

TITLE 10¹
LAND USE

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¹ Ordinance #2-2006 is repealed and the Land Use Code Title 10, adopted by Ordinance #10-2000, be reenacted, including the modified map. Ord. 2-2007, eff. 9/6/2007

Chapter 1 ADMINISTRATION

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10-1-1: Title

- A. Title. An ordinance and map establishing Zoning Districts in Westcliffe, Colorado; regulating the location, height, bulk, size and type of buildings and other structures; the percentage of lot which may be occupied; the size of lots, courts and other open space; the size, illumination, animation and type of signs; the density and distribution of population; the location and use of land for residences, trade, industry, recreation, or other purposes; regulation of subdivision; and supplementary regulations. (Ord. 2-2007, eff. 9/6/2007)

- B. Short Title. This Title 10 shall be known as the Westcliffe Land Use Code, portions of which are referred to herein as "Chapters," and the entirety of which is referred to as this "Title," or this "Code." (Ord. 2-2007, eff. 9/6/2007)

10-1-2: Purpose

- A. General Purpose. This title is necessary, designed, and enacted for the purpose of promoting the health, safety, morals, and general welfare of the present and future inhabitants of Westcliffe, Colorado, by lessening congestion in the streets and roads; securing safety from disease, fire and other hazards; providing adequate light and air; preventing the overcrowding of land; avoiding undue concentration of population; facilitating the adequate provision of transportation, communication, power, water, sewerage, schools, parks, and other public development. (Ord. 2-2007, eff. 9/6/2007)

10-1-3: Authority and Enforcement²

² Title 10, Chapter 1, Section 3 is amended by the addition of subparagraph F. Ord. 2-2007, eff. 9/6/2007

- A. Authority. The Westcliffe Land Use Code is authorized by and enacted pursuant to Article 23, Chapter 31, of the Colorado Revised Statutes, as amended, and hereby is declared to be in accordance with all provisions of same. (Ord. 2-2007, eff. 9/6/2007)
- B. Enforcement. This ordinance hereby establishes and shall be enforced by an officer appointed by the Board of Trustees to be known as the "Zoning Enforcement Officer." (Ord. 2-2007, eff. 9/6/2007)
- C. Zoning Enforcement Officer. An official of the Town appointed by the Board of Trustees charged with authority for administration and enforcement of this Title. (Ord. 2-2007, eff. 9/6/2007)
- D. Certificate of Occupancy. No new building hereafter shall be occupied or used until a certificate of occupancy therefore has been issued by the Zoning Enforcement officer. Such certificate shall be issued within fourteen (14) days after the officer has been notified of the building's completion and after a final inspection has been made to determine conformance with the provisions of this Title. (Ord. 2-2007, eff. 9/6/2007)
- E. Records. All building permits, application records, records of inspection, and certificate of occupancy records shall be kept on file in the office of the Zoning Enforcement Officer and shall be available for inspection by the public. (Ord. 2-2007, eff. 9/6/2007)
- F. Standards and Specifications. The Board of Trustees, by resolution, may adopt standards and specifications for the construction of all improvements as set forth in this Title. (Ord. 2-2007, eff. 9/6/2007)

10-1-4: Interpretation

- A. Interpretation. The provisions of this Title are minimum requirements adopted for the promotion of the public health, safety, morals and general welfare. (Ord. 2-2007, eff. 9/6/2007)
- B. Conflict. Whenever the requirements of this Title are in conflict with the requirements of any other ordinance, rule, regulation, private covenant, or deed restriction, the more restrictive or that imposing the higher standards shall govern. (Ord. 2-2007, eff. 9/6/2007)

10-1-5: Violations and Penalties

- A. Violation and Penalty. Failure to comply with all of the provisions of this Title, unless a variance has been authorized by the Board of Adjustment, shall constitute a misdemeanor punishable by a fine of \$300 or imprisonment for a period of not more than ninety (90) days, or both. Each day that a violation continues to exist shall constitute a separate offense. (Ord. 2-2007, eff. 9/6/2007)
- B. Notification. Whenever the Zoning Enforcement Officer shall find a violation of any of the provisions of this Title, that officer shall notify the person responsible for the violation in writing and shall order the necessary corrections to be made within a periods of two (2) months. (Ord. 2-2007, eff. 9/6/2007)

- C. Complaints. Any person aggrieved by a violation or apparent violation of the provisions of this Title may file a written complaint with the Zoning Enforcement Officer, who shall investigate such complaint and take legal action within fourteen (14) days to have the violation penalized or removed, if such violation is found to exist. (Ord. 2-2007, eff. 9/6/2007)

10-1-6: Definitions³

- A. Rules of Language Construction. For the purposes of this Title and when not inconsistent with the context: (Ord. 2-2007, eff. 9/6/2007)
1. Words used in the present tense include the future. (Ord. 2-2007, eff. 9/6/2007)
 2. Words in the singular include the plural. (Ord. 2-2007, eff. 9/6/2007)
 3. Words in the plural include the singular. (Ord. 2-2007, eff. 9/6/2007)
 4. The masculine includes the feminine. (Ord. 2-2007, eff. 9/6/2007)
 5. The word "shall" is mandatory and not directory. (Ord. 2-2007, eff. 9/6/2007)
 6. The word "may" is permissive. (Ord. 2-2007, eff. 9/6/2007)
 7. The particular controls the general. (Ord. 2-2007, eff. 9/6/2007)
- B. Interpretation. Certain words and phrases are defined; and certain provisions shall be interpreted as herein set out, when not inconsistent with the context. The word "structure" includes the word "building"; the word "person" includes a "firm," "association," "corporation," "partnership," and "natural person"; the word "used" includes the words "occupied," "arranged," "designed," or "intended to be used"; the word "construct" includes the words "erect," "reconstruct," "alter," "move in," and "move upon." (Ord. 2-2007, eff. 9/6/2007)
- C. Definitions:
1. Accessory Structure: a detached subordinate structure, the use of which is customarily incidental to that of the principal building or to the main use of the land and which is located on the same lot with the principal structure or use. Such a structure does not include dwellings or living quarters of any kind. (Ord. 2-2007, eff. 9/6/2007)
 2. Accessory Use. A use naturally and normally incidental and subordinate to the permitted use of a land or lot area. (Ord. 2-2007, eff. 9/6/2007)
 3. Alley: A public, dedicated right-of-way used primarily as a service or secondary means of access and egress to the service side of abutting property. (Ord. 2-2007, eff. 9/6/2007)
 4. Block: A parcel of land bounded on all sides by a street or streets. (Ord. 2-2007, eff. 9/6/2007)

³ Title 10, Chapter 1, Section 6, subparagraph C, is amended by the addition of subsection 18.1, subsection 19, subparagraphs "a through g" and subsection 20.1, and the repeal and reenactment of subsections 24 & 25.

5. Board of Trustees: The Board of Trustees of the Town of Westcliffe, Colorado. (Ord. 2-2007, eff. 9/6/2007)
6. Building: Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, chattels, or property of any kind. (Ord. 2-2007, eff. 9/6/2007)
7. Building Height: The vertical distance as measured from the average (pre-development) grade level at the four (4) points of the structure most closely approximating geographic north, south, east and west, to the highest point of the roof structure, exclusive of chimneys, ventilators, pipes, spires or similar items. Pre-development grade shall be established by use of scaled photographs taken from the crown of the adjacent street before construction, compared to similar photographs taken after construction. (Ord. 2-2007, eff. 9/6/2007)
8. Building Set-Back: An imaginary line extending across the full width or side of a lot, parallel with the street right-of-way or property line and outside of which no building or structure shall be constructed. (Ord. 2-2007, eff. 9/6/2007)
9. Commission: See Planning Commission. (Ord. 2-2007, eff. 9/6/2007)
10. Consumer: Any person contacted as a potential purchaser, lessee or renter as well as one who actually purchases, leases or rents property in the subdivision. (Ord. 2-2007, eff. 9/6/2007)
11. County: Custer County, Colorado. (Ord. 2-2007, eff. 9/6/2007)
12. County Commissioners: The Board of County Commissioners of Custer County, Colorado. (Ord. 2-2007, eff. 9/6/2007)
13. Dedication: A grant by the owner of a right to use land to the public in general involving a transfer of property rights and an acceptance of the dedicated property by the appropriate public agency. (Ord. 2-2007, eff. 9/6/2007)
14. Density: The average number of dwelling units per acre, excluding areas used for public rights-of-way. (Ord. 2-2007, eff. 9/6/2007)
15. Dwelling: A principal structure designed to be used as a living place for one or more persons or families but not including hotels, motels, clubs, boarding houses, or any institution such as an asylum, hospital, or jail where persons are housed by reason of illness or under legal restraint. (Ord. 2-2007, eff. 9/6/2007)
16. Dwelling Unit: Any building or portion thereof which is intended for long-term human habitation which includes sleeping, cooking and sanitation facilities for not more than one family. (Ord. 2-2007, eff. 9/6/2007)

17. Easement: A dedication of land for a specified use, such as providing access for maintenance of utilities. (Ord. 2-2007, eff. 9/6/2007)
18. Family: One or more persons living together as a single housekeeping unit in a dwelling unit. (Ord. 2-2007, eff. 9/6/2007)
- 18.1 Heavy Industrial: Uses engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involved hazardous conditions. Heavy industrial shall also mean those uses engaged in the operation, parking or maintenance of vehicles, including trailers, cleaning of equipment or work processes involving solvents, solid waste or sanitary waste transfer stations, recycling establishments, and transport terminals (truck or trailer terminals, public works yard, container storage.) (Ord. 2-2007, eff. 9/6/2007)
19. Home Occupation: Any non-residential use undertaken for monetary gain within a Dwelling Unit or Accessory Structure, which: (Ord. 2-2007, eff. 9/6/2007)
 - a. is operated solely by the inhabitants thereof, which use clearly is incidental and secondary to the use of the Dwelling Unit for living purposes; (Ord. 2-2007, eff. 9/6/2007)
 - b. does not have more than one employee at the Dwelling Unit or Accessory Structure; (Ord. 2-2007, eff. 9/6/2007)
 - c. does not generate excessive vehicular traffic or parking or require deliveries to or from the Dwelling Unit or Accessory Structure by trucks with more than two axles or ten ton gross vehicle weight; more than fifteen round trips per day shall be deemed excessive; (Ord. 2-2007, eff. 9/6/2007)
 - d. does not involve retail or wholesale sales of supplies or products unless said sales are commonly related to a service provided at the location of the Home Occupation or delivery of said supplies or products is by mail order or over the Internet; (Ord. 2-2007, eff. 9/6/2007)
 - e. has no signs, display, advertising or activity that would in any way indicate that the premises are being used for a Home Occupation except for a single sign, which may be attached either to the Dwelling Unit or the Accessory Structure, such sign not to exceed an area of two square feet; (Ord. 2-2007, eff. 9/6/2007)
 - f. is conducted entirely on the interior of a Dwelling Unit or Accessory Structure, except that exterior activity shall be allowed for outdoor

playground activities in a state licensed day-care facility; and (Ord. 2-2007, eff. 9/6/2007)

- g. generates no vibration, smoke, dust, odors, noise, electrical interference with radio or television transmission or reception, or heat or glare in excess of levels customarily found in residential neighborhoods that is noticeable at or beyond the property line of the premises upon which the Home Occupation is located. (Ord. 2-2007, eff. 9/6/2007)

Medical, dental and real estate offices are not permitted as Home Occupations. (Ord. 2-2007, eff. 9/6/2007)

- 20. Hotel: A building designed for occupancy by short term or part-time residents who are lodged with or without meals and in which no facilities are provided for cooking in individual rooms. (Ord. 2-2007, eff. 9/6/2007)
- 20.1 Light Industrial: Manufacturing, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales or distribution of such products. Further, light industrial shall mean uses such as the manufacture of electronic instruments, preparation of food products, pharmaceutical manufacturing, research and scientific laboratories or the like. Light industrial shall not include uses such as mining and extracting industries, petrochemical industries, rubber refining, primary metal or related industries. (Ord. 2-2007, eff. 9/6/2007)
- 21. Lot: A parcel or portion of land separated from other parcels or portions by legal description and intended for transfer of ownership or building development. (Ord. 2-2007, eff. 9/6/2007)
- 22. Lot Area: The total number of horizontal square feet contained within the boundaries of the lot lines of the lot. (Ord. 2-2007, eff. 9/6/2007)
- 23. Lot Line: An imaginary line separating a parcel or portion of land from another by legal description. (Ord. 2-2007, eff. 9/6/2007)
- 24. Manufactured Home: A dwelling unit which is partially or entirely manufactured in a factory; is installed on a permanent foundation; is certified pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974", 42 U.S.C. § 5401 *et seq.*, as amended, and which meets or exceeds on an equivalent performance engineering basis standards established by the applicable building code. Equivalent performance engineering basis means that by using engineering calculations or testing following commonly accepted engineering practices, all components and subsystems will perform to meet health, safety, and functional requirements to the same extent as required for other dwelling units. (Ord. 2-2007, eff. 9/6/2007)

25. **Mobile Home:** A structure which is transportable in one or more sections; is built upon a permanent chassis, is designed to be used as a place of living for a single family, with or without permanent foundation and retains it's original title, when connected to the required utilities; and includes the plumbing, heating, air conditioning and electrical systems contained therein. (Ord. 2-2007, eff. 9/6/2007)
26. **Motel:** A group of attached or detached buildings containing individual living or sleeping units, designed for or used temporarily by tourists and transients, with garage or parking space near each rental unit. (Ord. 2-2007, eff. 9/6/2007)
27. **Nonconforming Building:** A building or portion thereof, legally built prior to the effective date of this Title or any pertinent amendment thereto, which does not conform to the regulations for the district in which it is located. (Ord. 2-2007, eff. 9/6/2007)
28. **Nonconforming Use:** Land or a building lawfully occupied prior to the effective date of this Title or any pertinent amendment thereto, by a use which does not conform to the regulations for the district in which it is located. (Ord. 2-2007, eff. 9/6/2007)
29. **Permit:** A document issued by the Town of Westcliffe, Colorado, granting permission to perform an act or service which is regulated by the said Town. (Ord. 2-2007, eff. 9/6/2007)
30. **Person:** An individual, partnership, corporation, association, unincorporated organization, municipality, state agency, trust or any other legal or commercial entity, including joint venture or affiliated ownership. (Ord. 2-2007, eff. 9/6/2007)
31. **Planning Commission:** The Planning Commission of the Town of Westcliffe, Colorado. (Ord. 2-2007, eff. 9/6/2007)
32. **Plat:** A map, drawing or chart, drawn to scale, upon which the subdivider presents proposals for the physical development of a subdivision, and which he or she submits for approval and intends to record in final form. (Ord. 2-2007, eff. 9/6/2007)
33. **Property Line:** See Lot Line. (Ord. 2-2007, eff. 9/6/2007)
34. **Public Hearing:** A public meeting held by the Planning Commission or Board of Trustees at which citizens' opinions may be voiced concerning the subject of the hearing, and at which a decision on the matter may be made. (Ord. 2-2007, eff. 9/6/2007)
35. **Public Notice:** Notice of a public hearing by the Board of Trustees, Planning Commission or Board of Adjustment. Unless otherwise specified, such notice shall be published one (1) time in a newspaper of

general circulation in the Town at least seven (7) days before such hearing. In the case of proposed changes to the Zoning Map, such publication shall be made at least fifteen (15) days prior to the hearing. (Ord. 2-2007, eff. 9/6/2007)

36. Reservation: A legal obligation to keep property free from development for a stated period of time, not involving any transfer of property rights. (Ord. 2-2007, eff. 9/6/2007)
37. Road: See Street. (Ord. 2-2007, eff. 9/6/2007)
38. Right-of-Way: The entire dedicated tract or strip of land dedicated for circulation and service. (Ord. 2-2007, eff. 9/6/2007)
39. Site Development: All construction and improvements on any parcel, lot or tract of property within the Town and on any structure (other than construction or remodel of a single family residence or one duplex building, or normal maintenance or repair), including but not limited to substantial clearing, grading, filling or excavation, streets and roads, drainage, utilities, parking lots and structures, landscaping, street lights, signs and moving of structures. The Zoning Enforcement Officer shall have authority to determine whether an activity, including a substantial remodel of or addition to an existing structure, constitutes site development; that determination may be appealed to the Board of Adjustment. (Ord. 2-2007, eff. 9/6/2007)
40. Street: A way for vehicular traffic, further classified and defined as follows: (Ord. 2-2007, eff. 9/6/2007)
 - a. Arterial streets are those which permit the relatively rapid and unimpeded movement of large volumes of traffic from one part of the community to another. (Ord. 2-2007, eff. 9/6/2007)
 - b. Collector streets are those which collect traffic from local streets and carry it to arterial streets or to local traffic generators such as neighborhood shopping centers and schools. Collector streets include the principal entrance streets to a residential development, those streets linking adjacent developments, and those streets providing circulation within such developments. (Ord. 2-2007, eff. 9/6/2007)
 - c. Local streets are those used primarily for direct access to lots abutting the right-of-way. Local streets carry traffic having an origin or destination within the development and do not carry through traffic. (Ord. 2-2007, eff. 9/6/2007)
41. Subdivider: Any person acting individually or as a group dividing or proposing to divide land so as to constitute a subdivision. (Ord. 2-2007, eff. 9/6/2007)

