

TOWN OF PONCHA SPRINGS, COLORADO

CHAPTER 30

LAND USE AND ZONING CODE

**ADOPTED: DECEMBER 9, 2013
ORDINANCE: #2013-09**



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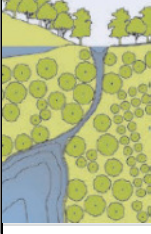


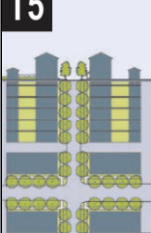
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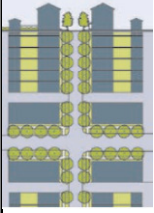
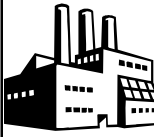

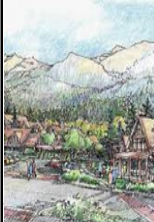
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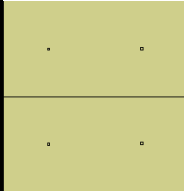
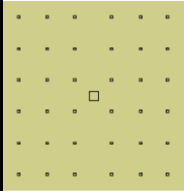
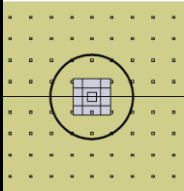
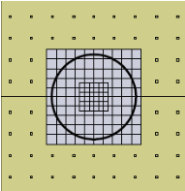
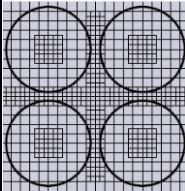
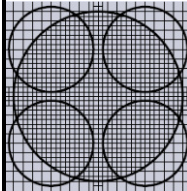
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Town of Poncha Springs			
Table 1a: Transect Zone Descriptions. This table provides descriptions of the character of each Transect Zone.			
T1 	T-1 NATURAL T-1 Natural Zone consists of lands in a natural condition, including lands protected as U.S. Forest, BLM, State Forest, State Land Board and Private Conservation Easements. Also public and private natural Parks and Greenways set aside in subdivisions and PLUD developments	General Character:	Natural landscape with some agricultural use
		Building Placement:	Not applicable
		Frontage Types:	Not applicable
		Typical Building	Not applicable
		Type of Civic Space:	Parks, Greenways
T2 	T-2 RURAL T-2 Rural Zone consists of sparsely settled lands in open or cultivated states. These include forest, pinons, agricultural land, grassland, and Typical buildings are farmhouses, agricultural buildings, cabins, and homes.	General Character:	Primarily agricultural with woodland & wetland and scattered buildings
		Building Placement:	Variable Setbacks
		Frontage Types:	Not applicable
		Typical Building	1- to 2-Story
		Type of Civic Space:	Parks, Greenways
T3 	T-3 SUB-URBAN T-3 Sub-Urban Zone consists of low density residential areas, adjacent to higher zones that have some mixed use. Home occupations and outbuildings are allowed. Planting is naturalistic and setbacks are relatively deep.	General Character:	Lawns and landscaped yards surrounding detached single-family houses
		Building Placement:	Large front and side yard Setbacks
		Frontage Types:	Porches, fences, naturalistic tree planting
		Typical Building	1- to 2-Story
		Type of Civic Space:	Parks, Greenways
T4 	T-4 GENERAL URBAN T-4 General Urban Zone consists of a mixed use but primarily residential urban fabric. It may have a wide range of building types: single, Sideyard, and Rowhouses. Setbacks and landscaping are variable. Streets with curbs and side-walks define medium-sized Blocks.	General Character:	Mix of Houses, Townhouses and small Apartment buildings with scattered Commercial activity; balance between landscape and buildings; presence of pedestrians
		Building Placement:	Shallow to medium front and side yard Setbacks
		Frontage Types:	Porches, fences, Dooryards
		Typical Building	1-2 Story Mixed Use Buildings
		Type of Civic Space:	Squares, Greens
T5 	T-5 URBAN CENTER T-5 Urban Center Zone consists of higher density mixed use building that accommodate Retail, Offices, Row-houses and Apartments. It has a tight network of streets, with wide sidewalks, steady street tree planting and buildings set close to the sidewalks.	General Character:	Shops mixed with Townhouses, larger Apartment houses, Offices, work place and Civic buildings; predominantly attached buildings; trees within the public right-of-way; substantial pedestrian activity
		Building Placement:	Shallow Setbacks or none; buildings oriented to street defining a street wall
		Frontage Types:	Stoops, Shopfronts, Galleries
		Typical Building	2- to 3 -Story with some variation, 4+ Stories by W1
		Type of Civic Space:	Parks, Plazas and Squares; median landscaping

Town of Poncha Springs			
Table 1b: Transect Zone Descriptions. This table provides descriptions of the character of each Transect Zone.			
SD-1 	SD-1 Business Park SD-1 Business Park Zone is intended as a business incubator of higher density mixed use buildings that accommodate Retail, Live Work, Research, Services and Light Industrial. It has a tight network of streets, with wide sidewalks, steady street tree planting and buildings set close to the sidewalks. Attractive frontages & elevations are required.	General Character:	Mix of Retail, Services, Live Work, Research & Light Industrial in a Business Park with a Sense of Place and attractive public frontages.
		Building Placement:	Shallow Setbacks or none; buildings oriented to street defining a street wall
		Frontage Types:	Stoops, Shopfronts, Galleries
		Typical Building Height:	1- to 2-Story with some variation
		Type of Civic Space:	Parks, Plazas, and Squares, median landscaping
SD-2 	SD-2 Industrial Park SD-2 Industrial Park Zone is intended as a General Purpose Light and Heavy Industrial Park. Landscaping, frontages and elevations are not tightly controlled, parking is self regulated unless a nuisance is created.	General Character:	Light and Heavy Industry, Metal and Stand up Concrete Construction.
		Building Placement:	Variable Setbacks
		Frontage Types:	Not applicable
		Typical Building Height:	1- to 2-Story, 3 Story by W1 Warrant
		Type of Civic Space:	Parks, Greenways
SD-3 	SD-3 Fairgrounds SD-3 Fairgrounds Zone is intended as a community facility for the County Fair, Rodeo's, Conferences, Exhibitions, Events Center, Entertainment, Agricultural Education & Demonstration Projects, Non-Profit and for Profit Activities.	General Character:	Fairgrounds, Conference, Exhibition Hall and Events Center
		Building Placement:	Variable Setbacks
		Frontage Types:	Not applicable
		Typical Building Height:	1- to 2-Story
		Type of Civic Space:	Not applicable
SD-4 	SD-4 MOUNTAIN RESORT SD-4 Mountain Resort Zone is intended as a multi-functional resort and residential area offering a wide variety of lodging, entertainment, dining and recreational opportunities in a mountain and river setting	General Character:	Mix of Lodges, Cabins, Resorts, Restaurants, Stables, Custom Homes
		Building Placement:	Shallow to medium front and side yard Setbacks
		Frontage Types:	Porches, fences, Dooryards
		Typical Building Height:	1 to 2 Story Mixed Use buildings, 3 Story by W1 Warrant
		Type of Civic Space:	Squares, Greens, Greenways, Parks, River Trails

Town of Poncha Spring

TABLE 2: Sector/Community Allocation. Table 2 defines the geography including both natural and infrastructure elements, determining areas that are or are not suitable for development. Specific Community Types of various densities are allowable in specific Sectors. This table also allocates the proportions of Transect Zones within each Community Type.

ALREADY DEVELOPED AREAS									
PROXIMITY TO MAJOR THOROUGHFARES AND TRANSIT									
PROXIMITY TO THOROUGHFARES									
MEDIUM SLOPES WOODLANDS									
FLOODPLAIN OPEN SPACE TO BE ACQUIRED CORRIDORS TO BE ACQUIRED BUFFERS TO BE ACQUIRED LEGACY WOODLAND LEGACY FARMLAND LEGACY VIEWSHEDS CLD RESIDUAL OPEN SPACE									
SURFACE WATERBODIES PROTECTED WETLANDS PROTECTED HABITATS RIPARIAN CORRIDORS PURCHASED OPEN SPACE CONSERV. EASEMENTS LAND TRUST TRANSPORT. CORRIDORS CLD OPEN SPACE									
(PRIMARILY OPEN SPACE)		(PRIMARILY NEW COMMUNITIES)			(SUCCESSIONAL COMMUNITIES)				
PRESERVED OPEN SECTOR	RESERVED OPEN SECTOR	RESTRICTED GROWTH	CONTROLLED GROWTH		INTENDED GROWTH	INFILL GROWTH SECTOR			
									
NO MINIMUM	NO MINIMUM	50% MIN.	50% MIN.						
NO MINIMUM	NO MINIMUM			NO MIN.	NO MIN.				
		10 - 30%	10 - 30%	10 - 30%	10 - 30%				
		20 - 40%	20 - 40%	30 - 60%	30 - 60%	10 - 30%	VARIABLE	VARIABLE	
				10 - 30%	10 - 30%	10 - 30%	VARIABLE	VARIABLE	

CHAPTER 30 TOWN OF PONCHA SPRINGS MUNICIPAL CODE

TABLES

TABLE 3A: Vehicular Lane Dimensions. This table assigns lane widths to Transect Zones. The Design ADT (Average Daily Traffic) is the determinant for each of these sections. The most typical assemblies are shown in Table 3B. Specific requirements for truck and transit bus routes and truck loading shall be decided by Warrant.

DESIGN SPEED	TRAVEL LANE WIDTH	T1	T2	T3	T4	T5	SD1	SD4
Below 20 mph	10	■	■	□	□	■	■	□
20-25 mph	11	■	■	■	■	■	■	■
25-35 mph	12	■	■	□	□	□	□	□

1

■	BY RIGHT
□	BY W1 WARRANT
■	NOT PERMITTED

DESIGN SPEED	PARKING LANE WIDTH	T1	T2	T3	T4	T5	SD1	SD4
Below 20 mph	(Parallel) 7 feet	■	■	■	■	■	■	■
20-25 mph	(Parallel) 8 feet	□	□	□	■	■	■	□

DESIGN SPEED	EFFECTIVE TURNING RADIUS	T1	T2	T3	T4	T5	SD1	SD4
Below 20 mph	5-10 feet	■	■	■	■	■	■	■
20-25 mph	10-15 feet	□	□	□	■	■	■	■

(See Table 17b)

TABLE 3B: Vehicular Lane/Parking Assemblies. The projected design speeds determine the dimensions of the vehicular lanes and Turning Radii assembled for Thoroughfares. This table is only provided as a general guideline, Town may require other configurations.

	ONE WAY MOVEMENT		TWO WAY MOVEMENT		
a. NO PARKING	T1 T2	T1 T2	T1 T2	T1 T2	T1 T2
Design ADT	300 VPD	600 VPD	2,500 VPD	22,000 VPD	36,000 VPD
Pedestrian Crossing	3 Seconds	5 Seconds	5 Seconds	9 Seconds	13 Seconds
Design Speed	20 - 30 MPH	Below 20 MPH	20 - 25 MPH		35 MPH or above
b. YIELD PARKING	T1 T2		T1 T2		
Design ADT	1,000 VPD		1,000 VPD		
Pedestrian Crossing	5 Seconds		7 Seconds		
Design Speed					
c. PARKING ONE SIDE PARALLEL	T1 T2	T1 T2 T5	T1 T2 SD1	T4 T5 SD4	T5
Design ADT	5,000 VPD	18,000 VPD	16,000 VPD	15,000 VPD	32,000 VPD
Pedestrian Crossing	5 Seconds	8 Seconds	8 Seconds	11 Seconds	13 Seconds
Design Speed	20 - 30 MPH		25 - 30 MPH	25 - 30 MPH	
d. PARKING BOTH SIDES PARALLEL	T2	T4 T5 SD4	T4 T5 SD1 SD4 T5	T5	
Design ADT	8,000 VPD	20,000 VPD	15,000 VPD	22,000 VPD	32,000 VPD
Pedestrian Crossing	7 Seconds	10 Seconds	10 Seconds	13 Seconds	15 Seconds
Design Speed	Below 20 MPH	25 - 30 MPH	25 - 30 MPH	25 - 30 MPH	35 MPH and above
e. PARKING BOTH SIDES DIAGONAL	T4 T5	T4 T5	T4 T5	T4 T5	T4 T5
Design ADT	18,000 VPD	20,000 VPD	15,000 VPD	22,000 VPD	31,000 VPD
Pedestrian Crossing	15 Seconds	17 Seconds	17 Seconds	20 Seconds	23 Seconds
Design Speed	Below 20 MPH	20 - 25 MPH	20 - 25 MPH	25 - 30 MPH	25 - 30 MPH
f. PARKING ACCESS			T2 T3	T4 T5 SD-1-4	
Design ADT					
Pedestrian Crossing			3 Seconds	6 Seconds	
Design Speed					

TABLE 4A: Public Frontages General: The Public Frontage is the area between the private Lot Line and the edge of the vehicular lanes. Dimensions are given in Table 4B.

