0 ft/s according to the "Recommended Standards for Sewage Works," 1978

(Ord. 962 §§1, 2, 2007)

16.02.170 Stormwater drainage.

Intent. Streets and alleys will be designed to carry stormwater run-off away from houses and property. When the capacity of the street is reached, the developer will be required to install storm drains to keep the stormwater flow within the right-of-way and prevent damage to adjacent property. The stormwater system will be designed using generally accepted methods (Denver Urban Drainage and Flood Control Criteria Manual) with modifications for local storm conditions. The retention of stormwater in temporary ponding areas to hold back the storm peak flow is an acceptable method of addressing increased flows due to development. Again, stormwater retention must be designed using generally accepted methods. All new developments will provide storm routing for a one-hundred-year event and provide adequate storm drains or retention areas to contain within the street or drainage right-of-way the stormwater runoff from all precipitation events of a ten-year interval.

1. General provisions.

- a. Landscaping associated with storm drainage facilities shall be integrated into the overall design of the project.

b. It shall enhance the overall appearance of the project, prevent erosion and improve water quality of stormwater runoff whenever possible.

c. Storm drainage facilities may function as open space for active recreation, trail corridors or habitat enhancement areas if they are designed appropriately and approved by the city council.

d. The use of planting strips and shallow landscaped depressions (bioswales) in parking lots and along roads is encouraged to help trap and remove pollutants from stormwater runoff.

2. Applicability. All storm drainage facilities shall be appropriately landscaped.

3. Minimum requirements.

a. All facilities shall be seeded to grass appropriate to the function of the area. Areas to be used for active recreation shall be seeded to a turf-type grass and irrigated with a permanent irrigation system. Areas to be maintained for habitat enhancement shall be seeded to native grasses and wildflowers. The developer is responsible for establishment of a complete, weed-free stand of grass. Trail corridors may be seeded to native grasses if appropriately integrated with adjacent improvements. Areas to be used for active recreation shall be seeded to a turf-type tall fescue or brome/fescue mix or other drought-tolerant grass acceptable to the city and irrigated with a permanent irrigation system.

b. Maximum side slope on drainage facilities shall be 4:1; minimum slope of the bottom of a drainage facility shall be one-half percent (0.5%).

c. Landscape improvements shall be designed to enhance the function of the facility. Areas designed for recreation shall include clusters of trees to provide shade, located so they do not impair the function of the facility.

d. Habitat and water quality enhancement, including wetland plantings in low wet areas, is encouraged.

4. Ownership and maintenance. All drainage facilities shall be owned and maintained by the landowner or occupant unless otherwise approved by the city. (Ord. 962 §§1, 2, 2007)

16.02.180 Potable water.

A. All residential, commercial and industrial uses which have human occupancy shall have potable water served by the city or appropriate water district. The water system shall be of sufficient size and design to supply potable water to each structure or lot upon which a structure is to be built.

B. The extensions of the city water system outside of the city limits will be approved by the city council. Water system extensions outside the city limits will meet the same criteria as required inside the city limits.

C. Extension of the water system shall be designed to meet fire flow conditions. Water lines and water storage will be sized to meet all requirements of the adopted fire code. At a minimum, the water lines will be sized to provide one thousand (1,000) gallons per minute, with a residual pressure

of twenty (20) pounds per square inch. Storage must be sized to provide fire flows of a duration specified in the fire code and to sustain flows during periods of peak usage. Oversizing of water lines and water storage may be required to meet the needs of the water system. Off-site improvements may be necessary to provide adequate flows.

D. The minimum normal operating pressure for system extensions shall be thirty-five (35) pounds per square inch. The maximum normal operating pressure for system extensions shall be one hundred (100) pounds per square inch.

E. Overall, the water system will be designed with a grid of twelve-inch mains on a one-mile spacing or less. The internal piping within this grid will be a minimum of eight (8) inches. Larger pipe sizes within the one-mile spacing may be required, depending upon fire flow requirements and elevation changes.

F. All water piping, valves, hydrants and other materials will meet the city minimum specifications. All water lines shall be PVC Pipe C900 Class 200. Installation of the piping and water system materials shall be in conformance with city minimum specifications. Prior to acceptance of the water line into the system, the water line shall be disinfected and leak-tested as per AWWA requirements. Once accepted, the installer or developer shall provide a guarantee for the improvements for a one-year period.

G. Water service will not be allowed unless a water main abuts the property to be served. (Ord. 962 §§1, 2, 2007)

16.02.190 Fire hydrants.

The subdivider shall install fire hydrants at street intersections and at other points as per the requirements of the Craig Fire Protection District and the city. Fire hydrants will be spaced at a maximum distance of six hundred (600) feet or less. (Ord. 962 §§1, 2, 2007)

Chapter 16.03

Zoning

Sections:

- 16.03.010 General provisions
- 16.03.020 Purpose
- 16.03.030 Zoning districts and boundaries
- 16.03.040 Principal, conditional and temporary uses per zoning district
- 16.03.050 Conditional uses
- 16.03.060 Nonconforming uses and buildings
- 16.03.070 Variances
- 16.03.080 Amendments; zoning; rezoning
- 16.03.090 Wireless telecommunication facilities and equipment
- 16.03.100 Home occupations
- 16.03.110 Accessory uses and structures

16.03.010 General provisions.

In their interpretation and application, the provisions of these zoning regulations shall be held to be minimum requirements adopted for the promotion of the public health, safety, morals, convenience, comfort, prosperity and general welfare.

A. Uniformity of regulations. The regulations established by this chapter within each zone shall apply uniformly to each class or kind of structure or land. Unless exceptions are specified in this chapter, the following interpretations shall apply:

1. No building, structure or land shall be used or occupied, and no building or structure or part thereof shall be erected, changed, constructed, moved, demolished or structurally altered unless in conformance with all of the regulations herein specified for the zone in which it is located.

2. No part of a yard, other open space or off-street parking or loading space required about or in connection with any building for the purpose of complying with this code shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building unless specific exception therefor is stated in this code.

3. No yard or lot existing or approved at the time of passage of the initial ordinance codified herein shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of said ordinance shall meet at least the minimum requirements established by this code.

4. Any use not specifically permitted in a zone by this code is hereby specifically prohibited from that zone unless otherwise determined by the city council, as provided herein in writing.

5. In zoning districts permitting single-family residential dwellings, only one (1) such dwelling shall be permitted on each lot unless otherwise specified.

B. Conflict with private covenants or deeds. In case of a conflict between this code and any private restrictions, the provisions of this code shall control for purposes of enforcement by the city. The private restrictions may be enforced by those other than the city as provided by law. The city shall have no responsibility to enforce private covenants or deed provisions.

C. Zoning of annexed territory.

1. Zoning of land during annexation shall be done in accordance with the procedure and notice requirements of this chapter. The proposed zoning ordinance shall not be effective before the date when the annexation ordinance is effective.

2. Any area annexed shall be zoned and the zoning map amended as provided in this chapter within ninety (90) days from the effective date of the annexation ordinance. Until the zoning ordinance is effective, the city shall not issue a building permit for any portion or all of the newly annexed area.

3. Unless zoned otherwise by action of the city council in compliance with this code or as provided otherwise on the city Zoning Map in effect on February 27, 2007, all annexed property shall be considered zoned A – Agricultural. (Ord. 962 §§1, 2, 2007)

16.03.020 Purpose.

The purpose of this zoning code is to create a vital, cohesive, well-designed community in order to enhance the city's role as a regional center of business and government and further the community's goals as identified in the Master Plan. These zoning regulations are designed to:

1. Encourage the most appropriate use of land through the city and ensure a logical growth of the various physical elements of the city.
2. Regulate and restrict the location and use of buildings, structures and land for residence, business, trade, industry or other purposes.
3. Regulate and determine the size of building lots, yards and other open spaces.
4. Promote good design and arrangement of buildings or clusters of buildings and land uses in residential, business and industrial development.
5. Encourage innovative and high-quality site planning, architecture and landscaping.
6. Prevent the overcrowding of land, poor-quality development, waste and inefficiency in land use, danger and congestion in travel and transportation and any other use or development that might be detrimental to the stability and livability of the city.
7. Ensure that new land development is designed to be integrated into the community.
8. Promote the health, safety, morals and general welfare of residents of the city. (Ord. 962 §§1, 2, 2007)

16.03.030 Zoning districts and boundaries.

A. Zoning districts. In order to carry out the provisions of this code, the city is divided into the following zoning districts:

O	Open District
A	Agricultural District
RR	Rural Residential District
RLD	Residential Low Density District
RMD	Residential Medium Density District
RHD	Residential High Density District
RMH	Residential Mobile Home District
MU-1	Mixed Use District – 1

MU-2	Mixed Use District – 2
CD	Commercial Downtown District
C-2	Community Commercial District
I-1	Light Industrial District
I-2	Heavy Industrial District
PD	Planned Development Overlay District

B. Official zoning map. The boundaries and classifications of zoning districts are as depicted on the map entitled "Craig Official Zoning Map" as may from time to time be revised, updated or redrafted. The official zoning map adopted and to be used for reference shall be that map bearing the most recent date of publication which has been signed by the chair of the planning commission and the mayor.

1. Interpretation of boundary lines. In the event uncertainty exists on the zoning map, district boundaries shall be on section lines, lot lines, the right-of-way lines of highways, streets, alleys, railroad rights-of-way or such lines extended; municipal corporation lines; natural boundary lines such as streams; or other lines to be determined by the use of scales shown on the map.

2. Amendment upon zoning or modification. Upon enactment of any ordinance annexing and establishing zoning or modifying existing zoning for any property, and upon final passage thereof, the Official Zoning Map shall be considered amended to include the annexed area with the proper zoning classification or show the amended classification. The city shall have prepared a revised official zoning map to include such amendments as often as the city council deems appropriate. Such updated official map shall contain, in table form, the date and number of the ordinance amending it, the title of the change, the date the map was amended to reflect each amendment and the initials of the person who checked and approved the change to the map.

3. Cost for amending zoning. Any person who proposes zoning for property being annexed or proposes modifying existing zoning shall pay all fees and costs as provided in chapter 1 of this title and bear the entire cost of amending the official zoning map, including all notification costs.

4. Public inspection; storage of original. A copy of the Official Zoning Map shall be available and on display at the City Hall during normal business hours. In addition, one (1) original duplicate copy of the current official zoning map, and all prior official zoning maps having been adopted, shall be held in a secure place by the city, which shall act as custodian thereof; and the map shall not be amended, changed, updated or otherwise modified or let out of direct control of the city for any reason whatsoever. The secured map is to be released for inspection only upon authorization of the city. (Ord. 962 §§1, 2, 2007)

16.03.040 Principal, conditional and temporary uses per zoning district.

A. General application of uses. Uses designated as permitted uses are allowed in a zone district as a matter of right. Uses classified as conditional uses are permitted upon the city's approval of a conditional use permit. Uses classified as temporary uses are allowed for a limited and predetermined period of time with the intent to discontinue such use upon the expiration of the time period. Unless a use is designated by this code as a permitted use, conditional use or temporary use or is classified as a

legal nonconforming structure or use, it is not permitted. Land uses not otherwise identified in this code may be proposed for development. However, such uses are not permitted unless the city council determines that the use can be reasonably interpreted to fit into a similar use category described in this code or to amend this code.

B. O – Open District

1. Intent. The O – Open District is intended to provide permanent open space in the city. Development in the O District is limited in order to protect the public in areas of flood, fire or geologic hazards. Recreation facilities, wildlife preserves or other open uses are desired in this District.

2. Conditional uses. Conditional uses allowed in the O District shall be as follows:

- a. Agriculture.
- b. Airports.
- c. Cemeteries.
- d. Fisheries.
- e. Mineral and natural resource exploration, extraction and related facilities.
- f. Parking areas for permitted uses.
- g. Parks, open space and recreation facilities.
- h. Public utilities.
- i. Sanitary landfills.
- j. Sewage treatment plants.
- k. Single-family dwellings only as a custodial function to a permitted use.
- l. Other uses as may be determined compatible with this district.

3. Temporary uses. Temporary uses permitted in the Open District, and subject to time limits set forth by city staff at the time of permitting, shall include:

- a. Construction office and/or yard incidental to on-premises construction.
- b. Carnival, circus, bazaar, fair and/or other events taking place on two (2) or more consecutive days.
- c. Concert, rally, race or other events scheduled for a single date.
- d. Parking for another temporary use.

e. Concrete or asphalt batching plant (publicly owned).

4. Property development standards. Please see the O District standards below:

All yard setbacks:	
Principal building	60 feet from property line
Accessory building	60 feet from property line
Building height	50 feet

C. A – Agricultural District.

1. Intent. The A – Agricultural District provides for the annexation of those properties that are presently used for agriculture or other nonurban uses and for which there are no specific and immediate plans for development. These areas are designated on the Comprehensive Plan as potentially suitable for urban development but not in the immediate future because of lack of utilities, other services or other uses. This is an ultra low-density district intended for the pursuit of farm activities or for transitional status where development is not proposed in the near future. This zone is characterized by the growing of crops and related functions.

2. Principal uses. Principal uses permitted in the A District shall be as follows:

- a. Accessory buildings and accessory uses.
- b. Accessory dwellings when associated with a permitted use.
- c. Child care facilities for no more than six (6) children.
- d. Churches and other facilities for religious services and related functions.
- e. Common equestrian stabling and grazing.
- f. Confined or intensified agriculture.
- g. Cultivation, storage and sale of crops, vegetables, plants, flowers and nursery stock produced on the premises.
- h. Dairy or feed lots.
- i. Farming, including but not limited to hay and grain, gardening, horticulture, fruit growing, growing of vegetables, trees, shrubs, plants, turf and sod.
- j. Fisheries and related structures and uses.
- k. Forestry and related structures and uses.
- l. Home occupations.

m. Golf courses.

n. Livestock, limited to the following provisions: Any fenced land area containing large livestock must be at least twenty-five (25) feet from any lot line or boundary of a different zone district.

o. Open air farmers' markets.

p. Outdoor recreation facilities.

q. Parks and open space.

r. Plant nurseries and greenhouses.

s. Safe houses for battered or abused adults or children.

t. Sale of products that are raised, produced and processed on the premises.

u. Single-family detached dwellings.

v. Stables and riding academies.

w. Structures for storage of agricultural products produced on the premises.

x. Transportation facilities.

y. Veterinary facilities, small animal clinics.

z. Veterinary facilities, large animal clinics.

aa. Veterinary hospitals.

3. Conditional uses. Conditional uses allowed in the A District shall be as follows:

a. Bed and breakfasts/inns.

b. Cemeteries and crematoriums.

c. Child care centers (licensed) for six (6) or more children.

d. Concrete batch plants.

e. Fur farms.

f. Gas, oil and other hydrocarbon well drilling and production.

g. Hospitals or similar institutions.

h. Limited outdoor recreation facilities.

- i. Logging.
- j. Long-term care/assisted-living facilities.
- k. Mineral or natural resource exploration, extraction and associated facilities.
- l. Neighborhood/convenience retail with or without fuel sales.
- m. Offices with indoor/outdoor storage and/or repair.
- n. Public and private schools.
- o. Public facilities and buildings, including vehicle maintenance and storage.
- p. Resource extraction.
- q. Sanitary landfills.
- r. Sewage, water and waste treatment plants.
- s. Small animal boarding (kennels).
- t. Storage of chemicals and hazardous materials.
- u. Synthetic fuels plants.
- v. Telecommunications stations and/or towers.
- w. Public utilities.
- x. Wineries.

4. Temporary uses. Temporary uses permitted in the A District, and subject to time limits set forth by city staff at the time of permitting, shall include:

- a. Construction office and/or yard incidental to on-premises construction.
- b. Carnival, circus, bazaar, fair and/or other events taking place on two (2) or more consecutive days.
- c. Concert, rally, race or other events scheduled for a single date.
- d. Parking for another temporary use.
- e. Concrete or asphalt batching plant (publicly owned).

5. Property development standards: Please see the A District standards below:

Minimum lot area per dwelling:	35 acres*
Minimum lot width:	N/A
Minimum front yard setback:	
Principal building	30 feet
Accessory building	30 feet
Minimum rear yard setback:	
Principal building	10 feet
Accessory building	10 feet
Minimum side yard setback:	10 feet
Minimum distance between bldgs.:	20 feet
Minimum floor area per dwelling:	600 square feet
Maximum building height:	50 feet, except for flag poles, chimneys, smokestacks and radio and television masts
Permitted setback projections**:	6 inches for each foot of setback, but no more than ½ of total required setback

* Lot size restriction shall not apply to divisions of land by succession, will, partition, proceedings, sale on execution or other division by operation of law.

** May include uncovered/unenclosed porches; uncovered/ unenclosed patios and decks less than 30" in height; open unenclosed stairways or balconies; and other similar architectural features.

D. RR – Rural Residential District

1. Intent. The RR – Rural Residential district is a very low-density residential district developed to provide for large-lot, single-family development in areas more characteristically rural and located on the outskirts of the city planning area. A limited range of agricultural activities may be conducted within this District, and each lot shall have direct access to a publicly maintained roadway.

2. Principal uses. Principal uses permitted in the RR District shall be as follows:

a. Accessory buildings and accessory uses, including garages for the storage of automobiles and/or commercial vehicles.

b. Accessory dwellings when associated with a permitted use.

c. Bed and breakfasts/inns.

- d. Child care facilities for no more than six (6) children.
 - e. Common equestrian stabling and grazing.
 - f. Cultivation, storage and sale of crops, vegetables, plants, flowers and nursery stock produced on the premises.
 - g. Home occupations.
 - h. Limited livestock (see Subparagraph i. below) and poultry not intended for sale or commercial purposes.
 - i. Livestock, limited to the following provisions: Any fenced area containing any livestock must be at least twenty-five (25) feet from any dwelling, lot line or boundary of a different zone district.
 - j. Parks, playgrounds and open space.
 - k. Safe houses for battered or abused adults or children.
 - l. Single-family detached dwellings.
3. Conditional uses. Conditional uses permitted in the RR District shall be as follows:
- a. Cemeteries.
 - b. Child care facilities (licensed) for six (6) or more children.
 - c. Churches and other facilities for religious services and related functions.
 - d. Community facilities and public buildings.
 - e. Gas, oil and other hydrocarbon well drilling and production.
 - f. Golf courses and country clubs.
 - g. Group homes.
 - h. Hospitals or similar institutions.
 - i. Limited outdoor recreation facilities.
 - j. Long-term care/assisted-living facility.
 - k. Mineral or natural resource extraction and associated facilities.
 - l. Mobile homes and/or mobile home parks.
 - m. Offices with indoor/outdoor storage and/or repair.

- n. Private clubs, fraternities or lodges (except where the chief activity is a service customarily performed as a business).
 - o. Public and private schools, grades K—12.
 - p. Public facilities and public utilities.
4. Temporary uses. Temporary uses permitted in the RR District, and subject to time limits set forth by city staff at the time of permitting, shall include:
- a. Construction office and/or yard incidental to on-premises construction.
 - b. Parking for another temporary use.
5. Property development standards: Please see the RR District standards below:

Minimum lot area per dwelling:	1 acre
Minimum lot width:	60 feet (1-acre lot)
Minimum front yard setback:	
Principal building	30 feet
Accessory building	30 feet
Minimum rear yard setback:	
Principal building	10 feet
Accessory building	10 feet
Minimum side yard setback:	10 feet
Minimum distance between bldgs.:	20 feet
Corner lots:	Must have 2 front yard setbacks
Minimum floor area per dwelling:	600 sq. ft.
Maximum building height:	50 feet except for flag poles, chimneys, smokestacks and radio and television masts.
Permitted setback projections*:	6 inches for each foot of setback but no more than ½ of total required setback.

* May include uncovered/unenclosed porches; uncovered /unenclosed patios and decks less than 30" in height; open unenclosed stairways or balconies; and other similar architectural features.

E. RLD – Residential Low Density District.

1. Intent. The RLD – Residential Low Density district is intended to define and preserve the urban character of the city's neighborhoods. This is a housing district intended primarily for single-family uses on individual lots of not less than six thousand (6,000) square feet. This zone is characterized by tree-lined local streets that continue, and build from, the existing street system.

2. Principal uses. Principal uses permitted in the RLD District shall be as follows:

a. Accessory buildings and accessory uses, including a garage for the storage of automobiles and/or one (1) commercial vehicle limited to two (2) axles.

b. Child care facilities for not more than six (6) children.

c. Home occupations.

d. Parks, playgrounds and open space.

e. Single-family detached dwellings.

3. Conditional uses. Conditional uses permitted in the RLD District shall be as follows:

a. Cemeteries.

b. Child care facilities (licensed) for more than six (6) children.

c. Churches and other facilities for religious services and related functions.

d. Colleges and vocational and technical training schools.

e. Community facilities (including libraries and museums).

f. Funeral homes.

g. Golf courses and country clubs.

h. Group homes for up to eight (8) developmentally disabled persons, handicapped individuals, children or senior citizens.

i. Long-term care/assisted-living facilities.

j. Limited outdoor recreation facilities.

k. Mineral and natural resource exploration, extraction and related facilities.

l. Public and private schools, grades K—12.

m. Public facilities and buildings.

n. Safe houses for battered or abused adults or children.

- o. Public utilities.
4. Temporary uses. Temporary uses permitted in the RLD District, and subject to time limits set forth by city staff at the time of permitting, shall include:
- a. Construction office and/or yard incidental to on-premises construction.
 - b. Parking for another temporary use.
5. Property development standards: Please see the RLD District standards below:

Minimum lot area per dwelling:	6,000 sq. ft.
Minimum lot width:	50 feet
Minimum front yard setback:	
Principal building	25 feet
Accessory building	25 feet
Minimum rear yard setback:	
Principal building	15 feet
Accessory building	If over 70' from front property line, 5'
Minimum side yard setback:	5 feet
Minimum distance between buildings:	10 feet
Corner lots:	1 front yard setback of 25 feet – facing front door Minimum side yard setback, 12 feet
Minimum floor area per dwelling:	600 sq. ft.
Maximum building height:	50 feet except for flag poles, chimneys, smokestacks and radio and television masts.
Permitted setback projections*:	6 inches for each foot of setback but no more than ½ of total required setback.

* May include uncovered/unenclosed porches; uncovered/ unenclosed patios and decks less than 30" in height; open unenclosed stairways or balconies; and other similar architectural features.

F. RMD – Residential Medium Density District.

1. Intent. The RMD – Residential Medium Density District is intended to allow for the development of single-family attached residential dwellings for rental or sale on individual lots of not less than six thousand (6,000) square feet. The addition of single-family attached dwellings as a permitted use is the only change between RLD and RMD Districts in the city.
2. Principal uses. Principal uses permitted in the RMD District shall be as follows:
 - a. All permitted principal uses in the RLD District.
 - b. Single-family residences, attached.
3. Conditional uses. Conditional uses permitted in the RMD district shall be as follows:
 - a. All permitted conditional uses in the RLD District.
4. Temporary uses. Temporary uses permitted in the RMD District, and subject to time limits set forth by city staff at the time of permitting, shall include:
 - a. Construction office and/or yard incidental to on-premises construction.
 - b. Parking for another temporary use.
5. Property development standards: Please see the RMD District standards below:

Minimum lot area per dwelling:	6,000 sq. ft. for single-family detached 3,000 sq. ft. for single-family attached
Minimum lot width:	50 feet for single-family detached 25 feet for single-family attached
Minimum front yard setback: Principal building Accessory building	 25 feet 25 feet
Minimum rear yard setback: Principal building Accessory building	 15 feet If over 70' from front property line, 5'
Minimum side yard setback:	5 feet Where common wall used – no setback Multiple buildings – 10' between buildings
Minimum distance between buildings:	10 feet
Corner lots:.	1 front yard setback of 25 feet – facing front door Minimum side yard setback, 12 feet
Minimum floor area per dwelling:	600 sq. ft. for single-family detached 220 sq. ft. for multi-family units
Maximum building height:	50 feet except for flag poles, chimneys, smokestacks and radio and television masts.
Permitted setback projections*:	6 inches for each foot of setback but no more than ½ of total required setback.

* May include uncovered/unenclosed porches; uncovered/ unenclosed patios and decks less than 30" in height; open unenclosed stairways or balconies; and other similar architectural features.

G. RHD – Residential High Density District.

1. Intent. The RHD – Residential High Density District is intended to allow development of single- and multiple-family residences on individual lots of not less than six thousand (6,000) square feet in area. Street and open space designs in these areas shall be used to encourage pedestrian interaction and discourage excessive traffic speeds. Multi-family residential development shall be designed around, or adjacent to, open space.

2. Principal uses. Principal uses permitted in the RHD District shall be as follows:

- a. All permitted principal uses in the RMD District.
- b. Boarding and rooming houses.
- c. Bed and breakfasts.
- d. Child care facilities (licensed) for more than six (6) children.
- e. Cluster and zero-lot-line single-family dwellings.

f. Multiple-family dwellings with no more than twenty-four (24) units per building, subject to the density and dimensional standards for this zone and provided that the lot upon which any such dwelling is located is of sufficient size to allow for the dedication of at least fifteen percent (15%) of the gross land area as functional open space.

g. Senior housing, subject to the density and dimensional standards for this zone and provided that the lot upon which any such dwelling is located is of sufficient size to allow for the dedication of at least fifteen percent (15%) of the gross land area as functional open space.

3. Conditional uses. Conditional uses permitted in the RHD District shall be as follows:

- a. All permitted conditional uses in the RMD District.
- b. Hotels or motels.
- c. Private clubs, fraternities or lodges (except those whose chief activity is a service customarily performed as a business).

4. Temporary uses. Temporary uses permitted in the RHD District, and subject to time limits set forth by city staff at the time of permitting, shall include:

- a. Construction office and/or yard incidental to on premises construction.
- b. Parking for another temporary use.

5. Property development standards: Please see the RHD District standards below:

Minimum lot area per dwelling*:	6,000 sq. ft. for single-family detached 1,500 sq. ft. for single-family attached
Minimum lot width:	50 feet for single-family detached 25 feet for single-family attached
Minimum front yard setback: Principal building Accessory building	25 feet 25 feet
Minimum rear yard setback: Principal building Accessory building	15 feet If over 70 feet from front property line, 5 feet
Minimum side yard setback:	5 feet, except when common walls used
Minimum distance between buildings:	10 feet
Corner lots:	1 front yard setback of 25 feet – facing front door Minimum side yard setback, 12 feet
Minimum floor area per dwelling:	600 square feet for single-family detached 220 square feet for multi-family units
Maximum building height:	50 feet ,except for flag poles, chimneys, smokestacks and radio and television masts.
Permitted setback projections**:	6 inches for each foot of setback but no more than ½ of total required setback.

* A nonconforming lot or parcel of record under separate ownership at the time it became nonconforming may be used for or occupied by any use permitted in the district.

** May include uncovered/unenclosed porches; uncovered/ unenclosed patios and decks less than 30" in height; open unenclosed stairways or balconies; and other similar architectural features.

H. RMH – Residential Mobile Home District.

1. Intent. The RMH – Residential Mobile Home District allows for the development of both mobile home parks (rented or leased spaces) or mobile home subdivisions (individually owned lots).

2. General requirements. Uses in this District must comply with the standards and provisions set forth in Chapter 12 of this code.

I. MU – Mixed Use District.

1. Intent. The MU – Mixed Use District is made up of two (2) subdistricts (MU-1 and MU-2) and is intended to preserve current areas of the city that include residential, business and light industrial land uses. These districts are distinguished by the ability to locate mobile homes within the MU-1 District only. No new mobile homes are allowed to be placed within the MU-2 District.

a. The MU-1 District, which allows mobile homes, is found generally along Yampa Avenue north of 13th Street, and south of Victory Way between Russell and Legion Streets.

b. The MU-2 District, which does not allow mobile homes, is generally found along Yampa Avenue between Victory Way and 13th Street.

c. The designation of Mixed Use will allow both residences and businesses in this District to renovate and expand in an appropriate manner as the list of permitted uses in this District is extensive. The MU District has the potential to develop these areas into some of the most vibrant neighborhoods in the city where pleasant housing, appropriately sized shops and service businesses can all exist side by side.

d. New development in this District must be of a high standard so that (for example) expanded business activity does not negatively affect nearby residential properties. Likewise, as both residential and business uses are allowed in this District, residential property owners must renovate and expand with the knowledge that the business activity next door is a permitted use. These mixed-use neighborhoods may include a variety of housing types, neighborhood commercial centers, light industrial uses, business uses, civic uses and recreational uses.

2. Principal uses. Principal uses permitted in the MU District include the following:

a. Institutional, civic or public uses:

- 1) Churches and other facilities for religious services and related functions.
- 2) Parks and open space.
- 3) Public facilities, excluding repair and storage facilities.
- 4) Colleges and vocational and technical training schools.

b. Commercial, industrial or retail uses:

- 1) Artisan and photography studios and galleries.

- 2) Bed and breakfasts.
- 3) Boarding and rooming houses.
- 4) Clubs and lodges.
- 5) Convenience shopping without fuel sales.
- 6) Entertainment facilities (excluding adult entertainment).
- 7) Funeral homes.
- 8) Health and membership clubs.
- 9) Licensed taverns or bars.
- 10) Light industry, including production, assembly and packaging.
- 11) Limited indoor recreation facilities.
- 12) Long-term care/assisted-living facilities.
- 13) Medical and dental offices and clinics.
- 14) Offices and dwellings located above ground floor retail.
- 15) Open air farmers' markets.
- 16) Personal and business service shops.
- 17) Plant nurseries and greenhouses.
- 18) Professional and full-service financial services offices (including banks).
- 19) Public and private schools, including colleges, vocational training and technical training.
- 20) Retail establishments under five thousand (5,000) square feet in gross size.
- 21) Restaurants, standard and fast food without drive-through facilities.
- 22) Small (under five thousand [5,000] square feet) grocery stores, bakeries or other retailers selling/serving food or beverage products produced on the premises.
- 23) Tourist facilities.
- 24) Workshops and custom small industry uses.

c. Residential uses:

- 1) Cluster, zero-lot-line and attached single-family dwellings.
 - 2) Mixed-use dwelling units.
 - 3) Mobile homes (only in MU-1 District).
 - 4) Multiple-family dwellings of no more than twelve (12) units per building.
 - 5) Single-family detached dwellings.
 - 6) Senior housing.
3. Conditional uses. Conditional uses permitted in the MU District include the following:
- a. Convenience retail establishments over five thousand (5,000) square feet of gross floor area.
 - b. Convenience retail with fuel sales.
 - c. Indoor recreation establishments.
 - d. Lodging establishments (motels and hotels).
 - e. Outdoor recreation facilities.
 - f. Parking lots and garages.
 - g. Restaurants, standard and fast food with drive-through facilities.
4. Temporary uses. Temporary uses permitted in the MU District, and subject to time limits set forth by city staff at the time of permitting, shall include:
- a. Construction office and/or yard incidental to on-premises construction.
 - b. Carnival, circus, bazaar, fair and/or other events taking place on two (2) or more consecutive days.
 - c. Concert, rally, race or other events scheduled for a single date.
 - d. Parking for another temporary use.
5. Property development standards: Please see the RMH District standards below:

Minimum lot area:	4,000 sq. ft.
Minimum lot width:	40 feet
Minimum front yard setback: Principal building – residential Principal building – commercial Principal building – industrial Accessory building	15 feet N/A 20 feet Match principal setbacks
Minimum rear yard setback: Principal building Accessory building	10 feet 10 feet
Minimum side yard setback:	5 feet N/A – where structure meets building code regulations for construction on property line
Minimum distance between buildings:	Subject to building codes
Corner lots:	Must have 2 front yard setbacks
Maximum building height:	50 feet, except for flag poles, chimneys, smokestacks and radio and television masts.
Permitted setback projections*:	6 inches for each foot of setback but no more than ½ of total required setback.

* May include uncovered/unenclosed porches; uncovered/ unenclosed patios and decks less than 30" in height; open unenclosed stairways or balconies; and other similar architectural features.

J. CD – Commercial Downtown District.

1. Intent. The CD – Commercial Downtown District is the traditional downtown business district that is intended to:

- a. Encourage the redevelopment and expansion of the existing downtown business area;
- b. Provide a concentration and mix of civic, office, retail, restaurant, housing and cultural land uses;
- c. Maintain and enhance the historic character of the original downtown;

- d. Facilitate easy pedestrian movement;
- e. Develop and promote small-scale businesses; and
- f. Promote shared or cooperative parking.

The architectural design principles of this code permit the construction of attached apartment, civic and storefront buildings in this District. Individual buildings are also encouraged to be mixed vertically with street level commercial and upper level offices and/or residential dwellings.

2. Principal uses. Principal uses permitted in the CD District shall be less than fifteen thousand (15,000) square feet and as follows:

- a. All principal uses permitted in the RHD District, except for:
 - 1) Single-family residential dwellings; and
 - 2) Accessory dwellings.
- b. Artisan and photography studios and galleries.
- c. Bed and breakfasts.
- d. Child care centers (licensed) for six (6) or more children.
- e. Clubs and lodges.
- f. Community facilities (including museums and libraries).
- g. Convenience shopping and retail establishments.
- h. Entertainment facilities and theaters (excludes adult entertainment).
- i. Health and membership clubs.
- j. Limited indoor recreation establishments.
- k. Lodging establishments.
- l. Medical and dental offices and clinics.
- m. Mixed-use dwelling units.
- n. Offices and dwellings located above ground floor retail.
- o. Open air farmers' markets.
- p. Parks, playgrounds and open space.

- q. Personal and business service shops (includes barbers, dry cleaning, laundry, etc.).
 - r. Professional and full-service financial services offices (includes banks).
 - s. Public and private schools.
 - t. Public facilities.
 - u. Restaurants, standard, fast food and catering without drive-through facilities.
 - v. Grocery stores, bakeries and other retailers selling or serving food or beverage products manufactured on site.
 - w. Taverns or bars.
 - x. Tourist facilities.
 - y. Transit facilities without repair shops or yards.
3. Conditional uses. Conditional uses permitted in the CD District shall be as follows:
- a. Funeral homes.
 - b. Car washes.
 - c. Hospitals and clinics.
 - d. Long-term care facilities.
 - e. Limited outdoor recreation facilities.
 - f. Motor vehicle service and repair (minor).
 - g. Offices with or without outdoor storage and/or repair.
 - h. Parking lots and parking garages as a principal use.
 - i. Public utilities.
 - j. Workshops and custom small industry uses.
 - k. Any use allowed as a principal use of fifteen thousand (15,000) or more square feet
4. Temporary uses. Temporary uses permitted in the CD District, and subject to time limits set forth by city staff at the time of permitting, shall include:
- a. Construction office and/or yard incidental to on-premises construction.

- b. Carnival, circus, bazaar, fair and/or other events taking place on two (2) or more consecutive days.
 - c. Concert, rally, race or other events scheduled for a single date.
 - d. Parking for another temporary use.
5. Property development standards: Please see the CD District standards below:

Minimum front setback	N/A
Minimum rear setback	15 feet from property line or 5 feet from alley
Minimum side setback	N/A
Maximum building height	50 feet

K. C-2 – Community Commercial District.

1. Intent. The C-2 – Community Commercial District is intended to provide for the location of uses which provide a wide range of general retail goods and services for residents of the community and the entire region, as well as for businesses and highway users, primarily inside of enclosed structures. This District also provides for the development of retail and service businesses where outdoor storage is permitted and where the manufacture, compounding, processing or treatment of products is permitted when clearly incidental to the retail or service business and when such products are sold at retail on the premises.

2. Principal uses. Principal uses permitted in the C-2 District may be over fifteen thousand (15,000) square feet in size and are as follows:

- a. All permitted principal uses in the CD District.
- b. Auto, recreational vehicle, boat and truck sales, rental and repair.
- c. Car washes.
- d. Churches and other facilities for religious services.
- e. Colleges and vocational or technical training schools.
- f. Farm implement sales and service.
- g. Funeral homes.
- h. Gasoline stations.
- i. Hospitals and clinics.

- j. Large retail establishments and shopping centers.
- k. Long-term care/assisted-living facilities.
- l. Pawn shops.
- m. Public and private schools, K—12.
- n. Recreational vehicle, boat and truck sales and rental.
- o. Retail, office and supply yard establishments with outdoor storage.
- p. Restaurants (including fast food) with drive-through.
- q. Supermarkets.
- r. Medical marijuana dispensaries.

1) Definition. *Medical marijuana dispensary* shall mean and include the use of any property or structure to distribute, transmit, give, dispense or otherwise provide marijuana in any manner, in accordance with Section 14, of Article XVIII of the Colorado Constitution.

2) Application. Prior to the establishment of any medical marijuana dispensary, each of the following requirements shall be met:

a) An application fee of one thousand five hundred dollars (\$1,500.00) to cover administrative costs and expenses incurred in the application process.

b) Written approval from the police department, as to each of the following:

(1) A business plan for the dispensary to ensure compliance with law. The business plan must contain the following items:

(a) A description of the security provisions and systems;

(b) Hours of operation;

(c) Number of employees;

(d) Lighting plan;

(e) A description of any cultivation within the dispensary, including:

i. where plants are grown;

ii. the number of plants that will be grown;

iii. the number of plants within a given stage of growth at any given time;

iv. a description of the ventilation system for the premises; and

v. a description of the lighting system.

(2) Criminal background check. Subject to the provisions of Section 24-5-101, C.R.S., no written approval will be issued to an applicant whose criminal history reflects a prior conviction for a felony offense. It shall be required that any applicant, owner, and/or operator submit a complete set of fingerprints before a permit can be granted.

c) Written approval from the planning department that the location requirements set forth in Subsection 3) below have been met.

d) A statement to be initialed by the applicant that the applicant and the employees of the medical marijuana dispensary may be subject to prosecution under federal marijuana laws.

e) A statement to be initialed by the applicant that the city accepts no legal liability in connection with the approval and subsequent operation of the medical marijuana dispensary.

3) Location requirements: No medical marijuana dispensary shall be established except in accordance with the following location requirements:

a) A medical marijuana dispensary shall be located in the C-2 zone district (Community Commercial) per CMC 16.03.040.

b) No medical marijuana dispensary shall be located within five hundred (500) feet of any licensed child care facility, church or city park at the time of establishment of the dispensary.

c) No medical marijuana dispensary shall be located within five hundred (500) feet of any educational institution or school, either public or private, at the time of establishment of the dispensary.

d) No medical marijuana dispensary shall be located within five hundred (500) feet of any halfway house or correctional facility at the time of establishment of the dispensary.

e) No medical marijuana dispensary shall be located within one hundred (100) feet of a residential dwelling at the time of the establishment of the dispensary.

f) No medical marijuana dispensary shall be in a building containing residential units at the time of establishment of the dispensary.

g) No medical marijuana dispensary shall be located in a movable or mobile structure.

h) No medical marijuana dispensary shall be located within five hundred (500) feet of another medical marijuana dispensary.

i) No medical marijuana dispensary shall be located in a building containing a pediatrician at the time of the establishment of the dispensary.