42. Subdivision:
- a. The division of a parcel of land into two or more parcels, sites or lots for the purpose, whether immediate or future, of transfer of ownership or building development; or a tract of land, including land to be used for condominiums, apartments, Townhomes or any other multiple-dwelling units, or for time-sharing dwelling units, unless the improvement with the same density has previously complied with the requirements of the subdivision regulations contained in this Title 10; or (Ord. 2-2007, eff. 9/6/2007)
 - b. The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the dedication, opening, widening or extension of any street or streets; the division or allocation of land as open spaces for common use by owners, occupants or lease holders or as easements for the extension and maintenance of public Sewerage, water, storm drainage or other public utilities or facilities. (Ord. 2-2007, eff. 9/6/2007)
 - b. Unless the method of land disposition is adopted for the purpose of evading this definition, the term subdivision as defined in this Section shall not apply to any of the following divisions of land or interests in land: (Ord. 2-2007, eff. 9/6/2007)
 1. The division of land by order of any court in the State or by operation of law. (Ord. 2-2007, eff. 9/6/2007)
 2. The division of land by a lien, mortgage, deed or trust or any other security instrument. (Ord. 2-2007, eff. 9/6/2007)
 3. The division of land by a security or unit of interest in any investment trust regulated under the laws of the State or any other interest in an investment entity. (Ord. 2-2007, eff. 9/6/2007)
 4. The division of land which creates cemetery lots. (Ord. 2-2007, eff. 9/6/2007)
 5. The division of land which creates an interest or interests in oil, gas or minerals which are now or hereafter severed from the surface ownership of real property. (Ord. 2-2007, eff. 9/6/2007)
 6. The division of land by the acquisition of an interest in land in the name of a husband and wife or other persons in joint tenancy or as tenants in common, and any such interest shall be deemed for purposes of this Section as only one (1) interest. (Ord. 2-2007, eff. 9/6/2007)
43. Town: The Town of Westcliffe, Colorado. (Ord. 2-2007, eff. 9/6/2007)

44. Yard, side: that part of a lot which is located between the center line of the property and abutting private property. A corner lot shall be deemed to have two front yards, and shall be required to conform to the minimum setback for yards on each side abutting the street. (Ord. 2-2007, eff. 9/6/2007)
45. Yard, front: that portion of a yard between the front lot line and the principal structure, and between the two (2) side lot lines, the depth of which shall be the least distance between the front lot line and the building. (Ord. 2-2007, eff. 9/6/2007)
46. Yard, rear: that portion of a yard between the rear of the principal structure and a rear lot line and between two (2) side lot lines, the depth of which shall be the least distance between the principal structure and the rear lot line. (Ord. 2-2007, eff. 9/6/2007)

10-1-7: Nonconforming Buildings and Uses

- A. Nonconformance. Certain uses of land and buildings may be found to be in existence at the time of enactment of this Title that do not meet the requirements of this Title. It is the intent of this Title to allow the continuance of such nonconforming uses, subject to the requirements and limits herein. (Ord. 2-2007, eff. 9/6/2007)
- B. Alterations and Extensions. No building, sign or light fixture or use that is nonconforming as of the effective date of this Title shall be expanded in any way that would increase the degree of nonconformance. The following changes or alterations may be made to a nonconforming building: (Ord. 2-2007, eff. 9/6/2007)
 1. Repair to a building, sign or light fixture that officially has been declared unsafe, to restore such building, sign or light fixture to a safe condition. (Ord. 2-2007, eff. 9/6/2007)
 2. Maintenance repairs that are necessary to maintain the good condition of the building, sign or light fixture. (Ord. 2-2007, eff. 9/6/2007)
 3. Any structural alteration that would reduce the degree of nonconformance or change the use to a conforming use. (Ord. 2-2007, eff. 9/6/2007)
- C. Restoration. A nonconforming building that has been damaged by fire or other natural cause may be restored to its original usability, provided such restoration is begun within nine (9) months and completed within three (3) years of the occurrence of the damage. (Ord. 2-2007, eff. 9/6/2007)
- D. Discontinuance. Whenever a nonconforming use has been discontinued for a period of six (6) months, it shall not thereafter be re-established. Any future use shall be in conformance with the provisions of this Title. (Ord. 2-2007, eff. 9/6/2007)

Any nonconforming use in existence at the time of the effective date of this Title that has a valuation of all improvements of \$1,500 or less shall be discontinued within two (2) years from the effective date of this Title. (Ord. 2-2007, eff. 9/6/2007)

- E. Nonconforming Lots. Nonconforming lots on record on the date of enactment of this Title may be built upon, provided that yard requirements are met and that the approval of the Board of Adjustment is obtained. (Ord. 2-2007, eff. 9/6/2007)
- F. Change in Nonconforming Use. No nonconforming use of a building or lot may be changed to another nonconforming use. (Ord. 2-2007, eff. 9/6/2007)
- G. Construction Prior to Ordinance Enactment. Nothing herein contained shall require any change in plans, construction, or designated use of a building or structure for which a building permit has been issued and construction of which diligently shall have been prosecuted within three (3) months of the date of such permit. (Ord. 2-2007, eff. 9/6/2007)

10-1-8: Board of Adjustment

- A. Membership. There is hereby established a Board of Adjustment for the Town consisting of the membership of the Board of Trustees as it exists from time to time. The Board of Adjustment shall have all of the rights, duties and obligations of Board of Adjustment as described in § 31-23-307, et seq., C.R.S., except to the degree such duties, rights or obligations conflict with any provision of this Title or other ordinance adopted by the Board of Trustees. The Board of Adjustment shall be chaired by the Mayor, as that office is occupied from time to time. (Ord. 2-2007, eff. 9/6/2007)
- B. Duties and Powers. It shall be the duty of the Board of Adjustment: (Ord. 2-2007, eff. 9/6/2007)
 - 1. To meet at the call of the chairman, by his request or by the request of the Zoning Enforcement Officer, or by the request of any party wishing to appeal a decision of the Zoning Enforcement officer. (Ord. 2-2007, eff. 9/6/2007)
 - 2. To adopt any rules necessary to transact the board's business or to expedite its functions or powers, provided such rules are not inconsistent with the provisions of this Title. (Ord. 2-2007, eff. 9/6/2007)
 - 3. To vote upon the granting of an adjustment to requirements of this Title, which vote must have the concurrence of at least a majority of the board in order to reverse an order of the Zoning Enforcement Officer or to grant any variance or to decide in favor of the applicant on any matter. (Ord. 2-2007, eff. 9/6/2007)
 - 4. To permit the public to attend and be heard at all of its meetings. (Ord. 2-2007, eff. 9/6/2007)
 - 5. To notify in writing the Zoning Enforcement Officer, the owner involved, and the Planning Commission, of all hearings scheduled, resolutions passed, decisions made, and permits authorized. (Ord. 2-2007, eff. 9/6/2007)
 - 6. To publish or cause to be published notice of the dates of hearings, where such hearings are deemed necessary by the board. (Ord. 2-2007, eff. 9/6/2007)

- C. The Board of Adjustment shall have the power to interpret this Title, including any uncertainty as to boundary location, or meaning of wording, so long as such interpretation is not contrary to the purpose and intent of this Title. (Ord. 2-2007, eff. 9/6/2007)
- D. Section 10-1-8.D regarding the Board of Adjustment is repealed and is reenacted to provide as follows: The Board of Adjustments shall have the power to grant variances from the provisions of this Title, but only where all of the following conditions are found to exist: (Ord. 2-2007, eff. 9/6/2007)
1. The variance will not authorize any use other than a use enumerated as a permitted use in the district; (Ord. 2-2007, eff. 9/6/2007)
 2. The variance will be necessary to mitigate or relieve practical difficulties or unnecessary hardships; (Ord. 2-2007, eff. 9/6/2007)
 3. The variance will not place an unnecessary burden on the future resources of the Town or on adjoining land owners; (Ord. 2-2007, eff. 9/6/2007)
 4. The variance will not change the predominant character of the neighborhood and will be compatible with the surrounding area; and (Ord. 2-2007, eff. 9/6/2007)
 5. The variance will not be out of harmony with the intent and purpose of this Title. (Ord. 2-2007, eff. 9/6/2007)

The Board of Adjustments may impose conditions for granting any variance including, without limitation, time limits on the variance, limitations as to the uses allowed and restrictions on uses to which the variance may apply. (Ord. 2-2007, eff. 9/6/2007)

- E. Procedure. The Board of Adjustment shall act in strict accordance with all of the applicable laws of the State of Colorado and all applicable ordinances of the Town of Westcliffe. All appeals to the Board of Adjustment shall be filed in writing with the Town Clerk within fifteen (15) days of the decision being appealed. Every appeal shall indicate which provisions of this Title are involved, what relief is being sought, and the grounds on which such an appeal is predicated. The chairman of the Board of Adjustment shall, within forty five (45) days from the filing of an appeal, call a meeting of the board for the purpose of reviewing the matter. At the same time, a copy of the filed appeal shall be transmitted to the Planning Commission for an opinion, which opinion shall be returned to the Board of Adjustment before the date set for hearing the appeal. Notification of the decision of the board then shall be made. (Ord. 2-2007, eff. 9/6/2007)
- F. Appeals from the Board of Adjustment. Review of the decision of the Board of Adjustment shall be made to the courts, as provided by law. (Ord. 2-2007, eff. 9/6/2007)

10-1-9: Development Review Process⁴

- A. Scope and application.

⁴ Title 10, Chapter 1, Section 9 is amended by the repeal and reenactment of subparagraph "A", subsection 1, subparagraphs "b" and "d" and subparagraph "D".

1. All site development within the Town shall be required to follow the procedures and satisfy the requirements set out below prior to development. Site development is defined at Section 10-1-6.C.39. The developer is required to attend in person or by authorized representative, all meetings at which the project is considered, unless otherwise notified by the Town. With the exception of the erection of signs and the conduct of home occupations, no site development of property may be initiated, the use of property may not be substantially changed, substantial clearing, grading, filling or excavation may not be commenced, and buildings or other substantial structures may not be constructed, erected, moved or substantially altered except in accordance with and pursuant to one (1) or more of the following approvals: (Ord. 2-2007, eff. 9/6/2007)
 - a. A site plan approval pursuant to Section 10-1-10; (Ord. 2-2007, eff. 9/6/2007)
 - b. A planned unit development approval pursuant to Section 10-2-4.M; (Ord. 2-2007, eff. 9/6/2007)
 - c. A subdivision approval pursuant to Chapter 3; or (Ord. 2-2007, eff. 9/6/2007)
 - d. A use permitted by special review pursuant to Section 10-1-12 (Ord. 2-2007, eff. 9/6/2007)
 2. All site development must also obtain building and construction permits pursuant to the uniform codes adopted by the Town, and must comply with all other applicable sections contained within this Title. (Ord. 2-2007, eff. 9/6/2007)
- B. Preapplication conference. Prior to the formal submittal of any request for approval to proceed with site development, an informal preapplication conference shall be held between the applicant and the Town staff. This conference will serve to acquaint the applicant with the requirements of this Title and to allow staff to become familiar with the applicant's development intent and design philosophy. A schematic site plan and building concept drawings will aid in discussion at this conference; however applicants are encouraged not to prepare detailed designs which might require extensive revision as a result of the preapplication conference. (Ord. 2-2007, eff. 9/6/2007)
- C. Review process.
1. The following chart establishes the required review steps applicable to different forms of site development. Applicants seeking site development approval should refer to the chart to determine which one (1) or more "APPROVALS SOUGHT" under the left-hand column of the chart applies to the proposed site development. The required stages of review for such approval are shown on the lines to the right. Submission requirements and the specific review process for each stage are set out elsewhere in this Title under the appropriate headings. Unless otherwise indicated, amendment or modification of prior site development approval shall follow the procedure for review of the original application. Notwithstanding Section 31-23-215, C.R.S., the Planning Commission is not required to act on any

application (including subdivisions) until sixty (60) days following the first public meeting or public hearing. (Ord. 2-2007, eff. 9/6/2007)

2. In the event the Planning Commission or Town Staff recommends denial of the application at any stage, the applicant may choose to proceed to the next stage of review or may resubmit the application at the first stage. If, in the opinion of the Town Manager, a submittal at any stage of review is incomplete, the matter shall be removed from the agenda and not further processed until deemed complete. (Ord. 2-2007, eff. 9/6/2007)

3. The Planning Commission or Board of Trustees may require, prior to or as a part of any preliminary or final site development review, that the applicant permit a site visit by the members of the Commission or Board, as the case may be. In the event a site visit is required, the applicant shall provide access to the property sufficient to accommodate the needs of the site visit and shall, upon request by the Town, stake, flag or otherwise identify on or above the ground those features of the property or the proposed development (for example, wetland boundaries, proposed building envelopes and heights, road alignments) requested. (Ord. 2-2007, eff. 9/6/2007)

4. The Planning Commission or Board of Trustees may require at any stage of review of any site development, submission of any plan, study, survey or other information, in addition to that specified in this Title, and at the applicant's expense, as such body may determine necessary to enable it to review and act upon the application in order to determine whether the application complies with the requirements of this Title: (Ord. 2-2007, eff. 9/6/2007)

D. Review Process Chart. (Ord. 2-2007, eff. 9/6/2007)

| APPROVAL SOUGHT | PRELIMINARY | | | FINAL | | | COMMENTS |
|-----------------------|-------------|----|----|-------|----|----|--------------------|
| | S | PC | TB | S | PC | TB | |
| Site Plan | X | | | X | | | |
| Use by Special Review | | | | X | X | H | |
| PUD | X | X | H | X | H | H | Ordinance required |
| Variance | | | | X | | H | TB serves as BOA |
| Rezoning | | | | X | H | H | Ordinance required |
| Minor Subdivision | | | | X | CU | CU | Recorded plat |
| Major Subdivision | X | X | H | X | H | H | Recorded plat |
| Vacation of Streets | | | | X | X | H | Ordinance required |
| Correction plat | | | | X | | | Recorded plat |

S = Staff review or meeting
 PC = Planning Commission
 TB = Board of Trustees

X = Public Meeting
 H = Public Hearing
 CU = Call upon request of Planning Commission or Board of Trustees

10-1-10: Site Plan Approval⁵

The requirements of this Section apply to site development (as defined at Section 10-1-6.C.39 on property for which the use proposed is a use by right and subdivision or planned unit development approval is not sought. The review process for site plan consists of two staff reviews: at the preliminary and at the final stage (Ord. 2-2007, eff. 9/6/2007)

The applicant shall submit the following information in a brief summary

- A. General project concept (Ord. 2-2007, eff. 9/6/2007)
- B. Specific uses proposed, and intensity of use proposed (floor area and parking demand (Ord. 2-2007, eff. 9/6/2007)
- C. Proposed construction timing (Ord. 2-2007, eff. 9/6/2007)
- D. General concepts concerning building size and exterior materials and site plan concepts: (Ord. 2-2007, eff. 9/6/2007)
 - 1. An exterior materials package including roof material and color, wall treatment, glass and glazing. (Ord. 2-2007, eff. 9/6/2007)
 - 2. Site plan concepts including site organization, landscaping, irrigation, grading, lighting and signs. (Ord. 2-2007, eff. 9/6/2007)
- E. The following additional data may be required by the Town to accompany the application: (Ord. 2-2007, eff. 9/6/2007)
 - 1. A site plan to scale showing location of structures, number of dwelling units per structure, existing contours at an interval of 2 feet, location of open space to be retained, location of off-street parking spaces, location of common areas and their proposed usage (Ord. 2-2007, eff. 9/6/2007)
 - 2. Evidence of availability of public water and sewer facilities. Such evidence shall be in the form of a written commitment by a municipal or quasi-municipal agency stating that such service will be available to the property (Ord. 2-2007, eff. 9/6/2007)
 - 3. Other information required by the Zoning Enforcement Officer (Ord. 2-2007, eff. 9/6/2007)
- F. The Zoning Enforcement Officer shall act to approve, approve with conditions, or deny the site plan application (Ord. 2-2007, eff. 9/6/2007)

10-1-11: Amendment of Zoning Map (Rezoning)⁶

- A. Declaration of Policy and Standards for Rezoning. For the purposes of establishing and maintaining sound, stable and desirable development within the Town of Westcliffe, the

⁵ Title 10, Chapter 1, Section 10 is amended by the repeal and reenactment of the introductory paragraph.