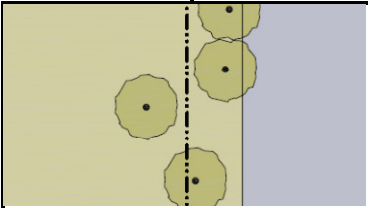
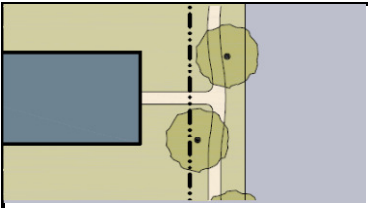
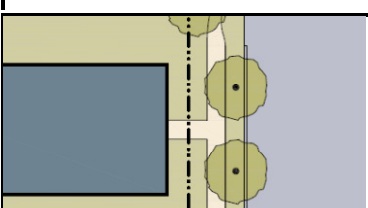
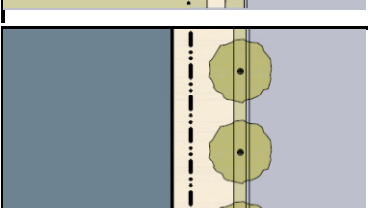
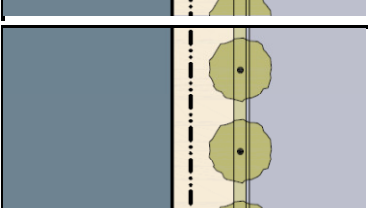
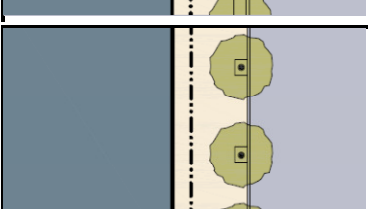
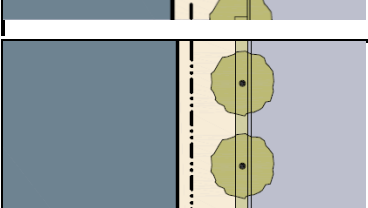





PLAN	
LOT	R.O.W.
PRIVATE FRONTAGE	PUBLIC FRONTAGE
<p>a. (HW) For Highway: This Frontage has open Swales drained by percolation, Bicycle Trails and no parking. The landscaping consists of the natural condition or multiple species arrayed in naturalistic clusters. Buildings are buffered by distance or berms</p>	 <div>T1</div> <div>T2</div> <div>T3</div>
<p>b. (RD) For Road: This Frontage has open Swales drained by percolation and a walking Path or Bicycle Trail along one or both sides Yield parking. The landscaping consists of the multiple species arrayed in naturalistic clusters.</p>	 <div>T1</div> <div>T2</div> <div>T3</div> <div>SD4</div>
<p>c. (ST) For Street: This Frontage has raised Curbs drained by inlets and Sidewalks separated from the vehicular lanes by individual or continuous Planters, with parking on one or both sides. The landscaping consists of street trees of a single or alternating species aligned in a regularly spaced Allee, with the exception that Streets with a right-of-way (R.O.W.) width of 40 feet or less are exempt from tree requirements.</p>	 <div>T3</div> <div>T4</div> <div>T5</div> <div>SD4</div>
<p>d. (DR) For Drive: This Frontage has raised Curbs drained by inlets and a wide Sidewalk or paved path along one side, related to a Greenway or waterfront. It is separated from the vehicular lanes by individual or continuous Planters. The landscaping consists of street trees of a single species or alternating species aligned in a regularly spaced Allee.</p>	 <div>T3</div> <div>T4</div> <div>SD4</div>
<p>e. (AV) For Avenue: This Frontage has raised Curbs drained by inlets and wide Sidewalks separated from the vehicular lanes by a narrow continuous Planter with parking on both sides. The landscaping consists of a single tree species aligned in a regularly spaced Allee.</p>	 <div>T3</div> <div>T4</div> <div>T5</div> <div>SD4</div>
<p>f. (CS) (AV) For Commercial Street or Avenue: This Frontage has raised Curbs drained by inlets and very wide Sidewalks along both sides separated from the vehicular lanes by separate tree wells with grates and parking on both sides. The landscaping consists of a single tree species aligned with regular spacing where possible but clears the storefront entrances.</p>	 <div>T5</div> <div>SD1</div> <div>SD4</div>
<p>g. (BV) For Boulevard: this Frontage has slip Roads on both sides. It consists of raised Curbs drained by inlets and Sidewalks along both sides, separated from the vehicular lanes by Planters. The landscaping consists of double rows of a single tree species aligned in a regularly spaced Allee.</p>	 <div>T3</div> <div>T4</div> <div>T5</div> <div>SD4</div>

TABLE 4B: Public Frontages - Specific. This table assembles prescriptions and dimensions for the Public Frontage elements - Curbs, walkways and Planters - relative to specific Thoroughfare types within Transect Zones. Table 4B-a assembles all of the elements for the various street types. Locally appropriate planting species should be filled in to the calibrated Code.

	RURAL										TRANSECT										URBAN									
TRANSECT ZONE	T1	T2	T3	T2	T2	T4	SD4	T3	T4	T5	SD4	T4	T5	SD4	T4	T5	SD1	T4	T5	SD1	T4	T5	SD1	T4	T5	SD1	T4	T5	SD1	
Public Frontage Type	HW			RD & ST				ST-DR-AV				ST-DR-AV-BV				CS-DR-AV-BV				CS-DR-AV-BV										
a. Assembly: The principal variables are the type and dimension of Curbs, walkways, Planters and landscape.																														
Total Width	16-24 feet			12-24 feet				12-18 feet				12-18 feet				18-24 feet				18-30 feet										
b. Curb. The detailing of the edge of the vehicular pavement incorporating drainage.																														
Type	Open Swale			Open Swale				Raised Curb				Raised Curb				Raised Curb				Raised Curb										
Radius	10-30 feet			10-30 feet				5-20 feet				5-20 feet				5-20 feet				5-20 feet										
c. Walkway. The hard surface dedicated exclusively to pedestrian activity.																														
Type	Path Optional			Path				Sidewalk				Sidewalk				Sidewalk				Sidewalk										
Width	n/a			4-8 feet				4-8 feet				4-8 feet				12-20 feet				12-30 feet										
d. Planter: The layer which accommodates street trees and other landscape materials.																														
Arrangement	Clustered			Clustered				Regular				Regular				Regular				Opportunistic										
Species	Clustered			Clustered				Alternating				Single				Single				Single										
Planter Type	Continuous Swale			Continuous Swale				Continuous Planter				Continuous Planter				Continuous Planter				Tree Well										
Planter Width	8 feet - 16 feet			8 feet - 16 feet				8 feet - 12 feet				8 feet - 12 feet				4 feet - 6 feet				4 feet - 6 feet										

TABLE 5: Public Lighting. Lighting varies in brightness and also in the character of the fixture according to the Transect. The table shows five common types. A listed set of streetlights corresponding to these types would be approved by the utility company and listed on the page.

	T1	T2	T3	T4	T5	SD-1	SD-4	Specifications
Cobra Head 								
Pipe 	■	■	■					<ul style="list-style-type: none"> •Parkway lights are required for all public street •All lights must be fully shielded •Lighting may be timed to turn off between the 12:00 pm and 5:00 am
Post 		■	■	■	■	■	■	<ul style="list-style-type: none"> •Parkway lights are required for all public street •All lights must be fully shielded •Lighting may be timed to turn off between the 12:00 pm and 5:00 am
Column 					■	■	■	<ul style="list-style-type: none"> •Parkway lights are required for all public street •All lights must be fully shielded •Lighting may be timed to turn off between the 12:00 pm and 5:00 am
Double Column 					■			<ul style="list-style-type: none"> •Parkway lights are required for all public street •All lights must be fully shielded •Lighting may be timed to turn off between the 12:00 pm and 5:00 am

	T1	T2	T3	T4	T5	SD1	SD4	Specifications
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[illegible]

TABLE 7: Private Frontages. The Private Frontage is the areas between the building Facades and the Lot lines.


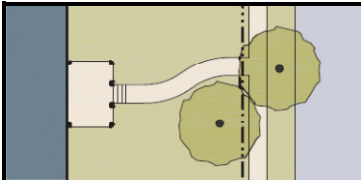
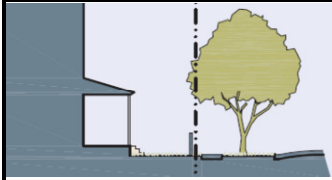
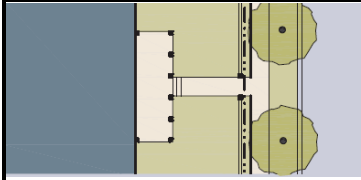


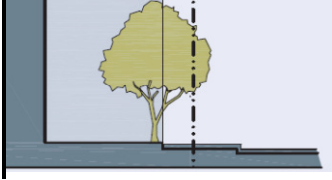
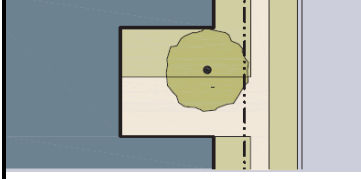
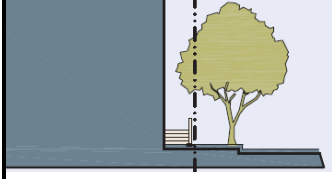



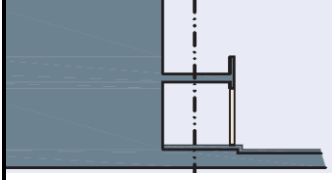

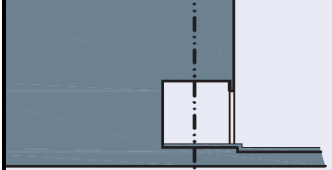

	SECTION		PLAN		
	LOT	R.O.W.	LOT	R.O.W.	
	PRIVATE	PUBLIC	PRIVATE	PUBLIC	
	FRONTAGE	FRONTAGE	FRONTAGE	FRONTAGE	
a. Common Yard: a planted Frontage wherein the Façade is set back substantially from the Frontage Line. The front yard created remains unfenced and is visually continuous with adjacent yards, supporting a common landscape. The deep Setback provides a buffer from the higher speed Thoroughfares.			T2 T3 T4 SD4		
b. Porch & Fence: a planted Frontage where the Façade is set back from the Frontage Line with an attached porch permitted to Encroach. A fence at the Frontage Line maintains street spatial definition. Porches shall be no less than 8 feet deep.			T2 T3 T4 SD4		
c. Terrace or Lightwell: a frontage wherein the Façade is setback back from the Frontage Line by an elevated terrace or sunken Lightwell. This type buffers Residential use from urban Sidewalks and removes the private yard from public encroachment. Terraces are suitable for conversion to outdoor cafes. Syn:			T4 T5 SD4		
d. Forecourt: a Frontage wherein the Façade is close to the Frontage Line and the central portion is set back. The forecourt created is suitable for vehicular drop-offs. This type should be allocated in conjunction with other Frontage types. Large trees within the Forecourts may overhang the Sidewalks.			T4 T5 SD1 SD4		
e. Stoop: a Frontage wherein the Façade is aligned close to the Frontage Line with the first Story elevated from the Sidewalk sufficiently to ensure privacy for the windows. The entrance is usually an exterior stair and landing. This type is recommended for ground-floor Residential use.			T4 T5 SD4		
f. Shopfront: a Frontage wherein the Façade is aligned close to the Frontage Line with the building entrance at Sidewalk grade. This type is conventional for Retail use. It has substantial glazing on the Sidewalk level and an awning that should overlap the Sidewalk to within 2 feet of the Curb. Syn: Retail Frontage.			T4 T5 SD1 SD4		
g. Gallery: a Frontage wherein the Façade is aligned with the Frontage Line with an attached cantilevered shed or lightweight colonnade overlapping the Sidewalk. This type is conventional for Retail use. The Gallery should be no less than 10 feet wide and should overlap the sidewalk to within 2 feet of the			T5		
h. Arcade: a collonade supporting habitable space that overlaps the Sidewalk, while the Façade at Sidewalk level remains at or behind the Frontage Line. This type is conventional for Retail use. The Arcade shall be no less than 12 feet wide and should overlap the Sidewalk to within 2 feet of the Curb. See Table 8.					