4) Additional limitations. Medical marijuana dispensaries shall be subject to the following additional requirements.

a) All medical marijuana dispensing and production/cultivation activities shall be conducted indoors.

b) All product storage shall be indoors. Products, accessories and associated paraphernalia shall not be visible from a public sidewalk or right-of-way. All products shall be in a sealed/locked cabinet except when being accessed for distribution.

c) The business may only be open for the sale of medical marijuana during the hours of 9:00 a.m. to 7:00 p.m.

d) No on-site consumption of marijuana is allowed on the premises or within one hundred (100) feet of the established medical marijuana dispensary.

e) Cultivation of marijuana is only permitted when the premises are equipped with a ventilation system that filters out the odors of the marijuana so it is not detectable from the exterior of the business or from within any adjoining premises. Approval of such system from the building department is required prior to the cultivation process beginning.

f) The sale or consumption of alcohol on the premises is prohibited, except for the sale of tinctures, which is permitted.

g) All dispensaries shall be equipped with a secure safe that is utilized for the purposes of storing marijuana not then being actively cultivated when the business is open.

h) All dispensaries shall provide adequate security on the premises. At a minimum the security shall include:

(1) Security surveillance cameras installed to monitor the main entrance along the interior and exterior of the premises to discourage crime and to facilitate the reporting of criminal acts, as well as nuisance activities; security video shall be preserved for at least twenty (20) days by the business;

(2) Robbery and burglary alarm systems that are professionally monitored and maintained in good working condition; and,

(3) Exterior lighting that illuminates the exterior walls of the business during evening hours and is in compliance with Paragraph 16.02.0150(B)(6) of this code pertaining to excessive illumination.

i) It shall be unlawful for any medical marijuana dispensary to employ any persons who are not at least eighteen (18) years of age. Medical marijuana may only be obtained

by individuals who are at least eighteen (18) years of age or older, with a legally recognized medical marijuana identification card.

5) Signage requirements.

a) All signage associated with a medical marijuana dispensary will meet the standards established in title 16, article 7 (Signs) of this code.

b) No signage associated with a medical marijuana dispensary shall use the word "marijuana," "cannabis" or any other word or phrase commonly understood to refer to marijuana unless such word or phrase is immediately preceded by the word "medical."

3. Conditional uses. Conditional uses permitted in the C-2 District are as follows:

- a. All conditional uses permitted in the CD District.
- b. Enclosed mini-storage facilities.
- c. Flea markets or swap meets.
- d. Gas, oil and other hydrocarbon well drilling and production.
- e. Light industry.
- f. Outdoor recreation facilities.
- g. Small animal boarding (kennels).
- h. Veterinary clinics (small animals).

4. Temporary uses. Temporary uses permitted in the C-2 District, and subject to time limits set forth by city staff at the time of permitting, shall include:

- a. Construction office and/or yard incidental to on-premises construction.
- b. Carnival, circus, bazaar, fair and/or other events taking place on two (2) or more consecutive days.
- c. Concert, rally, race or other events scheduled for a single date.
- d. Parking for another temporary use.

5. Property development standards: Please see the C-2 District standards below:

Minimum front setback:	25 feet
Minimum rear setback:	15 feet from property line or 5 feet from alley
Minimum side setback:	10 feet
Maximum floor area ratio:	1:1 (total building square footage may equal the gross lot size)
Maximum building height:	50 feet

L. I-1 – Light Industrial District.

1. Intent. The I-1 – Light Industrial District is intended to provide locations for a variety of workplaces, including light industrial uses, research and development offices and other institutions. This District is also intended to accommodate secondary uses that complement and support the primary workplace uses, such as hotels, restaurants, convenience shopping and child care. Additionally, this District is intended to encourage the development of planned office and business parks; and to promote excellence in the design and construction of buildings, outdoor spaces, transportation facilities and streetscapes.

2. Principal uses. Principal uses permitted in the I-1 District shall be as follows:

- a. All permitted uses in the C-2 District.
- b. Auto, recreational vehicle, boat and truck sales, rental and repair.
- c. Accessory buildings and accessory uses.
- d. Child care centers (licensed) for six (6) or more children.
- e. Clubs and lodges.
- f. Colleges and vocational or technical training schools.
- g. Convenience shopping and retail establishments.
- h. Dry-cleaning plants using nonflammable cleaning compounds in enclosed machines.
- i. Entertainment facilities.
- j. Equipment rental establishments with outdoor storage.
- k. Farm implement and equipment sales.
- l. Gasoline stations.
- m. Health and membership clubs.

- n. Light industry.
 - o. Manufacturing, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products or ice cream.
 - p. Manufacturing, compounding, assembling or treatment of articles of merchandise from previously prepared materials, including: cellophane, canvas, cloth, cork, felt, fiber, fiberglass, glass, paper, plastics, precious or semiprecious stones, textiles, wood (excluding planing mills), yarns and paint not employing a boiling process.
 - q. Medical and dental offices and clinics.
 - r. Motor vehicle washes.
 - s. Open air farmers' markets.
 - t. Parking lots and parking garages.
 - u. Parks and open space.
 - v. Plant nurseries and greenhouses.
 - w. Plumbing, electrical, welding, upholstery and carpenter shops.
 - x. Professional and full-service financial services offices (includes banks).
 - y. Public buildings and facilities, including repair and maintenance of vehicles.
 - z. RV, truck and boat sales, rentals and storage.
 - aa. Shooting galleries if conducted wholly within an enclosed structure.
 - bb. Taverns or bars.
 - cc. Veterinary facilities, small and large animal clinics and boarding.
 - dd. Vocational, skills and technical training.
 - ee. Warehouse, distribution and wholesale uses.
 - ff. Workshops and custom small industry uses.
3. Limitations. Any use in the I-1 District shall conform to the following requirements:
- a. Dust, fumes, odors, smoke, vapor and noise shall be confined to the site.
 - b. All emissions shall comply with federal and state air pollution laws.

c. Outdoor storage, equipment and refuse areas shall be concealed from view from abutting rights-of-way and from adjoining residential districts.

d. Travel and parking portions of the lot shall be surfaced with asphalt or concrete.

e. In addition to other lighting requirements of this code, light fixtures in parking areas shall be hooded and mounted not more than twenty-five (25) feet above the ground level and oriented in such a manner as not to shine into residential areas.

f. Any limitations imposed by the city on pretreatment of wastewater discharge.

4. Conditional uses. Conditional uses permitted in the I-1 District shall be as follows:

a. Crematoriums.

b. Enclosed mini-storage facilities with allowed outside storage.

c. Limited indoor and outdoor recreation facilities.

d. Mineral and natural resource exploration, extraction and related facilities.

e. Storage of chemicals and other hazardous materials.

5. Temporary uses. Temporary uses permitted in the I-1 District, and subject to time limits set forth by city staff at the time of permitting shall include:

a. Construction office and/or yard incidental to on-premises construction.

b. Parking for another temporary use.

c. Concrete or asphalt batching plants (publicly owned).

6. Property development standards: Please see the I-1 District standards below:

Minimum front setback	25'
Minimum rear setback	15' from property line or 5' from alley
Minimum side setback	10'
Maximum floor area ratio	1:1 (total building square footage may equal the gross lot size)
Maximum building height	50'

M. I-2 – Heavy Industrial District.

1. Intent. The I-2 – Heavy Industrial District is intended to provide a location for a variety of employment opportunities, such as manufacturing, warehousing and distribution, indoor and outdoor storage and a wide range of commercial and industrial operations.

2. Principal uses. Principal uses permitted in the I-2 District shall be as follows:

- a. All permitted principal uses in the I-1 District.
- b. Asphalt or concrete batch plants.
- c. Blacksmith shops, welding shops or machine shops involving punch presses over twenty (20) tons rated capacity, drop hammers and automatic screw machines.
- d. Enclosed mini-storage facilities.
- e. Foundries, iron or steel with fabrication plants and heavy casting.
- f. Heavy industry.
- g. Mineral and natural resource exploration, extraction and related facilities.
- h. Motor vehicle service and repair establishments (minor and major).
- i. Restaurants, standard and fast food without drive-through facilities.
- j. Truck stops.
- k. Utilities.

3. Limitations. Any use in the I-2 District shall conform to the following requirements:

- a. Dust, fumes, odors, smoke, vapor, noise and other emissions shall be confined to the site.
- b. All emissions shall comply with the federal and state air pollution laws.
- c. In addition to other applicable lighting requirements of this code, light fixtures in parking areas shall be hooded and mounted not more than twenty-five (25) feet above the ground level and oriented in such a manner as not to shine into residential areas.
- d. Outdoor storage, equipment and refuse areas shall be concealed from view from abutting rights-of-way and from adjoining residential districts.
- e. Travel and parking portions of the lot shall be surfaced with asphalt or concrete.
- f. Any limitations imposed by the city on the pretreatment of wastewater discharge.

4. Conditional uses. Conditional uses permitted in the I-2 District shall be as follows:

- a. Accessory dwellings when associated with a permitted use.
- b. Adult uses, including product sales and entertainment.
- c. Bottling plants.
- d. Distilleries.
- e. Twenty-four-hour emergency clinics and medical offices.
- f. Equipment, truck and trailer rental establishments with outdoor storage.
- g. Manufacturing, fabrication and processing of building materials.
- h. Processing of raw materials.
- i. Recycling facilities.
- j. Storage of chemicals and other hazardous materials.

5. Temporary uses. Temporary uses permitted in the I-2 District, and subject to time limits set forth by city staff at the time of permitting, shall include:

- a. Construction office and/or yard incidental to on-premises construction.
- b. Parking for another temporary use.
- c. Such other uses as might be deemed necessary by city staff.

6. Property development standards. Please see the I-2 District standards below:

Minimum front setback:	35 feet
Minimum rear setback:	20 feet from property line or 10 feet from alley
Minimum side setback:	10 feet
Maximum floor area ratio:	1:1 (total building square footage may equal the gross lot size)
Maximum building height:	50 feet

N. PD – Planned Development Overlay District

1. Intent. The PD – Planned Development is an overlay district that is used to supplement and modify certain provisions of a standard zone district. This PD District is established pursuant to the Planned Unit Development Act of 1972, as amended (Section 24-76-101, et seq., C.R.S.). The PD overlay may only be applied to already zoned land and should only be considered for projects

that propose innovative, high-quality developments on larger parcels of land. The PD overlay permits greater flexibility in the application of zoning and development standards and greater freedom in the mix of land uses allowed in a project. PD projects are expected to provide above-average open space, recreational amenities and building design.

2. Permitted uses. Uses permitted in any PD overlay shall be those uses permitted in the underlying standard zone district for the property. An applicant for a PD overlay may request modifications to the permitted uses of the underlying district. Conditional uses must meet the conditional use review criteria of the underlying district.

3. PD District general requirements. Properties using the PD Overlay District are subject to the following:

a. All PD applications shall be for a gross land area of over five (5) acres.

b. Land area included in any PD application must be under unified landowner control and feature a master development plan.

c. All PD development plans must feature a minimum of thirty-five (35%) of the gross land area as functional open space.

d. A PD application must include the written consent of the landowner whose property is included within the PD.

e. All requirements set forth in this code otherwise applicable to the area of land proposed for a PD shall govern, except to the extent that the master development plan for residential, commercial, educational, recreational or industrial uses may propose exceptions in lot size, bulk, type of use, density, lot coverage, open space or other standards within the existing land use regulations. The city reserves the right to state that certain development standards are not open to modification.

4. PD application procedure. A PD application will generally require both a subdivision and zoning review process by the city. For a project needing subdivision approval, the requirements of Chapter 4 of this title for sketch, preliminary and final platting shall be followed. For the PD zoning overlay application, the requirements for an amendment to the official zoning map as identified in Chapter 3 of this title shall be followed. Meetings, hearings and requirements necessary for a PD application may be combined.

a. A PD application and fee per the city fee schedule (as adopted).

b. A written description including:

1) List all zoning exceptions proposed for the PD overlay.

2) Identify the underlying zone district(s) and describe any proposed changes to permitted or conditional uses.

3) Identify the benefits provided by the PD overlay that offset the requested modifications.

4) Explain how the proposed PD will be compatible with adjacent neighborhoods or proposed developments.

c. A PD development plan map using the plat map as the base and including a clear graphic and/or written representation of the following:

1) All principal, conditional and accessory uses within each land use category within the PD; i.e., single-family, multi-family, commercial, etc., uses either listed specifically or by reference to the zoning districts within the city. In particular, note any modifications to the principal, conditional and accessory uses of the underlying zone district(s).

2) Standards for principal, conditional and accessory uses within each land use category including:

- a) Minimum lot area.
- b) Maximum lot coverage.
- c) Maximum floor area ratio (total floor area to total lot area)
- d) Maximum building height.
- e) Parking requirements for principal, conditional and accessory uses.
- f) Any other information which the city may request.

3) Proposed phasing for the development.

5. PD review criteria. The following criteria shall be used by staff, the planning commission and city council to review PD applications:

a. The proposed benefits offset the proposed exceptions to the zoning and subdivision standards, such that the exceptions are in the best interest of the public health, safety and welfare.

b. The PD proposes creative and innovative design and high-quality development.

c. The uses and densities proposed are compatible with and will be integrated with adjacent neighborhoods which exist or are proposed at the time of application.

d. The proposed PD is in general conformance with the city Master Plan.

6. Expiration of PD approval. Unless specifically extended by the city, a PD approval shall expire unless construction of private improvements within the PD is commenced within three (3) years of approval. (Ord. 1004 §1, 2010; Ord. 998 §1, 2009; Ord. 983 §1, 2008; Ord. 974 §1, 2007; Ord. 969 §2, 2007; Ord. 962 §§1, 2, 2007)

16.03.050 Conditional uses.

A. Purpose. In order to provide flexibility and help diversify uses within a zoning district, specified uses are permitted subject to the granting of a conditional use permit. Because of their unusual or special characteristics, conditional uses require review and evaluation so that they may be located properly with respect to their effects on surrounding properties. The review process prescribed in this section is intended to assure compatibility and harmonious development between conditional uses, surrounding properties and the city at large. Conditional uses may be permitted subject to such conditions and limitations as the city may prescribe to ensure that the location and operation of the conditional use will be in accordance with the conditional use criteria and the intent of this code and each zoning district. The scope and elements of any conditional use may be limited or qualified by the conditions applicable to the specific property. Where conditions cannot be devised to achieve these objectives, applications for conditional use permits shall be denied.

B. Conditional use review process.

1. Step 1: Conditional use application. The applicant shall submit one (1) copy of the complete conditional use application package to the city and shall request that the application be reviewed by the planning commission and city council. Conditional use requests shall include:

a. An application fee per the city fee schedule (as adopted).

b. A conditional use application form.

c. A title commitment or proof of ownership.

d. A written statement and any graphics necessary to describe the precise nature of the proposed use and its operating characteristics and to illustrate how all conditional use review criteria have been satisfied.

e. A map showing the proposed development of the site, including topography, building locations, parking, traffic circulation, usable open space, landscaped area and utilities and drainage features.

f. Preliminary building plans and elevations sufficient to indicate the dimensions, general appearance and scale of all buildings.

g. Such additional material as the city may prescribe or the applicant may submit pertinent to the application.

h. A list of the names and addresses of property owners within one hundred fifty (150) feet and mineral interest owners and lessees.

2. Step 2: Conditional use application certification of completion and report to planning commission. Within a reasonable period of time, staff shall either certify that the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. The applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application to

the city. The original application and all documents requiring a signature shall be signed in blue ink. After a complete application is received, staff shall prepare a report to the planning commission explaining how the application is or is not consistent with the conditional use application review criteria.

3. Step 3: Planning commission review of the conditional use application. The planning commission shall hold a meeting to review the application and determine if the application complies with the conditional use review criteria. The planning commission will then recommend to the city council approval, approval with conditions or denial.

4. Step 4: Set conditional use public hearing date and notify public of hearing before the city council. The city shall send notice of the public hearing to the applicant and the parties for whom the applicant has provided contact information and to the referral agencies deemed appropriate by city staff. Such notice shall be sent within a reasonable length of time before the hearing. The referral information shall include the time and place of the public hearing, the nature of the hearing, the location of the subject property and the applicant's name. A public hearing notification sign shall be posted on the property by the applicant. Such posting shall be in a location and in a manner that makes it clearly visible from the adjoining street. The city shall publish notice in a newspaper of general circulation. The hearing may be held a reasonable length of time after the date of property posting and newspaper publication. If the conditional use request is accompanying another application which is scheduled for public hearing before the city council, one (1) public hearing may be held on both applications.

5. Step 5: City council public hearing and action on the conditional use. The city council shall hold a public hearing on the conditional use application. Following the public hearing, the city council may approve, conditionally approve or deny the conditional use application based on the conditional use review criteria and the intent of this code. A conditional use permit may be revocable, may be granted for a limited time period or may be granted subject to conditions as the city council may prescribe. Conditions may include, but shall not be limited to: requiring special setbacks, open spaces, fences or walls, landscaping or screening, street dedication and improvement, regulation of vehicular access and parking, signs, illumination, hours and methods of operation, control of potential nuisances, prescription of standards for maintenance of buildings and grounds and prescription of development schedules.

C. Conditional use review criteria. The city shall use the following criteria to evaluate the applicant's request:

1. The conditional use will satisfy all applicable provisions of this code unless a variance to a provision of this code is being requested.

2. The conditional use will conform with or further the goals, policies and strategies set forth in the Master Plan.

3. The conditional use will be adequately served with public utilities, services and facilities (i.e., water, sewer, electric, schools, street system, fire protection, public transit, storm drainage, refuse collection, parks system, etc.) and not impose an undue burden above and beyond those of the permitted uses of the district.

4. The conditional use will not substantially alter the basic character of the district in which it is in or jeopardize the development or redevelopment potential of the district.

5. The conditional use will result in efficient on- and off-site traffic circulation which will not have a significant adverse impact on the adjacent uses or result in hazardous conditions for pedestrians or vehicles in or adjacent to the site.

6. Potential negative impacts of the conditional use on the rest of the neighborhood or of the neighborhood on the conditional use have been mitigated through setbacks, architecture, screen walls, landscaping, site arrangement or other methods. The applicant shall, at a minimum, satisfactorily address the following impacts:

- a. Traffic;
- b. Activity levels;
- c. Light;
- d. Noise;
- e. Odor;
- f. Building type, style and scale;
- g. Hours of operation;
- h. Dust; and
- i. Erosion control.

7. The applicant has submitted evidence that all applicable local, state and federal permits have been or will be obtained. (Ord. 962 §§1, 2, 2007)

16.03.060 Nonconforming uses and buildings.

Except as provided in this section, the lawful use of any building or land existing at the time of enactment of this chapter, or of any amendments to this code, may be continued even though such use does not conform to the requirements of this code. The following provisions apply to all nonconforming uses or buildings:

1. Abandonment. Whenever a nonconforming use or building has been discontinued for a period of one hundred eighty (180) days, such use shall not thereafter be reestablished, and any future use shall be in conformance with the provisions of this chapter.

2. Completion. Any building or structure for which a building permit has been issued prior to the date of enactment of this chapter may be completed and used in accordance with the plans, specifications and permits on which said building permit was granted, if construction is commenced within sixty (60) days after the issuance of said permit and diligently pursued to completion.

3. Displacement. No nonconforming use or building shall be altered, extended or restored so as to displace any conforming use. A mobile home or trailer used as a dwelling in any district may not be altered in any way. When it is removed, it may be replaced only with a conforming use.

4. Extensions. A nonconforming use shall not be expanded in land area, amount of activity from or to the use or amount of materials for the use. The extension of a conforming building shall not be deemed, by itself, the extension of such nonconforming use located in the building; however, nonconforming businesses in RLD, RMD and RHD Districts shall not be extended under any circumstances.

5. Repairs and maintenance. Ordinary repairs and maintenance of a nonconforming building shall not be deemed an extension of such nonconforming building and shall be permitted.

6. Restoration. A nonconforming building which has been damaged by fire or other causes may be restored to its original condition, provided that: (a) such work is commenced within one hundred eighty (180) days of such calamity; and (b) less than fifty percent (50%) of the building is destroyed.

7. Unsafe buildings. Any nonconforming building or portion thereof declared unsafe by the building inspector may be replaced, strengthened or restored to a safe condition. (Ord. 962 §§1, 2, 2007)

16.03.070 Variances.

A. Purpose. The planning commission shall hear and decide all requests for a variance from the requirements of this code. The city council, acting as the board of adjustment (BOA), shall hear and decide all requests for appeals of the decisions of either the planning commission or administrative staff following procedures in this section. Such variance shall not be granted if it would be detrimental to the public good, create a conflict with the Master Plan or impair the intent and purpose of this code.

B. Variance application. Any person of interest, or an officer or department of the city, may apply for a variance from the literal interpretation of the provisions of this code.

1. For a variance request, the applicant shall submit the following to the city:

a. An application fee per the city fee schedule (as adopted).

b. A variance request form.

c. A title commitment or proof of ownership.

d. An explanation letter identifying the variance being requested, a citation of the portion of this title from which relief is requested and explaining what exceptional condition, practical difficulty or unnecessary hardship exists to require the variance. The letter shall also address how the variance, if granted, will not be detrimental to the public good, create a conflict with the Master Plan or impair the intent and purpose of this code.

e. A map. Staff will specify map requirements based on the variance being requested. The map shall typically consist of a scale drawing depicting the property affected by the variance request, including but not limited to required or existing setbacks and proposed setbacks from adjacent lot lines or structures and any other information that will assist the planning commission and board of adjustment in understanding the request.

f. A list of names and addresses of property owners within one hundred fifty (150) feet and mineral interest owners and lessees.

C. Set public hearings and complete public and referral agency notification. The city shall schedule public hearings before the planning and zoning commission and the BOA. A public hearing notification sign shall be posted on the property by the applicant. Such posting shall be in a location and in a manner that makes it clearly visible from the adjoining street. The city shall publish notice in a newspaper of general circulation. The hearings may be held a reasonable length of time after the date of posting of the property and newspaper publication.

D. Planning commission public hearing and action on the variance request. The planning commission shall make the decision on variances at a regular meeting of the planning commission.

1. The appellant, or the applicant for a variance, has the burden of proof to establish the necessary facts to warrant favorable action of the planning commission.

2. The planning commission shall have all the powers of the applicable city administrative official on the action appealed. The planning commission may in whole or in part affirm, reverse or amend the decisions of the applicable city administrative official.

3. The planning commission may impose reasonable conditions in its order to be complied with by the appellant in order to further the purposes and intent of this title.

4. The planning commission may impose any reasonable conditions on the issuance of a variance and may amend the variance from that requested. A variance may be granted for an indefinite duration or a specified period of time.

5. No single decision of the planning commission sets a precedent. The decision of the planning commission shall be made on the particular facts of each case.

6. Decisions of the planning commission shall be in writing.

E. Variance criteria for approval.

1. The planning commission shall not grant a variance to this code which:

- a. Permits a land use not allowed in the zoning district in which the property is located;
- b. Is in the public right-of-way or on public property;
- c. Alters any definition of this title;

d. Is other than the minimum variance that will afford relief with the least modification possible to the requirements of this code;

e. Is based on physical conditions or circumstances of the property so general or recurring in nature as to reasonably make practicable the formulation of a general regulation to be adopted as an amendment to this code;

f. Is based exclusively on findings of personal or financial hardship (Convenience, profit or caprice shall not constitute undue hardship.); or

g. Will either result in the extension of a nonconforming situation, use, building or lot, authorize the initiation of a nonconforming use of land or conflict with the goals and policies of the Master Plan.

2. In order to grant a variance to this title, the planning commission shall find that all the following have been satisfied:

a. That there are unique physical circumstances or conditions of the land, such as irregularity, narrowness or shallowness of the lot, or exceptional topographical or other physical condition of the land particular to the affected property;

b. That, because of these unique physical circumstances or conditions, the property cannot be reasonably developed or used in compliance with the provisions of this title;

c. That such unique physical circumstances or conditions are unique and unusual or nearly so, rather than one shared by many surrounding properties;

d. That, due to such unique physical circumstances or conditions of the land, the strict application of this title would create a demonstrated hardship;

e. That the demonstrable hardship is not self-imposed;

f. That the hardship or poor land use of which the applicant complains is one suffered by the applicant alone and not by neighbors or the general public;

g. That the variance, if granted, will not adversely affect the proposed development or use of adjacent property or the neighborhood;

h. That the variance, if granted, will not change the character of the zoning district in which the property is located;

i. That the variance, if granted, is in keeping with the intent of this title;

j. That the variance, if granted in a floodplain or floodway, meets the requirements of floodplains and floodways of this title and any other applicable law; and

k. That the variance, if granted, will not adversely affect the health, safety or welfare of the citizens of the city.

The condition of any variance authorized shall be stated in writing in the minutes of the planning commission with the justifications set forth.

F. Administrative variance. A request may be made for an administrative ruling and award of a variance to certain provisions of this code. Criteria for granting an administrative variance shall include all of the following:

1. The variance being requested meets the predominant setback line established on the basis of the average of existing front yard setbacks within a block frontage;

2. That the land use proposed by the variance request matches the predominant land use of buildings occupied within the block on which the variance is requested;

3. That the variance, if granted, will not adversely affect the proposed development or use of adjacent properties or the neighborhood;

4. That the variance, if granted, will not adversely affect the health, safety or welfare of the citizens of the city.

Any administrative variances will be deemed approved upon written communication from the city stating the approval with any conditions that may be imposed.

G. Appeal of decisions of the planning commission or administrative action. Any appeal of the decision of the planning commission or an administrative decision subject to appeal may be made to the board of adjustment as provided by this section; provided, however, that such appeal must be made within thirty (30) days following the date of the final action taken by the planning commission. (Ord. 969 §§2, 2007; Ord. 962 §§1, 2, 2007)

16.03.080 Amendments; zoning; rezoning.

A. Initiation of amendments to text or official zoning map. The city council may, from time to time, amend, supplement, change or repeal the regulations and provisions of this title. Amendments to the text of this title may be initiated by the city council, city staff, the planning commission or written application of any property owner or resident of the city. Rezoning or amendments to the zoning district map may be initiated by the city council, city staff, the planning commission or a real property owner in the area to be included in the proposed amendment.

B. General rezoning of the city. Whenever the official zoning map is in any way to be changed or amended incidental to or as part of a general revision of this title, whether such revision is made by repeal of this title and enactment of a new chapter or otherwise, the requirement of an accurate survey map or other sufficient legal description of, and the notice to and listing of names and addresses of owners of real property in the area of the proposed change, shall be waived. However, the proposed zoning map shall be available for public inspection in the city hall during regular business hours for fifteen (15) days prior to the public hearing on such amendments.

C. Rezoning application process. The following process shall apply when a property owner applies for different zoning for his or her property).

1. Step 1: Optional preapplication conference. The applicant may attend a preapplication conference with city staff. The purpose of the meeting is to discuss the zoning amendment, submittal requirements and review process.

2. Step 2: Zoning amendment application submittal. The applicant shall submit one (1) copy of the complete zoning amendment application package to the city and shall request that the application be reviewed by the planning commission and city council.

Note: In the case of text amendments, only items "a" and "b" below are required. The zoning amendment application shall include:

a. A completed zoning amendment application form, application fee per the city fee schedule (as adopted) and fee reimbursement agreement (if requested).

b. If the proposed change is a text amendment only, a written description of the proposed change to the text of this title, including the citation of the portion of the title to be changed and the wording of the proposed change must be included. The description must provide the rationale for the proposed change, citing specific difficulties with the existing text and similar provisions in zoning codes of other jurisdictions that support the rationale of the proposed change.

c. A legal description of all property to be considered for rezoning.

d. A title commitment or current proof of ownership.

e. If the land proposed for rezoning is not subdivided, or if a zoning district boundary is proposed to bisect a platted parcel, a zoning amendment map (fifteen [15] copies) of the area, including the proposed change, sized twenty-four (24) inches high by thirty-six (36) inches wide, with the following information:

1) North arrow, scale (1" = 100' or 1" = 200') and the date of preparation.

2) The subdivision or block and lot name of the area to be zoned (if applicable) at the top of each sheet.

3) A legal description of the area to be zoned (entire area and individual zoning districts). On property that is not subdivided, zone boundaries shall be determined by a metes-and-bounds description.

4) The location and boundaries, including dimensions, of the property proposed for rezoning.

5) The acreage or square footage contained within the property proposed for rezoning.

6) All existing land uses in the proposed rezoning area.

7) Zoning and existing land uses on all lands adjacent to the proposed rezoning.

8) The location and dimensions for all existing public rights-of-way, including streets and centerlines of watercourses within and adjacent to the rezoning.

9) The names of all adjoining subdivisions with lines of abutting lots, and departing property lines of adjoining properties not subdivided.

10) Certificate blocks for the surveyor, planning commission, city council and county clerk and recorder.

11) An AutoCAD™ drawing file (Release 12 or higher) of the zoning amendment map on a compact disc or other electronic transfer method acceptable to the city.

f. A written statement describing the proposal and addressing the following points:

1) The rationale for the proposed rezoning;

2) Present and future impacts on the existing adjacent zone districts, uses and physical character of the surrounding area;

3) Impact of the proposed zone on area accesses and traffic patterns;

4) Availability of utilities for any potential development;

5) Present and future impacts on public facilities and services, including but not limited to fire, police, water, sanitation, roadways, parks, schools and transit;

6) The relationship between the proposal and the Comprehensive Plan; and

7) Public benefits arising from the proposal.

g. Names and addresses of property owners within one hundred fifty (150) feet and mineral interests and lessees.

3. Step 3: Rezoning/amendment application certification of completion. Within a reasonable period of time, staff shall either certify that the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. The applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application to the city. The original application and all documents requiring a signature shall be signed in blue ink.

4. Step 4: Final staff review and report to planning commission. Staff shall complete a final review of the resubmitted materials and prepare a report to the planning commission explaining how the application is or is not consistent with the criteria for amendments to the official zoning map or criteria for amendments to the text of the zoning code.

5. Step 5: Set rezoning/amendment public hearing before the planning commission and complete public notification process. The city shall send notice of the public hearing to the applicant, the parties shown on the list of surrounding property owners/mineral interests and the appropriate referral agencies a reasonable length of time before the initial planning commission

public hearing. Such notice shall not be required for text amendments. For zoning map amendments, a public hearing notification sign shall be posted on the property by the applicant. Such posting shall be in a location and in a manner that makes it clearly visible from the adjoining street. The city shall publish notice in a newspaper of general circulation. The public hearing may be held a reasonable length of time after the date of posting of the property and newspaper publication. If the zoning amendment request is accompanying another application which is scheduled for public hearings before the planning commission and city council, one (1) public hearing may be held on both applications.

6. Step 6: Planning commission public hearing and action on the zoning amendment. The planning commission shall hold a public hearing to review the zoning amendment based on the criteria for amendments to the official zoning map or the criteria for text amendments to the code. The planning commission shall then make a recommendation to the city council to approve, conditionally approve or deny the zoning amendment application.

7. Step 7: Finalize amendment based on planning commission comments. The applicant shall revise the zoning amendment application based on the planning commission's comments and submit it to the city.

8. Step 8: Set city council public hearing and complete public notification process. The city council shall schedule a public hearing for the purpose of taking action on the zoning amendment. The city shall publish notice in a newspaper of general circulation. The hearing may be held no less than ten (10) days from the date of advertising.

9. Step 9: Notify parties of interest. Not less than ten (10) days before the date scheduled for the initial city council public hearing, staff shall notify the applicant, the parties for whom the applicant provided public hearing notification addresses and the appropriate referral agencies. The notice shall include the time and place of the public hearing, the nature of the hearing, the location of the subject property and the applicant's name. Such notice shall not be required for text amendments.

10. Step 10: City council public hearing and action on the zoning amendment. The city council shall, after receiving the report and recommendations from the planning commission, hold a public hearing and act upon the proposed amendment. Following the required hearing, the city council shall consider the comments and evidence presented at the hearing, evaluate the application in accordance with the criteria listed below and approve, approve with conditions or deny the application, in whole or in part. The city council can require that an area being rezoned have an approved planned development overlay zone prior to development, in which case the district designation on the official zoning map shall be followed by "(PD)." Decisions by the city council with all conditions shall be done by resolution.

D. Criteria for amendments to the official zoning map. For the purpose of establishing and maintaining sound, stable and desirable development within the city, the official zoning map shall not be amended except:

1. To correct a manifest error in an ordinance establishing the zoning for a specific property;

2. To rezone an area or extend the boundary of an existing district because of changed or changing conditions in a particular area or in the city generally;

3. The land to be rezoned was zoned in error and as presently zoned is inconsistent with the policies and goals of the Master Plan;

4. The proposed rezoning is necessary to provide land for a community-related use that was not anticipated at the time of the adoption of the Master Plan, and the rezoning will be consistent with the policies and goals of the Master Plan;

5. The area requested for rezoning has changed or is changing to such a degree that it is in the public interest to encourage development or redevelopment of the area; or

6. A rezoning to planned development overlay district is requested to encourage innovative and creative design and to promote a mix of land uses in the development.

This declaration of criteria for zoning map amendments shall not control an amendment that occurs incidentally to a general revision of the zoning map.

E. Criteria for text amendments to the code. For the purpose of establishing and maintaining sound, stable and desirable development within the city, the text of this title shall not be amended except:

1. To correct a manifest error in the text of this title;

2. To provide for changes in administrative practices as may be necessary to accommodate changing needs of the community and the city staff;

3. To accommodate innovations in land use and development practices that were not contemplated at the adoption of this title; or

4. To further the implementation of the goals and objectives of the Master Plan.

F. Map – Amendment upon zoning establishment or modification. Upon enactment of any ordinance annexing and establishing zoning or modifying existing zoning for any property, and upon final passage thereof, the city shall amend the prior existing official maps to include the annexed area with the proper zoning classification or show the amended classification, as the case may be. Such updated, current official map shall contain, in table form, the date and number of the ordinance amending it, the date the map was amended to reflect each amendment and the initials of the person who checked and approved the change to the map. (Ord. 962 §§1, 2, 2007)

16.03.090 Wireless telecommunication facilities and equipment.

A. Permitted zoning district. Wireless telecommunication services facilities shall be treated as a utility and as such are a permitted principal use in the I-1 and I-2 Zoning Districts and as a conditional use in all other zoning districts.

B. Use permitted by conditional review. It is unlawful for any person to install or operate such a wireless telecommunication services facility in the O, A, RR, RLD, RMD, RHD, RMH, MU, CD or

C-2 District unless a use by conditional review has first been approved by the city council as provided in this code. The approval of such use by conditional review does not relieve the operator from otherwise complying with all applicable regulatory requirements of the city, state and federal governments.

C. Application requirements.

1. Site plans. The site plans for a wireless telecommunication service facility shall be submitted on one (1) or more plats or maps, at a scale not less than 1" = 50', showing the following information:

- a. The proposed size, location and boundaries of the wireless telecommunication service facility site, including existing and proposed topography at two-foot intervals, referenced to USGS data, state plane coordinates and a legal description of the proposed site;
- b. Elevations of all towers and equipment, indicating materials, overall exterior dimensions and colors;
- c. True north arrow;
- d. Locations and size of existing improvements, existing vegetation, if any; location and size of proposed improvements, including any landscaping;
- e. Existing utility easements and other rights-of-way of record, if any;
- f. Location of access roads;
- g. The names of abutting subdivisions or the names of owners of abutting, unplatted property within four hundred (400) feet of the site; zoning and uses of adjacent parcels;
- h. Title commitment or proof of ownership; and
- i. The location in both latitude/ longitude and UTM meters.

2. Vicinity maps. The vicinity maps submitted with an application under this chapter shall include one (1) or more maps showing the location of existing and planned commercial mobile radio service facilities belonging to the applicant, within five (5) miles of the proposed facility. Planned facilities may be identified in general terms and need not be address-specific.

3. Written narrative. The application shall include the following in narrative form:

- a. The applicant's and surface owner's names, addresses, signatures and designation of agent, if applicable;
- b. An explanation of the need for such a facility, operating plan and proposed coverage area;
- c. If a freestanding facility is proposed, an analysis of alternatives to a freestanding facility within a one-mile radius of the facility;

d. A list of all permits or approvals obtained or anticipated to be obtained from local, state or federal agencies other than the Federal Communications Commission (FCC);

e. Affirmation that the proposed facility, alone or in combination with other like facilities, will comply with current FCC standards for cumulative field measurements of radio frequency power densities and electromagnetic fields;

f. Affirmation that the facility will comply at all times with current FCC regulations prohibiting localized interference with reception of television and radio broadcasts;

g. Affirmation that the facility will not interfere with any public safety frequencies servicing the city and its residents;

h. Affirmation that, if approved, the applicant and surface owner will make the facility available, on a reasonable basis, to other service providers; and

i. An explanation of compatibility with the Comprehensive Plan.

D. Review criteria. The recommendation of the planning commission and the decision of the city council shall be based on whether the applicant has demonstrated that the proposed wireless telecommunications service facility meets the following standards:

1. The site plan complies with the foregoing requirements;
2. The vicinity map complies with the foregoing requirements;
3. The narrative for the application complies with the foregoing requirements;
4. When applicable, compliance with the setback and height requirements;
5. When applicable, compliance with the accessory building requirements; and
6. When applicable, compliance with conditional mitigation colocation requirements as set forth.

The review criteria shall be included in the ordinance granting approval of the conditional use.

E. Height and setback requirements. In all performance districts where wireless telecommunications service facilities are allowed as uses by conditional review, the following apply:

1. Roof- or building-mounted commercial mobile radio service facilities may protrude no more than five (5) feet above the parapet line of the building or structure, nor more than two and one-half (2½) feet outside of the building wall unless sufficient screening methods are demonstrated and accepted as part of the approval;

2. Roof- or building-mounted whip antennas of no more than three (3) inches in diameter, in groupings of five (5) or less, may extend up to twelve (12) feet above the parapet wall; and

3. Applicable zoning setback requirements of this title must be met. At a minimum, all freestanding facilities shall be set back at least three hundred (300) feet from all residentially zoned properties or residential structures on properties otherwise zoned.

F. Accessory buildings requirements.

1. Accessory buildings located on the ground shall be no larger than four hundred (400) square feet and must be constructed of durable, low-maintenance materials, architecturally compatible and integrated with existing buildings and structures. Sites with greater than one hundred (100) cubic feet of cabinet area, visible from a public right-of-way or a residentially zoned or used area, must enclose the equipment in accessory buildings.

