

Title 15
LAND USE REGULATIONS

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Chapter 15.01

GENERAL PROVISIONS AND DEFINITIONS

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15.01.010 Short Title. The Ordinance codified in this Title 15 shall be known and may be cited and referred to as the "Collbran Land Use Regulations" and herein may be referred to as "these Regulations" or "this Code" or "Title 15".

15.01.020 Purpose. The regulations in this Title shall be held to be the minimum requirements enacted to promote the health, safety and general welfare of the Town of Collbran, Colorado. To these ends such regulations have been prepared in accordance with the general plan of the Town, and are designed to lessen congestion in the streets, to secure safety from fire, panic, flood waters and other dangers; to provide adequate open spaces for light and air; to prevent the overcrowding of land and undue concentration of population; to facilitate the adequate provision of transportation, water, wastewater, schools, parks and other public requirements; to designate, regulate and restrict the location and use of buildings, signs, fences, structures and land for residence, commerce, trade, industry and other purposes; to regulate and limit the height, number of stories, and size of buildings, signs, fences, and other structures hereafter erected or altered; to establish standards for off-street parking; to divide the Town into zones of such number, shape, and area as may be deemed best suited to carry out these Regulations; and to provide for the administration, enforcement, amendment and review of these Regulations. This Title is drawn with reasonable consideration, among other things, of the

character of the Town, neighborhoods and other areas of the Town regarding the suitability for particular uses, to conserve the value of buildings and encourage the most appropriate uses of land throughout the Town, and to otherwise provide for the growth of an orderly and viable community.

15.01.030 Authority. This Title is authorized by Sections 31-23-101 *et. seq.*, C.R.S.; Sections 29-20-101 *et. seq.*, C.R.S. and Sections 24-65-101 *et. seq.*, C.R.S.

15.01.040 Jurisdiction. These Regulations shall apply to all land and all land uses within the municipal boundaries of the Town of Collbran, Colorado.

15.01.050 Organization. This Title is divided into separate chapters to address different aspects of these Regulations. The headings and section titles in these Regulations are for convenience only and are not intended to be used to interpret or give effect to any of the provisions of these Regulations.

15.01.060 Public Notice Requirements. For all actions of the Town described in this Title 15 requiring public hearings, the applicant shall provide public notice and shall demonstrate that such public notice conforms to the following requirements.

- A. Notice shall be sent by certified mail, return receipt requested, to all property owners within two hundred feet (200') of the property in question at least fifteen (15) days in advance of the hearing.
- B. Notice of the hearing shall be published in a newspaper of general circulation within the Town at least fifteen (15) days in advance of the hearing.
- C. Pursuant to C.R.S 24-65.5-103, not less than thirty (30) days before the date scheduled for the first public hearing for a development application (subdivision or Special Use applications), the applicant shall provide notice to the owners of the mineral estate. Such notice shall be by certified mail, return receipt requested.
- D. Notice shall be posted on the subject property at least fifteen (15) days in advance of the hearing.
- E. All notices shall include:
 1. A statement of the nature of the matter being considered;
 2. The time, date and place of the public hearing;
 3. The agency or office and phone number where further information may be obtained; and
 4. A legal description of the subject property.

15.01.070 Vested Property Rights.

- A. Purpose. The purpose of this Section is to provide the procedures necessary to implement the provisions of Article 68 of Title 24, Colorado Revised Statutes, which Article establishes a vested property right to undertake and complete development and use of real property under the terms and conditions of a site specific development plan.
- B. Definitions: Unless modified in this subsection, the terms used in this Section shall have the same meaning as set forth in Section 24-68-102, C.R.S. As used in this Section, unless the context otherwise requires:
 1. "Site specific development plan" means a plan that has been submitted to the Town by a landowner or such landowner's representative describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property, which plan shall create a vested property right. The following shall be considered site specific development plans:

<u>Development Review Procedure</u>	<u>Site Specific Development Plan</u>
a. Special Use Review pursuant to Section 15.03.080	Site Plan approval by Town Board
b. Subdivision Review pursuant to Chapter 15.05, including major subdivisions, minor subdivisions, resubdivisions and division of property into condominium or townhouse units.	Final Plat, approved by the Town Board
c. PUD Review, pursuant to Chapter 15.04, not accompanied by subdivision of land	Final PUD Plan approved by the Town Board and adoption of the PUD zoning ordinance
d. PUD Review, pursuant to Chapter 15.04, accompanied by subdivision of land	Final PUD Plan approved by the Town Board, adoption of PUD zoning ordinance, and Final Plat approved by the Town Board

- a. If not indicated above, a site specific development plan shall mean the final approval step, irrespective of the name or designation of such approval, which occurs prior to building permit application. Provided, however, the Town Board may by agreement with the applicant designate an approval step other than those indicated above, or the final approval step, to serve as the site specific development plan approval for a specific project.
 - b. The following are specifically excluded from, and shall not constitute, a site specific development plan:
 - i. Variances issued by the Board of Adjustment
 - ii. Sketch plans
 - iii. Preliminary plans
 - iv. Business licenses
 - v. Floodway or flood plain permits
 - vi. Franchises, temporary use permits
 - vii. Any comprehensive master plan element, creation of improvement districts
 - viii. Zoning or rezoning
 - ix. Final architectural plans
 - x. Final construction drawings and related documents specifying materials and methods for construction of improvements.
 2. “Vested property right,” means the right to undertake and complete development and use of property under the terms and conditions of a site specific development plan.
- C. Applications - Approval by the Town.
1. Except as otherwise provided in this subsection, an application for approval of a site specific development plan as well as the approval, conditional approval, or denial of

approval of a plan shall be governed only by the duly adopted laws and regulations in effect at the time the application is submitted to the Town. For purposes of this subsection, “laws and regulations” includes any zoning or development law of general applicability adopted by the Town as well as any zoning or development regulations that have previously been adopted for the particular parcel described in the plan and that remain in effect at the time of application for approval of the plan. In the event the application for a site specific development plan requires review and approval in multiple stages, “application” means the original application submitted at the first stage in any process that may culminate in the ultimate approval of a site specific development plan.

2. Notwithstanding the limitations contained in subsection (1) above, the Town may adopt a new or amended law or regulation when necessary for the immediate preservation of public health and safety and may enforce such law or regulation in relation to applications for site specific development plans pending at the time such law or regulation is adopted.

- D. Alternative Creation of Vested Property Rights. If any applicant desires an approval step, other than as defined in subsection (B)(1) above, to constitute an approval of a site specific development plan with the effect of creating vested property rights pursuant to this Section and Article 68 of Title 24, C.R.S., the applicant must so request at least thirty (30) days prior to the date of said approval by the Town Board of Trustees is to be considered. Failure to do so renders the approval by the Town Board to not constitute an approval of a “site specific development plan” and no vested property right shall be deemed to have been created by such approval, except in the case of an approval as set forth in subsection (B)(1) above.
- E. Establishment of Vested Property Rights; Public Notice Required. A vested property right shall be deemed established with respect to any property upon the approval, or conditional approval, of a site specific development plan, following notice and public hearing, by the Town. A vested property right shall attach to and run with the applicable property and shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the site specific development plan, as approved, including any amendments thereto. A site specific development plan shall be deemed approved upon the effective date of the Town’s legal action, resolution or ordinance relating thereto. Such approval shall be subject to all rights of referendum and judicial review; except that the period of time permitted by law for the exercise of such rights shall not begin to run until the date of publication, in a newspaper of general circulation within the Town, of a notice advising the general public of the site specific development plan approval and creation of a vested property right pursuant to this Section and Article 68 of Title 24, C.R.S. Such publication shall occur no later than fourteen (14) days following approval.
- F. Approval of Site Specific Development Plan - Conditions.
 1. The Town may approve a site specific development plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety and welfare, and failure to abide by such terms and conditions may, at the option of the Town Board, after public hearing, result in the forfeiture of vested property rights. This subsection shall be strictly construed.
 2. Terms and conditions imposed or agreed upon may include, without limitation:
 - a. Future approvals by the Town not inconsistent with the original approval;

- b. Approvals by other agencies or other governments;
- c. Satisfactory inspections;
- d. Completion of all or certain phases of a project by certain dates;
- e. Waivers of certain rights;
- f. Completion and satisfactory review of studies and reports;
- g. Payment of fees to the Town or other governmental or quasi-governmental agencies as they become due and payable;
- h. Payment of costs and expenses incurred by the Town relating to the approval;
- i. Continuing review and supervision of the plan and its implementation and development;
- j. Obtaining and paying for building permits, water taps and wastewater taps;
- k. Compliance with other codes and laws, including building codes, of general applicability;
- l. Construction of improvements or facilities for the use of future inhabitants or the public at large;
- m. Payment of any applicable impact fees; and
- n. Dedication of public or park land, common area or open space, with provision for its maintenance; or payment of a fee in lieu thereof.

G. Duration and Termination of Vested Property Rights.

- 1. A property right, which has been vested pursuant to this Section and Article 68 of Title 24, C.R.S., shall remain vested for a period of three (3) years. This vesting period shall not be extended by any amendments to a site specific development plan unless expressly authorized by the Town.
- 2. Notwithstanding the provisions of subsection (1) above, the Town is authorized to enter into development agreements with landowners providing that property rights shall be vested for a period exceeding three (3) years where warranted in the light of all relevant circumstances including, but not limited to, the size and phasing of the development, economic cycles, and market conditions. Such development agreements shall be adopted as legislative acts subject to referendum.
- 3. Following approval or conditional approval of a site specific development plan, nothing contained in this Section or Article 68 of Title 24, C.R.S. shall exempt such a plan from subsequent reviews and approvals by the Town to insure compliance with the terms and conditions of the original approval, if such further reviews and approvals are not inconsistent with said original approval.

H. Waiver of Vested Property Rights. An applicant may waive a vested property right by separate agreement, which shall be recorded in the office of the Mesa County Clerk and Recorder. Unless otherwise agreed to by the Town, any landowner requesting annexation to the Town shall waive in writing any preexisting vested property rights as a condition of such annexation.

I. Subsequent Regulation Prohibited - Exceptions.

- 1. A vested property right, once established as provided in this Section and Article 68 of Title 24, C.R.S., precludes any zoning or land use action by the Town or pursuant to

an initiated measure which would alter, impair, prevent, diminish, impose a moratorium on development, or otherwise delay the development or use of the property as set forth in an approved site specific development plan, except:

- a. With the consent of the affected landowner;
 - b. Upon the discovery of natural or manmade hazards on or in the immediate vicinity of the subject property, which hazards could not reasonably have been discovered at the time of site specific development plan approval, and which hazards, if uncorrected, would pose a serious threat to the public health, safety, and welfare; or
 - c. To the extent that the affected landowner receives just compensation for all costs, expenses and liabilities incurred by the landowner after approval by the Town, including, but not limited to, costs incurred in preparing the site for development consistent with the site specific development plan, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consultants' fees, together with interest thereon at the legal rate until paid. Just compensation shall not include any diminution in the value of the property, which is caused by such action.
2. Establishment of a vested property right pursuant to law shall not preclude the application of ordinances or regulations which are general in nature and are applicable to all property subject to land use regulation by the Town of Collbran, including, but not limited to, building, fire, plumbing, electrical, housing, mechanical, and dangerous building codes.
- J. Payment of Costs. In addition to any and all other fees and charges imposed by this Title, the applicant for approval of a site specific development plan shall pay all costs incurred by the Town as a result of the site specific development plan review, including publication of notices, public hearing and review costs, when such costs are incurred apart and in addition to costs otherwise incurred by the Town or applicant for a public hearing relative to the subject property.
- K. Other Provisions Unaffected. Approval of a site specific development plan shall not constitute an exemption from or waiver of any other provisions of this Title pertaining to the development and use of property.
- L. Limitations. Nothing in this Section is intended to create any vested property right, but only to implement Article 68 of Title 24, C.R.S., as amended. In the event of the repeal of said Article or judicial determination that said Article is invalid or unconstitutional, this Section shall be deemed to be repealed and the provisions hereof no longer effective.

15.01.080 Fees.

- A. Each application shall be submitted with the fees set forth by resolution adopted by the Collbran Board of Trustees. The fees established by resolution shall be considered a minimum for each type of application. To the extent these application fees do not provide sufficient funds to pay for outside professional services for the review of the application, the applicant will be charged the actual review costs including but not limited to, the costs of outside Town consultants and Town legal fees. All fees shall be due and payable upon submission, and all additional fees will be due and payable at such time as a statement is presented to the applicant.

- B. As provided elsewhere in this Code, all costs of providing notice, including publication, mailing, and posting, shall be borne by the applicant.
- C. Recording and filing fees imposed by the Mesa County Clerk and Recorder, and others, as a result of the application, shall be advanced by the applicant prior to the documents being tendered for recording.
- D. Schedule of Fees: Land use application fees shall be established and revised from time to time by resolution of the Collbran Board of Trustees. The fee schedule shall be posted in Town Hall in a visible location and available upon request from the Town Clerk.

15.01.090 Severability. If any section, subsection, paragraph, clause, phrase or provision of these Regulations shall be adjudged invalid or held to be unconstitutional by a court of competent jurisdiction, the validity of these Regulations shall not be affected in whole or in part, other than the provision adjudged to be invalid or unconstitutional.

15.01.100 Amendment. Amendments to these Regulations may be proposed by any person who is an owner of real property in the Town of Collbran, Colorado or by the Board of Trustees of the Town of Collbran. Amendments to these Regulations shall be known as text amendments and will be reviewed by the Town Board of Trustees as prescribed in Chapter 15.06 of these Regulations.

- A. Zone District Amendments. The Town may, from time to time, amend the number, shape or boundaries of any zone district or any regulation of or within such district, or any other provisions of this Title.
- B. Procedure. Amendments to this Title shall be considered by the Town Board of Trustees pursuant to the requirements of Chapter 15.06.
- C. Protest - Board of Trustees Decision. In case of protest against a zone district amendment signed by the owners of twenty percent (20%) or more, either of the area of lots included in such proposed zone district amendment, or of those immediately adjacent in the area thereof extending one hundred feet (100') therefrom, or from those directly opposite thereto, extending one hundred feet (100') therefrom, or from those opposite thereto, extending one hundred feet (100') from the street frontage of such opposite lots, such zone district amendment shall not become effective except by a favorable vote of two-thirds (2/3) of the members of the Town Board of Trustees present and voting on the issue.

15.01.110 Land Dedication Requirements.

- A. Land dedication - General requirements. For every annexation, subdivision or residential or commercial development, the Board of Trustees shall require the dedication of certain sites for parks and recreation use or fee in lieu of dedication, and may require reservation of sites for school and other public purposes. Land dedicated may include the one-hundred-year floodplain, national and State historical or natural features, and proposed public areas set aside in State, regional, County or Town comprehensive plans. Land dedicated shall not include sites for technical, private or public schools, or public agencies, sites for service organizations which are not open to the general public, and sites unsuitable for public use due to steep slopes, rock formations, adverse topography, utility easements, or other features which may be harmful to the health and safety of the citizens.
- B. These requirements shall not apply in cases where satisfactory dedication arrangements were made and approved by the Board of Trustees at the time of annexation or previous subdivision of the same property.

C. Method and amount of land dedicated.

1. The subdivider shall convey to the Town by means of a final plat dedication, or shall deed land to be used for public recreation at locations designated by the Town in the following manner:
 - a. The subdivider shall dedicate to the Town land in the ratio of seven (7) acres for every one thousand (1,000) residents of the proposed subdivision or development;
 - b. For the purpose of the foregoing requirement, the number of residents attributable to each subdivision shall be:
 - i. Single-family dwellings, 3.5 residents per unit,
 - ii. Two-family dwellings, 3.0 residents per unit,
 - iii. Multi-family dwellings, 2.5 residents per unit,
2. In the case of commercial or industrial development, the subdivider or developer shall dedicate and convey to the Town by means of final plat dedication or deed, eight percent (8%) of the total gross lot area to be used as public recreation at locations designated by the Town.
3. A minimum of eighty percent (80%) of land dedicated shall lend itself to utilization for public recreation purposes, which includes, but is not limited to, the following: play fields, tennis courts, picnic sites and boating areas.

C. Reservation of land for schools and other public agencies.

1. If requested by a public agency, the Board of Trustees may require a subdivider or developer to reserve land areas sufficient for development of school or other public agency facilities. A public agency includes the State of Colorado, or any political subdivision thereof.
2. Land reserved shall, by the nature of its natural topography, soil condition and connecting utilities, lend itself to development of the desired facility.
3. Land reserved shall be purchased by the public agency at its fair market value as determined below, according to the following schedule:
 - a. Within ninety (90) days following approval of the final plat, the requesting agency and the subdivider or developer shall enter into an option agreement for a period of no greater than one (1) year, with a renewal provision for one (1) additional year.
 - b. When the option is signed, the public agency shall deposit with an escrow agent an amount, which shall be determined by the public agency and the developer to equal the actual costs and expenses, plus ten percent (10%), of the costs of replatting the subdivision if the option is not exercised. In the event the public agency and developer cannot agree upon the estimated expenses, then the Town Board of Trustees shall make the determination. In the event the option is extended for an additional year, the public agency shall deposit an additional ten percent (10%) of the estimated costs and expenses with the escrow agent.
 - c. For the purpose of this Section, the fair market value of the land reserved shall be the value of the raw, undeveloped land, plus a proportionate share, as they benefit the reserved land, of the actual cost of the improvements required by the subdivider or developer.

- d. In the event the public agency and the subdivider or developer cannot agree as to the fair market value, the parties shall submit the matter to binding arbitration, under such rules and regulations as the Board of Trustees may, by resolution, prescribe.

D. Credit for private recreation facilities.

The Town may give the subdivider or developer credit for private recreation facilities in the development, provided that:

1. The Board of Trustees determines that the private recreation facilities offered will absorb a major portion of the recreational demands of the residents or employees of the proposed development;
2. The private recreation facilities will be constructed at the same time as or prior to the housing, industrial or commercial facilities in the development;
3. There are sufficient safeguards in the Subdivision Improvements Agreement to insure that the private recreation facilities are completed at the same time as or before the remainder of the development.

E. Cash payment in lieu of dedication.

1. At the option of the Board of Trustees, the subdivider or developer may be required, on or before final passage of the ordinance approving the subdivision, to pay to the Town payment in cash or to transfer other property in lieu of land dedication. The amount of cash payment shall be as determined by this Section for the land fee. If the Board determines to accept other property instead of, or as a partial payment toward the cash payment required hereunder, the Board shall determine the value of the other property.
2. Payment in lieu of land dedication shall be made prior to final approval of the ordinance approving the subdivision, and such payment shall be placed in a recreation fund to be established and maintained by the Town for the acquisition of land and for the improvement of parks, playgrounds and recreation areas in the Town, and may benefit the residents of the Town in general, as well as those of the proposed subdivision.
3. The fee, which may be accepted in lieu of land dedication, shall be established each year as of January 1st by the Board of Trustees. In the event that the Board of Trustees does not act to establish a fee in lieu of land dedication by January 1st of the year, said fee shall be as set for the preceding year plus an escalator of five percent (5%). Fees shall be based on the average cost of vacant undeveloped residential land within the corporate limits of the Town.
4. In extraordinary circumstances, the Board of Trustees may authorize the deferral of the payment of cash in lieu of dedication as required by this Section. In such event, the owner of the property shall agree with the Town, in such form as shall be acceptable to the Town Attorney, to pay such sums at the time of the issuance of any building permit or permits upon the property. Notice shall be given of such deferred payment by the recording of a mortgage or other security instrument with the Clerk and Recorder of Mesa County, Colorado. In no event, however, shall the deferral of any land dedication fee required by this Section extend for a period of greater than five (5) years from the date it would otherwise be payable. The developer shall agree to pay the higher of either the land dedication fee calculated in accordance with this Section at the time originally owed, or at the time actually paid.

15.01.120 Interpretation. In their application and interpretation, the provisions of this Title shall be held to be minimum requirements. This Title is not intended to repeal, abrogate, annul or in any way impair or interfere with existing provisions of private agreements. Where this Title imposes a greater restriction than that imposed by such existing provisions of law, contract, or deed, the provisions of this Title shall control.

15.01.130 Certificate of Occupancy.

- A. Required. No vacant land shall be occupied and used, and no building hereafter erected shall be occupied or used, until a Certificate of Occupancy has been issued by the Building Inspector.
- B. Issuance - For Building Use. Certificate of Occupancy for a new building or the alteration of an existing building shall be applied for coincident with the application for a building permit, and shall be issued within ten (10) days after the erection or alteration of such building shall have been completed in conformity with the provisions of these Regulations and the building code(s) adopted by the Town of Collbran.
- C. Issuance - For Land Use. Certificate of Occupancy for the use of vacant land or the change in the use of land as herein provided shall be applied for before such land is occupied or used, and a Certificate of Occupancy shall be issued within ten (10) days after the application has been made, provided such use is in conformity with these requirements.
- D. Record - Filing Required - Fee. Certificate of Occupancy shall state that the building or land complies with all the building and health laws and ordinances and with the provisions of this Title. A record of all Certificates shall be kept on file in the office of the Town Clerk and copies shall be furnished upon request to any person having proprietary or tenancy interest in the building affected. No fee shall be charged for an original Certificate applied for coincident with the application of building permit. For all Certificates or copies of the original Certificate, there shall be a fee as set by Town Board of Trustees.

15.01.140 Building Permits.

- A. Required. No site preparation or building construction for any building shall be commenced without first obtaining a building setback and zoning clearance and a building permit. The Town of Collbran issues the appropriate building setback and zoning clearance prior to issuance of a building permit. Mesa County provides building inspection services for the Town of Collbran. Building permit applications and the appropriate Town building setback and zoning clearance are submitted to Mesa County for processing and scheduling of inspections.
- B. Site Plan Required. All applications for building setback and zoning clearance and a building permit shall be accompanied by two (2) copies of a site plan drawn to scale showing the actual dimensions of the lot to be built upon, the size of the building(s) to be erected, and the location of the building on the lot with reference to the legally established property lines and such information as may be necessary to provide for the enforcement of these Regulations. For buildings within the R-2 district except single family dwelling units, and all the commercial and industrial districts, a site plan must be prepared and approved in accordance with the provisions of Chapter 15.07. before building permits shall be issued. A record of such applications shall be kept in the office of the Building Inspector. Notice of approval of a building permit shall be posted on the subject property within twenty-four (24) hours of such approval.
- C. Review - Public Improvements. All applications for building setback and zoning clearance and building permits shall be reviewed by the Town Board of Trustees to determine whether or not the proposed construction will require the installation or construction of public

improvements, such as street paving, curbs, gutters, sidewalks, drainage facilities or other public improvements. In the event the applicant does not agree to the public improvements required by the applicant may appeal the decision to the Town of Collbran Board of Trustees.

The appeal must be submitted to the Town Clerk within fifteen (15) days of the decision. Within thirty (30) days of receipt of the appeal, the Board of Trustees shall review the public improvements requirement and determine the public improvements that must be completed as conditions of approval of a zoning clearance as part of the issuance of the building permit.

- D. If the Town determines that the proposed construction makes necessary any such public improvements, the Town Clerk shall so inform the Building Inspector, and in such event, a condition shall be inserted in the building permit which shall require the construction of such public improvement or public improvements by the permittee, and the dedication thereof to the Town. The cost of such improvement shall be borne by the permittee, and the construction thereof shall be at the sole cost, risk and expense of the permittee, subject to the provisions of any applicable Town ordinance, regulation or policy. All such improvements are to be constructed in full compliance with the Town of Collbran engineering regulations, design standards and construction specifications as may be adopted by resolution from time to time.
- E. Drainage and grading plan required. Except for building permits for the construction or alteration of a single family dwelling, all applications for a building permit shall be accompanied by two (2) copies of a drainage and grading plan drawn to scale showing the actual dimensions and topography of the lot to be built upon as well as adjacent properties and other potentially affected properties, the size of the building(s) to be erected, and the location of the building on the lot with reference to the exiting and proposed surface topography of the site and other potentially affected properties and other such information as may be specified by the Town Engineer. The Town Engineer may, on a case by case basis, waive the requirement for submittal of a drainage and grading plan if, in the Town Engineer's opinion, the construction allowed by the building permit will not significantly alter the drainage in a manner that will affect adjacent properties, public infrastructure, or the proposed building.

15.01.150 Violations.

- A. Designated. It is unlawful to erect, construct, reconstruct, alter, maintain or use any building or structure or to use any land in violation of any provision of this Title or any amendment thereof. Any person, firm or corporation, either as owner, lessee, occupant or otherwise, who violates any of the provisions of this Title or any amendment thereof or who interferes in any manner with any person in the performance of a right or duty granted or imposed upon him by the provisions of this Title shall be guilty of a violation of this Title.
- B. Penalty. Any person, firm or corporation upon conviction of a violation of this Title shall be guilty of a Class B municipal offense.
- C. Remedies. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure or land is used in violation of this Title or other regulation made under authority conferred hereby, the Town, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent any illegal act, conduct, business or use in or about such premises.

15.01.160 Subdivision Improvements Agreements and Development Improvements Agreements.

The Board of Trustees shall not approve a Subdivision Final Plat application until a Subdivision Improvements Agreement and related documents, setting forth financial arrangements to secure the

actual construction of subdivision improvements required by the Board of Trustees, has been executed between the applicant or developer and the Town. The Subdivision Improvements Agreement shall include a guarantee to construct all required development improvements together with collateral, which shall be sufficient to make provision for the completion of the improvements in accordance with the subdivision engineering design and the development schedule.

The Board of Trustees, on a case by case basis, may require that an applicant for a Special Use or for a building permit enter into a Development Improvements Agreement which shall include a guarantee to construct all required development improvements together with collateral which shall be sufficient to make provision for the completion of the improvements in accordance with the engineering design and the development schedule.

- A. Construction of Improvements. The applicant or developer, at its sole expense, shall design, purchase, and install all elements of all public and other necessary subdivision or development improvements whether such improvements are located within the subdivision or development property (on-site) or outside of the subdivision (off-site). The public and other necessary subdivision or development improvements shall be designed and built in conformance with the Town of Collbran Public Works Manual in effect as of the date of the Subdivision Improvements Agreement or Development Improvements Agreement, unless otherwise provided in the approved plans and specifications. All such public or other subdivision or development improvements shall be designed and approved by a registered professional engineer retained by the developer or applicant. All drawings and plans for such improvements shall be stamped by the engineer. Prior to the commencement of construction of subdivision or development improvements, the Town Engineer shall review and approve the drawings and plans.
- B. Schedule of Improvements to Be Constructed by Developer or Applicant. The Subdivision Improvements Agreement or the Development Improvements Agreement shall include a schedule of improvements showing in detail the public and other required subdivision or development improvements, including shallow utilities, landscaping, revegetation and other subdivision or development improvements that the developer or applicant shall be responsible for constructing, and the costs therefor. No work shall be commenced on such improvements by the developer or applicant until such time as the schedule of improvements has been approved by the Town and the performance guarantee provided pursuant to appropriate sections of the Subdivision Improvements Agreement or Development Improvements Agreement. The schedule of improvements shall at a minimum include the following improvements and associated construction costs necessary to provide the improvements for the development of the subdivision, establishment of a Special Use when a Development Improvements Agreement is required by the Board of Trustees, or construction of a structure subject to a building permit when a Development Improvements Agreement is required by the Board of Trustees. All improvements shall be constructed in accordance with the applicable provisions of the Town of Collbran Public Works Manual.
 1. Water Distribution System. Water distribution facilities including water mains, lateral service lines to the lot lines, valves, fire hydrants, and all other appurtenant facilities necessary to provide treated municipal water service
 2. Wastewater Collection System. Wastewater collection system to fully service the subdivision, including collection lines, service lines to the lot lines, manholes, and all other appurtenant facilities necessary to provide municipal wastewater service
 3. Street Improvements. Street improvements necessary to fully service the subdivision, including grading, road base and sub-base, asphalt, curbs and gutters, handicap

ramps, drainage facilities, and all other appurtenant facilities necessary to provide street access

4. Storm drainage facilities and appurtenances
5. Utilities, including, telephone, cable television, electrical service, natural gas service
6. Street lighting
7. Soil stabilization and revegetation measures
8. Visual screening facilities
9. Non-potable water irrigation system
10. Landscaping
11. Any other subdivision or development improvements required by the Board of Trustees as a condition of approval of the subdivision, Special Use or building permit.
12. The Subdivision Improvements Agreement or the Development Improvements Agreement shall also describe terms and stipulations relative to the transfer of water rights from the subdivider to the Town pursuant to the Town of Collbran Municipal Code.

- C. Construction Schedule. The Subdivision Improvements Agreement or Development Improvements Agreement shall include a time schedule for the construction and completion of the public and other required subdivision improvements or development improvements. Said schedule shall provide for a commencement date as well as a date when such improvements will be substantially completed. Under such schedule, all public and other required subdivision or development improvements shall be completed no later than one (1) year following the start of development. Said schedule shall be reviewed and approved by the Board of Trustees prior to the commencement of construction of any such improvements.

Where the developer or applicant is prevented from commencing or completing any of the public and other required improvements within the time periods set forth in the construction schedule or otherwise set forth in the Subdivision Improvements Agreement or Development Improvements Agreement due to an unforeseeable cause or delay beyond the control and without the fault or negligence of the developer or applicant the times for commencement and/or completion of such improvements may be extended by the Board of Trustees in an amount equal to the time lost due to such delay if a request is made in writing to the Town by the developer or applicant. Delays beyond the control of the developer or applicant shall include, but not be limited to, acts of neglect by the Town, fires, floods, epidemics, abnormal weather conditions, strikes, freight embargos or acts of God. Time extensions, however, will not be granted for rain, snow, wind or other natural phenomena at normal intensity within Mesa County. Delays attributable to and within the control of the developer's or applicant's contractors, subcontractors or suppliers shall be deemed to be delays within the control of the developer or applicant.

- D. Warranty. The applicant or developer shall warrant any and all public improvements constructed by the applicant or developer which are conveyed or dedicated to the Town pursuant to the Subdivision Improvements Agreement or Development Improvements Agreement for a period of two (2) years from the date the Town's Engineer certifies that the same conform to the approved specifications. Specifically, but not by way of limitation, the applicant or developer shall warrant the following:
1. That the title conveyed shall be good and its transfer rightful; and

2. Any and all facilities conveyed shall be free from any security interest or other lien or encumbrance; and
 3. Any and all facilities so conveyed shall be free of any and all defects in materials or workmanship.
- E. Town Inspections. The Town shall have the right to make engineering inspections and require testing during construction of the public and other required improvements in such reasonable intervals as the Town Engineer may request. Inspection, acquiescence and approval of any engineering inspector of the construction of physical facilities, at any particular time, shall not constitute the approval by the Town of any phase of the construction of such public and other improvements. Such approvals shall be made by the Town only after completion of construction and in the manner hereinafter set forth.
- F. Approval by Town Engineer. Upon completion of construction by the applicant or developer of such public and other improvements, the Town Engineer shall inspect the improvements and certify with specificity its conformity or lack thereof to the approved plans and specifications. The applicant or developer shall make all corrections necessary to bring the system or improvements into conformity with applicable Town standards and the construction plans, as approved. The Town shall be under no obligation to provide any water service, irrigation service, or wastewater collection service until all such facilities are brought into conformance with the applicable plans and specifications and approved by the Town Engineer.
- G. Provision of "As-built" Drawings. The applicant or developer shall provide all necessary engineering designs, surveys, field surveys, and "as-built" drawings for all public improvements and utility improvements, which shall be approved by the Town Engineer, and any incidental services related to the construction of the improvements, at its sole cost and expense. The legal description of all utility service lines shall be prepared by a registered land surveyor at the applicant's or developer's sole expense. In addition, all expenses incurred by the Town in updating the Town's base maps shall be paid by the applicant or developer, to the Town.
- H. Conveyance of Public Improvements. All public improvements constructed by the applicant or developer in accordance with the Subdivision Improvements Agreement or Development Improvements Agreement, including water mains, service lines, laterals, fire hydrants and other water distribution facilities; all irrigation lines and facilities; all wastewater collection mains, lines, laterals and related improvements; handicap ramp improvements; and required curbs, sidewalks and street improvements shall be dedicated to the Town and warranted for a period of two (2) years following completion and approval, as provided in Section 15.01.160(D). Upon completion of construction in conformity with the plans, and any properly approved changes, the applicant or developer shall convey to the Town, by bill of sale, all physical facilities constructed by the applicant or developer necessary for the extension, maintenance and repair of municipal utility services and other public facilities. Acceptance of said conveyance shall be authorized by the Board of Trustees. Following such dedication or conveyance, the Town shall be solely responsible for the maintenance of such improvements, unless otherwise provided for by agreement, except for any correction work required during the warranty period. In addition, all other improvements such as shallow utility installations and other improvements as shown in approved construction drawings submitted to the Town shall be warranted for a period of two (2) years following completion and approval, as provided in Section 15.01.160(D).
- I. Improvements Required Prior to Issuance of Building Permits and Certificates of Occupancy.
1. Unless otherwise set forth in the Subdivision Improvements Agreement, no building permit for construction of any residential structure or building within a subdivision shall be issued until the following improvements have been installed and approved by

the Town Engineer. When the Board of Trustees requires that a Development Improvements Agreement be executed as a condition of approval of a Special Use or a building permit no building permit for construction of any residential structure or building shall be issued until the following improvements have been installed and approved by the Town Engineer.

- a. Survey monuments
- b. Wastewater lines and laterals to each lot
- c. Water mains and laterals to each lot
- d. Irrigation lines and laterals to each lot
- e. Fire hydrants (if required)
- f. Storm drainage structures (if any)
- g. Utilities, including telephone, cable television, electrical service and gas lines.
- h. Grading and base construction of streets and alleys
- i. Soil stabilizing structures

2. No certificate of occupancy for any residential building or other structure within a subdivision or property subject to a Subdivision Improvements Agreement or Development Improvements Agreement shall be issued until the following improvements have been installed by the applicant or developer and approved by the Town Engineer.

- a. Street paving and curbs and gutters
- b. Sidewalks and bikeways
- c. Street signs
- d. Street lighting
- e. Landscaping
- f. Land dedication deeds
- g. Soil stabilization and revegetation measures
- h. Any other improvements required by the Subdivision Improvements Agreement or Development Improvements Agreement

J. **Revegetation Required.** All areas disturbed by construction shall be promptly revegetated with native vegetation following completion of such work unless a building permit application has been requested for a particular lot. The applicant or developer shall comply with all regulations of the Town concerning dust suppression. In addition, the applicant or developer shall control all noxious weeds and rodents within such areas to the reasonable satisfaction of the Town of Collbran until conveyed to individual lot owners.

K. **Performance Guarantee Security Required.** In order to secure the construction and installation of the public and other required improvements itemized in the schedule of improvements, for which the applicant or developer is responsible, the applicant or developer shall furnish the Town with a cash, letter of credit, cash bond, performance bond, or other security acceptable to the Town Attorney and the Board of Trustees to secure the performance and completion of such public and other required improvements included in a Subdivision Improvements Agreement or Development Improvements Agreement, in an amount equal to one hundred twenty percent (120%) of the estimated cost of said improvements.

- L. Partial Release of Performance Guarantee Security. Upon completion of portions of the improvements by the applicant or developer, evidenced by a detailed cost breakdown of the completed improvements, the amount of any performance guarantee security issued pursuant to the Subdivision Improvements Agreement or Development Improvements Agreement may be reduced by seventy-five percent (75%) of the approved estimated cost for the installation of such improvements, upon written request of the applicant or developer, and approval by the Board of Trustees. Upon completion of all of the public and other required improvements by the applicant or developer, and upon final inspection and approval by the Town Engineer of all such improvements, the Board of Trustees shall further authorize the reduction of the amount of the security guaranteeing the public and other required improvements to ten percent (10%) of the approved total estimated cost of such improvements.
- M. Full Release of Performance Guarantee Security. Any performance guarantee issued pursuant to a Subdivision Improvements Agreement or Development Improvements Agreement shall be fully released and discharged upon expiration of the two (2) year warranty period, and the correction of any defects discovered during such warranty period.
- N. Notice of Default. Upon the applicant's or developer's failure to perform its obligations under the terms of a Subdivision Improvements Agreement or Development Improvements Agreement within the time periods set forth in the Subdivision Improvements Agreement or Development Improvements Agreement, the Town's Mayor shall give written notice to the applicant or developer of the nature of the default and an opportunity to be heard before the Board of Trustees concerning such default. If such default has not been remedied within thirty (30) days of receipt of the notice or of the date of any hearing before the Board of Trustees, whichever is later, (or such reasonable time period as is necessary to cure the default provided that the applicant or developer has commenced to cure the default), the Town's Mayor may then give written notice to the applicant or developer and to the issuer or holder of the performance guarantee security that the Town, as agent for the applicant or developer, is proceeding with the task of installing the public and other required improvements in whole or in part and that the said security will be expended by the Town for the installation of public or other improvements required by the Development Improvements Agreement or Subdivision Improvements Agreement.
- O. Power of Attorney Granted. The applicant or developer, as a condition of a Development Improvements Agreement or Subdivision Improvements Agreement, shall designate and irrevocably appoint the Mayor of the Town of Collbran, Colorado, as its Attorney-In-Fact and agent for the purpose of completing all public and other necessary improvements required by the Subdivision Improvements Agreement or Development Improvements Agreement in the event of a default by the applicant or developer. The power of attorney may be enforced by the Town pursuant to all legal, and equitable remedies available, including an action for specific performance in a court of competent jurisdiction.
- P. Increase in Amount of Performance Guarantee Security. If a substantial amount of time elapses between the time of posting of the performance guarantee security and actual construction of the improvements, the Town reserves the right to require a reasonable increase in the amount of the applicable security, if necessary, because of estimated increased costs of construction.
- Q. Cost Estimate Not Binding. The purpose of the cost estimate described in Section 15.01.160(B) above is solely to determine the amount of security required and may be revised from time to time to reflect the actual costs. No representations are made as to the accuracy of these estimates, and the applicant or developer shall agree to pay the actual cost of all such public and other required improvements. Neither the estimated costs nor the amount of the security establishes the maximum amount of the applicant's or developer's liability.

- R. Reimbursement of Costs. Prior to the approval and acceptance of the construction and installation of the required public and other necessary improvements, the applicant or developer shall pay to the Town the actual cost of all inspections of such improvements made or conducted at the direction of the Board of Trustees, Town Engineer, or Town Public Works Director.

15.01.170 Rules of Construction. For the purposes of this Title, any words and phrases set forth in this Section shall have the meanings respectively ascribed to them herein, and the word "building" shall include the word "structure" and the word "used" shall include "arranged, designed, constructed, altered, converted, rented, leased or intended to be used."

In addition, whenever appropriate with the context:

- A. Words used in the present tense include the future tense.
- B. Words used in the singular number include the plural and words used in the plural number include the singular.
- C. The word "shall" is always mandatory.
- D. The word "may" is permissive.
- E. The word "lot" includes the word "plot" or "parcel" or "site".
- F. The word "person" includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.
- G. The words "zoning map" or "Collbran Zoning Map" mean the Official Zoning Map of the Town of Collbran, Colorado.
- H. The words "Town Clerk" shall include "Building Official" and/or any positions, which may be appointed on a full or part-time basis or retained on a consulting basis for the purpose of reviewing development applications.

15.01.180 General Terms Defined. For purposes of these Regulations, certain terms are defined as follows:

Alley: A public right-of-way providing only secondary access to the rear of a property and not intended for general public travel.

Animal Hospital: A facility for treatment of diseased or injured animals under the direction of a veterinarian. Care provided includes medication, surgery, care of wounds, sores, diet, etc. Facilities are available for boarding of animal patients.

Animal Sheltering: Maintaining, raising, housing, stabling or corralling of ducks, geese, chickens, turkeys, birds or other similar fowl, cats, dogs, cattle or horses or rabbits or other four legged animals.

Assembly (as in manufacturing): The creation of a distinct product from the physical, as opposed to chemical, mating or joining of individual standard component parts.

Bed and Breakfast Accommodations: The rental of rooms within a dwelling for short-term accommodations not to exceed three (3) days. Such use shall be clearly accessory to the residential use of the dwelling, occupy not more than twenty-five percent (25%) of the total floor area of the dwelling, and conform to the following additional conditions:

- 1. The use shall be carried on wholly within the principal building.
- 2. There shall be no exterior sign exceeding three square feet (3 sq. ft.) and no other exterior indication of the use or variation from the residential character of the principal building.
- 3. There shall be adequate off-street parking for the use.

4. Not more than one (1) separate occupancy per dwelling per night shall be allowed.
5. As a customary part of the service offered to guests, breakfast may be served by the owner of the dwelling.