Table 8 – Reserved for future use

TABLE 9: Building Disposition. This table approximates the location of the structure relative to the boundaries of each individual Lot, establishing suitable basic building types for each Transect Zone.





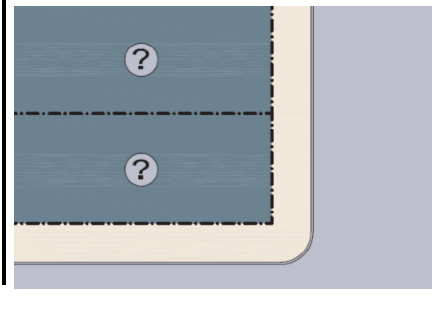
<p>a. Edgeyard: Specific Types - single-family House, Cottage, villa, Estate House, urban villa. A building that occupies the center of its Lot with Setbacks on all sides. This is the least urban of types as the front yard sets it back from the Frontage, while the side yards weaken the spatial definition of the public Thoroughfare space. The front yard is intended to be visually continuous with the yards of adjacent buildings. The rear yard can be secured for privacy by fences and a well placed Backbuilding and/or Outbuilding.</p>		<p>T2 T3 T4 T5 SD1 SD4</p>
<p>b. Sideyard: Specific Types - Charleston single-House, double house, zero-lot-line house, twin. A building that occupies one side of the Lot with the Setback to the other side. A shallow Frontage Setback defines a more urban condition. If the adjacent building is similar with a blank side wall, the yard can be quite private. This type permits systematic climatic orientation in response to the sun or the breeze. If a Sideyard House abuts a neighboring Sideyard House, the type is known as a Twin or double house. Energy costs, and sometimes noise, are reduced by sharing a party wall in this disposition.</p>		<p>T2 T3 T4 T5 SD1 SD4</p>
<p>c. Rearyard: Specific Types - Townhouse, Rowhouse, Live-work unit, loft building, Apartment House, Mixed use Block, Flex Building, perimeter Block. A building that occupies the full Frontage, leaving the rear of the Lot as the sole yard. This is a very urban type as the continuous Facade steadily defines the public Thoroughfare. The rear Elevations may be articulated for functional purposes. In its Residential form, this type is the Row house. For its Commercial form, the rear yard can accommodate substantial parking.</p>		<p>T5 SD1</p>
<p>d. Courtyard: Specific Types - patio House. A building that occupies the boundaries of its Lot while internally defining one or more private patios. This is the most urban of types, as it is able to shield the private realm from all sides while strongly defining the public Thoroughfare. Because of its ability to accommodate incompatible activities, masking them from all sides, it is recommended for workshops, Lodging and schools. The high security provided by the continuous enclosure is useful for crime-prone areas.</p>		<p>T5 SD1</p>
<p>e. Specialized: A building that is not subject to categorization. Buildings dedicated to manufacturing and transportation are often distorted by the trajectories of machinery. Civic buildings, which may express the aspirations of institutions, may be included.</p>		<p>SD</p>

TABLE 10: Building Function. This table categorizes Building functions within Transect Zones. Parking requirements are correlated to functional intensity. For Specific Function and Use permitted By Right or by Warrant, see Table 12.

	T2 T3	T4 SD4	T5 SD1
a. RESIDENTIAL	Restricted Residential: The number of dwellings on each Lot is restricted to one within a Principal Building and one within an Accessory Building, with 2 parking spaces for each. Both dwellings shall be under single ownership. The habitable area of the Accessory Unit shall not exceed 440 sf. excluding the parking	Limited Residential: The number of dwellings on each Lot is limited by the requirement of 1.5 parking spaces for each dwelling, a ratio which may be reduced according to the the shared parking standards (See Table 11).	Open Residential: The number of dwellings on each Lot is limited by the requirement of 1.0 parking places for each dwelling, a ratio which may be reduced according to the shared parking standards (See Table 11).
b. LODGING	Restricted Lodging: The number of bedrooms available on each Lot for lodging is limited by the requirement of 1.0 assigned parking place for each bedroom, up to five, in addition to the parking requirement for the dwelling. The Lodging must be owner occupied. Food service may be provided in the a.m. The maximum length of stay shall	Limited Lodging: The number of bedrooms available on each Lot for lodging is limited by the requirement of 1.0 assigned parking place for each bedroom, up to twelve, in addition to the parking requirement for the dwelling. The Lodging must be owner occupied. Food service may be provided in the a.m. The maximum length of stay shall not exceed	Open Lodging: The number of bedrooms available on each Lot for lodging is limited by the requirement of 1.0 assigned parking place for each bedroom. Food service may be provided at all times. The area allocated for food service shall be calculated with parking according to Retail Function.
c. OFFICE	Restricted Office: The building area available for office use on each Lot is restricted to the first Story of the Principal or the Accessory Building and by the requirement of 3.0 assigned parking places per 1,000 square feet of net office space in addition to the parking requirement for each dwelling.	Limited Office: The building area available for office use on each Lot is limited to the first Story of the Principal Building and/or the Accessory Building, and by the requirement of 3.0 assigned parking places per 1,000 square feet of net office space in addition to the parking requirement for each dwelling.	Open Office: The building area available for office use on each Lot is limited by the requirement of 2.0 assigned parking places per 1,000 square feet of net office space.
d. RETAIL	Restricted Retail: The building area available for Retail use is restricted to one Block corner location at the first Story for each 300 dwelling units and by the requirement of 4.0 assigned parking places per 1,000 square feet of net Retail space in addition to the parking requirement of each dwelling. The specific use shall be further limited to neighborhood store, or food service	Limited Retail: The building area available for Retail use is limited to the first Story of buildings at corner locations, not more than one per Block, and by the requirement of 4.0 assigned parking places per 1,000 square feet of net Retail space in addition to the parking requirement of each dwelling. The specific use shall be further limited to neighborhood store or food service	Open Retail: The building area available for Retail use is limited by the requirement of 3.0 assigned parking places per 1,000 square feet of net Retail space. Retail spaces under 1,500 square feet are exempt from parking requirements.
e. CIVIC	See Table 12	See Table 12	See Table 12
f. OTHER	See Table 12	See Table 12	See Table 12

Parking Calculations. The Shared Parking Factor for two Functions, when divided into the sum of the two amounts as listed on the Required Parking table below, produces the Effective Parking needed for each site involved in sharing. Conversely, if the Sharing Factor is used as a multiplier, it indicates the amount of building allowed on each site given the parking available.

REQUIRED PARKING (See Table 10)				REQUIRED PARKING FACTOR	
	T2 T3	T4 SD4	T5 SD1	Function with Function	
RESIDENTIAL	2.0 / dwelling	1.5 / dwelling	1.0 / dwelling	RESIDENTIAL	RESIDENTIAL
LODGING	1.0 / dwelling	1.0 / dwelling	1.0 / dwelling	LODGING	LODGING
OFFICE	3.0 / 1,000 sq.ft.	3.0 / 1,000 sq.ft.	2.0 / 1,000 sq.ft.	OFFICE	OFFICE
RETAIL	4.0 / 1,000 sq.ft.	4.0 / 1,000 sq.ft.	3.0 / 1,000 sq.ft.	RETAIL	RETAIL
CIVIC	To be determined by Warrant				
OTHER	To be determined by Warrant				

TABLE 12a: SPECIFIC FUNCTION AND USE.

<div>LEGEND</div> <div>P = PERMITTED BY RIGHT</div> <div>NA = NOT APPLICABLE</div> <div><div></div> = NOT PERMITTED</div> <div>W1 = WARRANT BOARD LEVEL</div> <div>W2 = WARRANT STAFF LEVEL</div> <div>1= IN 1ST LAYER ONLY</div> <div>2= IN 2ND LAYER ONLY</div> <div>3= IN 3RD LAYER ONLY</div> <div>4= SHORT TERM RENTAL BY W2 WARRANT</div>		<div><div>DESCRIPTION</div><div>NATURAL</div><div>RURAL</div><div>SUB-URBAN</div><div>GENERAL URBAN</div><div>URBAN CENTER</div><div>BUSINESS PARK</div><div>INDUSTRIAL PARK</div><div>FAIRGROUNDS</div><div>URBAN RESORT</div></div>										
		<div><div>MINIMUM LOT SIZE</div><div>NA</div><div>22,000</div><div>6,000</div><div>3,500</div><div>2,500</div><div>5,000</div><div>22,000</div><div>NO MIN OR MAX</div><div>3,500</div></div>										
ZONES		T1	T2	T3	T4	T5	SD1	SD2	SD3	SD4		
LOT TYPE												
	Edgeyard			P	P	P	P	P	P	P	P	
	Sideyard					P	P	P				
	Rearyard					P	P	P			W1	
	Courtyard					P	P	P			W1	
	Specialized					W1	W1	W1	W1	W1	W1	
a. RESIDENTIAL												
	Mixed Use Building					P4	P4	P4			W1	
	Multi-Family Building 5 or more units					P4	W1	W1			W1	
	Multi-Family Building 4 or less units				W1	P4	W1	W1			W1	
	Row House					P4	W1				P4	
	Live/Work Unit					P4	W1	P4			P4	
	Duplex House				P4	P4					P4	
	Single Family House			P4	P4	P4					P4	
	Single Family Cottage			P4	P4	P4					P4	
	Sideyard House					P4					P4	
	Accessory Unit			P4	P4	P4		P4			P4	
	IRC Manufactured Home			P4	P4	P4					P4	
	HUD Manufactured Home			P4								
b. LODGING												
	Hotel (no room limit)					W1	P				W1	
	Inn (up to 12 rooms)					P	P				W1	
	Bed & Breakfast (up to 5 rooms)			W2	W2	P					P	
	S.R.O. Hostel					W1		W1			W1	
	School Dormitory							W1				
	Cabin Resort				W1	W1					W2	
	Guest Ranch, Resort Facility			W1							W1	

TABLE 12b: SPECIFIC FUNCTION AND USE.