2. Accessory buildings and facilities are to be screened, to the extent possible, from public streets and sidewalks, either by screening, landscaping, location or other techniques deemed sufficient by the city.

G. Building- or roof-mounted facilities requirements. Building- or roof-mounted facilities are to be screened from public view, either by screening, location or other techniques deemed sufficient.

H. Freestanding wireless telecommunications facilities requirements. All freestanding wireless telecommunications facilities shall be designed and constructed in such a manner that they are:

1. Capable of serving, through original construction, expansion or replacement, a minimum of two (2) users;

2. Constructed as a monopole, which tapers toward the top of the pole to the degree allowed by structural requirements, unless some other decorative type of structure is proposed and approved;

3. Of a neutral color, including fencing, buildings and cabinets, or to match existing buildings;

4. Hold only lighting required by the Federal Aviation Administration, and no signage;

5. No higher than fifty (50) feet from the ground, with an additional twenty (20) feet per co-locating user permitted, up to a maximum height of seventy (70) feet. Exceptions may be granted by the city council upon request by the applicant where it is shown that a higher pole is necessary to promote service within the city and no alternative is available; and

6. Constructed in accordance with a registered engineer's specifications and in compliance with all applicable building codes.

I. Conditional mitigation measures co-location.

1. The city encourages co-location of wireless telecommunications facilities to minimize the number of sites.

2. No wireless telecommunications facility owner or operator shall unfairly exclude a competitor from using the same facility or location. Unfair exclusion of use by a competitor may result in the revocation of the use by conditional review or site development plan.

J. Application fee. Each applicant shall pay a nonrefundable processing fee per the city fee schedule, as adopted, to reimburse the city for the legal, engineering and land planning costs of reviewing the application. Legal publication costs are in addition to the fee and will be billed separately by the city. No permit will be issued until all fees are paid.

K. Abandonment. At the request of the city council, the operator must furnish a statement to the city indicating the operational status of the facility. If the use has been discontinued, the date on which the facility was last used shall also be provided. Commercial mobile radio service facilities not used for a continuous period of six (6) months shall be disassembled within twelve (12) months of the last use.

L. Penalty. Any person who constructs, installs or uses, or who causes to be constructed, installed or used, any wireless telecommunications facility in violation of any provision of this chapter or of the conditions and requirements of the conditional use permit, may be punished as provided in any applicable franchise agreement, as well as this code. Each day of unlawful operation constitutes a separate violation.

M. Civil action. In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered or used or any land is or is proposed to be used in violation of any provision of this code or the conditions and requirements of the commercial mobile radio service facility special use permit, the city attorney, in addition to the other remedies provided by law, ordinance or resolution, may institute an injunction, mandamus, abatement or other appropriate action or proceeding to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration or use. (Ord. 962 §§1, 2, 2007)

16.03.100 Home occupations.

A. Intent. It is the intent of the city to allow in-home commercial activities in the A, RR, RLD, RMD, RHD, RMH, MU, CD and C-2 Districts when the nature and operation of the in-home business is not evident or detrimental to the peace, enjoyment and quality of life in the neighborhood.

B. Home occupations must meet the following standards:

1. Medical and dental offices are not permitted as home occupations.
2. In addition to the family occupying the dwelling containing the home occupation, there shall not be more than one (1) outside employee working at the site of the home occupation.
3. The employee and clients may park in on-street curbside parking spaces.
4. The home occupation shall not exceed one thousand (1,000) square feet or thirty percent (30%) of the total floor area of the dwelling, whichever is less, or can be located in an accessory building not to exceed five hundred (500) square feet. The home occupation shall be conducted entirely within the dwelling or designated accessory buildings.
5. The home occupation shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and must not change the residential character thereof.

6. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation, including advertising signs or displays or advertising that solicits or directs persons to the address.

7. On-premises exterior storage of material or equipment used as a part of the home occupation is permitted as a conditional use only in the A and RR Districts.

8. No equipment or process shall be used in such home occupation which creates any glare, fumes, odors or other objectionable conditions detectable to the normal senses off the lot if the occupation is conducted in a single-family dwelling or in an accessory building to a single-family dwelling, or outside the dwelling unit if conducted in other than a single-family dwelling.

9. Proprietors of home occupations shall register annually with the city, which registration shall include a review of compliance with the home occupation standards contained in this code and an application for a business license or license renewal if required by this code.

10. The following uses, because of their tendency to go beyond the limits permitted for home occupations and thereby impair the use and value of the residential area, shall not be permitted as home occupations: motor vehicle repair or motorized implement repair; dance, music or other types of instruction (if more than four [4] students being instructed at one [1] time); dental offices; medical offices; the painting of vehicles, trailers or boats; private schools with organized classes; radio and television repair; barbershops and/or beauty shops; machine or welding shops; nursing homes; sexually oriented businesses; and, irrespective of whether the use may be categorized as a sexually oriented business, any retail or wholesale sales to consumers upon the premises of any types of materials specified in this title which describe or depict specified sexual activities or specified anatomical areas.

11. All exterior aspects of the home occupation operation shall not disrupt the residential character of the area.

12. A maximum of ten (10) client vehicle trips per day may visit the home occupation. (Ord. 962 §§1, 2, 2007)

16.03.110 Accessory uses and structures.

A. Accessory uses. An accessory use is naturally and normally incidental to a principal use and complies with all the following conditions:

1. Is customary to and commonly associated with the operation of the principal use.
2. Is clearly subordinate and incidental to the principal use.
3. Is operated and maintained under the same ownership as the principal use on the same lot.
4. Includes only those structures or structural features consistent with the principal use.
5. Is not detrimental to the character of the area in which the lot is located.
6. Is related to the principal use and actively maintained at the same time as the principal use.

7. The gross floor area utilized by all accessory uses, except a private garage, shall not exceed ten percent (10%) of the total floor area of the principal use which is active and operational. The maximum square footage of the portion of a lot used for an accessory use shall be determined based on the above criteria; however, in no event shall the square footage of the portion of the lot used for the accessory use exceed twenty-five percent (25%) of the square footage of the principal use which is active and operated at the same time as the accessory use.

8. There shall be no more than one (1) accessory building, unless a detached garage is an accessory use on the property, then one (1) other accessory building on the lot shall be allowed.

9. May include home occupations, as defined by this code and/or by zone district.

B. Uses accessory to residential uses. Without limiting the generality of Paragraph A.1 above, the following activities, so long as they satisfy the general criteria set forth above, are specially regarded as accessory to residential principal uses:

1. Offices or studios within an enclosed building and used by an occupant of a residence located on the same lot as such building to carry on administrative or artistic activities of a commercial nature, so long as such activities do not fall within the definition of a home occupation which are regulated separately in this code, and provided that such use does not generate additional traffic to the location.

2. Hobbies or recreational activities of a noncommercial nature, limited to the premises.

3. The renting out of one (1) or two (2) rooms within a single-family residence (provided that these rooms do not themselves constitute a separate dwelling unit) to not more than two (2) persons who are not part of the family that resides in the single-family dwelling. This accessory use must meet the following conditions:

a. The total number of unrelated persons, including roomers, in any one (1) dwelling unit does not exceed three (3).

b. Sleeping areas used by the roomers are not more than twenty-five percent (25%) of the total square footage of the principal residence.

c. The dwelling unit has only one (1) electric meter.

d. Where the renting of rooms is to two (2) roomers, at least one (1) off-street parking space must be provided, in addition to the number of such spaces required by this code.

e. All roomers shall use the main kitchen facilities of the dwelling unit. No separate kitchen facilities are allowed.

f. The rented rooms are in the principal building on a lot only.

C. Without limiting the generality of Paragraph A.1 above, the following activities shall not be regarded as accessory to a residential principal use and are prohibited in residential districts:

1. Storage, outside of a substantially enclosed structure, of any motor vehicle that is not licensed or not operational.

2. Parking, outside a substantially enclosed structure, of more than four (4) motor vehicles between the front building line of the principal building and the street on any lot.

D. Accessory buildings and structures.

1. Accessory buildings are detached from, and more than fifty percent (50%) smaller than the footprint of the principal building, or may be a two-car garage of not more than one thousand five hundred (1,500) square feet on a lot. Accessory buildings may be a maximum of twenty (20) feet in height and shall be:

- a. Integrally related to the principal use on the lot;
- b. Subordinate and clearly incidental to the principal building or use of the lot;
- c. Customarily incidental to the principal building or use of the lot;
- d. Located on the same lot as the principal building;
- e. Used only at the same time as the principal building is active and operational;
- f. Not detrimental or an alteration of the character of the area in which the building is located; and
- g. Not used for living or sleeping quarters.

2. An accessory building or structure shall include, but not be limited to, storage sheds and detached garages in residential zoning districts. Microwave dishes, antennas and similar devices which have a surface area of six (6) square feet or larger shall also be considered accessory structures and shall comply with requirements for accessory buildings and structures, including height requirements.

3. Accessory buildings that have a total floor area not exceeding one hundred twenty (120) square feet do not require a building permit.

4. Accessory buildings and structures must meet setback and other design standard requirements in each zone district.

5. Garages in residential zone districts shall resemble the principal building in colors and architectural style. (Ord. 1004 §1, 2010; Ord. 962 §§1, 2, 2007)

Chapter 16.04

Subdivision Regulations

Sections:

- 16.04.010 General provisions
- 16.04.020 Intent
- 16.04.030 Administration
- 16.04.040 Types of subdivisions
- 16.04.050 Sketch plan
- 16.04.060 Preliminary plat
- 16.04.070 Final plat
- 16.04.080 Minor subdivision plat
- 16.04.090 Site plan
- 16.04.100 Resubdivision
- 16.04.110 Subdivision Improvement Agreement

16.04.010 General provisions.

A. The provisions of this chapter shall apply to any and all development of land within the municipal boundaries of the city, unless expressly and specifically exempted or provided otherwise in this code. No development shall be undertaken without prior and proper approval or authorization pursuant to the terms of this code. All development shall comply with the applicable terms, conditions, requirements, standards and procedures established in this section and this code.

B. This section establishes procedural and substantive rules for obtaining the necessary approval to develop land and construct buildings and structures. Development applications will be reviewed for compliance with the Master Plan, this code and applicable regulations, policies and other guidelines.

C. For purposes of this chapter, *next available meeting* shall mean the next regularly scheduled meeting at which there is adequate time remaining on the proposed agenda for consideration of the sketch plan. Also for purposes of this chapter, *shall* will always be mandatory and directory while the meaning of *may* will always be permissive. (Ord. 962 §§1, 2, 2007)

16.04.020 Intent.

A. This chapter is designed and enacted for the purpose of promoting the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants of the city by:

1. Assisting orderly, efficient and integrated development of the city.
2. Promoting well-planned neighborhoods that enhance the city's built environment.
3. Preventing and controlling erosion, sedimentation and other pollution of surface and subsurface water.
4. Encouraging the proper arrangement of streets in relation to existing or planned streets and ensuring that streets facilitate safe and efficient walking, biking and driving.
5. Providing a variety of lot sizes in every neighborhood.
6. Protecting sensitive natural and historic areas and the city's environmental quality.

7. Providing for adequate and convenient open spaces for traffic, utilities, access of emergency apparatus, recreation, light and air and for the avoidance of congestion of population.

8. Providing for adequate stormwater management.

9. Providing adequate spaces for educational facilities.

10. Providing protection from geologic hazards and flood-prone areas.

11. Ensuring compliance with this code and the Moffat County/City of Craig Master Plan (hereinafter referred to as "Master Plan").

12. Regulating such other matters as the city council may deem necessary in order to protect the best interest of the public. (Ord. 962 §§1, 2, 2007)

16.04.030 Administration.

A. All plans of streets or highways for public use, and all plans, plats and replats of land laid out in subdivision or building lots, and the streets, highways, alleys or other portions of the same intended to be dedicated to a public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto, shall be submitted to the city for review and subsequent approval, conditional approval or disapproval.

B. No plat shall be recorded in any public office unless the same shall bear thereon, by endorsement or otherwise, the approval of the city council. Acceptance of proposed dedications to the public shall require separate action of the council. (Ord. 962 §§1, 2, 2007)

16.04.040 Types of subdivisions.

A. Major subdivisions.

1. Definition. A *major subdivision* is a subdivision which includes one (1) or more of the following:

- a. Dedication of public right-of-way or other public tracts;
- b. The entire tract to be subdivided is greater than six (6) acres; or
- c. The subdivision consists of more than six (6) lots.

2. Major subdivision process. The major subdivision process is as follows:

- a. Sketch plan.
 - 1) Application submittal.
 - 2) Staff certifies that the application is complete.
 - 3) Planning commission review and recommendation at a regular meeting.

- 4) City council action at a regular meeting.
- b. Preliminary plat.
- 1) Application submittal.
 - 2) Staff certifies that the application is complete.
 - 3) Staff refers the application to parties of interest.
 - 4) Letters of commitment to serve.
 - 5) Final staff review and report to the planning commission.
 - 6) The city schedules a planning commission meeting and completes the public notification process.
 - 7) Planning commission meeting and recommendation.
 - 8) City council action after public hearing.
- c. Final plat.
- 1) Application submittal.
 - 2) Staff certifies that the application is complete.
 - 3) Staff refers the application to parties of interest.
 - 4) Final staff review and report to the planning commission.
 - 5) The city schedules planning commission review at a regular meeting.
 - 6) Planning commission review and recommendation. Recommendation for approval must have no conditions attached.
 - 7) Applicant submittal of all documents in final form.
 - 8) City council review and action.
 - 9) City records final plat, subdivision improvement agreement and covenants (if applicable) with the county clerk and recorder.
 - 10) Post approval actions.

B. Minor subdivisions.

1. Definition. A *minor subdivision* is a subdivision which includes any one (1) or more of the following:

- a. The property has previously been platted;
 - b. There is no public right-of-way dedication;
 - c. The entire tract to be subdivided is six (6) acres or less in size; or
 - d. The resulting subdivision consists of six (6) or fewer lots.
2. Process. The minor subdivision process is as follows:
- a. Application submittal.
 - b. Staff certifies that the application is complete.
 - c. Staff refers the application to parties of interest.
 - d. Letters of commitment to serve.
 - e. City schedules public meeting and completes public notification process.
 - f. Planning commission review and recommendation.
 - g. City council review and action after public hearing.
 - h. Applicant submittal of all documents in final form.
 - i. City records minor subdivision plat.

C. Administrative subdivisions.

1. Definition. An administrative subdivision is an amendment of all or a portion of a recorded subdivision for the purpose of any of the following:

- a. Correct a drafting or other technical error on a recorded subdivision plat; or
- b. Adjust one (1) or more lot lines on a recorded subdivision plat where:
 - 1) The boundaries of four (4) or fewer lots are changed;
 - 2) No lots are created that will result in justification for a zoning variance or an exception to the subdivision regulations.

2. Process. The administrative subdivision process is as follows:

- a. Final plat.
 - 1) Application submittal.
 - 2) Staff certifies that the application is complete.

- 3) Staff reviews the application and forwards comments to commission.
- 4) Applicant addresses staff and commission comments.
- 5) Applicant submits the completed final plat.
- 6) Staff publishes notice and posts property at least ten (10) days prior to administratively approving the plat.
- 7) City records the final plat with the county clerk and recorder. (Ord. 962 §§1, 2, 2007)

16.04.050 Sketch plan.

A. Sketch plan purpose. The sketch plan is a broad concept that describes in general terms what the applicant envisions. The purpose of the sketch plan is three-fold. First, it provides the city the opportunity to describe the community's vision to the applicant. Second, it gives the applicant an opportunity to discuss his or her development plans, explain how the plans will further the community's vision and obtain input and direction from the planning commission early in the process. Third, it gives the applicant an opportunity to hear comments and concerns from the planning commission and others prior to engaging in project design. The goal of the sketch plan process is to help the applicant develop a plan that reflects the goals and vision of the city.

B. Sketch plan application process.

1. Sketch plan application submittal. The applicant shall submit the completed sketch plan application package to the city. The application must be submitted at least thirty (30) days prior to the planning commission meeting at which the application will be reviewed. The sketch plan application package shall include the following items:

- a. Land use application form.
- b. Application fee.
- c. Title commitment. The title commitment must be dated no more than thirty (30) days from the date of sketch plan application submittal.
- d. Context/vicinity map. Fifteen (15) twenty-four- by thirty-six-inch copies. The context/vicinity map shall show the proposed subdivision in relation to the surrounding area (one-half-mile radius around the property). The full-size map shall be twenty-four (24) inches high by thirty-six (36) inches wide and provide the following information:

- 1) Title of project.
- 2) North arrow, scale (not greater than 1" = 1,000') and date of preparation.
- 3) Boundary of the proposed project.

4) Existing (for developed land) or proposed (for vacant/agricultural land) land uses for the properties shown on the map (i.e., residential, commercial, industrial, park, etc.); labeling land use and whether it is existing or proposed.

5) Major streets (show and label street names).

6) Existing public water and sewer lines and proposed connections.

7) Regional open space/trail networks per the Master Plan.

8) Major ditches, rivers and bodies of water.

9) Adjacent properties identified by subdivision name or zoning district.

e. Sketch plan. Fifteen (15) twenty-four-by-thirty-six-inch copies. The full-size sketch plan shall be twenty-four (24) inches high by thirty-six (36) inches wide and clearly show:

1) Title of project.

2) North arrow, scale (not greater than 1" = 200') and date of preparation.

3) Vicinity map.

4) Legal description.

5) Acreage of property.

6) USGS topographic contours.

7) Location and approximate acreage of proposed land uses.

8) Existing easements and rights-of-way on or adjacent to the property.

9) Existing streets on, or adjacent to, the property (show and label street name).

10) Note indicating how the public dedication will be met.

11) Table providing the following information for each proposed land use area: total acreage; proposed density or floor area ratio; proposed number of dwelling units; and approximate size of proposed residential lots.

12) Proposed collector and arterial streets.

13) General locations of existing utilities on or adjacent to the property.

14) Graphic and/or written explanation of how the property will be served with utilities.

15) Location of any proposed sewer lift stations.

- 16) Trails – show how the development will tie into the regional trails network.
- 17) Floodplain boundary with a note regarding the source of information (if a floodplain does not exist on the property, this must be stated).
- 18) Geologic hazard areas.
- 19) Existing and proposed zoning on and around the property.
- 20) Land use table – the table shall include: land uses, approximate acreage of each land use and percentage of total for each land use.

f. Conceptual landscape plan. Fifteen (15) twenty-four-by-thirty-six-inch copies. The conceptual landscape plan shall be a generalized graphic and written description of how landscaping will enhance public rights-of-way and other public spaces within the subdivision. Descriptions or drawings should outline planting and irrigation plans, plant species, the use of berms, walls or fences on the site, erosion control and weed control.

g. General development information. Fifteen (15) copies. Provide a written description of the existing conditions on the site and the proposed development. Include the following items in the description:

- 1) Proposed number of residential lots or dwelling units, typical lot width and depth (not needed if information is shown on the sketch plan).
- 2) General description of plan for drainage and stormwater management.
- 3) Statement indicating whether or not any commercial mineral deposits are located on the site.
- 4) Description of any floodplain hazards on the site (only if additional information is needed than what is shown on the sketch plan map).
- 5) Description of how the proposed development complies with the Master Plan.

h. Soils report and map. The report and map shall be based on USGS Soils Conservation Service information and discuss the existing conditions and any potential constraints or hazards. The report shall also address any groundwater issues.

2. Application certification of completion. Within ten (10) working days, staff shall either certify that the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. The applicant shall then correct any deficiencies in the application package and resubmit the application to the community development director. The original application and all documents requiring a signature shall be signed in blue ink. Any review timeframes begin only after the submittal has been certified as complete. Any changes to the submittal after it has been certified as complete by the city restarts this step of the process.

3. Planning commission review and recommendation. At a regular meeting not more than forty-five (45) days after the application has been certified as complete, the planning commission shall review the sketch plan application and recommend approval, approval with conditions or denial of the proposal to the city council.

4. Council action. The sketch plan shall be presented to the city council for its review and action. The city council may approve, conditionally approve or deny the sketch plan based on the sketch plan review criteria.

C. Sketch plan review criteria. The city shall use the following criteria in addition to other applicable provisions of this code to evaluate the applicant's sketch plan application:

1. The land use mix within the project conforms to the city's zoning district map and/or Master Plan future land use map and furthers the goals and policies of the Master Plan.

2. The sketch plan represents a functional system of land use and is consistent with the rationale and criteria set forth in this code and the Master Plan.

3. The utility and transportation design is adequate, given existing and planned capacities of those systems.

4. Negative impacts on adjacent land uses have been identified and satisfactorily mitigated. (Ord. 962 §§1, 2, 2007)

16.04.060 Preliminary plat.

A. Preliminary plat purpose. The purpose of the preliminary plat is to provide the city with an overall master plan for the proposed development.

B. Preliminary plat application process.

1. Preliminary plat application submittal. Upon approval or conditional approval of the sketch plan, the applicant shall submit the complete preliminary plat application to the city. The application must be certified as complete at least forty-five (45) days prior to the planning commission meeting at which the application will be reviewed. The application must also be submitted not more than twelve (12) months after approval of the sketch plan unless otherwise approved by the city council. The preliminary plat application package shall include the following items:

a. Land use application form.

b. Application fee.

c. Title commitment. The title commitment must be current and dated no more than thirty (30) days from the date of preliminary plat application submittal.

d. Mineral ownership report. Provide the city with a list of mailing labels not more than thirty (30) days old with the names and addresses of the mineral interest owners of record and

mineral and oil and gas lessees for the property. The applicant shall certify that the report is complete and accurate.

e. Preliminary plat. Fifteen (15) twenty-four-by-thirty-six-inch copies. The preliminary plat shall provide the following information:

- 1) Title of project.
- 2) North arrow, scale (not greater than 1" = 100') and date of preparation.
- 3) Vicinity map.
- 4) Names and addresses of owners, applicant, designers, engineers and surveyors.
- 5) Legal description.
- 6) Total acreage of property.
- 7) Existing contours at two-foot intervals (contours shall be based on USGS datum).
- 8) Names and locations of abutting subdivisions or owners of abutting property (if land is not platted).
- 9) Lots, blocks and street layout with approximate dimensions and square footage for each lot.
- 10) Consecutive numbering of all lots and blocks.
- 11) Existing and proposed rights-of-way and easements on and adjacent to the property.
- 12) Existing and proposed street names for all streets on and adjacent to the property.
- 13) Existing and proposed zoning on and adjacent to the property.
- 14) Location and size of existing and proposed sewer lines, water lines and fire hydrants.
- 15) Existing and proposed curb cuts on and adjacent to the property.
- 16) Location by field survey or aerial photography of existing and proposed water courses and bodies of water, such as irrigation ditches and lakes. Water courses shall include direction of flow.
- 17) Floodplain boundary with a note regarding source of information (if a floodplain does not exist on the property, state this on the plan).
- 18) The boundaries of proposed phases of the subdivision if the final plat is intended to be submitted in multiple phases.

19) General location of existing surface improvements, such as buildings, fences or other structures, which will remain on the property as part of the subdivision.

20) Location and acreage of proposed parks, trails, playgrounds, schools or other public uses.

21) Location, function, ownership and manner of maintenance of any private open space.

22) Land use table including: land uses, approximate acreage of each land use type, and percentage of each land use type, including how public dedication requirement will be met.

23) Total number of lots.

24) Number of each type of dwelling unit proposed.

f. General development information. Fifteen (15) copies. A written description of the existing conditions on the site and the proposed development, including the following items:

1) Explanation of how the preliminary plat is consistent with the sketch plan and how the items of concern identified by the planning commission, city council and the public at the time of sketch plan review have been addressed.

2) Explanation of how the plan is consistent with this code and the Master Plan.

g. Preliminary grading and drainage plan and report. Five (5) copies. This plan and report must be certified by a state-registered professional engineer and include storm drainage concepts, such as locations for on-site detention or downstream structural improvements and soil erosion and sedimentation control plans and specifications. It must also discuss the impacts on and to any existing floodways and/or floodplains both on and adjacent to the site, as well as any FEMA applications required.

h. Master utility plan. Five (5) copies. This plan shall be prepared by a registered professional engineer. It is necessary that the engineer consult with the appropriate utility service providers regarding the design of all utilities through the subdivision.

i. Preliminary landscape plan. Fifteen (15) twenty-four-by-thirty-six-inch copies.

j. Traffic report. Five (5) copies. The applicant should discuss and address traffic patterns and impacts per staff direction.

k. Draft of proposed covenants, if applicable. Fifteen (15) copies.

l. Mineral, oil and gas rights documentation. Evidence that the surface owner has contacted all lessees of mineral, oil and gas rights associated with the site and is working toward resolution of any claims. Included in the evidence must be the name of the current contact person and his or her phone number and mailing address.

m. Soils report and map. Five (5) copies.

n. Notification mailing list. Provide one (1) set of mailing labels for appropriate referral agencies, including:

1. Qwest;
2. Yampa Valley Electric;
3. Moffat County;
4. Craig Rural Fire Protection District;
5. Mineral interests;
6. Moffat School District;
7. Atmos Energy;
8. Ditch and irrigation companies;
9. Bresnan Communications; and
10. Property owners within 150 feet of project boundaries.

The applicant must provide address mailing labels matching the Avery 8160 format and certify to the city that the entire address list is correct and complete.

2. Application certification of completion. Within ten (10) working days, staff shall either certify that the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. The applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application to the city. The original application and all documents requiring a signature shall be signed in blue ink. Any review timeframes begin only after the submittal has been certified as complete. Any changes to the submittal after it has been certified as complete by the city restarts this step of the process.

3. Refer application to parties of interest. The city shall send summary information about the application to mineral owners, utility and service providers, nearby property owners and other parties of interest with a reasonable amount of time to allow those parties to respond to the application. The referral information shall include the time and place of the planning commission meeting, the nature of the meeting, the location of the property and the applicant's name.

4. Commitment to serve. Prior to the planning commission meeting, the applicant shall provide the city with commitments to serve from all applicable agencies.

5. Final staff review and report to planning commission. Staff will complete a final review of the project and then prepare a report to the planning commission explaining how the application is or is not consistent with the preliminary plat review criteria.

6. Schedule preliminary plat review and complete public notification. The city shall schedule a meeting before the planning commission for the purpose of taking action on the preliminary plat. The community development director shall publish notice in a newspaper of general circulation. City staff will mail notices of the planning commission meeting to referral agencies and property owners within one hundred fifty (150) feet of the project boundaries. The planning commission meeting may be held a reasonable length of time from the date of posting the property, mailing of meeting notices and newspaper publication.

7. Planning commission meeting and recommendation. The planning commission shall hold a public meeting to review the application based on the preliminary plat review criteria. The planning commission shall then make a recommendation to the applicant approving or denying the application.

8. City council action. The preliminary plat shall be presented to the city council for its review and action. The city council may approve, conditionally approve or deny the preliminary plat based on the preliminary plat review criteria. Approval and conditional approval of a preliminary plat shall be effective for one (1) year unless otherwise approved by the city council. If the plat is denied, the plat or a substantially similar plat may not be considered by the planning commission for a period of one (1) year from the date of denial unless otherwise approved by the planning commission. If a final plat is not submitted within one (1) year or within such extended time as may be granted by the city council, a new preliminary plat must be submitted and processed according to this code before the city may act on a final plat.

C. Preliminary plat review criteria. In addition to all provisions of this code, the city shall use the following criteria to evaluate the applicant's request:

1. The application is substantially consistent with the approved sketch plan and incorporates the planning commission's recommendations and conditions of approval.

2. The land use mix within the project conforms to the city's zoning district map and future land use map and furthers the goals and policies of the Master Plan.

3. The utility, drainage and transportation design is adequate, given existing and planned capacities of those systems.

4. Negative impacts on adjacent land uses have been identified and satisfactorily mitigated.

D. Phasing. A preliminary plat shall designate the boundaries of phases for which separate final plats will be presented for approval. Each phase, either alone or in conjunction with previously approved and recorded phases, must meet all of the requirements of this code. (Ord. 962 §§1, 2, 2007)

16.04.070 Final plat.

A. Final plat purpose. The purpose of the final plat is to complete the subdivision of land consistent with the technical standards of the city.

B. Final plat application process.

1. Step 1: Final plat application submittal. The final plat application shall substantially conform to the preliminary plat as approved by the city council and shall meet all conditions of approval required by the city council. The final plat application for the first phase of development must be submitted not more than twelve (12) months after approval of the preliminary plat unless otherwise approved by the city council. The applicant shall submit a completed final plat application package to the city and request that the application be reviewed by the planning commission and city council. The final plat application shall include:

a. Land use application form.

b. Application fee.

c. Title commitment. An updated title commitment, dated no more than thirty (30) days from the date of final plat application submittal.

d. Final plat. Fifteen (15) twenty-four-by-thirty-six-inch copies. The final plat drawing shall comply with the following standards:

1) The plat shall be prepared by or under the direct supervision of a registered land surveyor, shall be signed and stamped by said surveyor and shall meet applicable state requirements.

2) Parcels not contiguous with each other shall not be included in one (1) plat, nor shall more than one (1) plat be made on the same sheet. Contiguous parcels owned by different parties may be included on one (1) plat, provided that all owners join in the dedication and acknowledgment.

3) Lengths shall be shown to the nearest hundredth of a foot, and bearings shall be shown in degrees, minutes and seconds.

4) The perimeter survey description of proposed subdivision shall include at least one (1) tie to an existing section monument of record and a description of monuments. The survey shown shall not have an error greater than one part in ten thousand (1:10,000).

5) Bearings, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line, not inside, with the lot dimensions.

6) Names and signatures of all owners of equitable interest in the property being subdivided shall be on the plat and shall be made in black drawing ink.

7) The final plat shall provide the following information:

a) Title of project.

b) North arrow, scale (not greater than 1" = 100') and date of preparation.

c) Vicinity map.

d) Legal description.

- e) Basis for establishing bearing.
 - f) Names and addresses of owners, applicants, designers, engineers and surveyors.
 - g) Total acreage of subdivision.
 - h) Bearings, distances, chords, radii, central angles and tangent links for the perimeter and all lots, blocks, rights-of-way and easements.
 - i) Lot and block numbers, numbered in consecutive order, and square footage of each lot or tract.
 - j) Parcels excepted from inclusion should be noted as "not included in this subdivision" and the boundary completely indicated by bearings and distances.
 - k) Existing and proposed rights-of-way in and adjacent to the property (labeled and dimensioned).
 - l) Existing and proposed street names for all streets on and adjacent to the property.
 - m) Existing and proposed easements and their type in and adjacent to the property (labeled and dimensioned).
 - n) Location and description of monuments.
 - o) Floodplain boundary with a note regarding source of information (if a floodplain does not exist on the property, please state this on the plat).
 - p) Signature block for the registered land surveyor certifying to accuracy of boundary survey and plat.
 - q) Signature block for certification of approval by the city council with a signature for the mayor and city.
 - r) Certification of ownership
 - s) Dedication of streets, rights-of-way, easements and public sites to the city.
- e. General development information. Fifteen (15) copies. Provide a written description confirming that the final plat conforms to the preliminary plat.
- f. Update of any plans or reports. Revisions to materials provided with the preliminary plat for which there was a change or condition.
- g. Special documents (as needed).
- 1) Special agreements.
 - 2) Floodplain use permit (from city).

- 3) State highway utility permit (from Colorado Department of Transportation).
- 4) State highway access permit (from Colorado Department of Transportation).
- 5) Construction dewatering permit (from Colorado Department of Public Health and Environment).
- 6) 404 Permit (from Army Corps of Engineers).
- 7) Air Pollution Emission Notice (APEN) (from Colorado Department of Public Health and Environment).
- 8) Work in ditch right-of-way permit (from individual ditch companies).
- 9) Rare Species Occurrence Survey (from U.S. Fish and Wildlife Service).
- 10) Draft Subdivision Improvement Agreement (SIA).
- 11) Improvements guarantee. Cash, certified check or a letter of credit from a bank in the state or other acceptable collateral in the amount stipulated to in the SIA, posted in favor of the city in an amount sufficient to assure construction of public improvements for either part or all of the plat, as the city council shall determine.
- 12) Protective covenants, homeowners' association (HOA) documents, articles of incorporation for HOA, and Architectural design guidelines, if any, finalized and in a form for recording. If there are open space areas to remain in private ownership within the subdivision, the HOA documents must have in place a mechanism which will assure maintenance will be funded in perpetuity.
- 13) FEMA-approved applications (i.e., Conditional Letter of Map Revisions [CLOMR] or Letter of Map Revisions [LOMR]).
- 14) Documentation showing who will own and maintain the open space.
- 15) Documentation for dedication of public sites for open space or other civic purposes.

2. Application certification of completion. Within ten (10) working days, staff shall either certify that the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. The applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application to the city. The original application and all documents requiring a signature shall be signed in blue ink. Any review timeframes begin only after the submittal has been certified as complete. Any changes to the submittal after it has been certified as complete by the city restarts this step of the process.

3. Notice to referral agencies. In order to provide an opportunity for referral agencies to review final plats, the city shall send a referral packet to all referral agencies within a reasonable period prior to the planning commission's final plat review meeting.

4. Final staff review and report to planning commission. Staff will complete a final review of the final plat and prepare a report to the planning commission explaining how the application is or is not consistent with the final plat review criteria.

5. Planning commission public meeting and recommendation. The planning commission shall hold a public meeting to review the final plat based on the city's final plat review criteria. It shall then recommend approval or denial of the final plat application to the council.

6. City council final plat public meeting and action. The final plat shall be presented to the city council for its review and action at a public meeting. The city council shall review the final plat based on the final plat review criteria. City council approval shall be by resolution.

7. Original plats. The applicant shall submit to the community development director two (2) original, signed Mylars of the final plat ready for the mayor and clerk to sign and record, and final executed copies of all agreements. Original Mylars and documents shall become the property of the city.

8. Complete engineering plans and specifications. After final plat approval by the city council, the applicant shall prepare and submit the following for administrative approval by the city:

a. Construction plans and profiles. The plans and profiles shall be prepared by a registered professional engineer licensed in the state, shall be twenty-four (24) inches high by thirty-six (36) inches wide and provide the following information:

1) The horizontal to vertical scales shall be chosen to best depict the aspects of the design.

2) Minimum horizontal scale: 1" = 100'.

3) Minimum vertical scale: 1" = 10'.

4) The typical road geometric and structural cross-section is to be shown on each plan sheet.

5) The plan must show right-of-way lines and widths, road names, lot lines, tangent lengths and bearings, curve radii, delta angles, curve lengths, chord lengths and bearings, stationing at all beginning of curves and end of curves, intersections, structures, angles, curb lines, cross pans, traffic control devices (islands, striping, signs, etc.), drive cuts, curb returns and radii and all other features to enable construction in accordance with approved standards and standard engineering practice. Construction plans shall also include water, sewer, stormwater and any other utilities such as irrigation ditches.

6) The profiles shall include ground lines, grade lines of curb and gutter or centerline of street elevation at the point of intersection of vertical curves, intersections and other critical points, structures and all other features required to enable construction in accordance with approved standards.

7) Signature blocks for all utility providers unless otherwise provided in agreement form.

8) Structure details. Sufficient data shall be given to construction of major structures and road appurtenances, such as bridges, culverts, gutters, drives, walks, cross pans, etc.; detail shall include orientation line and grade, cross-sections, dimensions, reinforcement schedules, materials, quality specification, etc.

9) Sewage collection and water supply distribution plans, profiles and specifications. The plans, profiles and specifications for on- and off-site improvements shall be prepared by a registered professional engineer.

10) Final drainage plans and reports. Based upon the approved preliminary drainage plan, a final report is to be submitted in accordance with applicable storm drainage design criteria as determined at the initial preapplication conference. The plan and report must provide:

a) Cross-sections of each water carrier showing high water elevations for one-hundred-year runoff and adjacent features that may be affected thereby.

b) Written approvals, as may be required, from other agencies or parties that may be affected by the drainage proposals (i.e., FEMA, Moffat County, ditch companies).

c) Supporting calculations for runoffs, times of concentration, flow capacity with all assumptions clearly stated with proper jurisdiction when needed or requested.

d) Erosion control plans, when required, to be submitted as a result of preliminary plan review.

11) Final grading plan. The final grading plan shall be twenty-four (24) inches high by thirty-six (36) inches wide and illustrate existing and proposed contours and lot and block grading details (per FHA requirements if FHA insured).

12) Soils reports. The soils reports (submitted after overlot grading is complete) shall detail paving design requirements.

13) Final street lighting plan. A final street lighting plan shall be prepared in conjunction with applicable electric utilities and the city. The plan must specify the number, kind and approximate location of street lights.

b. Final landscape plan.

c. An electronic drawing file of the final plat on compact disc in a format specified by the city.

9. Security for public improvements. The applicant shall provide to the city an irrevocable letter of credit or other security in a form approved by the city attorney, guaranteeing construction of and payment for all public improvements to be constructed within and necessary for the subdivision. The amount of the security shall be one hundred twenty-five percent (125%) of the

estimated cost, as approved by the city engineer, of constructing all public improvements, unless otherwise provided in the SIA.

10. Deed for public lands. The applicant shall submit to the community development director a warranty deed and title insurance for all lands dedicated to the city on the final plat and accepted by the city.

11. Record final plat. Upon completion of all prior steps, the community development director shall record one (1) original Mylar of the final plat in the office of the county clerk and recorder.

12. Post-approval actions. Prior to issuance of a building permit, the applicant shall submit the following documentation to the community development director:

a. List of contractors. List of all contractors that will be performing the improvements.

b. Proof of insurance. Proof of workers' comprehensive insurance and liability insurance for each contractor.

c. Open space deed restriction. Areas designated as open space shall be protected by a deed restriction or other appropriate method to ensure that they cannot be subdivided or developed in the future and will remain as open space in perpetuity.

d. Other certificates, affidavits, enforcements or deductions as required by the planning commission or city council.

C. Final plat review criteria. In addition to all provisions of this code, the city shall use the following criteria to evaluate the applicant's final plat application:

1. The final plat substantially conforms to the approved preliminary plat and incorporates required changes, modifications and conditions attached to the approval of the preliminary plat unless otherwise approved by the city council.

2. The development shall comply with this code.

3. All applicable technical standards have been met. (Ord. 962 §§1, 2, 2007)

16.04.080 Minor subdivision plat.

A. Minor subdivision plat purpose.

1. The purpose of the minor subdivision plat is to complete the subdivision of land consistent with the technical standards when the following conditions exist:

a. The property has previously been platted within the city;

b. There is no public right-of-way dedication;

c. The entire tract to be subdivided is six (6) acres or less in size; and

d. The resulting subdivision will produce six (6) or fewer lots.