Boarding house or Rooming house: See Rooming and/or Boarding Houses.

Building: Any permanent structure built for the shelter or enclosure of persons, animals, chattels, or property of any kind. Buildings do not include industrial equipment or structures such as cooling towers or refinery equipment.

Building, Accessory: A detached subordinate building located on the same lot as the principal building, and the use of which is incidental to the principal building or use of the lot; such a building shall not be used for living or sleeping quarters.

Building Height: The vertical distance above average existing grade measured to the highest point of the building. The height of a stepped or terraced building is the maximum height of any segment of the building. All building heights shall be measured as prescribed in the Building Code(s) adopted by the Town of Collbran.

Building Inspector: An official or agency appointed by the Board to administer the Building Code(s). Such official may be contracted from outside the Town government.

Building, Principal: A building in which is conducted the principal use of the lot on which the building is located.

Commercial Parking Garage: A structure used for the parking of motor vehicles and open to the general public for a fee.

Commercial Parking Lot: An off-street, ground level area, surfaced and improved, for the temporary storage of motor vehicles and open to the general public for a fee.

Condominium: A residential building consisting of individual air-space units together with interests in common elements appurtenant to such units, which are or can be separately owned or purchased.

Day Care Center: Any facility providing care for five (5) or more children between the ages of zero (0) to fifteen (15) years during daylight hours for compensation. This definition shall apply to all such activities whether profit or non-profit in nature.

Distribution Centers: Facilities, including buildings and loading areas, utilized specifically for the temporary storage and handling of goods or packages for redistribution or delivery.

Dwelling: A building or portion thereof used for residential occupancy.

Dwelling Unit: One (1) or more rooms in a dwelling occupied by one (1) family living independently of any other family.

Dwelling, Single-Family: A building containing only one (1) dwelling unit.

Dwelling, Two-Family: A building containing two (2) dwelling units.

Dwelling, Multiple-Family: A building containing three (3) or more dwelling units.

Fabrication: The creation of a product from a change in the physical shape of matter; the final step in utilization of a natural resource, such as wood and metal working operations.

Family: **Family** means any individual, or two (2) or more persons related by blood or marriage or between whom there is a legally recognized relationship, or a group of not more than six (6) unrelated persons occupying the same dwelling unit.

Floor Area: The total inhabitable horizontal floor area of all floors in a building exclusive of garage, storage and utility areas.

Floor Area Ratio: The relationship of floor area to total lot area expressed as an arithmetic ratio.

Front of House: The front of a house shall be the wall containing the principal entry to the house, which allows pedestrian entry directly to that part of the house commonly used by visitors to the house and is not a service or secondary entrance to the house.

Frontage: The frontage of a parcel of land is considered that distance where a property line is common with a road right-of-way.

Garage, Private: Any building used for the storage of not more than four (4) motor vehicles.

Garage, Public: Any building used for the storage for rent or for a fee of more than three (3) motor vehicles. This definition shall not apply to storage facilities associated with motor vehicles sales or service businesses.

Group Homes: Group homes for the developmentally disabled means a state-licensed home for eight (8) or fewer persons having cerebral palsy, multiple sclerosis, mental retardation, autism and epilepsy. Group homes for persons sixty (60) years of age or older means an owner-occupied or non-profit home for the exclusive use of not more than eight (8) such persons provided that such group home: (a) shall not be located within seven hundred fifty feet (750') of another such group home and (b) shall comply with any State, County, municipal health, safety, and building and fire codes.

Home Occupation: Any use for gain or support carried on within a dwelling located in a residence district only by the occupants thereof; it may be located within the principal building or in an accessory building.

Hospital: A facility, which makes available more than one (1) of the following: medical, surgical, psychiatric, chiropractic, maternity, tuberculosis, and nursing services. The facility shall be licensed by the State of Colorado Health Department as a hospital.

Hotel, Motel, Lodge: A building occupied as the temporary lodging place of individuals who are lodged with or without meals for compensation, with rooms usually occupied singly, and no provisions made for cooking in any individual room.

Indoor Commercial Recreation Facilities: A recreation facility designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreation activities, which is operated within a building as a business and open to the general public for a fee. Gaming or gambling establishments are not considered indoor commercial recreation facilities.

Kennel: Housing for dogs, cats or other small animal pets for breeding, boarding or grooming purposes. This definition applies to all facilities maintaining space for three (3) or more animals of the same species over the age of six (6) months.

Landscaping: The finishing and adornment of unpaved yard areas. Materials and treatment generally include naturally growing elements such as grass, trees, shrubs and flowers. This treatment may also include the use of logs, rocks, fountains, water features and contouring of the earth.

Lot: A plot, parcel, site or tract of land or assemblage of contiguous parcels of land as established by survey, plat or deed, and such yards as required herein and having frontage on a dedicated public street.

Lot Area: The total horizontal area within the boundaries of a lot, not including dedicated street rights-of-way, easements or other reservations for public streets or access.

Lot Line, Front: The property line of a lot dividing the lots from the adjoining street. Any yard adjacent to a street shall be considered a front yard. On a corner lot or double frontage lot,

the property owner may elect which street frontage shall be the front lot line for the purpose of determining the rear yard only.

Lot Line, Rear: The property line of a lot opposite or most parallel to the front lot line.

Lot Line, Side: Any lot property line other than a front or rear lot line.

Lot Width: The distance between side lot lines measured congruent with the front yard setback line.

Manufactured Home: A single family dwelling which is partially or entirely manufactured in a factory; is not less than twenty-four feet (24') in width and thirty-six feet (36') in length; is installed on an engineered permanent foundation; has brick, wood, or cosmetically equivalent exterior siding and a pitched roof; is certified pursuant to the "National Manufactured Housing and Construction and Safety Standards Act of 1974", 42 U.S.C. 5401 *et. seq.*, as amended. The owner/developer shall provide proof of certification to the Town prior to the placement of any manufactured home. All applicable building and zoning requirements must be complied with.

Manufacturing and Processing: The mechanical or chemical transformation, or blending, of goods or raw materials into a new state or a finished or semi-finished product; the making of goods, articles, or parts from raw materials by hand or machinery.

Minor Subdivision: A division of a lot into four (4) or fewer lots, a realignment, or condominiumization of a property.

Mobile Home: A transferable, single family dwelling unit suitable for year-round occupancy and containing the same water supply, waste disposal and electrical conveniences as immobile housing. Every mobile home, with the exception of mobile homes placed in a mobile home park, shall be placed on a permanent foundation consistent with applicable building codes adopted by the Town. The term "mobile home" shall not include "travel trailers," "campers," "camper buses," or "motor homes," or homes designed to be placed on a foundation.

Mobile Home or House Trailer Permanent: Any mobile home facility with or without wheels, so designed and constructed as to permit occupancy thereof for living or sleeping purposes.

Mobile Home or House Trailer, Transient: Any vehicle designed for transport on wheels, which has cooking, eating, living, and sleeping facilities. Such units may or may not contain sanitary facilities. These units customarily are moved at least once per year and are licensed as vehicles.

Mobile Home Park: A plot of land of at least ten (10) acres in area where two (2) or more mobile homes are located for permanent dwelling purposes.

Nursing Home: A facility, which provides nursing care who by reason of illness or physical infirmities, are unable to care for themselves. Typically, these facilities will be licensed by the State of Colorado as a nursing home.

Open Space: Land areas that are not occupied by buildings, structures, parking areas, streets, alleys or required yards. Open space may be devoted to landscaping, preservation of natural features, patios, and recreational areas and facilities.

Parking and loading areas: Any public or private area designed and used for off-street parking spaces and berths for the loading or unloading of commercial motor vehicles.

Personal Service Establishments: Establishments primarily engaged in providing services involving the care of a person or his or her apparel.

Personal Storage Units: Multiple storage areas completely enclosed within a building, or series of buildings, in which flammable, toxic and hazardous liquids and chemicals are not allowed; and under a single ownership and does not allow individual offices within units.

Resort: A facility for transient guests where the primary attraction is generally recreational facilities or activities.

Rezoning: An amendment to the official zoning map consisting of a change in the classification of land from one zone district to another.

Rooming and/or Boarding Houses: A structure used for dwelling purposes by persons who pay a fee for food and/or lodging services. This definition applies to those structures accommodating three (3) or more persons who pay for such services on a more or less permanent basis.

Sand and Gravel Extraction and Processing: The mining of sand and/or gravel from its naturally occurring location; the processing of sand and gravel through a series of operations that entails gravel crushing, and transformation through asphalt and concrete batch plants.

Stable, Community: Any structure or fenced area used for sheltering livestock owned by landowners within a subdivision or subdivisions where by virtue of covenants, deed restrictions or contract, an area is designated and approved by the Board of Trustees as a community stable.

Stable, Private: Any structure used for sheltering livestock.

Storage yard: A yard used for the storage of equipment, building materials, and similar items provided that the storage yard is not open to the public, is not used for salvage and further that all service, fabrication and repair operations shall be conducted within a building and that all outdoor storage of materials and trash receptacles shall be enclosed by a solid opaque fence and screened by landscaping.

Street: A public right-of-way either dedicated or established by usage, other than an alley, which provides primary access to adjacent property.

Structure: Any man-made object, which is affixed to the ground by use of footings, foundations, posts or pillars. This definition shall include, but not be limited to, signs, buildings and fences.

Telecommunication Facilities: Any free standing facility, building, pole, tower or structure used to provide only telecommunication services, and which may consist of, without limitation, antennae, equipment and storage used to provide telecommunication services.

Townhouse: A dwelling type consisting of adjacent dwelling units sharing common side building walls with each dwelling unit located upon land owned by the owner of the dwelling unit.

Transmission Lines: Electric lines (69 Kv and over) and appurtenant facilities which emanate from a power plant or a substation and terminate at a substation; or pipeline/conveyors (10 inches diameter or larger) and appurtenant facilities for transporting natural resources, chemicals, petroleum derivative, or waste substances; and are not necessary to provide utility service within the Town of Collbran.

Use:

Use, Principal: The purpose or function for which a lot, structure or building is intended, designed or constructed, or the activity which is carried on within said lot, structure or building; a noncommercial lot is restricted to one (1) principal use; noncommercial lots include all lots in the R-1 and R-2 zone districts.

Use, Accessory: A use incidental, customary and subordinate to the principal use of the lot, structure or building and on the same lot;

Use, by Right: A use allowed in a particular zone district when listed thereunder with no further conditions or approval required other than the general terms and stipulations of these Regulations.

Use, Special Review: Uses allowed only by permit of the Town, which permit may be granted or denied. If granted, certain conditions and performance standards may be imposed and must be complied with by the permittee.

Utilities: Services and facilities provided by public agencies and private companies such as electrical and natural gas services, telephone services (not including telecommunications facilities), cable television services, water (domestic and irrigation), wastewater collection, treatment and disposal, drainage systems and solid waste disposal.

Yard: An open space not in any alley or street, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Title.

Yard, Front: A yard extending the full width of the lot or parcel, the depth of which is measured in the least horizontal distance between the front lot line and the nearest wall of the principal building; such distance being referred to as the front yard setback.

Yard, Rear: A yard extending the full width of the lot or parcel, the depth of which is measured in the least horizontal distance between the rear lot line and the nearest wall of the principal building; such depth being referred to as the rear yard setback.

Yard, Side: A yard extending from the front yard to the rear yard, the width of which is measured in the least horizontal distance between the side lot line and the nearest wall of the principal building.

15.01.190 Other Definitions. Other definitions are found in various sections of these Regulations. Such other definitions sections further define relevant terms necessary for the enforcement of these Regulations. The rules of construction prescribed in Section 15.01.170 apply to all definitions in these Regulations.

Chapter 15.02
ANNEXATION

Sections:

15.02.010 General.

15.02.020 Annexation Fees.

15.02.030 Annexation Petition and Application Submittal Requirements

15.02.040 Annexation Agreement

15.02.050 Annexation Map Technical Standards

15.02.060 Concept Plan Map Technical Standards

15.02.010 General.

- A. The process of adding property to the Town of Collbran is referred to as annexation. The detailed requirements for annexations are found in the Colorado Revised Statutes (specifically Section 31-12-101 *et seq.*, C.R.S.).
- B. The annexation process can be complex. A property owner considering an annexation petition may wish to consult an attorney familiar with municipal annexation law.

15.02.020 Annexation Fees.

- A. Each petition for annexation must be accompanied by a fee intended to reimburse the Town for the costs associated with the review of the annexation. The review fee is based on the actual cost of reviewing the petition for annexation. The review fee shall be established by the Collbran Board of Trustees by Resolution. In addition, the petitioner will be required to pay the actual Town review costs including, but not limited to, the costs of outside Town consultants and Town legal fees. All costs related to recording the annexation documents shall also be paid by the petitioner.
- B. In addition to the review fees, additional fees are charged for park land dedication and water rights acquisition fees (or water dedications, if applicable). Some of the fees may be deferred pending the zoning and development of the annexed property. The Town Board of Trustees will make the final determination on required fees.

15.02.030 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, maps, but letters and documents are to be delivered to the Town Clerk with the fees. The documents are to be submitted in separate three-ring binders of suitable size to hold the material. Any forms or letters requiring signatures shall have one original signed and dated in blue ink. The remaining copies may be photocopies of the original. The binders shall contain a table of contents and be tabbed accordingly. Pockets are to be provided in the binder for the folded maps that are submitted.
- B. Following staff review and notice of acceptance for referral to the Board of Trustees, the applicant shall provide Seventeen (17) copies of the annexation

documents. Fourteen (14) sets shall be bound in three-ring binders as above. The remaining three (3) sets are to be three hole-punched, collated into complete application packets and bound with binder clips only.

C. The name or title of the proposed annexation on all documents and maps must be consistent. All letter size (8 ½" x 11") documents to be filed with the County Clerk and Recorder Office must have one (1) inch margins, or they will be rejected for filing.

D. The Annexation application shall include:

1. Letter of Intent. The applicant shall provide a letter of intent addressed to the Board of Trustees to serve as a cover letter to the formal petition, introducing the applicant(s) to the Board of Trustees, requesting annexation of the petitioner's property and describing the development plans for the property, if it is annexed.
2. Annexation Application Form. The Town's Annexation Application Form shall be completed, signed and dated.
3. Agreement for Payment of Development Review Expenses Incurred by the Town. The application shall be accompanied a signed standard form Agreement for the Payment of Development Review Expenses Incurred by the Town.
4. Petition for Annexation. The applicant shall submit a petition for annexation complying with the requirements of C.R.S. § 31-12-107. The Town's standard form petition shall be utilized. Any deviation from the standard form petition will require review and approval by the Town Attorney before the Town accepts the petition for processing. The applicant is to provide a word processing file of this document if it deviates from the Town's standard form petition.

The petition shall contain the following statements:

- a. An allegation that it is desirable and necessary that the area be annexed to the municipality.
- b. An allegation that eligibility requirements and limitations have been met or addressed respectively.
- c. An allegation that the petitioners comprise the land owners of more than fifty (50) percent of the territory included in the proposed annexation area (excluding streets and alleys).
- d. A request that the annexing municipality approve the annexation.
- e. If not already included, consent to the inclusion of the property into the applicable special districts as appropriate.

- f. A waiver of any right to election pursuant to Section 28 of Article X of the Colorado Constitution before a district can impose property tax levies and special assessments.
 - g. The dated signatures of petitioning landowners. Petition signatures must be signed within one hundred eighty (180) days of the date the petition is first submitted to the Town Clerk.
 - h. The mailing address of each signer of the petition.
 - i. The full legal description of land owned by each signer of the petition (if platted, by lot and block; if unplatted, by metes and bounds).
 - j. The affidavit of each petition circulator that each petitioner's signature is valid.
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(s) shall comply with the technical drawing requirements contained in Section 13.10 of this Article. In addition, provide one (1) small format paper copy (not less than 8½" x 11", or more than 11 "x 17". Provide one (1) "Annexation Map Land Surveying Standards Checklist" completed by the Surveyor (attach to the "original" application packet).
 6. Concept Plan Map. Four (4) paper copies of the concept plan map are to be provided with the initial submittal. The concept plan map(s) shall comply with the technical drawing requirements contained in this Title. In addition, provide one (1) small format paper copy (not less than 8½" x 11", or more than 11 "x 17".
 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 of Colorado, whose effective date shall be less than (30) thirty 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 for all property to be annexed.

9. Mailing List and Envelopes for County, Special Districts, Irrigation Ditch Companies, Mineral Interest Owners and Adjacent Property Owners. The Applicant is to provide a mailing address list and envelopes as required by Title.
10. Annexation Impact Report. A draft annexation impact report conforming to C.R.S § 31-12-108.5 is required for areas of ten (10) or more acres. Any deviation from the Town's standard form will require review and approval by the Town Attorney before the annexation impact report is accepted for processing by the Town. The applicant is to provide a word processing file of this document. The applicant is to provide an AutoCAD™ drawing file (release 14 or higher) of the required "existing conditions" map. An inaccurate, incomplete or poorly drawn "existing conditions" map shall be rejected.

The impact report shall contain the following information:

- a. A map or maps of the municipality and adjacent territory showing the present and proposed boundaries of the municipality in the vicinity of the proposed annexation; the present streets, major trunk water mains, sewer interceptors and outfalls, other utility lines and irrigation and drainage ditches, and the proposed extension of such streets and utility lines in the vicinity of the proposed annexation; and the existing and proposed land use pattern in the areas to be annexed;
 - b. A copy of any draft or final pre-annexation agreement, if available;
 - c. A statement setting forth the plans of the municipality for extending to or otherwise providing for, within the area to be annexed, municipal services performed by or for the municipality at the time of annexation;
 - d. A statement setting forth the method under which the municipality plans to finance the extension of the municipal services into the area to be annexed (those municipal services supplied by the Town);
 - e. A statement identifying existing special districts within the area to be annexed; and
 - f. A statement on the effect of annexation upon local public school district systems including the estimated number of students generated and the capital construction required to educate such students.
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 (non-tributary and not non-tributary groundwater). The applicant shall provide a signed warranty deed(s) for sufficient water rights to provide the domestic needs of property to be developed as a result of the annexation as provided in Chapter 15.13 of the Collbran Municipal Code. In addition, the applicant shall provide a signed standard form warranty deed for the transfer of all subsurface (non-tributary) water rights to the Town.

12. Zoning of Property to Be Annexed. If zoning is requested simultaneously with annexation, the petitioner must submit a completed Zoning Application form, provide a Zoning Map for the property, a zoning amendment map amending the official zoning map and pay the application and recording fees. If zoning is not requested simultaneously with annexation, the property is required by statute to be brought under the Town's 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 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 estimated 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 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.);
 - e. 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.);
 - f. The impact of the proposed development on the Collbran Police Department and proposals to mitigate any impact upon the existing police services (special security needs, additional officers required, additional equipment requirements, etc.);
 - g. The impact of the proposed development on the Collbran Fire Department 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.);

- h. The impact of the proposed development on the Town of Collbran park facilities and recreation programs and proposals to mitigate any impact upon the existing facilities and programs (additional facilities, additional recreation programs, additional personnel required, etc.);
 - i. The impact of the proposed development on the environment of the Collbran and proposals to mitigate any negative impact (identify environmentally sensitive areas, endangered species, significant habitats, etc.);
 - j. 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.);
 - k. The compatibility of the proposed development with the Collbran Comprehensive Plan and any plan amendments that may be necessary for the proposed development;
 - l. The compatibility of the proposed development with the Collbran Land Use Code and any deviations in setbacks, space requirements, and permitted uses that may be required for the proposed development; and
 - m. 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. Special District Comment Letters. The application is to be accompanied by comment letters from the following special districts servicing the area to be annexed.
- a. Plateau Valley School District #50
 - b. Plateau Valley Fire District
 - c. Plateau Valley Hospital District
 - d. Collbran Conservancy District

15.02.040 Annexation Agreement

A draft Annexation Agreement shall be provided to the applicant by the Town. This document outlines the responsibilities of the applicant and the Town regarding the provision and extension of streets and utilities, the dedication of water rights and the applicability of Town regulations. Any changes or additions to the standard form Annexation Agreement proposed by the applicant or the Town shall be addressed in the “supplemental provisions” section of the document. If a property to be annexed has multiple ownership, all of the owners must sign the Annexation Agreement. If multiple properties are combined for annexation purposes, but each will be developed separately, separate Annexation Agreements are to be signed by each owner. The final document is to be signed by the applicant and made available to the Town Clerk not less than two (2) weeks before the date of the public hearing on the annexation.

15.02.050 Annexation Map Technical Standards

A. The annexation map shall be prepared by or under the supervision of a registered professional land surveyor licensed with the State of Colorado. 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 24" x 36" flat, spliceless, tapeless and creaseless sheet(s) of double matte Mylar film with a uniform thickness of not less than .003 of an inch, using only permanent black ink that will adhere to drafting films, or 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 (½) inch on three 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. Paper copies of the annexation map(s) shall be blue-line or black line copies of the original, folded to 12" x 9" size. The applicant shall also provide paper 11" x 17" and 8½" x 11" reductions of the annexation map(s).
3. The annexation map shall be drafted at a scale that best conveys the detailed survey, and confines the drafting error to less than one (1) percent. 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 Town. When an annexation requires multiple sheets, an index shall be provided that delineates the boundaries and identify each sheet number. The scale of a composite map may be different from the individual sheets, as approved by the Town. A "title sheet" containing the certifications and signature blocks shall be provided in the event that the annexation map sheet is too crowded.
4. 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, 6th P.M., Town, 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:

GRAND MESA VIEW ANNEXATION
TO THE TOWN OF COLLBRAN, COLORADO
A Part of the E/2 of Section 23, Township 9 South
Range 95 West, 6th P.M., Town of Collbran, Colorado
78.05 Acres

5. 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 Town).
6. 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.

7. 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 Town'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 Town) followed by the owner's signature block(s) and notary block(s), one for each owner or mortgagee.
8. Immediately following the ownership certificate, there shall be the Town's standard Surveyor's certificate, signed, dated and sealed by a licensed surveyor or engineer.
9. Immediately following the Surveyor's certificate, there shall be the Town's standard certificate blocks for the Planning Commission and Board of Trustees.
10. Immediately following the Board of Trustee's approval certificate, there shall be the Town's standard recording certificate block for the County Clerk and Recorder.
11. A vicinity map that depicts the area to be annexed and the area which surrounds the proposed annexation within a two-(2) 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.
12. The annexation map drawing shall contain the following:
 - a. Show the outline of area to be annexed with boldest line.
 - b. For all references, show 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 Town 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 Town (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 0.01' 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 0.01'.

- f. Provided 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 definitively 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 100-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 Town boundary and the length representing one-sixth (1/6) of the total annexation boundary perimeter.
- 13. An "Annexation Map Land Surveying Standards Checklist" completed by the surveyor shall be provided.
- 14. An AutoCAD™ drawing file (release 14 or higher) of the annexation map(s) and title sheets and all fonts used, shall be provided on Town specified electronic media, or by other acceptable electronic transfer. Large drawing files are to be compressed. If multiple maps are used, one drawing file must combine all the parts into one 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 Town.
- 15. A word processing file of the legal description shall be provided on Town specified electronic media, or by other acceptable electronic transfer. Text must be in uppercase.

15.02.060 Concept Plan Map Technical Standards

- 1. 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.
- 2. Paper copies of the concept plan map(s) shall be blue-line or black line copies of the original, folded to 12" x 9" size. The applicant shall also provide paper 11" x 17" and 8½" x 11" reductions of the concept plan map(s).
- 3. 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 (10) foot intervals, except when there are significant geographical features on the land and a different interval is determined to be more appropriate; and

- 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.
- h. An AutoCAD™ drawing file (release 14 or higher) of the concept plan map(s) and title sheets and all fonts used, shall be provided on Town specified electronic media, or by other acceptable electronic transfer. Large drawing files are to be compressed. If multiple maps are used, one drawing file must combine all the parts into one map showing the entire annexation. AutoCAD™ drawing files (release 14 or higher) of each revision to the concept plan map shall be provided at the time the revision is submitted to the Town.

Chapter 15.03

ZONING - PROVISIONS, USES AND REQUIREMENTS

Sections:

- 15.03.010 Establishment of Zone Districts.
- 15.03.020 Incorporation of the Zoning Map.
- 15.03.030 Zone District Boundaries.
- 15.03.040 Annexation and Zoning.
- 15.03.050 Application of Regulations.
- 15.03.060 Principal and Accessory Uses.
- 15.03.070 Permitted Uses.
- 15.03.080 Special Uses.
- 15.03.090 Nonconforming Uses and Structures.
- 15.03.100 Uses Not Itemized.
- 15.03.110 Zoning Variances.
- 15.03.120 Rezoning.
- 15.03.130 Other Zoning Provisions.
- 15.03.140 Home Occupations.
- 15.03.150 General Requirements for all Business, Commercial and Industrial Uses
- 15.03.160 Common Interest Communities.
- 15.03.170 Descriptions and Limitations of Zone Districts.
- 15.03.180 Schedule of Uses.
- 15.03.190 Reserved.
- 15.03.200 Schedule of Requirements – R-1, R-2, DTC, GC, MHP, LI, and P Districts.

15.03.010 Establishment of Zone Districts. To carry out the provisions of this Title the Town of Collbran, Colorado is divided into zone districts. The purposes of dividing the Town into zone districts are: to recognize that certain areas of the Town are in various stages of development; to preserve the character of certain neighborhoods in the Town; to conserve the value of property; and to establish and encourage appropriate land uses in existing and newly annexed areas of the Town. It is intended that the boundaries of the zone districts shown on the zoning map adopted contemporaneously herewith, will not be usually changed unless it is demonstrated that the character of an area has so changed that amending the zoning map is in the public interest. The Town is divided into the following districts:

<i>R-1</i>	<i>Low - Medium Density Residential District</i>
<i>R-2</i>	<i>Medium - High Density Residential District</i>
<i>DTC</i>	<i>Downtown Commercial District</i>
<i>GC</i>	<i>General Commercial District</i>
<i>MHP</i>	<i>Mobile Home Park</i>
<i>P</i>	<i>Public Zone District</i>
<i>LI</i>	<i>Light Industrial</i>

15.03.020 Incorporation of the Zoning Map. The location and boundaries of the zone districts established by the Ordinance codified herein are shown on the Official Zoning Map of the Town of Collbran, Colorado which is incorporated into this Title. The Zoning Map, together with all data shown thereon and all amendments thereto is, by reference, made a part of this Title. The Zone District Map shall be identified by the signature of the Mayor, attested by the Town Clerk, and bearing the seal of the Town of Collbran and the date of adoption. Changes in the boundary of any zone district shall be made only upon amendment to the Ordinance codified herein and shall be recorded on the Zoning Map within thirty (30) days of the effective date of the amending Ordinance with an entry on the Zoning Map giving the number of the amending Ordinance and the date with the signature of the Mayor, attested by the Town Clerk. The Zoning Map shall be located in the office of the Town Clerk and in other such places designated by the Board of Trustees of the Town. Copies of the Zoning Map shall be made available to the public for a fee.

15.03.030 Zone District Boundaries. Except where otherwise indicated, zone district boundaries shall follow municipal corporation limits, section lines, 1/4 section lines, 1/2 section lines, center lines of major rivers or tributaries, lot lines of platted blocks, center lines of Town or County roads or highways or right-of-way lines or extensions thereof. For non-subdivided property or where a zone district boundary divides a lot or parcel, the location of such boundary, unless indicated by dimension, shall be determined by the scale of the Zone District Map. Where a zone district boundary coincides with a right-of-way line and the right-of-way is abandoned, the zone district boundary shall then follow the centerline of the former right-of-way. Land not part of a public, railroad, or utility right-of-way which is not indicated as being in any zone district shall be considered to be included in the most restricted adjacent zone district even when such district is separated from the land in question by a public, railroad, or utility right-of-way.

15.03.040 Annexation and Zoning. All territory annexed to the Town of Collbran subsequent to the effective date of the Ordinance codified herein shall be zoned according to district classifications of this Title. Such classifications shall be determined by the Town Board of Trustees. The proposed zoning shall be established in accordance with applicable State statutes.

15.03.050 Application of Regulations.

- A. **Conformity to Use Regulations:** Except as hereinafter provided, no building, structure or property shall hereafter be used, and no building or structure shall be erected and no existing building or structure shall be moved, altered or extended nor shall any land, building or structure be used, designed to be used or intended to be used for any purpose or in any manner other than as provided for among the uses hereinafter listed in the District Regulations for the district in which such land, building or structure is located. All buildings or structures must comply in all respects with the provisions of the building code adopted by the Town of Collbran.
- B. **Conformity to Setback, Bulk, Site Area and Height Provisions:** Except as hereinafter provided, no building or structure shall be erected nor shall any existing building or structure be moved, altered or extended nor shall any open space surrounding any building or structure be encroached

upon or reduced in any manner, except in conformity with the building site area, building bulk, building location and height provisions hereinafter provided in the District Regulations for the district in which such buildings, structures or open space is located.

- C. Lot Area, Yard, Frontage, Open Space, and Parking Restrictions: Except as hereinafter provided, no lot area, yard, frontage, other open space or parking provided about any building for the purpose of complying with provisions of this Title shall be considered as providing lot area, yard, frontage, other open space or parking for any other building, and no lot area, yard, frontage, other open space or parking for a building on any other lot.

15.03.060 Principal and Accessory Uses. The primary use of a lot is referred to as a “principal use” which may be a land use or a structure. Only one (1) principal use per lot is allowed in any zone district except for commercial and light industrial zone districts where residential and nonresidential uses and where different nonresidential uses may be allowed in the same building as specified in the Zone District Provisions. Only one (1) principal building and its customary accessory buildings may be erected on any single lot.

A structure or land use that is customary, incidental, and accessory to the principal use is referred to as an “accessory use.” Accessory uses must be located on the same lot as the principal use. A building for a garage or storage, a home occupation, fences, hedges, and walls are permitted accessory uses in any zone district, subject to any limitations listed in this Title.

15.03.070 Permitted Uses. Those uses designated as permitted in the Zone District Provisions are allowed as a matter of right and without special authorization.

15.03.080 Special Uses.

A. Intent: Uses designated as Special Uses are contingent uses, which may or may not be appropriate in a particular location depending on the nature of the proposed use, its relationship to surrounding land uses and its impact on traffic capacities, potential environmental effects, and compatibility with the neighborhood. It is the intent of these Regulations to provide a review of Special Uses so that the community is assured that any proposed Special Uses are suitable for the proposed location and are compatible with the surrounding land uses.

B. When Allowed: Special Uses may be permitted in designated zone districts upon approval of the Town of Collbran Board of Trustees as provided in these Regulations.

C. Application and Review: All applications for Special Uses will be reviewed according to the procedures set forth in Chapter 15.06. Application submittal requirements are specified in Chapter 15.07.

15.03.090 Nonconforming Uses and Structures.

A. Intent: Within the zone districts established in this Code there exist structures and uses of land, which were lawfully established before this Code was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Code as amended. It is the intent of these Regulations to permit such nonconformities to continue until they are removed, but not to allow them to be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same zone district.

B. Nonconforming Uses of Land: Where at the time of the passage of these Land Use Regulations, or amendments thereof, lawful uses of land exists which would not be permitted by the Regulations imposed by this Title, the use may be continued so long as it remains otherwise lawful, provided:

1. No such nonconforming use shall be enlarged or increased, nor extended to occupy greater area of land than was occupied at the effective date of adoption or amendment of this Title;

2. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption of this Title;
3. If any such nonconforming use of land ceases for any reason for a period of one (1) year, any subsequent use of such land shall conform to the regulations specified by this Title for the zone district in which such land is located; and
4. No additional structure not conforming to the requirements of this Title shall be erected in connection with such nonconforming use of land.

A nonconforming use shall not be changed to a use of a lower or less restrictive classification, but such nonconforming use may be changed to another use of the same or higher classification as further specified in subsection 15.03.090(F).

C. Nonconforming Structures: Where a lawful structure at the effective date of the adoption or amendment of these Regulations that could not be built under the terms of this Code by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming structure may be enlarged or altered in any way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
2. Should such nonconforming structures or nonconforming portion of a structure be destroyed by any means and shall not have been repaired or replaced within one (1) year from the date of loss, it shall not be reconstructed except in conformance with the provisions of this Title.
3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the zone district in which it is located after being moved.

D. Repairs and Maintenance:

1. On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing to an extent not exceeding ten percent (10%) of the current replacement cost of the nonconforming structure as the case may be, provided that the cubic content existing when it became nonconforming shall not be increased.
2. If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the zone district in which it is located.

E. Nonconforming Lots of Record: Where, at the effective date of the adoption of these Regulations or amendments hereto, a lot of record was in separate ownership and cannot meet the minimum requirements for area or width, a single-family dwelling and customary accessory buildings may be erected on any single lot of record provided such lot is in separate ownership and not of continuous frontage with other lots in the same ownership.

The effect of building on contiguously owned nonconforming lots is to combine the lots into a single lot. It may be necessary to combine two (2) or more lots in order to meet the minimum lot size, setbacks and other requirements of zoning. The combining of nonconforming lots to

comply with the zoning requirements may be accomplished by affidavit submitted to the Town by the owner of the lots to be combined provided that individual lots are not divided and further provided that the number of lots does not increase. The Board of Trustees must approve the combining of the lots and the affidavit. An Amended Plat is not required for this purpose provided the nonconforming lots are being combined for purposes of constructing one (1) single family dwelling unit.

- F. Priority of Use Classification: Whenever in this Chapter reference is made to a higher (or more restrictive) classification and lower (or less restrictive) classification of uses in providing that a nonconforming use may be converted to a higher but not lower classification, uses shall be considered higher or lower according to the following sequence (highest to lowest); agricultural, residential, public, office, accommodations, commercial, and industrial.

15.03.100 Uses Not Itemized. Uses not listed in a zone district are prohibited except that such uses may be allowed by approval of a Special Use application pursuant to the provisions of Chapter 15.06 and Chapter 15.07 provided:

- A. Such uses are found to be similar to permitted uses and ought to have been listed when the zone district regulations were adopted; and
- B. Such uses are allowed only on the property subject to the Special Use application.

15.03.110 Zoning Variances. Special exceptions to the provisions of the zone districts may be granted by the Board of Trustees acting as the Board of Adjustment pursuant to the provisions of Chapter 15.06. Such special exceptions are known as variances.

15.03.120 Rezoning. The Town may, from time to time, amend the number shape or boundaries of any zone district. Such an amendment to a zone district boundary is known as rezoning. Rezoning applications are reviewed pursuant to the provisions of Chapter 15.06.

In addition to the review criteria of Chapter 15.06, the Board of Trustees may consider the following evaluation criteria for the analysis of Rezoning applications:

- A. The compatibility of the rezoning proposal with the surrounding zone districts and land uses in the vicinity of the site of the rezoning including the characteristics of the existing neighborhood, the applicable area and bulk requirements, and the suitability of the site for development in terms of on-site characteristics;
- B. The impacts of the rezoning upon expected traffic generation and road safety, availability of on-site and off-site parking and the availability of adequate utility services and street access to the site;
- C. The impacts of the land uses of the proposed rezoning upon expected environmental quality including air and water quality; and
- D. The community need for the proposed rezoning and the relationship of the proposed rezoning to the goal of overall community balance.

15.03.130 Other Zoning Provisions.

- A. Land and Building Use Regulations: In addition to regulations contained elsewhere in this Title, the use of land and buildings shall be governed by the provisions set forth in these zoning requirements.
- B. Utilities: Nothing in this Title shall be construed to prevent construction or installation of underground and above ground public utility lines, including mains, distribution lines, and related appurtenances in any zone district necessary to provide utility service within the Town of Collbran. Storage, maintenance facilities and business offices shall be restricted to their appropriate zone district. Telecommunication towers, and utility treatment, processing,

distribution and production facilities, including but not limited to, power generation plants, substations, gas compressor stations and telephone exchange facilities, are a special use in all Zone Districts. Transmission lines, as defined in Section 15.01.180 of this Title, are a special use in all zone districts.

C. Frontage: Each lot or parcel in separate ownership shall have at least twenty-five lineal feet (25') of frontage on a public street. Every building devoted wholly or in part to residential use shall front on a public street.

D. Yard requirements:

1. On double frontage lots or lots extending from one street to another paralleling street, both streets shall be considered front streets for purposes of calculating front yard setbacks.
2. On corner lots, the owner/developer shall determine which yard shall be the rear yard if the definition of a rear yard defines more than one (1) rear yard. On corner lots bordered by two (2) streets, in the Medium - High Density Residential (R-2) Zone District, the common property line between the corner lot and an adjacent lot shall be considered as a side yard for the purposes of determining building setback requirements provided the common lot line is a side yard of the adjoining lot. (See, Section 15.03.200 for setback requirements.)
3. On lots bordered on two (2) or more sides by streets, the required front yard setback shall be observed along all streets.
4. Where a lot in a business, commercial or industrial zone district shares a common side lot line with a lot in a residential district, the required side yard setback of the residential district shall be observed along the common lot line in the commercial or industrial district.
5. Where the side yard of a lot in a business, commercial or industrial district is an extension of the front yard of a lot in an adjacent residential district, a side yard setback equal to one-half (½) the required front yard setback of the residential district shall be observed by the lot in the commercial district.
6. For purposes of setback calculations, a two-family dwelling shall be constructed as one (1) building occupying one (1) lot.
7. On a vacant lot bordered on two (2) sides by previously constructed buildings, which do not meet the required front yard setback for the district, the required front yard setback for the vacant lot shall be established as the averaged front yard setback of the two (2) adjacent buildings. Where a vacant lot is bordered on only one side by a previously constructed building which does not meet the required front yard setback for the district, the required front yard setback for the vacant lot shall be established as the average front yard setback of the adjacent building and the minimum front yard setback for the district.
8. Every part of required yard shall be unobstructed by building from ground level to the sky except for projections of architectural features as follows:
 - a. Cornices, sills and ornamental features may project twelve inches (12") into a yard;
 - b. Roof eaves may project eighteen inches (18") into a yard;

- c. Uncovered porches, slabs and patios, walks, steps, fences, hedges, and walls are not restricted when less than forty-two inches (42") above ground level;
 - d. Fire escapes and individual balconies not used as passageways may project eighteen inches (18") into any required side yard, or four feet (4') into any required front or rear yard;
 - e. Solar collection devices and equipment may project eighteen inches (18") into a yard.
- E. Fences, hedges, and walls: All fences, hedges and walls may be permitted in the required yards of any district subject to the following conditions and requirements.
 - 1. All fences and walls are subject to the building code requirements.
 - 2. It shall be the responsibility of the property owner to locate all property lines. No fence, hedge or wall may extend beyond or across a property line unless with the joint agreement of the abutting property owner.
 - 3. No fence, hedge, wall or sign shall be placed nearer than twelve inches (12") to any public sidewalk.
 - 4. No barbed wire or sharp-pointed or electrically charged fence shall be permitted.
 - 5. Fences or walls shall not exceed seven feet (7') in height except a higher fence may be required by the Town as a condition of approval of a Special Use. The height shall be measured at the finished grade on the side nearest the street or abutting property.
 - 6. On corner lots, no fence, hedge or wall over forty-two inches (42") in height above the elevation of the curb shall be placed in the intersection of a triangular area formed by three (3) points as established by: (i) the intersection of the property line at the corner; (ii) by measuring thirty feet (30') back from this intersection on each property line and connecting the two (2) ends of the legs to form a triangle.
 - 7. At the intersection of a street and alley, no retaining wall or fence over forty-two inches (42") in height shall be placed within seven feet (7') of the corner of the lot next to the public right-of-way and the alley.
 - 8. No fence, hedge or wall located within the front yard setback area shall exceed forty-two inches (42") in height.
- F. Height Provisions: The maximum height of buildings shall be measured vertically at the front yard setback line from undisturbed or natural ground level to the top of a flat or mansard roof or to the midpoint between the eave line, ridge line of a gable, gambrel, hip, shed or similar pitched roof; for lots sloping less than one foot (1') vertical in ten feet (10') horizontal away from the established street grade. On lots sloping more than one foot (1') vertically in ten feet (10') horizontally, the vertical height shall parallel the existing grade prior to construction of the building and not exceed the required height at any point of the building from existing grade.

All heights shall be measured vertically from undisturbed grade. Height limitations of this regulation shall not apply to stacks, vents, antennae (except telecommunications antennae), cooling towers, elevator bulkheads, solar panels, tanks or similar mechanical appurtenances which extend no more than ten feet (10') above the permitted height. The maximum height of monuments, cupolas, domes, towers, spires and similar noninhabitable structural

appurtenances for public or semipublic buildings shall be 65 feet.