⁶ Title 10, Chapter 1, Section 11 is amended by the repeal and reenactment of subparagraphs "A", "B" and "C".

rezoning of land is to be discouraged and allowed only under certain circumstances as provided hereafter. This policy is based on the opinion of the Board of Trustees that the Town's Zoning Map is the result of a detailed and comprehensive appraisal of the Town's present and future needs regarding land use allocation and, as such, should not be amended unless to correct a manifest error or because of changed or changing conditions in a particular area or the Town in general. Rezoning shall only be allowed if the applicant demonstrates by clear and convincing evidence that rezoning is necessary because of one or more of the following reasons: (Ord. 2-2007, eff. 9/6/2007)

1. The land to be rezoned was zoned in error and as presently zoned is inconsistent with the policies and goals of the Town's Master Plan. (Ord. 2-2007, eff. 9/6/2007)
 2. The area for which rezoning is requested has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or new approach to development. (Ord. 2-2007, eff. 9/6/2007)
 3. The proposed rezoning is necessary in order to provide land for a community related use which was not anticipated at the time of the adoption of the Town's Master Plan, and that such rezoning will be consistent with the policies and goals of the Master Plan. (Ord. 2-2007, eff. 9/6/2007)
 4. The area requested for rezoning has changed or is changing to such a degree that it is in the public interest to encourage development or redevelopment of the area (Ord. 2-2007, eff. 9/6/2007)
- B. Procedure for Amendments in General. The Board of Trustees may, on its own motion, on application of any Person or Persons in interest, or on recommendation of the Planning Commission, amend, supplement or repeal the regulations and provisions of this chapter, including the Zoning Map; provided that where land is sought to be rezoned on an application of any Person or Persons in interest, the applicant shall have a controlling record title ownership interest in the subject property as demonstrated by an ownership and encumbrance report or title insurance commitment issued with thirty (30) days of submission of the application. (Ord. 2-2007, eff. 9/6/2007)
1. Application. No application shall be accepted unless accompanied by the fee as provided in Section 10-1-15 (Ord. 2-2007, eff. 9/6/2007)
 2. Planning Commission Recommendation. Any proposed amendment or change to this chapter or to the Zoning Map, whether proposed by the Board of Trustees or otherwise, shall be referred to the Planning Commission for a recommendation thereon. (Ord. 2-2007, eff. 9/6/2007)
 3. Procedure before Planning Commission. Before giving an advisory report or initial recommendation on any proposed amendment to this Ordinance or to the Zoning Map, the Planning Commission shall first conduct a Public Hearing thereon. (Ord. 2-2007, eff. 9/6/2007)
 4. Procedure before the Board of Trustees. After receiving the recommendation from the Planning Commission, the Board of Trustees shall hold a Public Hearing before

acting on the proposed amendment or rezoning. Notice of the time and place of the Public Hearing before the Board of Trustees shall be given by the Town Clerk, by one publication of the same at least fifteen days prior to the hearing, in a newspaper of general circulation in the Town. Prior to the hearing, the Zoning Officer shall post the property with a sign notifying the general public of the time and place of the hearing at which the application shall be reviewed. Said sign shall be posted on the property frontage at intervals of approximately five hundred (500) feet at least fifteen (15) days prior to the scheduled meeting date and shall recite the rezoning applied for. The Zoning Enforcement Officer shall also mail notice by certified mail of the hearing to the applicant and to the property owners within 300 feet of the property proposed for rezoning at least fifteen (15) days prior to the hearing. (Ord. 2-2007, eff. 9/6/2007)

- C. Data to be Submitted. Prior to any consideration for amendment to the Zoning Map, the applicant shall file the following data with the Town at least ten (10) days prior to the scheduled date of Public Hearing before the Planning Commission: (Ord. 2-2007, eff. 9/6/2007)
1. Certified survey and legal description by a registered land surveyor or professional engineer, except that no such survey shall be required for amendments to Planned Unit Developments as set forth in Section 10-2-4.M.10. (Ord. 2-2007, eff. 9/6/2007)
 2. Other such site plans or drawings to show a demonstrated need for zoning change. (Ord. 2-2007, eff. 9/6/2007)
 3. A written statement showing in detail how the proposed amendment will meet the criteria set forth in Section A, above. (Ord. 2-2007, eff. 9/6/2007)
 4. A list of all property owners, within 300 feet of the property proposed for rezoning, prepared by a title company issued within thirty (30) days of submission of the application, together with mineral interest owners of record and mineral and oil and gas lessees for the property. (Ord. 2-2007, eff. 9/6/2007)

10-1-12: Use by Special Review⁷

- A. The owner of record and the proposed user for land for which a special use is requested may make application to the Town for Use by Special Review. No application shall be accepted unless accompanied by: (Ord. 2-2007, eff. 9/6/2007)
1. The fee as provided in Section 10-1-15. (Ord. 2-2007, eff. 9/6/2007)
 2. A site plan drawn to scale showing the location of all Buildings and structures, setback distances, off-street loading areas, parking areas, means of ingress and egress, landscaping and signage; and (Ord. 2-2007, eff. 9/6/2007)
 3. A written statement showing in detail how the proposed use will meet the criteria set forth in the following subsection. (Ord. 2-2007, eff. 9/6/2007)

⁷

Title 10, Chapter 1, Section 12 is amended by the repeal and reenactment of subparagraphs "A", "B" and "D".

4. An ownership and encumbrance report or title insurance commitment issued with thirty (30) days of submission of the application showing the owner of the property. (Ord. 2-2007, eff. 9/6/2007)
 5. Will not result in undue traffic congestion or hazard; (Ord. 2-2007, eff. 9/6/2007)
 6. Will not cause significant air, odor, water or noise pollution; (Ord. 2-2007, eff. 9/6/2007)
 7. Will be adequately landscaped; and, (Ord. 2-2007, eff. 9/6/2007)
 8. Will not otherwise be detrimental to the health, safety or welfare of the present or future inhabitants of the Town. (Ord. 2-2007, eff. 9/6/2007)
- B. A use by special review may be permitted in any Zoning District in which a use by special review is authorized as shown in Section 10-2-3, Table 1, and only if the approving agency finds that the proposed use: (Ord. 2-2007, eff. 9/6/2007)
1. Meets all existing criteria for minimum Lot Area, setbacks, maximum building height, permitted signs and parking; (Ord. 2-2007, eff. 9/6/2007)
 2. Will not change the predominant character of the neighborhood and will be compatible with the surrounding area; (Ord. 2-2007, eff. 9/6/2007)
 3. Will not result in an over-intensive use of land; (Ord. 2-2007, eff. 9/6/2007)
 4. Will not require a level of community facilities and services greater than what is available; (Ord. 2-2007, eff. 9/6/2007)
 5. Will not result in undue traffic congestion or hazard; (Ord. 2-2007, eff. 9/6/2007)
 6. Will not cause significant air, odor, water or noise pollution; (Ord. 2-2007, eff. 9/6/2007)
 7. Will be adequately landscaped; and (Ord. 2-2007, eff. 9/6/2007)
 8. Will not otherwise be detrimental to the health, safety or welfare of the present or future inhabitants of the Town. (Ord. 2-2007, eff. 9/6/2007)
- C. All applications for use by special review shall be reviewed initially by the Zoning Enforcement Officer who may require additional submissions or documentation beyond those set forth in the preceding subsection. If the Zoning Enforcement Officer determines that the application includes all items contemplated by the preceding section, he or she shall place the matter on the agenda for consideration by the Planning Commission which shall make recommendation to the Board of Trustees for denial or approval of the proposed use. (Ord. 2-2007, eff. 9/6/2007)
- D. Notice of the Public Hearing before the Board of Trustees shall be posted and mailed in the same manner as that for rezoning under subsection 10-1-11.B.4. (Ord. 2-2007, eff. 9/6/2007)

- E. Approval or denial of the proposed use shall finally be determined by the Trustees, acting by resolution, after the public hearing. If the proposed use is approved, the Trustees may impose conditions or safeguards to insure compliance with the findings set forth above, including without limitation, requirements for minimum lot area, setbacks, maximum building height, permitted signs, fencing, parking and security to guarantee compliance with the conditions. The Trustees may also require an agreement with the applicant in recordable form placing a burden upon the land. (Ord. 2-2007, eff. 9/6/2007)
- F. The violation of any conditions or safeguards imposed upon the special use shall be sufficient grounds for revocation of the special use approval, after public hearing. (Ord. 2-2007, eff. 9/6/2007)

10-1-13: Expiration of development approval; reapplications.⁸

Any preliminary or final approval of Site Development by the Town pursuant to this title shall expire and become null and void if: (1) for preliminary approvals, an application for final approval is not filed within twelve (12) months following the date of preliminary approval, or (2) for final approvals (unless a vested property right is granted under Chapter 5), the work authorized is not commenced within two (2) years from the date of final approval or if the work is ceased for a period of one hundred-eighty days (180) or more at any time after work is commenced. An extension of the time limits set forth in this section may be granted by the Board of Trustees for good cause to any applicant who applies for an extension before the time limits set forth in this section expire. For rezoning, PUD and use by special review approvals, a Public Hearing before the Board of Trustees in the manner required for final review shall be held to determine whether the zoning and/or permitted use of the property shall revert to that in place prior to the (expired) approval. Unless an extension has been granted, after Site Development approval has expired, no work shall be commenced until the developer has received new approval pursuant to the procedures set forth in this Title. (Ord. 2-2007, eff. 9/6/2007)

10-1-14: Severability

Should any section, subsection, clause, or provision of this Title be declared invalid by a court of competent jurisdiction, the invalid portion shall be severable from the remainder of this Title and such decision shall not affect the validity of this Title as a whole, or any part thereof other than the part so declared to be invalid. (Ord. 2-2007, eff. 9/6/2007)

10-1-15: Payment of Costs

In addition to any and all other fees and charges imposed by this Code, any applicant for action under this Title shall pay the fees as set forth in Appendix A. (Ord. 2-2007, eff. 9/6/2007)

⁸ Title 10, Chapter 1, Section 13 is amended by the repeal and reenactment of the entire section.

Chapter 2 ZONING REGULATIONS

| SECTIONS: | PAGE |
|----------------|--|
| 10-2-1: | <u>Zone Districts and Map</u> |
| 10-2-2: | <u>Reserved</u> |
| 10-2-3 | <u>Zone District Use Schedule</u> |
| 10-2-4 | <u>Zone District Regulations</u> |

10-2-1: Zone Districts and Map⁹

A. Establishment of Zoning Districts. Provision hereby is made for eleven (11) zoning districts, as follows: (Ord. 2-2007, eff. 9/6/2007)

| | | | |
|-----|-----|--------------------------------|----|
| 1. | A | Agricultural | 21 |
| 2. | RR | Rural Residential | 21 |
| 3. | SF | Single Family | 22 |
| 4. | MF | Multi-Family | 22 |
| 5. | MH | Mobile Home Park | 23 |
| 6. | B-1 | Business District | 24 |
| 7. | B-2 | Commercial Industrial District | 25 |
| 8. | CC | Core Commercial | 27 |
| 9. | HC | Highway Commercial | 27 |
| 10. | LI | Light Industrial | 27 |
| 11. | HI | Heavy Industrial | 27 |
| 12. | PUD | Planned Unit Development | 28 |

(Ord. 2-2007, eff. 9/6/2007)

B. Map and Boundaries. The Town of Westcliffe hereby is divided into such of the aforesaid districts as are shown on the map entitled "Official Zoning Map of Westcliffe," referred to herein as the "Zoning Map." (Ord. 2-2007, eff. 9/6/2007)

The Zoning Map is hereby adopted, along with explanatory matter thereof, as a part of this Title. Said map is on file, and shall be kept on file, in the office of the Town Clerk. Amendments to the Zoning Map are listed on **Appendix B** attached hereto. Unless otherwise specified on the Zoning Map, district boundary lines are lot lines; the center lines of streets, alleys, highways, or such lines extended; corporate lines of incorporated areas; natural boundary lines such as streams; or section lines. In cases where such lines are not used, the zone district lines shall be as determined by using the scale of the Zoning Map. (Ord. 2-2007, eff. 9/6/2007)

⁹ Title 10, Chapter 2, Section 1 is amended by the repeal and reenactment of the entire section.

10-2-2: Reserved

10-2-3: Zone District Use Schedule¹⁰

The following table indicates which land uses are permitted by right, which are permitted by Special Review, and which are prohibited uses, in each of the zone districts listed in Section 10-2-1. Any use not listed may be considered as a Use by Special Review. (Ord. 2-2007, eff. 9/6/2007)

TABLE 1

Permitted, Special Review and Prohibited Uses by Zoning District

R=Use Permitted by Right
 P=Use Prohibited
 S=Use Permitted by Special Review
 A=Use Available for PUD

| | USE | A | RR | SF | MF | MH | CC | HC | LI | HI | PUD | B-1 | B-2 |
|-----|------------------------------------|---|----|----|----|----|----|----|----|----|-----|-----|-----|
| .01 | Single family Dwelling | R | R | R | P | P | P | P | P | P | A | P | P |
| .02 | Two family Dwellings | S | S | R | P | P | P | P | P | P | A | P | P |
| .03 | Three up to six family Dwellings | P | P | S | R | P | S | P | P | P | A | P | P |
| .04 | Dwellings for six or more families | P | P | P | R | P | S | P | P | P | A | P | P |
| .05 | Mobile homes | P | P | P | P | R | P | P | P | P | A | P | P |
| .06 | Mobile home parks | P | P | P | P | R | P | P | P | P | A | P | P |
| .07 | Accessory Structures and Uses | R | R | R | R | R | R | R | R | R | A | P | P |
| .08 | Home Occupations | R | R | R | R | R | S | P | P | P | A | P | P |
| .09 | Churches | S | R | R | R | S | P | S | S | P | A | P | P |
| .10 | Schools | S | R | R | R | S | P | P | P | P | A | P | P |
| .11 | Golf courses | S | S | P | P | P | P | P | P | P | A | P | P |
| .12 | Public parks | S | R | R | R | R | R | P | S | P | A | P | P |
| .13 | Animal grazing | R | S | P | P | P | P | P | P | P | A | P | P |
| .14 | Mining | S | P | P | P | P | P | P | S | S | A | P | P |

¹⁰ Title 10, Chapter 2, Section 3 is amended by the repeal and reenactment of the entire section.

| | USE | A | RR | SF | MF | MH | CC | HC | LI | HI | PUD | B-1 | B-2 |
|-----|--|---|----|----|----|----|----|----|----|----|-----|-----|-----|
| .15 | Farming and ranching | R | P | P | P | P | P | P | P | P | A | P | P |
| .16 | Feed yards and fur farms | R | P | P | P | P | P | P | P | P | A | P | P |
| .17 | Veterinary hospitals and kennels | R | S | P | P | P | P | R | P | P | A | P | P |
| .18 | Riding stables | R | S | P | P | P | P | P | P | P | A | P | P |
| .19 | Airports | S | P | P | P | P | P | P | P | P | A | P | P |
| .20 | Cemeteries | R | P | P | P | P | P | P | P | P | A | P | P |
| .21 | Radio broadcasting stations | P | P | P | P | P | S | S | S | S | A | P | P |
| .22 | Sanitary landfill operations | S | P | P | P | P | P | P | P | P | A | P | P |
| .23 | Sewage disposal plants | S | P | P | P | P | P | P | P | S | A | P | P |
| .24 | Lumber mills | S | P | P | P | P | P | P | P | S | A | P | P |
| .25 | Quarries, sand and gravel operations and concrete batch plants | S | P | P | P | P | P | P | P | S | A | P | P |
| .26 | Retail establishments entirely enclosed within a structure | P | P | P | P | P | R | R | S | S | A | R | P |
| .27 | Personal service establishments entirely enclosed within a structure | P | P | P | P | P | R | R | P | P | A | R | P |
| .28 | Banks and financing associations | P | P | P | P | P | R | R | P | P | A | R | P |
| .29 | General offices | P | P | P | P | P | R | R | R | S | A | P | P |
| .30 | Public Buildings | P | P | S | S | P | R | R | P | P | A | R | P |
| .31 | Hotels | P | P | P | P | P | R | R | P | P | A | R | P |
| .32 | Motels | P | P | P | P | P | S | R | P | P | A | R | R |
| .33 | Eating and drinking places | P | P | P | P | P | R | R | P | P | A | R | P |
| .34 | Drive-in eating and drinking places | P | P | P | P | P | P | R | P | P | A | P | R |
| .35 | Theaters and auditoriums | P | P | P | P | P | R | R | P | P | A | R | P |
| .36 | Parking lots | S | S | S | S | S | S | R | R | R | A | R | P |
| .37 | Dwelling unit(s) on the same lot as a permitted business | P | P | P | P | P | R | R | S | S | A | R | P |

| | USE | A | RR | SF | MF | MH | CC | HC | LI | HI | PUD | B-1 | B-2 |
|-----|--|---|----|----|----|----|----|----|----|----|-----|-----|-----|
| .38 | Rental of goods with a weight of no more than 200 pounds | P | P | P | P | P | R | R | R | R | A | R | P |
| .39 | Light equipment repair and service stations | P | P | P | P | P | P | R | R | R | A | P | R |
| .40 | Automobile sales, rental or service | P | P | P | P | P | P | S | R | R | A | P | R |
| .41 | Agricultural/heavy equipment sales or service | P | P | P | P | P | P | S | S | R | A | P | R |
| .42 | Building material and lumber sales | P | P | P | P | P | P | S | R | R | A | P | R |
| .43 | Public utility stations | S | S | S | S | S | S | S | R | R | A | P | R |
| .44 | Bowling alleys | P | P | P | P | P | S | R | R | P | A | P | R |
| .45 | Trucking | P | P | P | P | P | P | P | S | R | A | P | R |
| .46 | Equipment rental establishments | P | P | P | P | P | P | P | R | R | A | P | R |
| .47 | Wholesale and distribution | P | P | P | P | P | P | P | R | R | A | P | R |
| .48 | Storage units | P | P | P | P | P | P | S | R | R | A | NA | NA |
| .49 | Bed & Breakfast | S | S | S | S | S | S | S | P | P | A | NA | NA |

10-2-4: Zone District Regulations¹¹

A. A-Agricultural District

1. Description of District: This district is designed to protect and preserve the agricultural industry of the Town of Westcliffe, and to protect the rural property owners from encroachment by urban land uses. This district was formerly the A-1 Agriculture District and is hereby renamed. (Ord. 2-2007, eff. 9/6/2007)
2. Area and Height Standards.