LEGEND		DESCRIPTION	NATURAL	RURAL	SUB-URBAN	GENERAL URBAN	URBAN CENTER	BUSINESS PARK	INDUSTRIAL PARK	FAIRGROUNDS	URBAN RESORT
P = PERMITTED BY RIGHT		MINIMUM LOT SIZE	NA	22,000	6,000	3,500	2,500	5,000	22,000	NO MIN OR MAX	3,500
NA = NOT APPLICABLE		ZONES	T1	T2	T3	T4	T5	SD1	SD2	SD3	SD4
<input type="checkbox"/> = NOT PERMITTED											
W1 = WARRANT BOARD LEVEL											
W2 = WARRANT STAFF LEVEL											
1 = IN 1 ST LAYER ONLY											
2 = IN 2 ND LAYER ONLY											
3 = IN 3 RD LAYER ONLY											
4 = SHORT TERM RENTAL BY W2 WARRANT											
c. OFFICE											
Multi-Use Office Building						W1	P	P			W1
Professional Office						P	P	P			W1
Live/Work Unit						P	P	P			P
In Home Small Business			P	P	P	P	P	P			P
Medical Offices & Clinics						W2	P	P			
d. RETAIL											
Open-Market Building						W2	P	P		P	W1
Retail Building						P	P	P			W1
Display Gallery						P	P	P			P
Restaurant						W2	P	P			P
Convenience Store						W2	P	P			P
Financial Institution							P	P			
Retail Services or Light Maintenance							P	P	P		
Drive In Restaurant						W2	P	W2			
Liquor Selling Establishment						W1	P	P			W1
Grocery Store							P	P			
Mobile Food Vendor Cart or Truck								W2	W2	W2	
Retail Medical & Recreational Marijuana											
Marijuana Grow Operations											
Adult Entertainment								W1			
f. AUTOMOTIVE RELATED											
Gas Stations all fuels						W1	P	P			
Auto-Recreational Sales & Service						W1	P	W2	P		
Recreational Outfitter - - Rental							W2	P	P		W1
Drive-Through Facility							P	W2	P		
Heavy & Light Equipment Sale, Rental, Service							P	W2	P		
Roadside Stand						W2	P	W2			W2
Car Wash						W1	P	W2	P		
Shopping Center							P	W2			
Campground or Recreational Vehicle Park			W1								

TABLE 12c: SPECIFIC FUNCTION AND USE.

LEGEND		DESCRIPTION	NATURAL	RURAL	SUB-URBAN	GENERAL URBAN	URBAN CENTER	BUSINESS PARK	INDUSTRIAL PARK	FAIRGROUNDS	URBAN RESORT
P = PERMITTED BY RIGHT		MINIMUM LOT SIZE	NA	22,000	6,000	3,500	2,500	5,000	22,000	NO MIN OR MAX	3,500
NA = NOT APPLICABLE		ZONES	T1	T2	T3	T4	T5	SD1	SD2	SD3	SD4
☐ = NOT PERMITTED											
W1 = WARRANT BOARD LEVEL											
W2 = WARRANT STAFF LEVEL											
1 = IN 1 ST LAYER ONLY											
2 = IN 2 ND LAYER ONLY											
3 = IN 3 RD LAYER ONLY											
4 = SHORT TERM RENTAL BY W2 WARRANT											
e. CIVIC											
Bus Shelter				P	P	P	P	P	P	P	P
Convention Center Greater than 10,000 S.F.						P	P		P	W1	
Conference Center 10,000 S.F. OR LESS						P	P		P	W1	
Public Buildings					P	P	P		P	W1	
Fountain or Public Art		P		P	P	P	P	P	P	P	P
Live Theater						P	P		P	W1	
Movie Theater						P	P		P		
Museum or Library						P	P		P	W1	
Outdoor Auditorium								P	P	W1	
Long & Short Term Parking Lots & Structures						P	P	P	P	W1	
Park		P	P	P	P	P	P	P	P	P	P
Sports Stadium or Field								P	P		
Surface Parking Lot					P	P	P	P	P	P	
Outdoor Events						W2	W2	W2	P	W1	
Religious Assembly					P	P	P		P	P	
f. CIVIL SUPPORT											
Fire Station or EMS					P	P	P	P		W1	
Police Station					P	P	P	P		W1	
Cemetery											
Funeral Home						P	P	P			
Hospital						P	P				
Elderly Care Center, Nursing Home, Group Homes					W2	W2	P			W1	
f. EDUCATION											
College						P	P		P	W1	
High School				P	P	P					
Middle School				P	P	P					
Elementary School				P	P	P					
Vocational or Trade School						P	P		P		
Pre-School or Childcare Center				W1	W2	P	P		P	W1	

TABLE 12d: SPECIFIC FUNCTION AND USE.**LEGEND**

P = PERMITTED BY RIGHT

☐ = NOT PERMITTED

W1 = WARRANT BOARD LEVEL

W2 = WARRANT STAFF LEVEL

1 = SHORT TERM RENTAL ALLOWED

2 = SHORT TERM RENTAL BY W2

3 = 3rd LAYER ONLYNOTE: 1 - SEE LIVESTOCK/POULTRY/PET
CHART FOR NUMBERS RESTRICTIONS

DESCRIPTION	NATURAL	RURAL	SUB-URBAN	GENERAL URBAN	URBAN CENTER	BUSINESS PARK	INDUSTRIAL PARK	FAIRGROUNDS	URBAN RESORT
MINIMUM LOT SIZE	NA	22,000	6,000	3,500	2,500	5,000	22,000	NO MIN OR MAX	3,500
ZONES	T1	T2	T3	T4	T5	SD1	SD2	SD3	SD4

f. AGRICULTURE SERVICES

Farm Market	W2	W2			W2	W2		W2	W2
Produce Sales Building				W2	W2	W2		W2	
Wholesale Produce		W2				W2	W2	W2	
Roadside Stand	W2	W2	W2	W2	W2	W2		P	W2
Animal Sales Yard								P	
Kennel							W1		
Animal Clinic or Hospital						W1	W1		
[NOTE:1] 2 ACRES < SMALL FARM OR < 20 ACRES	P	P	W1	W1					W1
[NOTE: 1] 20 ACRES < LARGE FARM	P	P	P	P					P

g. RECREATIONAL SERVICES

Stables, Horse Tours	P	P						P	W1
Rafting, Cycling, ATV Tours & Rentals					P	P			W1

f. INDUSTRIAL

Heavy Industrial Facility							P		
Light Industrial Facility						P	P		
Truck Depot							P		
Research or Laboratory Facility					P	P	P	P	
Water Supply Facility			P	P		P	P		P
Sewer and Waste Facility							P		
Public Utility Distribution, Electric Substation							P		
Wireless Transmitter		W1	W1	W1	W1	W1	P	P	W1
Cremation Facility							P		
Warehouse						P	P		
Wholesale Jobbers, Distributor, Warehouses						P	P		
Commercial Enclosed Storage					P	P	P		
Inside Storage 3rd Layer					P	P	P		
Open Storage 3rd Layer					P		P		
Sand & Gravel Operations									



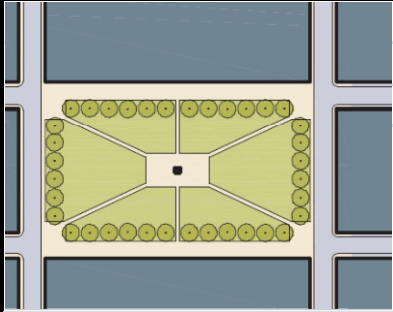
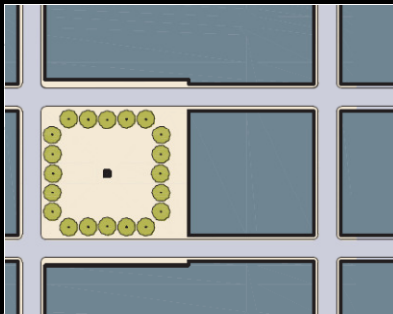
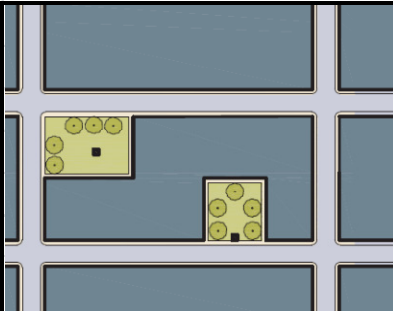
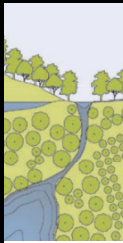
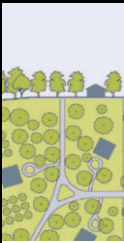

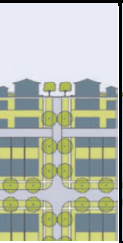
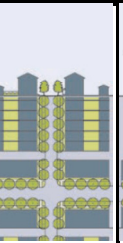
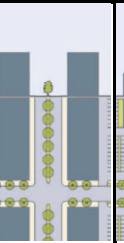
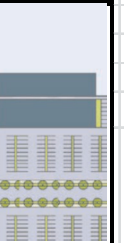
Table 13 Civic Space	
<p>a. Park: A natural preserve available for unstructured recreation. A park may be independent of surrounding building Frontages. Its landscape shall consist of Paths and trails, meadows, water bodies, woodland and open shelters, all naturalistically disposed. Parks may be lineal, following the trajectories of natural corridors. The minimum size shall be 8 acres. Larger parks may be approved by Warrant as Special Districts in all zones.</p>	 <div>T1 T2 T3</div>
<p>b. Green: An Open Space, available for unstructured recreation. A Green may be spatially defined by landscaping rather than building Frontages. Its landscape shall consist of lawn and trees, naturalistically disposed. The minimum size shall be 1/2 acre and the maximum shall be 8 acres.</p>	 <div>T3 T4 T5</div>
<p>c. Square: An Open Space available for unstructured recreation and Civic purposes. A Square is spatially defined by building Frontages. Its landscape shall consist of paths, lawns and trees, formally disposed. Squares shall be located at the intersection of important Thoroughfares. The minimum size shall be 1/2 acre and the maximum shall be 5 acres.</p>	 <div>T4 T5 T6</div>
<p>d. Plaza: An Open Space available for Civic purposes and Commercial activities. A Plaza shall be spatially defined by building Frontages. Its landscape shall consist primarily of pavement. Trees are optional. Plazas should be located at the intersection of important streets. The minimum size shall be 1/2 acre and the maximum shall be 2 acres.</p>	 <div>T5 T6</div>
<p>e. Playground: An Open Space designed and equipped for the recreation of children. A Playground should be fenced and may include an open shelter. Playgrounds shall be interspersed within Residential areas and may be placed within a Block. Playgrounds may be included within parks and greens. There shall be no minimum or maximum size.</p>	 <div>T1 T2 T3 T4 T5 T6</div>


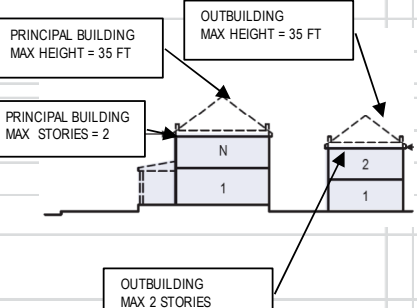
TABLE 14 ZONE DENSITY AND DIMENSIONAL SUMMARY

Note, this table is for summary any conflict with individual zone tables the individual zone tables are the rule.