B. Minor subdivision plat application process.

1. Minor subdivision plat application submittal. The applicant shall submit the completed minor subdivision plat application package to the community development director and request that the application be reviewed by the planning commission and city council. The minor subdivision plat application shall include:

a. Land use application form.

b. Application fee.

c. Title commitment. A current title commitment, dated no more than thirty (30) days from the date of minor subdivision plat application submittal.

d. Minor subdivision plat. Fifteen (15) twenty-four-by-thirty-six-inch copies. The minor subdivision plat drawing shall comply with the following standards:

1) The plat shall be prepared by or under the direct supervision of a registered land surveyor and meet applicable state requirements.

2) Parcels not contiguous shall not be included in one (1) plat, nor shall more than one (1) plat be made on the same sheet. Contiguous parcels owned by different parties may be included on one (1) plat, provided that all owners join in the dedication and acknowledgment.

3) Lengths shall be shown to the nearest hundredth of a foot, and bearings shall be shown in degrees, minutes and seconds.

4) The perimeter survey description of proposed subdivision shall include at least one (1) tie to an existing section monument of record and a description of monuments. The survey shown shall not have an error greater than one part in ten thousand (1:10,000).

5) Bearings, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line, not inside, with the lot dimensions.

6) All signatures shall be made in black drawing ink.

7) The minor subdivision plat shall provide the following information:

a) Title of project.

b) North arrow, scale (not greater than 1" = 100') and date of preparation.

c) Vicinity map.

d) Legal description.

- e) Basis for establishing bearing.
 - f) Names and addresses of owners, applicant, designers, engineers and surveyors.
 - g) Total acreage of subdivision.
 - h) Bearings, distances, chords, radii, central angles and tangent links for the perimeter and all lots, blocks, rights-of-way and easements.
 - i) Lot and block numbers, numbered in consecutive order, and square footage of each lot or tract.
 - j) Parcels excepted from inclusion noted as "not included in this subdivision" and the boundary completely indicated by bearings and distances.
 - k) Existing rights-of-way in and adjacent to the subject property (labeled and dimensioned).
 - l) Existing and proposed street names for all streets on and adjacent to the property.
 - m) Existing easements and their type in and adjacent to subject property (labeled and dimensioned).
 - n) Location and description of monuments.
 - o) Floodplain boundary with a note regarding source of information (if a floodplain does not exist on the property, please state this on the plat).
 - p) Certificate blocks for signatures of owner, surveyor, utility providers and city approval, as applicable.
- e. General development information. Fifteen (15) copies. A written description addressing how the proposed development conforms to the city code and the Master Plan.
- f. Mineral property ownership report. A list of mailing labels (Avery 8160 format) not more than thirty (30) days old of the names and addresses of mineral interest owners of record and mineral and oil and gas lessees for the property. The applicant shall certify that the set of labels is complete and accurate.

2. Application certification of completion. Within ten (10) working days, staff shall either certify that the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. The applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application to the community development director. The original application and all documents requiring a signature shall be signed in blue ink. Any review timeframes begin only after the submittal has been certified as complete. Any changes to the submittal after it has been certified as complete by the city restarts the process.

3. Refer application to parties of interest. Within an appropriate timeframe, staff shall send information about the application by regular mail to: mineral interest owners of record, mineral and oil and gas lessees for the property, referral agencies, property owners within one hundred fifty (150) feet of the project boundaries and other parties of interest. The applicant will provide a referral mailing list on Avery 8160 mailing labels or equivalent and certify it as complete.

4. Commitment to serve. Prior to the planning commission public meeting, the applicant shall provide proof of a commitment to serve from applicable utilities and agencies.

5. Schedule minor subdivision public meeting and complete public notification process. The planning commission shall schedule a public meeting for the purpose of taking action on the minor subdivision. The community development director shall publish notice in a newspaper of general circulation.

6. Planning commission public meeting and recommendation. The planning commission shall hold a public meeting to review the application based on the minor subdivision review criteria. The planning commission shall then make a recommendation to the city council to approve or deny the application.

7. City council public hearing notice. The community development director shall publish notice in a newspaper of general circulation within a reasonable time prior to the meeting.

8. City council public hearing and action. The minor subdivision plat shall be presented to the city council for its review and action at a public hearing. The council may approve or deny the minor subdivision based on the minor subdivision review criteria. If approved, the applicant shall provide two (2) original Mylars of the plat ready for the mayor and clerk to sign and then record.

9. Record minor subdivision plat. One (1) original Mylar of the minor subdivision plat shall be recorded by the city clerk in the office of the county clerk and recorder.

C. Minor subdivision plat review criteria. The city shall use the following criteria to evaluate the applicant's request: The minor subdivision plat is in compliance with this code and the Master Plan. (Ord. 962 §§1, 2, 2007)

16.04.090 Site plan.

A. Site plan purpose. The site plan is a prerequisite to a building permit for all multi-family, commercial, business and industrial developments. The site plan shows how the lot will be developed so that the city can ensure that the site design will be in compliance with all city regulations.

B. Applicability. A site plan is needed for a structurally altered building or structure where an increase in interior square footage of twenty percent (20%) or more is planned. A site plan is also required where off-street parking spaces over the minimal city requirements are proposed.

C. Site plan process.

1. Site plan application.

a. Land use application form.

b. Application fee.

c. Site plan map. The site plan map (fifteen [15] copies) shall be a minimum of eighteen (18) inches by twenty-four (24) inches and shall provide the following information:

- 1) Title of project.
- 2) North arrow, scale (no greater than 1" = 50') and date of preparation.
- 3) Vicinity map.
- 4) Address of project.
- 5) Legal description of property.
- 6) Name, address and phone number of the property owner.
- 7) Name, address and phone number of the person or firm responsible for plan.
- 8) Lot size (square footage).
- 9) Bearings and distances of all lot lines.
- 10) Existing and proposed easements and rights-of-way.
- 11) Existing and proposed paved areas and sidewalks on the site and in the adjacent rights-of-way, all dimensioned, showing how pedestrians will have access to the site and buildings.
- 12) Gathering areas for people.
- 13) Existing and proposed curb cuts on the site and in the adjacent rights-of-way (on both sides of perimeter streets), all dimensioned.
- 14) Existing and proposed two-foot contours.
- 15) Existing waterways on or adjacent to the site.
- 16) Finished floor elevations for all structures.
- 17) Footprint (including roof overhangs and eaves, decks, balconies, outside stairs and landings) of all proposed structures and their use, with their dimensions and locations noted with respect to the property lines.
- 18) Existing structures and their use.
- 19) Square footage of the proposed buildings and the footprint of the proposed buildings.

- 20) Proposed structure height.
- 21) For commercial and industrial uses, the type of activity and number of employees.
- 22) For multi-family residential, the number of residential units and bedrooms per unit.
- 23) Location of proposed signs and lights.
- 24) Specifications for the signs and lights, including type, height and general conformance to this code. For commercial and industrial uses, a photometric plan prepared by a qualified electrical or lighting engineer shall be submitted that depicts all lighting fixtures and the light spread (in foot-candles) of these fixtures across the site to all property boundaries.
- 25) Proposed traffic controls and striping for parking areas (all lanes, driveways and parking spaces must be dimensioned).
- 26) Trash disposal areas and enclosures, including specifications for enclosures.
- 27) Location and size of existing and proposed water and sewer service connections and tap sizes (including those for irrigation systems).
- 28) Location and size of water and sewer lines to which the service connections will be or are made.
- 29) Location and size of water meters.
- 30) Location and size of backflow-prevention devices.
- 31) Indication of how and where perimeter drain will drain (if one exists).
- 32) Location of existing electrical lines and poles on or adjacent to the site.
- 33) Location of proposed electrical service connection and meter location.
- 34) Location of electric transformer.
- 35) Location of all fire hydrants. If none exist on site, note distance and direction of the closest hydrant adjacent to the site within five hundred (500) feet.
- 36) Location of detention/ retention areas and storm sewer infrastructure with the required drainage easements.
- 37) The distance from the proposed buildings or structures to adjacent lot lines, easements and adjacent structures.
- 38) A land use chart (table).

39) Certificate blocks for signatures of owner, surveyor, utility providers and city approval, as applicable.

d. Certified drainage report. A stormwater drainage report, including an erosion control study and plan, as applicable.

e. Final landscape and open space plan

f. Exterior elevations of proposed structures/graphic visual aids. Provide complete building elevations, drawn to scale, with illustrations of all colors and identifying major materials to be used in the structures. In addition, staff may require building floor plans, sectional drawings, perspective drawings, models and/or computer visualizations when the impacts of a proposal warrant such information.

g. Mailing labels (Avery #8160 format) for property owners located within three hundred (300) feet of the boundary of the project.

2. Application certification of completion. Within a reasonable period of time, staff shall either certify that the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. The applicant shall then correct any deficiencies in the application package if necessary, and submit the required number of copies of the application to the city. The original application and all documents requiring a signature shall be signed in blue ink. Any review timeframes begin only after the submittal has been certified as complete. Any changes to the submittal after it has been certified as complete by the city restarts the process.

3. Staff refers application. Staff will refer selected site plan materials to property owners of record within three hundred (300) feet of the property boundaries of the proposal and publish notice of the planning commission and city council public meetings a reasonable amount of time prior to those meetings.

4. Commitment to serve. Prior to the planning commission meeting, the applicant shall provide the city with letters of commitment to serve from all utility providers that will be serving the property.

5. Staff reviews application and prepares comments. Staff will review the site plan map to ensure that it is consistent with the site plan review criteria. Staff may consider comments received during the referral period in its review of the site plan. Following the review, staff will prepare a written report outlining any changes that the applicant must make before the site plan can be approved. This report will be forwarded to the applicant.

6. Applicant addresses staff comments. The applicant shall make all necessary changes to the site plan and resubmit any revised copies to the city.

7. Subdivision Improvement Agreement (SIA). Staff may require that the applicant execute a Subdivision Improvement Agreement to assure the construction of on-site and off-site improvements as a condition of approval of the site plan.

8. Planning commission review and action. The site plan shall be presented to the planning commission for its review and recommendation to the city council at the planning commission's next available meeting. The planning commission may recommend approval, conditional approval or denial of the site plan based on the site plan review criteria.

9. City council review and action. The site plan shall be presented to the city council with the recommendation of the planning commission. The city council may approve, approve with conditions or deny the site plan based on the site plan review criteria. If the site plan is denied, the request, or one (1) that is substantially the same, may not be heard by the planning commission or city council for a period of one (1) year from the date of denial unless otherwise approved by the city council.

10. Submit and record site plan. Upon approval by the city council, the applicant shall have thirty (30) days to submit two (2) original Mylar drawings of the approved site plan to the community development director.

11. Post-approval actions.

a. Building permit. A building permit shall be issued only when a site plan has been approved. However, with the approval of the city, an applicant may submit a building permit application concurrent with the site plan application. Building permits shall not be issued for any development that is not in conformance with the approved site plan.

b. Phasing and expiration of approval. The site plan shall be effective for a period of three (3) years from the date of approval, unless stated otherwise in the written site plan approval. Building permits shall not be issued based on site plans that have an approval date more than three (3) years old. For multi-phased plans, building permits shall not be issued based on an approval date more than three (3) years from the date of Phase I approval.

D. Site plan review criteria. In addition to all requirements of this code, the site plan must meet the following review criteria:

1. All of the information required on a site plan is shown.
2. The lot size and lot dimensions are consistent with what is shown on the approved final plat.
3. No buildings or structures infringe on any easements.
4. The proposed site grading is consistent with the requirements of any applicable adopted storm drainage criteria or master drainage plans.
5. The density and dimensions shown conform to this code or the approved PUD requirements.
6. The applicable provisions of this code have been adequately addressed and the proposed improvements conform to this code.

E. Amendments to approved site plans.

1. Minor variations in the location of structures, improvements or open space areas caused by engineering or other unforeseen difficulties may be reviewed and approved by staff. Such changes shall not exceed ten percent (10%) of any measurable standard or modify the use, character or density of an approved site plan. All plans so modified shall be revised to show the authorized changes and shall become a part of the permanent records of the city.

2. Changes to approved site plans that exceed the ten-percent threshold, or other major modifications (such as changes in building size or footprint, relocation of access points, changes to required parking, etc.), shall be considered as a new site plan application. Such amendments shall require planning commission review and approval to become effective. A complete site plan application shall be prepared and submitted in compliance with the requirements set forth in this section. (Ord. 962 §§1, 2, 2007)

16.04.100 Resubdivision.

Amendments to any lots, tracts or parcels, or the relocation or addition of streets within a previously recorded subdivision, shall be considered a resubdivision (also known as a "replat") and shall be prepared and submitted in compliance with the requirements for subdivisions as set forth in this chapter. Sketch plan, preliminary plat and final plat requirements may be waived at the discretion of the city council.

16.04.110 Subdivision Improvement Agreement.

A. Agreements and improvements. A Subdivision Improvement Agreement (SIA) stating that the applicant agrees to construct any required public improvements shown in the final plat documents, together with security in a form approved by the city attorney, is required. No subdivision plat shall be signed by the city or recorded at the office of the county clerk, and no building permit shall be issued for development until an SIA between the city and the applicant has been executed. Such agreement shall include a list of all agreed-upon public improvements and landscaping, an estimate of the cost of such improvements, the form of guarantee for the improvements and any other provisions or conditions deemed necessary by the city council to ensure that all improvements will be completed in a timely, quality and cost-effective manner.

B. Other agreements or contracts setting forth the plan, method and parties responsible for the construction of any required public improvements shown in the final plat documents may also be required.

C. As required by this code, all applicable laws, rules and regulations, the applicant shall apply to the city for inspection of improvements.

D. The following improvements shall be constructed unless waived by the city council.

1. Road grading, structural section and asphalt/concrete surfacing.
2. Curbs.
3. Streetlights.

4. Sidewalks.
5. Sanitary sewer collection system.
6. Storm sewers or storm drainage system, as required.
7. Potable water distribution, including fire hydrants.
8. Utility system (irrigation, electrical, etc.) for public parks and open space.
9. Street signs at all street intersections.
10. Permanent reference monuments and monument boxes.
11. Underground telephone, electricity and gas lines.
12. Required landscaping.
13. Underdrains.
14. Required floodway improvements.
15. Required irrigation ditch improvements.
16. Off-site improvements as required.

E. Time for completion. The required time for the completion of all required improvements shall be two (2) years from the recording date of the final map or plat. However, the city council may extend such time for completion upon request from the applicant. Upon completion of such improvements within the required time and approval thereof by the city council, the city shall cause the cash or letter of credit to be released within thirty (30) days of the city's acceptance of such improvements and receipt of the required as-built drawings. When such improvements are not completed within the required time, the city may cause the proceeds of the cash or letter of credit to be used to complete the required improvements.

F. Partial release of security. During construction of required improvements, the applicant may from time to time request the release by the city of a portion of the security for improvements that have been inspected and approved by the city engineer. The required warranty period shall commence upon completion and initial approval of all required improvements.

G. Warranty. All workmanship and materials for all required improvements shall be warranted by the applicant as specified in the SIA and this code. (Ord. 962 §§1, 2, 2007)

Chapter 16.05

Vesting of Property Rights

Sections:

- 16.05.010 Purpose
- 16.05.020 General provisions

16.05.010 Purpose.

This section specifies procedures necessary to implement Article 68 of Title 24, C.R.S., which establishes a vested property right to undertake and complete development of real property under the terms and conditions of an approved site-specific development plan. No vested rights shall be created within the city except through a site-specific development plan. (Ord. 962 §§1, 2, 2007)

16.05.020 General provisions.

A. Request for site-specific development plan approval. Landowners wishing the creation of vested property rights pursuant to Article 68 of Title 24, C.R.S., shall request that approval in writing at least thirty (30) days prior to the date that the approval is to be considered. Failure of the landowner to request such an approval renders the plan not a "site-specific development plan," and no vested property rights shall be deemed to have been created.

B. Notice and hearing. No site-specific development plan shall be approved until notice of such hearing has been published by the city at least fifteen (15) days before the hearing and after a public hearing called for that purpose. Such notice may, at the city's option, be combined with any other required notice. At such hearing, all interested persons shall have an opportunity to be heard.

C. Approval, conditional approval, effective date, amendments, referendum and review.

1. A site specific development plan shall be deemed approved upon the effective date of the ordinance granting final approval of the plan. The vested property right shall attach to and run with the applicable property and shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the site-specific development plan, including any amendments thereto.

2. The city council may approve a site-specific development plan with terms and conditions as may reasonably be necessary to protect the public health, safety and welfare. Such conditional approval will result in a vested property right, although failure to abide by all of such terms and conditions shall result in a forfeiture of the vested property rights.

3. In the event amendments to a site-specific development plan are approved, the effective date of such amendments, for purposes of duration of a vested property right, shall be the date of the approval of the original site-specific development plan, unless the city council specifically finds to the contrary and incorporates such findings in its approval of the amendment.

4. The approval of vested property rights shall be subject to all rights of referendum and judicial review.

5. The approval of a vested property right by the city voids any and all preexisting vested property rights on the same real property.

D. Notice of approval.

1. Each plat or site plan constituting a site specific development plan by this chapter shall contain the following notice: "This plan constitutes a site-specific development plan as defined in Article 68 of Title 24, C.R.S., as amended, and Title 16 of the Craig Municipal Code, available at the Craig City Hall, 300 West 4th Street, Craig, Colorado 81625." Failure to contain this statement shall invalidate the creation of the vested property right.

2. The developer shall publish a notice describing generally the type and intensity of the approved use, the specific parcel or parcels of property affected, the terms and conditions of any approval and a statement that a vested property right has been created. The notice shall be published once, not more than fifteen (15) days after approval of the site-specific development plan in the newspaper of general circulation in the city chosen by the city for publishing public notices. Failure of the developer to publish the notice constitutes a waiver of the vested right by the developer.

E. Duration of vested property right. A property right which has been vested as provided herein shall, upon compliance with the terms and conditions of the approval thereof, remain vested for a period of three (3) years; except that the city council may, in its sole discretion, grant vested property rights for a longer period when warranted in light of all relevant circumstance, including but not limited to the size and phasing of the development, economic cycles and market conditions. The vesting period shall not be extended by any amendments to a site-specific development plan unless expressly authorized by the city council in the ordinance approving such amendments.

F. Other provisions unaffected. Approval of a site-specific development plan shall not constitute an exemption or waiver of any other provisions or requirements of this code or the city pertaining to the development or use of property, adopted or applicable before or after the approval of the site-specific development plan.

G. Payment of costs. In addition to any and all other fees and charges imposed by this code, the applicant for approval of a site-specific development plan shall pay all costs incurred by the city related to such application, including but not limited to publication of notices, public hearing costs, county recording fees and third-party review costs.

H. Limitations. This section is enacted pursuant to the provisions of Article 68 of Title 24, C.R.S. In the event of the repeal of said Article or a judicial determination that said Article is invalid or unconstitutional, this section shall be deemed to be repealed and the provisions hereof no longer effective.

I. Disclosure of previously granted vested property rights and hazards.

1. Any petition for annexation to the city shall describe all vested property rights approved by any local government in effect at the time of the petition, if any, and be accompanied by all site-specific development plans approved by any local government. Failure to so identify any previously approved vested property right and provide all approved site-specific development plans shall constitute a waiver of the vested rights created by any other local government upon annexation to the city unless specifically provided otherwise in the ordinance of annexation adopted by the city.

2. The applicant shall be required to include with any plan submitted for approval as a site-specific development plan notice of any natural or man-made hazards on or in the immediate vicinity of the subject property which are known to the applicant or could reasonably be discovered at the time of submission of the plan. Should a hazard on or in the immediate vicinity of the property be discovered subsequent to the approval of a site-specific development plan which would impose a serious threat to the public health, safety and welfare and is not corrected by the applicant, the vested property right created by such site-specific development plan shall be forfeited by the applicant.

J. Development agreement. Nothing herein shall be construed to limit the authority of the city and a landowner to enter into a development agreement vesting property rights in the landowner. Such agreement shall be construed in accordance with the terms and conditions of said agreement and not be limited or expanded by the provisions of this code. (Ord. 962 §§1, 2, 2007)

Chapter 16.06

Enforcement

Sections:

16.06.010 Enforcement

16.06.010 Enforcement.

A. Responsible enforcement entity. The city council, or its designee, shall be responsible for enforcing the provisions of this title. Any criminal enforcement shall be by the issuance of a complaint and summons to municipal court by a peace officer.

B. Authorization for inspections. The city may enter any building, structure, real property or premises to ensure compliance with the provisions of this code as provided in this code.

C. Violations and enforcement procedures.

1. Violations. It shall be unlawful to violate any provision of this title.

2. Specific activities violating this title. It shall be unlawful to undertake any of the following activities:

a. Activities inconsistent with code. Erecting, constructing, reconstructing, remodeling, altering, maintaining, expanding, demolishing, moving or using any building, structure or sign, or to engage in development or subdivision of any land in contravention of any zoning, subdivision, sign or other regulation of this code, including terms and conditions of all required approvals.

b. Land-disturbing activities inconsistent with code. Excavating, grading, cutting, clearing or undertaking any other land disturbance activity contrary to the provisions of this code or without first obtaining all requisite land use approvals required by this code or other applicable regulations.

c. Nonconforming uses or structures inconsistent with code. Creating, expanding, replacing or changing a nonconforming use, structure, lot or sign except in compliance with this code.

d. Making lots or setbacks nonconforming. Reducing or diminishing the lot area, setbacks or open space below the minimum required by this code.

e. Increasing intensity of use. Increasing the intensity of use of any land or structure, except in accordance with the procedural and substantive standards of this code.

f. Activities inconsistent with permit. Engaging in any development, use, construction, remodeling or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval or other form of authorization required to engage in such activity.

g. Activities inconsistent with conditions of approval. Failure to comply with any terms, conditions or limitations placed by the city upon any final development plan, subdivision plat, permit or other form of approval by the city.

h. Agreements to convey. Making any agreement to convey or conveyance of any lot or undivided parcel of land contrary to the provisions of this title or prior to approval of a final plat by the city. It shall be a separate violation for each lot or parcel of land sold or agreed to be sold, for each day of the violation.

i. Activities inconsistent with an order of the city. Failure to comply with any stop work order, abatement order or any other order issued by the city pursuant to this code.

3. Separate violations. Any person who violates or causes the violation of any of the provisions of this code shall be guilty of a separate offense for each and every day or portion thereof during which a violation is committed, permitted or continues.

4. Remedies and enforcement powers. Violations of this title may be enforced in the municipal court or any other court with jurisdiction, by any appropriate equitable action, by abatement, by issuance of stop work orders, by injunction and restraining order, by revoking any permits or approvals issued and by assessing any amounts due or delinquent fines as taxes. Any one (1), all or any combination of the foregoing penalties and remedies may be used to enforce this title. In addition, the city shall have the following civil remedies and powers to enforce this code:

a. Notice of violation and corrective action order.

1) Nonemergency violations. In the case of violations of this code that do not constitute an emergency or require immediate attention, written notice of the nature of the violation and required corrective action to be taken shall be given by the city to the owner, occupant, applicant for any relevant permit, person in charge of construction or other work on the property or any other person in possession of or involved in the illegal activity on the property. Notice shall be given in person, by certified U.S. mail (return receipt requested) or by posting notice on the premises. The notice shall specify the code provisions allegedly

in violation and shall state that the individual has a period of thirty (30) days from the date of the receipt of the notice in which to correct the alleged violations before further enforcement action shall be taken.

2) Emergency violations. In the case of violations of this code that constitute an emergency as a result of safety or public concerns, or violations that will create increased problems or costs if not remedied immediately, the city may use the enforcement powers available under this code without prior notice, but shall attempt to give notice simultaneously with beginning enforcement action or as soon thereafter as practicable. Notice may be provided to the property owner, agent, occupant or the applicant for any relevant permit. In addition, the city may proceed to abate the danger and assess the costs therefor as a lien on the property and certified to the county treasurer to be collected with the taxes on the property.

3) Extension of time for correction. The city council may grant an extension of the time to cure an alleged violation or for weather-related issues for work, including paving and plantings for up to a total of ninety (90) days, if the city council finds that, due to the nature of the alleged violation, it reasonably appears that it cannot be corrected within thirty (30) days.

b. Deny/withhold approvals or permits. The city may deny and withhold all approvals, permits, certificates or other authorization to use or develop any land, structure or improvements thereon until the alleged violation related to such property, use or development is corrected. This provision shall apply whether or not the current owner or applicant for the permit is responsible for the violation. Where a property owner, agent or other person has a record of an outstanding violation of this code, the city shall be authorized to deny or withhold all permits, certificates of occupancy or other forms of authorization for any use or development activity undertaken by such person until all outstanding violations are corrected. This provision shall apply whether or not the property for which the permit or other approval is sought is the property in violation. The denial or withholding of a permit by the city may be appealed to the board of adjustment as provided in this code.

c. Revocation of permits.

1) Revocation by city council. The city may revoke any development permit, certificate or other authorization for violation of this code.

2) Reconsideration of revocation. The applicant may request a public hearing for reconsideration of the city's revocation.

3) Notice of public hearing. The public hearing on the reconsideration of revocation shall be conducted during a regular or special meeting of the city council not less than seven (7) days or more than twenty-one (21) days from the date the notice of the hearing is given. Notice of hearing shall be deemed given to the owner, the owner's agent or other person to whom the development permit was issued, upon deposit of said notice in the U.S. mail, by certified mail, return receipt requested, addressed to the last known address of said person. Additional methods of service may also be utilized to give notice of the public hearing.

4) Findings. Following the public hearing, the city council shall reinstate the permit revoked unless it finds any of the following:

- a) There is a departure from the approved plans, specifications or conditions of approval;
- b) There is a violation of any provision of this code;
- c) The development permit was obtained by false representation; or
- d) The development permit was issued in error.

5) Notice of revocation. Written notice of the findings shall be served upon the owner, the owner's agent, applicant or other person to whom the permit was issued by certified mail, return receipt requested, or such notice may be posted in a prominent location at the place of the violation. No work, construction or use of the property shall proceed after service of the findings.

d. Stop work order.

1) Issuance of stop work order. The city may issue a written order to stop work on any property on which there is an uncorrected violation of either a provision of this code or a provision of a land use approval or development permit, building permit or other form of authorization. The stop work order shall specify the code provisions allegedly in violation. Service of the order shall be given in person, by certified U.S. mail (return receipt requested) or by posting notice on the premises. After any such order has been served, no work shall proceed on any building, other structure or tract of land covered by such order, except to correct such violation or comply with the order. The notice shall also state any appeal and/or variance procedures available pursuant to this code.

2) Timing/notice. The stop work order may be issued in conjunction with a notice of violation or subsequent to such notice. The stop work order may also specify a shorter time for correction of the violation if the city determines that a shorter time is necessary to protect the health, welfare or safety of people or property in the city. It shall be unlawful to violate the terms of a stop work order.

e. Abatement or injunctive relief. In addition to any other remedy, the city council may initiate injunction or abatement proceedings or other appropriate legal action in the municipal court or other court of competent jurisdiction to abate, remove or enjoin such violation and to recover damages, costs and reasonable attorneys' fees incurred in the abatement and removal of such violation.

5. Persons responsible. The owner, tenant or occupant of any building or land or part thereof, as well as any architect, builder, contractor, agent or other person who participates in, assists, directs, creates or maintains any situation that is contrary to the requirements of this title, may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

6. Remedies cumulative. The remedies provided for violations of this code, whether civil or criminal, shall be cumulative and in addition to any other remedy provided by law or equity, and may be exercised in any order. Each twenty-four-hour period or portion thereof is considered a separate violation under this title.

7. Continuation of prior enforcement actions. Nothing in this code shall prohibit the continuation of previous enforcement actions undertaken by the city pursuant to previous regulations.

8. Appeals of enforcement actions. Appeals of any order, requirement, decision or determination made by an administrative official in the enforcement of this title shall be made to the board of adjustment in accordance with this code.

9. Liability of city. This code shall not be construed to hold the city responsible for any damages to persons or property by reason of the inspection or reinspection or failure to inspect or reinspect, by reason of issuing a building permit or by reason of pursuing or failing to pursue an action for injunctive relief.

10. Violations. Violations of this title may be enforced in the municipal court, or any other court with jurisdiction, by any appropriate equitable action, by abatement, by issuance of stop work orders, by injunction and restraining order, by revoking any permits or approvals issued and by assessing any amounts due or delinquent fines as taxes. Any one (1) or any combination of the foregoing penalties and remedies may be used to enforce this title.

11. Penalty. Failure to comply with all of the provisions of this section shall constitute a misdemeanor and, upon conviction, is punishable by a fine of one thousand dollars (\$1,000.00) or imprisonment for a period of not more than one hundred eighty (180) days, or both. Each day that such violation continues to exist shall be considered a separate offense.

12. Costs and attorneys' fees for enforcement for abatement to be paid to the city. Costs and attorney's fees associated with said abatement shall be charged to the owner of the property on which said violation has occurred and any other person responsible for the violation as defined in this title. The cost of abating a violation of this title shall include all direct and indirect costs of such abatement, plus the costs of collection and interest at the rate of one percent (1%) per month. Notice of the bill for abatement of the violation shall be mailed to the last known address of said property owner by certified mail, and shall be payable within thirty (30) calendar days from the receipt thereof. If all of such costs are not paid within thirty (30) days of the notice, such costs may be made a lien on the property and certified to the county treasurer and collected with the taxes on the property. (Ord. 962 §§1, 2, 2007)

Chapter 16.07

Signs

Sections:

16.07.010 Purpose

- 16.07.020 Definitions
- 16.07.030 General provisions, restrictions and prohibitions
- 16.07.040 Standards and guidelines for sign design and construction
- 16.07.050 Signs not requiring permit
- 16.07.060 Signs subject to permits
- 16.07.070 Nonconforming signs
- 16.07.080 Abandoned and obsolete signs
- 16.07.090 Maintenance
- 16.07.100 Permit procedures, requirements and fees
- 16.07.110 Enforcement provisions
- 16.07.120 Variance procedures

16.07.010 Purpose.

A. Recognize that signs are a necessary means of visual communication for the convenience of the public and ensure the right of those concerned to use signs to identify businesses, services and other activities.

B. To provide flexibility within the sign review and approval process to allow for unique circumstances and creativity and to limit the use of signs that are accessory and incidental to the premises where such signs are located.

C. Provide a reasonable balance between the right of an individual to identify his or her business and the right of the public to be protected against the visual discord resulting from the unrestricted proliferation of signs and similar devices.

D. Protect the public from damage or injury caused by signs that are poorly designed, constructed or maintained and from distractions or hazards to pedestrians or motorists caused by the indiscriminate placement or use of signs.

E. Ensure that signs are well-designed and contribute in a positive way to the city's visual environment, express local character and help create a distinctive image for the city.

F. Encourage signs that are responsive to the aesthetics and character of their particular location, uses and the surrounding neighborhood. Ensure that signs are compatible and integrated with the building's architectural design and with other signs on the property and appropriate for the type of street on which they are located.

G. Bring nonconforming signs into compliance with these regulations.

H. Eliminate abandoned and/or obsolete signage. (Ord. 962 §§1, 2, 2007)

16.07.020 Definitions.

A. For the purpose of this chapter, certain words and phrases used in this chapter are defined as follows:

Abandoned sign means any sign on which is advertised a business that is no longer licensed, no longer has a certificate of occupancy or is no longer doing business at that location and such circumstances have continued for a period of more than thirty (30) consecutive days.

Address sign means any sign containing the name and address of a building and, for nonresidential buildings, may include the hours of operation and emergency information, such sign being located on the same site as the structure.

Advertising sign means any form of public announcement intended to aid, directly or indirectly, in the sale, use or promotion of a product, commodity, service, activity or entertainment.

A-frame or sandwich sign means a portable sign which is ordinarily in the shape of an "A" or some variation thereof.

Animated sign means any sign which includes action, motion, the optical illusion of action or motion or color changes of all or any part of the sign facing, requiring electrical energy or set in motion by movement of the atmosphere, or a sign made up of a series of sections that turn and stop to show two (2) or more pictures or messages in the copy area. In order to accommodate changes in technology, but to prevent such changes from creating distractions to the motoring public, animated signs shall include electronic reader boards unless the message changes instantaneously, without scrolling, and at a frequency of greater than one (1) minute between messages.

Announcement means any sign announcing a special event unrelated to the business in which the sign is placed.

Area of copy means the entire area within a single, continuous perimeter composed of squares or rectangles, which enclose the extreme limits of the advertising message, announcement or decoration on a fascia or wall sign.

Area or surface area of signs means the square foot area enclosed by a rectangle, parallelogram, triangle, circle, semicircle or other geometric figures or other architectural design, the sides of which make contact with the extreme points or edges of the sign, excluding the supporting structure which does not form part of the sign proper or of the display. The area of a sign composed of characters or words attached directly to a large, uniform building wall surface shall be the smallest rectangle, triangle, circle, parallelogram or other geometric figure or other architectural design, which encloses the whole group of words or characters.

Attached sign means any sign attached to, on or supported by any part of a building (e.g., walls, integral roof, awning, windows or canopy) which encloses or covers usable space.

Awning means a shelter, projecting from the exterior wall of a building and composed of nonrigid material, except for supporting framework.

Banner mean any sign of lightweight fabric or similar material that is mounted to a pole, a wall or a building at one (1) or more edges. Flags shall not be considered *banners*.

Beacon means a stationary or revolving light which flashes or projects illumination, single color or multicolored, in any manner which is intended to attract or divert attention; except, however, this

term is not intended to include any kind of lighting device which is required or necessary under the safety regulations described by the Federal Aviation Agency or similar agencies.

Bench/bus shelter sign means a sign drawn, painted, printed or otherwise affixed to a bench or bus shelter.

Building code means the building code, as adopted and modified by this jurisdiction.

Building name, date of construction and historical markers mean signs or tablets displaying the names of buildings and dates of erection when cut into masonry surfaces or constructed of bronze or other incombustible materials mounted on a solid base or one (1) or more uprights.

Building official means the local government official or his or her designee responsible for the administration, interpretation and enforcement of the building codes of the local government.

Bulletin or notice board means a sign of permanent character, but with removable letters, words, numerals or symbols, indicating the names of persons associated with, or events conducted upon or products or services offered upon, the premises upon which such sign is maintained.

Business establishment means any individual person, nonprofit organization, partnership, corporation, other organization or legal entity holding a valid occupational license and occupying distinct and separate physical space.

Business frontage means the length of the property line of any one (1) premises parallel and along each public right-of-way it borders.

Business hours sign means any sign displaying operating hours of a business.

Central business district means the Commercial Downtown zone district.

Canopy or awning sign means any sign that is a part of or attached to an awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window or outdoor service area. A marquee is not a *canopy*.

Changeable message sign means a portion of a sign which message copy is changed manually or automatically in the field through the utilization of attachable letters, numbers, symbols and other similar characteristics.

Construction sign means any sign giving the name of principal contractors, architects and lending institutions responsible for construction on the site where the sign is placed, together with other information included thereon.

Copy or text means the words or message displayed on a sign.

Deceptive sign means any sign which is erroneous and/or misleads the public.

Directional sign means any sign which exclusively contains information providing direction or location of any object, place or area, including but not limited to those signs indicating avenues of ingress and egress.

Display surface means the area made available by the sign structure for the purpose of displaying the advertising copy.

Distance of sign projection means the distance from the exterior wall surface of the building to the outer extremity of a sign attached to a building.

Door sign means a sign painted, printed, attached, glued or otherwise affixed to a door.

Double-faced sign means a sign which has two (2) display surfaces backed against the same background, one (1) face of which is designed to be seen from one (1) direction and the other from the opposite direction, every point on each face being either in contact with the other face or in contact with the same background.

Enterprise districts means the Commercial Downtown (CD), Community Commercial (C-2), Light Industrial (I-1) and Heavy Industrial (I-2) zone districts.

Erect means to build, construct, attach, hang, place, suspend or affix, and shall also include the painting of signs.

Exempt signs means all signs for which permits are not required, but which must, nonetheless, conform to the other terms and conditions of this code.

Exterior wall surface means the most exterior part of a wall, sun screen or any screening or material covering a building.

Flag means any fabric, banner or bunting containing distinct colors, patterns or symbols, used as a symbol of a government, political subdivision, corporation, business or other entity.

Flashing sign means any directly or indirectly illuminated sign, either stationary or animated (excluding automatic changing signs), which exhibits changing natural or artificial light or color effects by any means whatsoever.

Freestanding sign means any sign supported by structures or supports that are placed on or anchored in the ground and that are independent of any building or other structure.

Garage sale sign means any sign advertising a garage sale or any other temporary sale at a residence.

Good condition means a sign that is not decayed, insecure, lacking any part or portion thereof or is otherwise safe and any painted copy is well-maintained.

Grade means the average elevation of the ground at the common boundary line of the street, and the property or sidewalk and property lines.

Ground level sign means the level of finished grade of a parcel of land, exclusive of any filling, berming, mounding or excavating, solely for the purpose of locating a sign. Ground level on marina docks or floating structures shall be the finish grade of the landward portion of the adjoining parcel.

Hanging sign means any sign suspended from or supported by a building or wall which projects at a perpendicular angle therefrom or any sign suspended under a marquee, porch, walkway covering or similar covering structure.

Hazard sign means a temporary or permanent sign erected by the city, public utility companies, oil and gas companies or construction companies to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines and similar devices.

Height means the vertical distance measured from the ground level nearest the base of the sign to the highest point of the sign.

Highway or state highway sign means any road on the state highway system, as defined in Section 43-2-101, C.R.S.

Historic place sign means any sign indicating the historical significance of a site or structure. Such sign shall be no larger than three (3) square feet.

Identification sign means any sign which indicates no more than the name, address, company logo and occupation or function of an establishment or premises.

Illegal sign means a sign which contravenes this chapter or which the city may declare as unlawful if it becomes dangerous to public safety by reason of dilapidation or abandonment, or a nonconforming sign for which a permit required under a previous ordinance was not obtained.

Indirect lighting means a source of external illumination located a distance away from the sign, which lights the sign, but which is itself not visible to persons viewing the sign from any normal position of view.

Internal lighting means a source of illumination entirely within the sign which makes the contents of the sign visible by means of the light transmitted but wherein the source of illumination is not visible.

Maintenance means the replacing, repairing or repainting of a portion of a sign structure, periodically changing changeable copy or renewing copy which has been made unusable by ordinary wear, weather or accident.

Marquee sign means a sign attached to, painted on, erected against or extending from a marquee.