Minimum Lot Area: 5 acres
 Minimum Front Yard: 150 feet
 Minimum Rear Yard: 25 feet
 Minimum Side Yard: 25 feet
 Maximum Building Height: 35 feet (Ord. 2-2007, eff. 9/6/2007)

¹¹ Title 10, Chapter 2, Section 4 is amended by the repeal and reenactment of subparagraph “C” subsection “2”, subparagraph “D” subsection “2”, subparagraph “F” subsection “2”, subparagraph “j” and subsection “5”, subparagraph “5” and the addition of subparagraph K,L and M.

B. RR-Rural Residential District

1. Description of District: This district is designed to accommodate low density rural and small scale agricultural uses. This district was formerly the R-1 Mountain Residential District, and is hereby renamed. (Ord. 2-2007, eff. 9/6/2007)
2. Area and Height Standards.

| | |
|--------------------------|--|
| Minimum lot area: | 5 acres (without public water and sewer) |
| | 1 acre (with public water and sewer) |
| Minimum front yard: | 100 feet or 50 percent of the lot depth, whichever is less |
| Minimum rear yard: | 25 feet |
| Minimum side yard: | 25 feet |
| Maximum building height: | 35 feet (Ord. 2-2007, eff. 9/6/2007) |

C. SF-Single Family District

1. Description of District: This district is designed to accommodate permanent residential single and two family attached and detached Dwellings by right and, subject to use by special review, up to 6 family Dwellings per acre. This district was formerly the R-3 Urban Residential District and his hereby renamed. (Ord. 2-2007, eff. 9/6/2007)
2. Area and Height Standards

| | |
|--------------------------|---|
| Minimum lot area: | 6,250 square feet |
| Minimum front yard: | 10 feet |
| Minimum rear yard: | |
| On alley: | 5 feet |
| Without alley: | 10 feet |
| Minimum side yard: | 5 feet to lot line on each side of dwelling; 5 feet to lot line on each side of garages and outbuildings. |
| Maximum building height: | 35 feet (Ord. 2-2007, eff. 9/6/2007) |

D. MF-Multi-Family District

1. This district is designed to accommodate permanent multifamily Dwelling Units from a density of two (2) to twelve (12) Dwelling Units per acre. This district was formerly the R-3A Multi-family district and is hereby renamed. (Ord. 2-2007, eff. 9/6/2007)
2. Area and Height Standards:

| | |
|---------------------|--------------------|
| Minimum lot area: | 12,500 square feet |
| Minimum front yard: | 20 feet |
| Minimum back yard: | 5 feet |

| | |
|--------------------------|--|
| On alley | |
| Without alley: | 10 feet |
| Minimum side yard | 5 feet to lot line on each side of dwelling; 5 feet to lot line on each side of garages and outbuildings |
| Maximum building height: | 35 Feet (Ord. 2-2007, eff. 9/6/2007) |

E. MH-Mobile Home Park District

1. Description of District: This district is designed to allow for permanent residential mobile home development to a density of twelve (12) dwelling units per acre. This district was formerly the R-4 Mobile Home Residential District, and is hereby renamed (Ord. 2-2007, eff. 9/6/2007)
2. On and after October 1, 2000, no mobile, manufactured or modular home produced prior to 1972 may be placed within a new mobile home park, or moved into an existing mobile home park. Mobile homes may be placed only within an approved mobile home park. (Ord. 2-2007, eff. 9/6/2007)
3. Area and Height Standards: Individual homes

| | |
|--|--------------------------------------|
| Minimum front yard to lot line: | 10 feet |
| Minimum rear yard to alley or lot line: | 10 feet |
| Minimum side yard to lot line: | 10 feet |
| Minimum separation between two mobile homes: | 20 feet |
| Maximum building height: | 16 feet (Ord. 2-2007, eff. 9/6/2007) |
4. Area and Height Standards: Mobile home park
 - a. Minimum Front Yard. Measured from the nearest edge of the roadway there shall be a front yard of not less than twenty (20) feet for all mobile homes. For mobile home parks fronting on a State or Federal Highway, the required front yard shall be fifty (50) feet. - (Ord. 2-2007, eff. 9/6/2007)
 - b. Minimum Rear Yard. Measured from the nearest edge of the roadway, there shall be a rear yard of not less than twenty (20) feet for all mobile homes. Where the side yard abuts a State or Federal highway, the required side yard shall be fifty (50) feet. (Ord. 2-2007, eff. 9/6/2007)
 - c. Minimum Side Yard. Measured from the nearest edge of the roadway, there shall be a side yard of not less than twenty (20) feet for all mobile homes. Where the side yard abuts a State or Federal highway, the required side yard shall be fifty (50) feet. (Ord. 2-2007, eff. 9/6/2007)
5. Design Requirements: A property may be rezoned to Mobile Home Park District upon petition for an amendment to the Zoning Map. When petitioning for this

zone change, there shall be provided a site design by a registered engineer, architect or qualified planner, complete in detail showing the following (Ord. 2-2007, eff. 9/6/2007)

- a. Location and legal description. (Ord. 2-2007, eff. 9/6/2007)
- b. Entrance to and exits from the park. (Ord. 2-2007, eff. 9/6/2007)
- c. Plans, showing size and arrangement of mobile home lots and stands, location of roadways, service and utility buildings. (Ord. 2-2007, eff. 9/6/2007)
- d. Topography map showing original and final contours at two (2) foot intervals. (Ord. 2-2007, eff. 9/6/2007)
- e. Provisions for drainage. (Ord. 2-2007, eff. 9/6/2007)
- f. Area set aside for recreation, clothes washing and drying, storage, and off-street parking. (Ord. 2-2007, eff. 9/6/2007)
- g. Fencing and screen planting on the premises. (Ord. 2-2007, eff. 9/6/2007)
- h. Plans for water supply and distribution. (Ord. 2-2007, eff. 9/6/2007)
- i. Plans for sewage collection and disposal. (Ord. 2-2007, eff. 9/6/2007)
- j. Provisions for trash and garbage storage and removal. (Ord. 2-2007, eff. 9/6/2007)
- k. Plans for underground gas, electric, and phone service connections to each space. (Ord. 2-2007, eff. 9/6/2007)
- l. Typical lot plan. (Ord. 2-2007, eff. 9/6/2007)
- m. For each mobile home lot and for four (4) truck camper or travel trailer lots there shall be provided: (Ord. 2-2007, eff. 9/6/2007)
 1. Recreational area in the amount of three hundred (300) square feet. (Ord. 2-2007, eff. 9/6/2007)
 2. Space for mechanical washing and clothes drying facilities in the amount of twenty-five (25) square feet. (Ord. 2-2007, eff. 9/6/2007)
 3. Two off-street parking spaces for each lot; except for truck camper or travel trailer lots. (Ord. 2-2007, eff. 9/6/2007)
- n. Service and utility buildings and appurtenances, garbage and trash containers, racks and rack locations, rodent and insect control, water and sewage provisions must meet with the approval of the Colorado Department of Public Health and the local health authority. (Ord. 2-2007, eff. 9/6/2007)

- o. The applicant shall consult with the school district officials and secure a written statement to be submitted with the application as to the impact on the school district caused by the increased number of school children from the increased residential density of the mobile home court. (Ord. 2-2007, eff. 9/6/2007)
- P. Statement of conformance with the Federal Housing Administration's Minimum Property Standards for Mobile Home Courts. The Land Use Code will govern where more restrictive. (Ord. 2-2007, eff. 9/6/2007)
- q. Enforcement of regulations. The owner or operator of the mobile home park shall arrange for the management and supervision of the mobile home park so as to enforce or cause compliance with the provisions of this Section. The owner, operator or attendant of the mobile home park shall assume all responsibility for maintaining all facilities in good repair and condition. (Ord. 2-2007, eff. 9/6/2007)

F. B-1 Business District

- 1. Description of District: This district is designed to accommodate businesses that ordinarily serve the permanent residents of the area and that are pedestrian oriented. (Ord. 2-2007, eff. 9/6/2007)
- 2. Permitted Uses
 - a. Retail Establishments entirely enclosed within a structure (Ord. 2-2007, eff. 9/6/2007)
 - b. Personal Service Establishments entirely enclosed within a structure (Ord. 2-2007, eff. 9/6/2007)
 - c. Banks and Savings and Loan Associations (Ord. 2-2007, eff. 9/6/2007)
 - d. Public Buildings (Ord. 2-2007, eff. 9/6/2007)
 - e. Hotels and Motels (Ord. 2-2007, eff. 9/6/2007)
 - f. Eating and Drinking Places (Ord. 2-2007, eff. 9/6/2007)
 - g. Theaters and Auditoriums (Ord. 2-2007, eff. 9/6/2007)
 - h. Parking Lots (Ord. 2-2007, eff. 9/6/2007)
 - i. Nonconforming buildings and nonconforming uses (Ord. 2-2007, eff. 9/6/2007)
 - j. A single dwelling unit above, below, or behind a business, not to exceed 50% of the usable floor space (Ord. 2-2007, eff. 9/6/2007)
 - k. Rental of consumer goods with a weight of no more than 200 pounds (Ord. 2-2007, eff. 9/6/2007)

I. Uses by special review pursuant to Section 10-1-12 (Ord. 2-2007, eff. 9/6/2007)

3. Prohibited Uses

All uses not specifically permitted are prohibited. Mobile homes and mobile offices are prohibited except as nonconforming uses. (Ord. 2-2007, eff. 9/6/2007)

4. Minimum Lot Area

Structure coverage may extent to one hundred percent (100%) of the lot area.

| | |
|--------------------------|--------------------------------------|
| Minimum Front Yard: | None |
| Minimum Side Yard: | None |
| Minimum Rear Yard: | None |
| Maximum Building Height: | 35 feet (Ord. 2-2007, eff. 9/6/2007) |

5. Repeal of District

On and after the effective date of Ordinance#10-2000 (February 6, 2001), no new application for rezoning to this B-1 District shall be accepted or processed by the Town, it being the intention of the Board of Trustees that this district be replaced by the Core Commercial and/or Highway Commercial Districts. The regulations pertaining to the B-1 District set forth in this Section shall remain in force for so long as any property within the Town remains zoned as B-1. When no properties within the Town remain so zoned, this Subsection 10.2.41 shall be automatically repealed (Ord. 2-2007, eff. 9/6/2007)

G. B-2 Commercial-Industrial District

1. Description of District: This district is designed to accommodate businesses that ordinarily serve customers arriving for a specific service by automobile, and light industrial, wholesaling, and manufacturing establishments. (Ord. 2-2007, eff. 9/6/2007)

2. Permitted Uses:

- a. Automobile Service Stations and Repair Garages (Ord. 2-2007, eff. 9/6/2007)
- b. Automobile Sales and Service (Ord. 2-2007, eff. 9/6/2007)
- c. Agricultural Equipment Sales and Service (Ord. 2-2007, eff. 9/6/2007)
- d. Building Material and Lumber Sales (Ord. 2-2007, eff. 9/6/2007)
- e. Public Utility Stations (Ord. 2-2007, eff. 9/6/2007)
- f. Drive-in Eating and Drinking Places (Ord. 2-2007, eff. 9/6/2007)
- g. Dance Halls (Ord. 2-2007, eff. 9/6/2007)

- h. Bowling Alleys (Ord. 2-2007, eff. 9/6/2007)
- i. Driving Ranges and Miniature Golf (Ord. 2-2007, eff. 9/6/2007)
- j. Trucking and Storage Operations (Ord. 2-2007, eff. 9/6/2007)
- k. Maintenance Shops (Ord. 2-2007, eff. 9/6/2007)
- l. Equipment Rental Establishments (Ord. 2-2007, eff. 9/6/2007)
- m. Wholesale and Manufacturing Establishments (Ord. 2-2007, eff. 9/6/2007)
- n. Motels (Ord. 2-2007, eff. 9/6/2007)
- o. Eating and Drinking Places in connection with motels (Ord. 2-2007, eff. 9/6/2007)
- p. Nonconforming buildings and nonconforming uses (Ord. 2-2007, eff. 9/6/2007)
- q. Uses by special review pursuant to Section 10-1-12 (Ord. 2-2007, eff. 9/6/2007)

3. Prohibited Uses

All uses not specifically permitted are prohibited. Mobile homes and mobile offices are prohibited except as nonconforming uses. (Ord. 2-2007, eff. 9/6/2007)

4. Minimum Lot Area

Structure coverage shall not exceed fifty percent (50%) of the lot area.

| | |
|--------------------------|---|
| Minimum Front Yard: | 50 feet from any public right- of-way |
| Minimum Rear and Side | 50 feet from any residential property line; |
| Yards: | 25 feet from any other property line |
| Maximum Building Height: | 35 feet (Ord. 2-2007, eff. 9/6/2007) |

5. Repeal of District

On and after the effective date of Ordinance #10-2000 (February 6, 2001), no new application for rezoning to this B-2 District shall be accepted or processed by the Town, it being the intention of the Board of Trustees that this district be replaced by the Highway Commercial and/or Industrial Districts. The regulations pertaining to the B-2 District set forth in this Section shall remain in force for so long as any property within the Town remains zoned as B-2. When no properties within the Town remain so zoned, this Subsection 10.2.4.G shall be automatically repealed. (Ord. 2-2007, eff. 9/6/2007)

H. CC Core Commercial District

1. Description of District: This district is designed to accommodate businesses that ordinarily serve the permanent residents of the area and that are pedestrian oriented. (Ord. 2-2007, eff. 9/6/2007)

2. Area and Height Standards

| | |
|--------------------------|--|
| Minimum lot area: | 3,125 square feet |
| Minimum front yard: | 0 feet, subject to a "build-to line" requirement which may be established by the Board of Trustees. |
| Minimum side yard: | 0 feet |
| Minimum rear yard: | 0 feet |
| Maximum building height: | 35 feet |
| Maximum lot coverage: | Structure coverage may extend to one hundred percent (100%) of the lot area (Ord. 2-2007, eff. 9/6/2007) |

I. HC Highway Commercial District

1. Description of District: This district is designed to accommodate businesses that ordinarily serve customers arriving for a specific service by automobile. (Ord. 2-2007, eff. 9/6/2007)

2. Area and Height Standards:

| | |
|--------------------------|----------------------------------|
| Minimum lot area: | 3,125 square feet |
| Minimum front yard: | 20 feet |
| Minimum side yard: | 5 feet |
| Minimum rear yard: | 10 feet |
| Maximum building height: | 35 feet |
| Maximum lot coverage: | 50% (Ord. 2-2007, eff. 9/6/2007) |