							
	T1 NATURAL ZONE	T2 RURAL ZONE	T3 SUB-URBAN	T4 GENERAL URBAN	T5 URBAN CENTER	SD BUSINESS PARK	SD MOUNTAIN RESORT
a. ALLOCATION OF ZONES per Pedestrian Shed (applicable to Article 3 only)							
CLD requires	no minimum	50%min.	10 - 30%	20 - 40%	not permitted	NA	
TND requires	no minimum	not permitted	10 - 30%	30 - 60%	10 - 30%	NA	
RCD requires	no minimum	not permitted	not permitted	10 - 30%	10 - 30%	NA	
b. BASE RESIDENTIAL DENSITY (See Section 3.4)							
By Right	not applicable	1 unit / 20 ac. avg.	3.5 units / ac.	6 units / ac. Gross	6 units / ac. Gross	4 units / ac. Gross	6 units / ac. Gross
By TDR or Incentive	by Variance	1 unit / 10 ac. avg.	4 units / ac. Gross	8 units / ac. Gross	8 units / ac. Gross	6 units / ac. Gross	8 units / ac. Gross
Other Functions	by Variance	by Variance	10 - 20%	20 - 30%	30 - 50%	50 - 70%	20 - 30%
c. BLOCK SIZE							
Block Perimeter	no maximum	5,200	2,500 ft. max.	1,600 ft. max.	1,600	1,600 ft. max.	1,600 ft. max.
d. THOROUGHFARES (See Table 3 and 4)							
HW	not permitted	not permitted	not permitted	not permitted	permitted	not permitted	not permitted
BV	not permitted	not permitted	not permitted	permitted	permitted	permitted	permitted
AV	not permitted	not permitted	permitted	permitted	permitted	permitted	permitted
CS	not permitted	not permitted	not permitted	not permitted	permitted	permitted	by W1 Warrant
ST	not permitted	not permitted	permitted	permitted	permitted	not permitted	permitted
RD	permitted	permitted	permitted	not permitted	not permitted	not permitted	not permitted
Rear Lane	permitted	permitted	permitted	permitted	not permitted	not permitted	permitted
Rear Alley	not permitted	not permitted	permitted	required	required	required	required
Path	permitted	permitted	permitted	permitted	not permitted	not permitted	permitted
Passage	not permitted	not permitted	permitted	permitted	permitted	permitted	permitted
Bicycle Trail	permitted	permitted	permitted	permitted	permitted	permitted	permitted
Bicycle Lane	permitted	permitted	permitted	permitted	permitted	not permitted	permitted
Bicycle Route	permitted	permitted	permitted	permitted	permitted	permitted	permitted
e. CIVIC SPACES (See Table 13)							
Park	permitted	permitted	permitted	permitted	by W1 Warrant	by W1 Warrant	permitted
Green	not permitted	not permitted	permitted	permitted	permitted	permitted	permitted
Square	not permitted	not permitted	not permitted	permitted	permitted	permitted	permitted
Plaza	not permitted	not permitted	not permitted	by W1 Warrant	permitted	permitted	permitted
Playground	permitted	permitted	permitted	permitted	permitted	permitted	permitted
f. LOT OCCUPATION							
Lot Area Minimum	not applicable	14,000 s.f.	6,000 s.f.	3,500 s.f.	2,500 s.f.	5,000 s.f.	3,500 s.f.
Lot Width	not applicable	100 ft. min. no max.	50 ft. min 100 ft.	30 ft. min 100 ft.	25 ft. min 200 ft.	30 ft. min 100 ft.	30 ft. min 100 ft.
Lot Coverage	not applicable	by Warrant	60%max.	70%max.	80%max.	80%max.	70%max.
g. SETBACKS - PRINCIPAL BUILDING (See Table 15)							
(g.1) Front Setback	not applicable	25 ft. min.	24 ft. min.	12 ft. min. 20 ft.	3 ft. min. 12 ft. max.	3 ft. min. 12 ft. max.	12 ft. min. 20 ft.
(g.2) Front Setback	not applicable	25 ft. min.	12 ft. min.	6 ft. min. 18 ft. max.	2 ft. min. 12 ft. max.	3 ft. min. 12 ft. max.	6 ft. min.
(g.3) Side Setback	not applicable	25 ft. min.	8 ft. min.	5 ft. min.	0 ft. min. 24 ft.	0 ft. min. 24 ft.	5 ft. min.
(g.4) Rear Setback	not applicable	25 ft. min.	12 ft. min.	12 ft. min. *	5 ft. min. *	0 ft. min.	12 ft. min. *
Frontage Buildout	not applicable	not applicable	40%min.	60%min. @	80%min.	80%min.	60%min. @
h. SETBACKS - OUTBUILDING (See Table 15)							
Front Setback	not applicable	20 ft. min. + bldg.	20 ft. min. + bldg.	20 ft. min. + bldg.	30 ft. + Principal	30 ft. + Principal	20 ft. min. + bldg.
Side Setback	not applicable	25 ft.	8 ft. or 10 ft. at	5 ft. min. or 5	0 ft. min.	5 ft. min. or	5 ft. min. or 5
Rear Setback	not applicable	25 ft. min.	5 ft. min.	5 ft.	5 ft. max.	5 ft. max.	5 ft.
i. BUILDING DISPOSITION (See Table 9)							
Edgeyard	permitted	permitted	permitted	permitted	permitted	permitted	permitted
Sidyard	not permitted	not permitted	not permitted	permitted	permitted	permitted	permitted
Rearyard	not permitted	not permitted	not permitted	permitted	permitted	permitted	permitted
Courtyard	not permitted	not permitted	not permitted	not permitted	permitted	permitted	not permitted
j. PRIVATE FRONTAGES (See Table 7)							
Common Yard	not applicable	permitted	permitted	permitted	not permitted	not permitted	permitted
Porch & Fence	not applicable	not permitted	permitted	permitted	not permitted	not permitted	permitted
Terrace, Dooryard	not applicable	not permitted	not permitted	permitted	permitted	permitted	permitted
Forecourt	not applicable	not permitted	not permitted	permitted	permitted	permitted	permitted
Stoop	not applicable	not permitted	not permitted	permitted	permitted	permitted	permitted
Shopfront	not applicable	not permitted	not permitted	permitted	permitted	permitted	permitted
Gallery	not applicable	not permitted	not permitted	permitted	permitted	permitted	permitted
Arcade	not applicable	not permitted	not permitted	permitted	permitted	permitted	permitted
Parking Lot	not applicable	not permitted	not permitted	not permitted	permitted	permitted	not permitted
k. BUILDING CONFIGURATION (See Table 8)							
Principal Building	not applicable	2 stories max.	2 stories max., 35'	2 stories max. 1	3 stories max. 2	8 stories max. 2	2 stories max. 1
Outbuilding	not applicable	2 stories max.	2 stories max.,	2 stories max.	2 stories max.	not applicable	2 stories max.
l. BUILDING FUNCTION (See Table 10 and Table 12)							
Residential	not applicable	restricted use	restricted use	limited use	open use	open use	limited use
Lodging	not applicable	restricted use	restricted use	limited use	open use	open use	limited use
Office	not applicable	restricted use	restricted use	limited use	open use	open use	limited use
Retail	not applicable	restricted use	restricted use	limited use	open use	open use	limited use

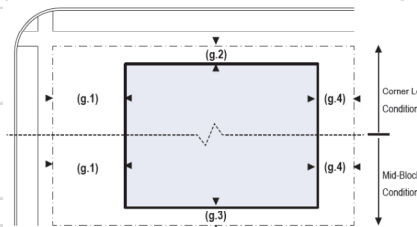
ARTICLE 5
ARTICLE 2,3,4

TABLE 15a T2 RURAL ZONE

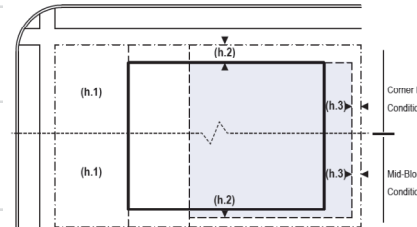
<div style="text-align: center;"> T2  </div>		BUILDING CONFIGURATION <ol style="list-style-type: none"> Max 2 Stories and shall be measured excluding Attics and raised basements. Stories may not exceed 14 feet in height from finished floor or to finished ceiling. Stories shall be measured to the eave or roof of deck as specified on Table 8. Maximum height = 35 feet and shall be measured to the apex or peak of the roof to the ground at the front façade 	
(See Table 1) for Transect Zone Description			
I. BUILDING FUNCTION (See Table 10 & Table 12)			
Residential	restricted use		
Lodging	restricted use		
Office	restricted use		
Retail	restricted use		
K. BUILDING CONFIGURATION (See Table 8)			
Principal Building	2 stories max.		
Outbuilding	2 stories max.		
f. LOT OCCUPATION (See Table 14f)			
Minimum Lot Size	22,000 s.f. min		
Lot Width	100 ft. min.		
Lot Coverage	40% max.		
i. BUILDING DISPOSITION (See Table 9)			
Edgeyard	permitted		
Sideyard	not permitted		
Rearyard	not permitted		
Courtyard	not permitted		
g. SETBACKS - PRINCIPAL BUILDING (See Table 14g)			
(g.1) Front Setback Principal	25 ft. min.		
(g.2) Front Setback Secondary	25 ft. min.		
(g.3) Side Setback	25 ft. min.		
(g.4) Rear Setback	25 ft. min.		
Frontage Buildout	NA		
h. SETBACKS - OUTBUILDING (See Table 14h)			
(h.1) Front Setback Principal	20 ft. min. + principal bldg. setback		
(h.2) Front Setback Secondary	25 ft. min.		
(h.3) Rear Setback	25 ft. min.		
Garages are attached and detached are outbuildings.			
j. PRIVATE FRONTAGES (See Table 7)			
Common Lawn	permitted		
Porch & Fence	permitted		
Terrace or Lightwell	not permitted		
Forecourt	not permitted		
Stoop	not permitted		
Shopfront & Awning	not permitted		
Gallery	not permitted		
Arcade	not permitted		
	Refer to Summary Table 14		
PARKING PROVISIONS & NOTES			
(See Table 10 & 11)			
1. "N" stands for any Stories above those shown, up to the maximum. Refer to metrics for exact minimums and			

SETBACKS - PRINCIPAL BLDG.

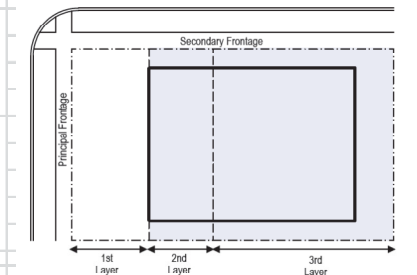
- The Facades and Elevations of Principal Buildings shall be distanced from the Lot lines as shown.

**SETBACKS - OUTBUILDING**

- The Elevations of the Outbuilding shall be distanced from the Lot lines as shown.

**PARKING PLACEMENT**

- Uncovered parking spaces may be provided within the second and third Layer as shown in the diagram (see Table 17d).
- Covered parking shall be provided within the second or third Layer as shown in the diagram.



- Trash containers shall be stored within the third

TABLE 15b T3 SUB-URBAN ZONE

T3

(See Table 1) for Transect Zone Description

I. BUILDING FUNCTION (See Table 10 & Table 12)

Residential	restricted use
Lodging	restricted use
Office	restricted use
Retail	restricted use

k. BUILDING CONFIGURATION (See Table 8)

Principal Building	2 stories max.
Outbuilding	2 stories max.

f. LOT OCCUPATION (See Table 14f)

Minimum Lot Size	6,000 s.f. min
Lot Width	50 ft. min. 100 ft. max.
Lot Coverage	60% max.

i. BUILDING DISPOSITION (See Table 9)

Edgeyard	permitted
Sideryard	not permitted
Rearyard	not permitted
Courtyard	not permitted

g. SETBACKS - PRINCIPAL BUILDING (See Table 14g)

(g.1) Front Setback Principal	24 ft. min.
(g.2) Front Setback Secondary	12 ft. min.
(g.3) Side Setback	8 ft. min.
(g.4) Rear Setback	12 ft. min.
Frontage Buildout	40% min. at setback

h. SETBACKS - OUTBUILDING (See Table 14h)

(h.1) Front Setback Principal	20 ft. min. + principal bldg. setback
(h.2) Front Setback Secondary	10 ft. min. or 12 ft. at corner
(h.3) Rear Setback	5 ft. min.

Garages are attached and detached are outbuildings

j. PRIVATE FRONTAGES (See Table 7)

Common Lawn	permitted
Porch & Fence	permitted
Terrace or Lightwell	not permitted
Forecourt	not permitted
Stoop	not permitted
Shopfront & Awning	not permitted
Gallery	not permitted
Arcade	not permitted

Refer to Summary Table 14

PARKING PROVISIONS & NOTES

(See Table 10 & 11) for parking provisions

1. "N" stands for any Stories above those shown, up to the maximum. Refer to metrics for exact minimums and

BUILDING CONFIGURATION

1. Max 2 Stories and shall be measured excluding Attics and raised basements.
2. Stories may not exceed 14 feet in height from finished floor to finished ceiling.
3. Stories shall be measured to the eave or roof deck as specified on Table 8.
4. Maximum height = 35 feet and shall be measured to the apex or peak of the roof to the ground at the front façade

PRINCIPAL BUILDING
MAX HEIGHT = 35 FT

OUTBUILDING
MAX HEIGHT = 26 FT

PRINCIPAL BUILDING
MAX STORIES = 2

OUTBUILDING
MAX 2 STORIES

SETBACKS - PRINCIPAL BLDG.