Height limitations of this regulation shall not apply to telecommunications antennae. The height of telecommunications facility antennae shall be approved by the Board of Trustees in conjunction with review of a special use permit. The height of telecommunications antennae shall be no taller than is necessary for efficient operation of the antennae based upon sufficient manufacturer's documentation submitted by an applicant and demonstration that structural failure or collapse of the tower will not create a safety hazard to adjoining properties. Such towers shall be constructed to meet or exceed all applicable code requirements including, but not limited to, ANSI/EIA/TIA 222-F and all applicable building codes. All telecommunications facility antennae shall comply with applicable FCC and FAA regulations and shall not be illuminated unless required by FAA regulations.

G. Gasoline Service or Filling Stations:

The following regulations shall apply to all gasoline service or filling stations:

1. All buildings shall be located at least forty feet (40') from any street right-of-way line;
2. Fuel pumps and other appliances shall be located at least fifteen feet (15') from any street right-of-way line;
3. All service, storage, or similar activities shall be conducted entirely on the premises;
4. All major repair work, if any, shall be conducted within a completely enclosed building; and
5. Open storage of wrecked or inoperable automobiles or trucks, discarded tires, automotive parts or similar materials shall not be permitted.

H. Yard Sheds:

Yard sheds are allowed as uses by right in the R-1 and R-2 zone districts as accessory uses to residential dwellings subject to the following conditions and requirements. A building permit is not required for the erection of a yard shed provided all of the following requirements are satisfied.

1. Yard sheds are structures that shall be used only for the storage of lawn and garden maintenance equipment and supplies and may not be used for human or animal habitation. Only one (1) yard shed is allowed for each principal use (e.g., a residential dwelling).
2. Yard sheds may not exceed one hundred forty-four square feet (144 sq. ft.) in total area.
3. The maximum linear wall dimensions of yard sheds shall not exceed twelve feet (12') on any side.
4. The maximum height of yard shed will not exceed eight feet (8') measured from the natural grade of the ground to the highest point of the roof or wall whichever is greater.
5. No hazardous or flammable materials may be stored in a yard shed.
6. A yard shed may be placed within the rear yard building setback area provided that the shed is not placed on a permanent foundation and can be moved upon demand of the Town of Collbran or a utility company if the placement of the yard shed interferes

with the intended use of an easement or creates an unsightly or unsafe condition and further provided that no portion of the yard shed including roof eaves is located or extends beyond the property line. In the event a yard shed is to be placed on a utility easement, approval for the placement must be granted by the affected utility company (or the Town of Collbran for Town facilities). Yard sheds may not be placed in a drainage easement or drainage way. Yard sheds placed within the building setback area must be screened from the view of adjacent streets and adjacent property.

- I. Landscaping
 - 1. Landscaping in GC Zone District. All required yards abutting a street for lots in the GC Zone District must be landscaped for an average of five feet (5') within the area closest to the street.
 - 2. Landscaping in Zone District. All required yards abutting a street for lots in the LI Zone District must be landscaped for an average of five feet (5') within the area closest to the street.
- J. Driveways. All driveways, parking areas and site circulation routes shall be paved in conformance with the standards in the Town of Collbran Public Works Manual. All driveways and access points shall be situated at approximately right angles to the street. A driveway for parking may bisect the front yard. No parking shall be allowed on required landscaped areas.
- K. State Highway 330 Setback. A required setback from State Highway 330 shall be a minimum of twenty-five (25') from the edge of right-of-way of the nearest traffic lane. The setback area must be effectively landscaped in conformance with all applicable sections of the Town of Collbran Municipal Code, screen outside storage areas and present the impression of low intensity land use. The landscaping shall be maintained in a "green and growing" condition and shall be approved as part of an annexation, the building permit application or subdivision approvals.
- L. Landscaping in R-1 and R-2 Zone District:
Parking areas for multi-family dwellings shall be landscaped in accordance with the provisions of Chapter 15.08.
- M. Screening and Outside Storage. All outside storage areas shall be screened with a 100% opaque fence with a minimum height of seven feet (7') to screen storage from view when observed from the centerline of all adjoining street right-of-ways. All stored, piled or stacked materials shall be configured to ensure adequate screening by the opaque fence and equipment shall be stored in the lowest operating position. All screening fences shall be maintained in a good and safe condition. All fences with structural support members on one side shall be constructed with structural support members facing to the interior of the property.
- N. Animal Sheltering. The Board of Trustees may authorize the sheltering of limited numbers of a specified type of livestock in any zone district subject to the following limitations.
 - 1. The property owner shall submit a written application to keep livestock. At a minimum, the application shall indicate:
 - a. Specific type of livestock;
 - b. Specific number of livestock;

- c. Lot or parcel acreage; and
 - d. A site plan indicating the location and type of fencing.
- 2. A petition signed by the neighbors of adjoining properties indicating their approval or disapproval of the application to keep livestock.
 - 3. The Board of Trustees shall conduct a public hearing on the application and the property owner shall comply with the public notice requirements set forth in this Title 15.
 - 4. In the event the Board of Trustees approves the application, the authorization to keep livestock shall be permitted to the individual applicant and shall not be transferable. The Board of Trustees may revoke said authorization without notice and without cause and the property owner gains no vested rights through such authorization. (*Ord. 01, 2011*)

15.03.140 Home Occupations.

- A. Home Occupations Allowed by Right: The following home occupations may be permitted in any residence subject to the criteria specified in subsection 15.03.140 (C).
 - 1. Office for the conduct of a business or profession
 - 2. Artist or craft studio
 - 3. Clothing alterations
- B. Home Occupations Permitted as Special Uses: Home occupations other than those uses specified in subsection 15.03.140(A) may be permitted if approved as a Special Use provided the home occupation use is permitted as either a use by right or a Special Use in the zone district in which the residence (home) is located.
- C. A home occupation may be placed in any zone as a use by right or as a Special Use, as specified this Section, provided the following standards are satisfied.
 - 1. No persons other than family members residing in the dwelling are to be engaged in the business or home occupation.
 - 2. No more than thirty percent (30%) of the floor area of the dwelling is used for the business or home occupation.
 - 3. An accessory building may be used provided the floor area requirements are not exceeded and that the accessory building can be converted to a common accessory building upon termination of the home occupation.
 - 4. A minimum of one (1) additional off-street parking space shall be provided on site for the home occupation, but more may be required by the Town as necessary.
 - 5. The property must maintain a non-business appearance at all times.
 - 6. No sign may exceed three (3) square feet.

7. The home occupation can be shown not to be a nuisance to surrounding properties due to noise, odor or increased traffic. If a home occupation is lawfully established and a nuisance resulting from the home occupation is determined to exist after the establishment of the home occupation, the Town Board of Trustees shall allow the owners one hundred twenty (120) days in which to correct the nuisance, relocate the use, or terminate use of the property for the home occupation.

15.03.150 General Requirements for All Business, Commercial and Industrial Uses.

- A. All service, fabrication and repair operations shall be conducted within a building or for service, fabrication and repair operations that are too large to be conducted within a building, within a screened enclosure that blocks the view of those activities from adjacent properties and adjacent public rights of way.
- B. All outdoor storage of materials and trash receptacles, other than public receptacles, shall be enclosed by a solid opaque fence and/or screened by landscaping.
- C. All applicable environmental standards of Mesa County, the Town of Collbran, the State of Colorado or the United States government shall be complied with at all times.
- D. All business, commercial and industrial facilities adjacent to residential uses shall be screened from the residential use with landscaping and opaque fencing of a minimum height of seven feet (7') subject to review and approval of the Town Board of Trustees.

15.03.160 Common Interest Communities. The use of land and the subdivision or other development of land in the Town of Collbran shall comply with the provisions of the Colorado Common Interest Ownership Act, which is contained in Article 33.3, Title 38 C.R.S.

15.03.170 Descriptions and Limitations of Zone Districts.

- A. R-1 - Low - Medium Density Residential Zone District
Description: The Low - Medium Density Residential Zone District is intended to provide areas for lower density lots away from the town core.
- B. R-2 - Medium - High Density Residential Zone District
Description: The Medium – High Density Residential Zone District is primarily a residential district intended to accommodate a mix of residential housing types, including higher densities of single-family housing, townhouses and apartment units. Few nonresidential uses are permitted in the Medium – High Density Residential Zone District.
- C. DTC -Downtown Commercial District
 1. Description: The Downtown Commercial District is intended to provide community center and tourist commercial uses in the traditional commercial center of the Town. The DTC District offers opportunities for attractive street and pedestrian areas designed to attract visitors from the highway oriented areas. The DTC District also provides a unique office setting for smaller establishments and mixed uses that include residential or office uses in the same structure as ground floor businesses.
 2. Limitations:
 - a. Outside storage shall be permitted only in conjunction with another use permitted in the Downtown Commercial (DTC) Zone District. All outside storage and private trash and refuse disposal facilities must be screened from view from adjacent streets and adjacent property.
- D. GC -General Commercial Zone District

1. Description: The General Commercial Zone District is intended to provide areas for larger scale retail, wholesale and service commercial uses located away from residential uses. Properties in this District are highly visible from major thoroughfares and particular care needs to be taken with building design, building exterior treatments, parking areas, lighting, signage and landscaping to ensure an attractive appearance of all properties in this District. Exterior signage shall be based on a comprehensive signage plan for the site that meets all applicable sign standards, building codes adopted by the Town and, as relevant, sign standards adopted by the Colorado Department of Transportation (CDOT). A signage plan shall be submitted detailing the design, size, placement, location, construction and lighting subject to review and approval by the Town.
2. Limitations:
 - a. Outside storage shall be permitted only in conjunction with another use permitted in the General Commercial (GC) Zone District. All outside storage and private trash and refuse disposal facilities must be screened from view from adjacent streets and adjacent property.
 - b. Parking lots shall include perimeter landscaping and landscaped islands/medians to break up large paved areas. Areas outside of buildings shall also be landscaped. A landscaping plan that conforms to all of the applicable sections of the Collbran Municipal Code shall be submitted for review and approval by the Town.
 - c. All exterior lighting shall be designed and installed to eliminate glare, lighting trespass on adjacent properties and excessive illumination levels. All exterior light fixtures shall be full cut off, downcast and shall be “dark sky compliant”. An exterior lighting plan that conforms to all of the applicable sections of the Collbran Municipal Code shall be submitted for review and approval by the Town.

F. P - Public Zone District

1. Description: The Public (P) Zone District is intended to provide for the use of land on property owned by the Town of Collbran and other public entities.
2. Limitations:
 - a. Outside Storage: Outside storage shall be permitted only in conjunction with another use permitted in the Public (P) Zone District. All outside storage must be screened from adjacent streets and adjacent property.

G. LI – Light Industrial Zone District

1. Description: The Industrial (LI) Zone District is intended to provide areas for light and general industrial businesses, and locations where conflicts with residential, commercial and other land uses are minimized. Uses in the Light Industrial (LI) Zone District are further governed by the land use regulations provisions described in Section 15.03.150.
2. Limitations:
 - a. All exterior lighting shall be designed and installed to eliminate glare, lighting trespass on adjacent properties and excessive illumination levels. All exterior light fixtures shall be full cut off, downcast and shall be “dark sky compliant”. An exterior

lighting plan that conforms to all of the applicable sections of the Municipal Code shall be submitted for review and approval by the Town.

- b. Storage of any materials, equipment, vehicles, etc. shall be enclosed or screened as required by Town standards.

15.03.180 Schedule of Uses.

Land Use	R-1	R-2	DTC	GC	MH P	P	LI
Above Ground Public Utilities	S	S	S	S	S	S	S
Adult entertainment	■	■	■	■	■	■	S
Agricultural uses	S	■	■	■	■	■	S
Assembly halls	■	■	P	P	■	P	S
Automated teller machine facilities	■	■	P	P	■	■	S
Automobile and truck repair	■	■	■	S	■	■	P
Automobile service stations	■	■	S	P	■	■	P
Automotive sales and service	■	■	■	P	■	■	P
Bakeries	■	■	P	P	■	■	P
Bed and breakfast accommodations	S	S	S	S	■	■	■
Campground & RV Park (limited stay)	■	■	■	S	S	■	■
Car washes	■	■	S	P	■	■	P
Carpentry and contractors shops	■	■	■	S	■	■	P
Churches	P	S	P	P	■	■	■
Clubs and lodges	■	■	P	P	■	■	■
Convenience retail stores	■	■	S	P	■	■	■
Day care centers and homes (Ord. 02, Series 2009)	S	S	S	S	■	■	■
Day care on-site as an accessory use to a business for the use of employees of the business	■	■	S	S	■	■	S
Drive-in restaurants	■	■	S	P	■	■	■
Drive-up banks	■	■	P	P	■	■	■
Dry cleaning establishments	■	■	■	P	■	■	P
Dwellings in the same building as a business	■	■	P	S	S	■	S

Land Use	R-1	R-2	DTC	GC	MH P	P	LI
Eating and drinking establishments excluding drive-in restaurants	■	■	P	P	■	■	■
Equipment sales and rental	■	■	■	P	■	■	P
Financial institutions	■	■	P	P	■	■	■
Frozen food lockers	■	■	■	P	■	■	P
Grocery stores	■	■	P	P	■	■	■
Group homes for the developmentally disabled or for persons sixty (60) years of age or older	S	S	■	■	■	■	■
Horses, keeping of; stables and other equestrian facilities	S	S	■	S	■	■	S
Hospitals	■	■	S	P	■	■	■
Hotels and motels	■	■	S	P	■	■	■
Indoor commercial or public recreation facilities	■	■	S	P	■	■	■
Kennels	■	■	■	S	■	■	S
Laundromats	■	■	S	P	■	■	P
Libraries	■	■	P	P	■	■	■
Machine shops	■	■	■	P	■	■	P
Manufacturing, fabrication and assembly	■	■	■	S	■	■	P
Medical and dental clinics	■	■	P	P	■	■	■
Mobile home parks	■	■	■	■	P	■	■
Mobile home sales	■	■	■	S	■	■	S
Mobile homes	■	■	■	■	S	■	■
Municipal buildings and facilities	■	■	P	P	■	P	S
Municipal wastewater treatment facilities	■	■	■	■	■	P	P
Municipal water treatment facilities	■	■	■	■	■	P	P
Nursing homes	■	S	■	P	■	■	■
Offices for the conduct of a business or profession	■	■	P	P	■	■	P
Outside storage-Screened	■	■	S	S	■	■	P
Outside storage-Unscreened	■	■	S	S	■	■	S
Paint and body shops	■	■	■	S	■	■	P
Parking lots or garages	■	■	S	S	■	■	P
Parks	P	P	P	P	S	P	P
Parks and Open Space owned by the Town	P	P	P	P	■	P	S

Land Use	R-1	R-2	DTC	GC	MH P	P	LI
Personal service establishment as a home occupation	S	S	■	■	■	■	■
Personal service establishments	■	■	P	P	■	■	■
Personal storage units (mini-storage)	■	■	■	S	■	■	P
Public buildings	■	■	P	P	■	P	P
Public transit maintenance facilities	■	■	■	■	■	■	P
Public transit stops	P	P	P	P	P	P	P
Publishing	■	■	S	P	■	■	P
Recreational vehicle sales and service	■	■	■	P	■	■	P
Residential Single-family dwellings	P	P	■	■	■	■	■
Residential Two-family dwellings	S	P	■	■	■	■	■
Residential Multiple-family dwellings and townhomes	S	P	■	■	■	■	■
Retail sales establishments	■	■	P	P	■	■	P
Schools	S	S	S	S	■	S	■
Storage yards	■	■	■	S	■	■	S
Telecommunications facilities	S	S	S	S	■	S	S
Telecommunications facilities, towers	S	S	S	S	S	S	S
Theaters	■	■	P	P	■	■	■
Truck stops	■	■	■	S	■	■	S
Underground Utilities	P	P	P	P	■	P	P
Utility treatment, processing, distribution and production facilities	■	■	S	S	■	■	S
Veterinary animal hospitals	■	■	S	S	■	■	P
Warehouses	■	■	■	S	■	■	P
Wholesale establishments	■	■	■	P	■	■	P
Uses not listed	S	S	S	S	■	■	S

P = Permitted as a use by right

S = Special Use

■ = Not permitted

15.03.190 Reserved.

15.03.200 Schedule of Dimensional Requirements - R-1, R-2, DTC, GC MHP, LI and P Districts.

Dimensional Requirements	R-1	R-2	DTC	GC	MHP	LI	P
Minimum Lot Size	6,250 square feet for a single family dwelling Plus 2,500 square feet for each attached dwelling unit	3,750 square ft. per single family dwelling Plus 1,250 square feet for each attached dwelling unit	3,000 square feet for a non-residential use plus 1,250 square feet for each included residential use	5,000 square feet.	3,000 square feet.	3,000 square feet.	NA
Maximum Lot Coverage (percent)	50%	50%	80%	65%	65%	50%	50%
Maximum Building Height	35 feet	35 feet	35 feet	35 feet	35 feet	35 feet	35 feet
Maximum Floor Area Ratio	1:1	1:1	2:1	1.5:1	1:1	1:1	1:1
Minimum Building Setbacks:(1) Front Yard:	15 feet from the right-of-way or 20 feet from the sidewalk whichever is greater	15 feet from the right-of-way or 20 feet from the sidewalk whichever is greater	0 feet	20 feet	20 feet	20 feet	20 feet
(2) Rear Yard:	10 feet	10 feet Except on corner lots where rear yard adjoins side yard of adjacent lot, then a minimum of 5 feet or ½ height of the building whichever is greater	0 feet	20 feet	20 feet	20 feet	20 feet

(3) Side Yard:	A minimum of 5 feet or ½ the height of the building, whichever is greater	A minimum of 5 feet or ½ the height of the building, whichever is greater	0 feet	10 feet	10 feet	10 feet	10 feet
(4) Setback From Streams and Rivers	25 feet from the normal high water line	25 feet from the normal high water line	25 feet from the normal high water line	25 feet from the normal high water line	25 feet from the normal high water line	25 feet from the normal high water line	25 feet from the normal high water line

Note: Also subject to the provisions of Section 15.03.130

Chapter 15.04
Planned Unit Development (PUD)

Sections:

- 15.04.010 Planned Unit Development (PUD) Designation, Purpose, Objectives and Authority.
- 15.04.020 Zoning Classifications.
- 15.04.030 PUD Plan-Conformity with Master Plan.
- 15.04.040 Subdivision and Zoning Regulations Applicable-PUD Plan.
- 15.04.050 Subdivision Provisions Modification Authorized.
- 15.04.060 Compatibility of Land Use Elements.
- 15.04.070 Overview of PUD Procedures
- 15.04.080 Site Plan Criteria; General Requirements.
- 15.04.090 Off-Street Parking.
- 15.04.100 Building Height.
- 15.04.110 Minimum Land Area.
- 15.04.120 Lot Area and Coverage, Setbacks and Clustering.
- 15.04.130 Residential Density.
- 15.04.140 Permitted Uses.
- 15.04.150 Common Open Space.
- 15.04.160 Application for PUD-PUD Plan.
- 15.04.170 PUD/Subdivision Plat Required.
- 15.04.180 Public Hearings.
- 15.04.190 Development Schedule.
- 15.04.200 Planning and Zoning Commission-Review.
- 15.04.210 PUD Approval Procedure.
- 15.04.220 Form of PUD Approval.
- 15.04.230 PUD Agreement.
- 15.04.240 PUD Plan Enforcement-Modifications.
- 15.04.010 Planned Unit Development (PUD) Designation, Purpose, Objectives, and Authority.

- A. The purpose of planned unit development (PUD) is to encourage innovation and flexibility in the development of land so as to promote variety in the type, design and layout of buildings; improve the integration, character and quality of land uses; promote the more efficient use of land and infrastructure while achieving compatibility of land uses; achieve economy in the delivery and maintenance of public services, and promote the preservation of open space and natural and scenic areas.
- B. PUD zoning or overlay designation may be applied for with regard to any contiguous land (disregarding intervening public streets or easements or other rights-of-way) located within any zone district. No land shall be zoned PUD without the written consent of the landowner whose properties are included within the PUD. The decision to approve an area for PUD zoning or

treatment shall at all times rest within the discretion of the Board of Trustees, and an application for PUD designation shall be denied where the particular proposal will not adequately satisfy or implement the purposes of this Chapter.

- C. This Chapter 15.04 is enacted pursuant to the authority contained in the Planned Unit Development Act of 1972, Sections 24-67-101 et. seq., C.R.S.

15.04.020 Zoning Classification. PUD constitutes a zoning classification and is established by rezoning or overlaying the designation upon land within an existing or newly created zone district. Approval of a PUD shall be illustrated and its land area defined on the town's Official Zone District Map. When an area that is already zoned is approved for a PUD overlay, e.g., "R-1-PUD," the underlying zone district's regulations shall remain intact; and in the event the PUD is not completed or is terminated, the underlying zone district regulations shall apply to and govern land uses and development in the subject area.

15.04.030 PUD Plan--Conformity with Master Plan. No land shall be designated PUD in the absence of a PUD plan, which plan shall set forth the written and graphic materials as described in this Chapter. All PUD plans must conform to and be consistent with the Town's Master Plan.

15.04.040 Subdivision and Zoning Regulations Applicable--PUD Plan. The approval of a PUD overlay/zoning shall be inseparable from a PUD plan, and a PUD shall not be established or approved without the simultaneous approval of a PUD plan and PUD control guide. The approved PUD overlay/zoning and the approved PUD plan/control guide shall together establish and govern the land uses and development allowed within the PUD and shall supersede any other underlying zone district regulations.

15.04.050 Subdivision Provisions Modification Authorized. It is recognized that the uniqueness of each proposal for a PUD requires that the specifications, standards and requirements for various facilities, including but not limited to streets, highways, alleys, utilities, curbs, gutters, sidewalks, street lights, parks, playgrounds, school grounds, storm drainage, water supply and distribution and sewage collection and treatment, may be subject to modification from the specifications, standards and requirements established in Title 15 of the Collbran Municipal Code for like uses in other zone districts. The Board of Trustees may, therefore, either at the time of zoning as a PUD or upon final platting under the Town's subdivision regulations, as requested by the applicant, waive or modify the specifications, standards and requirements, which would be otherwise applicable to the proposed development. The Town's building codes may not be modified as part of a PUD.

15.04.060 Compatibility of Land Use Elements. It is recognized that certain individual land uses, regardless of their adherence to all the design elements provided for in this Chapter, might not exist compatibly with one another. Therefore, a proposed PUD shall be considered from the point of view of the relationship and compatibility of the individual elements of the plan, and no PUD shall be approved which contains incompatible elements.

15.04.070 Overview of PUD Procedure. Approval of a PUD shall be subject to the submission of a full and complete application, the payment of all review and approval fees, preliminary review and final approval by written ordinance by the Board of Trustees after a public hearing. All applicants for a PUD intending to subdivide or resubdivide land as part of the PUD plan shall concurrently submit and pursue a subdivision application as provided for in this Title. Review and submission requirements for a PUD incorporating the subdivision and resubdivision of land shall be construed and applied together with the subdivision processing requirements. Whenever the PUD and subdivision application procedures or requirements overlap, the overlapping procedures or requirements shall not be applied cumulatively, and the procedure or requirement pertinent to the PUD application shall supersede the subdivision procedure or requirement.

15.04.080 Site Plan Criteria; General Requirements. The PUD shall meet the following site plan criteria, depicted on a site plan furnished by the applicant, unless the applicant can demonstrate that one (1) or more of them is not applicable or that another practical solution has been otherwise achieved:

- A. The PUD shall have an appropriate relationship to the surrounding area, with adverse effects on the surrounding area being minimized.
- B. The PUD shall provide an adequate internal street circulation system designed for the type of traffic generated, safety, separation from living areas, convenience and access. Private internal streets may be permitted, provided that adequate access for police, fire and emergency protection is maintained; streets are named in a logical fashion to avoid confusion; and provisions for using and maintaining such streets are imposed upon the private users and approved by the Board of Trustees. Bicycle and pedestrian traffic shall be provided for if appropriate for the land use.
- C. The PUD shall provide parking areas adequate in terms of location, area, circulation, safety, convenience, separation, appropriately designed downcast lighting and screening.
- D. The PUD shall provide common open space adequate in terms of location, area and type of the common open space, and in terms of the uses permitted in the PUD. The PUD shall strive for optimum preservation of the natural features of the terrain.
- E. The PUD shall provide for variety in housing types and densities, mix of uses, other facilities and common open space.
- F. The PUD shall provide adequate privacy between dwelling units.
- G. The PUD shall provide non-motorized access ways adequate in terms of safety, separation, convenience, access to points of destination and attractiveness.

15.04.090 Off-Street Parking. The number of off-street parking spaces for each use in a PUD shall be determined by the Board of Trustees through consideration of the following factors:

- A. Estimated number of motor vehicle trips per day and vehicles used by occupants of dwellings or others in the PUD;
- B. Temporary and permanent parking needs of non-dwelling uses;
- C. Varying time periods of use whenever joint use of common parking areas is proposed; and
- D. Parking and storage needs for recreational vehicles, including, but not necessarily limited to, camper shells, boats, travel trailers and snowmobiles.

15.04.100 Building Height. The maximum height of buildings may be increased above the maximum permitted for like buildings in other zone districts (not to exceed forty-five feet[45']) by reference to the following characteristics of the proposed building:

- A. Its geographic location;
- B. The probable effect on surrounding slopes;
- C. Unreasonable adverse visual effect on adjacent sites or other areas in the vicinity;
- D. Potential problems for adjacent sites caused by shadows, loss of air circulation or loss of view;
- E. Influence on the general vicinity, with regard to extreme contrast, vistas and open space;
- D. Uses within the proposed building; and
- E. Fire protection needs.

15.04.110 Minimum Land Area. The minimum size of land that may comprise a PUD is one (1) acre.

15.04.120 Lot Area and Coverage, Setbacks and Clustering. The minimum lot areas and the minimum setback restrictions may be decreased below and the maximum lot coverages may be increased

above those applicable to like lots and buildings in other zone districts to accommodate specific building types with unusual orientation on the lot or relationship between buildings. The averaging of lot areas shall be permitted to provide flexibility in design and to relate lot size to topography, but each lot shall contain an acceptable building site. The clustering of development with useable common open areas shall be permitted to encourage provision for and access to common open areas and to save street and utility construction and maintenance costs. Such clustering is also intended to accommodate contemporary building types, which are not spaced individually on their own lots but share common side walls, combined service facilities or similar architectural innovations, whether or not providing for separate ownership of land and buildings. The architectural style of buildings shall not constitute the only basis for denying approval of a PUD application.

15.04.130 Residential Density. The overall average residential density shall be no greater than the maximum density for the particular area in the land use section of the Town's Master Plan. The overall average residential density shall be calculated by summing the number of residential dwelling units planned within the boundary of the PUD and dividing by the total gross areas expressed in acres within the boundary of the PUD. Averaging and transferring of densities within the PUD shall be allowed upon a showing of conformance to the purpose of this Chapter through appropriate utilization of the area within the PUD to achieve high standards of design and habitability. The density of dwelling units as permitted herein, in any particular area, may be greater than the maximum permitted for a like use in other zone districts as a result of density transfer based on average density across the site.

15.04.140 Permitted Uses.

- A. All permitted or Special Uses in any zone district may be allowed in a PUD subject to the provisions of 15.04.060. Without limiting the generality of the foregoing, the following uses, separate or in combination, may be permitted in a PUD:
1. Single-family and multi-family residential dwelling units in detached, semi-detached or attached groups, or attached, clustered or multistoried structures, or any combination thereof;
 2. Sale or rental of goods or services;
 3. Recreational facilities;
 4. Public and private offices;
 5. Mobile and manufactured home parks and subdivisions;
 6. Convention facilities;
 7. Restaurants;
 8. Lodging places, including motels, hotels, lodges; bed and breakfast establishments and dormitories;
 9. Schools and other educational institutions;
 10. Churches and hospitals;
 11. Business and commercial uses;
 12. Industrial uses; and
 13. Any other uses shown to be appropriate.

- B. The uses that shall be permitted in any particular PUD shall be limited to those specified in the PUD plan and control guide and the ordinance approving the PUD.

15.04.150 Common Open Space.

- A. A minimum of twenty-five percent (25%) of the total area within the boundary of any PUD shall be devoted to usable and accessible common open space; provided, however, that the Board of Trustees may reduce such requirement if it finds that such decrease is warranted by the design of, and the amenities and features incorporated into, the plan and that the needs of the occupants of the PUD for common open space can otherwise be met in the proposed PUD and the surrounding area.
- B. The common open space of a PUD may be owned and maintained by the property owners within the PUD, or by an organization chosen therefrom or thereby. A property owners association shall be created by the applicant if the PUD is subject to the Colorado Common Interest Ownership Act, Sections 38-33.3-101 et. seq., C.R.S. In the event that the organization established to own and maintain common open space, or any successor organization, at any time after establishment of the PUD, fails to maintain the common open space in reasonable order and condition in accordance with the plan, the Board of Trustees may serve written notice upon such organization or upon the residents of the PUD, setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition, and the notice shall include a demand that such deficiencies of maintenance be cured within thirty (30) days thereof and shall state the date and place of a hearing thereon which shall be held within fourteen (14) days of the notice. At such hearing, the Board of Trustees may modify the terms of the original notice as to deficiencies and may give an extension of time within which they shall be cured.
- C. If the deficiencies set forth in the original notice or in the modifications thereof are not cured within the thirty (30) days or any extension granted, the Town, in order to preserve the taxable values of the properties within the PUD and to prevent the common open space from becoming a public nuisance, may enter upon the common open space and maintain the same for a period of one (1) year. The entry and maintenance shall not vest in the public any rights to use the common open space except when the same is voluntarily dedicated to the public by the owners. Before the expiration of the year, the Board of Trustees shall, upon its initiative or upon the written request of the organization theretofore responsible for the maintenance of the common open space, call a public hearing upon notice to such organization, or to the residents of the PUD, to be held by the Board of Trustees, at which hearing such organization or the residents of the PUD shall show cause why such maintenance by the Town shall not, at the election of the Board of Trustees, continue for a succeeding year. If the Board of Trustees determines that such organization is ready and able to maintain the common open space in reasonable condition, the Town shall cease to maintain such common open space at the end of the year. If the Board of Trustees determines that such organization is not ready and able to maintain the common open space in a reasonable condition, the Town may, in its discretion, continue to maintain the common open space during the next succeeding year and, subject to a similar hearing and determination, in each year thereafter.
- D. The cost of such maintenance by the Town shall include its actual cost, plus overhead, plus an administrative fee of twenty-five percent (25%) of such costs, and shall be paid by the owners of properties within the PUD who have a right of enjoyment of the common open space, and any assessments unpaid for a period of sixty (60) days shall become a tax lien on the properties. The Board of Trustees shall file a notice of such lien in the office of the Mesa County Clerk and Recorder upon the properties affected by such lien within the PUD and shall certify such unpaid

assessments to the Board of County Commissioners and the County Treasurer for collection, enforcement and remittance in the manner provided by law for the collection, enforcement and remittance of general property taxes.

15.04.160 Application for PUD - PUD Plan.

- A. An applicant shall process his or her application for PUD concurrently with any application for subdivision platting under town ordinances as provided in Chapter 15.06: Subdivision Regulations. An applicant is advised to schedule a pre-application discussion with the Planning and Zoning Commission.
- B. The plan shall show generally within the PUD where each type of use will be located and shall indicate the total acreage, which will be devoted to each use. The precise location of each use and the location of lots, blocks or other parcels within each area devoted to each use shall be shown as that area is thereafter subdivided and platted in accordance with Title 15 of the Collbran Municipal Code.
- C. The permitted uses, Special Uses, uses as allowed by 15.03.170, 15.03.180, 15.03.200, the minimum lot area, maximum lot coverage, minimum setbacks, maximum height of buildings and all other use and occupancy restrictions applicable to any area zoned as PUD, shall only be those set forth in the PUD plan/control guide as approved by the Board of Trustees at the time such area is so zoned.
- D. The applicant shall initiate any request for PUD zoning in writing by completing the Town's application form, and shall include with his or her application the following:
 1. A legal description of the area, a statement of the ownership of all interests in the property to be included in the PUD, the written consent of all of the owners and, upon request of the Board of Trustees, evidence of title in such quality as is acceptable to the Board of Trustees;
 2. A plan indicating the broad concept of the proposed development. Such plan shall indicate:
 - a. The maximum number of dwelling units proposed within the overall area;
 - b. The minimum acreage, which will be dedicated to common open space;
 - c. The type of uses proposed and the acreage devoted to each use;
 - d. Major internal vehicular traffic circulation systems;
 - e. The acreage which will be dedicated for school sites or other public uses;
 - f. The general nature and location of commercial and industrial uses, if any, to be located in the PUD;
 - g. Provision for water, sewer, telephone, electricity, gas, cable television and other utilities;
 - h. Other restrictions proposed by the applicant such as building setbacks, height limits, access requirements and grade or slope restrictions to be applied to particular areas; and
 - i. How the common open space will be owned and maintained.
 3. A regional location map, on a scale of one inch (1") equaling not more than four hundred feet (400'), illustrating site boundaries, acreage, existing structures and existing zoning.
 4. A map, on a scale of one inch (1") equaling not more than one hundred feet (100'), illustrating site boundaries, acreage, existing structures and existing zoning.

5. A site plan map, on a scale of one inch (1") equaling not more than fifty feet (50'), depicting site plan criteria which the applicant is required to meet in 15.07.030 and 15.07.040.
6. A topographic map of the site, showing at a scale of one inch (1") equaling not more than one hundred feet (100'), with at least two foot (2') contour intervals for slopes, major vegetation elements, streams, rivers, ditches and areas subject to one hundred year flooding.
7. Conceptual landscaping plan.
8. Conceptual bicycle and pedestrian trail plan (if applicable).
9. Draft PUD control guide listing all permitted and special review land uses; any occupancy restrictions; maximum residential densities (if applicable); maximum height, elevation, dimensions and square footage of building(s) within the PUD; net and gross acreage for each type of proposed use; requirements concerning lot dimensions, lot area, street frontage, setback limitations, height limitations, maximum lot coverages, fences, landscaping, signage, parking requirements; and any other use or occupancy restrictions.
10. Any proposed declaration of protective covenants, and proposed articles of incorporation and bylaws for any homeowners or property owners associations that will be formed to maintain the common properties. Such declaration, articles of incorporation and bylaws shall be drafted or approved by a licensed attorney selected by the applicant and shall comply with the requirements of CCIOA, if applicable. The applicant shall provide the Town with written proof that such documents were drafted or approved by a licensed attorney. The applicant may impose additional covenants, conditions and restrictions on any particular area in connection with the platting of such areas.
11. The written application shall additionally contain the following information:
 - a. An explanation of the objectives to be achieved by the PUD;
 - b. A development schedule indicating the approximate dates when construction of the various stages or phases of the PUD can be expected to begin and be completed;
 - c. Copies of any special easements;
 - d. A list of the owners of properties located within three hundred feet (300') of the boundaries of the PUD and their addresses (the property owners shall be notified by mail of the PUD application);
 - e. A statement and findings by a licensed engineer, which shall provide evidence of the following as adequate to service the PUD:
 - i. The proposed water distribution system,
 - ii. The proposed method of sewage collection,
 - iii. The general manner in which storm drainage will be handled, and
 - iv. The general manner in which provision will be made for any potential natural hazards in the area such as avalanche areas, landslide areas, floodplain areas and unstable soils;
 - f. Easements showing vested legal access for ingress and egress, if applicable;
 - g. Evidence that the PUD has been designed with consideration of the natural

environment of the site and the surrounding area and does not unreasonably destroy or displace wildlife, natural vegetation or unique natural or historic features;

- h. A statement of financial capability to timely and fully implement and complete the PUD.
- i. Provisions for snow removal; and
- j. A discussion of the major internal vehicular system and its relation to the existing system of streets, roads or highways.

E. The applicant may submit any other information or exhibits which he or she deems pertinent in evaluating his or her proposed PUD.

15.04.170 PUD/Subdivision Plat Required. No PUD shall be approved absent the preparation and approval of a PUD/subdivision plat prepared in accordance with the plat requirements contained in this Title, and no development activity may occur within a PUD prior to the proper execution and recordation of the PUD/subdivision plat in the real property records of Mesa County.

15.04.180 Public Hearings. All public hearings required under this Chapter may be simultaneously noticed and conducted with any other public hearing as required or authorized under the Town's Subdivision Regulations.

15.04.190 Development Schedule.

- A. The applicant must begin development of the PUD within three (3) years from the time of its final approval by the Board of Trustees; provided, however, that the PUD may be developed in stages or phases. The applicant must complete the development of each stage or phase of the PUD as a whole substantially in conformity with the development schedule approved by the Board of Trustees.
- B. If the applicant does not comply with the time limits imposed by subsection (A) above, the Board of Trustees shall review the PUD and may revoke approval for the uncompleted portion of the PUD, require that the PUD be amended, or extend the time for completion of the PUD.
- C. Each stage a phase within a PUD shall be so planned and so related to existing surroundings and available facilities and services that failure to proceed to a subsequent stage will not have a substantial adverse impact on the PUD or its surroundings.
- D. If a PUD contains nonresidential uses, they may be constructed in advance of residential uses if the Board of Trustees finds that such phasing is consistent with sound principles of orderly development and will have no substantial adverse effect on the quality or character of the PUD.

15.04.200 Board of Trustee-Review.

- A. The Board of Trustees is responsible for reviewing all PUD plans and accompanying information in detail to ensure conformity with the provisions of this Chapter. The Board of Trustees shall act to approve the PUD application, disapprove or approve with conditions reasonably related and necessary to preserve the intent and purposes of this Chapter. PUD applications may be withheld from submission to the Board of Trustees for failure of the application to conform to the requirements of this Chapter.

15.04.210 PUD Approval Procedure.

- A. A completed PUD application conforming to the requirements of this Chapter shall be submitted to the Town Planner along with the appropriate application fee. No application shall be accepted, processed or scheduled for review unless and until it is complete and all necessary fees have been paid. The application shall be accompanied by not less than twenty (20) copies. In the event the Town must retain outside professional services to process or evaluate the

application, the applicant shall bear the costs for same, inclusive of engineering, planning and legal fees.

- B. After a PUD application has been determined to be complete and all fees have been paid, it shall promptly be referred to the Board of Trustees.
- C. The Board of Trustees shall consider the PUD application at a noticed public hearing conducted not less than thirty (30) days after the date upon which the Board receives the application. Written notice of the subject matter and the time and place of the hearing shall be provided in accordance with the notice requirements for a site-specific zoning map amendment contained in Section 15.01.100 of the Town of Collbran Land Use Code. The hearing may be continued for up to forty (40) days to allow for the gathering and submission of additional information deemed necessary to complete the Board's review. At the conclusion of the hearing and after discussion and deliberation, the Board shall vote to approve, approve with conditions or deny the application, and shall thereafter direct staff to prepare a written ordinance with supporting findings reflecting the Board's decision for the Board's review and approval at its next regularly scheduled meeting. Said ordinance shall incorporate the PUD plan and control guide as approved by the Board of Trustees.
- D. The time limits as set forth in this Section may be waived or extended upon the written request or consent of the applicant.
- E. The burden to demonstrate the application's compliance with all of the applicable review criteria shall rest with the applicant.
- F. No PUD designation shall be approved absent the applicant's full and timely payment of all fees assessed under this Chapter.

15.04.220 Form of PUD Approval. All decisions of the Board of Trustees approving a PUD shall be in the form of a written ordinance and contain, at a minimum, the information set forth below. No building permit may issue and no development activity may commence within the PUD area until the PUD approval and the plat have been duly executed and recorded along with any necessary PUD agreement.

- A. The density allocated to the property by type and number of units;
- B. The approved uses on each development parcel or use areas within the PUD site;
- C. Approved densities in total numbers of units for each development parcel identified;
- D. Approved density transfers from one (1) parcel to another, if any;
- E. The phasing and general timetable of development that shall permit the logical and efficient provision of municipal services;
- F. Specific conditions applied to the development of any parcels that, by their nature, are subject to special development constraints; and
- G. variations in any dimensional limitations expressed as either an allowable maximum or a specific maximum.