Memorial sign means a sign, plaque or grave marker which is noncommercial in nature.

Multiple-tenant building means a building where more than one (1) business is serviced by a common entrance, and where such businesses may be located above the first story or otherwise be without frontage on a public right-of-way.

Multi-use building means any nonresidential building with more than one (1) separately owned or operated business, tenant or enterprise in it.

Nonconforming sign means any sign that does not conform to the requirements of this chapter.

Obsolete sign means any sign which is obsolete in terms of identifying a business, service, attraction or event which no longer exists or applies.

Official sign (public sign) means any sign required or authorized for any public purpose to meet the needs of public information, health, safety and welfare. Where applicable, such sign shall not exceed three (3) square feet. An official sign shall not advertise a commercial business.

Off-premises sign means any sign identifying or advertising a product, business, person, activity, condition or service not located or available on the same zone lot where the sign is installed and maintained.

On-premises sign means any sign which identifies a use or business or advertises a product for sale or service to be rendered on the zone lot where the sign is located.

Open and closed sign means any sign indicating that a business is open or closed.

Parking sign means any sign indicating parking or directing vehicular traffic into a parking area.

Permanent sign means any sign made of a durable material affixed, lettered, attached to or placed upon a fixed, nonmovable, nonportable supporting structure.

Person means any individual, corporation, partnership, association or organized group of persons, whether incorporated or not, and any government, governmental subdivision or agency thereof.

Political sign means any sign which constitutes a political advertisement the primary purpose of which is related to the candidacy of any person for public office or any issue which has been submitted for referendum approval.

Portable sign means any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including but not limited to signs designed to be transported by means of wheels; signs converted from A-frames; menu and sandwich board signs; balloons and other inflatables; and umbrellas used for advertising.

Premises means the central, actual physical location where an activity is routinely conducted. The *premises* include the primary structures, parking facilities and private roadway if they are necessary to the principal activity.

Private roadway means an established access approach to the public way for only the individual or private entity or a single business operated by that individual or private entity that owns in fee the land over which the road passes and is not maintained by a public entity.

Prohibited sign means any sign not permitted within the city limits.

Projecting sign means any sign affixed perpendicularly to a building or wall in such a manner that its leading edge extends more than six (6) inches beyond the surface of such building or wall.

Property means an area of land under one (1) ownership that is not severed by land owned by another, nor severed by a public roadway.

Public information sign means a sign which identifies restrooms, public telephones or provides instructions as required by law or necessity. This category shall be interpreted to include such signs as "no smoking," "rest rooms," "no solicitors," "self-service" and similar information.

Public roadway means any road that is not a private roadway.

Real estate sign means any sign advertising for sale, rental or lease of the particular structure or land area upon which said sign is located. Such sign shall not exceed six (6) square feet per side per residential property and thirty-two (32) square feet per central business or enterprise district property. Dimensions in the MU District will be six (6) square feet per residential property and thirty-two (32) square feet per multi-family (four [4] or more dwelling units) or commercial property.

Recognized community-based nonprofit or civic organization shall mean any organization that qualifies as tax exempt as set forth in the IRS (Internal Revenue Service) Code.

Regulatory sign means a sign erected on private property, such as "no trespassing" signs.

Residential zone means the Rural Residential (RR) zone district, Residential Low Density (RLD) zone district, Residential Medium Density (RMD) zone district, Residential High Density (RHD) zone district and Residential Mobile Home (RMH) zone district.

Right-of-way means any parcel or portion of land which allows for public pedestrian or vehicular access thereupon.

Roof line means the highest point on any building where an exterior wall encloses usable floor area, including roof area provided for housing mechanical equipment.

Roof sign means any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure. *Integral roof sign* means any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches. Any integral portion of the roof shall not extend more than five (5) feet above the structural roof.

Sale, lease or rent sign means any sign advertising the sale, rental or lease of premises, or part of the premises, on which the sign is displayed.

Sales or auction sign means a sign that is placed temporarily to advertise a special sales event.

Searchlight means an apparatus containing a light and/or reflector for projecting a strong, far-reaching beam greater than two hundred (200) feet in any direction.

Sign means any device, fixture, placard or structure that uses any color, form, graphic, illumination, architectural style or design or writing to advertise, attract attention, announce the purpose of or identify the purpose of a person or entity, or to communicate information of any kind to the public. *Sign* includes sign structure.

Sign face means the part of the sign that is or can be used to identify, display, advertise, communicate information or for visual representation which attracts or intends to attract the attention of the public for any purpose.

Sign permit means a permit issued for the erection, construction, enlargement, alteration, moving or conversion of any sign listed in Section 16.07.060 and issued pursuant to the building and electrical codes as currently adopted.

Sign structure means any structure which is designed specifically for the purpose of supporting a sign, has supported or is capable of supporting a sign. This definition shall include any decorative covers, braces, wires, supports or components attached to or placed around the sign structure.

Special event sign means any temporary or nonpermanent sign advertising or pertaining to any civic, patriotic or special event of general public interest.

Subdivision sign means a sign which contains only the name of a platted subdivision or other residential development.

Temporary sign means any sign, except real estate signs, which is not permanently affixed, including all devices such as banners, pennants, sandwich-board-type signs, sidewalk or curb signs and balloons or other air-filled or gas-filled figures.

Temporary window or building sign means a sign painted on the interior of a window or constructed of paper, cloth or other like material and attached to the interior side of a window or displayed on the exterior of a building wall in order to direct attention of persons outside the building to a sale of merchandise or a change in the status of the business.

Time and temperature sign means a sign which displays the current time or outdoor temperature or both, and which does not display any commercial advertising or identification.

Traffic control/directional sign means a sign used to direct and control pedestrian or vehicular traffic and located on the same lot or premises as the use which it is intended to serve. For traffic safety reasons, a directional sign shall not display an advertising message, business name, business function or other business identity.

Two-sided sign means any sign with two (2) identical faces, connected so as not to exceed a forty-five-degree angle.

Vacancy and No Vacancy sign means any sign posted by a place of lodging to indicate availability of rooms.

Vehicle sign means a sign attached to or placed on a vehicle, including automobiles, trucks, boats, campers and trailers, that is parked on or otherwise utilizing a public right-of-way, public property or on private property so as to be intended to be viewed from a vehicular right-of-way for the basic purpose of providing advertisement of products or services or of directing people to a business or activity. This definition is not to be construed to include those signs that identify a firm or its principal products on a vehicle or such advertising devices as may be attached to and within the normal unaltered lines of the vehicle of a licensed transit carrier, when and during that

period of time such vehicle is regularly and customarily used to traverse the public highways during the normal course of business.

Wall sign means a sign which is painted on, fastened to or erected against the wall of a building with its face in a parallel plane to the plane of the building facade or wall.

Wind sign means any sign inflated by or displayed by wind or air movement.

Window sign/display sign means a sign or display located on a window or within a building or other enclosed structure, which is visible from the exterior through a window or other opening. (Ord. 962 §§1, 2, 2007)

16.07.030 General provisions, restrictions and prohibitions.

Except as otherwise specifically provided in this chapter and by the variance procedure, the following provisions apply in all zones and for all signs:

A. For the purpose of public safety, no sign shall be permitted which may obstruct visibility in any direction at all intersections of streets, alleys and/or driveways.

B. No signs shall be allowed which advertise activities that are illegal under federal, state, county or city laws.

C. No signs shall be painted upon retaining walls, rocks or natural features.

D. If any provision of this chapter conflicts with any other adopted city code regulating signs, the more restrictive shall govern.

E. Prohibited signs. The following signs shall not be allowed:

1. A sign which copies or imitates or in any way approximates an official highway sign, or any sign which obscures a sign displayed by a public authority for the purpose of attempting to direct the movement of traffic.

2. Flashing, rotating, blinking or moving signs, animated signs, signs with moving, rotating or flashing lights or signs that create the illusion of movement, except for time and temperature devices.

3. Signs which are obsolete in terms of identifying businesses, services, attractions or events which no longer exist or apply are prohibited after thirty (30) days of discontinuance of the business, service, attraction or event. Business or property owners and lessees, managers or agents are responsible for the removal of obsolete signs.

4. A sign which obstructs any window or door opening used as a means of egress or prevents free passage from one (1) part of a roof to any other part thereof. A sign which interferes with an opening required for legal ventilation and/or public safety.

5. Any sign suspended from balloons, inflatable freestanding signs, wind signs and tethered balloons over three (3) feet in diameter. Signs attached directly to or painted on the balloon surface shall be considered temporary signs.

6. Searchlights are prohibited in all zones.

7. Mechanical or electrical appurtenances, such as revolving beacons, that are designed to compel attention. (Ord. 1004 §1, 2010; Ord. 962 §§1, 2, 2007)

16.07.040 Standards and guidelines for sign design and construction.

Signs will be reviewed by the city's building department according to the following criteria:

A. The sign conforms to the requirements of the building and electrical codes as currently adopted.

B. The sign conforms to the size, height, material and location requirements of the zone district in which it will be located.

C. The sign would not interfere with pedestrian or vehicular safety.

D. The sign would not detract from the character of an architecturally significant or historic structure.

E. The sign would not be located so as to create confusion or have a negative impact on adjacent properties.

F. The sign would not detract from the pedestrian quality of a street or area.

G. The sign would not add to an over-proliferation of signs on a particular property or area.

H. The sign design includes concealed utilities and appropriate landscaping.

I. Rights-of-way and adjacent properties are shielded to prevent light pollution from illuminated signs.

J. All signs and supporting structures are to be maintained in a good state of appearance and repair. Business or property owners are responsible for the maintenance of their signs.

K. All permits for signs must be obtained by a licensed contractor, unless the sign measures less than sixteen (16) square feet and is not illuminated. (Ord. 962 §§1, 2, 2007)

16.07.050 Signs not requiring permits.

Signs not requiring permits shall not be considered in calculating the total area of signs under the provisions of Section 16.07.060 below.

A. Each residence or business may erect, maintain and display the following signs without a permit:

1. Garage sale signs;
2. Historic place signs;
3. Official signs;
4. Political signs;
5. Real estate signs; and
6. Address signs.

B. The following signs may be erected and maintained, subject to the stated restrictions and without a permit, in the central business and enterprise districts and at commercial properties in the MU District:

1. Announcements. Shall be located in, or in close proximity to, a door or window, and the area of the sign shall not exceed a total of six (6) square feet.
2. Business hours signs. Shall have a maximum allowable size of four (4) square feet.
3. Credit card signs. Shall be displayed only on the window or entrance of the business in the central business district, and shall not exceed a total of two (2) square feet.
4. Open and Closed signs. Shall have a maximum allowable size of four (4) square feet.
5. Parking signs. The maximum allowable number is two (2) at each access to the parking area. The total maximum area of the sign shall be six (6) square feet per entrance.
6. Window signs.
 - a. Location. Excluding temporary signs and announcements, no more than two (2) signs subject to a permit shall be allowed in each window or door.
 - b. Size. The total sign area shall not exceed twenty-five percent (25%) of an individual window.

C. Temporary signs.

1. Location. Shall be displayed within window areas or on walls located along business frontage, or freestanding.
2. Size. Sign area shall not exceed sixteen (16) square feet per side.
3. Number. Shall be limited to one (1) per twenty (20) lineal feet per side.
4. Height. Shall not exceed four (4) feet in height measured from grade to the highest point on the sign or sign structure.

5. Duration. Shall not be displayed for more than two (2) months. (Ord. 962 §§1, 2, 2007)

16.07.060 Signs subject to permits.

Signs subject to permits are as follows in this section:

A. All signs not cited under Section 16.07.050 above, including all off-premises signs located in the central business and enterprise districts and subject to the following provisions:

1. Total number.

a. For a business with a single frontage, the total number of signs subject to permit shall not exceed three (3) per business, excluding temporary and off-premises signs.

b. For a business with more than one (1) frontage, the total number of signs subject to a permit shall not exceed four (4) per business, and shall not exceed two (2) signs per frontage, excluding temporary and off-premises signs.

2. Area.

a. Sign area per business shall be allotted on the basis of two (2) square feet of sign per one (1) foot of business frontage for the street level business or five hundred (500) square feet maximum, whichever is less. For all other levels, the sign area shall be allowed on the basis of one (1) square foot of sign per one (1) foot of business frontage, or fifty (50) square feet maximum, whichever is less.

b. The sum of the areas of all window, wall, hanging and freestanding signs for a business shall not exceed the maximum sign area allocated to that business.

3. Type. The following signs are allowed, subject to the stated restrictions:

a. Freestanding signs.

1) Location. No part of the sign shall encroach in the right-of-way but shall be set back from the property lines a minimum of two (2) feet.

2) Size. Shall be in accordance with the frontage ratio in this subsection.

3) Height. Shall not exceed thirty-five (35) feet in height measured from grade to highest point on sign or sign structure.

4) Number. Shall be limited to two (2) on-premises signs per business.

b. Hanging signs.

1) Location. Shall not extend outward more than five (5) feet from the building wall and shall be set back a minimum of two (2) feet from all property lines, except in the central business district where the setback shall be at least four (4) feet six (6) inches from the back of the curb.

2) Size. Sign area shall not exceed twenty-four (24) square feet per side (exclusive of brackets).

3) Clearance. Minimum clearance is eight (8) feet from grade to the bottom of the sign.

4) Number. Shall be limited to one (1) per business. (One [1] sign may have two [2] sides.)

5) Liability. If a hanging sign is in the right-of-way, the business or property owner shall assume full liability for any damages incurred due to the positioning of the sign. The business or property owner shall be required to agree to this condition in writing before a permit is issued.

c. Awnings.

1) Shall not be counted as signs.

2) Copy (in addition to the allowable sign area under the frontage ratio in this subsection) may be applied to the awning surface; however, this additional copy may not increase the allowable sign area by more than twenty-five percent (25%). This calculation for additional sign area shall include only the immediate area of the copy and not the whole surface of the awning.

d. Roof signs.

1) Size. Shall be in accordance with the frontage ratio in this subsection.

2) Number. Shall be limited to two (2) signs.

3) Height. Shall not exceed thirty-five (35) feet in height measured from grade to the highest point on the sign or sign structure.

e. Wall signs.

1) Location. On the wall area visible from the right-of-way. Signs shall be located a minimum of one (1) foot inward from perimeter edges of walls and shall not project outward from walls more than ten (10) inches.

2) Size. Shall be in accordance with the frontage ratio in this subsection.

B. Signs in residential zones. Any sign in any residential zone, except for those listed in Section 16.07.050 above, shall require a permit. Any sign requiring a permit in a residential zone must be approved by the planning commission. Signs will be approved by the planning commission only if they are judged to be compatible and necessary and to serve the purposes of this chapter. Specific criteria for signs in residential areas include:

1. Location. No part of the sign shall encroach in the right-of-way but shall be set back from the property lines a minimum of two (2) feet.

2. Height limitation. No sign shall exceed eight (8) feet in height.
3. Home occupation signs. All signs must be attached to the residence.
4. Lighting. Unshielded light sources shall not be directly visible from surrounding properties, and all lighting shall be subdued.
5. Number.
 - a. Home occupation: one (1) only.
 - b. All others: two (2) only.
6. Size.
 - a. Home occupation signs shall be a maximum of three (3) square feet.
 - b. Signage for community facilities, such as churches, schools, hospitals, fire and police stations, shall be a maximum of thirty-two (32) square feet.
 - c. Identification signs for condominiums, townhouses, apartment buildings and residential subdivisions shall be a maximum of fifty (50) square feet.
 - d. All others shall be a maximum of six (6) square feet.

C. Off-premises signs.

1. Only freestanding signs are permitted as off-premises signs. The total area of all off-premises signs per business shall not exceed one hundred fifty (150) square feet.
2. No business establishment shall erect, install or maintain more than two (2) off-premises signs within the city limits.
3. Off-premises signs are permitted only in the enterprise district.
4. No off-premises sign shall be closer than one hundred fifty (150) feet from existing off-premises signs along the same street frontage.
5. Exceptions to the off-premises sign restrictions may be granted by the planning commission and city council for any nonprofit, charitable or government agency after review of a sign plan showing the number, size, location and duration of proposed signs. No fee will be required for this request.

D. Multi-use buildings. Signage is allowed for nonresidential buildings housing more than one (1) separately owned or operated business, enterprise or tenant. Signs for multi-use buildings are subject to the following provisions:

1. Area. Sign area per building frontage on the street level shall be allotted on the basis of two (2) square feet of sign per one (1) linear foot of building frontage. For all other levels, the

sign area shall be on the basis of one (1) square foot of sign per one (1) linear foot of level frontage. Linear foot calculations for all levels shall be derived from a single straight line extending along the length of the building frontage. The sum of the areas of all permitted signs per frontage shall not exceed the maximum sign area allocated to that frontage.

2. Type of signs.

a. Freestanding signs.

1) Location. No part of the sign shall encroach in the right-of-way, but shall be set back from the property lines a minimum of two (2) feet.

2) Size. Shall be in accordance with the frontage ratio of this section, but shall not exceed one hundred fifty (150) square feet.

3) Height. Shall not exceed thirty-five (35) feet in height measured from grade to the highest point on the sign or sign structure.

4) Number. Shall be limited to one (1) on-premises sign per frontage.

5) Design standards. When more than one (1) business is being advertised within a freestanding sign, all sign panels contained within the sign structure shall be of similar construction and materials. Designs for freestanding signs shall be subject to approval by the building department.

b. Wall signs.

1) Location. Attached to a wall area visible from the right-of-way frontage. Signs shall be located a minimum of one (1) foot inward from perimeter edges of walls. Signs shall not project outward from walls more than ten (10) inches.

2) Size. Shall be in accordance with the frontage ratio of this section, but shall not exceed two hundred (200) square feet. In addition, any sign shall not have a height dimension greater than six (6) feet.

3) Number. The number of wall signs per building frontage shall not be restricted so long as the total sign area per building does not exceed the amount allotted by this chapter.

4) Design standards. All signs located on a multi-use building shall be of similar construction and materials. Designs for signs on a multi-use building shall be subject to approval by the building department. (Ord. 962 §§1, 2, 2007)

16.07.070 Nonconforming signs.

A. A lawful sign existing at the time of the passage of the ordinance codified in this chapter that does not conform with this chapter shall be deemed a nonconforming sign. All nonconforming signs may be maintained for fifteen (15) years unless the right to maintain a nonconforming sign is forfeited as described in Subsection B. of this section.

B. The right to maintain any nonconforming sign shall be terminated by:

1. Abandonment of the nonconforming sign for a continuous period of thirty (30) days.
2. Damage to or destruction of the nonconforming sign from any cause whatsoever, for which the cost to repair the damage or destruction exceeds fifty percent (50%) of the replacement cost of such sign on the date of damage or destruction. In determining the replacement cost of any nonconforming sign, the cost of the land, the cost of renting the land or any factor other than the sign itself shall not be included.
3. The structure or copy of the sign is altered in any way (except for changeable copy signs and normal maintenance), which tends to or makes the sign less in compliance with the requirements of this code than it was before the alteration.
4. The sign is replaced.

Upon termination of the right to maintain any nonconforming sign, the sign shall be immediately brought into compliance with this chapter, with a new permit secured, or it shall be removed. (Ord. 962 §§1, 2, 2007)

16.07.080 Abandoned and obsolete signs.

Signs are obsolete if identifying businesses, services, attractions or events which no longer exist or apply. Signs become obsolete thirty (30) days after discontinuance of the business, service, attraction or conclusion of the event. Property owners or lessees and/or business owners, managers or agents are responsible for the removal of obsolete signs. (Ord. 962 §§1, 2, 2007)

16.07.090 Maintenance.

Every sign constructed within the city limits, including but not limited to permitted and nonpermitted signs, shall be maintained in good structural condition, appearance and repair at all times. Business or property owners are responsible for the maintenance of their signs. The city shall inspect and have the authority to order the painting, repair, alteration or removal of signs found to be dilapidated or abandoned, or which constitute a physical hazard to the public safety. (Ord. 962 §§1, 2, 2007)

16.07.100 Permit procedures, requirements and fees.

Applications for sign permits shall be filed with the city.

- A. In addition to the sign permit, a building permit is also required.
- B. No sign subject to a permit shall be erected, installed or displayed without prior approval and issuance of a permit by the city.
- C. All permit requests for signage shall be accompanied by a fully dimensioned site plan showing the location and setbacks from property lines. An additional drawing showing the width, sign area, sign copy and construction date of the sign structure will be required for all sign permit applications.

D. The city shall review the submitted material in terms of its conformance with this chapter. If found in compliance, the city shall issue the required permit; otherwise, the application shall be denied.

E. All signs subject to the jurisdiction of the Colorado Department of Transportation shall be approved by said department prior to construction and (if applicable) prior to issuance of a city sign and/or building permit.

F. The issuance of a permit or approval of plans, specifications and computations shall not be construed to be a permit for, or an approval of, any violation of any other ordinance of the city. No permit presuming to give authority to violate or cancel the provisions of this code shall be valid.

G. The city may, in writing, suspend or revoke a permit issued under the provisions of this chapter whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation adopted by the city. (Ord. 962 §§1, 2, 2007)

16.07.110 Enforcement provisions.

A. Violations of this code are misdemeanors punishable by a minimum fine of fifty dollars (\$50.00) and a maximum fine of one thousand dollars (\$1,000.00).

B. The building inspector is the designated city official authorized to enforce this code. He or she is empowered to inspect signs, enter onto private property to investigate complaints of violations, issue notice of violations and issue orders. He or she is also empowered to file sworn complaints of violations with the police department for issuance of a complaint and summons in misdemeanor cases.

C. Notice of the violation shall be mailed to the occupant of the property and all owners of record at their last known addresses. The notice shall contain a street address sufficient to identify the property upon which the sign is located, a concise statement of the violation alleged, a statement of the possible penalties for noncompliance and notice of the owner's right to appeal. A notice will be deemed served on the day it is postmarked.

D. If the violation is not remedied within thirty (30) days after service of the notice, a second notice shall be mailed giving the owner another thirty (30) days to remedy the violation and informing him or her of the enforcement action which will be taken if he or she fails to comply.

E. Whenever the building inspector determines that a sign is nonconforming, abandoned, dangerous or a hazard to the public safety, he or she shall follow the procedures set forth in the building and electrical codes as currently adopted to cause the repair or demolition of the sign.

F. All costs of the demolition of a nonconforming, abandoned, dangerous or hazardous sign shall be paid by the property owner. If said costs are not paid within ninety (90) days, they shall become a lien upon the property. (Ord. 962 §§1, 2, 2007)

16.07.120 Variance procedures.

Should the owner of the sign wish to appeal an order to discontinue use, he or she may appeal said order to the city council (if construction-related) or to the planning and zoning commission (if related to zoning). Proper procedures for appeal adopted by the city shall be followed. (Ord. 962 §§1, 2, 2007)

Chapter 16.08

Flood Regulations

Sections:

- 16.08.010 Statutory authorization
- 16.08.020 Findings of fact
- 16.08.030 Statement of purpose
- 16.08.040 Methods of reducing flood losses
- 16.08.050 Definitions
- 16.08.060 General provisions
- 16.08.070 Administration
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- 16.08.090 Variance procedures
- 16.08.100 Penalties for noncompliance
- 16.08.110 Provisions for flood hazard reduction
- 16.08.120 Standards for areas of shallow flooding (AO/AH zones)
- 16.08.130 Floodways
- 16.08.140 Alteration of watercourse
- 16.08.150 Properties removed from floodplain by fill
- 16.08.160 Standards for subdivision proposals
- 16.08.170 Standards for critical facilities

16.08.010 Statutory authorization.

The regulations contained herein for flood prevention and control are adopted pursuant to, inter alia, Title 29, Article 20, Section 101, et seq., C.R.S.; Title 31, Article 23, Section 201, et seq., C.R.S.; and Title 24, Article 65.1, Section 101, et seq., C.R.S. (Ord. 1031 §1, 2013)

16.08.020 Findings of fact.

A. The flood hazard areas of the city are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

B. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards, which increase flood heights and velocities, and when inadequately anchored, damage uses

in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss. (Ord. 1031 §1, 2013)

16.08.030 Statement of purpose.

A. The city council finds that there are, within the city, floodplains which constitute natural hazards of state and local interest, that flooding may cause serious damage to properties and subject residents of such areas to hazards, that the occupation of such areas may cause the loss of human life and the destruction of property and that the use and occupation of these areas may pose a continuing and greater future damage to life and property unless appropriate regulations are adopted concerning the use and occupation of such hazard area. The city council further finds that flood losses are caused by the cumulative effect of obstructions and improvements in areas of special flood hazards that increase flood heights and velocities and, when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, under elevated or otherwise unprotected from flood damage also contribute to the flood loss.

B. The purpose of these regulations is to promote the public health, safety and general welfare and minimize flood hazards and losses by provisions designed to:

1. Promote sound planning and land use, and permit only such uses within floodplains that will not endanger life, health and public safety or property in times of flooding;
2. Protect the public from avoidable financial expenditures for flood control projects, flood relief measures and the repair and restoration of damaged public facilities;
3. Prevent avoidable interruption of business and commerce;
4. Attempt to maintain floodplain maps to assist all persons in identifying areas of special flood hazards;
5. Facilitate the administration of flood hazard areas by establishing requirements that must be met before use or development is permitted;
6. Minimize damage to public facilities and utilities, such as water, sewer and gas mains, electric and telephone lines, as well as streets and bridges located in areas of special flood hazard;
7. Help maintain a stable tax base by providing for a second use and development of areas of special flood hazard so as to minimize future flood blight areas;
8. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
9. Require that uses which are vulnerable to flooding, including public facilities, shall be protected against flood damage at the time of initial construction;
10. Ensure that potential buyers are notified that property is in an area of special flood hazard; and

11. Ensure that those who occupy the areas of special flood hazards assume responsibility for their actions. (Ord. 1031 §1, 2013)

16.08.040 Methods of reducing flood losses.

In order to accomplish its purposes, this chapter includes methods and provisions for:

A. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities.

B. Controlling filling, grading, dredging and other development activities that may increase flood damage.

C. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.

D. Controlling the alteration of natural floodplains, stream channels and natural protective barriers which help accommodate or channel floodwaters.

E. Preventing or regulating the construction of flood barriers that will unnaturally divert floodwaters or which may increase flood hazards in other areas. (Ord. 1031 §1, 2013)

16.08.050 Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted to give them the meaning they have in common usage and to give this chapter its most reasonable application.

100-year flood means a flood having a recurrence interval that has a one-percent chance of being equaled or exceeded during any given year (one-percent-annual-chance flood). The terms *one-hundred-year flood* and *one-percent-chance flood* are synonymous with the term *100-year flood*. The term does not imply that the flood will necessarily happen once every one hundred (100) years.

100-year floodplain means the area of land susceptible to being inundated as a result of the occurrence of a one-hundred-year flood.

500-year flood means a flood having a recurrence interval that has a 0.2-percent chance of being equaled or exceeded during any given year (0.2-percent-chance annual flood). The term does not imply that the flood will necessarily happen once every five hundred (500) years.

500-year floodplain means the area of land susceptible to being inundated as a result of the occurrence of a five-hundred-year flood.

Addition means any activity that expands the enclosed footprint or increases the square footage of an existing structure.

Alluvial fan flooding means a fan-shaped sediment deposit formed by a stream that flows from a steep mountain valley or gorge onto a plain or the junction of a tributary stream with the main

stream. Alluvial fans contain active stream channels and boulder bars, and recently abandoned channels. Alluvial fans are predominantly formed by alluvial deposits and are modified by infrequent sheet flood, channel avulsions and other stream processes.

Area of shallow flooding means a designated Zone AO or AH on a community's Flood Insurance Rate Map (FIRM) with a one-percent chance or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Base Flood Elevation (BFE) means the elevation shown on a FEMA Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/ AO, V1-V30 and VE that indicates the water surface elevation resulting from a flood that has a one-percent chance of equaling or exceeding that level in any given year.

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

Channel means the physical confine of a stream or waterway consisting of a bed and stream banks, existing in a variety of geometries.

Channelization means the artificial creation, enlargement or realignment of a stream channel.

Code of Federal regulations (CFR) means the codification of the general and permanent Rules published in the Federal Register by the executive departments and agencies of the Federal Government. It is divided into fifty (50) titles that represent broad areas subject to federal regulation.

Community means any political subdivision in the state that has authority to adopt and enforce floodplain management regulations through zoning, including but not limited to cities, unincorporated areas in the county, Indian tribes and drainage and flood control districts.

Conditional Letter of Map Revision (CLOMR) means FEMA's comment on a proposed project, which does not revise an effective floodplain map, which would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.

Critical facility means a structure or related infrastructure, but not the land on which it is situated, as specified in Section 16.08.170, that, if flooded, may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.

Development means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

DFIRM database means a database (usually spreadsheets containing data and analyses that accompany DFIRMs). The FEMA Mapping Specifications and Guidelines outline requirements for the development and maintenance of DFIRM databases.

Digital Flood Insurance Rate Map (DFIRM) means a FEMA digital floodplain map. These digital maps serve as "regulatory floodplain maps" for insurance and floodplain management purposes.

Elevated building means a non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X and D, to have the top of the elevated floor above ground level by means of pilings, columns (posts and piers) or shear walls parallel to the flow of the water, and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X and D, *elevated building* also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters.

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads).

Federal register means the official daily publication for Rules, proposed Rules and notices of federal agencies and organizations, as well as executive orders and other presidential documents.

FEMA means the Federal Emergency Management Agency, the agency responsible for administering the National Flood Insurance Program.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of water from channels and reservoir spillways;
2. The unusual and rapid accumulation or runoff of surface waters from any source; or
3. Mudslides or mudflows that occur from excess surface water that is combined with mud or other debris that is sufficiently fluid so as to flow over the surface of normally dry land areas (such as earth carried by a current of water and deposited along the path of the current).

Flood control structure means a physical structure designed and built expressly or partially for the purpose of reducing, redirecting or guiding flood flows along a particular waterway. These

specialized flood-modifying works are those constructed in conformance with sound engineering standards.

Flood Insurance Rate Map (FIRM) means an official map of a community on which the Federal Emergency Management Agency has delineated both the Special Flood Hazard Areas and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) means the official report provided by the Federal Emergency Management Agency. The report contains the Flood Insurance Rate Map, as well as flood profiles for studied flooding sources that can be used to determine Base Flood Elevations for some areas.

Floodplain or flood-prone area means any land area susceptible to being inundated as the result of a flood, including the area of land over which floodwater would flow from the spillway of a reservoir.

Floodplain administrator means the community official designated by title to administer and enforce the floodplain management regulations.

Floodplain development permit means a permit required before construction or development begins within any Special Flood Hazard Area (SFHA). If FEMA has not defined the SFHA within a community, the community shall require permits for all proposed construction or other development in the community, including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed within flood-prone areas. Permits are required to ensure that proposed development projects meet the requirements of the NFIP and this chapter.

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing means any combination of structural and/or nonstructural additions, changes or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway (regulatory floodway) means the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The statewide standard for the designated height to be used for all newly studied reaches shall be one-half ($\frac{1}{2}$) foot (six [6] inches). Letters of Map Revision to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.

Freeboard means the vertical distance in feet above a predicted water surface elevation intended to provide a margin of safety to compensate for unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood, such as debris blockage of bridge openings and the increased runoff due to urbanization of the watershed.

Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior; or
 - b. Directly by the Secretary of the Interior in states without approved programs.

Letter of Map Revision (LOMR) means FEMA's official revision of an effective Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs) or the Special Flood Hazard Area (SFHA).

Letter of Map Revision Based on Fill (LOMR-F) means FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.

Levee means a man-made embankment, usually earthen, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding. For a levee structure to be reflected on the FEMA

FIRMs as providing flood protection, the levee structure must meet the requirements set forth in 44 CFR § 65.10.

Levee system means a flood protection system that consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). Any floor used for living purposes which includes working, storage, sleeping, cooking and eating or recreation, or any combination thereof. This includes any floor that could be converted to such a use, such as a basement or crawl space. The lowest floor is a determinate for the flood insurance premium for a building, home or business. An unfinished or flood-resistant enclosure usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirement of Section 60.3 of the National Flood Insurance Program Regulations.

Manufactured home means a structure transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term *manufactured home* does not include a recreational vehicle.

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

Material Safety Data Sheet (MSDS) means a form with data regarding the properties of a particular substance. An important component of product stewardship and workplace safety, it is intended to provide workers and emergency personnel with procedures for handling or working with that substance in a safe manner, and includes information such as physical data (melting point, boiling point, flash point, etc.), toxicity, health effects, first aid, reactivity, storage, disposal, protective equipment and spill-handling procedures.

Mean sea level means that, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

National Flood Insurance Program (NFIP) means FEMA's program of flood insurance coverage and floodplain management administered in conjunction with the Robert T. Stafford Relief and Emergency Assistance Act. The NFIP has applicable federal regulations promulgated in Title 44 of the Code of Federal Regulations. The U.S. Congress established the NFIP in 1968 with the passage of the National Flood Insurance Act of 1968.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

No-rise certification means a record of the results of an engineering analysis conducted to determine whether a project would increase flood heights in a floodway. A no-rise certification must be supported by technical data and signed by a registered Colorado Professional Engineer. The supporting technical data should be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM).

Physical Map Revision (PMR) means FEMA's action whereby one (1) or more map panels are physically revised and republished. A PMR is used to change flood risk zones, floodplain and/or floodway delineations, flood elevations and/or planimetric features.

Recreational vehicle means a vehicle which is:

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projections;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Special Flood Hazard Area means the land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year (i.e., the 100-year floodplain).

Start of construction means the date the building permit was issued, including substantial improvements, provided that the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within one hundred eighty (180) days of the permit date. The *actual start* means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. *Permanent construction* does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the *actual start of construction* means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means a walled and roofed building, including a gas or liquid storage tank, which is principally above ground, as well as a manufactured home.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure just prior to when the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before start of construction of the improvement. The value of the structure shall be determined by the local jurisdiction having land use authority in the area of interest. This includes structures that have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions; or
2. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Threshold Planning Quantity (TPQ) means a quantity designated for each chemical on the list of extremely hazardous substances that triggers notification by facilities to the state that such facilities are subject to emergency planning requirements.

Variance means a grant of relief to a person from the requirement of this chapter when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this chapter. (For full requirements see Section 60.6 of the National Flood Insurance Program Regulations.)

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4) or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Water surface elevation means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas. (Ord. 1031 §1, 2013)

16.08.060 General provisions.

A. Lands to which these regulations apply. This chapter shall apply to all Special Flood Hazard Areas and areas removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F) within the jurisdiction of the city.

B. Basis for establishing the Special Flood Hazard Area. The Special Flood Hazard Areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for the City of Craig, Colorado," dated March 28, 1984, with accompanying Flood Insurance Rate Maps and/or Flood Boundary-Floodway Maps (FIRM and/or FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this chapter. These Special Flood Hazard Areas identified by the FIS and attendant mapping are the minimum area of applicability of this chapter and may be supplemented by studies designated and approved by the city council. The floodplain administrator shall keep a copy of the Flood Insurance Study (FIS), DFIRMs, FIRMs and/or FBFMs on file and available for public inspection.

C. Establishment of floodplain development permit. A floodplain development permit shall be required to ensure conformance with the provisions of this chapter.

D. Compliance. No structure or land shall hereafter be located, altered or have its use changed within the Special Flood Hazard Area without full compliance with the terms of this chapter and other applicable regulations. Nothing herein shall prevent the city council from taking such lawful action as is necessary to prevent or remedy any violation. These regulations meet the minimum requirements as set forth by the Colorado Water Conservation Board and the National Flood Insurance Program.

E. Abrogation and greater restrictions. This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

F. Interpretation. In the interpretation and application of this chapter, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

G. Warning and disclaimer of liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the Special Flood Hazard Area or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city, or any official or employee thereof, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder. (Ord. 1031 §1, 2013)

16.08.070 Administration.

A. Designation of the floodplain administrator. The city engineer is hereby appointed as floodplain administrator to administer, implement and enforce the provisions of this chapter and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

B. Duties and responsibilities of the floodplain administrator. Duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:

1. Maintain and hold open for public inspection all records pertaining to the provisions of this chapter, including the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures and any floodproofing certificate required by this chapter.

2. Review, approve or deny all applications for floodplain development permits required by adoption of this chapter.

3. Review floodplain development permit applications to determine whether a proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.

4. Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. § 1334) from which prior approval is required.

5. Inspect all development at appropriate times during the period of construction to ensure compliance with all provisions of this chapter, including proper elevation of the structure.

6. Where interpretation is needed as to the exact location of the boundaries of the Special Flood Hazard Area (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the floodplain administrator shall make the necessary interpretation.

7. When Base Flood Elevation data has not been provided in accordance with Subsection 16.08.060.B. of this chapter, the floodplain administrator shall obtain, review and reasonably utilize any Base Flood Elevation data and floodway data available from a federal, state or other source, in order to administer the provisions of Section 16.08.110 of this chapter.

8. For waterways with Base Flood Elevations for which a regulatory floodway has not been designated, no new construction, substantial improvements or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one-half ($\frac{1}{2}$) foot at any point within the community.

9. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program Regulations, a community may approve certain development in Zones A1-30, AE or AH on the community's FIRM which increases the water surface elevation of the base flood by more than one-half ($\frac{1}{2}$) foot, provided that the community first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision), fulfills the requirements for such revisions as established under the provisions of Section 65.12 and receives FEMA approval.

10. Notify, in riverine situations, adjacent communities and the state coordinating agency, which is the Colorado Water Conservation Board, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.

11. Ensure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained. (Ord. 1031 §1, 2013)

16.08.080 Permit procedures.

A. Application for a floodplain development permit shall be presented to the floodplain administrator on forms furnished by him or her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to Special Flood Hazard Area. Additionally, the following information is required:

1. Elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures;
2. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
3. A certificate from a registered Colorado Professional Engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Paragraph 16.08.120.2. of this chapter;
4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development; and
5. Maintain a record of all such information in accordance with Paragraph 16.08.070.B.1. of this chapter.

B. Approval or denial of a floodplain development permit by the floodplain administrator shall be based on all of the provisions of this chapter and the following relevant factors:

1. The danger to life and property due to flooding or erosion damage;
2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
3. The danger that materials may be swept onto other lands to the injury of others;
4. The compatibility of the proposed use with existing and anticipated development;
5. The safety of access to the property in times of flood for ordinary and emergency vehicles;
6. The costs of providing governmental services during and after flood conditions, including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
7. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
8. The necessity to the facility of a waterfront location, where applicable;

9. The availability of alternative locations not subject to flooding or erosion damage for the proposed use; and

10. The relationship of the proposed use to the comprehensive plan for that area. (Ord. 1031 §1, 2013)

16.08.090 Variance procedures.

A. The planning commission, as established by chapter 16.03 of this Title, shall hear and render judgment on requests for variances from the requirements of this chapter.