1. The Facades and Elevations of Principal Buildings shall be distanced from the Lot lines as shown.
2. Facades shall be built along the Principal Frontage to the minimum specified width in the table.

SETBACKS - OUTBUILDING

1. The Elevations of the Outbuilding shall be distanced from the Lot lines as shown.

PARKING PLACEMENT

1. Uncovered parking spaces may be provided within the second and third Layer as shown in the diagram (see Table 17d).
2. Covered parking shall be provided within the third Layer as shown in the diagram (see Table 17d). Side- or rear-entry garages may be allowed in the first
3. Trash containers shall be stored within the third

TABLE 15C T4 GENERAL URBAN ZONE

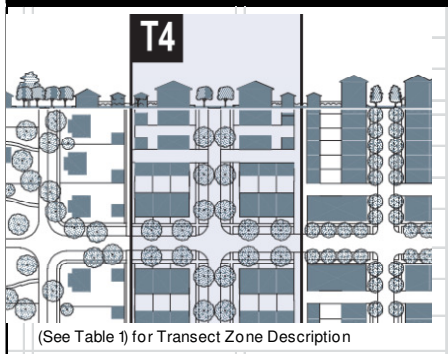
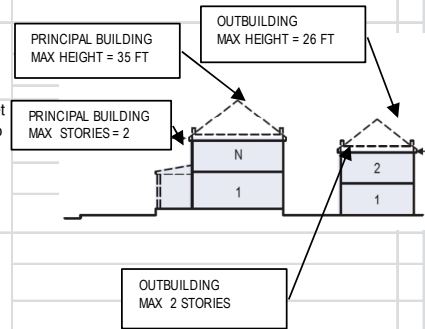
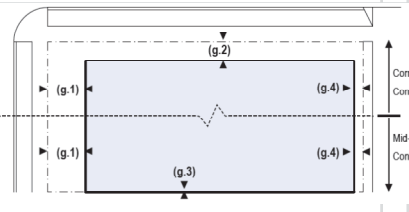
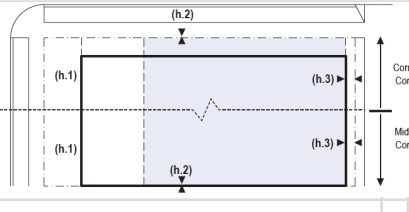
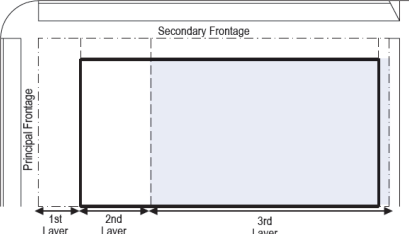
 <p>(See Table 1) for Transect Zone Description</p>	<p>BUILDING CONFIGURATION</p> <ol style="list-style-type: none"> Building height shall be measured in number of Stories, excluding Attics and raised basements. Stories may not exceed 14 feet in height from finished floor to finished ceiling, except for a first floor Commercial function which must be a minimum of 11ft with a Height shall be measured to the eave or roof deck as specified on Table 8. 																								
<p>I. BUILDING FUNCTION (See Table 10 & Table 12)</p> <table border="1"> <tr><td>Residential</td><td>limited use</td></tr> <tr><td>Lodging</td><td>limited use</td></tr> <tr><td>Office</td><td>limited use</td></tr> <tr><td>Retail</td><td>limited use</td></tr> </table>	Residential	limited use	Lodging	limited use	Office	limited use	Retail	limited use	<p>SETBACKS - PRINCIPAL BLDG.</p> <ol style="list-style-type: none"> The Facades and Elevations of Principal Buildings shall be distanced from the Lot lines as shown. Facades shall be built along the Principal Frontage to the minimum specified width in the table. 																
Residential	limited use																								
Lodging	limited use																								
Office	limited use																								
Retail	limited use																								
<p>K. BUILDING CONFIGURATION (See Table 8)</p> <table border="1"> <tr><td>Principal Building</td><td>2 stories max., 2 min., see note</td></tr> <tr><td>Outbuilding</td><td>2 stories max.</td></tr> </table> <p>F. LOT OCCUPATION (See Table 14f)</p> <table border="1"> <tr><td>Lot Area Minimum</td><td>3,500 s.f.</td></tr> <tr><td>Lot Width</td><td>30 ft. min., 100 ft. max.</td></tr> <tr><td>Lot Coverage</td><td>70% max.</td></tr> </table>	Principal Building	2 stories max., 2 min., see note	Outbuilding	2 stories max.	Lot Area Minimum	3,500 s.f.	Lot Width	30 ft. min., 100 ft. max.	Lot Coverage	70% max.	<p>SETBACKS - OUTBUILDING</p> <ol style="list-style-type: none"> The Elevations of the Outbuilding shall be distanced from the Lot lines as shown. 														
Principal Building	2 stories max., 2 min., see note																								
Outbuilding	2 stories max.																								
Lot Area Minimum	3,500 s.f.																								
Lot Width	30 ft. min., 100 ft. max.																								
Lot Coverage	70% max.																								
<p>I. BUILDING DISPOSITION (See Table 9)</p> <table border="1"> <tr><td>Edgeyard</td><td>permitted</td></tr> <tr><td>Sideyard</td><td>permitted</td></tr> <tr><td>Rearyard</td><td>permitted</td></tr> <tr><td>Courtyard</td><td>not permitted</td></tr> </table> <p>g. SETBACKS - PRINCIPAL BUILDING (See Table 14g)</p> <table border="1"> <tr><td>(g.1) Front Setback Principal</td><td>12 ft. min., 20 ft. max.</td></tr> <tr><td>(g.2) Front Setback Secondary</td><td>6 ft. min., 18 ft. max.</td></tr> <tr><td>(g.3) Side Setback</td><td>5 ft. min.</td></tr> <tr><td>(g.4) Rear Setback</td><td>12 ft. min.</td></tr> <tr><td>Frontage Buildout</td><td>60% min. at setback</td></tr> </table>	Edgeyard	permitted	Sideyard	permitted	Rearyard	permitted	Courtyard	not permitted	(g.1) Front Setback Principal	12 ft. min., 20 ft. max.	(g.2) Front Setback Secondary	6 ft. min., 18 ft. max.	(g.3) Side Setback	5 ft. min.	(g.4) Rear Setback	12 ft. min.	Frontage Buildout	60% min. at setback	<p>h. SETBACKS - OUTBUILDING (See Table 14h)</p> <table border="1"> <tr><td>(h.1) Front Setback Principal</td><td>20 ft. min. + bldg. setback</td></tr> <tr><td>(h.2) Front Setback Secondary</td><td>5 ft. min. or 6 ft. at corner</td></tr> <tr><td>(h.3) Side Setback</td><td>5 ft. min.</td></tr> </table> <p>Garages are attached and detached are outbuildings</p>	(h.1) Front Setback Principal	20 ft. min. + bldg. setback	(h.2) Front Setback Secondary	5 ft. min. or 6 ft. at corner	(h.3) Side Setback	5 ft. min.
Edgeyard	permitted																								
Sideyard	permitted																								
Rearyard	permitted																								
Courtyard	not permitted																								
(g.1) Front Setback Principal	12 ft. min., 20 ft. max.																								
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(h.3) Side Setback	5 ft. min.																								
<p>J. PRIVATE FRONTAGES (See Table 7)</p> <table border="1"> <tr><td>Common Lawn</td><td>permitted</td></tr> <tr><td>Porch & Fence</td><td>permitted</td></tr> <tr><td>Terrace or Lightwell</td><td>permitted</td></tr> <tr><td>Forecourt</td><td>permitted</td></tr> <tr><td>Stoop</td><td>permitted</td></tr> <tr><td>Shopfront & Awning</td><td>permitted</td></tr> <tr><td>Gallery</td><td>permitted</td></tr> <tr><td>Arcade</td><td>not permitted</td></tr> <tr><td></td><td>Refer to Summary Table 14</td></tr> </table>	Common Lawn	permitted	Porch & Fence	permitted	Terrace or Lightwell	permitted	Forecourt	permitted	Stoop	permitted	Shopfront & Awning	permitted	Gallery	permitted	Arcade	not permitted		Refer to Summary Table 14	<p>PARKING PLACEMENT</p> <ol style="list-style-type: none"> Uncovered parking spaces may be provided within the third Layer as shown in the diagram (see Table 17d). Covered parking shall be provided within the third Layer as shown in the diagram (see Table 17d). Trash containers shall be stored within the third Layer. Driveways in third layer, Rear Lane or Rear Alley Highway frontages allowed front driveway access where required, shared driveways may be required. 						
Common Lawn	permitted																								
Porch & Fence	permitted																								
Terrace or Lightwell	permitted																								
Forecourt	permitted																								
Stoop	permitted																								
Shopfront & Awning	permitted																								
Gallery	permitted																								
Arcade	not permitted																								
	Refer to Summary Table 14																								
<p>PARKING PROVISIONS</p> <p>(See Table 10 & 11)</p> <ol style="list-style-type: none"> Highway Frontages may apply for W1 Warrant for increases setback w/a site plan concept See Incentives Table for Building Story for additional Story "N" stands for any Stories above those shown, up to the maximum. Refer to metrics for exact minimums and All non-residential & multi-family require an approved site plan 																									

TABLE 15d T5 URBAN CENTER ZONE

T5

BUILDING CONFIGURATION

- Building height shall be measured in number of Stories, excluding Attics and raised basements.
- Stories may not exceed 14 feet in height from finished floor to finished ceiling, except for a first floor Commercial function which must be a minimum of 11ft with a
- Height shall be measured to the eave or roof deck as specified on Table 8.
- Expression Lines shall be as shown on Table 8.

PRINCIPAL BUILDING
MAX STORIES = 2
MAX w/W1 WARRANT 3+

PRINCIPAL BUILDING
MAX HEIGHT = 35 FT

OUTBUILDING
MAX HEIGHT = 26 FT

OUTBUILDING
MAX STORIES

(See Table 1)

I. BUILDING FUNCTION (See Table 10 & Table 12)

Residential	open use
Lodging	open use
Office	open use
Retail	open use

k. BUILDING CONFIGURATION (See Table 8)

Principal Building	2 Min, 2 Max, 3+ by W1, Note 1
Outbuilding	2 stories max.

f. LOT OCCUPATION (See Table 14f)

Lot Area Minimum	2,500 s.f.
Lot Width	25 ft. min., 180 ft. max.
Lot Coverage	80% max.

i. BUILDING DISPOSITION (See Table 9)

Edgeyard	permitted
Sideyard	permitted
Rearyard	permitted
Courtyard	permitted

g. SETBACKS - PRINCIPAL BUILDING (Table 14g)

(g.1) Front Setback Principal	3 ft. min., 12 ft. max. [note 1]
(g.2) Front Setback Secondary	2 ft. min., 12 ft. max.
(g.3) Side Setback	0 ft. min., 24 ft. max.
(g.4) Rear Setback	5 ft. min.
Frontage Buildout	80% min. at setback

h. SETBACKS - OUTBUILDING (See Table 14h)

(h.1) Front Setback Principal	30 ft + Principal Bldg setback
(h.2) Front Setback Secondary	0 ft. min. or 3 ft. at corner
(h.3) Side Setback	5 ft. min.

j. PRIVATE FRONTAGES (See Table 7)

Common Lawn	not permitted
Porch & Fence	not permitted
Terrace or Lightwell	permitted
Forecourt	permitted
Stoop	permitted
Shopfront & Awning	permitted
Gallery	permitted
Arcade	permitted

Refer to Summary Table 14

PARKING PROVISIONS & NOTES

(See Table 10 & 11)

- Highway Frontages may apply for W1 Warrant for increases setback w/a site plan concept
- 1 Story by W1 Warrant, 3+ by W1 Warrant
- "N" stands for any Stories above those shown, up to the maximum. Refer to metrics for exact minimums and
- All non-residential & multi-family require an approved site plan

SETBACKS - PRINCIPAL BLDG.