J. Repealed. (Ord. 2-2007, eff. 9/6/2007)

K. LI – Light Industrial District

1. Description of District: This district is intended to provide locations for a variety of workplaces including light industrial uses, research and development offices and institutions. (Ord. 2-2007, eff. 9/6/2007)

| | |
|------------------------------|--|
| Minimum lot area: | 1 acre |
| Minimum front yard: | 50 feet from any public right-of-way |
| Minimum rear and side yards: | 50 feet from any residential property line; 25 feet from any other property line |
| Maximum building height: | 35 feet |

| | |
|-----------------------|--|
| Maximum lot coverage: | Structure coverage shall not exceed fifty percent of the lot area (Ord. 2-2007, eff. 9/6/2007) |
|-----------------------|--|

L. HI – Heavy Industrial District

1. Description of District: This district is intended to provide a location for a variety of employment opportunities such as manufacturing, warehousing and distributing, indoor and outdoor storage and a wide range of industrial operations. Locations for this zone require good access to major arterial streets and adequate water, sewer and power. (Ord. 2-2007, eff. 9/6/2007)

| | |
|------------------------------|--|
| Minimum lot area: | 1 acre |
| Minimum front yard: | 50 feet from any public right-of-way |
| Minimum rear and side yards: | 50 feet from any residential property line; 25 feet from any other property line |
| Maximum building height: | 35 feet |
| Maximum lot coverage: | Structure coverage shall not exceed fifty percent of the lot area (Ord. 2-2007, eff. 9/6/2007) |

M. PUD – Planned Unit Development District

1. Description of District: This district is designed to provide flexibility in the development of large sites, and to promote the unified development and use of such sites while protecting environmental and ecological assets. (Ord. 2-2007, eff. 9/6/2007)
2. Available Uses: Any or all of the uses enumerated in the A, RR, SF, MF, MH, CC, HC and I districts are available for inclusion in a Planned Unit Development. (Ord. 2-2007, eff. 9/6/2007)
3. General standards: The following general standards shall be observed regarding planning, design, and construction of the PUD: (Ord. 2-2007, eff. 9/6/2007)
 - a. The PUD shall be consistent with the intent of the Master Plan and the policies therein. (Ord. 2-2007, eff. 9/6/2007)
 - b. The PUD shall be designed in a manner such that wherever possible, it protects the environmental assets of the Town including considerations of elements such as environmental pollution, streams and storm drainage courses and scenic vistas. (Ord. 2-2007, eff. 9/6/2007)
 - c. The PUD's relationship to its immediate surroundings shall be considered in order to avoid adverse effects to surrounding development caused by traffic circulation, building height or bulk, lack of screening, or intrusions on privacy (Ord. 2-2007, eff. 9/6/2007)

- d. The PUD design and construction plans shall take into account characteristics of soils, slopes, geological hazards and flood hazards in a manner intended to protect the health, safety, and welfare of potential users of the PUD. These aspects of the plan must be accompanied by a soil engineering, storm drainage and flood report on the suitability of the area for the intended use to a state of sound protection before a building permit may be issued. (Ord. 2-2007, eff. 9/6/2007)
 - e. Design and construction of the PUD shall include adequate, safe, and convenient arrangements for pedestrian circulation, roadways, driveways, off-street parking and loading space. (Ord. 2-2007, eff. 9/6/2007)
 - f. Setbacks and lot widths shall be as required by the Commission to provide adequate access and fire protection and to insure proper ventilation, light, air and snow melt between buildings. As a general guide, twenty feet (20') between buildings is considered minimum. (Ord. 2-2007, eff. 9/6/2007)
4. Requirements regarding site. The following requirements shall be observed regarding the site of the PUD: Planned open spaces within the PUD, including those open spaces being used as public or private recreation sites or open space easements, shall be protected by adequate covenants running with the land, or by conveyances or dedications. (Ord. 2-2007, eff. 9/6/2007)
 5. Residential density: The overall average density of the total residential area within the PUD shall not exceed twenty-five (25) dwelling units per acre of residential area. (Ord. 2-2007, eff. 9/6/2007)
 6. Off-street parking spaces shall be provided in the PUD according to the off-street parking regulations contained in Chapter 4. (Ord. 2-2007, eff. 9/6/2007)
 7. Circulation: Circulation shall be determined by review of each PUD. The PUD must have an adequate internal street circulation system. Public streets must serve all planned units; however, that private roads may be permitted if they meet minimum construction standards and can be used by police and fire department vehicles for emergency purposes, and each structure or use in the PUD provides off-street loading spaces or service courts. (Ord. 2-2007, eff. 9/6/2007)
 8. Application for Approval: An application for approval of a Planned Unit Development shall be signed by the developer and by all owners of record of the land proposed to be included therein, and shall be filed with the Town Clerk. The application shall be accompanied by:
 - a. A plan for handling the water and sewage needs of the development. (Ord. 2-2007, eff. 9/6/2007)
 - b. A plat to scale showing proposed streets, lots, and permissible lot uses. (Ord. 2-2007, eff. 9/6/2007)
 - c. A copy of all proposed restrictive covenants. (Ord. 2-2007, eff. 9/6/2007)

The plat and all proposed restrictive covenants shall be submitted prior to and without recordation. If the application is approved by the Board of Trustees, the developer shall record the plat and all restrictive covenants, as approved, within sixty (60) days from the effective date of approval. Neither the developer nor the owners shall sell any lot within the proposed Planned Unit Development until the application has been approved by the Board of Trustees and until the plat and restrictive covenants, as approved, have been recorded. (Ord. 2-2007, eff. 9/6/2007)

In considering an application, the Board of Trustees may require production of such other information and material as it deems necessary to enable it to determine the feasibility of the proposed Planned Unit Development, including material reflecting on the financial ability of the developer to meet his obligations under the application and under the proposed plan. (Ord. 2-2007, eff. 9/6/2007)

9. Applicable Restrictions. If the application is approved by the Board of Trustees, upon recordation of the plat and all restrictive covenants, as approved, and further upon applicants' compliance with any conditions imposed by the Board of Trustees, the restrictions as to use, occupancy, building set-back, maximum building height, permitted signs, and parking, contained in the plat and restrictive covenants, as approved, shall govern and shall be the zoning regulations for such Planned Unit Development, for the term specified in the restrictive covenants unless sooner repealed or amended by the Board of Trustees, and beyond the said term and after the expiration of such restrictive covenants as covenants until repealed or amended by the Board of Trustees. (Ord. 2-2007, eff. 9/6/2007)
10. Review Procedure. The review or modification procedure for a Planned Unit Development shall follow that for rezoning (Section 10-1-11), and Major Subdivision (Section 10-3-5.) Approval of an ordinance rezoning the property to PUD is required. (Ord. 2-2007, eff. 9/6/2007)
11. Planned Unit Developments Approved Prior to May 2nd, 2006. Planned Unit Developments finally approved by the Town prior to May 2nd, 2006, that authorize B-1 or B-2 uses may apply to the Town for conversion of the B-1 or B-2 uses to CC, HC or I uses. (Ord. 2-2007, eff. 9/6/2007)

Chapter 3

SUBDIVISION REGULATIONS

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10-3-1: Purpose and Intent.

- A. Purpose. These regulations are enacted pursuant to C.R.S. § 31-23-101, et seq., for the purpose of promoting the health, safety and general welfare of the present and future inhabitants of the Town of Westcliffe. (Ord. 2-2007, eff. 9/6/2007)
- B. Intent. These regulations are intended to establish minimum requirements for assuring efficient circulation, adequate improvements, sufficient open space and good subdivision design by providing for the proper arrangement of streets in relation to other existing or planned streets, for adequate and convenient open spaces, for traffic circulation, utilities, emergency access, recreation, light and air and for the avoidance of population congestion and the establishment of standards for the design and construction of improvements. (Ord. 2-2007, eff. 9/6/2007)

10-3-2: Control.

It shall be unlawful for any person to subdivide any land, whether by sale, conveyance, gift, delivery or recording of a plat, deed or other legal instrument or by any other means except in accordance with the provisions of this Title. No building or occupancy permit shall issue with respect to any lot or tract of land which has been subdivided in violation of this Title. All new subdivisions shall be submitted to the Town for review. No final plat for a subdivision shall be approved and accepted by the Board of Trustees unless it conforms with this Title. (Ord. 2-2007, eff. 9/6/2007)

10-3-3: Jurisdiction.

This Chapter shall apply to all land located within the legal boundaries of the Town, and all land located within three miles of the corporate limits and not located in any other municipality for purposes of control with reference to the plan for major streets only, pursuant to C.R.S. § 31-23-212. (Ord. 2-2007, eff. 9/6/2007)

10-3-4: Minor Subdivision Procedure¹²

¹² Title 10, Chapter 3, Section 4 is amended by the repeal and reenactment of subparagraph "A", subsection "3".

- A. Imposing a condominium form of ownership upon existing built structures, and subdivisions which meet all of the following criteria, may be processed in accordance with the procedures outlined in this paragraph: (Ord. 2-2007, eff. 9/6/2007)
1. The subdivision results in no more than four (4) lots or interests in land. (Ord. 2-2007, eff. 9/6/2007)
 2. All lots are adjacent to a dedicated and accepted public street. (Ord. 2-2007, eff. 9/6/2007)
 3. All required improvements as set forth in Section 10-3-8 are already in existence and available to serve each Lot. (Ord. 2-2007, eff. 9/6/2007)
 4. Each lot will meet requirements of this Title. (Ord. 2-2007, eff. 9/6/2007)
- B. Upon receipt of an application for approval of a minor subdivision, the Zoning Enforcement Officer shall review the application to determine whether the conditions of ¶ A have been met and that the application is properly one for a minor subdivision. (Ord. 2-2007, eff. 9/6/2007)
- C. Upon a determination by the Zoning Enforcement Officer that the above conditions have been met, the applicant shall submit two reproducible originals and five copies of a subdivision plat in accordance with Section 10-3-6.C. The applicant shall submit a certificate by a registered engineer that all required improvements are already installed, available and adequate to serve each lot of the subdivision. Unless the plat is called up for review by the Planning Commission or Board of Trustees pursuant to ¶ D below, the plat shall be recorded following the Zoning Enforcement Officer's approval. (Ord. 2-2007, eff. 9/6/2007)
- D. The Zoning Enforcement Officer shall notify the Planning Commission and Board of Trustees, in writing, of the approval of a minor subdivision. Within five (5) business days of the date of such notice, the Planning Commission or Board of Trustees may call the application up for review or the Zoning Enforcement Officer may do so. In such event, the applicant shall be notified and the Planning Commission and/or Board of Trustees shall review the application and render the final decision. (Ord. 2-2007, eff. 9/6/2007)

10-3-5: Major Subdivision Procedure.¹³

- A. Staff Review.
1. Prior to filing an application for approval of a Subdivision other than a Minor Subdivision qualifying under Section 10-3-4, the Subdivider shall submit to the Zoning Enforcement Officer an outline development plan and data as specified in Section 10-3-6.A. This procedure shall not require a formal application, fee or filing of a plat. (Ord. 2-2007, eff. 9/6/2007)

¹³ Title 10, Chapter 3, Section 5 is amended by the repeal and reenactment of subparagraph "A", "B" and "C".

2. The Zoning Enforcement Officer shall review the outline development plan to determine its general acceptability and compliance with the objectives and standards of this Title, and may hold conferences with the Subdivider to discuss desirable modifications of the plan. (Ord. 2-2007, eff. 9/6/2007)

B. Preliminary plat.

1. The Subdivider may make application to the Town for Subdivision. No application for preliminary plat approval for the Subdivision shall be accepted for filing unless accompanied by: (Ord. 2-2007, eff. 9/6/2007)
 - a. The fee as provided in Section 10-1-15; (Ord. 2-2007, eff. 9/6/2007)
 - b. Ten (10) copies of the preliminary plat, together with all information specified in Section 10-3-6.B; (Ord. 2-2007, eff. 9/6/2007)
 - c. An ownership and encumbrance report or title insurance commitment issued within thirty (30) days of submission of the application showing all owners of the property to be subdivided. (Ord. 2-2007, eff. 9/6/2007)
 - d. A list of all property owners, within 300 feet of the property proposed for rezoning, prepared by a title company issued within thirty (30) days of submission of the application, mineral interest owners of record, mineral and oil and gas lessees for the property. (Ord. 2-2007, eff. 9/6/2007)
 - e. The signatures of all record owners of the property or a representative of the record owners holding a power of attorney to act for the record owners. (Ord. 2-2007, eff. 9/6/2007)
2. The preliminary plat shall be scheduled for Public Hearing by the Planning Commission at its next regular meeting, provided the application is filed at least twenty (20) days prior to the meeting. (Ord. 2-2007, eff. 9/6/2007)
3. The Planning Commission shall review the preliminary plat for compliance with this Title and negotiate with the sub divider on the type and extent of improvements to be installed and on modifications deemed advisable. (Ord. 2-2007, eff. 9/6/2007)
4. Within thirty (30) days following submittal, the Planning Commission shall inform the sub divider of its approval or disapproval stating the conditions of approval, if any, or if disapproved, stating the reasons for disapproval. Any conditions must be met before submittal of a final plat. (Ord. 2-2007, eff. 9/6/2007)
5. Conditional approval of the preliminary plat shall be deemed a tentative expression or approval of the general layout as submitted or modified, pending approval of the final plat. (Ord. 2-2007, eff. 9/6/2007)

C. Final plat.

1. A final plat shall not be accepted for filing unless accompanied by: (Ord. 2-2007, eff. 9/6/2007)
 - a. The fee as provided in Section 10-1-15; (Ord. 2-2007, eff. 9/6/2007)
 - b. Ten (10) copies of the final plat, together with all information specified in Section 10-3-6.C; (Ord. 2-2007, eff. 9/6/2007)
 - c. An updated ownership and encumbrance report issued within thirty (30) days of submission of the application for final plat by a title insurance company showing the current record owners of the property; and (Ord. 2-2007, eff. 9/6/2007)
 - d. Evidence that the property covered by the final plat will have access to the state highway system in conformance with the state highway access code. (Ord. 2-2007, eff. 9/6/2007)
2. The final plat shall be filed with the Town within one year after approval of the preliminary plat as set forth in Section 10-1-13. The final plat shall be submitted at least twenty days prior to the meeting of the Planning Commission at which it is to be considered. (Ord. 2-2007, eff. 9/6/2007)
3. Following review, the Planning Commission shall act to approve or disapprove the final plat, and send its recommendations to the Board of Trustees for its approval or disapproval of the final plat. If the plat is disapproved, the Planning Commission shall state the reasons in writing and furnish a copy to the subdivider. Only upon approval and recording of the final plat with the County Clerk and Recorder, shall the Town issue building permits for structures within the subdivision. (Ord. 2-2007, eff. 9/6/2007)
4. No sale of any lot within the subdivision, including an attempted sale by metes and bounds in an attempt to avoid the requirements of this Title, shall be made prior to recordation of the final plat. Any sale made or attempted in violation of this section shall be void and both the seller and buyer shall be chargeable in the Municipal Court. (Ord. 2-2007, eff. 9/6/2007)

10-3-6: Plats and Data

- A. Outline development plan and data. The Outline Development Plan and data shall contain the following information presented in generalized and schematic form: (Ord. 2-2007, eff. 9/6/2007)
 1. Location sketch: The location sketch shall show the current zone of the proposed subdivision and the relationship of the proposed subdivision to the surrounding area within one-quarter mile of the subdivision's boundaries. The sketch plan may be a free-hand drawing at suitable scale not smaller than 1" = 200' in a legible medium, and shall clearly show the following: the proposed layout of streets and lots in relation to topographic conditions and natural landscape features on the site;

the proposed location and extent of major open spaces and public sites; general locations of utilities, easements and installations; proposed land uses; and indication of building types, with approximate location of major buildings and/or building envelopes. (Ord. 2-2007, eff. 9/6/2007)

2. General development information: The outline development plan shall describe or outline the existing conditions of the site and the proposed development as necessary to supplement the drawings required in Subsections I and 2, above, and shall include information on existing covenants, land characteristics and information describing the development proposal, such as number of residential lots or dwelling units, typical lot width and depth, price ranges of lots and dwelling units, proposed protective covenants, proposed utilities and street improvements. (Ord. 2-2007, eff. 9/6/2007)