B. The city council, acting as the board of adjustment (appeal board) shall hear and render judgment on an appeal of a planning commission decision on a variance. The appeal board shall also hear or render a decision on an appeal to an administrative staff decision only when it is alleged that there is an error in any requirement, decision or determination made by the floodplain administrator in the enforcement or administration of this chapter.

C. Any person or persons aggrieved by the decision of the appeal board may appeal such decision in the courts of competent jurisdiction.

D. The floodplain administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

E. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in this chapter have been fully considered. As the lot size increases beyond the one-half (½) acre, the technical justification required for issuing the variance increases.

F. Upon consideration of the factors noted above and the intent of this chapter, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this chapter.

G. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

H. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

I. Prerequisites for granting variances:

1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

2. Variances shall only be issued upon:

a. Showing a good and sufficient cause;

b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

3. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the Base Flood Elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

J. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use, provided that:

1. The criteria outlined in Subsections 16.08.090.A.—I. above are met; and

2. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety. (Ord. 1031 §1, 2013)

16.08.100 Penalties for noncompliance.

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined or imprisoned as provided by the laws of the city. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation. (Ord. 1031 §1, 2013)

16.08.110 Provisions for flood hazard reduction.

A. General standards. In all Special Flood Hazard Areas the following provisions are required for all new construction and substantial improvements:

1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are

designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

5. All manufactured homes shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

6. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters; and

8. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

B. Specific standards. In all Special Flood Hazard Areas where Base Flood Elevation data has been provided, the following provisions are required:

1. Residential construction. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork) elevated to one (1) foot above the Base Flood Elevation. Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado Professional Engineer, architect or land surveyor. Such certification shall be submitted to the floodplain administrator.

2. Nonresidential construction. With the exception of critical facilities, outlined in Subsection 16.08.090.I. of this chapter, new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement), electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork) elevated to one (1) foot above the Base Flood Elevation or, together with attendant utility and sanitary facilities, be designed so that at one (1) foot above the Base Flood Elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

A registered Colorado Professional Engineer or architect shall develop and/or review structural design, specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. Such certification shall be maintained by the floodplain administrator.

3. Enclosures. New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically

equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

Designs for meeting this requirement must either be certified by a registered Colorado Professional Engineer or architect or meet or exceed the following minimum criteria:

- a. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
- b. The bottom of all openings shall be no higher than one (1) foot above grade.
- c. Openings may be equipped with screens, louvers, valves or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

4. Manufactured homes. All manufactured homes that are placed or substantially improved within Zones A1-30, AH and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision or (iv) in an existing manufactured home park or subdivision on which manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home, electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork), are elevated to one (1) foot above the Base Flood Elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

All manufactured homes placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of the above paragraph, shall be elevated so that either:

- a. The lowest floor of the manufactured home, electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork), are one (1) foot above the Base Flood Elevation; or
- b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade, and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

5. Recreational vehicles. All recreational vehicles placed on sites within Zones A1-30, AH and AE on the community's FIRM either:

- a. Be on the site for fewer than one hundred eighty (180) consecutive days;
- b. Be fully licensed and ready for highway use; or
- c. Meet the permit requirements of Section 16.08.080 of this above, and the elevation and anchoring requirements for manufactured homes in this chapter.

A recreational vehicle is ready for highway use if it is on its wheels or a jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

6. Prior approved activities. Any activity for which a floodplain development permit was issued by the city or a CLOMR was issued by FEMA prior to November 12, 2013, may be completed according to the standards in place at the time of the permit or CLOMR issuance and will not be considered in violation of this chapter if it meets such standards. (Ord. 1031 §1, 2013)

16.08.120 Standards for areas of shallow flooding (AO/AH zones).

Located within the Special Flood Hazard Area established in Section 16.08.060 of this chapter, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

1. Residential construction. All new construction and substantial improvements of residential structures must have the lowest floor (including basement) electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork) elevated above the highest adjacent grade at least one (1) foot above the depth number specified in feet on the community's FIRM (at least three [3] feet if no depth number is specified). Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado Professional Engineer, architect or land surveyor. Such certification shall be submitted to the floodplain administrator.

2. Nonresidential construction. With the exception of critical facilities, outlined in Subsection 16.08.090.I. of this chapter, all new construction and substantial improvements of nonresidential structures must have the lowest floor (including basement), electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork) elevated above the highest adjacent grade at least one (1) foot above the depth number specified in feet on the community's FIRM (at least three [3] feet if no depth number is specified) or, together with attendant utility and sanitary facilities, be designed so that the structure is watertight to at least one (1) foot above the base flood level with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered Colorado Professional Engineer or architect shall submit a certification to the floodplain administrator that the standards of this section are satisfied.

Within Zones AH or AO, adequate drainage paths around structures on slopes are required to guide floodwaters around and away from proposed structures. (Ord. 1031 §1, 2013)

16.08.130 Floodways.

A. Floodways are administrative limits and tools used to regulate existing and future floodplain development. The state has adopted floodway standards that are more stringent than the FEMA minimum standard (see definition of Floodway in Section 16.08.050 of this chapter. Located within Special Flood Hazard Area established in Section 16.08.060 of this chapter are areas designated as

floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

1. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway *unless* it has been demonstrated through hydrologic and hydraulic analyses performed by a licensed Colorado Professional Engineer and in accordance with standard engineering practice that the proposed encroachment would not result in any increase (requires a no-rise certification) in flood levels within the community during the occurrence of the base flood discharge.

2. If Paragraph 1. above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section.

B. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in Base Flood Elevations, provided that the community first applies for a CLOMR and floodway revision through FEMA. (Ord. 1031 §1, 2013)

16.08.140 Alteration of watercourse.

For all proposed developments that alter a watercourse within a Special Flood Hazard Area, the following standards apply:

1. Channelization and flow diversion projects shall appropriately consider issues of sediment transport, erosion, deposition and channel migration and properly mitigate potential problems through the project as well as upstream and downstream of any improvement activity. A detailed analysis of sediment transport and overall channel stability should be considered, when appropriate, to assist in determining the most appropriate design.

2. Channelization and flow diversion projects shall evaluate the residual 100-year floodplain.

3. Any channelization or other stream alteration activity proposed by a project proponent must be evaluated for its impact on the regulatory floodplain and be in compliance with all applicable federal, state and local floodplain rules, regulations and ordinances.

4. Any stream alteration activity shall be designed and sealed by a registered Colorado Professional Engineer or Certified Professional Hydrologist.

5. All activities within the regulatory floodplain shall meet all applicable federal, state and city floodplain requirements and regulations.

6. Within the regulatory floodway, stream alteration activities shall not be constructed unless the project proponent demonstrates through a floodway analysis and report, sealed by a registered Colorado Professional Engineer, that there is not more than a 0.00-foot rise in the proposed conditions compared to existing conditions floodway resulting from the project, otherwise known as a no-rise certification, unless the community first applies for a CLOMR and floodway revision in accordance with Section 16.08.130 above.

7. Maintenance shall be required for any altered or relocated portions of watercourses so that the flood-carrying capacity is not diminished. (Ord. 1031 §1, 2013)

16.08.150 Properties removed from floodplain by fill.

A floodplain development permit shall not be issued for the construction of a new structure or addition to an existing structure on a property removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F), unless such new structure or addition complies with the following:

1. Residential construction. The lowest floor (including basement), electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork) must be elevated to one (1) foot above the Base Flood Elevation that existed prior to the placement of fill.

2. Nonresidential construction. The lowest floor (including basement), electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork) must be elevated to one (1) foot above the Base Flood Elevation that existed prior to the placement of fill, or together with attendant utility and sanitary facilities, be designed so that the structure or addition is watertight to at least one (1) foot above the base flood level that existed prior to the placement of fill with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy. (Ord. 1031 §1, 2013)

16.08.160 Standards for subdivision proposals.

A. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be reasonably safe from flooding. If a subdivision or other development proposal is in a floodprone area, the proposal shall minimize flood damage.

B. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet floodplain development permit requirements of this chapter.

C. Base Flood Elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than fifty (50) lots or five (5) acres, whichever is less, if not otherwise provided pursuant to this chapter.

D. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

E. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage. (Ord. 1031 §1, 2013)

16.08.170 Standards for critical facilities.

A critical facility is a structure or related infrastructure, but not the land on which it is situated, as specified in Rule 6 of the Rules and Regulations for Regulatory Floodplains in Colorado, that, if flooded, may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.

1. Classification of critical facilities. Critical facilities are classified under the following categories: (a) essential services; (b) hazardous materials; (c) at-risk populations; and (d) vital to restoring normal services. It is the responsibility of the city council to identify and confirm that specific structures in their community meet the following criteria:

a. Essential services facilities include public safety, emergency response, emergency medical, designated emergency shelters, communications, public utility plant facilities and transportation lifelines. These facilities consist of:

1) Public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage and emergency operation centers);

2) Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions, and nonambulatory surgical structures, but excluding clinics, doctor's offices and nonurgent care medical structures that do not provide these functions);

3) Designated emergency shelters;

4) Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio and other emergency warning systems, but excluding towers, poles, lines, cables and conduits);

5) Public utility plant facilities for generation and distribution (hubs, treatment plants, substations and pumping stations for water, power and gas, but not including towers, poles, power lines, buried pipelines, transmission lines, distribution lines and service lines); and

6) Air transportation lifelines (airports [municipal and larger], helicopter pads and structures serving emergency functions, and associated infrastructure [aviation control towers, air traffic control centers and emergency equipment aircraft hangars]).

Specific exemptions to this category include Wastewater Treatment Plants (WWTP), nonpotable water treatment and distribution systems and hydroelectric power generating plants and related appurtenances.

Public utility plant facilities may be exempted if it can be demonstrated to the satisfaction of the city council that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same utility or available through an intergovernmental agreement or other contract) and connected, the alternative facilities are either located outside of the 100-year floodplain or are compliant with the provisions of this chapter and an

operations plan is in effect that states how redundant systems will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the city council on an as-needed basis upon request.

b. Hazardous materials facilities include facilities that produce or store highly volatile, flammable, explosive, toxic and/or water-reactive materials. These facilities may include:

- 1) Chemical and pharmaceutical plants (chemical plant, pharmaceutical manufacturing);
- 2) Laboratories containing highly volatile, flammable, explosive, toxic and/or water-reactive materials;
- 3) Refineries;
- 4) Hazardous waste storage and disposal sites; and
- 5) Above ground gasoline or propane storage or sales centers.

Facilities shall be determined to be critical facilities if they produce or store materials in excess of threshold limits. If the owner of a facility is required by the Occupational Safety and Health Administration (OSHA) to keep a Material Safety Data Sheet (MSDS) on file for any chemicals stored or used in the work place, and the chemical(s) is stored in quantities equal to or greater than the Threshold Planning Quantity (TPQ) for that chemical, then that facility shall be considered to be a critical facility. The TPQ for these chemicals is: either five hundred (500) pounds or the TPQ listed (whichever is lower) for the three hundred fifty-six (356) chemicals listed under 40 C.F.R. § 302 (2010), also known as Extremely Hazardous Substances (EHS); or ten thousand (10,000) pounds for any other chemical. This threshold is consistent with the requirements for reportable chemicals established by the Colorado Department of Public Health and Environment. OSHA requirements for MSDS can be found in 29 C.F.R. § 1910 (2010). The Environmental Protection Agency (EPA) regulation "Designation, Reportable Quantities, and Notification," 40 C.F.R. § 302 (2010) and OSHA regulation "Occupational Safety and Health Standards," 29 C.F.R. § 1910 (2010) are incorporated herein by reference and include the regulations in existence at the time of the promulgation this section, but exclude later amendments to or editions of the regulations. Specific exemptions to this category include:

- 1) Finished consumer products within retail centers and households containing hazardous materials intended for household use and agricultural products intended for agricultural use.
- 2) Buildings and other structures containing hazardous materials for which it can be demonstrated to the satisfaction of the local authority having jurisdiction by hazard assessment and certification by a qualified professional (as determined by the local jurisdiction having land use authority) that a release of the subject hazardous material does not pose a major threat to the public.
- 3) Pharmaceutical sales, use, storage and distribution centers that do not manufacture pharmaceutical products.

These exemptions shall not apply to buildings or other structures that also function as critical facilities under another category outlined in this chapter.

c. At-risk population facilities include medical care, congregate care and schools. These facilities consist of:

- 1) Elder care (nursing homes);
- 2) Congregate care serving twelve (12) or more individuals (day care and assisted living);
- 3) Public and private schools (pre-schools, K-12 schools), before-school and after-school care serving twelve (12) or more children;

d. Facilities vital to restoring normal services including government operations. These facilities consist of:

- 1) Essential government operations (public records, courts, jails, building permitting and inspection services, community administration and management, maintenance and equipment centers);
- 2) Essential structures for public colleges and universities (dormitories, offices and classrooms only).

These facilities may be exempted if it is demonstrated to the city council that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same entity or available through an intergovernmental agreement or other contract), the alternative facilities are either located outside of the 100-year floodplain or are compliant with this chapter and an operations plan is in effect that states how redundant facilities will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the city council on an as-needed basis upon request.

2. Protection for critical facilities. All new and substantially improved critical facilities and new additions to critical facilities located within the Special Flood Hazard Area shall be regulated to a higher standard than structures not determined to be critical facilities. For the purposes of this chapter, protection shall include one (1) of the following:

- a. Location outside the Special Flood Hazard Area; or
- b. Elevation of the lowest floor or floodproofing of the structure, together with attendant utility and sanitary facilities, to at least two (2) feet above the Base Flood Elevation.

3. Ingress and egress for new critical facilities. New critical facilities shall, when practicable as determined by the city council, have continuous noninundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event. (Ord. 1031 §1, 2013)

Chapter 16.09

Oil and Gas Drilling and Production

Sections:

- 16.09.010 Purpose
- 16.09.020 Definitions
- 16.09.030 Requirements and procedures
- 16.09.040 Application elements
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- 16.09.120 Abandonment and plugging of wells
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- 16.09.170 Access roads
- 16.09.180 Wildlife impact mitigation
- 16.09.190 Emergency response costs
- 16.09.200 Violation and enforcement

16.09.010 Purpose.

The intent of these regulations is to facilitate the development of oil and gas resources within the city, while mitigating potential land use conflicts between such development and existing, as well as planned, land uses. Under state law, the surface and mineral estates are separate and distinct interests in land and one (1) may be severed from the other. Owners of subsurface mineral interests have certain legal rights and privileges, including the right to use that part of the surface estate reasonably required to extract and develop their subsurface mineral interests, subject to compliance with the provisions of these regulations and any applicable statutory and regulatory requirements. The state has a recognized interest in fostering the efficient development, production and utilization of oil and gas resources, and in the prevention of waste and protection of the correlative rights of common source owners and producers to a fair and equitable share of production profits. Similarly, owners of the surface estate have certain legal rights and privileges, including the right to have the mineral estate developed in a reasonable manner. Municipal governments have a recognized, traditional authority and responsibility to regulate land use within their jurisdiction. These regulations are intended as an exercise of this land use authority. (Ord. 962 §§1, 2, 2007)

16.09.020 Definitions.

A. All terms used in this chapter that are defined in the Act or in commission regulations and are not otherwise defined in this section are defined as provided in the Act or in such regulations as of the

effective date of this chapter. All other words used in this chapter are given their usual, customary and accepted meanings and all words of a technical nature, or peculiar to the oil and gas industry, shall be given that meaning which is generally accepted in said oil and gas industry. When not clearly otherwise indicated by the context, the following words and phrases used in this chapter have the following meanings:

Act means the Oil and Gas Conservation Act of the state.

Commission or *OGCC* means the Oil and Gas Conservation Commission of the state.

Day means a period of twenty-four (24) consecutive hours.

Director means the Director of the Oil and Gas Conservation Commission of the state.

Injection well means any hole drilled into the earth into which fluids are injected for the purposes of secondary recovery, storage or disposal, pursuant to authorizations granted by the commission.

Inspector means any person designated by the city or by the city's designee, who shall have the authority to inspect well sites to determine compliance with this chapter and other applicable ordinances of the city.

Oil and gas well means any hole drilled into the earth for the purpose of exploring for or extracting oil, gas or other hydrocarbon substances.

Operating plan means a general description of a well site or a production site identifying purpose, use, typical staffing, seasonal or periodic considerations, routine hours of operating, source of services/infrastructure and any other information related to regular functioning of that facility.

Operator means the person designated by the working interest owners as operator and named in commission Form 2 or a subsequently filed commission Form 10.

Owner means any person with a working interest ownership in oil and gas or a leasehold interest therein.

Production site means the area surrounding proposed or existing production pits or other accessory equipment required for oil and gas production, at which may also be located tanks and tank batteries, exclusive of transmission and gathering pipelines.

Reentering means accessing an existing well bore for either the original or amended purpose, provided that such well has not been abandoned.

Sidetracking means entering the same well head from the surface, but not necessarily following the same well bore throughout its subsurface extent when operations deviation from such well bore is necessary to reach the objective depth because of an engineering problem.

Twinning means the drilling of a well within a radius of fifty (50) feet from an existing well bore when the well cannot be drilled to the objective depth or produced because of an engineering problem, such as a collapsed casing or formation damage.

Use tax means the tax paid by a consumer for using, storing, distribution or otherwise consuming tangible personal property or taxable services inside the city.

Well means an oil or gas well or an injection well.

Well head means the equipment attaching the surface equipment to the well boring equipment at the well.

Well site means that area surrounding a proposed or existing well or wells and accessory structures and equipment necessary for drilling, completion, recompletion, rework, development and production activities.

B. All terms used herein that are defined in the Act or in commission rules and regulations and are not otherwise defined in Subsection A. above shall be defined as provided in the Act or in such rules and regulations. (Ord. 962 §§1, 2, 2007)

16.09.030 Requirements and procedures.

A. Proposed new wells, re-drilling certain wells and other specific enhancements.

1. It shall be unlawful for any person to drill a well that has not been previously permitted under this chapter, reactivate a plugged or abandoned well or perform initial installation of accessory equipment or pumping systems (in cases where a well is not being drilled) unless a conditional use permit has first been granted by the city in accordance with the procedures defined in this chapter.

2. The granting of such conditional use permit shall not relieve the operator from otherwise complying with all applicable regulatory requirements of the city, the state and the United States.

3. When a conditional use permit has been granted for a well, reentry of such well for purposes of sidetracking, twinning, deepening, recompleting or reworking shall not require a separate conditional use permit.

4. The conditional use permit is limited to the current proposed facilities as shown in the approved plan. After initial completion of a well, to place additional equipment on a tank battery or wellhead location which was not shown in the approved plan, the applicant must, except in a situation where additional equipment is necessary for a period of fourteen (14) days or less, notify the city of installation of such additional equipment.

5. Within thirty (30) days after completion of operations, the applicant shall provide to the city as-built drawings showing facilities existing prior to the start of work and all facilities, pipelines, flow lines and gathering lines which the applicant has placed on the land subject to this permit.

B. Inspections. In recognition of the potential impacts associated with oil and gas drilling and well operation in an urban setting, all wells and accessory equipment and structures may be inspected by inspectors designated by the city at reasonable times to determine compliance with applicable provisions of this chapter, international and/or uniform fire, electrical and building codes and all other

applicable city health or safety standards. For the purpose of implementing and enforcing the provisions of this chapter, city personnel so designated have the right to enter upon private property after reasonable notification to the operator.

C. Inspection fee.

1. The inspection fee shall be equal to the city costs associated with the inspection of each well per year, or part of a year, during which the well has not been plugged and abandoned. No inspection fee shall be due for any year following the year in which a well is plugged and abandoned unless a conditional use permit is granted with respect to such well. No inspection fee shall be due for any calendar year in which the fee for an application for conditional use permit, as provided in Subsection E. below, is paid. Any inspection fee which becomes due and payable after January 1 of each year shall be paid by the operator within thirty (30) days after receipt of an invoice from the city. An operator contesting the amount of the invoice may, upon payment of the invoice under protest, appeal directly to the city council.

2. If the operator fails to pay the inspection fee imposed by this section when due, a penalty of ten percent (10%) shall be added to the amount of the fee due, together with interest on the amount due at the rate of one percent (1%) for each month or portion thereof for which the fee is unpaid. The city may, at its sole discretion, waive the penalty for good cause shown.

3. The city may recover in an action at law the amount of the inspection or other fees and costs imposed by the provisions of this section, penalty and interest due and unpaid under this section as well as all costs, including attorneys' fees, incurred by the city if it prevails in the enforcement of this chapter.

D. Use tax. All operators must conform to applicable provisions of this code relating to taxation.

E. Bonding and insurance. All oil and gas contractors must be bonded and insured to limits set by the city.

F. Application fee. A nonrefundable fee of seven hundred fifty dollars (\$750.00) shall accompany the application. (Ord. 962 §§1, 2, 2007)

16.09.040 Application elements.

A. An application for a conditional use permit pursuant to this chapter shall be filed with the city and shall include the following information:

1. Application requirements; site plan. The site plans for a well site submitted with an application for a use by conditional review shall be submitted on one (1) or more plats or maps, at a scale not less than one (1) inch to fifty (50) feet, showing the following information:

a. The proposed location of production site facilities or well site facilities associated with the well in the event production is established, if applicable. Future development of the resource shall be considered in the location of the tank battery. Existing tank batteries and transmission and gathering lines within six hundred sixty (660) feet of the well site shall be shown.

b. The location of layout, including, without limitation, the position of the drilling equipment and related facilities and structures, if applicable.

c. True north arrow.

d. Existing improvements, if any, within a radius of six hundred sixty (660) feet of the proposed well.

e. Existing utility easements and other rights-of-way of record, if any, within a radius of six hundred sixty (660) feet of the proposed well.

f. Existing irrigation or drainage ditches within four hundred (400) feet of the well site or production site, if any.

g. The applicant's drainage and erosion control plans for the well site or production site and the area immediately adjacent to such site, if applicable.

h. The applicant's plan for wastewater generated by the proposed facility.

i. The applicant's plan for protection of the aquifer from waste and production water generated by drilling activities or the proposed facility.

j. Location of access roads.

k. Well site or production site and existing lease boundaries.

l. The names of abutting subdivisions or the names of owners of abutting, unplatted property within four hundred (400) feet of the well site or production site.

m. The applicant's proposed timing for construction, operation and closure of the facility.

n. The name and address of the operator and the name of the person preparing the site plan or map.

2. Application requirements; vicinity maps. The vicinity maps for a well site or production site submitted with an application for a use permitted by conditional review shall be submitted on one (1) or more plats or maps showing the following information:

a. Location of all existing bodies of water and watercourses, including direction of water flow. This information shall be submitted on USGS 7.5-minute series or assessor base maps which indicate topographic detail and show all existing bodies of water and watercourses with a physically defined channel within a four-hundred-foot radius of the proposed well.

b. Location of existing oil and gas wells as reflected in OGCC records. This information shall be submitted on a map and shall include any and all wells within a one-thousand-foot radius of the proposed location for the well.

c. Location of drill site. The information to be submitted shall be commission Form 2 and shall include the parcel tax identification number.

3. Application requirements; narrative. In addition to the site plans and the vicinity maps required in Paragraphs 1 and 2 above, the application shall include the following:

- a. The operator's and surface owner's names and addresses, copies of any required OGCC Form 2 and designation of agent, if applicable.
- b. An operating plan including handling of any wastewater from production.
- c. A list of all permits or approvals obtained or yet to be obtained from local, state or federal agencies other than the OGCC.
- d. An emergency response plan that is mutually acceptable to the operator and the appropriate fire district that includes a list of local telephone numbers of public and private entities and individuals to be notified in the event of an emergency, the location of the well and provisions for access by emergency response entities.
- e. A plan for weed control at the well site.
- f. A fire protection plan that is mutually acceptable to the operator and the appropriate fire district that includes planned actions for possible emergency events and any other pertinent information. Prior to application to the city, a proposed fire protection plan and emergency response plan shall be submitted to and reviewed by the Craig Rural Fire Protection District.
- g. Sanitary facilities must comply with Section 602(g) of the OGCC regulations. (Ord. 962 §§1, 2, 2007)

16.09.050 Review criteria.

A. The city council shall approve an application for a use permitted by conditional review for a well site if the application submitted by the applicant conforms to the following requirements:

1. The site plans for a well site application comply with the requirements of Paragraph 16.09.040.A.1. of this chapter.
2. The vicinity maps for a well site application comply with the requirements of Paragraph 16.09.040.A.2. of this chapter.
3. The narrative for a well site application complies with the requirements of Paragraph 16.09.040.A.3. of this chapter.
4. The well location and setbacks comply with the requirements of Section 16.09.080 of this chapter.
5. When applicable, compliance with the provisions for mitigation of noise required in Section 16.09.100 of this chapter.
6. When applicable, compliance with the provisions for visual special mitigation required in Section 16.09.110 of this chapter.

7. When applicable, compliance with the provisions for geologic hazards, floodplains or floodway required in Section 16.09.160 of this chapter.

8. When applicable, compliance with the provisions for wildlife mitigation procedures required in Section 16.09.180 of this chapter.

9. The city council decision shall be based upon evidence presented in the application, submitted as part of the public record, and at the public hearing. Following the conclusion of the public hearing, the city council may proceed to render its provisional decision orally on the application, or it may take the matter under advisement until an announced date not to exceed fourteen (14) days, at which time it shall orally render its decision. In the event that an application is granted with conditions, the applicant may, within fourteen (14) days of the city council decision, request a rehearing to demonstrate that removal or modification of one (1) or more of the conditions is necessary to prevent waste or protect owners of correlative rights in a common source to a fair share of production profits or that the decision is otherwise inconsistent with state laws and regulations. Following the city council's oral announcement of its decision and any subsequent rehearing, a written resolution shall be adopted as its final action or decision on the application. This written resolution shall set forth findings of the city council. The city attorney shall prepare the written resolution for city council consideration within a reasonable number of days of the oral decision or any subsequent rehearing. Such written resolution shall be adopted within twenty-one (21) days of the announcement of the city council's oral decision unless the applicant requests rehearing, in which case the written resolution shall be adopted within thirty (30) days of the oral decision. For the purposes of judicial review, the city council's final action or decision on an application shall be deemed to have been made as of the date upon which the council executes the written resolution, which shall constitute the final decision of the council. (Ord. 962 §§1, 2, 2007)

16.09.060 Notice to proceed.

A. Prior to commencement of operations for which a use permitted by conditional review has been approved, a notice to proceed shall be obtained from the city. The city shall issue the notice to proceed upon receipt of the following:

1. A copy of the resolution approving a use permitted by conditional review for a well or wells.
2. A copy of the approved site plan.
3. A copy of an approved extra legal vehicle or load permit issued by the city pursuant to this code, if applicable.
4. Copies of any necessary state or federal permits issued for the operation, if not previously submitted. (Ord. 962 §§1, 2, 2007)

16.09.070 Building permit.

Building permits must be obtained for all aboveground structures to which the adopted building code applies. (Ord. 962 §§1, 2, 2007)

16.09.080 Well location and setbacks.

A. All wells shall be set at a distance from occupied dwellings, permitted buildings or rights-of-way at not less than the minimum setback allowed by OGCC rules and regulations.

B. Notwithstanding the foregoing, but subject to the exception in Paragraph 3. below, in all areas of the city, the following apply:

1. A wellhead location shall be set back not less than three hundred fifty (350) feet from any occupied building or occupied building permitted for construction and shall be set back not less than seventy-five (75) feet from any public right-of-way.

2. Production tanks and/or associated on-site production equipment shall be set back not less than three hundred fifty (350) feet from any occupied building or occupied building permitted for construction and shall be set back not less than seventy-five (75) feet from any public right-of-way.

3. Location and setback requirements may be waived if an exception has been granted by the director pursuant to Rule 603(b) of the commission and a copy of waivers from each person owning an occupied building or building permitted for construction within three hundred fifty (350) feet of the proposed location is submitted as part of the application for use by conditional review.

4. When wells are existing, buildings shall not be constructed within the following distances:

a. Buildings unnecessary to the operation of the well shall not be constructed within two hundred (200) feet of any such well.

b. Any building to be used as a place of assembly, institution or school shall not be constructed within three hundred fifty (350) feet of any well.

5. When wells are existing, lots and roads shall not be platted within the following distances:

a. Lots shall not be platted within one hundred fifty (150) feet of an existing oil or gas well or its production facilities.

b. Lots shall not be platted within one hundred fifty (150) feet of an existing oil or gas transmission line.

c. Lots intended to be used as a place of assembly, institution or school shall not be platted to allow a building site within three hundred fifty (350) feet of an existing oil or gas well or its production facilities.

d. Streets shall not be platted within seventy-five (75) feet of an existing oil or gas well or its production facilities; provided, however, that streets may cross collection flow lines at right angles.

e. Lots and streets may be platted over well and production sites that have been abandoned and reclaimed in accordance with Section 16.09.120 of this chapter. Such platting shall only

occur after the completion of the abandonment and reclamation process. (Ord. 962 §§1, 2, 2007)

16.09.090 Compliance with state environmental requirements.

The approval of an oil and gas conditional use permit shall not relieve the operators from complying with all current applicable state and federal regulations and standards concerning air quality, water quality and waste disposal. (Ord. 962 §§1, 2, 2007)

16.09.100 Noise regulation and special mitigation measures.

A. The application of a conditional use permit shall not relieve an operator from complying with all applicable state laws and regulations concerning noise.

B. Exhaust from all engines, motors, coolers and other mechanized equipment shall be vented in a direction away from all occupied buildings to the extent practicable.

C. Where a well and well site do not comply with the required setback or other requirements of this chapter or where the well and well site are in an area of particular noise sensitivity, additional noise mitigation may be required. An area of particular noise sensitivity includes, but is not limited to, the following: hospitals, dwelling units, nursing homes, hotels, churches and designated wildlife preserves. In determining noise mitigation, specific site characteristics shall be considered, including but not limited to the following:

1. Nature, proximity, location and type of adjacent development;
2. Prevailing weather patterns, including wind directions;
3. Vegetative cover on or adjacent to the site; or
4. Topography.

D. The level of required mitigation may increase with the proximity of the well and well site to areas of particular noise sensitivity or the level of noise emitted by the well and well site. One (1) or more of the following additional noise abatement measures may be required:

1. Acoustically insulated housing or cover enclosing the motor or engine;
2. Noise management plan identifying hours of maximum noise emissions, type, frequency and level of noise to be emitted, and proposed mitigation measures; or
3. Any abatement measures required by the commission for high-density areas, if applicable. (Ord. 962 §§1, 2, 2007)

16.09.110 Visual impact/aesthetics regulation and special impact measures.

A. Visual impacts and aesthetics.

1. Oil and gas facilities shall be located away from prominent natural features, such as distinctive rock and land forms, vegetative patterns, ditch crossings, city- or county-approved open space areas and other approved landmarks.

2. Oil and gas facilities shall be located to avoid crossing hills and ridges or silhouetting.

3. The applicant shall use structures of minimal size to satisfy present and future functional requirements.

4. When clearing trees and vegetation for construction of oil and gas facilities, the applicant shall feather and thin edges of vegetation. The applicant shall replant cleared trees and vegetation to screen facilities to the maximum extent practicable.

5. The applicant shall locate facilities at the base of slopes to provide a background of topography and/or natural cover.

6. The applicant shall replace earth adjacent to water crossings at slopes less than the normal angle of repose with the soil type of the site.

7. The applicant shall align access roads to follow existing grades and minimize cuts and fills.

8. Facilities shall be painted as follows:

a. Uniform, noncontrasting, nonreflective color tones.

b. Color matched to land, not sky, slightly darker than adjacent landscape.

c. Exposed concrete colored to match soil color.

B. Special visual mitigation measures. Where a well or well site does not comply with the required setback or other requirements of this chapter, or in areas of increased visual sensitivity, such as a location near an occupied subdivision, the applicant shall submit a visual mitigation plan including one (1) or more of the following standards, as appropriate:

1. Exterior lighting shall be directed away from residential areas, or shielded from said areas to eliminate glare.

2. One (1) or more of the following landscaping practices are required on a site-specific basis:

a. Establishment and proper maintenance of ground covers, shrubs and trees.

b. Shaping cuts and fills to appear as natural forms.

c. Cutting rock areas to create irregular forms.

d. Designing the facility to utilize natural screens.

e. Construction of fences for use with or instead of landscaping.

C. Other special mitigation measures. The applicant shall keep the city and private streets or roads reasonably free of mud or other materials during drilling and completion operations and during well operations. The applicant shall operate in accordance with its approved plan at all times and also keep the well site free of trash, litter and other refuse during and at the completion of drilling and shall not in any case bury said trash. The operator shall construct and manage pits in accordance with applicable state and federal regulations. (Ord. 962 §§1, 2, 2007)

16.09.120 Abandonment and plugging of wells.

The approval of a use permitted by conditional review shall not relieve the operator from complying with all commission rules with respect to abandonment and plugging of wells. The operator shall provide the city with commission Form 4 at the time that it is filed with the commission. The applicant shall abandon flow lines in accordance with applicable state rules and regulations. (Ord. 962 §§1, 2, 2007)

16.09.130 Seismic operations.

The approval of a use permitted by conditional review shall not relieve the operator from complying with all commission rules and regulations with respect to seismic operations. All notices which an operator is required to file with the commission with respect to seismic operations shall be filed with the city on a timely basis. The city shall comply with the same confidentiality requirements which bind the commission. (Ord. 962 §§1, 2, 2007)

16.09.140 Signage.

The approval of an oil and gas conditional use permit shall not relieve the operator from complying with all commission rules with respect to signs. In addition, the operator shall maintain in good, readable condition all signs required by Chapter 7 of this title. (Ord. 962 §§1, 2, 2007)

16.09.150 Reclamation.

The approval of a conditional use permit shall not relieve the operator from complying with all commission rules and regulations with respect to site reclamation. (Ord. 962 §§1, 2, 2007)

16.09.160 Geologic hazard, floodplain, floodway location restrictions.

All equipment at well sites and production sites in geological hazard and floodplain areas shall be anchored to the extent necessary to resist flotation, collapse, lateral movement or subsidence and to the extent necessary to comply with the Federal Emergency Management Act. (Ord. 962 §§1, 2, 2007)

16.09.170 Access roads.

A. All private roads used to maintain access to the tank batteries or the well site shall be improved and maintained according to the following standards:

1. Tank battery access roads. Access roads to tank batteries shall be subject to review by the city engineer in accordance with the following minimum standards:

a. A graded gravel roadway having a prepared subgrade and an aggregate base course surface a minimum of six (6) inches thick compacted to a minimum density of ninety-five percent (95%) of the maximum density determined in accordance with generally accepted engineering sampling and testing procedures. The aggregate material, at a minimum, shall meet the requirements for Class 3, Aggregate Base Course, as specified for aggregate base course materials in the Colorado Department of Transportation's "Standard Specifications for Road and Bridge Construction," latest edition.

b. Graded so as to provide drainage from the roadway surface and constructed to allow for cross-drainage of waterways (such as roadside swales, gulches, rivers, creeks and the like) by means of an adequate culvert pipe. Adequacy of the pipe is subject to approval of the city engineer.

c. Maintained so as to provide a passable, dust-free roadway free of ruts at all times. Dust mitigation must be practiced at all times.

2. Wellhead access roads. Access roads to wellheads shall be subject to review by the city engineer in accordance with the following minimum standards:

a. A graded, dirt roadway compacted to a minimum density of ninety-five percent (95%) of the maximum density determined in accordance with generally accepted engineering sampling and testing procedures and approved by the city engineer.

b. Graded so as to provide drainage from the roadway surface and constructed to allow for cross-drainage of waterways by means of an adequate culvert pipe. Adequacy of the pipe shall be subject to approval by the city engineer.

c. Maintained so as to provide a passable, dust-free roadway free of ruts at all times. Dust mitigation must be practiced at all times.

3. Public access roads. An extra-legal vehicle or load permit shall be required for all extra-legal vehicles or loads as defined in Sections 42-4-401 through 42-4-411, C.R.S., which use city streets. Said permit, if required, shall be obtained from the city prior to such use. The applicant shall comply with all city and state regulations regarding weight limitations on streets within the city, and the applicant shall minimize extra-legal truck traffic on streets within the city. (Ord. 962 §§1, 2, 2007)

16.09.180 Wildlife impact mitigation.

A. Wildlife. When a well site or production site is located within a designated moderate (blue) or high (red) impact zone on the most recent cumulative impact maps prepared by the Colorado Division of Wildlife, the applicant shall consult with the Colorado Division of Wildlife to obtain recommendations for appropriate site specific and cumulative impact mitigation procedures. The operator shall implement such mitigation procedures as are recommended by the Colorado Division of Wildlife after consultation with the city.

B. Endangered species. The applicant shall not engage in activities which, in the opinion of the Colorado Division of Wildlife, threaten endangered species. (Ord. 962 §§1, 2, 2007)

16.09.190 Emergency response costs.

The operator shall reimburse the city or the Craig Rural Fire Protection District for any emergency response costs incurred by the city or the fire district in connection with activity at the well site or production site, except that the operator shall not be required to pay for emergency response costs where the response was precipitated by the mistake of the city. (Ord. 962 §§1, 2, 2007)

16.09.200 Violation and enforcement.

A. Unlawful to construct or install unapproved oil and gas facilities. Except as otherwise provided in this chapter, it is unlawful to construct, install or cause to be constructed or installed any oil and gas facility within the city unless approval has been granted by the city council. The unlawful drilling or redrilling of any well or the production therewith is a violation of this chapter.

B. Penalty. Any person, firm, corporation or legal entity that constructs, installs or uses, or which causes to be constructed, installed or used, any oil, gas or injection well, well site or production site, or commits any act or omission in violation of any provision of this chapter or of the conditions and requirements of the oil and gas conditional use permit may be punished by a fine of not more than five thousand dollars (\$5,000.00) or by imprisonment for not more than one (1) year, or by both such fine and imprisonment. Each day of such unlawful operation constitutes a separate violation.

C. Civil action. In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered or used, or any land is or is proposed to be used, in violation of any provision of this chapter or the conditions and requirements of the oil and gas conditional use permit, the city attorney, in addition to the other remedies provided by law, ordinance or resolution, may institute an injunction, mandamus, abatement or other appropriate action or proceeding to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration or use.