- The Facades and Elevations of Principal Buildings shall be distanced from the Lot lines as shown.
- Facades shall be built along the Principal Frontage to the minimum specified width in the table.

SETBACKS - OUTBUILDING

- The Elevations of the Outbuilding shall be distanced from the Lot lines as shown.

PARKING PLACEMENT

- Uncovered parking spaces may be provided within the third Layer as shown in the diagram (see Table 17d).
- Covered parking shall be provided within the third Layer as shown in the diagram (see Table 17d).
- Trash containers shall be stored within the third Layer.
- Driveways in third layer, Rear Lane or Rear Alley

- Highway frontages allowed front driveway access where required, shared driveways may be required.

TABLE 15e SD-1 BUSINESS PARK ZONE

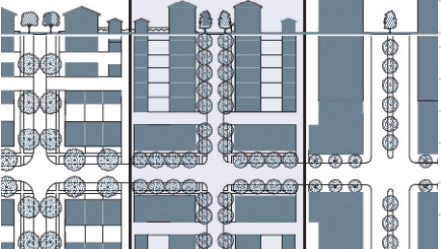
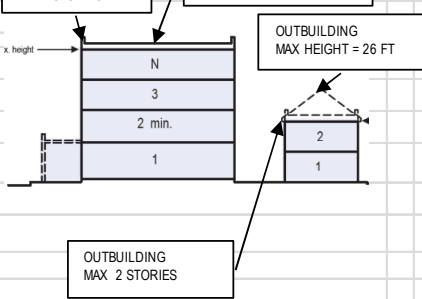
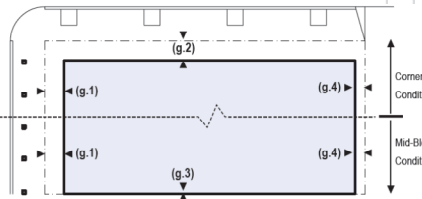
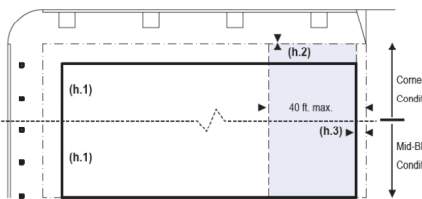
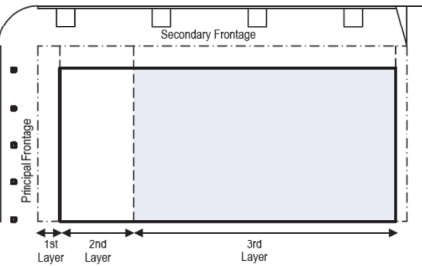
<div><div>SD-1</div><p>(See Table 1)</p></div>	<div><div>BUILDING CONFIGURATION</div><div><div><div>1. Building height shall be measured in number of Stories, excluding Attics and raised basements</div><div>2. Stories may not exceed 14 feet in height from finished floor to finished ceiling, except for a first floor Commercial function which must be a minimum of 11ft with a</div><div>3. Height shall be measured to the eave or roof deck as specified on Table 8.</div><div>4. Expression Lines shall be as shown on Table 8.</div></div></div></div> <div><div><div>PRINCIPAL BUILDING MAX STORIES = 2</div><div>PRINCIPAL BUILDING MAX HEIGHT = 35 FT</div><div>OUTBUILDING MAX HEIGHT = 26 FT</div><div>OUTBUILDING MAX 2 STORIES</div></div></div>																
<div><div>I. BUILDING FUNCTION (See Table 10 & Table 12)</div><table><tr><td>Residential</td><td>open use</td></tr><tr><td>Lodging</td><td>open use</td></tr><tr><td>Office</td><td>open use</td></tr><tr><td>Retail</td><td>open use</td></tr></table></div>	Residential	open use	Lodging	open use	Office	open use	Retail	open use	<div><div>SETBACKS - PRINCIPAL BLDG.</div><div><div><div>1. The Facades and Elevations of Principal Buildings shall be distanced from the Lot lines as shown.</div><div>2. Facades shall be built along the Principal Frontage to the minimum specified width in the table.</div></div></div></div> <div></div>								
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Rearyard	permitted																
Courtyard	permitted																
<div><div>g. SETBACKS - PRINCIPAL BUILDING (See Table 14g)</div><table><tr><td>(g.1) Front Setback Principal</td><td>3 ft. min., 12 ft. max.</td></tr><tr><td>(g.2) Front Setback Secondary</td><td>3 ft. min., 12 ft. max.</td></tr><tr><td>(g.3) Side Setback</td><td>0 ft. min., 24 ft. max.</td></tr><tr><td>(g.4) Rear Setback</td><td>5 ft. min.</td></tr><tr><td>Frontage Buildout</td><td>80% min. at setback</td></tr></table></div>	(g.1) Front Setback Principal	3 ft. min., 12 ft. max.	(g.2) Front Setback Secondary	3 ft. min., 12 ft. max.	(g.3) Side Setback	0 ft. min., 24 ft. max.	(g.4) Rear Setback	5 ft. min.	Frontage Buildout	80% min. at setback							
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<div><div>1. See Incentives Table for Building Story for additional Story All</div><div>2. "N" stands for any Stories above those shown, up to the maximum. Refer to metrics for exact minimums and</div><div>3. All non-residential & multi-family require an approved site plan</div></div>																	

TABLE 15f SD-2 INDUSTRIAL PARK ZONE

SD-2

(See Table 1)

I. BUILDING FUNCTION (See Table 10 & Table 12)

Residential	not permitted
Lodging	not permitted
Office	open use
Retail	open use

K BUILDING CONFIGURATION (See Table 8)

Principal Building	2 stories max.
Outbuilding	2 stories max.

f. LOT OCCUPATION (See Table 14f)

Lot Area Minimum	22,000 sq. ft.
Lot Width	no min, no max
Lot Coverage	80% max.

i. BUILDING DISPOSITION (See Table 9)

Edgeyard	permitted
Sideyard	not permitted
Rearyard	not permitted
Courtyard	not permitted

g. SETBACKS - PRINCIPAL BUILDING (See Table 14g)

(g.1) Front Setback Principal	25 ft min
(g.2) Front Setback Secondary	25 ft min
(g.3) Side Setback	25 ft min
(g.4) Rear Setback	25 ft min
Frontage Buildout	no requirement

h. SETBACKS - OUTBUILDING (See Table 14h)

(h.1) Front Setback	25 ft min
(h.2) Front Setback Secondary	25 ft min
(h.3) Side & Rear Setback	25 ft min

j. PRIVATE FRONTAGES (See Table 7 see note 1 below)

Common Lawn	permitted
Porch & Fence	permitted
Terrace or Lightwell	permitted
Forecourt	permitted
Stoop	permitted
Shopfront & Awning	permitted
Gallery	permitted
Arcade	permitted
	Refer to Summary Table 14

PARKING PROVISIONS & NOTES

(See Table 10 & 11) for parking requirements

- Frontage & Architectural requirements are waived for this zone
- "N" stands for any Stories above those shown, up to the maximum. Refer to metrics for exact minimums and
- All non-residential & multi-family require an approved site plan

BUILDING CONFIGURATION

- Building height shall be measured in number of Stories, excluding Attics and raised basements
- Stories may not exceed 14 feet in height from finished floor to finished ceiling, except for a first floor Commercial function which must be a minimum of 11ft with a
- Height shall be measured to the eave or roof deck as specified on Table 8.
- Expression Lines shall be as shown on Table 8.

Diagram illustrating building height measurement. The Principal Building is shown with 2 stories (N, 3, 2 min., 1) and a height of 35 FT. The Outbuilding is shown with 2 stories (2, 1) and a height of 26 FT. The diagram also indicates the maximum height for the Principal Building (35 FT) and the Outbuilding (26 FT).

SETBACKS - PRINCIPAL BLDG.

- The Facades and Elevations of Principal Buildings shall be distanced from the Lot lines as shown.
- Facades shall be built along the Principal Frontage to the minimum specified width in the table.

Diagram illustrating setbacks for principal building. The setbacks are labeled (g.1), (g.2), (g.3), and (g.4). The diagram also shows the Corner Lot Condition and Mid-Block Condition.

SETBACKS - OUTBUILDING

- The Elevations of the Outbuilding shall be distanced from the Lot lines as shown.

Diagram illustrating setbacks for outbuilding. The setbacks are labeled (h.1), (h.2), and (h.3). The diagram also shows the 40 ft. max. setback and the Corner Lot Condition and Mid-Block Condition.

PARKING PLACEMENT

- Uncovered parking spaces may be provided within any layer (see Table 17d).
- Covered parking may be provided within any Layer as shown in the diagram (see Table 17d).

Diagram illustrating parking placement. The diagram shows the Principal Frontage, Secondary Frontage, and the 1st Layer, 2nd Layer (20 ft), and 3rd Layer.