15.04.230 PUD Agreement. For any PUD in which variances from underlying zoning requirements are granted, or for which public infrastructure or improvements are required, a written PUD agreement setting forth same and including all specific terms and conditions of approval shall be prepared and submitted by the applicant to the Town Planner for approval by the Board of Trustees by ordinance. The PUD agreement shall be recorded in the real property records of the County Clerk and Recorder along with the PUD plat/map, and shall run and be a burden upon all lands within the PUD. The agreement shall also specify the amounts and type of financial security that must be posted by the PUD developer to ensure the timely and satisfactory installation of all public

infrastructure and other required improvements, inclusive of landscaping for common or public areas associated with the PUD. Financial security shall be posted prior to the issuance of any building permit or development activity within the PUD area and shall be in an amount not less than one hundred ten percent (110%) of the estimated cost of the completion of all improvements; and may be provided by letter of credit, performance bond, cash escrow or other financial instrument as deemed acceptable by the Town. Upon the complete installation, inspection and acceptance of the improvements and/or infrastructure, all but ten percent (10%) of the actual cost of the improvements shall be released, which ten percent (10%) shall continue to remain posted as security to ensure that all improvements and infrastructure remain free of defects for a period of two (2) years after preliminary acceptance of the same by the Town. The Town shall be entitled to draw on any posted financial security in order to complete, correct or repair any PUD infrastructure or improvement as called for in the PUD approval as set forth in Section 15.01.160 of this Title.

15.04.240 PUD Plan Enforcement-Modifications.

- A. Development of the area within a PUD shall be limited to the uses, densities, configuration and terms, elements and conditions contained within the approved PUD plan/control guide and development agreement, and may be enforced by the Town at law or equity. The configuration and mix of the units may be modified as provided for in this Title or in the PUD agreement, but no portion of the density allocation may be transferred to land not included in the PUD plan.
- B. In addition to any and all other remedies as available to the Town under law, the Town Administrator may serve a written notice on the PUD developer, or any landowner within the PUD, to appear before the Board of Trustees when reasonable grounds exist to believe that the PUD plan/control guide, or any part thereof, is not being adhered to. The Board of Trustees shall conduct a public hearing to determine the existence of any alleged failure or violation of the PUD approval, and may enter orders directing the correction of same.
- C. All provisions of the PUD plan/control guide as finally approved run in favor of the residents, occupants and owners of the PUD, but only to the extent expressly provided in the plan/control guide and in accordance with the terms of the plan/control guide; and to that extent, the provisions, whether recorded by plat, covenant, easement or otherwise, may be enforced at law or in equity by such residents, occupants or owners acting individually, jointly or through an organization designated in the plan to act on their behalf.
- D. All provisions of the PUD plan/control guide authorized to be enforced by the Town may be modified, removed or released by the Town subject to the following:
 - 1. No modification, removal or release of the provisions of the PUD plan/control guide by the Town shall affect the rights of the residents, occupants and owners of the PUD to maintain and enforce those provisions in law or in equity; and
 - 2. No substantial modification removal or release of the provisions of a PUD plan/control guide by the Town shall be permitted except upon a finding by the Board of Trustees, following a public hearing upon notice as required by this Chapter, that the modification, removal or release is:
 - a. Consistent with the efficient development and preservation of the entire PUD,
 - b. Does not affect in a substantially adverse manner either the enjoyment of land abutting upon or across the street from the PUD or the public interest, and
 - c. Is not granted solely to can for a special benefit upon any person.
- E. Residents and owners of land in the PUD, may to the extent and in the manner expressly authorized by the provisions of the PUD plan/control guide, modify, remove or release their

rights to enforce the provisions of the plan; but no such action shall affect the right of the Town to enforce the provisions of the plan.

- F. An insubstantial amendment to an approved final PUD plan may be authorized by the Town Administrator. However, insubstantial amendments may only be approved if they promote the terms, purposes and conditions of the original PUD plan and approval. The following shall NOT be considered an insubstantial amendment:
1. A change in the use or character of the development.
 2. An increase or decrease by greater than three percent (3%) in the overall coverage of structures as originally approved within the PUD.
 3. Any amendment that substantially increases vehicle trip generation rates arising from the PUD, or the demand for public facilities.
 4. A reduction by greater than three percent (3%) of the originally approved common or public open spaces.
 5. A reduction by greater than one percent (1%) of the originally approved off-street parking or loading space.
 6. A change in the alignment or reduction in the required pavement widths or rights-of-way for streets or easements.
 7. An increase or decrease of greater than two percent (2%) in the originally approved gross floor area of commercial buildings.
 8. An increase or decrease by greater than one percent (1%) in the originally approved residential density of the PUD.
 9. Any change which is directly contrary to a condition or representation of the PUD's original approval, or which requires granting a further variation from the PUD's approved use or dimensional requirements.
- G. During the review of any proposed significant amendment to the PUD, the Town may require such new conditions of approval as are necessary to ensure that the development will be compatible with the current community standards and regulations. This shall include, but not be limited to, applying the portions of the PUD which have not obtained building permits, or are subject to the proposed amendment, any new community policies or regulations which have been implemented since the PUD was originally approved. An applicant may withdraw a proposed amendment at any time during the review process.

Chapter 15.05
SUBDIVISIONS

Sections:

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- 15.05.020 Major Subdivisions.
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Part 1

General Provisions

15.05.010 Types of Subdivisions.

- A. The division of land into separate parcels, lots, sites, tracts or interests is a subdivision and is regulated by the provisions of Title 15 of the Town of Collbran Municipal Code.
- B. Major subdivisions are subdivisions that result in the creation of more than four (4) parcels, lots, sites, tracts or interests out of the property as it existed prior to any subdivision.
- C. The division of lots or parcels of previously subdivided land or amended plats that involve more than ten (10) lots are resubdivisions. Resubdivisions are reviewed as major subdivisions.
- D. The division of previously unsubdivided land into four (4) or fewer separate parcels, lots, sites, tracts or interests is a minor subdivision.
- E. The creation of condominium units constitutes the creation of separate interests and is considered a subdivision action.
- F. Subdivision actions that affect no more than ten (10) lots within a subdivision and do not create additional lots or interests in property and that result in a material change in the boundaries of a subdivision by way of adding or deleting land or lots to the subdivision, reconfiguration, division or

aggregation of existing platted lots or correction of technical errors on subdivision plats are Amended Plats.

15.05.020 Major Subdivisions. The design and development of major subdivisions shall conform in every respect to the criteria and procedures of Title 15, any other design requirements or engineering standards adopted by the Town, and any other applicable requirements of the Town of Collbran. Major subdivisions will be reviewed in accordance with Chapter 15.06 of this Title 15. The review process for major subdivisions consists of separate reviews of the Sketch Plan and the Final Plan, which are reviewed sequentially; that is, an application for a Final Plan may be submitted only upon completion of the Sketch Plan review process. Both Sketch Plans and Final Plans are reviewed by the Board of Trustees. Prior to submitting any application for approval of a major subdivision, the applicant shall meet with the Town Planner for a pre-application conference pursuant to Section 15.06.040.

The purpose of the major subdivision review process is to evaluate the design of the proposed subdivision and to ensure that future residents or occupants of the subdivided property can be safely, efficiently and adequately served by public facilities, services and utilities and that the residential and nonresidential land uses conform to all land use regulations of the Town of Collbran. The major subdivision review process does not establish types of land uses, which are determined by the zoning regulations of this Title 15.

15.05.030 Minor Subdivisions. The design and development of minor subdivisions shall conform in every respect to the criteria and procedures of Title 15, any other design requirements or engineering standards adopted by the Town, and any other applicable requirements of the Town of Collbran. Minor subdivisions will be reviewed in accordance with Chapter 15.05 of this Title 15. Minor subdivisions will be reviewed by the Board of Trustees as described in Chapter 15.06.

The purpose of the minor subdivision review process is to evaluate the design of the proposed subdivision and to ensure that future residents or occupants of the subdivided property can be safely, efficiently and adequately served by public facilities, services and utilities and that the residential and nonresidential land uses conform to all land use regulations of the Town of Collbran. The minor subdivision review process does not establish types of land uses, which are determined by the zoning regulations.

15.05.040 Resubdivisions. Resubdivisions are reviewed in the same manner as a major subdivision with the same purposes. To the extent that submittal information, otherwise required in Chapter 15.07, was submitted as part of the original subdivision proposal and is adequate by current standards, the applicant for approval of a resubdivision does not need to submit the information again and may reference such submittal information in the resubdivision application. The Town Planner and the Town Engineer will determine the technical adequacy of previously submitted information.

15.05.050 Amended Plats. Amended plats do not create additional lots or interests in property but are subdivision actions that result in a material change in the boundaries of a subdivision by way of adding or deleting land or lots to the subdivision, or the reconfiguration, division or aggregation of existing platted lots. Amended plats are also used to correct errors on a subdivision plat. The amended plat process is limited to applications that affect no more than ten (10) lots within a subdivision. Amendments affecting more than ten (10) lots or amendments within a subdivision with an expired subdivision improvements agreement or which affect existing subdivision improvements agreements shall be considered re-subdivisions. Amended plats are reviewed administratively by the Town Planner, Public Works Director and appropriate review agencies prior to approval or denial by the Town Planner pursuant to the requirements of this Chapter.

The first purpose of the amended plat review is to ensure the technical accuracy of the amended plat. The second purpose of the amended plat review is to maintain the record of associated real estate activities.

Amended Plat Procedures.

Within thirty (30) days of receipt of the complete application, the Town Planner or his/her designee shall approve or deny the application.

The applicant shall be notified in writing of the approval of the decision or will be advised of the reasons for the denial of the application. Upon approval, the survey and deed(s) effecting the adjustment or dissolution shall be recorded in the Office of the Mesa County Clerk and Recorder. The applicant shall pay the cost of recording any documents, which costs shall be paid to the Town prior to recording. Within 7 days of written notification to the applicant, the Town Clerk shall provide a written notice of decision to the Board of Trustees. Any approved lot line adjustment not effected within 6 months after the date it was approved shall automatically expire.

Approval shall be granted provided:

1. The lot line adjustment does not result in the creation of additional lots
2. The lot line adjustment does not result in the creation of lots that do not comply with zoning requirements
3. The lot line adjustment does not result in the creation of a lot or lots that cannot be built upon under Town requirements
4. The requirements of utility companies serving the property have been satisfied, and easements are appropriately maintained or granted in the deed(s) effecting the adjustment or dissolution
5. The lot line dissolution does not change the location of any remaining lot lines in the subdivision

Part 2

Additional Subdivision Provisions

15.05.060 Land Dedication and Fees in Lieu of Dedication. As further specified in Section 15.01.110, for every subdivision the Board of Trustees shall require the dedication of certain sites for park and recreation use, and may require reservation of sites for school and other public purposes. Land dedications may include land within the one hundred (100) year floodplain, national and State historic or natural features, and proposed public areas set aside in State, regional, County or Town comprehensive plans. The Board of Trustees may, at its sole discretion, require a subdivider to pay a fee in lieu of the dedication of land otherwise required by these Regulations. The provisions for such cash payments in lieu of dedication are set forth in subsection 15.01.110(E).

15.05.070 Subdivision Design Standards. Subdivision design standards are found in a separate resolution adopted by the Town. In addition, the Town Engineer shall maintain subdivision, traffic, utility, and other such design and construction standards necessary to carry out the purposes of these Regulations. All requirements of these Regulations, other regulations of the Town of Collbran and the design and construction standards of the Town Engineer shall be complied with by the subdivider.

15.05.080 Minimum Infrastructure Requirements. The following improvements shall be constructed at the expense of the subdivider, and further stipulated in a Subdivision Improvements Agreement (Section 15.01.160), in a manner approved by the Town Board of Trustees which is consistent with design standards and construction specifications approved by the Board of Trustees as well as

sound engineering and construction practices. Where specific requirements are delineated in other sections of these Regulations, the more specific requirements shall apply unless the Town Board of Trustees and the Town Engineer determine otherwise. The following improvements constitute the minimum requirements:

- A. Road grading, subsurface material and preparation, road surfacing in, through or abutting the subdivision. All roads in and abutting the subdivision must be hard surfaced (paved);
- B. Curbs, gutters, and sidewalks;
- C. Sanitary wastewater laterals and mains. The construction of sanitary wastewater facilities shall conform in all respects with all laws, regulations and specifications of State and local health departments and the Town of Collbran. A public wastewater collection system connected to the Town's collection and treatment system shall be required of all developments;
- D. Storm drainage system;
- E. Water distribution system. All water distribution systems shall comply in all respects with all laws, regulations and specifications of State and local health departments and the Town of Collbran. All developments shall be designed to be served by the Town water treatment and distribution system;
- F. Fire hydrants. Fire hydrants shall be placed and have fire flow capabilities in accordance with the requirements of the Town;
- G. Street signs and other required traffic control devices;
- H. Permanent reference monuments and monument boxes;
- I. Street lights; and
- J. Other facilities as may be specified in these Regulations or required by the Town of Collbran Board of Trustees.

Part 3

Modification or Vacation of Previously Approved Subdivisions

15.05.090 Legislative Declaration. The Board of Trustees finds and determines that some subdivisions within the Town, which have been previously approved, or were approved by Mesa County before being annexed into the Town, have not been developed, and some such subdivisions were recorded prior to the enactment of current subdivision regulations, master plans, zoning regulations, building codes, State and local health regulations, designated matters of State interest, and other applicable laws and regulations. The public health, safety, and welfare require the Town to periodically review such abandoned or uncompleted subdivisions, and it is the purpose of this Part 3 of Chapter 15.05 to provide a mechanism for the review of undeveloped or non-conforming subdivisions to bring such subdivisions, or any parts thereof, into compliance with current regulations and provisions of law, and if such modifications are not feasible, to vacate undeveloped and non-conforming subdivisions, or any part thereof, to prohibit sales of lots therein, and to vacate lands within the subdivision which were dedicated to the public use.

15.05.100 Definitions. As used in this Part 3 of Chapter 15.05, unless the context otherwise requires: "subdivision" is defined in Section 31-23-201(2), C.R.S.

15.05.110 Review of Subdivisions. The Board of Trustees, may initiate review of any subdivision within the Town. This review will follow the procedures set forth in this Part 3 of Chapter 15.05, and shall be for the purpose of determining whether or not the subdivision is undeveloped, abandoned, or no longer complies with regulations.

15.05.120 When A Subdivision Is Considered Undeveloped or Abandoned. For the purposes of this Section, lands described in the plat of any subdivision, or any part thereof, under review shall be considered to be undeveloped or abandoned if any vested property rights acquired pursuant to Section 15.01.070 of this Title and Article 68 of Title 24, C.R.S. or common law have expired or been forfeited and any one (1) or more of the following conditions are found by the Board of Trustees to exist on such lands:

- A. The time limit for the completion of public improvements, or subdivision approval, as contained in any Subdivision Improvements Agreement, amendment thereof, or extension thereto, has expired or lapsed;
- B. Roadways, which were intended to provide access into and travel within the subdivision, have not been or are not being constructed to meet specifications at the time of the review;
- C. Facilities for the supply of domestic or industrial water to lots created by the subdivision have not been or are not being constructed or permits therefor have not been issued for installation on the lands;
- D. Wastewater collection facilities and, if required, storm drainage facilities, or other public improvements required by the Subdivision Improvements Agreement have not been or are not being constructed;
- E. Buildings have not been or are not being constructed within the subdivision, and no permits have been issued for the construction of buildings upon the lands;
- F. No substantial amounts of money have been spent by the developer or others within three (3) years prior to the review in reliance upon the approval of the subdivision;
- G. The subdivision contains partially completed public improvements which, in their unfinished state, constitute a hazard or danger to the members of the public; or
- H. No individual lots or parcels have been sold within the subdivision.

15.05.130 Hearing to Determine Status. If the Board of Trustees makes a determination that a subdivision, or any part thereof, is undeveloped, abandoned or non-conforming, the Board shall hold a hearing to determine whether or not the subdivision, or any part thereof, should be modified, re-platted, or vacated, or all or part of the lands within the subdivision dedicated to public use should be vacated. Notice of the hearing shall be given as required in Section 15.01.060 of the Collbran Municipal Code; in addition, however, notice shall be given to the holders of any security interest, mortgage, deed of trust, or lien of record against the property. The Town shall also attempt to give notice to any utility or other entity using rights-of-way or easements, which appear on the plat of the subdivision. A copy of the public notice shall also be recorded with the Mesa County Clerk and Recorder. The failure to give adequate notice of the hearing shall not be grounds to invalidate any Board of Trustees action under the provisions of this Part 3 of Chapter 15.05.

15.05.140 Modification or Vacation of Subdivision Plats.

- A. At the time of the hearing conducted pursuant to Section 15.05.130 hereof, the Board of Trustees shall hear evidence and testimony from any interested person regarding the status of the subdivision and, if the Board of Trustees determines the subdivision is undeveloped, abandoned or non-conforming, shall determine the most appropriate means to bring the subdivision into compliance with law.
- B. If the Board of Trustees determines, following the hearing, that a subdivision, or any part of a subdivision, cannot be modified in accordance with the subdivision regulations, master plans, ordinances, codes, and other State and local regulations, it may recommend the subdivision be vacated.

- C. The findings and conclusions of the Board of Trustees shall be transmitted in written form and the Board of Trustees shall consider the item at its next regularly scheduled meeting.
- D. Any action taken by the Board of Trustees to carry out the provisions of this Section shall be by ordinance. In the event the subdivision is a planned unit development, and the plan must be released, removed or modified, the ordinance shall contain the findings of fact required by Section 24-67-106(3), C.R.S.
- E. The vacation of any subdivision, or any part thereof, and of all or any part of the lands within the subdivision dedicated for public use, shall be conducted according to the applicable law and this Title. In no event shall the Board of Trustees vacate any easement, right-of-way or roadway if doing so would jeopardize the rights of the public or any public utility. The vacation of lands dedicated for parkland purposes, which have not been used for such purposes since subdivision approval, shall not be considered a sale or conveyance.
- F. If the ordinance vacates the subdivision approval, a certified copy of the ordinance shall be filed and recorded by the Town Clerk with the same offices as required for subdivision approval, including the Mesa County Clerk and Recorder.
- G. The adoption and recording of an ordinance vacating a subdivision or any part thereof shall operate to nullify the force and effect of the recording of the subdivision plat, and no lots, blocks or parcels within the vacated subdivision may thereafter be sold or conveyed.
- H. The modification or vacation of a subdivision shall not affect title to the land within the vacated portion, except for title to lands dedicated to the Town according to the original subdivision plat, which property shall vest according to the provisions of Section 43-2-302, C.R.S., and the terms of the ordinance.
- I. Nothing contained within this Part 3 of Chapter 15.05 shall prohibit the voluntary application by the owner of an interest in lands within an undeveloped, abandoned or non-conforming subdivision to seek voluntary vacation of all or part of said subdivision. In the event a petition to vacate a subdivision is presented to the Board of Trustees, signed by the owners of record of the property and the holders of all valid security interests, the additional notice requirements set forth in this Ordinance shall not apply.
- J. If all or any part of a subdivision is vacated as provided herein, the Board of Trustees shall then consider whether the zone district or districts shall be modified accordingly, in the manner provided by law.
- K. If all or any part of subdivision is vacated as provided herein, the Board of Trustees shall also consider what effect shall be given any cash paid by the original developer in lieu of parkland dedication, water rights dedication, or any other fees required at the time of original subdivision approval. In the event the Board of Trustees finds it would be appropriate to allow these fees to remain as a credit against the real property, the Board shall so state in its decision in writing. In no event, however, shall any such cash or other consideration paid remain a credit for a period of greater than twenty (20) years from the date of original subdivision approval.
- L. If all or any part of the subdivision is vacated or modified as provided herein, the Board of Trustees shall act on the disposition of any security given for the completion of public improvements, including any mortgages on the subject property, and shall determine what action should be taken with respect to the Subdivision Improvements Agreement, and whether it should be released against all of the property, a portion of the property, or only that portion of the property which has been successfully developed.

Chapter 15.06
REVIEW PROCEDURES

Sections:

Part 1

Compliance, General Procedures and Preapplication Conference

- 15.06.010 Compliance.
- 15.06.020 Application.
- 15.06.030 General Procedures.
- 15.06.040 Pre-application Conference.

Part 2

Review Procedures

- 15.06.050 Administrative Procedures, Purpose and Applicability.
- 15.06.060 Submittal of Applications and Applicability.
- 15.06.070 Determination of Completeness.
- 15.06.080 Review and Referral of an Application.
- 15.06.110 Public Notice of Board of Trustees Review.
- 15.06.120 Board of Trustees Review and Decision.
- 15.06.130 Record of Decision.
- 15.06.140 Duration of Approval.
- 15.06.150 Recording of Ordinances or Final Plats.

Part 3

Appeals and Variances

- 15.06.160 Board of Trustees Review.
- 15.06.170 Powers and Duties.
- 15.06.180 Appeal Procedures and Variance Applications.
- 15.06.190 Public Notice of the Board of Trustees Hearing.
- 15.06.200 Review Criteria.
- 15.06.210 Board of Trustees Decision.
- 15.06.220 Record of Board of Trustees Proceedings.
- 15.06.230 Record of Decision.
- 15.06.240 Duration of a Board of Trustees Decision.

Part 1

Compliance, General Procedures and Preapplication Conference

- 15.06.010 Compliance. Any land use activities as defined by this Title 15 of the Town of Collbran Municipal Code and located within the Town of Collbran, shall be subject to the provisions of these Regulations and any other applicable regulations of the Town of Collbran. Any landowner desiring to establish a land use requiring approval of the Town of Collbran must obtain such approval prior to the establishment of the land use. All property owners are required to comply with all provisions of these Regulations.

15.06.020 Application. Except as otherwise specified in other sections of these Regulations, any property owner may apply for approval of a land use pursuant to the provisions of these Regulations. The Town of Collbran Board of Trustees may also initiate rezoning or text amendments.

15.06.030 General Procedures.

A. Board of Trustee Reviews: Land use applications are reviewed by the Board of Trustees.

Applications are reviewed by the Board of Trustees at a public hearing with adequate notice provided to property owners in the neighborhood. The applicant is responsible for providing the public notice per the provisions of Section 15.01.060.

It is recommended that all applicants schedule a pre-application meeting to discuss the land use proposal and to learn more about the requirements of the Town of Collbran. The pre-application process is described below.

B. Appeals and Variance Requests: Appeals of administrative decisions pertaining to the Land Use Regulations are reviewed by the Board of Trustees acting as a board of adjustment. In addition to such appeals, the Board of Trustees reviews applications for variances to the requirements of the zoning regulations and the provisions of the special development regulations (with the exception of the flood hazard regulations). The Board of Trustees' review of zoning variances are conducted at public hearings with proper notice provided by the applicant or appellant pursuant to Section 15.01.060.

15.06.040 Preapplication Conference. The Preapplication Conference is an opportunity for an applicant to meet with the staff to learn more about application requirements, review standards and review procedures. The Preapplication Conference is not required. The Preapplication Conference does not substitute for any of the review processes required by these Regulations. Topics that may be discussed at a Preapplication Conference include the nature of the application, time periods of review, schedules of review meetings, and other details of the review process. The staff should also explain the intent, purpose, and relevance of any review criteria, policies, and the Collbran Master Plan which will be referred to as the Commission considers a land use application.

Part 2

Review Procedures

15.06.050 Administrative Procedures, Purpose and Applicability. The purpose of the review process is to give the Board of Trustees an opportunity to review all relevant facts of an application in the context of the Town's review standards and policies of the Town. An application may be approved, approved with conditions, or denied. Conditions may be imposed on length of permit approval or other aspects of the activity designed to ensure compatibility with the standards of this Title 15 and any policies or other adopted standards of the Town.

The Sketch Plan is the first review step of a major subdivision application. After a subdivision has received Sketch Plan approval, the property owner may apply for Final Plan approval.

15.06.060 Submittal of Applications and Applicability. Applications must be submitted to the Town Clerk at least forty-two (42) days prior to a regularly scheduled meeting of the Board of Trustees. The application shall include all of the items identified in Chapter 15.06 and 15.07 of these Regulations for the type of approval sought. Incomplete applications will not be reviewed.

Applications shall be required for land use actions as further prescribed in these Regulations for the following:

- A. Text amendments
- B. Zoning variances
- C. Special Uses

- D. Rezoning
- E. Subdivision sketch plans
- F. Subdivision final plans
- G. Planned Unit Developments (PUD)
- H. Mobile Home Parks

15.06.070 Determination of Completeness. The Collbran Town Clerk will review the application for completeness within ten (10) working days of submittal. If the application is determined to be initially complete, it will be accepted for review of technical adequacy and completeness by the Town Engineer, Town Attorney or other consultants to the Town or the Town staff. If the application is incomplete, the applicant will be notified of the information needed to complete the application and the application will be withdrawn from the review process until the required information is submitted. Applications must be complete at least forty-two (42) days prior to a regularly scheduled meeting of the Town of Collbran Board of Trustees.

15.06.080 Review and Referral of an Application. The application will be reviewed by the Town Clerk and the appropriate Town staff, consultants, and the Board of Trustees. The Town may utilize the services of qualified professionals, not on the Town staff, as necessary to review an application. The costs of such professional review shall be paid by the applicant per the provisions of Section 15.01.080 of these Regulations.

- A. Referral of the Application: Within ten (10) working days of receipt of an apparently complete application, the Town Clerk shall refer the application to appropriate review agencies for comments on the application. The Town Clerk will maintain a list of review agencies and their current addresses.
- B. Review Agency Comments: The review agencies shall have twenty-eight (28) days from the date of their receipt of the application to return their comments and recommendations to the Town Clerk.
- C. Inadequate, Incomplete or Incorrect Applications: The referral agencies, including but not limited to, the Town Attorney, the Town Engineer and other professionals retained by the Town as well as the Town staff may determine that an application contains erroneous information or is technically deficient, incomplete or does not comply with Town standards and regulations as well as any other standards and regulations of the reviewing agencies and all applicable federal, State or local regulations and laws. Incomplete, inadequate or incorrect applications will be withdrawn from the review process and will not be rescheduled for review until the inadequate, incomplete or incorrect application is corrected or required additional information is submitted. Revised applications must be completed or corrected and approved by all reviewing agencies not less than fourteen (14) days prior to a regularly scheduled meeting of the Town of Collbran Board of Trustees.

15.06.110 Public Notice of Board of Trustees Review. The Board of Trustees will review the application at a regularly scheduled meeting date within sixty (60) days after receipt of an application that has been determined to be complete by the staff. The Board of Trustees will conduct a public hearing to review the application. The applicant shall be responsible for providing notice of the public hearing per the requirements of Section 15.01.060 of these Regulations.

15.06.120 Board of Trustees Review and Decision.

- A. General: Within sixty (60) days of receipt of the complete application, the Board of Trustees shall conduct a public hearing to consider the application. The Board of Trustees will consider all the evidence presented by the applicant and other interested parties, comments of review agencies, recommendations of the Town Clerk and the Town's consultants, and comments from

the public. The Board may, in its sole discretion, continue the public hearing to another regularly scheduled Board meeting date for the purpose of receiving additional information or public input before making a decision. In no event shall the public hearing be continued for more than ninety (90) days beyond the date of the initial public hearing without the applicant's consent. The applicant or any other interested party may request a continuation of the public hearing for good cause shown, satisfactory to the Board. The Board of Trustees shall by a majority vote of the members present approve, approve with conditions or disapprove the application.

B. Review Criteria: The Board of Trustees shall consider all the evidence presented by the applicant and other interested parties, comments of review agencies, recommendations of the Town Clerk and the Town's consultants, and comments from the public. At a minimum, the Board of Trustees shall also consider the following criteria:

1. Conformance of the proposal with the Town of Collbran Municipal Code;
2. The compatibility of the proposal with the character of the surrounding area including, but not limited to the architectural character of the neighborhood;
3. The desirability of the proposed use in the specific area of the Town;
4. The potential for adverse environmental effects that might result from the proposed use;
5. Conformance of any plan with appropriate engineering and design standards;
6. Additional criteria set forth for rezoning applications in Section 15.03.120.

C. Protests to Rezoning and Text Amendment Applications: In the case of protest against any change to the zoning regulations or the Town Zone District Map, such changes shall not become effective except by a concurring vote of two-thirds of the members of the Board of Trustees provided, however, that such protest against the changes are filed with the Town Clerk at least twenty-four (24) hours prior to the Board's vote on the change and provided further that such protest is signed by the owners of at least twenty percent (20%) of the land within one hundred feet (100') of the land proposed for rezoning or subject to the text amendment.

15.06.130 Record of Decision. The Board of Trustees shall maintain a record of its proceedings in the form of minutes, resolutions and ordinances as appropriate. The Town Clerk will issue a Record of Decision indicating the action of the Board of Trustees and also indicating any conditions of approval of an application. A copy of the Record of Decision will be maintained in the Town records and a copy provided to the applicant. Changes to the Zone District Map will be indicated on the Map. In the case of a Special Use, the Record of Decision shall be recorded in the real estate records of the Mesa County Clerk and Recorder.

15.06.140 Duration of Approval. If the approval of an application is subject to vested property rights pursuant to Section 15.01.070 of this Title and Article 68 of Title 24, C.R.S., the approval shall be valid for the period set forth in subsection 15.01.070(G) of this Title 15 and Section 24-68-104, C.R.S. The approval of applications not subject to vested property rights shall be valid for one (1) year from the date of the Board of Trustee approval. If, within that one (1) year time period, no required subsequent application has been filed or an authorized use established, approval shall expire. For good cause, the Board may grant a single extension of the approval time period for a time period not to exceed one (1) additional year. The one (1) year limit on the duration of approval does not, however, apply to text amendments to the Land Use Regulations or rezoning actions. Text amendments and rezoning actions shall remain in full force and effect until changed by the Board of Trustees in the manner prescribed by law.

15.06.150 Recording of Ordinances or Final Plats. As soon as practical, and in any event, within fourteen (14) days of approval of the Final Plan application, the Board will cause the Ordinance of approval of the final plat of the subdivision to be recorded in the office of the Mesa County Clerk and

Recorder and in such other offices as may be required by law. In addition to the Ordinance and/or final plat, supporting documents such as the Subdivision Improvements Agreement and condominium documents may also be recorded if the Board determines that such recording is necessary and appropriate.

Part 3

Appeals and Variances

15.06.160 Board of Adjustment Review. The Town of Collbran Board of Trustees shall serve as a board of adjustment to review appeals of administrative decisions concerning the zoning requirements and to review applications for variances from the strict application of the zone district requirements of these Regulations.

15.06.170 Powers and Duties. Upon appeal, the Board of Trustees shall have the following powers:

- A. To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or refusal made by an administrative official or agency based on or made in the enforcement of this Title 15 of the Town of Collbran Municipal Code;
- B. To hear and decide appeals wherein there is a question regarding the interpretation of the Zone District Map or a question regarding the interpretation of the zoning provisions of this Title 15;
- C. To hear and decide appeals for special exceptions to the zoning provisions of this Title 15, such exceptions to be known as variances.

15.06.180 Appeal Procedures and Variance Applications. Appeals to the Board of Trustees may be taken by any person aggrieved by his inability to obtain a building permit, or by the decision of any administrative officer or agency based upon or made in the course of the administration or enforcement of the provisions of this Title. Appeals may be taken by an officer, department, board or bureau of the Town affected by the grant or refusal of a building permit or by other decision of an administrative officer or agency based on or made in the course of the administration of this Title.

- A. Appeals: Appeals to the Board of Trustees must be made in writing and filed with the Town Clerk within seven (7) days following the action or decision from which the appeal is taken. In the event the seventh day falls on a Saturday, Sunday or holiday, the next regular business day of the Town shall be deemed the seventh day.

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Trustees after the notice of appeal has been filed, that by reason of facts stated in the certificate, a stay, in the opinion of the officer, would cause imminent peril to life and property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Trustees or a court of record on application, on notice to the officer from whom the appeal is taken and due cause shown.

- B. Variance Applications: Applications for variances must be submitted to the Town Clerk at least twenty-one (21) days prior to a regularly scheduled meeting of the Board of Trustees. The applications shall include all of those items identified in Chapter 15.07 (submittal requirements) of these Regulations. Incomplete applications will not be accepted for review.

The Town Clerk will review the variance application for completeness within five (5) working days of submittal. If the variance application is determined to be complete, it will be accepted for review. If the application is incomplete, the applicant will be notified in writing of the information needed to complete the application and the application will be withdrawn from the review process until the required information is submitted. Applications must be complete at least twenty-one (21) days prior to a regularly scheduled meeting of the Board of Trustees.

15.06.190 Public Notice of the Board of Trustees Hearing. The Board of Trustees will meet at least once per month, as designated by the Board of Trustees, for the purpose of hearing appeals and requests for variances. The Board of Trustees will hear appeals and requests for variances at a public hearing. The applicant or appellant is responsible for providing notice of the public hearing pursuant to the requirements of Section 15.01.060 of these Regulations.

15.06.200 Review Criteria.

- A. Appeal of a Decision of an Administrative Officer: The Board of Trustees' scope of review regarding an appeal of an administrative decision shall be limited to determining whether the decision by the administrative officer was in accordance with the intent and requirements of this Title. Accordingly, the Board of Trustees will affirm or reverse the decision of the administrative officer.
- B. Application for a Variance: A variance is not a property right. The Board of Trustees may grant a variance to an applicant only if the applicant establishes that the applicant will suffer undue hardship from strict application of these Regulations because of the characteristics of the site. The applicant must also demonstrate that the granting of the variance will not conflict with the intent of these Regulations.

Where by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of enactment of this Title, or by reason of exceptional topographic condition or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation enacted under this Title would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the owners of such property, the Board of Trustees may authorize, upon a request relating to the property, a variance from the strict application of these Regulations so as to relieve such difficulties or hardship provided, however, that:

- 1. Such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Collbran Master Plan or this Title 15;
- 2. There are exceptional conditions creating an undue hardship, applicable only to the property involved or the intended use thereof, which do not apply generally to the other land areas or uses within the same zone district, and such exceptional conditions or undue hardship was not created by the action or inaction of the applicant or appellant or owner of the property;
- 3. The granting of the variance will not be detrimental to the public health, safety or welfare;
- 4. The applicant and the owner of the property cannot reasonably use the property without a variance;
- 5. The variance will not be injurious to, or reduce the value of, the adjacent properties or improvements; and
- 6. The variance granted is the minimum necessary to alleviate such practical difficulties or undue hardship upon the owner of the property.

In granting a variance, the Board of Trustees may impose conditions deemed necessary to protect affected property owners and to protect the intent of this Title.

15.06.210 Board of Trustees Decision. The Board of Trustees shall complete its review and make its decision at the public hearing specified in Section 15.06.190. The majority vote of the members of the Board of Trustees shall be required for a decision. In any event, the concurring vote of three (3) members of the Board of Trustees shall be the minimum necessary to reverse any order,

requirement, decision or determination of any administrative officer or agency or to decide in favor of the applicant.

15.06.220 Record of Board of Trustees Proceedings. The Board of Trustees shall maintain a record of its proceedings in the form of minutes. The record shall include comments of the appellant and other interested parties as well as the recommendations of the Town Clerk. An audio tape recording of the proceeding shall also be made. A written copy of the minutes will be made available to any interested party within fifteen (15) days of the conclusion of the public hearing.

15.06.230 Record of Decision. The Town Clerk will issue a Record of Decision regarding the Board of Trustees' decision on the appeal or application for a variance. The Record of Decision will also indicate any conditions of approval. A copy of the Record of Decision will be provided to the applicant or appellant and a copy maintained in the records of the Town.

15.06.240 Duration of a Board of Trustees Decision. In the case of interpretations of these Regulations or the Zone District Map, the decision of the Board of Trustees shall remain in effect until any affected provisions of this Title or the Zone District Map are amended or the decision is changed by a court of law.

Any approval of a variance or use granted by the Board of Trustees must be established on the subject property within one (1) year from the date of the hearing when the variance or use was granted by the Board of Trustees. The failure of the property owner to establish the use in accordance with the Record of Decision will result in the expiration of the approval by the Board of Trustees.

CHAPTER 15.07
APPLICATION SUBMITTAL REQUIREMENTS

Part 1

General and Common Submittal Requirements

Sections:

- 15.07.010 General.
- 15.07.020 Common Submittal Requirements.
- 15.07.030 Drawing and Report Requirements.
- 15.07.040 Site Plan Requirements.

Part 2

Specific Submittal Requirements.

Sections:

- 15.07.050 Text Amendment Applications.
- 15.07.060 Zoning Variance Applications.
- 15.07.070 Special Use Applications.
- 15.07.080 Rezoning (Amendments to the Zoning Map).
- 15.07.090 Subdivision Sketch Plan.
- 15.07.100 Final Subdivision Plan.
- 15.07.110 Minor Subdivision.
- 15.07.120 Amended Plats.

Part 1

General and Common Submittal Requirements

15.07.010 General. The application submittal requirements consist of elements that are common to all applications as well as requirements that are necessary only for certain types of applications. Common submittal requirements are indicated first followed by specific requirements of various types of applications. In some instances, additional submittal requirements may be specified as part of the supplemental or special development requirements of these Regulations.

Complete applications must be submitted, as required in these Regulations, at the point of initiation of the land use review process. A separate application is required for each phase of a subdivision.

15.07.020 Common Submittal Requirements. Unless indicated otherwise in these Regulations or by the Town Clerk, three (3) copies of the application shall be submitted. Except for text amendments, all applications identified in Chapter 15.06 shall include:

- A. An application form, signed by the owner(s) of the property, in the format provided by the Town Clerk;
- B. A legal description of the property included in the application;
- C. Proof of legal ownership and the names and addresses of the owners of the property and any lienholder(s);
- D. The names and addresses of any owners or lessees of mineral rights for the property;

- E. The names and addresses of any property owners within two hundred feet (200') of any portion of the property;
- F. A statement of the purpose of the application and a brief description of the proposal;
- G. A vicinity map indicating the location of the property included in the land use application; and
- H. An application fee pursuant to Section 15.01.080.

15.07.030 Drawing and Report Requirements.

- A. General Map Requirements: Any maps or other graphic plans shall be drawn in black or dark blue waterproof ink or may be clearly legible "blueprint" copies or photocopies. The dimensions of all maps shall be twenty-four by thirty-six inches (24" x 36"), eleven by seventeen inches (11" x 17") or eight and one-half by eleven inches (8½" x 11") unless another size is approved by the Town Engineer prior to submittal of the application. However, no map shall exceed twenty-four by thirty-six inches (24" x 36"). In the case of multiple sheets, a key map showing the relationship of individual sheets shall be provided and locations of adjacent sheets shall be indicated on each sheet. Each map or other graphic plan shall include:
 - 1. The section, township and range of the property included in the application;
 - 2. The name, address, and telephone number of the owner and applicant;
 - 3. The name, address, and telephone number of the person or firm that prepared the map and the date of preparation;
 - 4. A north arrow and scale which shall be one inch equals fifty feet (1" = 50'); and
 - 5. The title of the map located at the top of the map and in a title block in the lower right corner, which shall also indicate the type of application.
- B. General Report Requirements: All reports shall contain consecutively numbered pages and shall include, or clearly indicate by reference, any maps or other relevant elements required by these Regulations, which are necessary for the report. Any report required by these Regulations shall include:
 - 1. The name, address and telephone number of the person(s) or firm(s) that prepared the report and the date of preparation;
 - 2. The title of the report.
- C. Qualifications of Preparers of Maps and Reports: All maps and reports must bear suitable evidence of the professional qualifications of the person responsible for the preparation of the map or report. Maps containing information pertaining to water supply, sanitation, wastewater treatment, utilities, drainage, soils, grading, streets, structures, or any other engineering information must be certified by a professional engineer licensed in the State of Colorado. All required documents containing land survey descriptions and topographic maps must be certified by a professional land surveyor licensed in the State of Colorado. All data submitted regarding environmental studies and other disciplines, not currently requiring registration by the State of Colorado, must be accompanied by a resume of such qualifications sufficient to demonstrate the author's degree of expertise and experience. Geology maps and reports must be prepared and certified by a qualified geologist. Additional professional qualifications may be specified in other sections of these Regulations.

15.07.040 Site Plan Requirements. In addition to the requirements of Section 15.07.030, any site plan required in these Regulations shall include:

- A. The location of all existing and proposed buildings, utilities and other improvements on the property. A building envelope (a portion of the property within which a building may be located) may be shown for proposed buildings to allow minor adjustments;
- B. The location and number of parking spaces for off-street parking and loading areas and the finished surface material of the parking areas (e.g., gravel, asphalt);
- C. A traffic circulation plan showing the direction of traffic flows and indicating the locations of entries and exits of parking lots and the relationships of parking lots to entrances and exits of any buildings;
- D. The location of service and refuse collection areas;
- E. The location of all signs indicating the size, shape and height of each sign;
- F. The area and location of open space and recreation areas;
- G. The location and type of outdoor lighting;
- H. The location of existing and proposed fences, landscaping features and other methods of visual screening. The proposed landscaping plan shall indicate the method of maintenance of the landscaping as well as a list of type, size, and quantity of plant materials and the general location of the landscaping;
- I. The estimated date of completion of the proposed improvements; and
- J. Adjacent streets and rights-of-way and street improvements.