D. False or inaccurate information. The city council may revoke an oil and gas conditional use permit if it is determined, after an administrative hearing held on at least ten (10) days' notice to the applicant, that the applicant provided information and/or documentation upon which approval was based, which the applicant, its agents, servants or employees, knew, or reasonably should have known, was materially false, misleading, deceptive or inaccurate.

E. Prospective application. Unless specifically provided otherwise, this chapter shall apply only to wells which are drilled in the city on and after the date that this chapter is adopted. The reentering of a well in existence prior to the date of adoption of this chapter for purposes of deepening, recompletion or reworking shall not require approval of a use permitted by conditional review.

F. Recovery of fees. Should the city prevail in any action for legal or equitable relief for a violation of the provisions of this chapter, in addition to any other penalties or remedies which may be available, the city shall be entitled to recover any damages, costs of action, expert witness fees and reasonable attorneys' fees incurred. (Ord. 962 §§1, 2, 2007)

Chapter 16.10

RV Parks

Sections:

- 16.10.010 Definitions
- 16.10.020 Review process
- 16.10.030 Park development standards
- 16.10.040 Park size and density
- 16.10.050 Roadways and parking
- 16.10.060 Entrances and exits
- 16.10.070 Accessory uses
- 16.10.080 Open space and recreational areas
- 16.10.090 Buffering; setbacks, screening and landscaping
- 16.10.100 Utilities
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- 16.10.120 Insect and rodent control
- 16.10.130 Fire prevention and protection
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- 16.10.150 Service buildings
- 16.10.160 Safety
- 16.10.170 Miscellaneous regulations
- 16.10.180 Permanent occupancy
- 16.10.190 Application and development plan requirements
- 16.10.200 Registration and inspection
- 16.10.210 Responsibilities of management

16.10.010 Definitions.

As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

Recreational vehicle (RV) means a vehicular-type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The following shall be considered a *recreational vehicle (RV)*:

- a. *Camping trailer.* A canvas (or other type of material), folding vehicle of rigid construction, mounted on wheels and designed for travel and recreation.
- b. *Motorized home, motor home and/or recreational bus or van.* A recreational vehicle consisting of a portable, temporary dwelling to be used for travel, recreation and vacation uses, and constructed as an integral part of a self-propelled vehicle.
- c. *Pickup coach.* A vehicle designed to be mounted on or loaded into a truck chassis for use as a temporary dwelling for travel and recreation.
- d. *Tent.* Protective fabric erected to provide protection from the elements.

e. *Travel trailer*. A towable vehicle designed as a temporary dwelling for travel and recreation.

f. *Travel trailer, self-contained*. A trailer which can operate independently of connections to sewer, water and electric systems. It contains a water-flushed toilet, lavatory, shower or bath and kitchen sink, all of which are connected to water storage and sewage holding tanks located within the trailer.

Recreational vehicle park means a parcel of land specifically developed for locating only recreational vehicles on lots on a short-term basis.

Recreational vehicle site means a plot of ground within a recreational vehicle park intended for the accommodation of a recreational vehicle, tent or other individual camping unit on a temporary basis.

Sanitary facilities mean toilets, urinals, lavatories, showers, utility sinks and drinking fountains, and the service buildings containing these units.

Sanitary waste station means a facility used for removing and disposing of waste from self-contained camping vehicle sewage holding tanks.

Service building means a structure housing toilet, lavatory, bath, laundry, service sink and other such sanitary facilities as may be required. (Ord. 962 §§1, 2, 2007)

16.10.020 Review process.

A. All new recreational vehicle parks or development on any recreational vehicle park, new or preexisting, must submit all plans and specifications in detail for such development to the planning commission. After review at a regular meeting, the planning commission can then forward the proposal to the city council with a recommendation. No construction or development shall be commenced until approved by the city council after a formal public hearing and a building permit is issued.

B. Permits for development of recreational vehicle parks shall be granted according to the conditional review process of this code.

C. The building official and city engineer shall inspect each new recreational vehicle park or space/site addition or construction on existing parks to determine compliance with the provisions of this chapter and all other applicable ordinances, rules, regulations or codes. No occupancy shall be permitted or certificate of occupancy issued until said officials have made such determination in writing. Occupancy of the premises prior to issuance of a certificate of occupancy based on the above determination shall subject the violator to the penalties set forth in this chapter. The above-named officials shall have authority to enter upon the premises for the purpose of such inspection at any reasonable time without notice or approval of the owner or manager. (Ord. 962 §§1, 2, 2007)

16.10.030 Park development standards.

A. Site conditions. Conditions of soil, groundwater level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed

to objectionable smoke, noise, odors or other adverse influences, and no portion subject to unpredictable flooding, subsidence or erosion shall be used for any purpose which would expose persons or property to hazards.

B. Soil and groundcover. Exposed ground surfaces in all parts of the recreational vehicle park shall be paved, covered with stone screening or other solid materials or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.

C. Drainage requirements. A storm drainage plan shall be developed for the recreational vehicle park. (Ord. 962 §§1, 2, 2007)

16.10.040 Park size and density.

A. Park size. The minimum area for a recreational vehicle park is five (5) acres. The maximum area allowed is ten (10) acres.

B. Park density. The maximum density shall not exceed twelve (12) recreational vehicles per acre.

C. Minimum site size. Each recreational vehicle site shall contain a minimum of one thousand five hundred (1,500) square feet and shall have a minimum width of twenty-five (25) feet.

D. Site pads. Each site shall contain a vehicle parking pad of concrete or asphalt paving. Minimum length of the parking pad shall be thirty-five (35) feet. No part of a recreational vehicle or other unit placed on the lot pad shall be closer than five (5) feet to the edge of the lot.

E. Required separation between RVs. Recreational vehicles shall be separated from each other and from other structures by at least ten (10) feet. Any accessory structure such as attached awnings or carports for purposes of this separation requirement shall be considered to be part of the recreational vehicle.

F. Site identification. Each site for the parking of the recreational vehicle shall be identified by numbers, a minimum of three (3) inches in height, posted in a conspicuous place at the front of the site. (Ord. 962 §§1, 2, 2007)

16.10.050 Roadways and parking.

A. Interior roads. All interior two-way roads shall be twenty-eight (28) feet minimum width, and all interior one-way roads shall be twenty (20) feet minimum width. All roads shall be paved with asphalt and crowned to facilitate drainage. Roadways shall be designed for the safe and convenient movement of vehicles. Road layout shall be reviewed by the Craig Rural Fire Protection District.

B. Parking requirements. At least one and one-half (1½) off-road parking spaces shall be provided in the park per recreational vehicle site. At least one (1) off-road parking space shall be provided at each site. No on-street parking will be permitted. (Ord. 962 §§1, 2, 2007)

16.10.060 Entrances and exits.

A. Locations and access. No entrance or exit from a recreational vehicle park shall be permitted through a residential district nor require movement of traffic from the park through a residential district.

B. Design of access to park.

1. Entrances and exits to recreational vehicle parks shall be designed for the safe and convenient movement of traffic into and out of the park and to minimize marginal friction with free movement of traffic on adjacent streets.

2. Each recreational vehicle park shall have a separate entrance and exit roadway, each of which shall not be less than twenty-eight (28) feet wide from flow line to flow line, shall be hard-surfaced with asphalt or concrete and shall connect to a dedicated public right-of-way not less than forty (40) feet in width.

C. Access onto state highways. Access onto state-controlled highways or roads will require a permit from the Colorado Department of Transportation. The design of the access will be according to Department of Transportation requirements.

D. Distance from intersection. Entrance driveways shall be located not closer than one hundred fifty (150) feet from the intersection of public streets. (Ord. 962 §§1, 2, 2007)

16.10.070 Accessory uses.

A. Management headquarters, recreational facilities, toilets, dumping stations, showers, coin-operated laundry facilities and other uses and structures customarily incidental to operation of a recreational vehicle park and campground are permitted as accessory uses to the park.

B. In addition, stores, restaurants and other convenience establishments shall be permitted as accessory uses in recreational vehicle parks in districts where such uses are not allowed as principal uses, subject to the following restrictions:

1. Such establishments and the parking areas primarily related to their operations shall not occupy more than five percent (5%) of the gross area of the park.

2. Such establishments shall be restricted in their use to occupants of the park.

3. Such establishments shall present no visible evidence from any street outside the park of their commercial character which would attract customers other than occupants of the park.

4. The structure housing such facilities shall not be located closer than one hundred (100) feet to any public street, but shall be accessible only from a street within the park. (Ord. 962 §§1, 2, 2007)

16.10.080 Open space and recreational areas.

A. A general area or areas amounting to not less than ten percent (10%) of the gross area of the recreational vehicle park, excluding any area dedicated as public right-of-way, shall be provided for recreation and open space use.

B. Such areas shall not include any area designated as a recreational vehicle space, storage area, required yard, service building or sanitary facility or waste station area.

C. Recreational facilities shall be included in the ten-percent requirement for open space. (Ord. 962 §§1, 2, 2007)

16.10.090 Buffering; setbacks, screening and landscaping.

A. Yards and setbacks. Each recreational vehicle park shall set aside along the perimeter of the park the following areas, which shall be landscaped and used for no other purpose:

1. Minimum front setback: Twenty-five (25) feet, except when the recreational vehicle park fronts on a state highway; then the minimum shall be fifty (50) feet.

2. Minimum side setback: When abutting residential districts, the side setback shall be fifty (50) feet; when abutting a dedicated public right-of-way, the side setback shall be twenty-five (25) feet on the side street; when abutting any other zone district, the side setback shall be fifteen (15) feet along the interior lot line.

3. Minimum rear setback: If the rear yard abuts a dedicated public right-of-way, the minimum setback shall be twenty-five (25) feet. If the rear yard abuts any other zoning district, the setback shall be fifteen (15) feet.

Summary of Yard Setbacks

<i>If yard abuts a:</i>	<i>Residential District</i>	<i>Other District</i>	<i>Public Right-of-Way</i>	<i>State Highway</i>
Front yard	Not allowed	Not allowed	25 feet	50 feet
Side yard	50 feet	15 feet	25 feet	50 feet
Rear yard	50 feet	15 feet	25 feet	50 feet

B. Landscaping. A landscaping plan illustrating the placement and type of trees and shrubs must be submitted as part of the park development plan. The design of the landscaping must mitigate the visual impact of the recreational vehicle park on the surrounding area.

C. Boundary fencing. Except for the front boundary, each recreational vehicle park shall be enclosed by attractive fencing or alternatives to fencing that include landscaping, berms or buffer areas. (Ord. 962 §§1, 2, 2007)

16.10.100 Utilities.

A. All utilities underground. All public utilities within the recreational vehicle park shall be underground.

B. Water supply. The water supply for the recreational vehicle park shall be provided by a delivery system. The water system shall be connected by pipes to all service buildings and all recreational vehicle spaces. The water distribution system within the park shall meet the following minimum standards:

1. The water distribution system shall be designed, constructed and maintained in compliance with Colorado Department of Public Health and Environment regulations and recommendations to provide a safe, potable and adequate supply of water.

2. The distribution system shall not be connected to any nonpotable water supply nor be subject to any backflow or back siphonage.

3. The distribution system shall deliver water at a minimum pressure of at least twenty (20) pounds per square inch and a minimum flow of at least one (1) gallon per minute at all outlets.

4. The distribution system shall deliver a minimum volume of four hundred (400) gallons per day per recreational vehicle site.

5. Water service lines, riser pipes and valves shall be installed and protected from damage by freezing, ground movement, vehicles or other damage sources.

6. The riser pipe at each recreational vehicle site shall be at least one-half (½) inch in diameter and shall extend at least four (4) inches vertically above the ground elevation. It shall be equipped with a one-half-inch valve outlet with a threaded male spigot for attaching a standard garden hose.

7. Tent camping sites shall be provided with common use water faucets located no more than one hundred fifty (150) feet from any campsite.

8. Drinking fountains, if provided, shall be approved angle-jet type with adequate water pressure.

9. Spillage, overflow, drainage or wastewater from faucets and drinking fountains shall be discharged to approved drains to prevent impoundment of water, creation of mud holes or other nuisance conditions.

10. A water station for filling camping vehicle water storage tanks shall be provided at a rate of one (1) station for every one hundred (100) campsites. These shall be located not less than fifty (50) feet from a sanitary station. The station shall be posted with signs of durable material, not less than two (2) square feet, which state: "POTABLE WATER – DO NOT USE TO FLUSH VEHICLE WASTE TANKS." Such water stations shall consist of at least a three-quarter-inch pipe and valve outlet and shall be protected against the hazards of backflow and back siphonage by an approved vacuum breaker located downstream from the shutoff valve. The fill hose shall be suspended so that no part of the hose and its appurtenances will come into contact with the

ground. A sign shall be posted at the entrance of the park indicating the provision of a sanitary station and water station.

C. Sewage disposal. Facilities shall be provided and properly maintained for the collection and disposal or treatment and disposal of sewage.

1. Where a public sewer system is available, all plumbing fixtures, building sewers and campground sewers shall be connected thereto. If a public sewer system is not available, a private sewage collection and disposal facility meeting requirements of the Colorado Water Quality Control Commission, the Colorado Department of Public Health and Environment and other applicable local government sewage disposal requirements shall be installed and all building sewers and campground sewers connected thereto.

2. Solid and liquid wastes shall not be discharged or otherwise disposed of on the surface of the ground or into any well, cave, open ditch, stream, lake or reservoir.

D. Sewage collection.

1. Sewage collection lines shall be laid in trenches of sufficient depth to be free of breakage from traffic, ground movement, agricultural activity or other sources of damage, and shall be separated from the water supply system by a horizontal distance of ten (10) feet and a vertical elevation of two (2) feet below water lines at crossing points unless pressure sewers are used.

2. The sewer lines shall be constructed of approved materials with adequate vents, watertight joints and sufficient cleanouts. All sewer lines shall have a minimum diameter of six (6) inches, except that a sewer lateral which serves no more than twenty-five (25) individual sewer connections for individual camping vehicle lots or no more than five (5) toilet connections may be four (4) inches in diameter.

3. Sewers shall be installed at a grade of at least one-eighth ($\frac{1}{8}$) inch per foot to ensure a velocity of two (2) feet per second when flowing full. Horizontal drainage lines connecting with other horizontal drainage lines shall enter through forty-five-degree "y" branches or other combinations of equivalent sweep.

4. Cleanouts or manholes shall be provided at the upper end of each main sewer line, at intersections of two (2) or more sewer lines, changes in grade or alignment of more than forty-five degrees (45°) and at intervals of not more than four hundred (400) feet.

5. Individual sewer connections shall meet the following requirements: A four-inch inside diameter sewer lateral and riser pipe with the surrounding ground graded to drain from the rim of the riser pipe. The sewer lateral shall be properly trapped and vented if camping vehicles without individually trapped and vented plumbing fixtures are accommodated.

6. Dependent camping vehicles with a drain hose less than three (3) inches in diameter shall be connected with reducers and a screw or clamp-type fitting.

7. Drain outlets from independent camping vehicles shall be capped or connected with a durable, readily cleanable, nonabsorbent, corrosion-resistant drain hose having an inside diameter

of not less than three (3) inches. The sewer service connection shall be installed and maintained with a grade not less than one-quarter ($\frac{1}{4}$) inch per foot.

8. When the campsite is not occupied, the sewer riser pipe shall be adequately covered.

9. A flushing sink or other means of disposal shall be provided for disposal of liquid wastes from dependent camping vehicles unless a sanitary waste station is provided and is conveniently located. The flushing sink shall be easily accessible and located at a distance of not more than three hundred (300) feet from any campsite. The sinks shall not be located in a room containing toilet, lavatory or bathing facilities, and toilets shall not be used for disposal of liquid wastes. Common-use faucets or hydrants and lavatories in service buildings shall not be used for cleaning fish and food or for washing dishes, utensils, clothing or other articles of household use.

10. A sanitary waste station shall be provided for each one hundred (100) campsites or part thereof not equipped with individual sewer connections. Unless other approved means are used, the sanitary station shall be designed and constructed to include the following:

a. Easy ingress and egress from a service road for camping vehicles and located not less than fifty (50) feet from a campsite.

b. Connection to the sewer system by a trapped four-inch sewer riser pipe and vented not more than ten (10) feet downstream from the trap by a four-inch vent, adequately supported and extending at least eight (8) feet above the ground surface.

c. The sewage inlet surrounded by a curbed concrete apron or trough of at least three (3) feet by three (3) feet, sloped to the inlet and provided with a suitable hinged cover milled to fit tight.

d. A means for flushing the immediate area and a camping vehicle holding tank shall be provided at each sanitary waste station. It shall consist of a properly supported water riser pipe, terminating two (2) feet above the ground with a three-fourth-inch valved outlet which shall be protected against back siphonage and backflow by an approved vacuum breaker installation located downstream from the shut-off valve.

e. A sign, constructed of durable material and not less than two (2) feet square, posted adjacent to the water flushing outlet and inscribed with the warning: "UNSAFE WATER FACILITY."

11. The plumbing shall be installed according to the most recent edition of the plumbing code as adopted by the city.

E. Electricity and natural gas.

1. An electric outlet approved by an electric utility shall be provided for each recreational vehicle space. The installation shall comply with all state and national electrical codes. Such electrical outlets shall be weatherproof.

2. Street and yard lights shall be provided in such number and intensity as to ensure safe movement of vehicles and pedestrians at night. A light shall be located at each outside entrance of the service buildings, which shall be kept lighted during hours of darkness.

3. Where natural gas is provided, the installation will comply with all applicable state and city regulations.

F. Utility plans. Plans for water, sewer, electricity and natural gas along with letters of approval from the appropriate utility provider must be submitted to the city council for approval. (Ord. 962 §§1, 2, 2007)

16.10.110 Refuse disposal.

A. The storage, collection and disposal of refuse shall be performed so as to minimize accidents, fire hazards, air pollution, odors, insects, rodents or other nuisance conditions.

B. Durable, watertight, easily cleanable refuse containers, sufficient to contain all the refuse, shall be provided at each service building and sanitary waste station, or at a central storage area readily accessible and located not more than three hundred (300) feet from any campsite. Refuse containers shall be provided at the rate of eight (8) cubic feet (sixty [60] gallons) for each five (5) campsites. Individual trash cans at each recreational vehicle site may be provided. All containers for refuse shall be covered with close-fitting, insect-impervious covers.

C. Refuse shall be collected and removed from the premises as often as necessary, but not less than once weekly, and disposed of at a lawful disposal site.

D. No burning of refuse will be permitted at the recreational vehicle park.

E. All trash enclosures shall be screened to prevent viewing from any public rights-of-way adjacent to the property. (Ord. 962 §§1, 2, 2007)

16.10.120 Insect and rodent control.

Insects and domestic rodents shall be controlled by elimination of breeding and harborage sources, proper sanitary practices, extermination, vermin-proofing of buildings and other approved control methods. (Ord. 962 §§1, 2, 2007)

16.10.130 Fire prevention and protection.

A. Hand fire extinguishers shall be maintained in effective working order and located in convenient places in the ratio of one (1) extinguisher to every eight (8) recreational vehicle spaces. The location of fire extinguishers must be approved by the Craig Rural Fire Protection District.

B. No outdoor fires will be allowed except in grills, ovens, stoves or park-provided fire boxes. No open fires are allowed.

C. Fire hydrants shall be located so that every site within the park can be reached with six hundred (600) feet of hose with adequate fire flow standards per National Fire Protection Association (NFPA) standards. (Ord. 962 §§1, 2, 2007)

16.10.140 Sanitary facilities.

A. Sanitary facilities shall be provided and installed in accordance with the latest edition of the building and plumbing codes as adopted by the city.

B. Required toilet, lavatory and bathing facilities shall be provided in the following minimum numbers:

<i>Campsites</i>	<i>Toilets</i>		<i>Urinals</i>	<i>Lavatories</i>		<i>Showers</i>	
	M	F	M	M	F	M	F
15	1	2	1	1	1	1	1
16—30	1	3	1	2	2	1	1
31—45	2	4	1	3	3	1	1
46—60	2	4	2	3	3	2	2
61—80	3	5	2	4	4	2	2
81—100	3	5	2	4	4	3	3
101—120	4	7	3	5	5	4	4

M = Male

F = Female

C. At least one (1) toilet and shower facility shall be provided to accommodate handicapped persons.

D. No portable toilets will be allowed in recreational vehicle parks. (Ord. 962 §§1, 2, 2007)

16.10.150 Service buildings.

A. Service buildings shall be constructed of easily cleanable, nonabsorbent materials, maintained in good repair and in a clean and sanitary condition. They shall be conveniently located at a distance of not less than ten (10) feet nor more than four hundred (400) feet from any dependent camping vehicle lot or persons served in a recreational area.

B. Separate rooms containing required plumbing fixtures shall be provided for each sex and clearly marked "men" and "women." If located in the same building, they shall be separated by a solid, sound-resistant wall extending from floor to ceiling. The entrances shall be so designed so that the plumbing fixtures are not visible from the outside. A landing shall be provided beyond each exterior door opening and shall have a width and length not less than the door opening.

C. The floors of service buildings shall have a smooth, impermeable and easily cleaned surface, sloped to drain. Floor drains, properly trapped, shall be provided in all shower baths and shower rooms to remove wastewater and to facilitate cleaning. The walls and ceilings of such buildings shall

be finished, and the walls shall have a smooth, nonabsorbent, easily cleanable surface extending to a height of four (4) feet in toilet rooms and six (6) feet in shower rooms.

D. Every service building shall have a minimum ceiling height of seven and one-half (7½) feet. In rooms with sloping ceilings, the required ceiling height shall be provided in at least fifty percent (50%) of the rooms, and no portion of any room having a ceiling height of less than five (5) feet shall be considered as contributing to the minimum required areas.

E. Every service building shall have at least one (1) window with a direct and unobstructed opening to the outside for natural light and ventilation, unless other approved means of light and ventilation to the outside air are provided.

F. When necessary for exclusion of flies, mosquitoes and other insects, all exterior openings of service buildings shall be protected with fly screening of not less than sixteen (16) mesh per square inch, unless other approved protective devices are provided.

G. Every service building shall be provided with at least one (1) ceiling-type light fixture, at least one (1) separate double-convenience outlet adjacent to the lavatories and a light fixture at the outside entrance of the service building. All lights shall have wall switches; no pull cords shall be allowed.

H. Illumination levels of at least thirty (30) foot-candles shall be maintained at lavatory mirrors and laundry room work areas, and at least five (5) foot-candles shall be maintained for general seeing tasks and at the service building entrance areas.

I. Service buildings shall be provided with approved heating facilities which are properly installed, maintained in a safe working condition and capable of maintaining a room temperature of sixty-eight (68) degrees Fahrenheit.

J. Toilets and showers shall be separately installed to be individually accessible and to permit simultaneous use.

K. Each toilet shall be individually partitioned with a door to ensure privacy. The compartment shall be at least thirty (30) inches in width with at least twenty-four (24) inches of clear space in front of a toilet. The dividing partitions shall be at least five (5) feet in height with not less than six (6) inches or more than twelve (12) inches separating the partition bottom and the floor. Toilets shall be provided with open-front seats.

L. Each shower shall be individually partitioned with a curtain, screen or door to afford privacy. Shower stalls shall not be less than thirty (30) inches by thirty (30) inches in area and shall be constructed to prevent water flow into the dressing room space. Shower floors shall be skid-resistant or provided with disposable or with no-slip, impervious mats. Wooden racks (dust boards) over shower floors are prohibited. Where impervious mats are used, they must be cleaned, dried and kept off the shower floor when not in use.

M. Dressing room space, screened from view and equivalent to the size of the shower floor area, shall be provided adjacent to bathing facilities and shall be equipped with a bench and clothes hook.

N. Hot and cold water under pressure shall be supplied to all required plumbing fixtures, except that cold water only shall be supplied to toilets. Tempered water may be delivered to showers and sinks to conserve heated water and heating equipment. The system shall be designed to prevent discharge of water in excess of one hundred twenty (120) degrees Fahrenheit at shower heads.

O. Hot water heating facilities shall have the capacity to provide a minimum of three (3) gallons of hot water (one hundred [100] degrees Fahrenheit rise) per hour per each campsite during times of peak demands.

P. Required plumbing fixtures shall be maintained in good working order and in a clean and sanitary condition. Every service room containing sanitary fixtures shall be provided with a wastebasket.

Q. Toilets shall be provided with a toilet paper holder or dispenser and a supply of toilet paper and a covered receptacle, and lavatory areas shall be provided with clothes hooks, shelves and trash receptacles.

R. Service building construction shall conform to applicable provisions of the currently adopted building code regarding specifications for making buildings and facilities accessible to and useable by physically handicapped. (Ord. 962 §§1, 2, 2007)

16.10.160 Safety.

A. All electrical wiring, equipment and appurtenances shall be installed and maintained in accordance with provisions of the National Electrical Code and the state electrical inspector.

B. Liquid petroleum gas, fuel oil, gasoline and other flammable liquids shall be handled and used in a safe manner and shall not be stored inside or beneath any camping vehicle or within five (5) feet of a door of a camping vehicle.

C. The grounds, buildings and related facilities shall be constructed, maintained and used in accordance with applicable local and state fire prevention regulations.

D. Play equipment, when provided for children, shall be designed for safety, maintained in good repair and located in areas free from hazards. (Ord. 962 §§1, 2, 2007)

16.10.170 Miscellaneous regulations.

A. L.P. tanks on RV sites shall be limited to one hundred (100) pounds in size.

B. Storage buildings, lean-tos, bins or other outside storage facilities shall not be allowed at recreational vehicle sites. (Ord. 962 §§1, 2, 2007)

16.10.180 Permanent occupancy.

A. No recreational vehicle shall be used as a permanent place of abode, dwelling or business or for indefinite periods of time. Continuous occupancy extending beyond three (3) months in any twelve-month period shall be presumed to be permanent occupancy. No more than one (1) dwelling for occupancy by the park manager shall be permitted.

B. Any action toward removal of wheels of a recreational vehicle except for temporary purposes of repair or to attach the trailer to the grounds for stabilizing purposes is hereby prohibited. (Ord. 962 §§1, 2, 2007)

16.10.190 Application and development plan requirements.

A. Before any permit is issued for construction and/or operation of any recreational vehicle park, a development plan and required documentation shall be submitted to and approved by the city council. The plan shall be prepared by a registered land surveyor or a registered professional engineer, shall be drawn to a scale of no less than 1" = 100', and shall include as a minimum the following:

1. Name, address and telephone number of the applicant.
2. Interest of the applicant in the proposed park.
3. Location, address and legal description of the entire proposed recreational vehicle park site.
4. Existing zoning of the subject property and all adjacent properties.
5. Names and addresses of adjacent property owners.
6. Complete engineering plans and specifications of the proposed recreational vehicle park showing:
 - a. The area and dimensions of the entire tract of land.
 - b. The land uses occupying the adjacent properties.
 - c. The number, size and location of the proposed vehicle sites and other parking areas.
 - d. The location, right-of-way and surfaced roadway width and surfacing material of roadways and walkways.
 - e. The proposed interior vehicular and pedestrian circulation patterns.
 - f. The location of service buildings, sanitary stations and any other existing or proposed structure.
 - g. The location of water and sewer lines and riser pipes.
 - h. Plans and specifications of the water supply, sewage disposal and refuse facilities.
 - i. The locations and details of lighting, electric and gas systems.
 - j. Plans for drainage, flood control and landscaping.
 - k. Plans and specifications of all buildings constructed or to be constructed within the recreational vehicle park.

1. Letters of review from utility agencies stating whether they can provide services to the recreational vehicle park.

7. Plans shall be drawn on twenty-four-inch-by-thirty-six-inch sheet size in blue or black ink.

B. Where a recreational vehicle park development is proposed for construction in a series of stages, a master plan for the development of the entire tract of land shall be submitted along with the detailed plans and specifications for the initial stage, as well as any subsequent stages.

C. The development plan as outlined above shall be reviewed by the planning commission and approved by the city council. One (1) copy of the final development plan as approved by the city council shall be retained by the city. (Ord. 962 §§1, 2, 2007)

16.10.200 Registration and inspection.

A. Registration. All recreational vehicles in the park must have a current valid registration.

B. Inspection. The building official may inspect each recreational vehicle park at least once annually to determine compliance with the provisions of this chapter and all other applicable ordinances, rules, regulations or codes. Such official shall have the authority to enter upon the premises for the purpose of such inspections at any reasonable time without notice to the owner or manager. (Ord. 962 §§1, 2, 2007)

16.10.210 Responsibilities of management.

A. Enforcement of regulations. The owner or operator of any recreational vehicle park shall arrange for the management and supervision of such recreational vehicle park so as to enforce or cause compliance with the provisions of this chapter.

B. Maintenance. The owner, operator or attendant of every recreational vehicle park shall assume full responsibility for maintaining in good repair and condition all facilities of the recreational vehicle park as required herein.

C. Office. In every recreational vehicle park, there shall be a designated office building in which shall be located the office of the person in charge of said park. A copy of all required city and state licenses and permits shall at all times be kept in said office.

D. Management duties. It shall be the duty of the attendant or person in charge, together with the owner or operator, to:

1. Keep at all times a register of all tenants (which shall be open at all times to inspections by state, county and federal officers and officers of the city) showing for all tenants:

a. Dates of entrance and departure.

b. License numbers of all recreational vehicles and towing vehicles or automobiles.

c. States issuing such license.

2. Maintain the park in a clean, orderly and sanitary condition at all times.
3. See that provisions of this chapter are complied with and enforced and report promptly to the proper authorities any violations of law which may come to his or her attention.
4. Report to state health authorities all cases known by the owner to be infected with any communicable diseases.
5. Pay promptly to the city all license fees required by city ordinances or other laws.
6. Prohibit the use of any recreational vehicle by a greater number of occupants than that which it is designed to accommodate. (Ord. 962 §§1, 2, 2007)

Chapter 16.11

Historic Preservation

Sections:

- 16.11.010 Intent
- 16.11.020 Commission established
- 16.11.030 Standards for designation of sites for preservation
- 16.11.040 Designation of historic sites
- 16.11.050 Limitation on resubmission and reconsideration
- 16.11.060 Amendment of designation
- 16.11.070 Alteration of a designated historic landmark
- 16.11.080 Notification of intent to alter a designated historic landmark
- 16.11.090 Revocation of designation

16.11.010 Intent.

It is hereby declared to be a matter of public policy that the protection, enhancement, perpetuation and use of structures, land and districts of historical, architectural or geographic significance, located within the city, is in the public interest. (Ord. 962 §§1, 2, 2007)

16.11.020 Commission established.

A. The Community Foundation of Northwest Colorado shall serve as the Craig Historic Preservation Commission (the historic commission).

B. Powers and duties.

1. The historic commission shall review from time to time the criteria for designation of historic sites as set forth in this chapter and shall make recommendations to the planning commission for amendments.

2. The historic commission shall prepare application forms, shall review applications for designation of sites as being historic pursuant to this chapter and shall make recommendations to

the planning commission for review and final recommendation to the city council as to whether it should designate the site described in the application for such designation. (Ord. 962 §§1, 2, 2007)

16.11.030 Standards for designation of sites for preservation.

In order to qualify for designation as an historic site pursuant to this code, the historic commission must determine that it has historic significance due to one (1) or more of the following factors:

A. It has character, interest or value as part of the historical development, heritage or culture of the community, state or nation.

B. Its location is a site of a significant historic event.

C. Its identification with a person or persons who significantly contributed to the culture and development of the city.

D. Its exemplification of the cultural, economic, social or historic heritage of the city.

E. Its portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style.

F. Its embodiment of distinguishing characteristics of an architectural type or specimen.

G. Its identification as the work of an architect or master builder whose individual work has influenced the development of the city.

H. Its embodiment of the elements of architectural design, detail, materials or craftsmanship that represent a significant architectural innovation.

I. Its relationship to other distinctive areas that are eligible for preservation according to a plan based on an historic, cultural or architectural motif.

J. Its unique location or singular physical characteristic representing an established familiar visual feature of a neighborhood or of the city.

K. Is at least fifty (50) years old. (Ord. 962 §§1, 2, 2007)

16.11.040 Designation of historic sites.

A. Recommendations for designation of historic sites. Pursuant to the procedures set forth in this chapter, the historic commission may make written recommendation to the planning commission and city council that a site be designated as an historic site for preservation, meeting the criteria set forth in this code. Each such recommendation shall include a description of the characteristics of the site which justify its designation and shall include a legal description of the site. The recommendation may indicate alterations that would have a significant impact on, or be potentially detrimental to, the historic features of the site. Any such designation shall be in furtherance of and in conformance with the purposes and standards of this code.

B. Procedures for designating historic sites.

1. Applications. Applications for designation of historic sites must be made to the historic commission on forms provided by the city. Applications shall be made only by the owners of one hundred percent (100%) of the site for which the application is submitted.

2. Historic commission review. The historic commission shall review applications for designation of historic sites for content and for completeness. The historic commission shall, within a reasonable time of receipt, forward complete applications and recommendations to the planning commission.

3. Planning commission review. The planning commission shall consider and act upon applications at regularly scheduled or special meetings within a reasonable time of receipt of staff recommendations. The planning commission shall approve, approve with conditions or disapprove applications and shall immediately forward notice of its decisions to the city council. In the event of failure of the planning commission to act in a timely manner, the city council may proceed without a planning commission recommendation.

4. City council action. Within a reasonable time of action by the planning commission, the city council shall by resolution approve, modify and approve or disapprove the proposed historic designation.

5. Withdrawal of applications. Prior to action on applications by the city council, applicants may withdraw applications by submitting a written request to the city.

6. Recording. The resolution designating a site as a local historic landmark shall be recorded in the records of the county clerk. (Ord. 962 §§1, 2, 2007)

16.11.050 Limitation on resubmission and reconsideration.

Whenever the city council disapproves an application for historic designation, or whenever an owner withdraws an application, no person shall submit an application for the same site within one (1) calendar year of the disapproval or withdrawal. (Ord. 962 §§1, 2, 2007)

16.11.060 Amendment of designation.

Designation of an historic site may be amended to add features or property to the site according to the application process described in this chapter for new designations. (Ord. 962 §§1, 2, 2007)

16.11.070 Alteration of a designated historic landmark.

All modifications to designated historic landmarks shall be done in conformance with the Secretary of the Interior Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings as published by the U.S. Department of the Interior, National Park Service. (Ord. 962 §§1, 2, 2007)

16.11.080 Notification of intent to alter a designated historic landmark.

Any owner filing an application for designation of a site shall, as a part of the application, agree, any time after a site is designated as an historic site, to notify the historic commission of the owner's intention to alter, demolish, move or remove the site and provide plans for the work at least thirty (30) days prior to beginning such work. This notification requirement shall run with the land and shall bind successors and assigns. The historic commission shall, upon receipt, forward the notification and plans to the planning commission for review. The planning commission shall review the plans and may advise the owner on the potential affect of the plans on the historic designation. The planning commission may forward a recommendation to the city council that, based on the plans, the historic designation be modified or revoked. (Ord. 962 §§1, 2, 2007)

16.11.090 Revocation of designation.

The city council may, by resolution, revoke or modify the designation of a site after fifteen (15) days' notice to the owner and after public hearing if any of the following conditions exist:

A. If any owner of a designated site fails to provide notification as required in this code or if alterations to the site will significantly alter the historic character of the site;

B. If an owner of a designated historic site submits a written request to the city for revocation of an historic designation;

C. If the historic commission makes a recommendation for modification or revocation based on an owner's written intent to alter a designated historic site; or

D. If modifications are made to an historic landmark that are found by the historic commission to not be in accordance with the standards specified in this code. (Ord. 962 §§1, 2, 2007)

Chapter 16.12

Residential Mobile Home (RMH) District

Sections:

- 16.12.010 General provisions
- 16.12.020 Mobile home design standards and building requirements
- 16.12.030 Density and dimensional standards
- 16.12.040 Design standards
- 16.12.050 Miscellaneous

16.12.010 General provisions.

A. Intent. This district includes both mobile home parks where spaces are generally leased for the long-term placement of mobile or manufactured homes; and mobile home subdivisions where lots are generally offered for sale or condominium-style ownership. Either of the above options are allowed in the RMH District, and design standards and other requirements are identical in either leased (park) or owned (subdivision) developments. New developments in this district shall provide neighborhood park facilities or park impact fees-in-lieu of land. Park land should be centrally located

and accessible to pedestrians on property that is to be improved as part of the development process. Additionally, trails that connect major destinations (shopping, schools, etc.) with parks and open space corridors shall be designed and constructed.

B. Use classifications. Uses permitted by right include:

1. Mobile homes designed for occupancy by one (1) family,
2. Manufactured homes,
3. Home occupations,
4. Domestic animals, provided that such animals are household pets. Kennels are not allowed,
5. Accessory buildings and uses customarily incidental to the uses permitted by this district.

C. Conditional uses. Conditional uses include:

1. Electric substations and gas regulator stations.
2. Fire stations and police stations.
3. Water storage tanks, water pumping stations and sewer lift stations.

D. RMH – Residential Mobile Home District approval procedure.

1. An amendment to the zoning district map to create a RMH Zone District shall follow the procedures set forth in Section 16.03.130 of this title. Prior to or simultaneously with the application for an amendment to the official zoning map for a RMH – Residential Mobile Home District, the applicant shall submit a RMH development plan of the property for review and approval.

2. Prior to or simultaneously with the application for an amendment to the official zoning map for a RMH – Residential Mobile Home District, the applicant shall submit a subdivision plat of the property for review and approval as provided by Chapter 4 of this title. Development of a mobile home subdivision or park shall be subject to review and approval through the sketch, preliminary and final plat process in compliance with all the standards in this chapter and consistent with the applicable community design standards found in Chapter 2 of this title. Public hearings on these matters may be combined or occur separately.

3. A mobile home development shall be subdivided for the purpose of dedication of adjacent public streets, internal public streets and ways, utility and other easements and other public facilities, and a final plat recorded as provided by Chapter 4 of this title.

4. Development in this District is permitted only in accordance with a RMH development plan and final plats prepared and approved in accordance with the provisions herein. The owners and their successors, heirs or assigns shall be bound by the approved RMH development plan and final plats, including any amendments thereto approved by the city council, as provided herein.

E. General requirements applicable to RMH Districts.

1. In order to provide uniform administrative procedures and quality development standards, RMH Districts shall conform to all provisions of this code except as such provisions are specifically altered on the approved RMH development plan.

2. Final approval of the RMH development plan, any amendment to the official zoning map and any development within a RMH District shall not occur until a final plat for the portion to be developed is approved and recorded as provided in Chapter 4 of this title.

3. Vesting of property rights in a RMH District accrue only for that portion of the property granted a final plat approval.