B. Preliminary plat and data.

1. The Preliminary plat may be drawn with scaled dimensions and need not be an engineering drawing with calculations or dimensions and survey closures. The Preliminary plat shall be prepared at a scale of not smaller than 1" = 100', shall show all existing conditions required in the Outline Development Plan and shall contain all information including at least the following: (Ord. 2-2007, eff. 9/6/2007)
 - a. Outer boundary lines of the tract. (Ord. 2-2007, eff. 9/6/2007)
 - b. Location and dimensions of all existing streets, alleys, utility easements, drainage areas and all other significant features. (Ord. 2-2007, eff. 9/6/2007)
 - c. Proposed streets on and adjacent to the tract; name, right-of-way width and location; type, width and elevation of surfacing; curbs; gutters; sidewalks and culverts. (Ord. 2-2007, eff. 9/6/2007)
 - d. Lot lines, lot numbers and block numbers. (Ord. 2-2007, eff. 9/6/2007)
 - e. Location, dimensions and purpose of all other proposed easements and rights-of-way to be reserved or dedicated for public use, such as schools, parks, playgrounds, etc. (Ord. 2-2007, eff. 9/6/2007)
 - f. Location and acreage of sites, if any, for multi-family dwellings shopping centers, community facilities, industry or other use exclusive of single family dwellings. (Ord. 2-2007, eff. 9/6/2007)
 - g. Site data, including number of residential lots and typical lot size. (Ord. 2-2007, eff. 9/6/2007)
 - h. Name of proposed subdivision; names and addresses of owners and subdividers; designers and engineers; date; scale; north arrow; and legal description of tract. (Ord. 2-2007, eff. 9/6/2007)

2. A drainage plan shall be submitted along with the Preliminary plat and shall show all information including at least the following: (Ord. 2-2007, eff. 9/6/2007)
 - a. A topographic map of ground elevation on the tract based on the United States Geologic Survey datum plane or a datum plane approved by the Planning Commission showing contours at two foot intervals. (Ord. 2-2007, eff. 9/6/2007)
 - b. A drainage report prepared by a licensed engineer certified to practice in the State of Colorado, showing the proposed drainage plan for the subdivision, including location, design and capacity of proposed retention and detention facilities. (Ord. 2-2007, eff. 9/6/2007)
3. A utilities plan shall be submitted showing at least the following: (Ord. 2-2007, eff. 9/6/2007)
 - a. Location and size of existing utilities within and adjacent to the subdivision, including water, sewer, electricity, gas and telephone. (Ord. 2-2007, eff. 9/6/2007)
 - b. Proposed utility system including water mains, fire hydrants, sewers, other utility mains (electricity, gas, telephone) and any other services that shall supply the subdivision. All utilities must be constructed within approved easements or rights-of-way. (Ord. 2-2007, eff. 9/6/2007)
 - c. Utility clearance record showing approval by utility companies that service can be supplied. (Ord. 2-2007, eff. 9/6/2007)
4. Supplemental data shall be submitted as follows: (Ord. 2-2007, eff. 9/6/2007)
 - a. Subsurface conditions on the tract; location and results of tests made to ascertain subsurface soil, rock and ground water conditions. (Ord. 2-2007, eff. 9/6/2007)
 - b. Draft of proposed covenants, if any, whereby the subdivider proposes to regulate land use in the subdivision and otherwise protect the proposed development. (Ord. 2-2007, eff. 9/6/2007)
 - c. Such additional information as may be required by the Planning Commission to determine that the subdivision can be constructed without an adverse effect on the surrounding area, and by reason of its location or design, will not place an undue burden on public utilities and community facilities. (Ord. 2-2007, eff. 9/6/2007)
 - d. Application for rezoning if required for the development of the subdivision. (Ord. 2-2007, eff. 9/6/2007)

C. Final plat and data.

1. The Final plat shall be an engineering drawing prepared to normal engineering tolerances of accuracy with calculated rather than scale dimension. The exterior lines of the Final plat shall join or close. The plat shall be drawn in permanent ink on reproducible linen or Mylar with outer dimensions of twenty-four (24) inches by thirty-six (36) inches and shall be at a scale of 1" = 100'. The Final plat may constitute the entire approved Preliminary plat or any logical portion of the approved Preliminary plat proposed for immediate recording. The Final plat shall conform to the approved Preliminary plat and shall include all changes and additions as required by the Planning Commission and shall show the following: (Ord. 2-2007, eff. 9/6/2007)
 - a. Primary control point, description and "ties" to such control points to which all dimensions, angles, bearings and similar data on the plat shall be referred. (Ord. 2-2007, eff. 9/6/2007)
 - b. Tract boundary lines; right-of-way lines of streets, easements and other rights-of-way; property lines of residential lots and other sites; with accurate dimensions, bearings or deflection angles and radii, arcs and central angles of all curves. All dimensions, both linear and angular, shall be determined by an accurate control survey in the field which must balance and close within a limit of one (1) in ten thousand (10,000). No final plat showing plus or minus dimensions will be approved. (Ord. 2-2007, eff. 9/6/2007)
 - c. Total acreage and surveyed legal description of the subdivision. (Ord. 2-2007, eff. 9/6/2007)
 - d. Name and right-of-way width of each street or other right-of-way. (Ord. 2-2007, eff. 9/6/2007)
 - e. Location, dimensions and purpose of any easements. (Ord. 2-2007, eff. 9/6/2007)
 - f. Numbers to identify each block, lot and/or site. (Ord. 2-2007, eff. 9/6/2007)
 - g. Purpose for which sites, other than residential lots, are dedicated or reserved. (Ord. 2-2007, eff. 9/6/2007)
 - h. Location and description of all monuments, both found and set. (Ord. 2-2007, eff. 9/6/2007)
 - i. Names of record owners of adjoining unplatted land. (Ord. 2-2007, eff. 9/6/2007)
 - j. Reference to recorded subdivision plats of adjoining platted land by record name, date and number. (Ord. 2-2007, eff. 9/6/2007)
 - k. Signature and seal of land surveyor registered in Colorado certifying to the accuracy of the survey and plat including a statement explaining how bearings, if used, were determined. (Ord. 2-2007, eff. 9/6/2007)

1. Signature block for certification of approval by the Planning Commission and Board of Trustees, with signatures by the Chairman of the Planning Commission and the Mayor. (Ord. 2-2007, eff. 9/6/2007)
 - m. Certification of title showing that the applicant is the land owner. (Ord. 2-2007, eff. 9/6/2007)
 - n. Statement by the subdivider dedicating streets, alleys, rights-of-way, easements and public sites. (Ord. 2-2007, eff. 9/6/2007)
 - o. Title under which the subdivision is to be recorded, scale, north arrow and date. (Ord. 2-2007, eff. 9/6/2007)
2. Other documents required at the time of submission of the Final plat shall be: (Ord. 2-2007, eff. 9/6/2007)
- a. Complete engineering plans and specifications for all public facilities to be installed, including water and sewer utilities, streets and related improvements, bridges and storm drainage. (Ord. 2-2007, eff. 9/6/2007)
 - b. Clearance record showing approval by the Health Department and utility companies. (Ord. 2-2007, eff. 9/6/2007)
 - c. A statement, a copy of which shall be available for public inspection at Town Hall and which shall include: (Ord. 2-2007, eff. 9/6/2007)
 1. Name and address of each person having an interest in the subdivision or development and the extent of such interest. (Ord. 2-2007, eff. 9/6/2007)
 2. Such statement of the condition of the title to the land comprising the subdivision, including all encumbrances, deed restrictions and covenants applicable to the subdivision. (Ord. 2-2007, eff. 9/6/2007)
 3. In the case of a subdivision or portion thereof against which there exists a blanket encumbrance, a statement of the consequences for an individual purchaser of a failure, by the person or persons bound, to fulfill obligations under the instrument or instruments creating such encumbrances and the steps, if any, taken to protect the purchaser in such eventuality. (Ord. 2-2007, eff. 9/6/2007)
 4. Such statements of the developer as the Planning Commission and Board of Trustees may require and such other information, documents and certifications as the Planning Commission and Board of Trustees may require as being reasonable, necessary or appropriate for the protection of consumers. (Ord. 2-2007, eff. 9/6/2007)
 - d. Protective covenants, if any, in form for recording. (Ord. 2-2007, eff. 9/6/2007)

- e. Repealed and reenacted to provide as follows: (Ord. 2-2007, eff. 9/6/2007)
- f. Such other certificates, affidavits, endorsements, deductions or development agreements as may be required by the Planning Commission or Board of Trustees in the enforcement of this Title. (Ord. 2-2007, eff. 9/6/2007)

10-3-7: Design Standards.

A. General site considerations.

1. A proposed subdivision shall be in general compliance with respect to adequate dedication or reservation of street rights-of-way, utility easements and open spaces for schools and recreation areas. (Ord. 2-2007, eff. 9/6/2007)
2. A proposed subdivision shall not, by reason of its location or design, cast an undue burden on public utility systems and community facilities on or adjacent to the tract. Where extension and enlargement of public utility systems and community facilities is necessary, the subdivider shall make provision to offset higher net public cost or earlier incursion of public cost necessitated by the subdivision. Due consideration shall be given to the difference between anticipated public costs of installation, operation and maintenance and anticipated public revenue derived from the fully developed subdivision in determining added net public cost. (Ord. 2-2007, eff. 9/6/2007)
3. No land shall be subdivided in areas where soil, subsoil or flooding conditions are a potential danger to health and safety. (Ord. 2-2007, eff. 9/6/2007)
4. Drainage areas wherever possible shall be left in a natural state, and no encroachment shall be made on the natural channel. Multiple use of drainage and park facilities as, for example, through use of retention ponds is encouraged. A plan to prevent water pollution shall be submitted and adhered to wherever any modification of topography is required during construction within one hundred feet of any stream, ditch or drainage channel. (Ord. 2-2007, eff. 9/6/2007)
5. Provision shall be made to preserve groves of trees, streams, unusually attractive topography and other desirable natural landscape features. Provision shall be made for the perpetual maintenance of such features through private covenants or other means acceptable to the Planning Commission and Board of Trustees. (Ord. 2-2007, eff. 9/6/2007)
6. A proposed subdivision shall be designed in such manner as to be coordinated with adjoining subdivisions with respect to the alignment of street rights-of-way and utility and drainage easements and open spaces. (Ord. 2-2007, eff. 9/6/2007)
7. Where a subdivision borders an arterial street, a landscaped buffer area shall be provided for adequate reduction of noise. (Ord. 2-2007, eff. 9/6/2007)
8. Lot lines shall be laid out so as not to cross municipal boundary lines.

9. The subdivider shall demonstrate to the Planning Commission that the street, lot and block pattern for nonresidential subdivisions takes into account other uses in the vicinity and the view from arterial streets and highways. The following standards shall be observed in reviewing nonresidential subdivisions: (Ord. 2-2007, eff. 9/6/2007)

B. Blocks.

1. Lot size, width, depth, shape, orientation and minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated and shall facilitate the placement of buildings with sufficient access, outdoor space, privacy and view. (Ord. 2-2007, eff. 9/6/2007)
2. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for off-street parking, landscaping and loading areas required by the type of use and development contemplated. (Ord. 2-2007, eff. 9/6/2007)
3. Corner lots for residential use shall have extra width to accommodate the required building setback line on both street frontages. (Ord. 2-2007, eff. 9/6/2007)
4. Each lot shall be provided with satisfactory access to an existing public street. (Ord. 2-2007, eff. 9/6/2007)
5. A planting screen easement, across which there shall be no right of access, shall be provided along the property line of lots abutting an arterial street. A statement dissolving right of access from individual lots to the arterial street shall be included with the Final plat. (Ord. 2-2007, eff. 9/6/2007)

C. Streets.

1. Arrangement of streets:
 - a. The arrangement, extent, width, type and location of all streets shall be designed in relation to existing or planned streets, to topographic conditions, to public convenience and safety, and to the proposed use of land to be served. (Ord. 2-2007, eff. 9/6/2007)
 - b. Collector streets shall not intersect arterial streets at intervals of less than one thousand three hundred twenty feet (1,320'). (Ord. 2-2007, eff. 9/6/2007)
 - c. Streets shall be extended to the boundaries of the property, except where such extension is prevented by topography or other physical conditions, or where the connection of streets with existing or probable future streets is deemed unnecessary for the advantageous development of adjacent properties. (Ord. 2-2007, eff. 9/6/2007)
 - d. Where future extension of a street is anticipated, a temporary turnaround having a minimum outside diameter of eighty feet shall be provided.

- e. Streets, rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated on them. (Ord. 2-2007, eff. 9/6/2007)
 - f. Streets carrying nonresidential traffic, particularly truck traffic, shall not normally be extended to the boundaries of existing or potential residential areas. (Ord. 2-2007, eff. 9/6/2007)
2. Closed-end streets.
- a. The maximum allowable length of closed-end streets in single-family residential and multi-family residential development shall be six hundred feet. (Ord. 2-2007, eff. 9/6/2007)
 - b. Closed-end streets shall be provided with circular turnarounds having a minimum outside right-of-way diameter of one hundred twenty feet and a minimum pavement diameter of ninety feet. (Ord. 2-2007, eff. 9/6/2007)
3. Intersections. Streets shall intersect at right angles, except as provided in C.7.a. hereof. (Ord. 2-2007, eff. 9/6/2007)
4. Half streets, the dedication of a half street shall not be accepted unless: (Ord. 2-2007, eff. 9/6/2007)
- a. The subdivider obtains for the Town a dedication from the abutting landowner of the other one-half of the street; and (Ord. 2-2007, eff. 9/6/2007)
 - b. The subdivider obtains from the abutting landowner an agreement in a form satisfactory to the Town which guarantees the cost of the improvements and construction of the same on the half street within a time suitable to the Town; and (Ord. 2-2007, eff. 9/6/2007)
 - c. The subdivider guarantees the construction of the improvements on the half street which he or she is dedicating. (Ord. 2-2007, eff. 9/6/2007)
5. Perimeter streets. When the plan dedicates a street which ends on the plat or is on the perimeter of the plat the subdivider shall convey the last foot of the streets on the terminal end or outside border of the plat to the Town in fee simple and such shall be designated as outlets. The Town shall put the same to public use for public road and access purposes when, within its sole and absolute discretion, it deems advisable. (Ord. 2-2007, eff. 9/6/2007)

6. Right-of-way pavement and sidewalk widths shall be as follows: (Ord. 2-2007, eff. 9/6/2007)

| Minimum widths in feet by street type: | | | |
|---|--------------|--------------|----------|
| Type | Right-of-Way | Pavement | Sidewalk |
| Arterial | 100 | 48 (divided) | 5 |
| Collector | 80 | 40* | 5 |
| Local | 60 | 30* | 4 |
| Alley | 20 | 15 | NA |
| *measured from flow line of gutter to flow line of gutter | | | |

7. Horizontal alignment:

- a. Where street centerlines deflect from each other at any point by more than fifteen degrees (15°) they shall be connected by horizontal curves having minimum radii as follows:

| | |
|-------------------|---------------------------------------|
| Local streets | 100 feet |
| Collector streets | 200 feet |
| Arterial streets | 400 feet (Ord. 2-2007, eff. 9/6/2007) |

- b. A tangent not less than one hundred feet (100') long shall be provided between reverse curves on collector and arterial streets. (Ord. 2-2007, eff. 9/6/2007)
- c. Cross streets which cannot be directly aligned at intersections shall be separated by a horizontal offset of not less than one hundred twenty-five feet (125') between centerlines, provided that this requirement shall not apply to the alignment of short, opposite closed-end streets. (Ord. 2-2007, eff. 9/6/2007)

8. Vertical alignment:

- a. No vertical grade shall be less than two-tenths percent (0.2%) in order to facilitate adequate drainage. (Ord. 2-2007, eff. 9/6/2007)
- b. Maximum percent of street grade, except as provided below*: (Ord. 2-2007, eff. 9/6/2007)

| | |
|-------------------|----|
| Local streets | 7% |
| Collector streets | 6% |
| Arterial streets | 5% |

*Where a horizontal curve occurs on a grade of over five percent (5%), the maximum allowable percent of grade on the curve shall be reduced by five-tenths percent (0.5%) of each fifty feet (50') that the curve radius is less than four hundred feet (400').