Part 2

Specific Submittal Requirements

15.07.050 Text Amendment Applications. Applications for text amendments shall include:

- A. An application form, signed by an owner(s) of property located within the Town of Collbran or the Mayor, in the format provided by the Town Clerk; and
- B. A statement of the purpose of the application, a brief description of the proposed text amendment, and the proposed new text.

15.07.060 Zoning Variance Applications. In addition to the common submittal requirements contained in Section 15.07.020, all applications for approval of a zoning variance shall include:

- A. A letter stating the reasons and justification for the request and that addresses **ALL** of the following criteria:
 - 1. That there are unique physical circumstances or conditions, such as irregularity, narrowness, shallowness or size of the lot, or exceptional topographical or other physical conditions peculiar to the affected property.
 - 2. That, because of such physical circumstances or conditions, the property cannot reasonably be developed in conformity with the provisions of this Title.
 - 3. That such unnecessary hardship has **NOT** been created by the applicant.
 - 4. That the variance, if granted, will not alter the essential character of the neighborhood or district in which the property is located nor substantially or permanently impair the appropriate use or development of adjacent property.
 - 5. That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of this Title's provisions that are in question; and

- B. A plot plan and improvement survey showing the existing natural and manmade features, utilities and utility easements, and structures on the property and indicating the effects of the requested variance.
- C. The Board of Trustees has the power to vary or modify the application of the regulations or provisions of this Title relating to the use, construction, or alteration of buildings or structures, or the use of land, so that the spirit of this Title is observed, public safety and welfare secured and substantial justice done, provided the Board of Trustees finds that the aforementioned criteria have been satisfied:

15.07.070 Special Use Applications. In addition to the common submittal requirements contained in Section 15.07.020, all applications for approval of a Special Use shall include a site plan prepared in conformance with Section 15.07.040.

15.07.080 Rezoning (Amendments to the Zoning Map). In addition to the common submittal requirements contained in Section 15.07.020, all applications for approval of a rezoning shall include a petition for rezoning signed by the owners of at least fifty percent (50%) of the area of land or area of lots subject to the rezoning application.

15.07.090 Subdivision Sketch Plan. In addition to the common submittal requirements contained in Section 15.07.020, all applications for approval of a subdivision sketch plan shall include the following information.

- A. Sketch Plan Map (10 copies): The applicant shall submit ten (10) copies of the sketch plan map as part of the sketch plan application. The map shall clearly and accurately represent the character of the area of the proposed subdivision as well as the natural and man made features on and near the site of the proposed subdivision. The map shall be of sufficient clarity and detail to allow an assessment of the physical design of the proposed subdivision. A poorly drawn or illegible plan is sufficient cause for its rejection. The map shall be submitted in both twenty-four by thirty-six inch (24" x 36") and eleven by seventeen inch (11" x 17") formats unless all the required map information at a scale of one inch equals fifty feet (1" = 50') can be presented on an eleven by seventeen inch (11" x 17") format. The following technical drawing requirements and information shall be adhered to and included on the sketch plan map:
 - 1. The name of the proposed subdivision at the top of the map and in a title block in the lower right corner which shall not duplicate the name of any recorded subdivision in Mesa County;
 - 2. A vicinity map, at a scale of not less than one inch equals two thousand feet (1"=2,000'), depicting the location of streets, highways and utility systems within one-half (½) mile of any portion of the proposed subdivision. The vicinity map shall also show the natural drainage courses of streams within one-half (½) mile of any portion of the subdivision with the limits of tributary areas shown where reasonable. A U.S.G.S. quadrangle map at the scale of one inch equals two thousand feet (1"=2,000') may be used as the basis of the vicinity map;
 - 3. A legal description of the site and indicated along the perimeter boundary of the proposed subdivision;
 - 4. Written legal description of the proposed subdivision;
 - 5. Topography of the site of the proposed subdivision showing the existing topography, at a minimum, five foot (5') contour intervals;
 - 6. Names, mailing addresses and telephone numbers of: the owner(s) of the property to be subdivided, the applicant(s), designer(s), engineer(s), and surveyor that may be associated with the preparation of the application;

7. The street and lot layout with the dimensions of all lots to the nearest foot (these may be scaled values) and including the approximate area of each lot. The lots and blocks shall be numbered consecutively;
 8. Departing property lines, names and addresses of owners of record of all land parcels adjoining the proposed subdivision including those separated only by a public right-of-way;
 9. The location of the one hundred (100) year floodplain of any drainage on or adjacent to the site of the proposed subdivision;
 10. Labeled access to the site (Town street, County road, State high way, public right-of-way, easement, etc.);
 11. Location, type and size of existing and proposed utility lines, utility easements, and other easements on and adjacent to the site of the proposed subdivision;
 12. The location of existing available water and wastewater facilities and the proposed extension of water and wastewater lines.
 13. Location, scaled dimensions and legal description of existing lots, streets, alleys, road rights-of-way, easements, irrigation ditches, waterways within and immediately adjacent to the site of the proposed subdivision;
 15. Sites to be reserved or dedicated to the public for parks, schools or other public purposes;
 15. Land use summary statement indicating:
 - a. Total area of the proposed subdivision;
 - b. Acreage of developable land;
 - c. Listing of all lots and tracts, proposed use of each lot or tract (i.e., single family residential, commercial, common area, future development, etc.) and the area of each lot or tract;
 - d. Total number of residential and nonresidential lots and the area of land designated for each type of use;
 - e. Statement of any uses other than detached single family dwelling units;
 - f. Number of residential dwelling units, by type of dwelling unit;
 - g. Gross and net residential density (units per acre of developable land designated for residential uses);
 - h. Total area of nonresidential floor space (if applicable);
 - i. Statement indicating the availability or lack of irrigation water.
- B. Supplemental Sketch Plan Information (3 copies): Three (3) copies of the sketch plan supplemental information shall be submitted as part of the sketch plan application. The information provided pursuant to this subsection must contain sufficient detail for reviewers to determine the general adequacy and feasibility of the proposed subdivision. The Town and the reviewing agencies shall determine the adequacy of the information provided. The applicant shall be required to submit additional technical information needed by a reviewing agency in order for the agency to complete its review of the proposed subdivision. All maps and plans shall be submitted at the same scale as the sketch plan and all proposed lot lines shall be clearly shown on the maps and plans. The supplemental information shall be submitted in the written or graphic format appropriate for the information being submitted and shall include the following:

1. Proof of present legal ownership of the property to be subdivided including signed statements from the owner(s) as well as all lien holders and all other security interest holders of record indicating that the owners and interest holders do not object to the subdivision of the property as proposed on the sketch plan. If there are not any other holders of interest in the property, the owner(s) shall so indicate by a signed statement;
2. The proposed terms of reservations or dedications of sites for public and private common facilities;
3. The proposed plan for the phased development of the subdivision if applicable;
4. The method proposed for the maintenance of all public and common areas and facilities including provisions for the maintenance of the subdivision streets;
5. A water supply report, which shall include the following information:
 - a. The expected water requirements of the subdivision at full development including the various water uses to be permitted and the manner in which these requirements will be met;
 - b. A conceptual water distribution plan prepared at the same scale as the sketch plan map.
6. A wastewater disposal report prepared in accordance with the requirements of the Town Engineer including:
 - a. A general written description of the collection system to be designed per the requirements of the Colorado Department of Public Health and Environment and the Town Engineer;
 - b. Evidence that the collection and treatment system will conform to all State and local laws and regulations;
 - c. A map of the wastewater collection system at the same scale as the sketch plan map showing the lots to be served and the site topography. The collection system may be shown on the sketch plan map;
7. A soils report with maps and written information as appropriate including the following information;
 - a. A soils map showing the proposed subdivision including the lots and street alignments, the natural topography of the site shown by contour lines, the location of any soils test holes used in the investigation and the designation of soils types and their boundaries based on the National Cooperative Soil Survey prepared by the U.S.D.A. Soil Conservation Service (SCS);
 - b. A table of interpretations of the soils types as prepared by the SCS. The report shall identify soils conditions that may preclude development of any part of the site or require particular design considerations; and
8. A utility report identifying the utility companies that will provide electricity, natural gas, telephone, cable television, etc. to the proposed subdivision. The report shall reference the sketch plan map, which shall show the location of the utility facilities.

15.07.100 Final Subdivision Plan. In addition to the common submittal requirements contained in Section 15.07.020, all applications for approval of a Final Subdivision Plan shall include the following information. Final Plats and required engineering drawings shall be submitted in both twenty-four by thirty-six inch (24" x 36") and eleven by seventeen inch (11" x 17") formats;

A. Final Subdivision Plat (1 reproducible Mylar and 10 print copies): The applicant shall submit one (1) reproducible Final Plat and ten (10) print copies of the Final Plat. The Final Plat shall be drafted legibly, with black waterproof ink, on sheets of permanent reproducible material, such as Mylar, measuring twenty-four by thirty-six inches (24" x 36") with clear margins of two inches (2") on the left side of the plat and one-half inch (½") on the remaining sides. Where multiple sheets are necessary to depict the total filing, the legal description of the subdivision boundary and all certifications and dedications shall be shown on the cover or title sheet and a key map indicating the location of subsequent sheets of the subdivision shall also be shown on the cover or title sheet. The scale of the Final Plat shall be no greater than one inch equals fifty feet (1" = 50'). The Final Plat shall meet the minimum standards for land survey and subdivision plats as required by the laws of the State of Colorado. All Final Plats shall clearly and accurately set forth and include the following information in the format prescribed in addition to any other information required to be shown on the Final Plat as a condition of the sketch plan approval.

1. The name of the subdivision at the top of the Final Plat and in a title block in the lower right hand corner;
2. The legal description of the boundary of the subdivision;
3. The date of the survey and monumentation of the subdivision and the location and description of the primary control points for the survey and all of the property monumentation on the perimeter boundary of the subdivision and the basis of bearing of the survey;
4. The definition of the scale of the Final Plat and an arrow indicating north relative to the basis of bearing used. The scale shall be one inch equals twenty, thirty, forty or fifty feet (1" = 20', 1" = 30', 1" = 40', 1" = 50');
5. The names of all streets or roads, block indicators and lot numbers depicted in a manner permitting easy lot identification, as approved by the Town;
6. A vicinity map at a scale of one inch equals two thousand feet (1" = 2,000') showing the subdivision in relation to section lines and township and range lines;
7. The perimeter boundary and the boundaries of lots, blocks and street rights-of-way shall be drawn in solid black lines; easements or other rights-of-way shall be shown in dashed lines. Each lot shall be numbered with dimensions and area noted. The following standards shall be complied with:
 - a. Perimeter and lot boundaries shall be shown to the nearest 0.01 foot;
 - b. Areas of less than one (1) acre shall be shown to the nearest one square foot (1 sq. ft.) and areas of greater than one (1) acre shall be shown to the nearest 0.001 acre;
 - c. Bearings shall be shown to the nearest second of arc;
 - d. Central angles of all curves shall be shown to the nearest second of arc;
 - e. Curve radii, arc lengths, tangent lengths, and other curve data shall be shown to the nearest 0.01 foot;
 - f. Widths, and other dimensions of all easements, rights-of-way and roads shall be shown; and

8. The location of all irrigation facilities and major drainage channels and facilities shall be shown.
9. The Final Plat shall also include the following certifications and other information as required by the laws of the State of Colorado. The text of the certifications on final plats shall be that approved by the Town. The Town Clerk will provide copies of the certifications approved by the Town:
 - a. The names and addresses of all owners of record of the property being subdivided including the owners of surface and mineral estates, mineral lessees and holders of liens or security interests of record in the property;
 - b. A Certificate of Dedication and Ownership executed by all owners of the property to be subdivided. Each signature shall be notarized. An indication of the purpose for dedication or reservation of sites other than residential lots shall be included in the certification.
 - c. A Surveyor's Certificate signed by a registered professional land surveyor licensed by the State of Colorado.
 - d. An Attorney's Certificate or Title Company Certificate indicating that all lands shown on the Final Plat are free and clear of liens, claims or encumbrances of record except as noted.
 - e. A certificate signed by all holders of any recorded security interest in the property to be subdivided consenting to the subdivision. The certificate shall include a subordination provision if an easement or land is being dedicated to the public.
 - g. The Town of Collbran Board of Trustees Certificate.
 - h. The Mesa County Clerk and Recorder's Certificate which shall indicate the time of recording and reception number. **Note:** This Certificate will not be completed until the Final Plat is recorded and;
 - i. Collbran Town Clerk's Certificate certifying that the plat is complete and ready for recordation.
10. If the subdivision includes condominium units, a separate condominium map shall be submitted in addition to the Final Plat. The condominium map shall be prepared by a professional surveyor licensed by the State of Colorado and shall be submitted within thirty (30) days of completion of construction of each condominium building. If the condominiums are a conversion of existing structures, the condominium map shall be submitted with the Final Plat. The condominium map shall depict the following information:
 - a. Vertical and horizontal location of each air space unit with dimensions and area indicated;
 - b. The relation of individual units to limited and general common elements;
 - c. Designation of any limited common elements reserved for the exclusive use of any individual unit;
 - d. The identification of each condominium unit by number or other symbol, including both the unit and any limited common elements reserved for the unit;
 - e. The location of all exterior and internal load bearing walls held in common ownership; and
 - f. The elevation of each condominium unit in relation to a bench mark established on

one of the permanent exterior boundary monuments of the platted subdivision in which the condominium is located, with a statement describing the U.S. Government benchmark to which the project benchmark is referenced.

B. Supplemental Information (3 copies): Three (3) copies of the Final Plat supplemental information shall be submitted simultaneously with the Final Plat. Information shall be submitted in a written or graphic format appropriate for the information being submitted and shall include the following information:

1. The scale of all engineering drawings which shall be one inch equals twenty, thirty, forty or fifty feet (1" = 20', 1" = 30', 1" = 40', 1" = 50') and a bar scale shall be provided as well as a written description of the plan view scale;
2. Engineering plans, descriptions and cost estimates for streets and roads (including curb and gutter, sidewalks, traffic control devices, signage, and street lighting), drainage facilities, water distribution lines, wastewater collection and treatment facilities, bridges, telephone lines and other telephone equipment, electric power lines and other electric equipment, natural gas pipes and other natural gas equipment, cable television distribution cables and other equipment, irrigation facilities, and any other utilities, public improvements or subdivision improvements that may be required as part of the sketch or Final Plan approvals. All plans shall be prepared in accordance with the criteria established in these Regulations or by the Town Engineer and shall be marked "Approved For Construction" and signed by an official of the appropriate service authority or utility company or the Town Engineer. All engineering plans shall be prepared and signed by a professional engineer licensed by the State of Colorado. Engineering plans shall specifically include the following items;
 - a. A street plan and profile prepared per the specifications of the Town Engineer including graphic alignment, dimensions of right-of-way widths, curve radii and tangent lengths. The street plan shall contain sufficient detail to ensure that the proposed street plan will satisfy Town requirements and bears logical relationships to the grades of existing public streets at the point of intersection. The proposed typical structural and geometric cross sections; location, type, and approximate size of appurtenant structures such as bridges and culverts, and traffic control devices shall be shown;
 - b. A drainage report including the following data. Drainage criteria set forth by the Town Engineer shall be used as a guideline;
 - i. A contour map defining on site drainage basins and illustrating existing drainage patterns, paths of flow and concentration points with estimates of contributory acreage and the peak flow of runoff;
 - ii. A U.S.G.S. contour map (7 ½ minute quadrangle) showing all off-site drainage basins which drain through the subdivision and illustrating paths of flow with estimates of contributory acreage and peak flow of runoff;
 - iii. A sketch of the proposed subdivision showing the consequent changes in the drainage patterns, concentration points and flooding limits with estimates of acreage, runoff coefficients and peak flow for the areas to be developed, both historic and developed within each basin, and showing the limits of flooding and peak flow of runoff from off site basins. Calculations shall be based on a ten (10) year frequency storm

- for the design of drainage structures and a one hundred (100) year frequency storm to be used to designate areas subject to flooding;
- iv. A narrative explaining the proposed method of managing the increased drainage at the concentration points and areas where the drainage pattern or characteristics will be changed;
- v. Storm water management shall include positive methods for limiting the post-developed peak runoff to off-site locations to no more than the pre-developed peak runoff conditions. Calculations shall be based on ten (10) and one hundred (100) year frequency storm events; and
- vi. Engineering calculations to demonstrate the adequacy of proposed drainage improvements and flow characteristics of drainage improvements during the design storm event. For the ten (10) year storm recurrence event, the design flow, depth of flow and velocity shall be identified for street, curb, and gutter, curb inlet, storm sewer, culvert and/or drainage channels. For the one hundred (100) year storm frequency, the design flow, depth of flow and flow characteristics of drainage structures designed to convey the 100 year event shall be identified along with retention/detention basin calculations of inlet hydrograph, needed volume, outlet controls and other pertinent design criteria shall be included in the drainage report.
- c. An irrigation plan, if irrigation water will remain with the property, which shall designate, on copies of the sketch plan map, the irrigation water distribution plan including all distribution facilities such as ditches, diversion structures, lakes, easements, etc. A narrative shall accompany the plan explaining the nature of the organization that will own the irrigation water and the entity that will own and maintain the irrigation distribution system. A letter from any ditch company presently responsible for any irrigation system providing irrigation water to the site shall also be submitted. The ditch company letter shall indicate the approval in concept of the sketch irrigation plan and shall also indicate that the other users of the ditch company's water and facilities will not be injured by the development of the approved subdivision;
- d. Wastewater collection system plans and profiles;
- e. Water distribution plans including calculations of fire flow and indicating locations of all existing and proposed fire hydrants and valves;
- 2. A Subdivision Improvements Agreement prepared in accordance with Section 15.01.160;
- 3. Certification of the Mesa County Treasurer that all applicable ad valorem taxes have been paid and are not in arrears;
- 4. The subdivision declaration of protective covenants and homeowners association documents which shall be prepared or approved by an attorney licensed in the State of Colorado. If applicable, said documents shall comply with the requirements of the Colorado Common Interest Ownership Act, Sections 38-33.3-101 et seq., C.R.S. ("CCIOA");
- 5. Evidence that all services including water, wastewater disposal, and street access conform to State and local laws and shall be available to each subdivision lot and condominium unit in a manner permitted by law and the covenants of the subdivision;

6. A copy of the Colorado State Land Survey Monument Record forms for any survey corners as required to be filed by Colorado law; and
 7. Condominium Declaration (applicable if the subdivision includes condominium units) which shall be prepared or approved by an attorney licensed to practice law in the State of Colorado. The Declaration shall comply with the requirements of CCIOA.
- C. Release or subordination of any existing encumbrances against those portions of the property dedicated to the public for the use of the general public, including, but not limited to, those dedications for streets, rights-of-way, utilities and other easements, and so forth.
- D. Park Fees: The appropriate fees in lieu of parkland dedications as prescribed in Section 15.01.110 of this Title shall be submitted simultaneously with the Final Plat.
- E. Monumentation: Permanent monuments on the perimeter boundary of the subdivision must be set before the Final Subdivision Plat is recorded. The monuments, three inches (3") in diameter, are to be set permanently in concrete or solid rock. Witness corners shall be set for inaccessible corners by authority of the Mesa County Surveyor pursuant to the provisions of Colorado law. All aliquot corners, established in the procedure of subdividing a tract of land shall be reported to the Mesa County Surveyor and the appropriate forms submitted. All monumentation shall have magnetic attraction and shall include a durable cap securely anchored to the monument stamped with the Colorado registration number of the surveyor responsible for the establishment of the monument.

Lot corners or corners witnessed or referenced as lot corners shall be five-eighths inch (5/8") iron rod or rebar twenty-four inches (24") long solidly embedded in the ground with a durable cap bearing the Colorado registration number of the surveyor responsible for the establishment of the corner.

Street and roadway centerline monuments shall also be set at each point of curvature and each point of tangency within thirty (30) days of completion of construction of the road or street. Such monuments shall be five-eighths inch (5/8") iron rod or rebar, twenty-four inches (24") long solidly embedded in the ground with a durable cap bearing the Colorado registration number of the surveyor responsible for the establishment of the monument. Street monuments shall be located four inches (4") below the finished surface of the roadway.

15.07.110 Minor Subdivision. The submittal requirements for minor subdivisions are the same as for a Final Subdivision Plan (See Section 15.07.100).

15.07.120 Amended Plats. Amended plats are Final Subdivision Plats and shall include all of the items required for Final Plats as specified in subsection 15.07.100(A) as well as the information required in the common submittal requirements contained in Section 15.07.020.

Chapter 15.08
DESIGN STANDARDS

Part 1

Architectural Standards

Sections:

- 15.08.010 Residential Architecture (Multi-Family Dwellings)
- 15.08.020 Townhouses and Row Houses (Single-Family Attached Dwellings)
- 15.08.030 Multi-Family Stacked Units, Including Condominiums and Apartments
- 15.08.040 Commercial and Industrial Architecture
- 15.08.050 Industrial District Architectural Standards

Part 2

Landscape Standards

Sections:

- 15.08.060 Applicability
- 15.08.070 Landscape Design
- 15.08.080 Business/Commercial and Industrial Development Landscaping Standards
- 15.08.090 State Highway Corridor Landscaping Standards
- 15.08.100 Downtown Landscaping Standards
- 15.08.110 Parking Lot Landscaping Standards
- 15.08.120 Storm Drainage Facilities
- 15.08.130 Submittal Standards for Landscape Plans
- 15.08.140 Prohibited Plant Materials List

Part 3

Lighting Standards

Sections:

- 15.08.150 Intent
- 15.08.160 Applicability
- 15.08.170 Abatement of Legal Non-conforming Exterior Lighting
- 15.08.180 Definitions
- 15.08.190 Design Standards
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- 15.08.220 Exceptions
- 15.08.230 Submittal Requirements
- 15.08.240 Variances and Exemptions
- 15.08.250 Temporary Lighting Exemption

Part 1

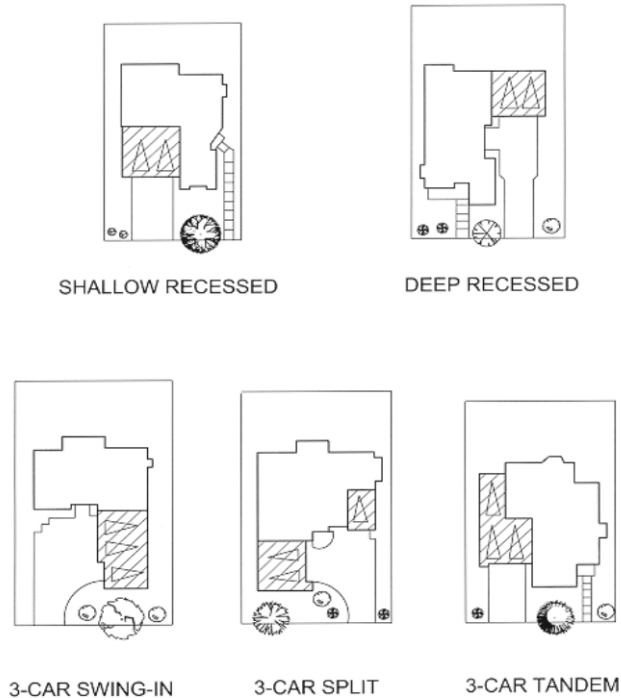
Architectural Standards

15.08.010 Residential Architecture (Multi-Family Dwellings)

- A. Applicability. The standards set forth in this Section shall apply to all new multi-family buildings and structures for which a building permit is issued after August 15, 2008, the effective date of this Section. This Section shall not apply to the enlargement, modification or remodeling of such buildings and structures which existed prior to the effective date of this Section, August 15, 2008.
- B. Intent. Architecture plays an important part in developing an identity for neighborhoods and dwellings. Thus, the Town of Collbran wants to build upon the architectural traditions of the region, yet allow for diversity of expression. In addition, the Town of Collbran wants to encourage a variety of housing types, sizes and prices in each neighborhood to allow people to remain in their neighborhoods, as their housing needs change.
- C. Housing Diversity/Neighborhood Identity. Housing diversity is an important goal for new residential development in Town of Collbran. In support of this, the integration of detached and attached single-family dwellings, and multifamily dwellings, within neighborhoods, even in the same block, is encouraged.
 - 1. Garages. Residential units, not their garages, shall have the emphasis on residential streets. The intent is that residential streets have variety and that garages not dominate homes and streets. Alley accessed garages are strongly encouraged.
 - a. Requirements for Garages with Access from the Street:
 - i. Variety of Garage Placement. Varying the placement of street-accessed garages on adjacent lots is encouraged to create diversity and avoid repetition.
 - ii. Recessed Garage Doors. Street-facing garage doors shall be setback at least twenty-two (22) feet from the sidewalk or property line and four (4) feet or more from the forward most enclosed area of the home. No more than twenty-five (25) percent of these, however, are allowed on one block face.
 - iii. Deep recessed and rear garages with side yard drive and maximum twelve (12) foot driveway curb cut are encouraged.
 - iv. Swing-in (side-loaded) garages are encouraged. However, such garage projections shall be minimized so that they appear integrated with the overall structure and do not become a dominant feature of the streetscape.
 - v. Three-Car Street Accessed Garages. Three-car, front-facing garages are not allowed. Swing-in garages, split garages, and tandem garages are encouraged.
 - vi. Minimum Driveway Curb Cut Width. The width of a driveway curb cut is limited to twenty (20) feet.
 - vii. Garage Doors. Individual single garage doors with upper level windows are encouraged.
 - b. Compliance. The applicant shall include in the application for approval of the final plat, documentation showing how the development will comply with this requirement.

.08.020 Townhouses and Row Houses (Multi-family Dwellings).

**ALLOWED TYPES OF STREET ACCESS TO
MULTIFAMILY RESIDENTIAL GARAGES**



- A. Applicability. The standards set forth in this Section shall apply to all new townhouse or row house buildings or structures for which a building permit is issued after August 15, 2008, the effective date of this Section. This Section shall not apply to the enlargement, modification or remodeling of such buildings or structures which existed prior to the effective date of this Section, August 15, 2008.
- B. Intent. The intent of this section is to build townhouses and row houses with architectural designs that relate buildings to the street, and that achieve a harmonious balance between repetition and variety.
1. Individual Dwelling Identity. “The composition of a row house grouping requires repetition of architectural elements like entries, bays, cornices and parapets. At the same time, visual interest and streetscape diversity are promoted by variation. Achieving balance between repetition and variety creates harmony.”¹
“Row house groupings rely on the continuity of well-defined architectural elements to establish strong street presence. However, each unit must be expressed so that the composition reads as the sum of the individual parts.”¹
“Design the primary facade of each row house so it is evident where the unit begins and ends. This can be achieved by repeating the principal architectural elements and subtly varying the offsetting of building walls, choice of materials, parapet height, and color.”¹
 2. Articulation. “Because repetition is important to the composition of the row houses, sufficient articulation of architectural elements on the primary facade of each row house is

¹ *Stapleton Design Book* published by Forest City Stapleton, Inc., September 2000, pp. III.20 - III.22

essential. Groupings of row houses are often repeated along the street, requiring techniques to promote architectural interest and streetscape diversity.”¹

“A row house articulation is defined as a covered entry element, a dormer facing the street, a horizontal offset of at least two (2) feet in the principal building wall for a minimum of four (4) feet in width, a bay or projection, or a significant change in the parapet height and design.”¹

“The primary row house elevation towards the street needs at least two (2) articulations, but not more than three (3) articulations. The required articulation refers to an individual row house, not the entire grouping.”¹

“Side elevations of row houses facing a street are subject to the same articulation requirements as the primary facade.”¹

“Row house groupings of six (6) units or more (or groupings over one hundred twenty [120] feet in length) require two different articulation combinations.”¹

3. Entry Definition. “Well-defined and sensitive entries are particularly important for row house design. In addition to creating a feeling of welcome and providing shelter, they also help make a gracious transition between public and private realms”¹

“All row houses must provide a covered front entry.”¹

15.08.030 Multi-Family Stacked Units, Including Condominiums and Apartments.

- A. Applicability. The standards set forth in this Section shall apply to all new buildings containing multi-family stacked units for which a building permit is issued after August 15, 2008, the effective date of this Section. This Section shall not apply to the enlargement, modification, or remodeling of such buildings or structures which existed prior to the effective date of this Section, August 15, 2008.
- B. Intent. The intent of this Section is to build multi-family stacked units that achieve a harmonious balance between repetition and variety. Each multi-family dwelling containing three (3) or more dwelling units shall feature a variety of massing proportions, wall plane proportions, roof proportions and other characteristics. The following specific standards shall apply to multi-family stacked units, including condominiums and apartments:
 1. Individual Building Identity. For all developments of three (3) or more multi-family stacked buildings, a floor plan may be repeated, however, identical building facades must not be replicated more than twice within the development. Before building may commence on a block and prior to the issuance of a building permit within the block, the applicant shall illustrate, through the use of a Block Diversity Plan, how the development will comply with the requirements set forth in this section. Final plat approval cannot be given without approval of a Block Diversity Plan for the initial stage of development. A Block Diversity Plan shall include, at a minimum, the following:
 - a. A map that illustrates the floor plan and elevation for each building on the block.
 - b. The color palette to be used.
 - c. A written statement that specifies how the provisions of this section will be met.
 2. Articulation. Each multi-family dwelling or condominium shall be articulated with projections, recesses, covered doorways, balconies, box or bay windows and/or other similar features, dividing large facades and walls into human-scaled proportions. Each multi-family building shall feature walls that are articulated by a least two (2) of any of the following elements within every thirty-six (36) foot length of the facade:

- a. Recesses, projections or significant offsets in the wall plane;
 - b. Distinct individualized entrances;
 - c. Chimneys that project from the wall plane;
 - d. Balconies and/or other outdoor living space; or
 - e. Bay or box windows.
- 3. Roofs. Each multi-family building shall feature a combination of primary and secondary roofs. Primary pitched roofs shall be articulated by at least one (1) of the following elements:
 - a. Changes in plane and elevations;
 - b. Dormers, gables or clerestories; or
 - c. Transitions to secondary roofs over entrances, garages, porches, or bay windows.
- 4. Color. For all developments, there shall be no more than two (2) similarly colored structures placed next to each other along a street or major walkway spine.
- 5. Garages. No street-facing facade shall contain more than four (4) garage fronts. Resident garages or parking that is internal to the block is encouraged. On-street parking should be made available for visitors.

15.08.040 Commercial and Industrial Architecture

- A. Applicability. The standards set forth in this Section shall apply to all new commercial and industrial buildings and structures for which a building permit is issued after August 15, 2008, the effective date of this Section. This Section shall not apply to the enlargement, modification, or remodeling of such buildings and structures which existed prior to August 15, 2008.
- B. Intent. The Town of Collbran has the following three Commercial/Industrial zones within its Planning Area: Downtown Commercial; General Commercial and Light Industrial. They are different in character, purpose, and mixture of uses. The design considerations vary for each type, although there are many common design elements. The General Provisions section outlines the common elements and the specific design considerations are identified by type.

With respect to the Downtown Commercial, Town of Collbran's historic buildings have established a pattern of downtown development: buildings are located close to the sidewalk, forming a continuous street facade. Pedestrian movement is the primary focus. Building height, architectural details, front setbacks, parking location, wall articulation, and sidewalks establish the architectural edge that defines this area as a walkable commercial corridor.

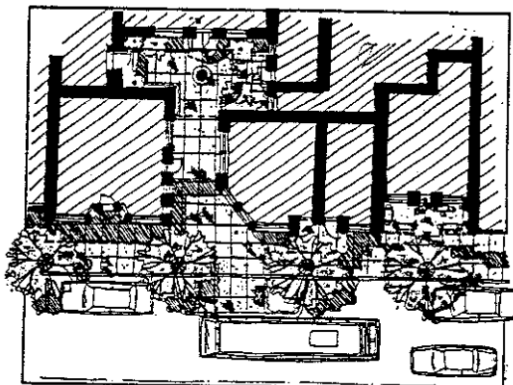
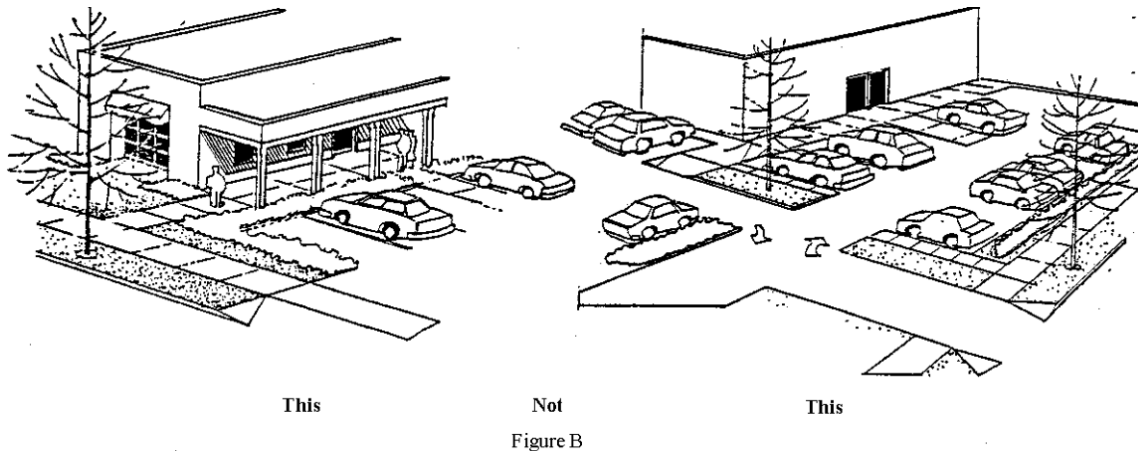
The General Commercial District is the primary Community Commercial Corridor for the Town. This area is also predominantly accessed by automobile. However, the integration of commercial uses with a mixture of residential that transitions to medium and lower density areas will require good pedestrian access throughout this area.

- C. General Provisions.
 - 1. Connections. Commercial developments must be linked with surrounding areas by extending town streets, sidewalks, and/or paths directly into and through the development, thereby providing convenient, direct pedestrian, bicycle (non-motorized access) and vehicle access to and from all sides of the development.
 - 2. Accessibility. Developments must be accessible to pedestrians and bicyclists (non-motorized access) as well as motorists. Site plans shall equally emphasize the following:
 - a. Pedestrian access to the site and buildings;

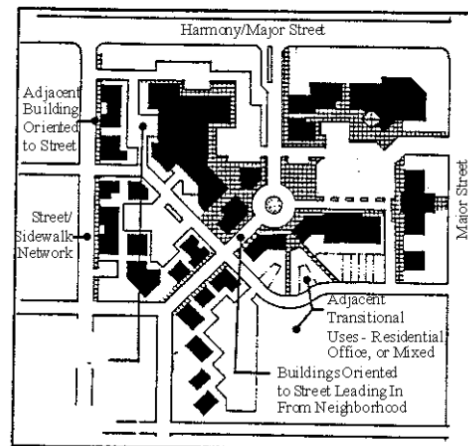
- b. Gathering areas for people; and
- c. Auto access and parking lots.

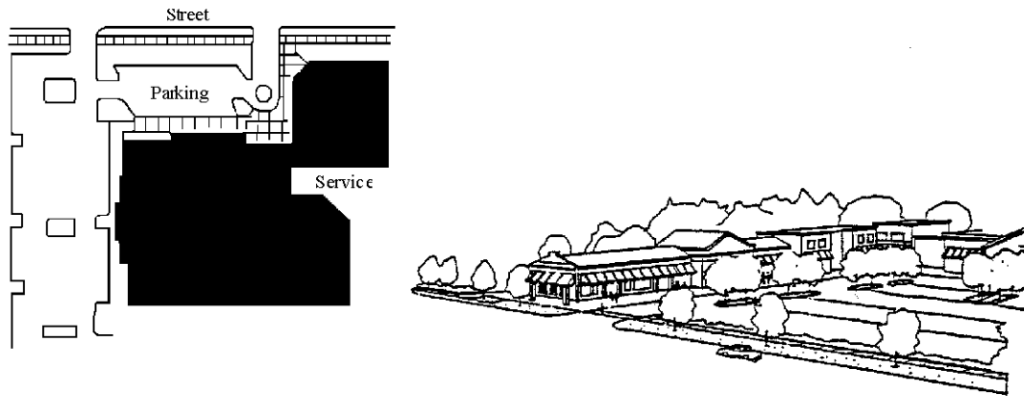
The emphasis must not be placed solely on parking and drive-through functions.

3. Walkways. Walkways must be located and aligned to directly and continuously connect areas or points of pedestrian origin and destination, and not be located and aligned solely based on the outline of a parking lot configuration that does not provide such direct pedestrian access.
4. On-Street Parking. Streets and other elements of the site plan shall be designed so that on-street parking is a functional part of the development (except along arterial streets).
5. Building Orientation. Where possible, buildings shall be located to front on and relate primarily to streets. Building setbacks from local and collector streets should be minimized in order to establish a visually continuous, pedestrian-oriented street-front. In the case of large buildings for employment, storage or auto-related uses, where greater setbacks are needed, a minimum of thirty (30) percent of the building shall be brought to the setback line. If a minimized setback is not maintained, the larger setback area shall have landscaping, low walls or fencing, a tree canopy and/or other site improvements along the sidewalk designed for pedestrian interest, scale and comfort.



Commercial developments in which the buildings have been shaped by the street/sidewalk network, and in turn give definite form to streets, sidewalks, and other spaces.





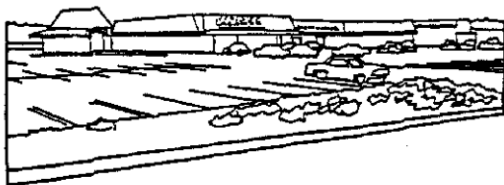
Example of Neighborhood Commercial Setback

From City of Fort Collins *Design Standards and Guidelines for All Commercial Development*

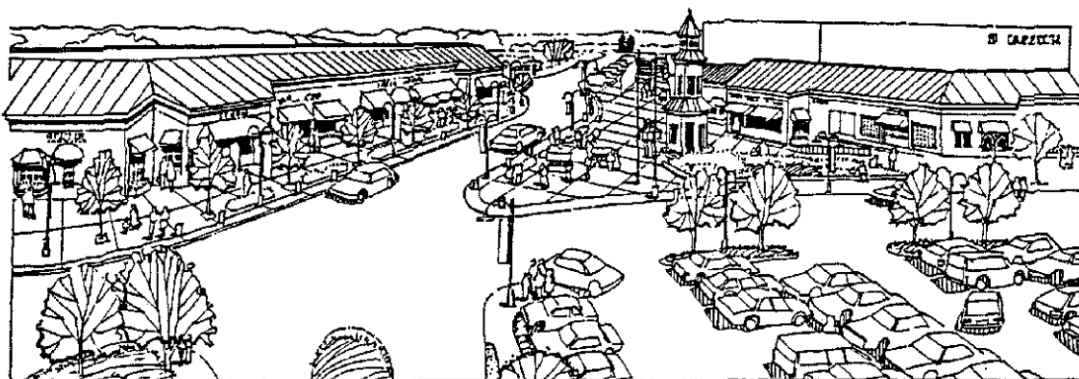
6. Pedestrian Scale. The establishment of buildings on isolated “pad sites” surrounded by parking lots and driveways, and that offer mainly auto-oriented signage to define entrances, is discouraged. Even relatively massive development can be configured into “blocks” or other spaces, proportioned on a human scale and city block scale; and need not be proportioned on a monolithic, auto-oriented scale.
7. Thematic Architectural Styles. Standardized “corporate” or strongly thematic architectural styles associated with chain-type restaurants and service stores are strongly discouraged unless they accommodate the desired image for the Town of Collbran and are compatible with adjacent structures and uses.
8. Location of Parking Lots. Parking requirements shall be provided to the greatest extent possible by spaces at the rear or sides of the building. Refer to Landscaping standards and Parking shall address the following characteristics:
 - a. Surface. All parking and driveway areas and primary access to parking facilities shall be surfaced with asphalt, concrete or similar materials.
 - b. Integrate parking lots with surroundings. Parking lots shall not dominate the frontage of pedestrian-oriented streets, interfere with designated pedestrian routes, or negatively impact surrounding neighborhoods. The pedestrian character of streets and buildings shall be maximized through continuity of buildings and landscape frontage.
 - c. Location. Parking lots shall be located to the rear or side of buildings or in the interior of a block whenever possible.
 - d. Landscaping. Parking lots shall be landscaped, screened and buffered as provided in the Landscaping Section under “Parking Lot Landscaping Standards”.
 - e. Share-access. Where feasible, parking lots shall share access drives with adjacent property with similar land uses.
 - f. Off-street parking design. Off-street parking areas 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, sidewalks or strike against or damage any wall, vegetation, utility or other structure.