4. All public utility distribution lines shall be placed underground.

5. The minimum number of acres which may constitute a RMH District shall be five (5) acres.

6. Building and occupancy permits for mobile homes in any residential mobile home development shall comply with the following requirements:

a. It shall be unlawful to erect, move or place any mobile home or other structure on or onto any site, lot or tract in a residential mobile home development without first obtaining a building permit.

b. It shall be unlawful to erect, move or place any mobile home on or onto any site, lot or tract that is not within a residential mobile home development.

c. Application for a building permit shall be made in accordance with the requirements of the city building code, to the extent applicable, and shall be accompanied by a fee determined according to the current city fee schedule.

d. No building permit for the installation of a mobile home shall be issued unless the mobile home meets the requirements of the National Manufactured Home Construction and Safety Standards Act of 1974 (42 U.S.C. § 5401, et seq.) and applicable city codes that are not in conflict therewith. (Ord. 969 §2, 2007; Ord. 962 §§1, 2, 2007)

16.12.020 Mobile home design standards and building requirements.

A. The mobile home must be partially or entirely manufactured in a factory.

B. The mobile home must be not less than fourteen (14) feet in width and forty (40) feet in length.

C. No mobile home over twenty-five (25) years old may be erected, moved or placed on any site, lot or tract in the city.

D. The mobile home must be set on an excavated, backfilled, engineered foundation enclosed at the perimeter so that the top of the perimeter wall sits no more than twelve (12) inches above finish grade. The foundation shall be similar in appearance and durability to a masonry foundation of a site-

built dwelling. The foundation shall provide an anchoring system for the mobile home that is totally concealed under the structure.

E. The mobile home must have brick, wood or cosmetically equivalent exterior siding on all exterior walls which provides a consistent, continuous facade from the bottom of the soffit (top of the wall section) downward to the top of the exposed perimeter foundation. The exterior siding of the mobile home must have the same appearance as materials commonly used on residential dwellings. Metal siding must be painted or anodized.

F. The mobile home must have a pitched or sloped roof with a pitch of at least a nominal three (3) in twelve (12). The roof must be covered with shingles, shakes, tile, "pro-panel," standing seam metal, raised rib metal or the equivalent. Eaves of the roof must extend at least one (1) foot from the intersection of the roof and the exterior walls.

G. The mobile home must have windows with wood, vinyl coated or anodized aluminum frames.

H. The mobile home must have a color-coordinated body and trim. Colors of both the factory components and the site-built components shall be the same.

I. The transportation mechanisms, including the wheels, axles and hitch, must be removed.

J. No mobile home shall be occupied for dwelling purposes unless it is properly placed in a mobile home space and connected to water, sewage, electric and gas utilities, as appropriate.

K. All mobile homes shall be certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. § 5401, et seq., as amended, or shall be certified by the Colorado Division of Housing pursuant to Section 24-32-701, et seq., C.R.S.

L. All mobile homes shall have an enclosed crawlspace underneath the mobile home and shall not provide a shelter for rodents or create a fire hazard. No enclosed crawlspace shall be used for storage unless the storage area is surfaced with concrete. Adequate access and ventilation shall be provided in accordance with the current Guide for the Installation of Manufactured Homes and Factory Built Housing, Colorado Division of Housing.

M. Additions to increase the floor area of mobile homes shall not be permitted except for patios, porches, garages, decks or carports. Garages may be detached or attached.

N. Prior to occupancy, the building official shall inspect each mobile home to determine compliance with this code. No occupancy shall be permitted or certificate of occupancy issued until said inspection and all connections to public utilities have been made. The owner or home builder shall pay to the city a building permit fee for each residential structure as may be required by this code. Installation procedures and the building permit fee shall be in accordance with the then-current Guide for the Installation of Manufactured Homes and Factory Built Housing, Colorado Division of Housing.

O. All additions shall comply with minimum yard requirements, and a building permit shall be required in advance for any such addition. (Ord. 962 §§1, 2, 2007)

16.12.030 Density and dimensional standards.

A. Minimum floor area shall be five hundred sixty (560) square feet per mobile home.

B. Minimum lot area shall be:

1. Three thousand (3,000) square feet per mobile home.

2. Any newly created freestanding residential mobile home district shall be at least five (5) acres of land in area.

C. Minimum lot frontage shall be forty (40) feet.

D. Minimum front yard or setback. Measured from the front property line, there shall be a front yard or setback of not less than twenty-five (25) feet for all principal structures. For mobile home park lots fronting on a state or federal highway, the required front yard or setback shall be fifty (50) feet.

E. Minimum rear yard or setback. Measured from the rear property line, every principal or accessory structure shall have a rear yard or setback of not less than ten (10) feet.

F. Minimum side yard or setback. There shall be ten (10) feet between mobile homes or accessory buildings or, if measured from the side property line, every mobile home shall have a side yard or setback of not less than five (5) feet on each side of the lot. Where the side yard or property line abuts a state or federal highway, the required setback shall be fifty (50) feet.

G. The maximum gross density shall be ten (10) units per acre.

H. There shall be a minimum setback of twenty (20) feet between any service facility or mobile home development permanent building and any mobile home.

I. Accessory buildings and structures shall be constructed in accordance with the building code as adopted. Accessory buildings and structures shall include steps, attached or detached patios that are open on three (3) sides, attached or detached decks that are open on three (3) sides, attached or detached storage units, attached or detached garages and attached or detached carports. Accessory buildings or structures may be located adjacent to a mobile home space line; provided, however, that a minimum of six (6) feet of separation is provided between a garage and any other structure on an adjoining space. Any other building or structure shall provide a minimum of ten (10) feet between it and any structure on an adjoining space.

J. The height regulations are as follows: No structure shall exceed two and one-half (2½) stories or twenty-five (25) feet in height.

K. The limits of each mobile home lot shall be clearly marked on the ground by permanent monuments set pursuant to Section 38-51-101, C.R.S. (Ord. 969 §2, 2007; Ord. 962 §§1, 2, 2007)

16.12.040 Design standards.

A. Street design standards.

1. All interior streets in a mobile home subdivision or park shall be privately owned and maintained by the owner of the development and shall be a minimum width of twenty-two (22) feet from back of curb to back of curb, including the width of gutter pans. Private streets shall have a public access easement suitable for use by emergency vehicles.

2. Primary through streets shall be thirty-four (34) feet from back of curb to back of curb, with a four-foot detached sidewalk on one (1) side being located at least four (4) feet from the back of curb.

B. Parking. Every mobile home space shall have two (2) paved (asphalt or concrete) off-street parking spaces adjacent to the mobile home. There shall be one (1) additional parking space for each mobile home space within one hundred (100) feet for use of occupants and guests.

C. Pedestrian circulation. The developer shall provide for a system of pedestrian circulation within the development. The system shall connect with existing sidewalks, if any are adjacent to the property. The system shall be designed to link residential units with recreation facilities, school bus stops and existing sidewalks in the neighborhoods. Detached sidewalks within the residential mobile home development shall be a minimum of four (4) feet in width.

D. Street and sidewalk lighting. All streets and sidewalks shall be lighted in accordance with the standards contained in this code.

E. Access and circulation. A mobile home development shall have two (2) means of access to public streets at the perimeter of the site. Internal circulation may be provided by public or private streets, driveways and alleys. Each mobile home space shall be provided access to the internal circulation system. No mobile home space shall have direct access to a public street on the perimeter of the site.

F. Sidewalk between street and mobile home. Concrete sidewalks shall be provided between the mobile home and the adjacent street sidewalk; except that the paved parking area may satisfy this requirement, provided that a sidewalk is provided from the parking area to the mobile home.

G. Traffic control.

1. Pursuant to Section 42-4-1102, C.R.S., the city elects to impose and enforce stop sign regulations, speed limits and parking restrictions posted in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) upon all highways and streets which are privately maintained in mobile home developments. The owner of the mobile home development shall provide such signs as may be required by a traffic engineer, and agrees to erect and maintain such signs in conformity with the MUTCD.

2. The stop sign placement, speed limits and parking restrictions shall be determined by a traffic engineer, but shall be consistent with the provisions of Sections 42-4-1101 through 42-4-1104, et al., 42-4-1204 and 42-4-1208, C.R.S.

3. When all signs are in place, stop sign, speed limit and parking regulations shall be enforced and violations thereof punished in accordance with the provisions of the MUTCD then in effect.

H. Utility design requirement.

1. All public utilities shall be installed in accordance with the applicable city or district standards.

2. Each mobile home space shall have its own meter for water and electrical service.

I. Mobile home space landscaping. The developer shall provide front and rear mobile home space landscaping for each mobile home space, including but not limited to sod and irrigation system and trees and shrubs. The developer shall provide the city with a graphic representation of "typical" mobile home space landscaping for each of the mobile home designs to be located in the mobile home development.

J. Residential mobile home development perimeter and common space landscaping. The developer shall landscape the perimeter and common open space of the mobile home development in accordance with landscaping plans submitted to the planning commission for review and approval.

K. Community space.

1. No less than ten percent (10%) of the gross site area shall be reserved for and devoted to improved recreation areas and facilities provided in a location or locations convenient to all mobile home spaces.

L. Tenant storage.

1. A separate uniform tenant storage structure shall be provided for each space, located on each space.

2. There shall be a maximum of one hundred twenty (120) square feet of storage area provided for each mobile home space.

3. Design and location of tenant storage shall enhance the appearance of the park, and the exterior siding of the structure shall have the same appearance as materials commonly used on residential dwellings.

M. Street names, addressing and mail delivery. All streets shall be named on the RMH development plan and submitted by the owner to the city, county and U.S. Post Office for approval. Each space shall be numerically designated for address and mail purposes and signs furnished and installed by the residential mobile home developer. Cluster postal boxes will be provided at central locations convenient to the residents. No individual street-side mail boxes are permitted unless otherwise approved by the city.

N. Solid waste disposal.

1. The owner of the residential mobile home development shall be responsible for the promulgation and enforcement of rules and regulations governing solid waste storage and handling that meet or exceed state or federal regulations.

2. The owner shall provide containers for the storage of solid wastes awaiting collection for each mobile home space. Containers are to be sized to completely contain twice the anticipated volume of solid wastes that are generated on the premises. Containers are to be watertight, impervious to insects and rodents and are to be kept off the street, curb, sidewalk and all other public ways and concealed from public view, except on collection day. (Ord. 962 §§1, 2, 2007)

16.12.050 Miscellaneous.

A. Single ownership of a residential mobile home development. A residential mobile home development may not be converted to another use other than such uses provided for in the RMH development plan without the approval of the city council and meeting the appropriate lot size, lot width, setback and other requirements of the new use.

1. The land within a residential mobile home development shall remain in a unified ownership, and the individual ownership of lots or portions of lots shall not be transferred.

2. No dwelling unit other than a mobile home shall be located within a residential mobile home development.

B. Conformance of residential mobile home development to state law. A residential mobile home development and its operation shall conform to the provisions of the Mobile Home Park Act, Section 38-12-201, et seq., C.R.S.

C. Business license. The owner or operator of a residential mobile home development shall obtain a business license as provided in this code. (Ord. 962 §§1, 2, 2007)

Chapter 16.13

Annexation

Sections:

- 16.13.010 Purpose
- 16.13.020 Statement of policy and review criteria
- 16.13.030 Annexation application
- 16.13.040 Procedure for annexation petitions and public hearings
- 16.13.050 Post-approval actions
- 16.13.060 Public hearing notices
- 16.13.070 Annexation petition and application submittal requirements
- 16.13.080 Annexation agreement
- 16.13.090 Annexation map technical standards
- 16.13.100 Concept plan map technical standards

16.13.010 Purpose.

The purpose of this chapter is to establish a procedure to bring land under the jurisdiction of the city into compliance with the Colorado Municipal Annexation Act of 1965 (Act), as amended. This chapter, in part, provides supplemental requirements for annexation pursuant to the Act and is not to

be construed as altering, modifying, eliminating or replacing any requirement set forth in that Act or any requirements set forth in other portions of this code. In the event of a conflict between the Act, the provisions of this chapter or any requirements set forth in other portions of this code, it is the expressed intent of the city council that the more stringent provision shall control. (Ord. 962 §§1, 2, 2007)

16.13.020 Statement of policy and review criteria.

It shall be the general policy of the city with respect to annexations, the annexation application and the consideration of annexation petitions that:

1. Annexation is a discretionary act. With the exception of a petition initiated by the city for the annexation of an enclave, the city council shall exercise its sole discretion in the annexation of territory to the city.

2. The land to be annexed and the uses proposed for the land shall conform to the goals, policies and strategies of the Master Plan and to the land uses depicted on the city plan direction map, as amended.

3. Certain public facilities and amenities are necessary and must be constructed as part of any territory annexed to the city in order that the public needs may be served by such facilities. These facilities include, but not by way of limitation, arterial streets, bridges, public parks and recreation areas, water and sanitary sewer facilities, school sites, fire and police station sites and storm drainage facilities. The annexation of lands to the city shall be shown not to create any additional cost or burden on the then-existing residents of the city to provide such public facilities in any newly annexed area.

4. The petitioner for annexation shall be responsible for paying the city's full cost for processing the annexation applications and petition, from initial discussion with staff before submittal of the petition, through the approval and recording of the final annexation documents.

5. Annexed areas will not divide tracts of land to prevent further annexation of adjoining parcels (for example, leaving a gap or a strip of land between property to be annexed and the adjoining property).

6. All subsurface (nontributary) water rights shall be deeded to the city at the time of annexation.

7. The property owner shall have complied with the annexation application requirements of this chapter prior to submitting an annexation petition. (Ord. 962 §§1, 2, 2007)

16.13.030 Annexation application.

A. Annexation application. An annexation application shall be submitted to the city for any proposed annexation, prior to submission of a petition for annexation. Such application is necessary for the city to evaluate the impacts on the city of annexing the property identified in the application and negotiate an annexation agreement. The annexation application shall include the following information:

1. The name, street address, e-mail address and phone number of the applicant on a completed application form supplied by the city;
2. A written legal description and map of the property and its surroundings;
3. Requested zoning classification for the property;
4. Known hazards and environmental issues, if any, that may be present due to the topography, geology or hydrology of the property;
5. The anticipated sources of water, sanitary sewer and other utilities to be used to serve the property, if known;
6. A general development concept plan describing the desired use of the property after annexation, if known;
7. An outline of any known terms proposed for the annexation agreement, including the provisions of this chapter;
8. Any other subjects pertinent to the property requiring inclusion in the annexation agreement between the city and the applicant; and
9. An application fee of five hundred dollars (\$500.00) plus one hundred fifty dollars (\$150.00) per acre as provided in this code.

B. Deposit fee for professional and administrative costs. At the time of filing an annexation application, the applicant shall pay a deposit fee in the amount of two thousand dollars (\$2,000.00) and sign a statement agreeing to replenish the deposit by the amount withdrawn each month and agreeing to pay all additional reasonable costs incurred by the city, which shall be itemized by the city. Costs chargeable hereunder include, but are not limited to, publication costs, postage costs, recording fees, attorneys' fees, engineering fees, planning fees, administrative costs of the city manager and city staff and other professional fees. Any amount not expended will be refunded after review of the annexation is completed and all expenses accounted for. (Ord. 962 §§1, 2, 2007)

16.13.040 Procedure for annexation petitions and public hearings.

A. Annexation applications shall be processed and considered as follows:

1. Step 1: Annexation preapplication conference. The application process begins with a preapplication conference with city staff to determine the feasibility of the annexation request. Following this informal meeting, the applicant may submit a letter of intent requesting annexation, the annexation application as described in this chapter, the completed annexation application form, maps and supporting documents.

2. Step 2: City evaluation of annexation application. City staff shall analyze the feasibility of annexing the proposed property, including but not limited to the ability to serve with streets, water, sanitary sewer, storm sewer, parks and recreation, schools, police and fire protection; compliance with the Master Plan; sources of revenue from the property; the city's costs to serve the proposed development; and any other related matters.

3. Step 3: Annexation agreement. City staff and the property owners shall negotiate an annexation agreement addressing the items of concern in the staff evaluation and other applicable requirements of this code. The draft agreement acceptable to the property owner shall accompany any annexation petition filed with the city.

B. Annexation petitions shall be processed and considered as follows:

1. Step 1: Annexation petition certification and completion. The petition for annexation or petition for election, annexation agreement, proposed annexation impact report and all other documents submitted shall be reviewed by staff for completeness and compliance with the provisions of the Act and this code. The applicant shall be notified within a reasonable time of any deficiencies or inadequacies in the materials submitted. An incomplete submission shall not be processed or referred to the city council for a determination of substantial compliance.

2. Step 2: Annexation petition referral to council. Upon staff's determination that the petition and supporting documentation are complete and in compliance with provisions of the Act and this code, the petition shall be referred to the city council.

3. Step 3: Council determination of substantial compliance. The city council shall take the appropriate steps to determine if the petition is in substantial compliance with the Act.

a. If the petition is found to be in substantial compliance with the Act, the city council may, by the adoption of a resolution of substantial compliance, set the annexation (and zoning if requested) for public hearing on a specified date, time and place, not less than thirty (30) days nor more than sixty (60) days from the effective date of the resolution, subject to compliance with Section 31-12-108, C.R.S.

b. If the petition is found to not be in compliance with the Act, no further action shall be taken, except that the determination shall be made by resolution adopted by the city council.

4. Step 4: Planning commission review and recommendations. The planning commission shall consider the petition for annexation at a regular or special meeting to be held prior to the date of the public hearing before the city council. If zoning of the property is requested at the time of annexation, the planning commission shall hold a public hearing on the zoning of the property at the same meeting. Notice of the public hearing on zoning shall be given in accordance with the requirements for an amendment to the zoning map. The planning commission, upon the conclusion of the meeting at which it considers the petition, shall by resolution recommend approval of the petition for annexation, with or without conditions, or recommend denial. If zoning of the property is requested at the time of annexation, the planning commission shall by resolution recommend to the city council approval, with or without conditions, or recommend denial of the requested zoning.

5. Step 5: City council public hearing and action on the annexation.

a. The city council shall hold the public hearing on the petition for annexation, and zoning if requested in conjunction with the annexation. The petitioners shall present evidence in support of the petition and zoning, if applicable. City staff shall testify as to the elements required by statute to be present for annexation and any comments received from governmental

entities affected by the annexation. Any person may appear at the hearing and present evidence on any matter related to the annexation petition as determined by the city council. The city council may continue the hearing to another date without additional notice as provided by applicable law. At the conclusion of the public hearing, the city council shall adopt a resolution containing the findings of fact and conclusions, including:

- 1) Whether or not the requirements of Sections 31-12-104 and 31-12-105, C.R.S., and this chapter have been met;
- 2) Whether or not the annexation agreement is acceptable to the city;
- 3) Whether or not additional terms and conditions are to be imposed; and
- 4) Whether or not an election is required, either as result of a petition for election or the imposition of additional terms and conditions.

b. If the city council finds that the area proposed for annexation does not comply with the requirements of Sections 31-12-104 and 31-12-105, C.R.S., the annexation proceeding will be terminated.

c. If the city council finds the following:

- 1) The annexation is in compliance with the requirements of Section 31-12-104 and 31-12-105, C.R.S.;
- 2) An election is not required under Section 31-12-107(2), C.R.S.;
- 3) No additional terms and conditions are to be imposed;

The city council may annex the land by ordinance without election and approve the annexation agreement. The zoning of the property, if requested with annexation, shall be approved by separate ordinance.

d. If the city council, in its sole discretion, finds that the annexation is not in the best interest of the city, it may deny the petition by resolution. (Ord. 962 §§1, 2, 2007)

16.13.050 Post-approval actions.

A. After final passage of the annexation ordinance, the applicant shall file with the city final versions of all applicable documents, including two (2) Mylars of the annexation map.

B. In the event that zoning was requested with the annexation, zoning shall be granted by ordinance and the official zoning map shall be amended accordingly. In the event that zoning was not requested with annexation, the city shall bring the area annexed under the zoning ordinance and map within ninety (90) days after the effective date of the annexation ordinance in the manner provided by this code. In the event that the property owner does not request and process a zoning request within such ninety-day period, the zoning of the annexed property shall be deemed to be Open District as defined in this code. (Ord. 962 §§1, 2, 2007)

16.13.060 Public hearing notices.

A. Notice of the public hearing for annexation set by the resolution of substantial compliance shall be published and given to the county and to any special district or school district having territory within the area to be annexed in accordance with state law.

B. A copy of the published notice, together with the letter of intent provided with the application, the annexation map and the concept plan for the development of the property, shall be sent by the city by certified mail, return receipt requested, to the owners of real property within one hundred fifty (150) feet of the boundaries of the proposed annexation, irrigation ditch companies whose rights-of-way traverse the property to be annexed and to the mineral estate owners and their lessees of the property to be annexed. Notice provided by the city to the owners of the minerals estate and their lessees shall not relieve the petitioners from the responsibility of providing notice as required by Section 24-65.5-101, et seq., C.R.S. In the case of a "flagpole" annexation, the city shall also provide notice to abutting property owners as specified in Section 31-12-105, C.R.S.

C. Petitioner's responsibilities; mailing labels, notice to mineral estate owners and lessees.

1. The petitioner shall provide the city with a set of mailing labels (matching Avery form 8160) containing the owners of real property within one hundred fifty (150) feet of the property to be annexed, the mineral interest owners and lessees for the property to be annexed, the irrigation ditch companies whose rights-of-way traverse the property to be annexed and the special districts encompassing the property to be annexed. The petitioner shall also certify that the required address list of owners of real property is complete.

2. The petitioner shall provide a set of mailing labels (matching Avery 8160) for all special districts encompassing the property to be annexed, the board of county commissioners and county attorney, special districts and school districts with territory within the property to be annexed and referral agencies of the city, as directed by the city. The petitioner shall also provide a sufficient number of labels to mail notice to the owners of real property and mineral interest owners and lessees identified in the mailing list.

3. The petitioner shall be responsible for providing notice of each public hearing (planning commission and/or city council) to the owners of the mineral estate on the property to be annexed, and to their lessees, as required by Section 24-65.5-101, et seq., C.R.S. The petitioner shall certify to the city, not less than fifteen (15) days prior to the date of the public hearing, the petitioner's conformance with this notice requirement. (Ord. 962 §§1, 2, 2007)

16.13.070 Annexation petition and application submittal requirements.

A. The following are the submission requirements for an annexation petition. One (1) original and three (3) copies of the following forms, letters and documents. Any forms or letters requiring signatures shall have one (1) original signed and dated in blue ink. The remaining copies may be photocopies of the original. Following staff review and notice of acceptance for referral to the city council, the applicant shall provide fifteen (15) copies of the annexation documents and the appropriate maps and map reductions as outlined below.

B. The annexation application shall include:

1. Letter of intent. The applicant shall provide a letter of intent addressed to the city council to serve as a cover letter to the formal petition, introducing the applicant to the city council, requesting annexation of the petitioner's property and describing the development plans for the property, if it is annexed.
2. Annexation application form. The city's annexation application form shall be completed, signed and dated.
3. Agreement for payment of development review expenses incurred by the city. The application shall be accompanied by a signed standard form agreement for the payment of development review expenses incurred by the city.
4. Petition for annexation. The applicant shall submit a petition for annexation complying with the requirements of Section 31-12-107, C.R.S.
5. Annexation map. Four (4) paper copies of the annexation map are to be provided with the initial submittal. The annexation map shall be signed and sealed by the registered land surveyor or engineer preparing the map or under whose supervision the annexation map was prepared. The annexation map shall comply with the technical drawing requirements contained in Section 16.13.090 of this chapter.
6. Concept plan map. Five (5) paper copies sized twenty-four-by-thirty-six inches, and fifteen (15) reductions sized eleven-by-seventeen inches of the concept plan map are to be provided with the initial submittal. The concept plan map shall comply with the technical drawing requirements contained in Section 16.13.100 of this chapter.
7. Title commitment. The applicant shall submit proof of ownership in the form of a current title commitment, issued by a title insurance company licensed by the state, which effective date shall be less than thirty (30) days prior to the date of submittal of the annexation petition. Ownership must match the ownership listed in the petition. If the legal description of the area to be annexed as shown on the annexation map does not match the legal description of the property owned, because of road rights-of-way or other reasons, then the title policy must certify that the property owned is wholly contained within the described area on the annexation map. If the applicant is not the owner, there shall be provided, in addition to the title commitment naming the owner as the insured, a notarized affidavit by the owner stating that the applicant is authorized by the owner to make application for annexation. The applicant is to provide a word processing file of the legal description contained in the title commitment.
8. Property tax statement. A copy of the prior year's property tax statement and paid receipt for all property to be annexed.
9. Mailing labels for county, special districts, school districts, irrigation companies, mineral interest owners and adjacent property owners. The applicant is to provide mailing address labels as required by this chapter.
10. Annexation impact report. An annexation impact report conforming to Section 31-12-108.5, C.R.S., is required for areas of ten (10) or more acres and will be completed by city staff.

11. Water rights. The applicant shall provide a water rights report for the property prepared by a qualified water engineer or water attorney detailing the water rights appurtenant to, and severed from, the property to be annexed and their historical use. The report must include both surface (tributary) and subsurface (nontributary and tributary) groundwater. The applicant shall provide a plan to provide for the domestic needs of property to be developed as a result of the annexation. In addition, the applicant shall provide to the city a signed standard form warranty deed for the transfer of all subsurface (nontributary) water rights to the city.

12. Zoning of property to be annexed. If zoning is requested simultaneously with annexation, the petitioner must submit a completed zoning application form, including a zoning map for the property. If zoning is approved, the applicant must work with staff to amend the official zoning map and pay all application, mapping and recording fees. If zoning is not requested simultaneously with annexation, the property is required by statute to be brought under the city zoning code and zoning map within ninety (90) days of the completion of the annexation process.

13. Annexation assessment report. The application is to be accompanied by a narrative report assessing the effect of the proposed annexation upon the community and existing services and facilities. It shall detail the need for any expansion of those services and facilities to accommodate the development proposed for the property being annexed. The narratives shall be one (1) or more paragraphs in length and adequate to fully explain the needs, concepts and proposed solutions for each of the following:

a. An assessment of the community needs for the proposed annexation and land use;

b. The economic impact to the municipality of the proposed annexation (this is to include an analysis of short-term and long-term municipal revenues to be generated by the development, short-term and long-term municipal expenses likely to be incurred as a result of the annexation and development and proposals to mitigate any negative impacts);

c. The school impact, including an estimate of the number of students to be generated by development of the property, capital construction required to educate the students and proposals to mitigate any negative school impacts;

d. The impact on the water and sanitary sewer systems anticipated to serve the property, including a description of any regional and off-site facilities that must be constructed or upgraded to serve the development on the property;

e. The impact on the existing transportation system and proposals to mitigate any negative transportation impacts upon the community (arterial and collector street improvements, intersection improvements, intersection signalization, alternative modes of transportation, etc.);

f. The impact of the proposed development on the existing storm drainage system and proposals to mitigate any negative drainage impacts upon the community (historic rainfall drainage patterns, detention and retention areas, storm sewer requirements, discharged irrigation ditches, floodways and floodplains, etc.);

g. The impact of the proposed development on law enforcement in the city and proposals to mitigate any impact upon the existing police services (special security needs, additional officers required, additional equipment requirements, etc.);

h. The impact of the proposed development on the Craig Rural Fire Protection District and proposals to mitigate any impact upon the existing fire protection services (special fire hazards, fire prevention, fire detection, emergency access, additional equipment requirements, additional manpower requirements, additional fire stations, etc.);

i. The impact of the proposed development on the city park facilities and recreation programs and proposals to mitigate any impact upon the existing facilities and programs;

j. The impact of the proposed development on the environment of the city and proposals to mitigate any negative impact (identify environmentally sensitive areas, endangered species, significant habitats, etc.);

k. The short-term and long-term economic development potential for the property (numbers of jobs to be created, sales and use tax generation, property tax generation, utility revenue generation, incentives to be offered, etc.);

l. The compatibility of the proposed development with the city street master plan and proposals for mitigating any negative impact;

m. The compatibility of the proposed development with the Master Plan and any plan amendments that may be necessary for the proposed development;

n. The compatibility of the proposed development with this code and any deviations in setbacks, space requirements and permitted uses that may be required for the proposed development; and

o. A review of existing and adjacent land uses, areas of compatibility or conflict and possible mitigation measures that may be required for the proposed development.

14. Letters of support. The application is to be accompanied by letters of support or comments from all special districts servicing, or proposed to service, the area to be annexed. (Ord. 962 §§1, 2, 2007)

16.13.080 Annexation agreement.

The annexation agreement is to be negotiated after submittal of the annexation application and before submittal of the annexation petition and shall address the items listed below. If a property to be annexed is held by more than one (1) owner, all of the owners must sign the annexation agreement. If multiple properties are combined for annexation purposes but will be developed separately, separate annexation agreements are to be signed by each owner.

1. The easements to be dedicated to the city or other public entities necessary for present and future utility services;

2. The zoning designation to be applied to the area to be annexed;

3. Installation of any public improvements deemed necessary by the city council, as a condition precedent to development;

4. Assurance of compliance with all applicable ordinances of the city and all of the city's and state's requirements for annexation as set forth in this chapter or state statute; and

5. An agreement to pay the equivalent of the property taxes that would be levied by the city and due and payable to the city for the property as of January 1 of the year following the annexation if the annexation is not completed in time for the tax rolls of the year following the annexation. (Ord. 962 §§1, 2, 2007)

16.13.090 Annexation map technical standards.

The annexation map shall be prepared by or under the supervision of a registered professional land surveyor licensed with the state. The annexation map shall conform to the following drafting standards and contain the following information. It shall be a neat, clear, permanent, legible and reproducible document. Inaccurate, incomplete or poorly drawn maps shall be rejected.

1. The annexation map shall be an original drawing on twenty-four-inch-by-thirty-six-inch flat, spliceless, tapeless and creaseless sheets of double-matte Mylar film with a uniform thickness of not less than three one-thousandths (0.003) of an inch, using only permanent black ink that will adhere to drafting films, an acceptable "fix-line" photographic reproduction (emulsion down) or a computer-generated reproduction of the original drawing. A margin line shall be drawn completely around each sheet, leaving a margin at least one-half ($\frac{1}{2}$) inch on three (3) sides and a margin at least two (2) inches on the left (short) side, entirely blank. Unless otherwise specified, text and numbers are to be large enough to be clearly legible at the scale drawn.

2. The annexation map shall be drafted at a scale that best conveys the detailed survey and confines the drafting error to less than one percent (1%). Acceptable scales are 1" = 50' or 1" = 100' and for annexations exceeding one hundred (100) acres, 1" = 200'. In special instances, another scale may be approved by the city. When an annexation requires multiple sheets, an index shall be provided that delineates the boundaries and identifies each sheet number. The scale of a composite map may be different from the individual sheets, as approved by the city. A title sheet containing the certifications and signature blocks shall be provided in the event that the annexation map sheet is too crowded.

3. The title shall be centered at the top of the sheet, along the long dimension of each sheet, and shall include the name of the proposed annexation. A general legal description stating the section, township, range, principal meridian, City of Craig, Moffat County, Colorado, shall be included under the name. On the title sheet (Sheet #1), under the general legal description, include the total acreage. Annexation names may not duplicate existing annexation names.

Example:

NEW ANNEXATION
TO THE CITY OF CRAIG, COLORADO
A Part of the xx of Section xx,
Township __ North, Range __ West, __th P.M.,
City of Craig, Moffat County, Colorado
xx.xx Acres

4. There shall be a title block in the lower right-hand corner or along the right-hand margin that contains the name, address and telephone number of the land owner, the developer and the engineer or surveyor preparing the drawing, an appropriate title for the drawing, the preparation date, sheet number, the preparer's project identification numbers, revision dates, draftsman's initials and the electronic drawing file name (matching the AutoCAD™ drawing file provided to the city).

5. Adjacent to the title block, in the lower right-hand corner, there shall be a legend block which shall include a description of lines, points and symbols, a double-headed north arrow designated as true north and a written and graphic scale.

6. Adjacent to the right margin, or in a column to the right of the center of the title page if the page is crowded, there shall be the city's standard statement of ownership containing a written metes-and-bounds legal description of the land to be annexed (including the full width of abutting roadways not already within the city) followed by the owner's signature blocks and notary blocks, one (1) for each owner or mortgagee.

7. Immediately following the ownership certificate, there shall be the city's standard surveyor's certificate, signed, dated and sealed by a licensed surveyor or engineer.

8. Immediately following the surveyor's certificate, there shall be the city's standard certificate blocks for the planning commission and city council.

9. Immediately following the city council's approval certificate, there shall be the city's standard recording certificate block for the county clerk and recorder.

10. A vicinity map that depicts the area to be annexed and the area which surrounds the proposed annexation within a two-mile radius superimposed on a current USGS Topographical Map, maintaining the same scale, shall be placed on the left side of annexation map, outside the boundary of the area being annexed, or on the left side of the title sheet.

11. The annexation map drawing shall contain the following:

a. Show the outline of the area to be annexed with boldest line.

b. For all references, show the book, page, map number, etc., and place where publicly recorded.

c. Show all recorded and apparent rights-of-way lines of roads both within and without the periphery of land to be annexed; these roads are those which are adjacent, adjoining, contiguous and/or coincident with boundary. Provide all road names; right-of-way widths at each leg of an intersection, at the point of curve and point of tangent, at dead-ends and at angle points; and right-of-way lines with accurate bearings and dimensions, including chord lengths

and bearings, central angles and radii of all curves. Whenever the centerline of a road has been established or recorded, the date and recording information shall be shown on the annexation map.

d. Show on the annexation map, next to the boundary of the area proposed to be annexed, a drawing of the contiguous boundary of the city and the contiguous boundary of any other municipality abutting the area proposed to be annexed. A hatched boundary line shall be used to depict the boundary contiguous to the city (example: ///////////////).

e. Show section, quarter-section and other monument corners. Display ties to section corners and to the state grid, if available, which show dimensions of all primary boundary survey control points with complete monument and location descriptions, all parcel lines showing dimensions with lengths, bearings and curve data, including chord lengths and bearings, basis of bearings and relation to true meridian and similar data. Only circular curves shall be used. No spirals, parabolas, etc., shall be used. All dimensions are to be shown to the nearest one one-hundredth (0.01) foot or in the case of degrees, to the nearest second. An accuracy of 1:50,000 (second order) minimum for linear and angular (bearing) closure shall be required for the boundary. All internal lots, tracts or parcels shall have a closure accuracy of one one-hundredth (0.01) foot.

f. Provide a description of all monuments, both found and set, which mark the boundaries of the property and of all control monuments used in conducting the survey.

g. Show the location of each ownership tract in unplatted land and, if part or all of the area is platted, the boundaries and plat numbers of plots or of lots and blocks.

h. Show the names and locations of all abutting subdivisions. The locations of all abutting unplatted parcels and public lands shall be depicted and designated as such.

i. The ownership identity of all mineral rights shall be designated on the map.

j. Show the purpose, widths, location (with fine-dashed lines) and ownership of all easements and all abutting easements, including but not limited to utility, oil and gas gathering and transmission lines and irrigation ditches (fee or prescriptive). If any easement already of record cannot be definitely located, a statement of its existence, the nature thereof and its recorded reference must appear on the title sheet. The widths of all easements and sufficient data to definitely locate the same with respect to the parcel to be annexed must be shown. All easements must be clearly labeled and identified. If an easement shown on the annexation map is of record, its recorded reference must be given.

k. All lines, names and descriptions on the annexation map which do not constitute a part of the annexation shall be depicted in dashed or screened lines. Any area enclosed by the annexation, but not a part thereof, shall be labeled "Not a Part of This Annexation."

l. Accurately locate one-hundred-year floodplains, all existing and proposed watercourses, retention and detention areas, wetlands, aquifer recharge areas, streams, lakes or inlets on the affected property.

- m. Show clearly the length and bearing of all lines described in the written description.
- n. Show section numbers, quarter section quadrants, township and range lines, and label each.
- o. Show all lines, calls, arcs, etc., described in written description.
- p. Circle or place an ellipse around each location where a detail drawing will be provided, and provide designation for each detail, such as "See Detail A."
- q. Show "Point of Beginning" in bold letters with an arrow.
- r. Show "True Point of Beginning" with bold letters and arrow, when appropriate.
- s. A map note shall indicate the total perimeter of the annexation boundary, the contiguous length to the existing city boundary and the length representing one-sixth ($\frac{1}{6}$) of the total annexation boundary perimeter.

12. An "Annexation Map Land Surveying Standards Checklist" completed by the surveyor shall be provided.

13. An AutoCAD™ drawing file (release 12 or higher) of the annexation map and title sheets and all fonts used shall be provided electronically. Large drawing files are to be compressed. If multiple maps are used, one (1) drawing file must combine all the parts into one (1) map showing the entire annexation. AutoCAD™ drawing files (release 12 or higher) of each revision to the annexation map shall be provided at the time the revision is submitted to the city.

14. A word processing file of the legal description shall be provided electronically. (Ord. 962 §§1, 2, 2007)

16.13.100 Concept plan map technical standards.

The concept plan map shall be prepared by or under the supervision of a qualified land planner or architect. The concept plan map shall conform to the drafting standards of the annexation map. It shall be a neat, clear, permanent, legible and reproducible document. Inaccurate, incomplete or poorly drawn maps shall be rejected.

1. The concept plan map drawing shall contain the following:
 - a. Show the boundary of the area to be developed.
 - b. Provide a written legal description of the area to be developed.
 - c. Within the concept plan, show the general location of each proposed land use on the property and the percentage of the whole for each use. General location of land uses may be shown as irregular graphic shapes depicting the approximate size and relationship to adjacent land uses. A table shall be used to list densities and land use by type, including the area of each, the density of residential development and the maximum and minimum lot sizes, and the

maximum square footage of commercial and industrial buildings and the maximum and minimum lot sizes.

d. Within the concept plan, show existing and proposed arterial and collector streets and their relationship to the principal land uses on the site.

e. Within the concept plan, show existing and proposed major utility lines or facilities and their relationship to the principal land uses on the site.

f. Within the concept plan, show contour lines at ten-foot intervals, except when there are significant geographical features on the land and a different interval is determined to be more appropriate.

g. Within the concept plan, show significant natural or manmade features on the site and contiguous to the property, including but not limited to bluffs, tree galleries, lakes and ponds, irrigation ditches, watercourses and wetlands.

2. An AutoCAD™ drawing file (release 12 or higher) of the concept plan map and title sheets and all fonts used shall be provided. Large drawing files are to be compressed. If multiple maps are used, one (1) drawing file must combine all the parts into one (1) map showing the entire annexation. AutoCAD™ drawing files (release 12 or higher) of each revision to the concept plan map shall be provided at the time the revision is submitted to the city. (Ord. 962 §§1, 2, 2007)