**street grades shall not exceed four percent (4%) for a distance extending at least forty feet (401) in each direction from a street intersection. (Ord. 2-2007, eff. 9/6/2007)

- c. street names. Names of new streets shall not duplicate names of existing streets, provided that new streets which are extensions of, or which are in alignment with, existing streets shall bear the names of such streets. (Ord. 2-2007, eff. 9/6/2007)

D. Utilities.

1. Where necessary for installations and maintenance of utility systems, easements of at least ten feet (10') in width shall be reserved along rear lot lines, or at other locations which will not interfere with the sitting of buildings. (Ord. 2-2007, eff. 9/6/2007)
2. Where a subdivision is traversed by a water course, drainage way or stream, there shall be provided a perpetual drainage easement conforming substantially with the lines of such water course, and of such width as necessary and adequate to carry off the predictable volume of storm water drainage from a twenty-five (25) year frequency storm. (Ord. 2-2007, eff. 9/6/2007)
3. In general, utility systems shall be arranged and located in such manner as to avoid cross connections, minimize trenching and adequately separate incompatible systems. (Ord. 2-2007, eff. 9/6/2007)

- E. Subdivision Access. Whenever access to the subdivision is required across land outside the Town limits, the subdivider shall demonstrate the access to the subdivision is legally established. (Ord. 2-2007, eff. 9/6/2007)

10-3-8: Required Improvements.¹⁴

A. General regulations.

1. The subdivider shall enter into an agreement with the Town to guarantee construction of all required improvements, including streets, curbs and gutters, driveways, sidewalks, storm drainage systems, street lights and street trees. (Ord. 2-2007, eff. 9/6/2007)
2. Under such agreement the subdivider shall post a performance bond, certified check, letter of credit, or other security acceptable to the Town in an amount equal to the estimated cost of construction of improvements. (Ord. 2-2007, eff. 9/6/2007)
3. The performance bond or certified check posted by the subdivider shall not be released until final construction of improvements has been completed and

¹⁴ Title 10, Chapter 3, Section 8 is amended by the repeal and reenactment of subparagraph "B", subsection "7", and the addition of subparagraph "D".

inspected at the subdivider's expense and approved and accepted by the Town. (Ord. 2-2007, eff. 9/6/2007)

4. The improvements required by the following subsections shall be provided in each subdivision proposed, and to the extent determined by the Planning Commission and Board of Trustees. Required improvements shall be designed in accordance with the detailed design standards and specifications deemed necessary by the Town and shall be constructed in accordance with the approved plans and the construction requirements and specifications. (Ord. 2-2007, eff. 9/6/2007)
5. No improvements shall be made until all plans and specifications have been reviewed and approved by the Town. (Ord. 2-2007, eff. 9/6/2007)
6. Maintenance of required improvements. Adequate provisions for the satisfactory maintenance of streets and utilities improvements, including easements, shall be made by dedication of such improvements to the Town. Those improvements which will not be maintained by the Town (sanitary sewer; potable water; fire hydrants and underground utilities) shall be dedicated to the appropriate provider. Prior to acceptance by the Town, the improvements to be dedicated shall be inspected and approved by the Board of Trustees or its authorized representatives. (Ord. 2-2007, eff. 9/6/2007)
7. Water and sewer. The subdivider shall present written documentation from the relevant providers that they are ready, willing and able to serve the subdivision. (Ord. 2-2007, eff. 9/6/2007)

B. Street improvements.

1. Grading: Street rights-of-way shall be graded as necessary to provide adequate surface drainage and convenient access to lots or sites. (Ord. 2-2007, eff. 9/6/2007)
2. Pavement base: The pavement base shall be properly drained and constructed of suitable materials so as to support the contemplated traffic load. (Ord. 2-2007, eff. 9/6/2007)
3. Pavement: Pavement shall be constructed of asphalt or concrete of sufficient thickness to support the contemplated traffic load. streets shall be paved to the widths required under Section 10-3-7.C.6. (Ord. 2-2007, eff. 9/6/2007)
4. Alleys: If alleys are provided, they shall be in a graded gravel condition. (Ord. 2-2007, eff. 9/6/2007)
5. Curbs and gutters: All streets shall be provided with concrete curbs and gutters for the pavement edging. Such curbs and gutters shall be designed as an integral part of the pavement. (Ord. 2-2007, eff. 9/6/2007)
6. Driveways and access ways. Where appropriate to the type of development proposed, driveways or access ways shall be provided for vehicular access to each structure or parking or loading area. Driveways and access ways provided shall be

of adequate width and constructed with suitable sub grade base, drainage and surfacing to be durable under the use contemplated. Driveways shall provide for parking off-street of at least two (2) passenger vehicles per residential lot. (Ord. 2-2007, eff. 9/6/2007)

7. Sidewalks and walkways: Sidewalks and walkways shall be provided where necessary or appropriate for the safety and convenience of pedestrians. Width of sidewalks shall be as specified in Section 10-3-7.C.6. Sidewalks and walkways shall be durably constructed with all-weather surfacing and shall be adequately lighted and maintained for the use contemplated. (Ord. 2-2007, eff. 9/6/2007)
8. Street name signs: Easily legible street name signs shall be installed at street intersections or as necessary for convenient identification of streets. (Ord. 2-2007, eff. 9/6/2007)

C. Public improvements required.

1. Storm drainage system:
 - a. The improvements and facilities shown on the report submitted pursuant to Section 10-3-6-B.2.b (as amended, modified or supplemented if required by the terms of preliminary or final approval). (Ord. 2-2007, eff. 9/6/2007)
 - b. Storms drainage shall not be permitted to empty into any sanitary sewerage system. (Ord. 2-2007, eff. 9/6/2007)
2. Sanitary sewerage system. The sanitary sewerage system shall be connected to an existing public sanitary sewer system and shall consist of a closed system of sanitary sewer mains and lateral branch connections to each structure or lot -upon which a structure is to be built. The sanitary sewerage system shall be of sufficient size and design to collect all sewage from all proposed or probable structures within the subdivision or development. (Ord. 2-2007, eff. 9/6/2007)
3. Potable water system. The potable water system provided shall connect to an existing public water system and shall consist of water mains directly connected to using structures by means of lateral branches. The water system shall be of sufficient size and design to supply potable water to each structure or lot upon which a structure is to be built. (Ord. 2-2007, eff. 9/6/2007)
4. Fire hydrants. Fire hydrants shall be installed at street intersections and at other points as necessary to assure that no building is located more than five hundred feet (500') from the nearest fire hydrant. (Ord. 2-2007, eff. 9/6/2007)
5. Underground utilities. Underground electric power and, telephone distribution and CATV systems. Electric power, telephone connections and wire and CAN systems shall be placed below the surface of the ground in raceways and conduits or other acceptable means. Transformers, switching bases, terminal boxes, meters, cabinets, pedestals, ducts and other facilities necessarily appurtenant to such

underground connections shall not be located on power poles but shall be placed on or under the surface of the ground, and where placed on the surface shall be adequately screened and fenced as necessary for safety and concealment. (Ord. 2-2007, eff. 9/6/2007)

6. Street lights. Street lighting and associated underground street lighting supply circuits shall be installed. The minimum requirement shall be .4 foot candles on the street. All street lights shall be hooded such that they produce no light higher than the horizontal plane of the light source. The street lighting plan specifying the number and approximate location of street lights must be included on the final plat. The style of fixture shall be the standard, Town-approved style for street and parking lot lights within the Town served by West Plains Energy Company. (Ord. 2-2007, eff. 9/6/2007)
7. Reference monuments. Permanent reference monuments shall be installed in accordance with C.R.S. § 38-51-105. (Ord. 2-2007, eff. 9/6/2007)

D. Warranty.

All workmanship and materials for all required improvements shall be warranted by the subdivider for a period of two (2) years from the date of the Town's acceptance of the required improvement; provided that any defects which are the result of public abuse, misuse or acts of God are not the responsibility of the subdivider. For perimeter fences that abut collector and arterial streets, the warranty period shall be two (2) years. In the event that any other provision of this Code or specifications adopted pursuant thereto requires a warranty of workmanship or materials for a different period of time, that provision requiring the longer period shall govern. The inspection or acceptance of any required improvement by the Town shall not relieve the subdivider of his or her warranty of workmanship and materials. (Ord. 2-2007, eff. 9/6/2007)

Chapter 4

SUPPLEMENTARY REGULATIONS

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10-4-1: Signs

A. Definition.

Sign. Means any object or device or part thereof, including an artistic work, which is situated outdoors or in an exterior window and is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including, without limitation, works, letters, figures, design symbols, colors, sculpture, motion, illumination, or projected images. (Ord. 2-2007, eff. 9/6/2007)

B. General Limitations. No signs of any nature shall be allowed, constructed, erected or maintained, except as herein specifically provided. The following signs shall be exempt from the requirements of this Chapter: (Ord. 2-2007, eff. 9/6/2007)

1. Temporary signs used by churches, synagogues or other civic Organizations. Such signs may be erected not earlier than two weeks prior to the opening of the event and shall be removed not later than one week after the activity is over. (Ord. 2-2007, eff. 9/6/2007)
2. Holiday signs, displays and decorations. (Ord. 2-2007, eff. 9/6/2007)
3. Political signs of eight (8) square feet or less. (Ord. 2-2007, eff. 9/6/2007)
4. Signs showing underground or public utilities. (Ord. 2-2007, eff. 9/6/2007)
5. Interior window signs. (Ord. 2-2007, eff. 9/6/2007)
6. Private warning signs (no hunting, etc.) (Ord. 2-2007, eff. 9/6/2007)
7. Vending machine signs, including ATM signs. (Ord. 2-2007, eff. 9/6/2007)
8. Public information service signs of less than twelve (12) square feet. (Ord. 2-2007, eff. 9/6/2007)
9. Real estate signs not to exceed six (6) square feet in sign area, and located on the ground floor level of the property which is being advertised. One (1) sign is allowed on each street frontage. Real estate signs may not be affixed to live trees. Such signs shall be removed seven (7) days following closing. Real estate parcels one (1) acre or larger may

have a real estate sign not in excess of sixteen (16) square feet and ten (10) feet high. (Ord. 2-2007, eff. 9/6/2007)

10. Garage sale signs, except that such signs shall not be placed in Town rights-of-way. (Ord. 2-2007, eff. 9/6/2007)
 11. Commemorative signs, cornerstones and plaques no exceeding four (4) square feet. (Ord. 2-2007, eff. 9/6/2007)
 12. Official government or traffic signs of the Town, County or State, and/or signs required or specifically authorized for public purpose by any law, statute or ordinance (e.g., directional signs.). (Ord. 2-2007, eff. 9/6/2007)
 13. Flags of any state, nation, or government. Flags may not exceed fifty (50) square feet in size and no flagpole may be higher than thirty-five (35) feet in any zone districts except residential districts, in which the maximum height shall be twenty-five (25) feet. (Ord. 2-2007, eff. 9/6/2007)
 14. Barber poles that do not exceed eight (8) feet in height and are used in conjunction with a barber shop. (Ord. 2-2007, eff. 9/6/2007)
 15. Gravestones. (Ord. 2-2007, eff. 9/6/2007)
 16. Scoreboards, including any advertising thereon not to exceed twenty (20) feet in height and sixty (60) square feet in size. (Ord. 2-2007, eff. 9/6/2007)
 17. Not more than two (2) signs identifying the house number and the names of the occupants, not to exceed one-half (1/2) square foot each. (Ord. 2-2007, eff. 9/6/2007)
- C.¹⁵ Moveable business signs and off-site business signs of a permanent nature. (Ord. 2-2007, eff. 9/6/2007, Ord. 1-2011, eff. 6/10/11)
1. Each business located in the Core Commercial District along Main Street shall be allowed one sign each of a moveable design (sandwich board, A-frame or free standing) to be placed on the public sidewalk area in front of their respective businesses. Those businesses being located in the Core Commercial District along Second Street and Third Street shall be allowed one sign, of the type described above, to be located in front of their respective business and one off-site sign of the same design to be located on the public sidewalk at the corner of Main Street and the street on which their business is located, the signs in these locations must be placed in an orderly fashion so as to not inhibit pedestrian flow or obstruct another business' sign. Those businesses located in the Highway Commercial district shall be allowed one sign, of the type described above, to be placed on the public sidewalk or in the public way if no sidewalk exists. (Ord. 2-2007, eff. 9/6/2007, Ord. 1-2011, eff. 6/10/2011)
 2. The signs must be constructed of durable materials and painted or finished, as the material requires, to withstand the elements, and of sufficient weight to resist being

¹⁵ Title 10, Chapter 4, Section 1, Subsection C is repealed and reenacted in its entirety (Ord. 2-2007, eff. 9/6/2007, Ord. 1-2011, eff. 6-10-11)

blown over or sliding, an internal weighting system may be used to accomplish this requirement. The signs must be aesthetically pleasing (not just two pieces of plywood hinged together) and be maintained for appearance. The signs shall not have any rough, sharp or jagged edges and all sharp metal edges must be covered (i.e. with a frame). The signs may be constructed with or have an area made of materials that allow for the information to be changed such as a chalkboard, dry erase or changeable letter board. (Ord. 2-2007, eff. 9/6/2007, Ord. 1-2011, eff. 6/10/11)

3. The maximum overall size of the signs shall be thirty (30") inches in width by forty six (46") inches in height, as measured from the sidewalk, when set up for display. (Ord. 2-2007, eff. 9/6/2007, Ord. 1-2011, eff. 6/10/11)
4. The signs must be taken in at the close of business and not placed in a manner that obstructs pedestrian traffic when in use this requirement applies to all districts where the use of such signs is allowed. The secondary signs for those businesses on Second and Third Street must be returned to and stored in the place of business at the close of business hours. All such signs must be taken down and stored during periods of extreme wind, for safety, and during snow events, to ease snow removal.

The owner of a sign that is consistently left out after business hours or is consistently moved about by the action of wind shall be required to refrain from the use of such sign at the direction of the Town Manager. (Ord. 2-2007, eff. 9/6/2007, Ord. 1-2011, eff. 6/10/11)

5. The owner of the sign(s) assumes all liability for personal injury or property damage resulting from design flaw, trip and fall due to the existence, placement and or the movement of the sign(s) by wind or other forces. (Ord. 2-2007, eff. 9/6/2007, Ord. 1-2011, eff. 6/10/11)
 6. No sign of a permanent nature shall identify or advertise a business or establishment, except on the lot upon which the business or establishment is located, without the approval of the Board of Adjustment. If approval of an off site sign is obtained from the Board of Adjustment all regulations contained in 10-4-1 of the Town of Westcliffe Code of Ordinances shall apply to such sign. (Ord. 2-2007, eff. 9/6/2007, Ord. 1-2011, eff. 6/10/11)
- D. Signs shall be set back from all traveled portions of the road or from the property Line ten (10) feet if the sign is not on the site of the business being advertised. On-site signs may be placed up to the property line and shall be placed in such a manner as to not interfere with normal traffic and maintenance vehicles for the roadway. In no event shall a sign be placed in a manner which obstructs normal traffic or maintenance of the property owners. No sign shall be located so that it shall interfere with or detract from orderly traffic movements, obscure or impair the vision of the driver of any motor vehicle or which is a hazard to traffic. (Ord. 2-2007, eff. 9/6/2007)
- E. All illuminated signs shall be so placed as to prevent the light rays or illumination there from being cast upon residential dwellings or being cast so as to interfere with traffic control signals or the safe operation of vehicles. Beacons or search lights shall not be permitted for advertising purposes. New internally lit signs are prohibited in the B-1, B-2, HC-1 and the areas designated as business areas in the PUD Districts after December 1,

2000. Internally lit signs in existence as of that date shall be deemed legal non-conforming signs and may be continued subject to the provisions of Section 10-1-7. Signs may be illuminated from a concealed external light source, which shall not blink, flash, or vary in intensity. Other than house numbers, shall not be illuminated from an internal light source. Signs shall not be animated, oscillate, rotate, move, or have the illusion of motion. (Ord. 2-2007, eff. 9/6/2007)

- F. All signs and other forms of outdoor advertising, together with any supports, braces, guys and anchors, shall be kept in good repair and in a safe state of preservation so as to preserve the initial intent of their design and so as to remain fully readable. All signs erected to serve temporary purposes, such as for community events, social events, entertainment's special or limited sales, real estate sales and similar circumstances, shall be removed within two weeks from the date of their purpose ceased to exist. (Ord. 2-2007, eff. 9/6/2007)
- G. The maximum sign size for any purpose shall not exceed thirty-two (32) square feet of display face per side, which shall encompass the copy, insignia, back ground and borders. Both sides of the sign may be used. (Ord. 2-2007, eff. 9/6/2007)
- H. Except as otherwise specifically permitted or exempted, no signs are permitted in the Rural Residential and Single Family Zone Districts. (Ord. 2-2007, eff. 9/6/2007)
- I. The maximum height of any sign shall not exceed twenty (20) feet above grade. (Ord. 2-2007, eff. 9/6/2007)
- J. Signs projecting over a street or other public space shall project not more than three (3) feet, and shall be no closer than two (2) feet to a plumb line from the curb line. Clearance below such signs shall be a minimum of eight (8) feet. No sign shall project more than three (3) feet above the roof-line. No signs shall project over an alley. (Ord. 2-2007, eff. 9/6/2007)
- K. Billboard signs are not permitted in any zone district. (Ord. 2-2007, eff. 9/6/2007)
- L. No signs shall be erected, maintained or permitted to remain publicly displayed which are misleading, fraudulent, obscene. (Ord. 2-2007, eff. 9/6/2007)
- M. No signs may contain any radio, phonograph, whistle, bell or other sound or noise making or transmitting device or instrument. (Ord. 2-2007, eff. 9/6/2007)
- N. Any sign that exists at the time of the adoption of this Title, but does not conform to the provisions thereof, shall not be altered or enlarged without making the entire sign conform with the provisions of this ordinance. This shall not be construed so as to prevent necessary maintenance of the sign to keep it in good repair. (Ord. 2-2007, eff. 9/6/2007)
- O. Wall murals may be permitted by resolution of the Town Board if they: (Ord. 2-2007, eff. 9/6/2007)
 - 1. present no safety issue;
 - 2. are compatible with the *surrounding area*;
 - 3. are not obscene.