Illustrations from City of Fort Collins, *Design Standards and Guidelines for All Commercial Development*, March 1996 (reprinted with permission).

- g. 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.
 - h. Lighting. All parking area lighting shall be full cutoff 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.
 - i. 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.
9. Blank Walls. Blank, windowless walls are discouraged. Where the construction of a blank wall is necessary, the wall shall be articulated.
10. Wall articulation.
- a. Walls shall not have an uninterrupted length exceeding fifty (50) feet. Pilasters, texture transitions, windows and stepping of the wall plane are required.
 - b. All exterior elevations shall maintain the integrity of the adjacent dwellings architectural character and detailing.
 - c. Continuous cornice lines or eaves are encouraged between adjacent buildings.
 - d. Buildings with flat roofs shall provide a parapet with an articulated cornice.
11. Facade Treatment. The architectural treatment of the front facade shall be continued, in its major features, around all visibly exposed sides of a building. Blank wall or service area treatment of side and/or rear elevations visible from the public viewshed is discouraged.
12. Windows. Windows shall be vertically proportioned wherever possible.
13. Awnings. Fixed or retractable awnings are permitted. Canvas is the preferred material, although other water proofed fabrics may be used; metal or aluminum awnings may be used, but should be integrated into the building design and have good aesthetic appeal.
14. Screening. All air conditioning units, HVAC systems, exhaust pipes or stacks, elevator housing and satellite dishes and other telecommunications receiving devices 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, loading and parking areas shall be properly screened
15. Architectural Details. All materials, colors, and architectural details used on the exterior of a building shall be compatible with the building's style and with each other.



Former one-story shopping center situated behind a large parking lot, later renovated with the addition of traditional-style buildings, sidewalks, and streets, shown at right.



A center where an independent parking lot circulation system looks like streets, sidewalks, and plazas.

Illustration from *City of Fort Collins Design Standards and Guidelines for All Commercial Development* (reprinted with permission).

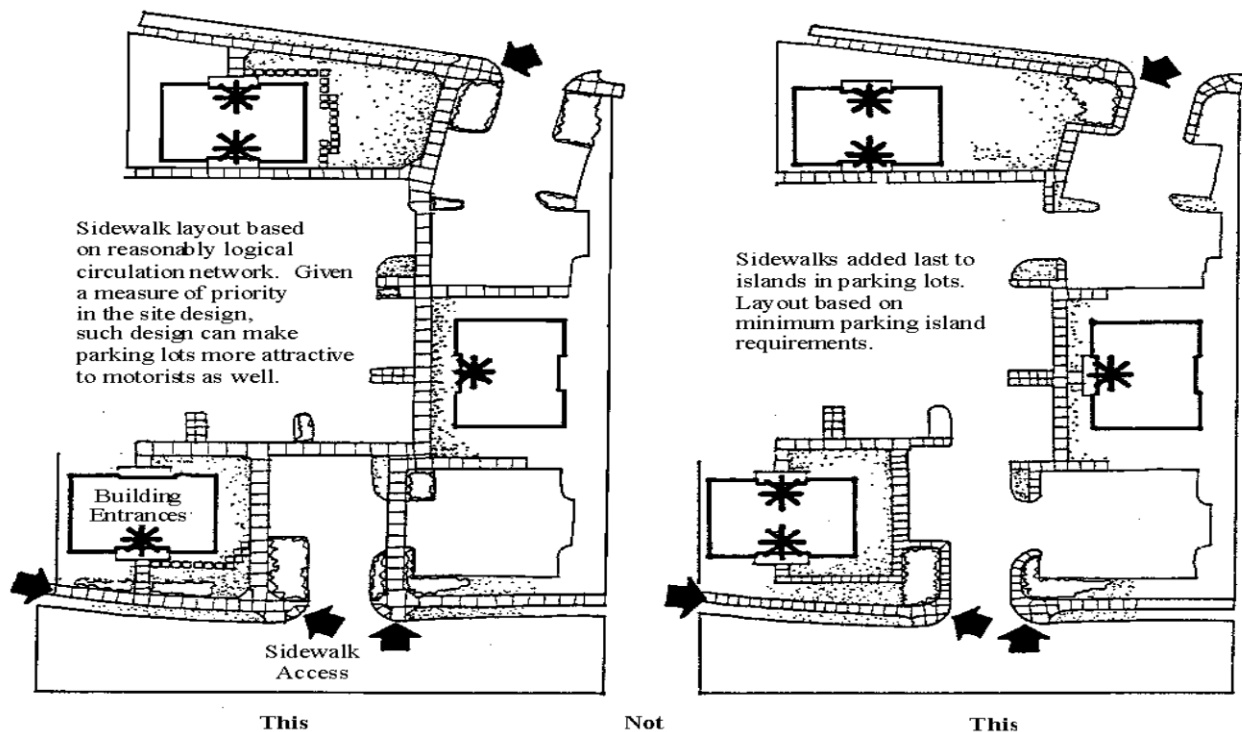
D. Downtown Commercial Architectural Standards.

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 Town of Collbran Codes.
2. Multi-Story, Mixed-Use Structures. Commercial uses shall be contained in multi-story (two to three stories) mixed-use structures with commercial/retail uses on the ground level and above and/or apartment dwellings or offices on the upper levels. Such building shall vary in terms of footprint and architectural elevations. The maximum ground level footprint of a commercial building shall be five thousand (5,000) square feet.
3. Facade Treatments. Large buildings shall be articulated or designed to resemble the character and scale of the original downtown buildings, with each facade twenty-five (25) feet or less.
4. Entries. Transparent entries and large store front windows are strongly encouraged. Recessed and other styles of window openings are desired.
5. Windows. Street-level storefront windows are strongly encouraged. Office and residential windows organized in a generally regular pattern are encouraged.

6. Awnings/Canopies. Awnings or canopies, which provide a generally consistent cover along the pedestrian walk are strongly encouraged. Arcades are desired to maintain a more continuous weather protected walk.

E. Planned Unit Development (PUD) Commercial Architectural Standards.

1. Neighborhood Center. The design of the commercial center needs to function as a focal point or activity center for the neighborhood. The design should include where possible, outdoor space for pedestrians, such as a plaza, outdoor café or seating area.
2. Setbacks. Building setbacks from local and collector streets should be minimized in order to establish a visually continuous, pedestrian-oriented street-front. In the case of large buildings for employment, storage or auto-related uses, where greater setbacks are needed, a minimum of thirty (30) percent of the building shall be brought to the setback line. If a minimized setback is not maintained, the larger setback area shall have landscaping, low walls or fencing, a tree canopy and/or other site improvements along the sidewalk designed for pedestrian interest, scale and comfort.
3. Driveway Crossings. Driveway crossings must place priority on the pedestrian access and the material and layout of the pedestrian access must be continuous as it crosses the driveways, with a break in the continuity of the driveway paving and not in the pedestrian access way. Continuous driveway aisles located directly in front of a building are discouraged.



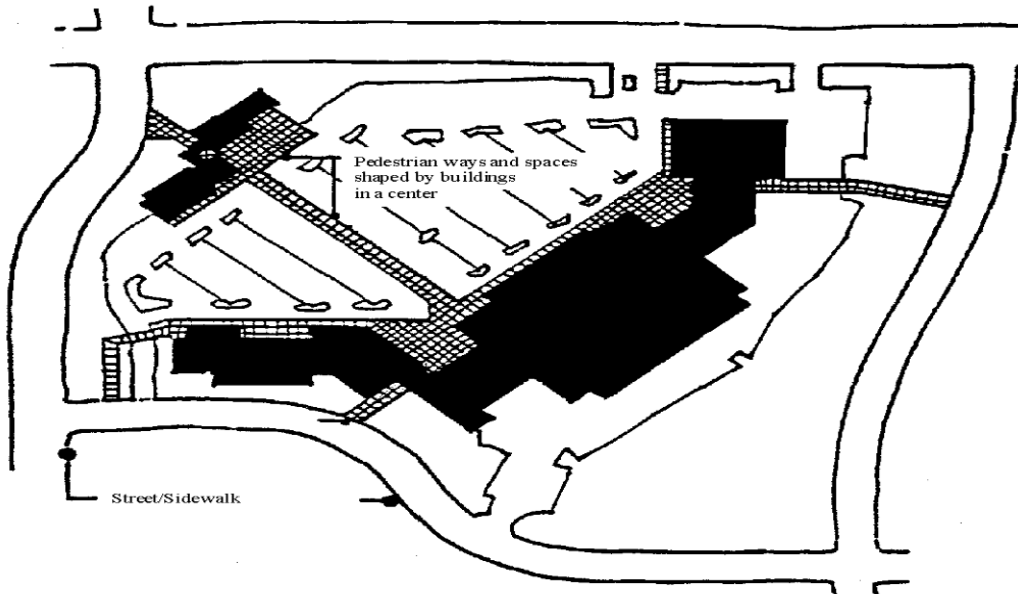
Illustrations from City of Fort Collins, *Design Standards and Guidelines for All Commercial Development*, March 1996 (reprinted with permission).

F. General Commercial 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 must 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. Continuous driveway aisles located directly in front of a building are discouraged.

2. Connections. Where it is not possible or appropriate to extend Town of Collbran street and sidewalks directly into development or bring the building up to a Town of Collbran sidewalk, buildings shall be shaped and designed to form pleasant, direct connections to adjacent land uses.



3. 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.
4. 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. Designs shall not contain unbroken flat walls of fifty (50) feet or greater in length.
 - a. Buildings having single walls exceeding fifty (50) feet in length shall incorporate one or more of the following for every fifty (50) feet:
 - b. Changes in color, graphical patterning, changes in texture, or changes in material;
 - c. Projections, recesses and reveals;
 - d. Windows and fenestration;
 - e. Arcades and pergolas;
 - f. Towers;

- g. Gable projections;
 - h. Horizontal/Vertical breaks; or
 - i. Other similar techniques.
5. 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 may be used as building accent colors.
 6. Roof Materials: All sloping roof areas with a pitch of three in twelve (3 in 12) or greater, and visible from any public or private right-of-way, shall be surfaced with attractive and durable materials.
 7. Orientation of Pedestrian Entries: All office, hotel and motel structures shall be oriented so that pedestrian entries face the nearest adjacent street.

15.08.050 Light Industrial District Architectural Standards.

- A. Applicability. This Section shall apply to all new industrial buildings, structures and developments approved after August 15, 2008 the effective date of this Section. This Section shall not apply to buildings, structures and developments, which existed prior to the effective date of this Section, August 15, 2008.
- B. Intent. Less visible areas in the community provide the opportunity to locate industrial/business park development. In addition, the following standards shall apply.
 1. Items 3 through 7 from the General Commercial District, shall apply.
 - a. Building Massing and Form:
 - i. Office and entry spaces shall be distinguished from the building mass.
 - ii. Large, square, “box-like” structures are not an acceptable form. Architectural elements with smaller forms stepping outwards and down shall be included.
 - iii. Loading areas shall not front any street or public right-of way.
 - iv. Parking requirements shall be provided to the extent possible at the rear or sides of the building.
 - b. 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.
 - c. Siting Structures.
 - i. Structures shall be sited to avoid a “wall” affect along public rights-of-way and along adjacent property lines. This can be achieved by varying the building setbacks and clustering buildings.
 - ii. 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).

Part 2

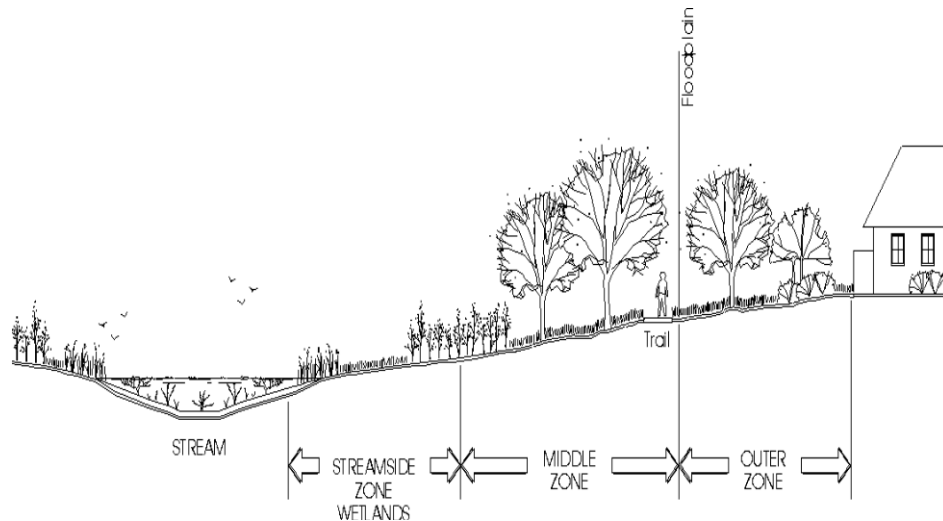
Landscape Standards

15.08.060 Applicability. The landscape standards set forth in this Part 2 of Chapter 15.08 of the Collbran Municipal Code shall apply to all new subdivisions, planned unit developments, Special Uses and site plans for which an application is filed with the Town on or after , the effective date of this Part 2.

15.08.070 Landscape Design.

- A. Intent. These standards are enacted to preserve Town of Collbran's special character, and integrate and enhance new development by promoting quality landscape design that:
 - 1. Reinforces the identity of the community and each neighborhood;
 - 2. Provides tree-lined streets in urban areas;
 - 3. Anchors new buildings in the landscape;
 - 4. Provides tree canopies within paved areas; and
 - 5. Is environmentally sensitive by preserving existing trees, using water conservation techniques, planting native species (when appropriate), and enhances valuable habitat.
- B. General Provisions. All land development applications shall be accompanied by an appropriate landscape plan. Building permit applications for individual single-family residences will not require landscape plans. However, all landscaping within the community shall comply with the intent of these regulations.
 - 1. Environmental Considerations.
 - a. Landscapes shall use the following xeriscape design principles to facilitate water conservation:
 - i. Well-planned planting schemes;
 - ii. Appropriate turf selection to minimize the use of bluegrass;
 - i. Use of mulch to maintain soil moisture and reduce evaporation;
 - ii. Zoning of plant materials according to their microclimatic needs and water requirements;
 - iii. Improve the soil with organic matter if needed;
 - iv. Efficient irrigation systems; and
 - v. 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, plant species that are regionally adapted and noninvasive may be used.
 - c. Landscapes shall consist of a variety of species to enhance biodiversity. No one species may make up more than twenty-five (25) percent of the total non-grass plant materials on the site.
 - d. Buildings and parking areas shall be located to preserve and promote the health of existing trees, environmental resources and natural drainage ways. No healthy tree shall be removed without good cause. This requirement is not intended to prevent the removal of unhealthy trees in conjunction with site development
 - e. Trees shall be located to provide summer shade and limit winter shade on walks and streets.

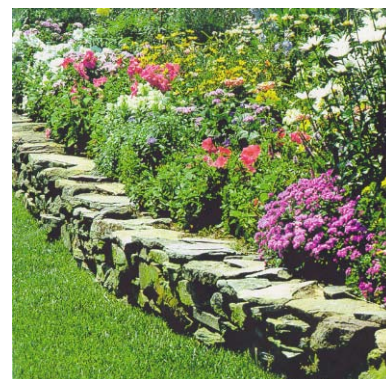
- f. All areas disturbed by construction shall be reseeded to prevent erosion. Native, noninvasive grasses shall be used for revegetation where practical. Weed control is the responsibility of the landowner on all reseeded areas and all preservation areas.
- f. A combination of plantings, berms, walls and fences shall be used as appropriate to buffer sensitive habitat.



Use buffers to protect the physical integrity of riparian ecosystems. Try to preserve vegetation and trees in streamside zone and middle zone. Encourage grass and landscaping in outer zone to filter runoff from backyards, parking areas, roads, etc.

2. New buildings and paved areas.

- a. Anchor structures in the landscape through the use of trees, shrubs and groundcover. The size and intensity of plantings shall be appropriate to the size and context of the improvements.
- b. Integrate adjacent land uses of different intensities through a combination of berming, plantings and fencing. Use opaque screening only when necessary to mitigate the impact of noise, light, unattractive aesthetics and traffic. A fence shall not be the only screening material used.
- c. Use landscaping to provide a transition from developed, managed landscape to more natural vegetation.
- d. Provide a tree canopy by installing shade trees within and adjacent to paved areas.



A combination of berming, planting and fencing to integrate land uses.

3. Plant Materials.

- a. The minimum planting sizes on all required landscaping shall be two (2) inch caliper deciduous trees, one and one-half (1½) inch caliper ornamental trees, six (6) foot tall evergreen trees and five (5) gallon shrubs.
- b. Required plant materials shall be grown in a recognized nursery in accordance with proper horticultural practice. 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.
- c. All plants shall conform to standards for measurements, grading, branching, quality, ball and burlapping as stated in the American Standard for Nursery Stock, 1990 Edition, American Association of Nurserymen, Inc., (AAN-ASNS) and Colorado Nursery Act of 1965 (CNA).

4. Irrigation.

- a. 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.
- b. Use of non-treated water for irrigation is encouraged if a permanent, suitable supply is available.
- c. Required landscaping in urban developments shall be irrigated with a permanent irrigation system.
- d. Temporary irrigation may be used to establish native grasses and vegetation.

5. Guarantee of Installation.

- a. 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. In order to provide for the ongoing health and appearance of landscape improvements, all landscaping shall be maintained and replaced by the landowner/occupant as necessary. All property owners/occupants shall be responsible for maintenance of landscaping within the portion of the public right-of-way between the back of the curb or street pavement and the adjacent property.

15.08.080 Business/Commercial and Industrial Development Landscaping Standards.

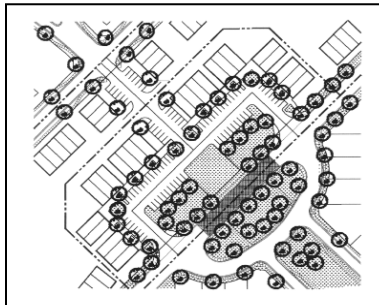
- A. Landscape improvements shall be designed to enhance the overall appearance of the development and integrate the project with adjacent land uses and into the surrounding neighborhood. All improvements shall consider the people who will use the site, travel through or by the site and adjacent land uses. A minimum of twenty-five (25) percent of the site (gross) shall be landscaped area, street rights-of-way, building footprints, or hard surfaced or landscaped areas of parking lots and driveways.

1. The applicant shall provide:

- a. Site trees – plant a minimum of one (1) tree per one thousand (1,000) square feet of landscaped area, distributed on the site.

- b. Shrubs – plant a minimum of one (1) shrub per one hundred fifty (150) square feet of landscaped area. 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 ten (10) shrubs.
- c. Groundcover – 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 eight (8) inches. There shall be a minimum of seventy-five (75) percent live materials between the building and the street unless approved by the Town of Collbran.
- d. Landscape setback to parking lots – thirty (30) feet from arterials or twenty-five (25) feet from other streets. The purpose of the setback is to provide a buffer between street parking areas. This setback may be reduced to fifteen (15) feet if used in combination with a three to four (3-4) foot masonry or stone decorative wall. Signage may be included in this setback.
- e. Screen loading areas – screen loading areas (including vehicle being loaded), service and storage areas visible from the public right-of-way or adjacent property 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.
- f. Compatibility – integrate activities on the subject property with adjacent land uses by utilizing a combination of landscaping, building orientation and appropriate architectural elements.

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



15.08.090 State Highway
Corridor
Landscaping
Standards.

Create pedestrian-friendly commercial areas by:

1. Providing open areas for gathering places
2. Creating a tree canopy between on-street parking and store fronts to provide a separation between cars and sidewalks
3. Landscaping parking lots

A. The applicant shall provide:

1. Landscape setback to parking lots – provide a fifty (50) foot landscape setback from the highway. The purpose of the setback is to provide a buffer between the street and parking areas. Signage may be included in this setback.

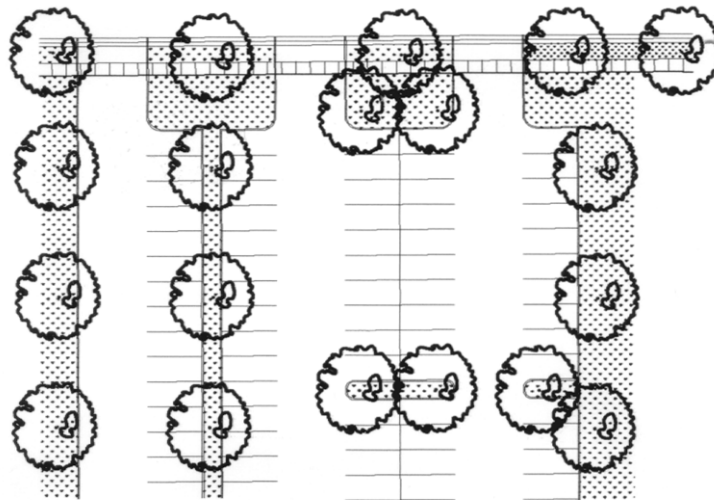
2. Shrubs – a minimum of one (1) shrub per one hundred fifty (150) square feet of landscaped setback. Group shrubs and distribute throughout the landscape setback. Trees may be substituted for up to one-half (½) of the required shrubs at the rate of one (1) tree for ten (10) shrubs.

15.08.100 - Downtown Landscaping Standards.

- A. Downtown landscaping is intended to provide an attractive environment for people to walk and shop. The developer or assigns shall provide:
 1. Streetscape – a combination of window boxes, planters, trees, benches, etc. as appropriate to enhance building entries and the streetscape.

15.08.110 Parking Lot Landscaping Standards.

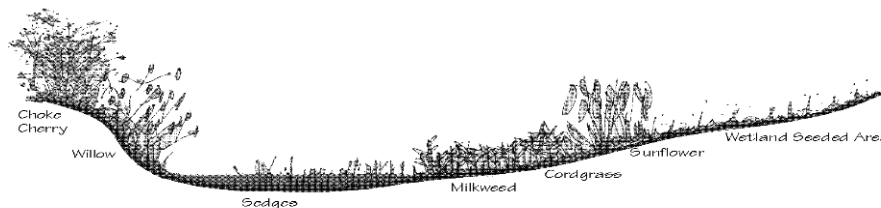
- A. Parking lot landscaping is intended break up large expanses of pavement, create shade, buffer views of parking lots from adjacent streets and development and enhance the overall appearance of each project.
 1. Applicability - All parking lots with ten (10) spaces or more shall be subject to these requirements.
 2. 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. Groundcover - 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 - thirty (30) feet from arterials or twenty-five (25) feet from other streets. The purpose of the setback is to provide a buffer between the street and parking areas and to screen the parking from the street. This setback may be reduced to fifteen (15) feet if used in combination with a three to four (3-4) foot articulated masonry or stone decorative wall with trees and shrubs on both the street and parking lot sides of the wall to soften its appearance. Signage may be included in this setback.
- e. Provide a mechanism for long-term maintenance of landscaping - all landscaping within and adjacent to parking lots shall be owned and maintained by the landowner or occupant.

15.08.120 Storm Drainage Facilities.

- A. Intent. To promote innovative and effective land and water management techniques that protect and enhance water quality.
- B. General Provisions.
 - 1. Landscaping associated with storm drainage facilities shall be integrated into the overall design of the project.
 - 2. It shall enhance the overall appearance of the project, prevent erosion and improve water quality of storm water runoff whenever possible.
 - 3. 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 Board of Trustees.
 - 4. The use of planting strips and shallow landscaped depressions in parking lots and along roads is encouraged to help trap and remove pollutants from storm water runoff.



Develop storm drainage systems as landscape amenities, which can enhance the overall project.

- C. Applicability. All storm drainage facilities shall be appropriately landscaped.
 - 1. 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. 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.
 - b. Maximum side slope on drainage facilities shall be 4:1, minimum slope of the bottom of a drainage facility shall be one-half (½) percent.

- 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.

2. Ownership and Maintenance.

- a. All drainage facilities shall be owned and maintained by the landowner or occupant unless otherwise approved by the Town of Collbran.

15.08.130 Submittal Standards for Landscape Plans. All land development applications will be accompanied by the appropriate landscape plan:

TYPE OF APPLICATION	CONCEPTUAL LANDSCAPE PLAN	FINAL LANDSCAPE PLAN
Sketch Plan	■	
Final Plat/PUD		■
Special Use		■
Site Plan		■

- A. Conceptual Landscape Plan. (submit with sketch plan) Intent: to illustrate the overall design concept for landscaping and depict how it relates to the overall development.
- B. Describe the design intention of the proposed landscape improvements.
- C. This information should be included on the sketch plan map or combined with the conceptual open space plan if it can be clearly illustrated and the scale is not greater than 1"=200'.
- D. Information required on the plan is listed in the table, which follows.
 - 1. Final Landscape Plan. (submit with final plat) Intent: to show the master landscape plan and the specific landscaping details for each phase 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, which follows.
 - d. The final landscape plan must be on a separate page from the final plat map and should be included with the final open space and ecological characterization plan if it can be clearly illustrated. The scale shall not greater than 1"=50'.

Information required on the plan is listed in the following table.

INFORMATION REQUIRED	CONCEPT	FINAL
Scale, north arrow, site boundary	■	■
Existing and proposed streets		■
Existing and proposed utilities and easements		■

INFORMATION REQUIRED	CONCEPT	FINAL
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 groundcovers and any drainage ways, 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, groundcover, 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 groundcover. 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.)		■

15.08.140 Prohibited Plant Materials List. The following trees are prohibited in the Town of Collbran.

- A. Russian Olive (an invasive species that threatens native trees in riparian ecosystems).
- B. Lombardy Poplar (susceptible to canker-forming fungi for which there are no available controls).
- C. Siberian Elm (can dominate native vegetation, especially in disturbed areas; is weak-wooded and subject to continuous dieback when large; can be devastated by the elm leaf beetle).
- D. Boxelder Maple (primary host plant of the boxelder bug).

- E. Cotton-bearing Cottonwood. The Board of Trustees will consider Cotton-bearing Cottonwood on a case-by-case basis for restoration projects along riparian corridors. (Often considered a public nuisance).

Part 3

Lighting Standards

15.08.150 Intent. The purpose of this Part 3 of Chapter 15.08 is:

- A. To create an attractive lighting system to enhance visibility and safety, while minimizing glare and contrast.
- B. To prevent light pollution and light trespass beyond property boundaries.
- C. To provide standards for land use applicants and the Town of Collbran that support good functional lighting design, minimizes lighting impacts on the Town and ensures compliance with these standards.
- D. To preserve Collbran's pristine nighttime sky.
- E. To encourage exterior lighting that is functional, aesthetically pleasing, avoids excessive lighting and preserves the small-town character of Collbran.
- F. To support lighting that promotes a safe and glare free environment for pedestrians, cyclists and motorists.
- G. To allow for flexibility in the style and use of lighting fixtures that promote quality design, effective use of lighting and the intent of these standards.

15.08.160 Applicability.

- A. Except as provided herein, the provisions of this Part 3 shall apply to all annexations, subdivisions, planned unit developments, Special Uses and development permits approved on or after the effective date of this Ordinance.
- B. All exterior lighting fixtures, devices, equipment, lamp sources and wattage, fixture locations and shielding installed after the effective date of this Part 3 shall comply with the requirements and standards herein.
- C. All exterior lighting fixtures, devices, equipment, lamp sources and wattage, fixture locations, and shielding presently in use and existing as of the effective date of this Part 3 that is not in conformance with the requirements and standards of this Part 3, shall be considered a legal nonconforming use and may continue in existence subject to the provisions of Section 15.08.170 below.

15.08.170 Abatement of Legal Non-conforming Exterior Lighting.

All existing exterior lighting that does not conform with the requirements and standards of this Section that is in use as of the effective date of this Part 3 shall be subject to the following, notwithstanding any other provisions of this Part 3 to the contrary:

- A. A legal non-conforming exterior lighting use shall not be changed except to a lighting use that conforms to the requirements and standards of this Part 3.
- B. Whenever a legal non-conforming exterior lighting use has been discontinued for a period of one (1) year or longer, such use shall be brought into conformance with all applicable requirements of this Part 3.
- C. All exterior lighting use presently existing and in use as of the effective date of this Part 3 and not in conformance with the requirements and standards herein, shall be brought into conformance with these requirements and standards no later than January 1, 2015.

15.08.180 Definitions.

Area Light. A luminaire equipped with a lamp that produces over one thousand eight hundred (1,800) lumens. Area lights include, but are not limited to, streetlights, parking lot lights and yard lights.

Average Horizontal Foot Candle. The average level of luminance for a given situation measured at ground level with the light meter placed parallel to the ground.

Cut-off Angle (of a luminaire). The angle, measured up from the nadir, between the vertical axis of the first line of sight at which the light source is not visible.

Cut-off fixture. Luminaries that do not allow light to escape above an eighty-five degree (85°) angle measured from a vertical line from the center of the lamp extended to the ground.

Exterior Lighting. Temporary or permanent lighting that is installed, located or used in such a manner as to cause light rays to shine outdoors. Luminaries that are indoors and are intended to light something outside are considered exterior lighting for the purposes of this Part 3.

Fixture Height or Mounting Height. The vertical distance measured from the ground directly below the centerline of the fixture to the lowest part of the light source.

Floodlight. A lamp that produces up to one thousand eight hundred (1,800) lumens and is designed to flood a well-defined area with light.

Flush Mounted or Recessed Luminaire. A luminaire that is mounted above the ceiling (or behind a wall or other surface) with the opening of the luminaire even with the surface.

Foot-candle. The American unit used to measure the total amount of light cast on a surface (a luminance). One foot (1') candle is equivalent to the luminance produced by a source of one candle at a distance of one foot (1'). One foot (1') candle is approximately equal to ten (10) lux, the British unit used to measure a luminance.

Full Cut-off Fixture. A fixture that emits zero (0) light at an angle of ninety degrees (90°) or more above vertical. No more than ten percent (10%) of the total lumens of any light fixture can be above the vertical angle of eighty degrees (80°) from the vertical. This applies to all lateral angles around the fixture.

Fully Shielded. A device providing internal and/or external shields and/or louvers and/or opaque lensing to prevent brightness from lamps, reflectors, refractors and lenses from causing glare at normal viewing angles. Light shall be directed downward.

Glare. The sensation produced by brightness within the field of vision that is sufficiently greater than the light level to which the eyes are adapted to cause pain, discomfort, or loss in visual performance and disability.

High Intensity Discharge Light Source (HID). Light sources characterized by an arc or discharge capsule that produces light, with typical sources being metal halide, high-pressure sodium, and other similar types that are developed in accordance with accepted industry standards.

Illuminance. The quantity of light, or luminous flux, arriving at a surface divided by the area of the illuminated surface, measured in lux or foot-candles.

Illuminating Engineering Society of North America (IESNA). An association of professionals in the field of lighting and related professions. Its membership is made up of engineers, architects, designers, manufacturers, contractors, distributors, utility personnel, educators, students and scientists.

Lamp. A bulb. An outer glass envelope and metal base enclosing a filament or arc tube and electrodes.

Light Pollution. The excess illumination of the nighttime environment that results in the loss of visibility of the stars.

Light Trespass. The shining of light produced by a light fixture beyond the boundaries of the property on which it is associated.

Lumen. A measure of the light energy generated by a light source. Average lumen ratings are slightly lower than initial lumen ratings as all light sources produce less light as they age.

Luminaire. A complete lighting unit, consisting of a lamp(s), reflector, refractor, or lens, wiring and sockets (sometimes referred to as a fixture).

Maximum Light Spillage. The maximum illumination of the exterior environment by interior fixtures, as measured in foot-candles, at a distance of ten feet (10') from the building.

Motion Sensor Device. A device that will sense motion electronically and switch on a light fixture for a brief duration.

Nadir. The lowest point of a sphere.

Point Light Source. The exact place from which illumination is produced (i.e., a light bulb filament or discharge capsule).

Reflected Light. Light that is reflected off surfaces becoming a secondary light source.

Timing Device. A switching device, part of which is a clock, set to the prevailing time that will control the period of operation for outdoor lighting fixtures.

Uniformity Ratio. The ratio of maximum illumination to minimum illumination.

Vertical Foot-candles. A measurement of illuminance intensity on a vertical surface, such as a wall or billboard.

15.08.190 Design Standards.

- A. Maximum Light Levels at Property Line: The Maximum light level at any point on a property line shall not exceed one-tenth (0.1) of a foot candle within or adjacent to a residential zone or 0.2 foot-candles in a nonresidential zone except as follows:
 1. Light Emitted by Light Fixtures. The light emitted by light fixtures mounted on a structure built within five feet (5') of the public street right-of-way or sidewalk, shall not exceed the maximum allowable light levels for "pedestrian areas" specified in Tables A and B for the underlying zone district or use. The maximum allowable light level shall include any existing or proposed street or pedestrian lighting located within the right-of-way. In no case shall the maximum allowable light level within the right-of-way, excluding streetlights, exceed two-tenths (0.2) of a foot-candle when measured at the curb line.
 2. Nonresidential Zone District Light Levels. In nonresidential zone districts, unless a variance has been granted, light levels exceeding two-tenths (0.2) of a foot-candle at the property line may be approved by the Board of Trustees upon a finding that the increased light levels will not adversely affect the adjacent property owners. Evidence that the light will not adversely affect an adjacent property owner may include, without limitation, a statement from such property owner that it will not be adversely affected by the increased light levels. The maximum allowable light levels specified in Tables A and B shall not be exceeded when measured on the property line.
 3. White Light Source Required. White light sources that include, without limitation, metal halide, florescent, or induction lamps, but excluding incandescent and halogen lamps,

shall be required for any light fixture, which exceeds two thousand four hundred (2,400) lumens within a parking lot, vehicular circulation or pedestrian use area.

4. Use of High-Pressure Sodium Lamps. Full cutoff high-pressure sodium lamps, not exceeding a maximum lumen rating of sixteen thousand (16,000) lumens, may be used in outdoor storage areas and other similar use areas not accessible to the general public and the need for good color rendering capabilities for safety and security is not necessary.
5. Architectural Lighting of Building Façades. The lighting of a building façade for architectural, aesthetic, or decorative purposes is permitted subject to the following requirements:
 - a. Upward aimed at building façade lighting shall be fully shielded, fully confined from projecting into the sky by eaves, roofs or overhangs and mounted as flush to the wall as possible. Such façade lighting shall not exceed nine hundred (900) lumens.
 - b. Building façade lighting exceeding nine hundred (900) lumens shall be fully shielded, aimed downward, and mounted as flush to a wall as possible.
 - c. Building façade lighting shall be fully contained within the vertical surface of the wall be illuminated.
 - d. Building façade lighting that is measurable at the ground level shall be included in the maximum allowable light levels.
- B. Unshielded Lighting Activated by a Motion Sensor. Unshielded lighting that emits more than nine hundred (900) lumens but not more than one thousand two hundred (1,200) lumens is permitted provided that it is activated by a motion sensor and provided it is aimed and located in such a manner as to prevent glare and light trespass. The light shall only go on when activated and go off within five (5) minutes of activation. Motion sensor activated lighting shall not be triggered by any movement or activity located off the property on which the light is located.
- C. Signs. All exterior signs shall be required to meet the standards for this Section. In addition, all exterior signs are also subject to the requirements set forth in Tables A and B.
- D. Standards for Lights Adjacent to Residential Zone Districts, Residential Uses or Public Rights-of-Way: Any light fixture located within ten feet (10') of a property line, of a residential zone district, an existing residential use, or within ten feet (10') of a public right-of-way, except as permitted in Tables A and B shall be:
 1. Aimed away from the property line, residential zone, residential use, and/or right-of-way;
 2. Classified as an IESNA Type III or Type IV light fixture; and
 3. Shielded on the side closest to the property line, residential zone, residential use, or public right-of-way.
- E. Canopy Lighting. Lighting fixtures mounted under canopies used for vehicular shelter shall be aimed downward and installed such that the bottom of the light fixture or its lens, whichever is lower, is recessed or mounted flush with the bottom surface of the canopy. A full cut-off light fixture may project below the underside of a canopy. All light emitted by an under-canopy fixture shall be substantially confined to the ground surface directly beneath the perimeter of the canopy.
- F. Flag Poles. A flagpole may be illuminated by pole-top mounted downward aimed fully shielded spotlight fixture, which shall not exceed three thousand five hundred (3,500) lumens.
- G. Strings of Lights. No person shall use a string of lights on property with nonresidential uses except as follows:

1. Strings of lights may only be used if they are approved by the Board of Trustees, as part of an outdoor lighting plan or landscape plan. The plan must comply with all of the standards of this subsection (G). The purpose of such lighting is intended to create pleasing pedestrian spaces, such as an outdoor dining or patio areas, utilizing low lighting levels.
2. Strings of lights permitted under this subsection shall be displayed in compliance with the following standards:
 - a. The string of lights contains only low wattage bulbs that are not greater than fifty (50) lumens per bulb (equivalent to a seven (7) watt C7 incandescent bulb);
 - b. The string of lights shall be located within a pedestrian way, plaza, patio, outdoor dining area, or the primary entry into a building;
 - c. The string of lights is not placed in any required landscape setback adjacent to a street;
 - d. The string of lights shall be displayed on a building, wall, fence, trees, or shrubs; and
 - e. The string of lights shall not suspend horizontally between any buildings, walls, fences, trees, or shrubs (for the purposes of this subsection, “horizontally” means any portion of the suspended string which dips less than forty-five degrees (45°) below the horizontal).

H. **Parking Lot Lights and Trees.** Parking lot light fixtures and poles shall be located such that trees located within the parking lot do not obscure the operation of the light fixture.

I. **Full Cut-off Fixtures.** Full cut-off fixtures shall be installed in a horizontal position as designed.

15.08.200 Maximum Lighting Standards. No person shall operate any device which makes light in excess of the levels specified in this Section. Light from any fixtures shall not exceed any of the limits for the applicable zone district or use requirements in Tables A and B.

Table A
Zone District Requirements

	Low-Density- Medium Residential (R-1) and Medium – High Density Residential (R-2)	Downtown Commercial (DTC), General Commercial (GC) and Light Industrial (LI)	Public (P) and Public Use Areas in Residential Zone Districts
Maximum Allowed Lighting Levels - Measured in Foot-candles	5.0 at building entries	5.0 at building entries	5.0 at building entries
	3.0 in parking areas	5.0 in parking areas	5.0 in parking areas
	3.0 along pedestrian walkways	3.0 along pedestrian walkways	3.0 along pedestrian walkways
	2.0 in common open space areas	2.0 in outdoor storage areas (max. uniformity ratio requirements are not applicable)	

	Low-Density- Medium Residential (R-1) and Medium – High Density Residential (R-2)	Downtown Commercial (DTC), General Commercial (GC) and Light Industrial (LI)	Public (P) and Public Use Areas in Residential Zone Districts
Maximum Uniformity Ratio – max. to min.	n/a	10:1 (except as noted above)	10:1
Maximum Lumen Rating for a Full Cut-off Luminaire Shielded from View of Adjacent Streets and Properties	8,500 - parking areas of six or more spaces	15,000	15,000
	4,000 - walkway lights and common areas	23,500 on 35-foot pole when permitted	
	1,800 stairways and entryways	16,004 high-pressure sodium when permitted	
Maximum Lumen Rating for an IESNA Cut-off or Semi Cut-off Fixture	900	1,250	1,250
Maximum Lumen Rating for an Unshielded Light Fixture	900: except for no lamp or bulb, other than for seasonal displays and landscape ornamental lighting, shall be visible beyond the property line	900	900
Controls	Motion sensors required for all unshielded fixtures in excess of 900 lm	Recommended after close of business	Recommended after close of business
Maximum Allowable Pole Height (includes base, pole and luminaire)	20 feet in parking lots	20 feet in parking lots	16 feet in parking lots within or adjacent to residential zones, otherwise 20 foot maximum
	15 feet in all other areas	35 feet for contiguous parking lots of 5 or more acres in size	
		20 feet in all other areas	

Table B
Other Use Requirements

	Parking Structures and Covered Parking below a Building	Private Recreation Use	Public Recreation Use	Service Stations, Automobile Dealerships, Drive up Windows
Maximum Allowed Lighting Levels - Measured in Foot-candles	5.0 within structure and in structure and pedestrian entries	The lesser of 30 foot-candles or the IESNA recommended standards for the specific sports venue	The IESNA recommended standards for the specific sports venue	5.0 in building entries and drive-up windows
	5.0 for uncovered upper levels	5.0 in parking lots	5.0 in parking lots	20.0 under service station canopies
	5.0 for exterior pedestrian circulation areas	4.0 in pedestrian areas	4.0 in pedestrian areas	15.0 within vehicular display areas
				5.0 in parking lots
				3.0 a long pedestrian walkways
Maximum Uniformity Ratio – max. to min.	5:1 within parking structure	3:1 on sports field or court	3:1 on sports field or court	10:1
	10:1 remainder of site	10:1 remainder of site	10:1 remainder of site	
Maximum Lumen Rating for a Full Cut-off Luminaire Shielded from View of Adjacent Streets and Properties	14,000	23,500 field or court area	107,000 sports field	14,000
		8,500 parking and pedestrian areas	23,000 courts	
			13,500 parking areas	
			8,500 pedestrian areas	
Maximum Lumen Rating for an IESNA Cut-off or Semi Cut-off Fixture	1,800	1,250	4,000	1,800
Maximum Lumen Rating for an Unshielded Light Fixture	900	900	900	900

	Parking Structures and Covered Parking below a Building	Private Recreation Use	Public Recreation Use	Service Stations, Automobile Dealerships, Drive up Windows
Sports Shielding	n/a	Internal and External	Internal and External	n/a
Light Fixture Aiming Angle	n/a	n/a	Not greater than 0° from Nadir	n/a
Controls	Automatic Daylight Adaptation Controls Required	Field of court lights shall be turned off within 30 minutes of the last of event or 12:00 midnight whichever is earlier	Field or court lights shall be turned off within 30 minutes after the last event	Service station canopies and vehicular display lights shall not exceed 5.0 foot-candles within 1 hour of the close of business
Maximum Allowable Pole Height (includes base, pole and luminaire)	12 feet for uncovered upper level parking	20 feet in residential zones	20 feet in parking lots within or adjacent to residential zones otherwise 25 feet	20 feet one adjacent to residential zones otherwise 25 feet in parking lots
		25 feet in all other zones	35 feet for sports lighting or as approved by the Board of Trustees	20 feet in all other areas

15.08.210 Prohibited Lighting. No person shall install any of the following types of outdoor lighting fixtures:

- A. Mercury vapor lamps;
- B. Low-pressure sodium lamps;
- C. Blinking, flashing, moving, revolving, flickering, changing intensity or color, and chase lighting, except lighting for temporary seasonal displays, lighting for public safety or required for air traffic safety;
- D. Any light fixture that may be confused with or construed as a traffic control device;
- E. Any upward oriented lighting except as otherwise provided for in this Section;
- F. Searchlights, beacons and laser source light fixtures;
- G. Exposed linear lamps that include without limitations, neon, light emitting diode (LED), and fluorescent lighting, primarily intended as an architectural highlight to attract attention or used as a means of identification or advertisement; or
- H. Any lamp or bulb not within a light fixture (except for seasonal displays and landscape ornamental lighting) visible beyond the property line on which it is located.

15.08.220 Exceptions. The standards of this Part 3 shall not apply to the following types of exterior lighting:

- A. Ornamental Lighting. Low-voltage (twelve (12) volts or less), low wattage ornamental landscape lighting fixtures, light fixtures having self-contained rechargeable batteries, or any single light fixture that does not exceed one hundred (100) lumens.
- B. Strings of Light. Strings of light, not exceeding a maximum of fifty (50) lumens per lamp, (equivalent to a seven (7) watt C7 incandescent light bulb) on properties located in all residential zone districts or on properties that are used exclusively for residential uses shall be exempt from the requirements of this Part 3.
- C. Aviation Lighting. Lighting used exclusively for aviation purposes.
- D. Right-of-Way Lighting. Public lighting that is located within any right-of-way.
- E. Seasonal Lighting Displays. Seasonal lights, which are displayed from November 15 through January 30 of any year.

15.08.230 Submittal Requirements. A lighting plan shall be submitted in conjunction with any applicable land use application or building permit application (except for single-family detached residential dwelling unit) in which outdoor lighting is proposed. The lighting plan shall include the following on a twenty-four inch by thirty-six inch (24" x 36") site plan (an eleven inch by seventeen inch (11" x 17") plan may be substituted based upon the size of the project, subject to approval by the Town Administrator):

- A. Lighting application form;
- B. Site plan showing the location of all buildings, building height, parking, landscaping, pedestrian areas and other relevant information;
- C. The location, height and description of all proposed and existing light fixtures on the subject property;
- D. Building elevations showing the location, height and description of all proposed light fixtures;
- E. The type, initial lumen rating, color rendering index, wattage and photometrics for each light source;
- F. The general style of each exterior light fixture such as cut-off, lantern, coach light, globe, a copy of the manufacturer's catalog information sheet and IESNA photometric distribution type, including any shielding information such as house side shields, internal, and/or external shields;
- G. Description and type of control mechanisms for each fixture (timer, motion sensor, time-clock etc.) and control schedule when required;
- H. Aiming angles and diagrams for sports lighting fixtures; and
- I. Lighting calculation that shows the maximum light levels on a grid not to exceed ten feet by ten feet (10' x 10') across the entire site and a minimum of ten feet (10') beyond the lot or parcel line. The grid shall also indicate maximum to minimum uniformities for each specific use area such as parking and circulation areas, pedestrian areas and other common public areas.

15.08.240 Variances and Exemptions.

- A. Equivalent Materials. The provisions of Part 3 of Chapter 15.08 are not intended to prevent the use of any design, material or method or installation not specifically prohibited by this Part 3 provided that any such alternate lighting plan has been approved by the Board of Trustees. Any such alternate lighting plan may be approved provided that the proposed design, material or method provides an approximate equivalent method of satisfying the standards of this Part 3 of Chapter 15.08.
- B. Variance. The Board of Trustees may grant a variance from the provisions of this Part 3 if it finds that one (1) of the following criteria has been met:

1. There are special circumstances or conditions applying to the land, buildings, or outdoor light fixtures for which the variance is sought, which circumstances or conditions are particular to such land, buildings, or outdoor lighting fixtures and do not apply generally to the land, buildings or outdoor lighting fixtures in the neighborhood;
2. For nonresidential uses, where occupational safety lighting requirements for activities or processes that occur outdoors are required by another governmental agency;
3. Upon a finding by the Board of Trustees that outdoor lighting in specific areas of the community is not adequate and additional lighting is necessary to improve safety or security for the property or its occupants;
4. The granting of the variance will generally be consistent with the purposes of this Part 3 and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; or
5. The variance is the minimum variance that provides the relief required.

15.08.250 Temporary Lighting Exemption. The Board of Trustees may grant an exemption from the requirements of this Part 3 of Chapter 15.08 for temporary outdoor activities, which include, without limitation, fairs, carnivals, sporting events, concerts and promotional activities, if it finds the following:

- A. The length of time that the temporary lighting is to be used is not longer than thirty (30) days;
- B. The proposed lighting is designed in such a manner as to minimize light pollution, light trespass and glare as much as feasible; and
- C. The proposed lighting will comply with the general purpose of this Part 3.

CHAPTER 15.09
OFF-STREET PARKING REGULATIONS

Sections:

- 15.09.010 General Parking Requirements.
- 15.09.020 Minimum Number of Off-Street Parking Spaces Required.
- 15.09.030 Combination of Uses and Shared Parking Facilities.
- 15.09.040 Deferral of Parking Requirements.
- 15.09.050 Modification of Requirements.
- 15.09.060 Parking Requirements for Uses Not Listed.
- 15.09.070 Loading - Schools.
- 15.09.080 Loading - Other.
- 15.09.090 Maintenance Required.
- 15.09.100 Location of Parking.
- 15.09.110 Storage Use Prohibited.
- 15.09.120 Site Plan Review.
- 15.09.130 Design Requirements.
- 15.09.140 Completion of Improvements.
- 15.09.150 Interpretation of Requirements.
- 15.09.160 Appeals.

15.09.010 General Parking Requirements.

- A. At the time of the erection of a new structure or at the time of enlargement or change in use of an existing structure within the Town, off-street parking spaces shall be provided as specified in this Chapter and in the sections designated for each use.
- B. No parking shall be eliminated for an existing use if it reduces the required number of parking spaces below the minimum requirements of this Chapter.
- C. Where square feet are specified, the area measured shall be the floor area measured as defined by Section 15.01.180 - Floor Area, except for warehouses or other commercial storage areas in which case the floor area shall be determined by the measurements of the perimeter of the outside of the building wall on each level.
- D. All uses other than single family residential dwellings and two-family dwellings shall be required to submit a site and grading plan prepared by a qualified Colorado licensed professional engineer. The site plan shall be submitted with the application for any building permit and shall indicate the location and dimensions of off-street parking spaces as well as all other requirements of site plans in accordance with Section 15.07.040 and Section 15.09.120 of these Regulations.
- E. Required parking spaces shall be constructed as required by these Regulations and made available for use before completion of a final inspection for a building permit or a Special Use. The inspection of the required parking spaces shall be conducted by the Town Engineer or the Town Building Official as directed by the Town Administrator.

15.09.020 Minimum Number of Off-Street Parking Spaces Required. Unless specifically exempted or variations are permitted in accordance with these Regulations, all land uses in the Town of Collbran shall include, at a minimum, the number of vehicle off-street parking spaces specified in the following subsections of these Regulations.

Type of Land Use	Minimum Number of Vehicle Off-Street Parking Spaces Required
A. Residential	
Single-family detached dwellings	Two (2) spaces per dwelling unit.
One (1) bedroom multiple-unit dwellings	Two (2) spaces per dwelling unit.
Two (2) bedroom multiple-unit dwellings	Two (2) spaces per dwelling unit.
Three (3) bedroom multiple-unit dwellings	Two (2) spaces per dwelling unit.
Four (4) or more bedroom multiple-unit dwellings	Three (3) spaces per four (4) or more bedroom dwelling unit.
Group homes or other group living facilities not otherwise listed	One (1) space per four (4) beds.
B. Commercial and Industrial	
General retail business and commercial uses	One (1) space for every two hundred square feet (200 sq. ft.) of floor area.
Wholesale commercial uses and warehouses	One (1) space for every one thousand square feet (1,000 sq. ft.) of floor area or one and one-half (1 ½) spaces per employee whichever results in more parking spaces.
Industrial facilities	One (1) space for every one thousand square feet (1,000 sq. ft.) of floor area or one and one-tenth (1 1/10) spaces per employee whichever results in more parking spaces.
C. Commercial and Industrial	
Manufacturing	One (1) space for every one thousand square feet (1,000 sq. ft.) of floor area or one and one-tenth (1 1/10) spaces per employee whichever results in more parking spaces.
Medical and dental offices	Four (4) spaces per patient room or one (1) space per two hundred square feet (200 sq. ft.) of floor area whichever is greater.
Motor vehicle sales and service	One (1) space per ten percent (10%) of vehicle outside display area plus one (1) space per four hundred fifty square feet (450 sq. ft.) of floor area.
Vehicle service	Four (4) spaces per service bay plus appropriate stacking area.

Type of Land Use	Minimum Number of Vehicle Off-Street Parking Spaces Required
Banks, savings and loans and finance companies	One (1) space for every two hundred square feet (200 sq. ft.) of floor area.
Business and professional offices	One (1) space for every three hundred square feet (300 sq. ft.) of floor area.
Convenience store	One (1) space per one hundred square feet (100 sq. ft.) of floor area.
Indoor restaurants, eating and drinking establishments	One (1) space for every one hundred fifty square feet (150 sq. ft.) of floor area or one (1) space per three (3) seats whichever results in more parking spaces.
Drive-in or fast food restaurants	Fifteen (15) spaces for every one thousand square feet (1,000 sq. ft.) of floor area.
Drive-in restaurants without any indoor seating	One (1) space per employee on maximum shift.
Small animal hospitals and clinics	One (1) space for every three hundred square feet (300 sq. ft.) of floor area.
Medical laboratories	One (1) space for every four hundred fifty square feet (450 sq. ft.) of floor area.
D. Commercial and Industrial	
Shopping center	One (1) space per two hundred fifty square feet (250 sq. ft.) of floor area.
E. Commercial Amusement	
Bowling alley	Four (4) spaces per alley.
Dance halls and skating rinks	One (1) space for every two hundred square feet (200 sq. ft.) of floor area.
Athletic fields including baseball diamonds	Twenty (20) spaces per field or one (1) space per four (4) seats whichever is greater. [Bench capacity is calculated as one (1) seat per twenty inches (20")].
Golf course	Fifty-four (54) spaces per nine (9) holes.
Miniature golf facility	Two (2) spaces per hole.
Membership clubs or lodges	One (1) space per two hundred square feet (200 sq. ft.) of floor area.
F. Commercial Residential	
Hotels, motels, rooming houses, boardinghouses, and tourist homes	One (1) space per unit.
Bed and Breakfast	One (1) space per guest room plus two (2) spaces for owner's portion.
Rooming/Boarding House	One (1) space per rooming unit.
G. Educational Facilities	

Type of Land Use	Minimum Number of Vehicle Off-Street Parking Spaces Required
Pre-school nurseries or child care centers	One and one-half (1 ½) spaces per teacher plus one (1) space per administrative employee.
Kindergarten, elementary and intermediate schools	One (1) space per teacher, plus one (1) space per administrative employee or one (1) space per three (3) seats in the main auditorium whichever is greater. [Bench capacity is calculated as one (1) space per twenty inches (20")].
High schools, vocational or colleges and universities	One (1) space for each employee, plus one (1) space for every five (5) students.
H. Institutions	
Hospitals	One (1) space per two (2) beds plus one (1) space per employee (maximum shift).
Nursing homes, assisted living facilities, small and large group living facilities	One (1) space per four (4) beds plus one (1) space per each employee.
I. Places of Public Assembly	
Religious Assembly	One (1) space for every three (3) seats in the principal place of assembly. [Bench capacity is calculated as one (1) space per twenty inches (20")].
Theaters, auditoriums or stadiums; meeting rooms	One (1) space for every three (3) seats in the principal place of assembly or one (1) space per one thousand square feet (1,000 sq. ft.) of floor area whichever is greater. [Bench capacity is calculated as one (1) space per twenty inches (20")].
Community Center	One (1) space per two hundred fifty square feet (250 sq. ft.) of floor area or one (1) space for every three (3) seats in auditoriums or other places of assembly whichever results in more parking spaces. [Bench capacity is calculated as one (1) space per twenty inches (20")].
Library or reading room, museums	One (1) space per four hundred square feet (400 sq. ft.) of floor space, plus one (1) space per two (2) employees.

15.09.030 Combination of Uses and Shared Parking Facilities.

- A. Determining the Required Number of Parking Spaces for Multiple Uses. When one (1) building or land use is planned to include a combination of different uses, including accessory uses, the minimum parking requirement will be determined by applying the above requirements and standards to each use and structure, resulting in a total parking requirement for the property. The minimum number of parking spaces required shall be the sum of the requirements for each separate use.
- B. Shared Parking Facilities. An off-street parking space in a business or industrial district may be used jointly for more than one use, provided its occupancy ordinarily would not be used during

the same hours, and that a copy of a recorded agreement by owners involved in such joint use is presented to the Town Clerk and further subject to the following provisions.

Off-street parking requirements of a given use may be met by off-site off-street parking available on the property of another only if:

1. The off-site, off-street parking spaces are within three hundred feet (300') of the property except that the distance is one thousand feet (1,000') for employee parking;
2. Based on information supplied by the applicant, the Town Clerk, or other sources, the aggregate parking demands at the highest use time is less than the total parking spaces required; and
3. A written lease, license or easement approved by the Town Attorney between the owner of the project and the owner of the off-site parking property is executed and recorded and contains the following terms: a term of at least twenty (20) years; owner of the off-site property shall notify the Town Clerk if the lease is terminated prior to the term; the lease, license or easement is enforceable by the project owner. Should the lease, license or easement expire or otherwise terminate, the use for which the off-site parking was provided shall terminate and no owner shall maintain such use without a substitute parking lease, license or easement, approved by the Town Attorney. Continuation or expansion of the use shall be prohibited until the use is brought into compliance with the parking regulations of this Chapter 15.09.

15.09.040 Deferral of Parking Requirements.

- A. The Board of Trustees may authorize the deferral of construction of not more than fifty percent (50%) of the required off-street parking spaces and may set such conditions as necessary to guarantee provision of such deferred parking spaces at such time as the Board of Trustees determines such additional parking spaces are needed.
- B. The land area required for provision of deferred parking spaces shall be maintained and reserved and shall be landscaped pursuant to a plan approved by the Board of Trustees, which shall demonstrate that the deferred spaces, when improved, will meet all requirements of this Chapter.
- C. The Board of Trustees may consider deferral of parking requirements where the need for off-street parking is lessened due to unusual characteristics of use, and reliable data is available to establish that there is not a present need for additional parking.
- D. The Board of Trustees may defer, in extraordinary cases, the requirement that all off-street parking spaces be paved. Such a deferral shall be for a period of not more than one (1) year, and shall be in accordance with such terms and conditions as the Board may from time to time determine.

15.09.050 Modification of Requirements.

- A. The Board of Trustees may approve a parking reduction of up to seventy percent (70%) for government sponsored elderly housing projects.
- B. The requirements for off-site parking specified in Section 15.09.020 of these Regulations may be reduced by the Board of Trustees for uses in the DTC - Downtown Commercial Zone District in accordance with the following criteria:
 1. There are no additional required on-site parking requirements associated with an existing structure or land use in conformance with zoning regulations provided adequate permanent parking is available to the public within three hundred feet (300') of the building or land use;

2. On-site parking requirements associated with the replacement of an existing structure may be partially or wholly reduced by the Board of Trustees provided the new structure does not contain more floor area than the structure being replaced and provided adequate permanent parking is available to the public within three hundred feet (300') of the building or land use;
 3. Additions to existing structures and new construction will necessitate the requirement to provide parking in accordance with Section 15.09.020 based on the floor area and uses in the building addition or new construction. The on-site parking requirements may be reduced by the Board of Trustees provided adequate permanent parking is available to the public within three hundred feet (300') of the building or land use; and
 4. Permanent parking, available to the public, within three hundred feet (300') of the building or land use may be used to satisfy in part or entirely the parking requirements in the DTC - Downtown Commercial Zone District if allowed by the Board of Trustees. The applicant shall be required to submit parking information and parking survey data which demonstrates, to the satisfaction of the Board of Trustees, that adequate off-site parking is available for public use.
- C. The Board of Trustees may increase or decrease the required number of off-street parking spaces in consideration of the following factors:
1. Expected number of cars owned by occupants of dwellings;
 2. Parking needs of any non-dwelling uses; and
 3. Varying time period of use.

15.09.060 Parking Requirements for Uses Not Listed. For specific uses not listed in Section 15.09.020 above, the Board of Trustees shall determine the appropriate number of parking spaces required based upon the type of activity, intensity, number of employees and similarity to listed uses.

15.09.070 Loading -- Schools. A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having a capacity greater than twenty-five (25) students.

15.09.080 Loading - Other.

- A. A minimum loading area of three hundred square feet (300 sq. ft.) shall be provided for all commercial or industrial uses that have a building area in excess of two thousand square feet (2,000 sq. ft.), with the exception of office and similar uses.
- B. Buildings or structures to be built or substantially altered which receive and distribute material or merchandise by truck shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use.
- C. No loading area for an existing use shall be eliminated unless the required loading area is re-established.
- D. Off-street parking areas used to fulfill the requirements of this Chapter shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs.

15.09.090 Maintenance Required.

- A. The provision and maintenance of off-street parking and loading spaces is a continuing obligation of the property owner.

- B. No building permit or other permit shall be issued until plans are presented that show the location of parking spaces as well as property that is and will remain available for exclusive use as off-street parking and loading space.
- C. The subsequent use of property for which a building permit and certificate of occupancy is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this Chapter.
- D. Should the owner or occupant of any lot or building change the use to which the lot or building is put, thereby increasing off-street parking or loading requirements, it shall be unlawful and a violation of this Chapter to begin or maintain such altered use until such time as the increased off-street parking or loading requirements are complied with.

15.09.100 Location of Parking. Except for approved shared parking allowed pursuant to subsection 15.09.030(B) of these Regulations and further except for the parking requirement in the DTC - Downtown Commercial Zone District specified in subsection 15.09.050(B), off-street parking spaces for dwellings shall be located on the same lot as the principal use or structure. Parking spaces in residential zone districts shall not be located in the front yard setback area except for parking for single family and two family dwellings. Required spaces shall be located not further than three hundred feet (300') from the buildings or use they are intended to serve, measured by means of pedestrian access from the building or use to the parking area.

15.09.110 Storage Use Prohibited. Required parking spaces shall be available for the parking of operable passenger automobiles, trucks, or motorcycles of residents, customers, patrons and employees, and shall not be used for the storage of vehicles or materials or the parking of trucks used in conducting the business or use.

15.09.120 Site Plan Review. Prior to the issuance of a building permit for all uses except single-family residences, a site plan must be submitted as required by Section 15.01.140. In addition to the building permit requirements, the following information shall be submitted for a parking lot or parking area:

- A. Delineation of individual parking and loading spaces;
- B. Circulation area necessary to serve spaces;
- C. Access to streets and property to be served;
- D. Curb cuts;
- E. Dimensions, continuity, and substance of screening;
- F. Grading, drainage, surfacing and subgrade details;
- G. Delineation of obstacles to parking and circulation in finished parking area;
- H. Specifications as to signs and bumper guards;
- I. Location and specifications of shielded lighting for parking areas to be used at night;
- J. Location and specifications (e.g., plants and materials) for landscaping of the parking area;
- K. Irrigation plan for the landscaped areas; and
- L. Other pertinent data.

The Town Planner shall make the initial determination of whether or not the plans and specifications comply with the provisions of this Chapter. Appeals from the Town Planner's decision may be taken by any aggrieved party to the Board of Trustees within fourteen (14) days after such decision.

15.09.130 Design Requirements. Parking and loading areas shall be designed in accordance with the following requirements and the requirements of the Town of Collbran Manual of Public Works Manual:

- A. Surfaces. All off-street parking spaces and maneuvering areas shall be surfaced with asphalt or concrete material.
- B. Maneuvering Space. All parking areas servicing a use requiring three (3) or more parking spaces shall be designed and traffic controlled so that access to and from a public street shall require vehicular traffic to be traveling in a forward direction when entering or exiting from the parking area. The off-street parking shall be designed so that the parking lot is separated from the street by a physical barrier, which will be adequate to prevent a driver from backing from the off-street parking space directly into the street or across a sidewalk.
- C. Access Requirements and Service Drives.
 - 1. Service drives to off-street parking shall be designed and constructed to facilitate the flow of traffic, and to provide maximum safety of traffic access and egress and maximum safety for pedestrians and vehicular traffic on the site. The number of service drives shall be limited to the minimum that will allow the property to accommodate the traffic that is anticipated.
 - 2. Service drives shall not be more than twenty-four feet (24') in width and shall be clearly and permanently marked and defined through the use of rails, fences, walls or other barriers or markers on frontage not occupied by service drives.
 - 3. Service drives on the same lot frontage shall be separated by a minimum length of curb of thirty feet (30'). For every one foot (1') by which the lot frontage exceeds one hundred feet (100'), the minimum required length of curb separation shall be increased by one foot (1') for every five feet (5') of property length beyond one hundred feet (100'), up to a maximum requirement of two hundred feet (200'). In the case of a corner lot, service drives shall not be located closer than fifty feet (50') to the intersecting curb and gutter flow lines.
 - 4. The access to a service drive from a street shall be located not closer than fifteen feet (15') to a side lot line, except that a common service drive to two (2) adjacent properties with a width not exceeding twenty-four feet (24') may be provided at the common lot line.
 - 5. Access onto any State highway will require an access permit from the Colorado Department of Transportation.
 - 6. Corner Vision Clearance Area. Service drives on corner lots shall have a minimum vision clearance area formed by the intersection of the driveway centerline and the street right-of-way line, and a straight line joining said lines through points thirty feet (30') from their intersection. No vehicles or obstacles over forty-two inches (42") in height from the curb elevation may be placed within this area.
- D. Parking Space Minimum Dimensions. The minimum parking lot spacing requirements are listed in the table below.

Parking Stall Dimensions and Layout

Parking Angle	A Stall Width in Feet	B Stall Length in Feet	C Aisle Width in Feet
0°	22.0	9.0	12.0
	22.0	9.5	12.0
	22.0	10.0	12.0
30°	9.0	18.0	11.0
	9.5	18.0	11.0
	10.0	20.0	11.0
45°	8.5	21.0	13.0
	9.0	21.0	12.0
	9.5	21.0	11.0
60°	8.5	21.1	18.0
	9.0	21.0	16.0
	9.5	21.0	15.0
75°	8.5	19.5	25.0
	9.0	19.5	23.0
	9.5	19.5	22.0
90°	8.5	18.5	28.0
	9.09.5	18.518.5	25.024.0

Where larger vehicles may be frequent users of the parking facilities, it is appropriate to increase the parking stall dimensions according to the dimensions and turning characteristics of the vehicle.

Parking aisles shall be designed to accommodate the turning characteristics of the vehicles that will most commonly use the parking facilities. Dead-end parking aisles are prohibited without provision of an adequate turn around. Aisles should not exceed three hundred feet (300') to three hundred fifty feet (350') in length without a break in circulation.

- E. A maximum of twenty percent (20%) of a parking lot containing five (5) or more spaces may be used for compact cars.
- F. All area to be considered as off-street parking shall be unobstructed and free of other uses.
- G. Unobstructed access to and from a street shall be provided for all off-street parking spaces.
- H. Handicap Parking Requirements: A portion of the required off-street parking spaces shall be specifically designated, located and reserved for use by persons with physical disabilities in accordance with the requirements specified in the Americans with Disabilities Act (ADA). Information on these requirements can be obtained at 1-800-514-0301 or at [.access-board.gov](http://access-board.gov).

1. Required handicapped parking spaces are as follows:

Total Spaces In Parking Lot	Required Handicap Accessible Spaces
1 - 25	1
26 - 50	2
51- 75	3
76-100	4
101 – 150	5

2. The maximum grades in the areas designated for handicap parking shall be two percent (2.0%) or less.
3. One (1) in every eight (8) handicapped accessible spaces, but not less than one (1), shall be served by an access aisle ninety-six inches (96") in width. The minimum aisle width on all other handicapped parking spaces shall be sixty inches (60").
4. If a curb ramp is located where pedestrians must walk across the ramp, or where it is not protected by handrails or guardrails, it shall have flared sides: the maximum slope of the flare shall be a one to ten ratio (1:10). Curb ramps with returned curbs may be used where pedestrians would not normally walk across the ramp.

I. Construction Standards. All construction shall be required to meet the standards specified in the Town of Collbran Public Works Manual.

J. Parking Lot Landscaping.

1. Parking lots shall be landscaped as required by this subsection. In cases of hardship or to increase safety, the Board of Trustees may permit a portion of the required landscaping to be relocated or allow other deviation from the parking landscaping requirements.
2. Interior Landscaping Requirement. Landscaping is required in the interior of parking lots to direct traffic, to reduce heat and glare and to screen cars from adjacent properties. The interior of all parking lots shall be landscaped as follows:
 - a. One (1) landscaped island, parallel to the parking spaces, is required for each twenty (20) parking spaces.
 - b. Landscape islands must be at least one hundred forty square feet (140 sq. ft.). The narrowest/smallest dimension of a parking lot island is eight feet (8'), measured from back of curb to back of curb.
 - c. One (1) landscaped divider island, parallel to the parking lot drive aisles, designed to prevent diagonal movement across the parking lot, shall be located for every three (3) parking lot drive aisles.
 - d. A landscape island is required at the end of every row of parking spaces containing six (6) or more parking spaces.
 - e. Barrier curbing on all sides adjacent to the parking lot surface is required to protect landscape islands from vehicles.
 - f. A corner area (where it is not feasible to park a vehicle) may be considered an end island for the rows on the perimeter of the parking lot.

g. Landscaping of the interior of a parking lot may include trees, shrubs and other

natural materials, the design and placement of which conforms to the intent of this subsection.

3. The landscaping and fencing shall be maintained in good conditions at all times. Landscaping shall be irrigated by means of an automatic irrigation system.
4. **Parking Lot Perimeter.** Landscaping is required around the entire perimeter of a parking lot to assist in the shading of cars, to assist in the abatement of heat and to reduce the amount of glare from glass and metal, and to assist in the screening of cars from adjacent properties.
 - a. All landscape strips for parking lot perimeters must average four feet (4') in width. The minimum dimension allowed is two feet (2').
 - b. The landscaped area between a parking lot and right-of-way must average four feet (4') in width. The minimum width shall be two feet (2') at any point.
 - c. The Board of Trustees may approve a wall between a parking lot and right-of-way if the lot or parcel is unusually small.
 - d. A screen wall must not be taller than thirty inches (30").
 - e. The back of the wall must be at least thirty inches (30") from the face of curb for bumper overhang.
 - f. Shrubs must be planted on the street side of the wall.
 - g. There must be at least five feet (5') between the right-of-way and the paved part of a parking lot to use a wall as a screen.
 - h. Wall elevations and typical cross sections must be submitted with the landscape plan at a minimum scale of one inch equals twenty feet (1" = 20').
 - i. All unimproved rights-of-way adjacent to the property shall be landscaped and irrigated by the owner and/or homeowners association.
 - j. Landscaping within front yard setback shall include trees and shrubs.
 - k. **Screening from Residential Lots.** All off-street parking areas with six (6) or more spaces shall be adequately screened from any adjoining residential lot by landscaping and opaque six-foot (6') fencing. The landscaping and fencing shall be maintained in good condition at all times.

15.09.140 Completion of Improvements. Required parking spaces shall be improved as required and made available for use before the final inspection is completed by the Building Inspector or the Town Engineer. An extension of time may be granted by the Building Inspector or the Town Engineer, provided a performance bond, or its equivalent, is posted equaling one and one-half (1 ½) times the cost to complete the improvements as estimated by the Building Inspector or the Town Engineer, and provided the parking space is not required for immediate use. In the event the improvements are not completed within one (1) year's time, the bond or its equivalent shall be forfeited and the improvements constructed under the direction of the Town.

15.09.150 Interpretation of Requirements. The Board of Trustees may prescribe reasonable rules and regulations for the interpretation of this Chapter 15.09, including the preparation of maps and standards showing the size and arrangement of typical off-street parking locations.

15.09.160 Appeals. Any appeal of an administrative decision regarding the application of parking regulations shall be to the Town of Collbran Board of Trustees in accordance with Sections 15.06.160 through 15.06.240 of these Regulations.

CHAPTER 15.10
MASTER PLAN PREPARATION

Sections:

15.10.010 Master Plan Preparation.

15.10.010 Master Plan Preparation. In the preparation of a master plan, the Board of Trustees in the absence of an appointed Planning Commission, shall make careful and comprehensive surveys and studies of present conditions and future growth of the municipality with due regard to its relations to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the municipality and its environs, which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity and general welfare, as well as efficiency and economy in the process of development; including among other things, adequate provision for traffic, the promotion of safety from fire, flood, water and other dangers, adequate provision for light and air, the promotion of healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds, and the adequate provision of public utilities and other public requirements.

CHAPTER 15.11
TRAILERS AND MOBILE HOMES

Sections:

- 15.11.010 Compliance with Location Requirements
- 15.11.020 Emergency, Temporary Parking on Streets
- 15.11.030 Parking Outside Trailer Camps
- 15.11.040 Definitions
- 15.11.050 Building Permit Required
- 15.11.060 Contents of Application for Permit
- 15.11.070 Inspections Authorized; Right of Entry
- 15.11.080 Drainage
- 15.11.090 Area
- 15.11.100 Mobile Home Spaces
- 15.11.110 Access Roads
- 15.11.120 Off-Street Parking
- 15.11.130 Storage Facilities
- 15.11.140 Service Buildings
- 15.11.150 Water Supply
- 15.11.160 Sewage Disposal
- 15.11.170 Refuse Disposal
- 15.11.180 Discharging Water Onto Ground
- 15.11.190 Electricity
- 15.11.200 Fuel
- 15.11.210 Alterations and Additions
- 15.11.220 Permanent Additions to Units; Skirting
- 15.11.230 Removing Wheels
- 15.11.240 Owner to Control Pets
- 15.11.250 Sign Required; Spaces to be Numbered
- 15.11.260 License Required; Fee; Duration
- 15.11.270 Management of Park
- 15.11.280 Time for Compliance
- 15.11.290 Variances and Modifications
- 15.11.300 Violations, Penalty
- 15.11.310 Conflict of Ordinances
- 15.11.320 Compliance with other Town, County, State, Regulations

15.11.010 Compliance With Location Requirements. It shall be unlawful within the Town for any person to park any mobile home or trailer on any street, alley, or highway, or other public place, or on any tract of land owned by any person, occupied or unoccupied, within the Town, except as provided in this Chapter.

15.11.020 Emergency, Temporary Parking on Streets. Emergency or temporary stopping or parking of mobile homes or trailers is permitted on any street, alley or highway for not longer than one (1) hour subject to any other and further prohibitions, regulations and limitations imposed by traffic and parking regulations or ordinances for the street, alley or highway.

15.11.030 Parking Outside Trailer Camps. No person shall park or occupy any mobile home or trailer on the premises of any occupied dwelling, or on any lot which is not part of the premises of any occupied dwelling, either of which is situated outside of an approved mobile home park or trailer camp; provided, however, the parking of only one (1) unoccupied trailer in an accessory private garage building, or in a rear yard in any district, is permitted providing no living quarters shall be maintained or any business practiced in such trailer while such trailer is so parked or stored; and provided further that a trailer may be used as a temporary construction office on the site of and during construction, if approved by the Town Administrator under such conditions as may be specified by the Town Administrator; but the foregoing shall not permit use of a trailer for sleeping or cooking.

15.11.040 Definitions. For the purposes of this Chapter, the following words and phrases shall have the meanings ascribed to them in this Section:

Access Road shall mean that area privately owned and maintained and set aside within a mobile home park for an interior road system, providing principal means of ingress to individual mobile home spaces and egress to street.

Dependent Mobile Home shall mean a mobile home that has a no toilet or bathtub or shower facilities.

Independent Mobile Home shall mean a mobile home that has a toilet and a bathtub or shower.

Inspector shall mean the building inspector of the Town or his authorized representative.

Mobile Home or Trailer shall mean any vehicle used, or so constructed as to permit its being used as a conveyance upon the public streets or highways and duly licensable as such and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one (1) or more persons.

Mobile Home Park shall mean any plot of property upon which sanitary facilities and individual utility connections are available for two (2) or more mobile homes.

Mobile Home Space shall mean a plot of ground within a mobile home park designated for the accommodation of one (1) mobile home.

Patio shall mean a paved area adjacent to the mobile home parking space, and accessible from the main entrance to the parked mobile home.

Permanent Addition shall mean any structural extension from any portion of a mobile home, not including temporary canvas awning.

Permit shall mean a written permit issued by the Town building inspector to construct or alter the mobile home park under these rules and regulations.

Street or Highway shall mean a public thoroughfare, which affords principal means of access to abutting property.

15.11.050 Building Permit Required. No person shall alter, install or remove any improvement in any mobile home park without first securing a building permit from the inspector, authorizing such alterations, installation or removal.

15.11.060 Contents of Application for Permit. An application for a permit authorizing any alteration, installation or removal in a mobile home park, shall set forth the following information, insofar as the same is applicable and is known or can be ascertained by the applicant through the exercise of due diligence:

- A. The area and dimensions of the tract of land occupied by the park;
- B. The number, location and size of all mobile home spaces;
- C. The location and width of roadways;
- D. The location of service buildings and any other proposed structures;
- E. The location, size and type of water and sewer lines; and traps, vents and risers for water and sewer
- F. Plans and specifications of all buildings and other improvements constructed or to be constructed within the mobile home park.

15.11.070 Inspections Authorized; Right of Entry. The inspector shall make such inspections as he deems necessary of all mobile home parks located within the Town and shall enforce compliance with the provisions of this Chapter.

- A. Authority. The inspector shall have the authority to make inspections of mobile home parks, at reasonable times, for the purpose of determining whether this Chapter is being complied with and shall have authority to inspect the register of occupants, required herein.
- B. Access. It shall be unlawful for any person to refuse access to a mobile home park to the inspector for the purposes of inspection.

15.11.080 Drainage. The mobile home park shall be located on a well drained site and shall be so located that its drainage will not endanger any water supply. All mobile home parks shall be in areas free from swamps or other potential breeding places for insects or rodents. It shall not be located in any area subject to flooding.

15.11.090 Area. The area of the mobile home park shall be large enough to accommodate:

- A. The designated number of mobile home spaces;
- B. Necessary street and roadways;
- C. Parking areas for motor vehicles; and
- D. Service areas.

15.11.100 Mobile Home Spaces. (a) Each mobile home space shall abut on a driveway or other clear area with unobstructed access to a public street. Such spaces shall be clearly defined, and mobile homes shall be parked in such spaces so that there will be a minimum of fifteen feet (15') between mobile homes at all points except where ends of mobile homes abut, in which case the minimum shall be ten feet (10'), and so that no mobile home will be less than five feet (5') from the side boundary of the mobile home space, and no mobile home shall be less than ten feet (10') from the exterior boundary of the mobile home park.

- A. No mobile home shall be parked less than ten (10') feet from any front property line abutting a street or highway. No part of such mobile home shall obstruct any roadway. Areas between mobile home spaces and public rights-of-way shall be cared for and kept free from weeds, rubbish or trash.
- B. No occupied mobile home shall be allowed to remain in a mobile home park unless a mobile home space as set forth herein is available.

15.11.110 Access Roads.

- A. Access roads must be graded for draining, surfaced with concrete, oil or any other dust-free surfacing and maintained in good condition, free of weeds, dust, trash or debris.
- B. Each access road shall be continuous and shall connect with other circulation roads unless terminated in a cul-de-sac of fifty foot (50') minimum outside radius. Minimum width for two-way access roads shall be twenty-five feet (25'); for one-way access roads, fifteen feet (15'). Curves on all access roads shall have a minimum inside radius of not less than twenty feet (25'). All such roads shall be kept clear of all obstructions to allow movement of vehicles at any time. No parking shall be permitted on one-way roads of less than twenty feet (25') width and parking on one (1) side only shall be permitted on two-way roads under thirty-five feet (35') improved width.

15.11.120 Off-street Parking. Areas eight feet (8') by twenty feet (20') shall be provided for the parking of motor vehicles in addition to each required mobile home space to accommodate at least a number of vehicles equal to the number of mobile home spaces provided. Such parking spaces may be located adjacent to the mobile home space to be served and in no case shall be more than two hundred feet (200') from the mobile home space to be served.

15.11.130 Storage Facilities.

- A. Every mobile home space shall be provided with a covered vault or shed with a minimum of seventy-two (72) cubic feet of volume for the storage of fuel containers and personal belongings. This requirement may be met by a building providing a like amount of space for each mobile home space.
- B. No storage under a mobile home or on the mobile home space, except an automobile in operable condition, will be permitted except as provided in subsection (a), above.

15.11.140 Service Buildings. Each mobile home park permitting space use by a dependent mobile home shall be provided with one (1) or more service buildings adequately equipped with toilet fixtures.

- A. Location and Construction. Service building shall:
 - 1. Be located within two hundred feet (200') of all dependent mobile homes;
 - 2. Be located ten feet (10') or more from any mobile home space;
 - 3. Be of fire resistant construction in conformity with the building code of the Town;
 - 4. Interior shall be constructed of nonabsorbent moisture-resistant material to permit frequent washing and cleaning.
- B. Laundry and Toilet Facilities. Service building shall:
 - 1. Have adequate heating facilities to maintain a temperature of seventy degrees (70°) Fahrenheit during cold weather, and to supply a minimum of three (3) gallons of hot water per hour per coach space during time of peak demands;
 - 2. Have all rooms well ventilated, with all openings effectively screened;
 - 3. Have at least one (1) mop-sink or other satisfactory facility supplied with hot and cold water;
 - 4. Have separate flush-type toilet facilities for males and females, plainly marked by appropriate signs, which shall be provided in separate rooms if in the same building. Each water closet shall be placed in a separated compartment, at least three feet (3') wide, properly separated from other water closets;
 - 5. Have provided one (1) flush-type toilet for each sex for each fifteen (15) dependent mobile home spaces, or fraction thereof; and
 - 6. Have all water closets and showers for women and all water closets and showers for men located in separate compartments, with self-closing doors. Gang-type shower compartments may be used for men. Individual shower stalls shall be at least nine hundred sixty-one (961) square inches in area. Showers for women shall have a dressing compartment with stool and bench.