10-4-2: Parking

- A. Parking: Parking spaces of two hundred (200) square feet, exclusive of maneuvering and roadway space, shall be provided as follows: (Ord. 2-2007, eff. 9/6/2007)
1. Dwelling units: two (2) spaces for each dwelling unit. (Ord. 2-2007, eff. 9/6/2007)
 2. Churches: one (1) space for each four (4) seats. (Ord. 2-2007, eff. 9/6/2007)
 3. Elementary schools and nursery schools: one (1) space for each classroom plus one (1) space for each one hundred (100) square feet of office space. (Ord. 2-2007, eff. 9/6/2007)
 4. High schools, colleges, and vocational schools: one (1) space for each classroom plus one (1) space for each one hundred (100) square feet of office space plus one (1) space for each classroom seat. (Ord. 2-2007, eff. 9/6/2007)
 5. Manager's unit or office space: two (2) spaces. (Ord. 2-2007, eff. 9/6/2007)
 6. Communal gathering rooms: one (1) space per each four hundred (400) square feet of gross floor area. (Ord. 2-2007, eff. 9/6/2007)
 7. Mobile Homes: one space for each mobile home. (Ord. 2-2007, eff. 9/6/2007)
 8. Mobile Home Parks: two (2) spaces for each mobile home and two (2) spaces for each mobile office. (Ord. 2-2007, eff. 9/6/2007)
 9. Buildings pertaining to the management and operation of mobile home parks: one (1) space for each one hundred (100) square feet of floor area. (Ord. 2-2007, eff. 9/6/2007)
 10. One (1) parking space of two hundred (200) square feet, exclusive of maneuvering and roadway space, shall be provided for each two hundred (200) square feet of area devoted to sales and display in each retail establishment. (Ord. 2-2007, eff. 9/6/2007)
 11. One (1) parking space of two hundred (200) square feet, exclusive of maneuvering and roadway space, shall be provided for each three hundred (300) square feet of office space. (Ord. 2-2007, eff. 9/6/2007)
 12. Two (2) parking spaces of two hundred (200) square feet, exclusive of maneuvering and roadway space, shall be provided for each rental unit or manager's unit in motels and hotels. (Ord. 2-2007, eff. 9/6/2007)
 13. One (1) parking space of two hundred (200) square feet, exclusive of maneuvering and roadway space, shall be provided for each four (4) seats in eating and drinking places. (Ord. 2-2007, eff. 9/6/2007)

14. One (1) parking space of two hundred (200) square feet, exclusive of maneuvering and roadway space, shall be provided for each four (4) seats in theaters and auditoriums. (Ord. 2-2007, eff. 9/6/2007)

10-4-3: Outdoor Lighting

- A. All fixtures, exclusive of those exempt under paragraph E below, shall be fully shielded. For purposes of this section, fully shielded shall mean fixtures constructed so that light rays emitted are projected below, and not above, the horizontal plane of the fixture. (Ord. 2-2007, eff. 9/6/2007)
- B. Lighting shall be so placed as to prevent the light rays or illumination there from being cast beyond property lines. (Ord. 2-2007, eff. 9/6/2007)
- C. All metal halide and fluorescent fixtures shall be filtered with glass, acrylic or translucent enclosures. (Ord. 2-2007, eff. 9/6/2007)
- D. Only high pressure sodium (HIPS), low pressure sodium (LPS) or incandescent fixtures shall be permitted in commercial and multifamily residential parking areas. In addition, the level of illumination shall be consistent with minimum industry standards adopted by the Illuminating Engineering Society. (Ord. 2-2007, eff. 9/6/2007)
- E. All non-conforming outdoor light fixtures in existence prior to December 1, 2000, shall be deemed a legal nonconforming use and may be continued subject to the requirements of Section 10-1-7.B. (Ord. 2-2007, eff. 9/6/2007)
- F. Lights 100 watts and less per fixture, fluorescent lights 40 watts and less per fixture, gas fired fixtures, and lights used for holiday decorations are exempt from the requirements of this ordinance. (Ord. 2-2007, eff. 9/6/2007)

10-4-4: Dedication of Public Sites and Open Spaces.

- A. General Requirement. The Planning Commission and the Board of Trustees, upon consideration of the Master Plan, the necessity of public buildings and facilities in the area, and the particular type of site development proposed shall require the dedication of areas or sites of a character, extent and location suitable for public use for schools, parks, greenbelts or other necessary public purposes (other than subdivision streets) according to one or more of the alternatives set forth below. (Ord. 2-2007, eff. 9/6/2007)
- B. Procedure. Prior to final approval for all site developments, the applicant shall: (Ord. 2-2007, eff. 9/6/2007)
1. Dedicate land, interest in land, improvements or arrange for the construction of public facilities made necessary as a consequence of the site development, or (Ord. 2-2007, eff. 9/6/2007)
 2. Make a payment to the Town of a sum of money, to be determined by the Town in accordance with the criteria set out below, based upon either the fair market value of a percentage of the acreage, a flat fee per lot or tract or, in the case of any other

method, such basis as may be agreed upon between the Town and the developer; such in-lieu payment is to be applied against expenses incurred by the Town in the provision of off-site municipal services or facilities made necessary or desirable by the immediate or future increase in population caused by or attributable to the site development, or (Ord. 2-2007, eff. 9/6/2007)

3. Provide property by private covenant where such property will fulfill the needed recreational or amenity purposes. (Ord. 2-2007, eff. 9/6/2007)
 4. Fulfill such other arrangements or conditions, memorialized in the property subdivision agreement, as may be desirable or necessary to alleviate the effects of or increase the benefits caused by the site development and to promote the public health, safety and welfare of the present and future site development residents and inhabitants of the Town as a whole. (Ord. 2-2007, eff. 9/6/2007)
- C. Purpose. The purpose of the dedication and/or payment is to provide the public facilities and/or services made necessary as a consequence of the site development, in an amount roughly proportional to the impact of the site development upon such facilities and/or services or the increased need for them brought about by the site development. The developer shall have the option, in its sole discretion, to accept the Town's calculation of the required dedication, or to perform such studies as are necessary to demonstrate the actual impact of the site development upon public services and facilities, and the resulting appropriate dedication or other contribution. (Ord. 2-2007, eff. 9/6/2007)
- D. Criteria. The Town and, in certain cases as outlined above, the developer, in formulating the appropriate combination of the options set forth above, shall take into consideration the following criteria: (Ord. 2-2007, eff. 9/6/2007)
1. The size of the proposed site development. (Ord. 2-2007, eff. 9/6/2007)
 2. The projected additional population associated with the proposed site development. (Ord. 2-2007, eff. 9/6/2007)
 3. The projected need generated by the site development for municipal services and facilities, particularly recreational, educational and protective, the provision of which is not covered by other requirements herein. (Ord. 2-2007, eff. 9/6/2007)
 4. The impact of the proposed site development on the implementation of the Master Plan and its component parts, including transportation and parks and recreation. (Ord. 2-2007, eff. 9/6/2007)
- E. All moneys collected by the Town under this Section shall be deposited in an interest-bearing account which clearly identifies the category, amount or fund of capital expenditure for which the moneys were collected. Each such category, account or fund shall be accounted for separately. Any interest or other income earned on such moneys shall be credited to the account. (Ord. 2-2007, eff. 9/6/2007)
- F. The location of all public or quasi-public land intended to be conveyed or reserved in the deed for use of all property owners shall be shown on the preliminary and final plats or site plans, as appropriate, together with the proposed method of ownership, management,

maintenance and such other information as is necessary for the Planning Commission and Board of Trustees to evaluate the proposal. (Ord. 2-2007, eff. 9/6/2007)

- G. At the time of presentation of the final plat for approval by the Planning Commission and Board of Trustees, a warranty deed shall be presented for all land to be conveyed to the Town, school district or other governmental entity. The deed shall be accompanied by a title insurance policy or other evidence that the land is free and clear from all encumbrances. (Ord. 2-2007, eff. 9/6/2007)
- H. Reservation. Reservation by covenant, in lieu of dedication, may be permitted where land is to be used for recreational or amenity purposes by the property owners. (Ord. 2-2007, eff. 9/6/2007)

10-4-5: Maintenance of Structures and Site Plans

On and after December 1, 2000, all structures, and all elements and features of any site plan or site development (including, without limitation, buildings, fences, walls, parking areas, driveways, sidewalks, landscaping, utility lines and irrigation systems) for which structures, site plans or site development the owner thereof or his or her predecessor in interest obtained approval from the Town for the construction or establishment, shall be maintained in good repair and in substantially the form, condition and nature which was represented at the time they were constructed. It is the intention of this Section that such structures, elements and features of site plans and site developments within the Town, having once been approved for construction or development, shall not be allowed to deteriorate to a condition which is in any respect inferior to the condition or state upon which the original approval for construction or development was based. For purposes of this Section, the owner of the structure or real property shall be considered the responsible party. (Ord. 2-2007, eff. 9/6/2007)

10-4-6: Above-Ground Storage of Flammable Products

- A. Bulk Limits and Penalty for Violations. From and after June 5, 1990, because of the serious and permanent danger present of above-ground bulk storage of gasoline and similar flammable products, and because of the recent experience of explosion and fire and apparent imminent loss of State regulation, it is necessary to the immediate preservation of the public peace, health and safety of the residents of the Town that above-ground storage of gasoline, nitroglycerine, and petroleum in excess of 500 gallons on any one site or lot is prohibited. (Ord. 2-2007, eff. 9/6/2007)

Chapter 5

VESTED PROPERTY RIGHTS

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10-5-1: Purpose:

The purpose of this Chapter is to provide the procedures necessary to implement the provisions of C.R.S. § 24-68-101, et seq., as amended. (Ord. 2-2007, eff. 9/6/2007)

10-5-2: Definitions

- A. "Application" means the completion and filing with the Town of all documents required by the Town for consideration of a site specific development plan. (Ord. 2-2007, eff. 9/6/2007)
- B. "Major Amendment" means an amendment to a site specific development plan which substantially changes the use, intent, arrangements of lots, alignment of major circulation patterns, density levels, provisions governing common or open spaces. A major amendment includes any other amendment that substantially changes the character of a site specific development plan. (Ord. 2-2007, eff. 9/6/2007)
- C. "Site Specific Development Plan" means for all developments, the final approval step, irrespective of its title, which occurs prior to building permit application; provided, however, that if the landowner wishes the approval to have the effect of creating vested rights under C.R.S. § 24-68, as amended, the landowner must so request at least 20 days prior to the date the approval is to be considered. Failure to so request renders the approval not a "Site Specific Development Plan", and no vested rights shall be deemed to have been created. (Ord. 2-2007, eff. 9/6/2007)
- D. "Site Specific Development Plan" shall not include a variance, an outline development plan or preliminary plat as defined by the Town of Westcliffe Subdivision Regulations, as amended, or by C.R.S. § 30-28-101(6) or (8), an application for annexation, approval of a use by special review, a final architectural plan, public utility filings or final construction drawings or related documents specifying materials and methods for construction of improvements. (Ord. 2-2007, eff. 9/6/2007)

- E. "Vested property right" means the right to undertake and complete the development and use of property under the terms and conditions of a Site Specific Development Plan. (Ord. 2-2007, eff. 9/6/2007)

10-5-3: Notice and Hearing

No Site Specific Development Plan shall be approved until after a public hearing, preceded by written notice of such hearing. Such notice may, at the Town's option be combined with the notice required by C.R.S. § 31-23-304, as amended, for zoning regulations, or with any other required notice. At such hearing interested persons shall have an opportunity to be heard. (Ord. 2-2007, eff. 9/6/2007)

10-5-4: Approval and Effective Date

- A. A Site Specific Development Plan shall be deemed approved upon the effective date of the approval by the Board of Trustees of the final approval step as set forth in section 10-2-2.C, above. (Ord. 2-2007, eff. 9/6/2007)
- B. If amendments to a site specific development are proposed and approved, the effective date of such amendments, for proposes of duration of a vested property right, shall be the date of the approval of the original Site Specific Development Plan, unless the Board of Trustees specifically finds to the contrary and incorporates such finding in its approval of the amendment. (Ord. 2-2007, eff. 9/6/2007)

10-5-5: Forfeiture of Vested Property Rights

The following shall cause a forfeiture of the vested rights granted for the original site specific development plan and shall make the approval of the plan null and void: (1) a major amendment to a site specific development plan as proposed by the developer and approved by the planning commission, (2) failure of the developer to complete the development of an approved site specific development plan within three (3) years of the effective date of approval, or (3) failure of the developer to comply with any terms for approval of the site specific development plan. (Ord. 2-2007, eff. 9/6/2007)

10-5-6: Notice of Approval

Each map, plat, or site plan or other document constituting a Site Specific Development Plan shall contain the following words. "Approval of this plan may create a vested property right pursuant to C.R.S. § 24-68-101, et seq., as amended." Failure to contain this statement shall invalidate the creation of the vested property right. A notice describing generally the type and intensity of use approved, the specific parcel or parcels of property affected and stating that a property right has been created shall be published once, not more than 14 days after approval of the site specific development plan, in a newspaper of general circulation with the Town. (Ord. 2-2007, eff. 9/6/2007)

10-5-7: Payments of Costs

Section 10-5-7 regarding payments of costs is repealed and is reenacted to provide as follows and is renumbered as Section 10-1-15: (Ord. 2-2007, eff. 9/6/2007)

10-5-8: Other Provisions Unaffected

Approval of a Site Specific Development Plan shall not constitute an exemption from or waiver of any other provisions this Code or regulation pertaining to the development and use of property. (Ord. 2-2007, eff. 9/6/2007)

10-5-9: Limitations

Nothing in this Chapter is intended to create any vested property right, except as required by C.R.S. § 24-68-101, et seq., as amended, but is intended only to implement the provisions of that statute. If that statute is repealed or declared by a court of law to be invalid, this article shall be deemed repealed, and its provisions shall no longer be effective. (Ord. 2-2007, eff. 9/6/2007)

**TOWN OF WESTCLIFFE
RESOLUTION NO. 3 - 2002**

WHEREAS, Appendix A to the Land Use Code needs clarification and updating.

NOW THEREFORE, IT IS RESOLVED that Appendix A to the Land Use Code is amended to provide as follows:

Appendix A

The following Fees and Additional Amounts are required:

| Application for: | Fee | Additional Amounts |
|---------------------------------|-------|--|
| Special Use Permit | \$300 | legal, professional and recording fees incurred by Town |
| Amendment to Map (rezoning) | \$300 | legal, professional and recording fees incurred by Town |
| PUD/Subdivision application | \$500 | legal and professional fees incurred by Town |
| Minor Subdivision | \$300 | legal and professional fees incurred by Town |
| Sketch Plan review | \$75 | |
| Preliminary Plat | \$200 | legal and professional fees incurred by Town |
| Final Plat | \$100 | legal, professional and recording fees incurred by Town |
| Review by Board of Adjustment | \$100 | legal and professional fees incurred by Town |
| Vacation of public right-of-way | \$300 | legal, professional and recording fees incurred by Town |
| Variance | \$300 | legal and professional fees incurred by Town |
| Annexation | \$500 | legal, professional and recording fees incurred by Town and the cost of preparing any reports pursuant to C.R.S. § 31-12-108.5 |

Notes:

- A. Any Additional Amounts shall be paid prior to granting final approval for the action sought.
- B. All applicants shall bear the cost of preparing, mailing and posting any required notices.
- C. All or a portion of fees and Additional Amounts may be waived for nonprofit and governmental agencies.

Table
APPENDIX B
Of Zoning Map Amendments

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| Ordinance 6-1972 | 12-12-1972 |
| Ordinance 3-1975 | 8-5-1975 |
| Ordinance 13-1985 | 10-15-1985 |
| Ordinance 6-1999 | 7-6-1999 |
| Ordinance 7-1999 | 10-5-1999 |
| Ordinance 8-1999 | 10-5-1999 |
| Ordinance 3-2000 | 9-5-2000 |
| Ordinance 6-2000 | 3-7-2000 |
| Ordinance 2-2007 | 9-7-2007 |