15.11.150 Water Supply.

- A. Capacity. An accessible, adequate and safe supply of potable water shall be provided in each mobile home space, capable of furnishing a minimum of one hundred twenty-five (125) gallons per day per mobile home space.
- B. Independent System. The development of an independent water supply to serve the mobile home park shall be made only after express approval has been granted by the Department of Health of the State of Colorado and the Town of Collbran.
- C. All Facilities Connected. The water system of the mobile home park shall be connected by pipes to all service buildings and all mobile home spaces.
- D. Connections. Individual water service connections, which are provided for direct use by mobile homes, shall be so constructed that they will not be damaged by the parking of such mobile homes.
- E. Pressure. The mobile home park water system shall be adequate to provide six (6) gallons per minute at twenty (20) pounds per square inch of pressure at all mobile home connections.
- F. Valve Depth. Outlet for mobile home spaces shall be provided with individual valves below frost depth (not less than eighteen inches (18")) and valve box to grade.

15.11.060 Sewage Disposal.

- A. Compliance with Plumbing, Health Regulations. All plumbing in the mobile home park shall comply with the plumbing laws and health regulations of the Town.
- B. Connection to Public Sewers. Sewage disposal shall be by connection to Town or sanitation district sewers in accordance with Town ordinances regulating sewer connections.
- C. All Facilities Connected. A system for sanitary sewage shall be provided in all mobile home parks and all waste and sewer lines discharging from buildings and mobile homes shall be connected thereto.
- D. Type of Connection. Each mobile home space shall be provided with at least a three-inch (3") sewer connection , trapped below frost line, with the inlet of the line to be not less than one inch (1") above the surface of the ground. The sewer connection shall be provided with suitable fittings so that a water-tight connection and proper vent can be made between the mobile home drain and the sewer connection. Such mobile home connections shall be so constructed that they can be closed airtight when not linked to a mobile home, and shall be trapped in such a manner as to maintain them in an odor free condition.

15.11.170 Refuse Disposal.

- A. System Required. The storage, collection and disposal of refuse in the park shall be so managed as to avoid health hazards, rodent harborage, insect-breeding areas accident hazards or air pollution.
- B. Containers. Refuse shall be stored in fly-tight, rodent proof containers, which shall be located within the mobile home park. Such containers shall be provided in sufficient number and capacity to prevent any refuse from overflowing. Garbage shall be deposited in watertight containers with tight-fitting lids. All receptacles shall be designated as to type of use.
- C. Container Holders. Holders shall be provided for all refuse and garbage containers. Such container holders shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them.
- D. Collection. All garbage and noncombustible rubbish shall be collected as frequently as necessary to prevent it from overflowing the available containers but in any event, garbage shall be collected not less than once weekly.

15.11.180 Discharging Water Onto Ground. No waste water of any kind shall be thrown or discharged upon the ground of any mobile home park.

15.11.190 Electricity.

- A. Installation to Each Space. An electrical outlet supplying at least one hundred ten (110) volts shall be provided for each mobile home space. The installation shall comply with all State and local electrical codes and ordinances. Such electrical outlets shall be weatherproof. No power line shall be permitted to lie on the ground or to be suspended less than eighteen feet (18') above the ground.
- B. Specifications. Service drops to each mobile home space shall be weatherproof, insulated and not smaller than two (2) No. 8 wires.

- C. Area Lights. Street and yard lights shall be provided in such number and intensity as to insure 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 the hours of darkness.

15.11.200 Fuel.

- A. Cooking Fuel. Liquefied petroleum gas for cooking purposes shall not be used at individual mobile home spaces unless the containers are properly connected by copper or other approved metallic tubing. Liquefied petroleum gas cylinders shall be securely fastened in place and shall be adequately protected from the weather. No cylinder containing liquefied petroleum gas shall be located inside a mobile home, nor within five feet (5') of a door thereof. State and local regulations applicable to the handling of bottled gas and fuel oil shall be followed.
- B. Heating Fuel. Fuel tanks for heating purposes shall be detached from the mobile home and mounted upon substantial self-supporting stands at least one foot (1') from any part of the mobile home or any other mobile home. Each service line from the fuel tank to the mobile home shall consist of copper tubing or iron pipe and be provided with a shut-off valve outside of the trailer.
- C. Natural Gas. The use of natural gas for fuel and/or lights shall comply with all Town ordinances governing the same.
- D. Mobile home areas shall be kept free of litter, rubbish and other flammable materials.

15.11.210 Alterations and Additions. No alterations or additions shall be made to or within any mobile home park unless in conformity to this Chapter. In the event an increase in gross land area is necessary for compliance with provisions of this Chapter, the Board of Trustees shall determine the amount of additional area required in accordance with applicable provisions of the zoning ordinance.

15.11.220 Permanent Additions to Units; Skirting. No permanent additions of any kind shall be built onto, nor become a part of, any mobile home. Skirting of mobile homes is not permissible unless properly vented.

15.11.230 Removing Wheels. The wheels of the mobile home shall not be removed, except temporarily when necessary for repairs. Jacks or stabilizers may be placed under the frame of the mobile home to prevent movement on the springs while the mobile home is parked and occupied.

15.11.240 Owner to Control Pets. No owner or person in charge of a dog, cat or other pet animal shall permit it to run at large, or to commit any nuisance within the limits of any mobile home park.

15.11.250 Sign Required; Spaces to be Numbered. Each mobile home park shall provide a street sign to include the name of the park and the street address in letters of a minimum of six inches (6") in height. Each mobile home space shall be numbered uniformly.

15.11.260 License Required; Fee; Duration. No person shall operate a mobile home park within the corporate limits of the Town without first having obtained a license therefor from the Town Clerk. The license fee to be paid in each case is as follows:

- A. For mobile home parks having up to and including ten (10) spaces, fifty-five dollars (\$55.00) per year; for such parks having in excess of ten (10) spaces, the sum of one-hundred dollars (\$100.00) dollars per year. All such licenses shall be issued annually and shall expire December 31 of each year.

15.11.270 Management of Park.

- A. The owner or operator of any mobile home park shall arrange for the management and supervision of such mobile home park so as to enforce or cause compliance with the provisions of these rules and regulations.
- B. The owner, operator, or attendant of every mobile home park shall assume full responsibility for maintaining in good repair and condition all regular and ordinary facilities of the mobile home park as required therein.
- C. In every mobile home 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 Town and State licenses and permits and of this Chapter shall be posted therein and the park register shall at all times be kept in said office.
- D. 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 guests (which shall be open at all times to inspection by State, County and federal officers and officers of the Town of Collbran) showing for all tenants:
 - (i) Names and relationships of all persons inhabiting each mobile home;
 - (ii) Address or previous location of all persons inhabiting each mobile home;
 - (iii) Dates of entrance and planned departure;
 - (iv) License numbers of all mobile homes and towing vehicles or automobiles;
 - (v) States issuing such licenses;
 - 2. Maintain the park in a clean, orderly and sanitary condition at all times;
 - 3. See that the provisions of this Chapter are complied with and enforced and report promptly to the proper authorities any violation of this Chapter or any other violations of law which may come to his attention;
 - 4. Report to local health authorities any incidence of communicable disease within the park;
 - 5. Pay promptly to the Town the license fee as specified in this Chapter and all other license fees required by the Town ordinances or any other laws;
 - 6. Prohibit the lighting of open fires on the premises; and
 - 7. Prohibit the use of any mobile home by a greater number of occupants than that which it is designed to accommodate.

15.11.280 Time for Compliance. All mobile home parks which at the effective date hereof constitute nonconforming uses as defined and constituted by this Title, shall within a reasonable time and in no event longer than ninety (90) days from the effective date hereof, comply with the standard requirements herein contained except as to provisions of Sections 15.11.100 through 15.11.140, which shall be complied with on or before January 1, 1995.

15.11.290 Variances and Modifications. The Board of Trustees shall have jurisdiction and power in passing upon appeals to grant variances or modify in specific cases the strict application of the provisions of this Chapter provided the following conditions are met:

- A. Public Hearing. No variation or modification of the application of any provision of this Chapter shall be authorized except after public hearing thereon. Public Notice of time and place and purpose of such hearing to be given by posting of the property affected for not less than fifteen (15) consecutive days.
- B. Hardship. There shall be no unnecessary and substantial hardship in applying the strict letter of such provisions, provided that no such variation or modification heretofore or subsequently authorized or existing shall constitute or be construed as a precedent, ground or cause for any other variation or modification by the Board, and that such power to vary or modify shall be strictly construed as specifically enumerated within the jurisdiction of the Board.
- C. Physical Requirements Only; Conditions. The authorization to vary or modify the provisions of this Chapter includes only the authority to vary or modify the physical requirements of the Chapter. However in the matter of granting such variance, the Board shall first find that all of the following conditions are present:
 - 1. That the plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, not created by the owners and not due to general condition in the district in which the property is located;
 - 2. That the development or use of the property, if held strictly to the standards of this Chapter, cannot yield a reasonable return in service, use or income compared to adjacent conforming property in the same district;
 - 3. That the variance, if authorized, will neither weaken the general purpose of this Chapter nor the regulations prescribed for the district in which the property is located;
 - 4. That the variance, if authorized, will not alter the essential character of the district in which the property is located;
 - 5. That the variance, if authorized, will not substantially or permanently injure the appropriate use of adjacent conforming property; and
 - 6. That the variance will not authorize a use other than those uses which are specifically enumerated as permitted uses for the district in which is located the property for which variance is sought.

15.11.300 Violations, Penalty.

- A. A violation of this Chapter shall be punishable as provided in Chapter 2.03 of this Code.
- B. The Town may, in its discretion, proceed against any violation or violator of this Chapter by abatement, injunction, or other civil action, which remedies shall be cumulative to the penalties in this Section.

15.11.310 Conflict of Ordinances. In any case where a provision of this Chapter is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or code of the Town existing on the effective date of this Chapter, the provision, which establishes the

higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of any other ordinance or code of the Town existing on the effective date of this Chapter establishes a lower standard for the promotion and protection of the health and safety and welfare of the people, the provisions of this Chapter shall be deemed to prevail, and such other ordinances or codes are hereby declared to be repealed to the extent that they may be found in conflict with this Chapter.

15.11.320 Compliance With Other Town, County, and State Regulations. In addition to the requirements set forth in this Chapter, all mobile home parks and facilities shall be established and constructed in compliance with all existing statutes, ordinances, codes and regulations of the Town, County of Mesa, and State of Colorado.

Chapter 15.12
FLOOD DAMAGE PREVENTION

Sections:

- 15.12.010 Purpose.
- 15.12.020 Definitions.
- 15.12.030 Applicability.
- 15.12.040 Basis for Establishing ~~the Areas of~~ Special Flood Hazard Areas.
- 15.12.050 Compliance Required – Violation - Penalty.
- 15.12.060 Abrogation and Greater Restrictions.
- 15.12.070 Interpretation/Severability.
- 15.12.080 Warning and Disclaimer of Liability.
- 15.12.090 Development Permit Required - Contents.
- 15.12.100 Administrator Designated.
- 15.12.110 Administrator - Duties and Responsibilities.
- 15.12.120 Variance Procedure.
- 15.12.130 Provisions for Flood Hazard Reduction.

15.12.140 Properties Removed From the Floodplain By Fill

15.12.150 Standards for Critical Facilities

15.12.010 Purpose.

- A. It is the purpose of this Chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions to specific areas by provisions designed:
 - 1. To protect human life and health;
 - 2. To minimize expenditure of public money for costly flood control projects;
 - 3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 - 4. To minimize prolonged business interruptions;
 - 5. To minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard;
 - 6. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
 - 7. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
 - 8. To ensure that those who occupy the areas of special flood hazards assume responsibility for their actions.

B. In order to accomplish its purposes, this Chapter includes methods and provisions for:

1. 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;
2. Requiring that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel flood waters;
4. Controlling filling, grading, dredging and other development which may increase flood damage; and
5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

15.12.020 Definitions. Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the meaning, they have in common usage and to give this Chapter its most reasonable application.

“Addition” means any activity that expands the enclosed footprint or increases the horizontal square footage of an existing structure.

“Appeal” means a request for a review of the Town Engineer’s interpretation of any provisions of this Chapter or a request for a variance.

“Area of special flood hazard” means the land in the flood plain within a community subject to a one percent (1%) or greater chance of flooding in any given year.

“Base flood” means the flood having a one percent (1%) chance of being equaled or exceeded in any given year.

“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 stream or waterway consisting of a bed and stream banks, existing in a variety of geometries.

“Conditional Letter of Map Revision (CLOMR)” means FEMA's comment on a proposed project, which does not revise an effective floodplain map, that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.

“Critical Facility” means a structure or related infrastructure, but not the land on which it is situated, as specified in Section 15.12.150, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood. See Section 15.12.150.

“Development” means any manmade 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.

“Existing manufactured home park or subdivision” means a manufactured home park for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) are completed before the effective date of this Chapter.

“Expansion to an existing manufactured home park or subdivision” means the preparation of additional sites by the construction of facilities for servicing lots on which the manufactured homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

“Flood” or “flooding” means a general and temporary condition of partial or complete inundation of normally dryland areas from:

1. The overflow of inland waters; and/or
2. The unusual and rapid accumulation or runoff of surface waters from any source.

“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~~ **Flood Insurance Rate Map**, and the water surface elevation of the base flood.

“Floodplain Administrator” means the community official designated by title to administer and enforce the floodplain management regulations.

“Flood Proofing” means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

“Floodway (Regulatory Floodway)” means the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The Colorado statewide standard for the designated height to be used for all newly studied reaches shall be one-half foot (six 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

“Historic Structure” means any structure that is:

- 1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;**
- 2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;**
- 3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or**
- 4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either”**
 - 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 an official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.

“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 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 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.

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

“Mean Sea Level” means, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

“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.”

“New construction” means structures for which the start of construction commenced on or after the effective date of the original enactment of this Chapter, and includes any subsequent improvements to such structures.

“New manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of these floodplain management regulations.

“No-Rise Certification” means a record of results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A No-Rise Certification must be supported by technical data and signed by a registered Colorado Professional Engineer. The supporting technical data should be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM).

“Recreational vehicle” means a vehicle, which is:

1. Built on a single chassis;
2. Four hundred square feet (400 sq. ft.) 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 (SFHA)” 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” includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing,

grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

“Structure” means a walled and roofed building or manufactured home that is principally above ground.

“Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

“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 the start of construction of the improvement. This term includes structures, which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a historic structure, provided that the alteration will not preclude the structure’s continued designation as a historic structure.

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

“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 this Chapter is presumed to be in violation until such time as that documentation is provided.

15.12.030 Applicability. This Chapter shall apply to all ~~areas of special flood hazards~~ **Special Flood Hazard Areas’s and areas removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F)** within the jurisdiction of the Town.

15.12.04 Basis for Establishing the Areas of Special Flood Hazard Areas. ~~The areas of Special flood hazard areas~~ identified by the Federal Emergency Management Agency in a scientific and engineering report entitled “Flood Insurance Study Mesa County, Colorado and Incorporated Areas” dated July 6, 2010, together with the accompanying Flood Insurance Rate Maps (FIRM), is adopted by reference and declared to be a part of this Chapter. The Flood Insurance Study and FIRM are on file at: Office of the Town Clerk, Collbran Town Hall, P.O. Box 387, Collbran, CO 81624.

15.12.050 Compliance Required - Violation - Penalty. 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 violation of the conditions and safeguards established in connection with conditions) shall constitute a Class B municipal offense. Nothing herein contained shall prevent the Town from taking such other lawful actions as is necessary to prevent or remedy any violation.

15.12.060 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, provision of the Collbran Municipal Code, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

15.12.070 Interpretation/Severability. 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~~ Town; and
3. Deemed neither to limit nor repeal any other powers granted under State statutes.

This Chapter and the various parts thereof are hereby declared to be severable. Should any section of this Article be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Article as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

15.12.080 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. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This Chapter does not imply that land outside the area of special flood hazard 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 Town, any officer or employee thereof, or the Federal Emergency Management Agency for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made thereunder.

15.12.090 Development Permit Required - Contents. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 15.12.040. Application for a development permit shall be made on forms furnished by the Town Clerk and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures including manufactured homes, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required

- A. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
- B. Elevation in relation to mean sea level to which any structure has been floodproofed/
- C. Certification by a registered professional engineer or architect licensed in the State of Colorado that the floodproofing methods for any nonresidential structure meet the floodproofing criteria Section 15.12.130; and
- D. Description of the extent to which any watercourse will be altered or relocated as a result of

proposed development.

15.12.100 Administrator Designated. The Town Administrator, or his/her designee, is appointed to administer and implement this Chapter by granting or denying development permit applications in accordance with its provisions.

15.12.110 Administrator--Duties and Responsibilities. The duties of the Town Administrator shall include but not be limited to:

A. Permit Review.

1. Review all development permits to determine that the permit requirements of this Chapter have been satisfied;
2. Review all development permits to determine that all necessary permits have been obtained from those federal, State or local governmental agencies from which prior approval is required;
3. Review all development permits to determine if the proposed development adversely affects the flood carrying capacity of ~~the area of special flood hazard~~ **Special Flood Hazard Areas**. For purposes of this Chapter, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than ~~one foot (1')~~ **one-half foot** at any point.
- 4. 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.**
- 5. 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 foot at any point within the community.**
- 6. 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, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one-half 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.**

- B. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 15.12.040, the Town Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, State or other source as criteria for requiring that new construction, substantial improvements, or other development in Zone A are administered in accordance with Section 15.12.130(B).

C. Information to be Obtained and Maintained.

1. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement;
2. For all new or substantially improved floodproofed structures: (i) verify and record the actual elevation (in relation to mean sea level) to which the structure has been floodproofed; and (ii) maintain the floodproofing certifications required in subsection 15.12.090(C);
3. Maintain for public inspection all records pertaining to the provisions of this Chapter.

D. Alteration of Watercourses.

1. Notify adjacent communities and the Colorado Water Conservation Board prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency;

2. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

3. 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.

4. Channelization and flow diversion projects shall evaluate the residual 100-year floodplain.

5. 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.

6. Any stream alteration activity shall be designed and sealed by a registered Colorado Professional Engineer or Certified Professional Hydrologist.

7. All activities within the regulatory floodplain shall meet all applicable Federal, State and Town floodplain requirements and regulations.

8. 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 D of this Article.

9. Maintenance shall be required for any altered or relocated portions of watercourses so that the flood-carrying capacity is not diminished.

E. Interpretation of FIRM Boundaries. Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the

location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 15.12.120.

15.12.120 Variance Procedure.

A. Board of Trustees.

1. The Board of Trustees, as established by the Town, shall hear and decide appeals and request for variances from the requirements of this Chapter.
2. The Board of Trustees shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Town Administrator in the enforcement or administration of this Chapter.
3. Those aggrieved by the decision of the Board of Trustees, or any taxpayer, may appeal such decisions to the Mesa County District Court, as provided in Rule 106 of the Colorado Rules of Civil Procedure, or as otherwise provided by law.
4. In passing upon such applications, the Board of Trustees shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Chapter, and:
 - a. The danger that materials may be swept onto other lands to the injury of others;
 - b. The danger to life and property due to flooding or erosion damage;
 - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;
 - d. The importance of services provided by the proposed facility to the community;
 - e. The necessity to the facility of a waterfront location, where applicable;
 - f. The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;
 - g. The compatibility of the proposed use with the existing and anticipated development;
 - h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - j. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 - k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.
5. Upon consideration of the factors of subsection (A)(4) of this Section, and the purposes of this Chapter, the Board of Trustees may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Chapter.
6. The Town Administrator shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Emergency Management Agency.

B. Conditions for Variances.

1. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base level, providing items listed in subsection (A)(4)(a) through (k), of this Section have been fully considered. As the lot size increases beyond the one-half (1/2) acre, the technical justifications required for issuing the variance increases.
- ~~2. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this Section.~~
- 2. 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.**
3. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
5. Variances shall only be issued upon: (i) a showing of good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expenses, create nuisances, cause fraud on or victimization of the public as identified in subsection (A)(4) of this Section, or conflict with other existing laws or ordinances of the Town.
6. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk from the reduced lowest floor elevation.

15.12.130 Provisions for Flood Hazard Reduction.

- A. General Standards. In all areas of special flood hazards structures including manufactured homes shall be placed at or above the base flood level. The following standards are required:
 1. Anchoring.
 - a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure and capable of resisting the hydrostatic and hydrodynamic loads.
 - b. All manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces. Specific requirements may be:

- i. Over-the-top ties be provided at each of the four (4) corners of the manufactured home, with two (2) additional ties per side at intermediate locations, with manufactured homes less than fifty feet (50') long requiring one (1) additional tie per side;
 - ii. Frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points, with manufactured homes less than fifty feet (50') long requiring four (4) additional ties per side;
 - iii. All components of the anchoring system be capable of carrying a force of four thousand eight hundred(4,800) pounds; and
 - iv. Any additions to the manufactured home be similarly anchored.
- 2. Construction Materials and Methods.
 - a. All new construction and substantial improvements shall be constructed using materials and utility equipment resistant to flood damage.
 - b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
 - c. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - d. All 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 professional engineer or architect in the State of Colorado or meet or exceed the following minimum criteria:
 - i. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided
 - ii. The bottom of all openings shall be no higher than one foot above grade.
- 3. Openings. 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. Utilities.

- a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- c. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5. Subdivision Proposals.

- a. All subdivision proposals shall be consistent with the need to minimize flood damage;
- b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
- d. Base flood elevation data shall be provided for subdivision proposals and other proposed development, which contain at least fifty (50) lots of five (5) acres, whichever is less.

6. Encroachments. The cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot (1') at any point.

B. Specific Standards. In all ~~areas of~~ special flood hazards areas where base flood elevation data has been provided as set forth in Section 15.12.040, or subsection 15.12.110(B), the following provisions are required:

~~a.1.~~ 1. Residential Construction. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to at least one (1) foot ~~or~~ above the base flood elevation.

~~b.2.~~ 2. Nonresidential Construction. New construction and substantial

improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to at least one (1) foot above the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

- ~~i.~~a. Be floodproofed so that, below one foot above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water;
 - ~~ii.~~b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this paragraph. Such certifications shall be provided to the official as set forth in subsection 15.12.110 (C)(2).
3. Manufactured Homes.
- a. Manufactured homes shall be anchored in accordance with subsection A(1)(b) of this Section.
 - b. All manufactured homes or those to be substantially improved shall conform to the following requirements:
 - i. Require that manufactured homes that are placed or substantially improved on a site: (A) outside of a manufactured home park or subdivision, (B) in an expansion to an existing manufactured home park or subdivision, or (C) in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one (1) foot ~~to or~~ above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement;
 - ii. Require that manufactured homes be placed or substantially improved on sites in existing manufactured home parks or subdivisions that are not subject to the provisions in subsection (b)(i) above be elevated so that either: (A) the lowest floor of the manufactured home is one (1) foot ~~at or~~ above the base flood elevation, or (B) the manufactured home chassis is supported by reinforced piers or other foundation elements that are no less than thirty-six inches (36") in height above grade and are securely anchored to an

adequately anchored foundation system to resist flotation, collapse and lateral movement.

4. Recreational Vehicles. Require that recreational vehicles 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 permanent requirements and elevation and anchoring requirements for resisting wind forces.
- C. Floodways. Floodways located within areas of special flood hazard established in 15.12.040, 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 in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
 2. If 15.12.130 C 1, above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this Chapter.
 3. 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 conditional FIRM and floodway revision through FEMA.
 4. When a regulatory floodway has not been designated, the Administrator must require that no new construction, substantial improvements, or 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 foot at any point within the community.

Section 15.12.140. Properties Removed From the Floodplain By Fill.

A Floodplain Development Permit shall not be issued for the construction of a new structure or addition to an existing structure on a property removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F), unless such new structure or addition complies with the following:

A. 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.

B. 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 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.

Section 15.12.150. Standards for Critical Facilities.

A Critical Facility is a structure or related infrastructure, but not the land on which it is situated, as specified in Rule 6 of the Rules and Regulations for Regulatory Floodplains in Colorado, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.

A. Critical Facilities are classified under the following categories: (a) Essential Services; (b) Hazardous Materials; (c) At-Risk Populations; and (d) Vital to Restoring Normal Service.

1. 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:

a. Public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage, and, emergency operation centers);

b. Emergency medical (hospitals, ambulance service centers, urgentcare centers having emergency treatment functions, and non-ambulatory surgical structures but excluding clinics, doctors offices, and non-urgent care medical structures that do not provide these functions);

c. Designated emergency shelters;

d. Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio, and other emergency warning systems, but excluding towers, poles, lines, cables, and conduits);

e. Public utility plant facilities for generation and distribution (hubs, treatment plants, substations and pumping stations for water, power and gas, but not including towers, poles, power lines, buried pipelines, transmission lines, distribution lines, and service lines); and

f. Air Transportation lifelines (airports (municipal and larger), helicopter pads and structures serving emergency functions, and associated infrastructure (aviation control towers, air traffic control centers, and emergency equipment aircraft hangars).

Specific exemptions to this category include wastewater treatment plants (WWTP), non-potable water treatment and distribution systems, and hydroelectric power generating plants and related appurtenances.

Public utility plant facilities may be exempted if it can be demonstrated to the satisfaction of the Town that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same utility or available through an intergovernmental agreement or other contract) and connected, the alternative facilities are either located outside of the 100-year floodplain or are compliant with the provisions of this Article, and an operations plan is in effect that states how redundant systems will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the Town on an as-needed basis upon request.

2. Hazardous materials facilities include facilities that produce or store highly volatile, flammable, explosive, toxic and/or water-reactive materials. These facilities may include:

a. Chemical and pharmaceutical plants (chemical plant, pharmaceutical manufacturing);

b. Laboratories containing highly volatile, flammable, explosive, toxic and/or water-reactive materials;

c. Refineries;

d. Hazardous waste storage and disposal sites; and

e. 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 500 pounds or the TPQ listed (whichever is lower) for the 356 chemicals listed under 40 C.F.R. § 302 (2010), also known as Extremely Hazardous Substances (EHS); or 10,000 pounds for any other chemical. This threshold is consistent with the requirements for reportable chemicals established by the Colorado Department of Health and Environment. OSHA requirements for MSDS can be found in 29 C.F.R. § 1910 (2010). The Environmental Protection Agency (EPA) regulation “Designation, Reportable Quantities, and Notification,” 40 C.F.R. § 302 (2010) and OSHA regulation “Occupational Safety and Health Standards,” 29 C.F.R. § 1910 (2010) are incorporated herein by reference and include the regulations in existence at the time of the promulgation this Article, but exclude later amendments to or editions of the regulations.

Specific exemptions to this category include:

a. Finished consumer products within retail centers and households containing hazardous materials intended for household use, and agricultural products intended for agricultural use.

b. Buildings and other structures containing hazardous materials for which it can be demonstrated to the satisfaction of the local authority having jurisdiction by hazard assessment and certification by a qualified professional (as determined by the local jurisdiction having land use authority) that a release of the subject hazardous material does not pose a major threat to the public.

c. Pharmaceutical sales, use, storage, and distribution centers that do not manufacture pharmaceutical products Chemical and pharmaceutical plants (chemical plant, pharmaceutical manufacturing).

These exemptions shall not apply to buildings or other structures that also function as Critical Facilities under another category outlined in this Article.

3. At-risk population facilities include medical care, congregate care, and schools. These facilities may consist of:

a. Elder care (nursing homes);

b. Congregate care serving 12 or more individuals (day care and assisted living);

c. Public and private schools (pre-schools, K-12 schools), before-school and after-school care serving 12 or more children).

4. Facilities vital to restoring normal services including government operations. These facilities consist of:

a. Essential government operations (public records, courts, jails, building permitting and inspection services, community administration and management, maintenance and equipment centers);

b. Essential structures for public colleges and universities (dormitories, offices, and classrooms only).

These facilities may be exempted if it is demonstrated to the Town that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same entity or available through an intergovernmental agreement or other contract), the alternative facilities are either located outside of the 100-year floodplain or are compliant with this Article, and an operations plan is in effect that states how redundant facilities will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the Town on an as-needed basis upon request.

B. Protection of Critical Facilities. All new and substantially improved Critical Facilities and new additions to Critical Facilities located within the Special Flood Hazard Area shall be regulated to a higher standard than structures not determined to be Critical Facilities. For the purposes of this Article, protection shall include one of the following:

1. Location outside the Special Flood Hazard Area; or

2. Elevation of the lowest floor or floodproofing of the structure, together with attendant utility and sanitary facilities, to at least two feet above the Base Flood Elevation;

C. Ingress and Egress of New Critical Facilities. New Critical Facilities shall, when practicable as determined by the Town, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event.

Chapter 15.13
WATER RIGHTS DEDICATION

Sections:

15.13.010 Title.

15.13.020 Intent and Purpose.

15.13.030 Definitions.

15.13.040 Basic Dedication Requirement.

15.13.050 Exceptions.

15.13.060 Dedication of Water Rights for Open Space.

15.13.070 Procedures.

15.13.080 Agricultural and Open Space Property.

15.13.090 Option to Purchase.

15.13.010 Title. This Chapter shall be known and may be cited as the “Town of Collbran Water Rights Dedication Ordinance.”

15.13.020 Intent and Purpose.

A. It is the intent and purpose of this Chapter to require the dedication of water rights prior to the extension of treated or raw water service to new customers or to existing customers with increased demand for water service and to thereby assure an adequate and stable supply of water to the Town service area; to prevent the abandonment of water rights to the detriment of the Town; to ensure the financial stability of the Town water utility; and to promote the general welfare of the public.

B. This Chapter, in part, provides a supplemental requirement for annexation as provided by state statutes and also supplemental requirements to the subdivision requirements of the Town, and does not eliminate, modify or replace any requirements set forth in other statutes or ordinances.

15.13.030 Definitions.

“Annexation” means the act of attaching, adding, joining or uniting a parcel of land to the legal entity known as the Town.

“Appurtenant” means belonging to, accessory or incident to, adjunct, appended, annexed to or used in conjunction with.

“Board” or “Board of Trustees” means the Board of Trustees of the Town.

“Conveyance of water rights” means the legal process by which legal title to the water rights to be dedicated is transferred to the Town by appropriate deed, stock assignment or both.

“Dedication” means an appropriation of an interest in land or water to some public use, made by the owner, and accepted for such use by or on behalf of the public.

“Equivalent residential unit” (EQR) as used in this Chapter means a number related to the volume of water consumptively used by a single-family residential unit housing a statistical average of three and one-half (3.5) persons and having not more than two thousand five hundred (2,500) square feet of irrigated lawn or garden; that water consumption being 0.2

acre-feet per year. The consumptive use of all other uses is considered to bear the same ratio to the consumptive use of an average single-family residence as the EQR value assigned to that use in the Table of EQR's as set forth in Title 9 of this Code.

“Extensions of service” means any extension of the municipal water utility for which a tapping or other capital reimbursing charge or services charge are assessed.

“Historical use affidavit” means a document, which sets forth the following information concerning the water rights proposed for dedication:

1. The name(s) and address(es) of the owner(s) of all water rights owned by the party seeking extensions of service;
2. A legal description of the land to be annexed or provided with municipal water service;
3. The total number of acres to be annexed or provided with municipal water service;
4. The total number of acres presently being irrigated and/or intended to remain in irrigation;
5. A copy of all decrees concerning all water rights appurtenant to the property and all other rights owned or controlled by the party seeking extensions of service;
6. A copy of any legal decree or judgment which affects the title of those water rights entered since the owner received title to the water rights appurtenant to the property and/or proposed for dedication;
7. A copy of the documents by which the owner received title to the water rights appurtenant to the property and/or proposed for dedication;
8. A copy of all diversion records of the water rights proposed for dedication;
9. The owner's statement as to the historic use of the water rights appurtenant to the property and/or proposed for dedication.

“Lease” means any grant for permissive use, which results in the creation of a landlord-tenant relationship.

“Person” means an individual, a partnership, a corporation, a municipality, or any other legal entity, public or private.

“Plat” is an accurately surveyed map or chart of a piece of land subdivided into lots with streets, alleys, roads and other such avenues of transportation delineated thereon and drawn to a scale.

“Replat” means to make a change in the original plat.

“Subdivide” means to separate into smaller divisions a tract of land into two (2) or more lots, tracts, parcels, sites, separate interests in common, condominium interests or other divisions for the purpose, whether immediate or future, of transfer of ownership, or for building or other development, or for street use by reference to such subdivision or a recorded plat thereof.

“Sufficient legal priority” means that the water rights proposed for dedication may reasonably be expected to provide a dependable water supply throughout the season of use in the amount for which they are decreed. In making this determination, factors to be considered shall include, but not by way of limitation, the adjudication date and appropriation date of the

water rights, the decreed use(s), the historic use of the water under the decree, the physical flow available, and the administration practices of the Office of the State Engineer.

“Town” means the Town of Collbran, Colorado.

“Town Manager” means any Town Manager of Collbran, Colorado.

“Transfer of water rights” means the conveyance of legal title to water rights of the Town in addition to referring to all actions required under the laws of the State of Colorado to be brought in the Water Court, Water Division No. 5, to ensure that the dedication requirement is fulfilled. Such action may include, but not by way of limitation, a change in the type, place or time of use, a change in the point of diversion, a change from a fixed point of diversion to alternate or supplemental points of diversion, a change from alternate or supplemental points of diversion to a fixed point of diversion, a change in the means of diversion, a change in the place of storage, a change from direct application to storage and subsequent application, a change from storage and subsequent application to direct application, a change from a fixed place of storage to alternate places of storage, a change from alternate places of storage, or any combination of such changes.

“Transfer of water rights” includes transfer of conditional as well as absolute water rights.

“Water right” means a decreed right to use in accordance with its priority a certain portion of the waters of the State by reason of the appropriation of the same.

15.13.040 Basic Dedication Requirement.

- A. A dedication or transfer of direct flow and/or storage water rights to the Town shall be required prior to the approval of the annexation of any land to the Town, prior to all extensions of municipally treated water service outside the Town limits as said boundaries exist on the effective date of the Ordinance codified in this Chapter, and prior to the subdivision or replatting of any land now located within the Town if such subdivision or replatting requires a change of zone district or increases the demand for municipal water service.
- B. The dedication requirement shall be calculated in accordance with the table of equivalent units as set forth in the Town of Collbran water and sewer tap ordinance, as such table may be amended, on forms provided by the Town. Such forms shall be accompanied by a historical use affidavit. For those persons whose compliance with this Section results in a total EQR of greater than thirty (30) EQR, no historical use affidavit shall be required, but an engineering analysis, acceptable to the Town, of the historic use of the water rights proposed for dedication shall be required.
- C. The basic requirement shall be .2 AF/year of historic consumptive use of a water right of sufficient legal priority for each EQR calculated pursuant to subsection (B) of this Section. For raw water uses or other uses not calculated under the table of EQR's, the basic requirement shall be the quantity of water to be required ultimately in the satisfaction of those use(s) as contemplated by the new user. If a party required to dedicate water pursuant to this Chapter can establish by a preponderance of the evidence that his actual use will be less than that calculated by reference to the table of EQR's, he shall be required to dedicate only the lesser amount, it being the intent of this Chapter that the quantity of water dedicated be that quantity of water required ultimately in the satisfaction of the consumptive use or uses contemplated by the party.
- D. The basic requirement shall be satisfied by the person seeking approval of annexation, subdivision, replatting or the extension of municipally treated water service, whether or not that person will be the ultimate user(s).

- E. Sufficient water rights shall be dedicated so as to enable the Town to divert a quantity of water at any point of diversion it may determine, which will allow for the total consumption by the Town of the quantities set forth in subsection (C) of this Section.

15.13.050 Exceptions.

- A. The Town may substitute or waive any conditions or requirements deemed necessary to meet the purposes of this Section.
- B. This Chapter does not apply to the extension of new municipal treated water service or raw water service for which the basic dedication requirement has been previously complied with by any person and where no increase in demand is constituted.

15.13.060 Dedication of Water Rights for Open Space.

- A. The owner of any property proposed to be annexed or subdivided who dedicates property to the Town pursuant to any other ordinance of the Town to be used for open space, park, aesthetic, recreation or irrigation purposes, shall also comply with the provisions of this Chapter.

15.13.070 Procedures.

- A. In accordance with the basic requirements set forth in Section 15.13.040, the Town shall determine, after consultation with a person or persons skilled in the knowledge of water rights, whether the water rights proposed for dedication pursuant to the provisions of this Chapter will be of sufficient legal priority under the laws of the State to ensure the Town's ability to meet the service demands of the new user. This determination will be aided by an historic use affidavit and/or engineering report, which must be provided by the new user.
- B. The Town shall have the right, in its sole discretion, to accept or reject any water rights proposed for dedication pursuant to the provisions of this Chapter that the Town has determined do not have sufficient legal priority. If the Town determines that the water rights proposed fail to satisfy the basic dedication requirement, the following alternatives, or combination thereof, may be used to otherwise satisfy the basic dedication requirement:
 - 1. The person required to comply with the basic dedication requirement may pay to the Town a cash amount equal to the fair market value of the water rights necessary to satisfy the basic dedication requirement, which the Town shall set, in its sole discretion, from time to time.
 - 2. The Town may, in its discretion, negotiate with the new user to establish other terms or conditions, which shall constitute compliance with the basic dedication requirement of this Chapter.
- C. The new user shall dedicate the water rights determined by the Town by filing with the Town an offer thereof. It is the intent of this Chapter that no water service shall be extended to a new user until the agreed-to water rights have been dedicated to the Town; however, if there are matters pending resolution in the Water Court concerning the water rights to be dedicated, or if there is other delay beyond the control of the new user, the Town Board shall have the discretion to approve the extension of such water service prior to the dedication of water rights to the Town by the new user or person seeking approval of annexation, subdivision or replating, new extension of municipal treated water service, or extension of raw water service which will thereafter be used for beneficial purposes.
- D. All costs and expenses attendant to the conveyance and transfer of water rights dedicated to the Town shall be borne by the new user.

- E. Any decision made by the Town Board designate under the delegation of powers contained within this Chapter shall be submitted by him to the Town Board of Trustees at its next regular meeting, and the decision shall not become final until the same has been ratified by the Board of Trustees. Any interested parties shall have the opportunity to be heard with respect to the decision.

15.13.080 Agricultural and Open Space Property.

- A. If the owner of the property proposed to be annexed or subdivided desires to retain the land, or any portion thereof, in agricultural production or as open space prior to development, he shall be permitted to lease back, on an annual basis and for irrigation, aesthetic and recreational purposes only, the water rights transferred pursuant to this Chapter. The terms of the lease shall be negotiated with the Town Board of Trustees or their designate.

15.13.090 Option to Purchase.

- A. Time. Any person required to comply with the basic dedication requirement shall also grant to the Town the option to purchase any and all water rights which are appurtenant to the land to be annexed but which are in excess of the basic dedication requirement. The option may be exercised by the Town at any time for a period of one (1) year following the date of the grant to the Town with regard to any or all of the water rights subject to the grant.
- B. Price.
1. The option price shall be that price agreed upon by the parties. If the parties do not agree upon an option price within thirty (30) days after notice of the Town's intent to exercise its option is received by the owner, appraisal at the Town's expense will establish the price that reflects the fair market value of the water right(s).
 2. The appraisal shall be conducted by one (1) appraiser appointed by the Town, one (1) appraiser appointed by the owner of the water rights, and a third (3rd) appraiser who shall be appointed by both parties. The average of the three (3) appraisals shall be the option price.
- C. Right of First Refusal.
1. Grant of Right. In addition to the grant of the option to purchase by the new user(s), there shall be a grant to the Town by the user(s) of a right of first refusal regarding the water rights subject to said option to purchase. If the Town for any reason should choose not to exercise its option to purchase, it shall retain the right of first refusal in the event the water rights are sold independently of the land, for a period of ten (10) years following annexation or final approval, or replatting, or extension of water service to a subdivision.
 2. Notice Period. If the owner of the water rights subject to the right of first refusal wishes to sell the water rights to a third party, he shall give to the Town at least ninety (90) days notice of his intention to effect a sale of the water rights by delivering to the Town a bona fide written offer to purchase made by a third party.

3. Exercise of Right. During the ninety (90) day notice period provided for in this subsection, the Town shall enjoy its right of first refusal entitling it to purchase the water rights proposed for sale. If within ninety (90) days following notice by the owner of his intention to sell his water rights, the Town chooses to exercise its right to purchase, then the Town shall pay to the owner the fair market price of the water rights prevailing at the time of the offer, which price shall be at least equal to the amount tendered to the owner in the bona fide offer by the third party. In the event that the Town determines not to exercise its right to purchase the water rights offered for sale, the owner shall be free to sell the water rights to a third party; provided, however, that any such sale to a third party shall be for a price which is at least equal to that price which was tendered to and refused by the Town.