TABLE 15g SD-4 URBAN RESORT ZONE

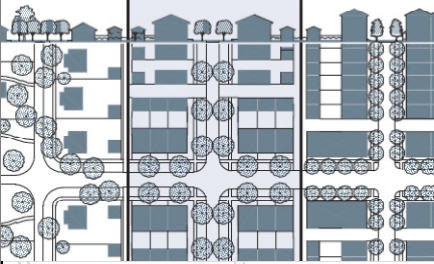
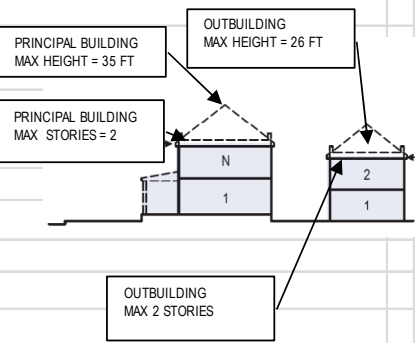
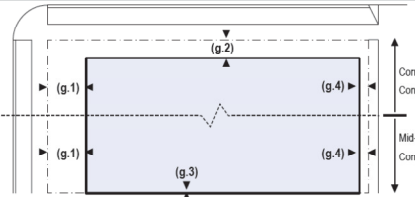
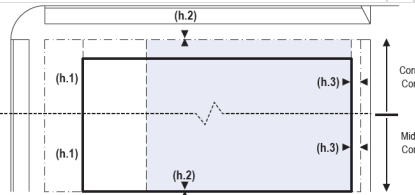
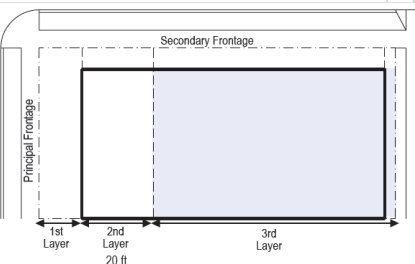
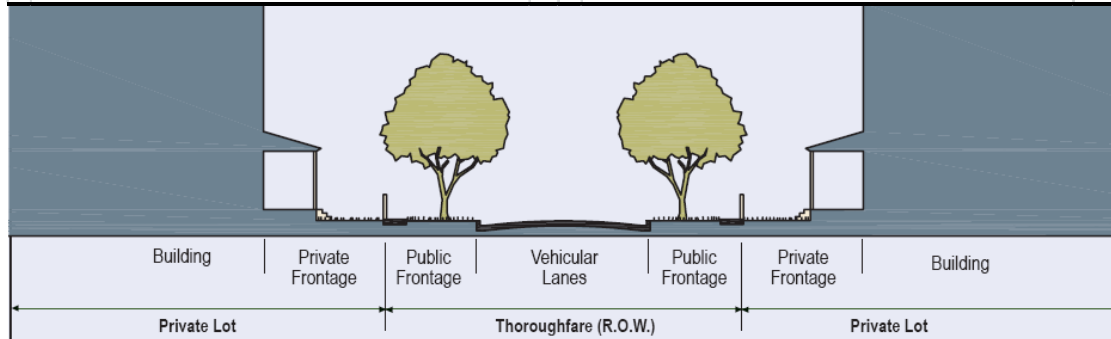
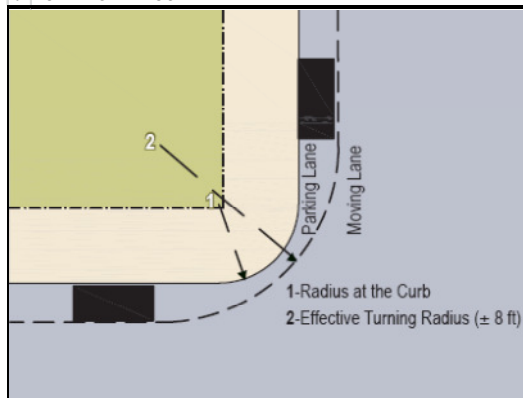
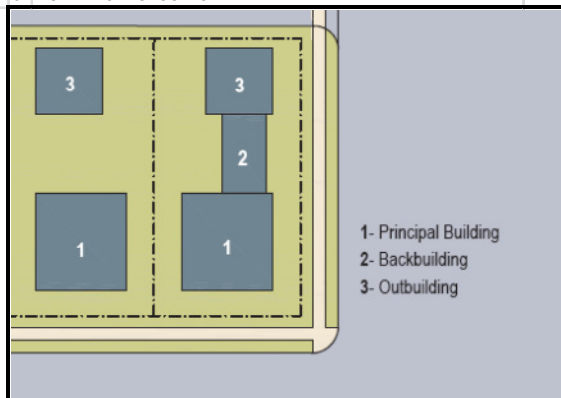
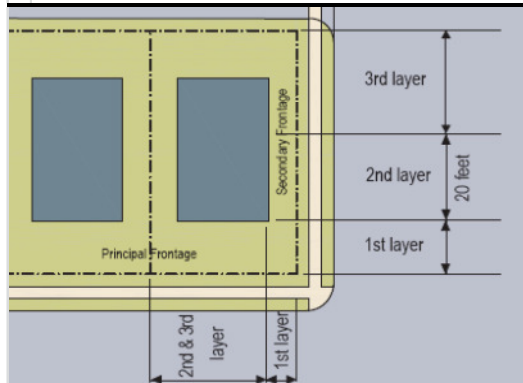
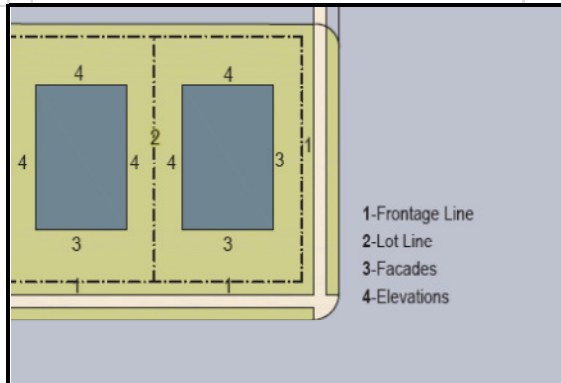
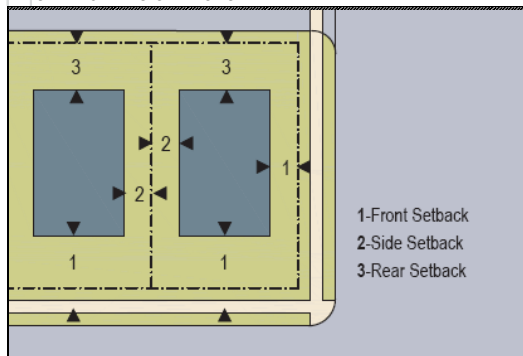
<div><div>SD-4</div></div> <div>(See Table 1)</div>	<div><div>BUILDING CONFIGURATION</div><div><div>1. Building height shall be measured in number of Stories, excluding Attics and raised basements.</div><div>2. Stories may not exceed 14 feet in height from finished floor to finished ceiling, except for a first floor Commercial function which must be a minimum of 11ft with a</div><div>3. Height shall be measured to the eave or roof deck as specified on Table 8.</div></div></div> <div><div>PRINCIPAL BUILDING MAX HEIGHT = 35 FT</div><div>OUTBUILDING MAX HEIGHT = 26 FT</div><div>PRINCIPAL BUILDING MAX STORIES = 2</div><div>OUTBUILDING MAX 2 STORIES</div></div>																																		
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Table 16 Reserved for future special district standards

TABLE 17 DEFINITIONS ILLUSTRATED**a. THOROUGHFARE & FRONTAGES****b. TURNING RADIUS****c. BUILDING DISPOSITION****d. LOT LAYERS****e. FRONTAGE & LOT LINES****f. SETBACK DESIGNATIONS****g. NETWORK-BASED PEDESTRIAN SHED**

DEFINITIONS**PURPOSE**

This Article provides definitions for terms in this Code that are technical in nature or that otherwise may not reflect a common usage of the term. If a term is not defined in this Article, then the Town Board shall determine the correct definition. Items in italics refer to *Articles*, *Sections*, or *Tables* in the Code.

Address Sign: a sign, generally applied to a building wall, which displays a building's address.

A-Grid: cumulatively, those Thoroughfares that by virtue of their pre-existing pedestrian-supportive qualities, or their future importance to pedestrian connectivity, are held to the highest standards prescribed by this Code. See B-Grid. (Syn: primary grid.)

Accessory Building: an Outbuilding with an Accessory Unit.

Accessory Unit: an Apartment sharing ownership with a Principal Building; it may or may not be within an Outbuilding. See *Table 10 and Table 17*. (Syn: ancillary unit)

Adjusted Pedestrian Shed: a Pedestrian Shed that has been adjusted according to Section 3.2, creating the regulatory boundary of a Community Unit.

Affordable Housing: dwellings consisting of rental or for-sale units that have a rent (including utilities) or mortgage payment typically no more than 30% of the income of families earning no more than 80% of median incomes by family size for the county.

Agrarian urban Interface (aui): the geographic area where urban development, even at low intensities, interfaces directly with low Fuel agricultural lands. it includes former wildlands in a Fire Severity Hazard Zone that have been modified to reduce fire risk by supporting agriculture, i.e., crop lands, grazing lands and support facilities. The Aui buffers wildlands from development such that a Wildland Urban Interface no longer exists.

Allee: a regularly spaced and aligned row of trees usually planted along a Thoroughfare or Path.

Apartment: a Residential unit sharing a building and a Lot with other units and/or uses; may be for rent, or for sale as a condominium.

Apex: the highest point of a sign as measured from the point on the ground where its structure is located, or, if no sign structure is present, from the point on the ground directly below the sign itself.

Arcade: a Private Frontage conventional for Retail use wherein the Facade is a colonnade supporting habitable space that overlaps the Sidewalk, while the Facade at Sidewalk level remains at the Frontage Line.

Attic: the interior part of a building contained within a pitched roof structure.

Avenue (AV): a Thoroughfare of high vehicular capacity and low to moderate speed, acting as a short distance connector between urban centers, and usually equipped with a landscaped median.

Awning Sign: lettering applied directly on the Valance or other vertical portion of

an awning.

Band Sign: a sign that is attached flat on the exterior front, rear or side wall of any building or other structure. (Syn: wall-mounted sign, fascia sign)

B-Grid: cumulatively, those Thoroughfares that by virtue of their use, location, or absence of pre-existing pedestrian-supportive qualities, may meet a standard lower than that of the A-Grid. See **A-Grid**. (Syn: secondary grid.)

BRT: see **Bus Rapid Transit**.

Backbuilding: a single-Story structure connecting a Principal Building to an Outbuilding. See *Table 17*.

Base Density: the number of dwelling units per acre before adjustment for other Functions and/or TDR. See **Density**.

Bed and Breakfast: an owner-occupied Lodging type offering 1 to 5 bedrooms, permitted to serve breakfast in the mornings to guests.

Bicycle Lane (BL): a dedicated lane for cycling within a moderate-speed vehicular Thoroughfare, demarcated by striping.

Bicycle Route (BR): a Thoroughfare suitable for the shared use of bicycles and automobiles moving at low speeds.

Bicycle Trail (BT): a bicycle way running independently of a vehicular Thoroughfare.

Blade Sign: a sign mounted on the building Facade, projecting at a 90-degree angle. (Syn: projecting sign)

Block: the aggregate of private Lots, Passages, Rear Alleys and Rear Lanes, circumscribed by Thoroughfares.

Block Face: the aggregate of all the building Facades on one side of a Block.

Boulevard (BV): a Thoroughfare designed for high vehicular capacity and moderate speed, traversing an Urbanized area. Boulevards are usually equipped with Slip Roads buffering Sidewalks and buildings.

Brownfield: an area previously used primarily as an industrial site.

Brush/Scrubland Fuel: areas of short to tall brush, chaparral and/or loosely spaced small trees accompanied with other brushland shrubs.

Bus Rapid Transit: a rubber tire system with its own right-of-way or dedicated lane along at least 70% of its route, providing transit service that is faster than a regular bus.

By Right: characterizing a proposal or component of a proposal for a Community Plan or Building Scale Plan (*Article 3, Article 4, or Article 5*) that complies with the SmartCode and is permitted and processed administratively, without public hearing. See **Warrant** and **Variance**.

Channel Letters: removable letters that fit into channels on a sign or Marquee.

Clearance: the height above the walkway, or other surface if specified, of the bottom edge of an element.

CLD or Clustered Land Development: a Community Unit type structured by a Standard Pedestrian Shed oriented toward a Common Destination such as a general store, Meeting Hall, schoolhouse, or church. CLD takes the form of a small settlement standing free in the countryside. *See Table 2 and Table 14a.* (Syn: Hamlet, Conservation Land Development, cluster)

CSA Community-supported agriculture (Sometimes known as **community-shared agriculture** or **CSA**) is an alternative, locally-based [economic](#) model of [agriculture](#) and [food distribution](#). A CSA also refers to a particular network or association of individuals who have pledged to support one or more local farms, with growers and consumers sharing the risks and benefits of food production. CSA members or subscribers pay at the onset of the growing season for a share of the anticipated harvest; once harvesting begins, they receive weekly shares of vegetables and fruit, in a [vegetable box scheme](#). Many CSAs also sometimes include herbs, cut flowers, honey, eggs, dairy products and meat. In theory a CSA can provide any product to its members, although the majority of CSA tend to provide produce and other comestibles. Some CSAs provide for contributions of labor in lieu of a portion of subscription costs.

CRC: Consolidated Review Committee.

Civic: the term defining not-for-profit organizations dedicated to arts, culture, education, recreation, government, transit, and municipal parking.

Civic Building: a building operated by not-for-profit organizations dedicated to arts, culture, education, recreation, government, transit, and municipal parking, or for use approved by the legislative body.

Civic Parking Reserve: Parking Structure or parking lot within a quarter-mile of the site that it serves. *See Section 5.9.2.*

Civic Space: an outdoor area dedicated for public use. Civic Space types are defined by the combination of certain physical constants including the relationships among their intended use, their size, their landscaping and their Enfronting buildings. *See Table 13.*

Civic Zone: designation for public sites dedicated for Civic Buildings and Civic Space.

Commercial: the term collectively defining workplace, Office, Retail, and Lodging Functions.

Common Destination: An area of focused community activity, usually defining the approximate center of a Pedestrian Shed. It may include without limitation one or more of the following: a Civic Space, a Civic Building, a Commercial center, or a transit station, and may act as the social center of a neighborhood.

Common Yard: a planted Private Frontage wherein the Facade is set back from the Frontage line. It is visually continuous with adjacent yards. *See Table 7.*

Community Unit: a regulatory category defining the physical form, Density, and extent of a settlement. The three Community Unit types addressed in this Code are CLD, TND, and RCD. Variants of TND and RCD for Infill (*Article 4*) are called Infill TND and Infill RCD. The TOD Community Unit type may be created by an overlay on TND or RCD.

Configuration: the form of a building, based on its massing, Private Frontage, and height.

Consolidated Review Committee (CRC): Usually part of the Planning Office, a CRC is comprised of a representative from each of the various regulatory agencies that have jurisdiction over the permitting of a project, as well as a representative of the Development and Design Center. *See Section 1.4.3.*

Corridor: a lineal geographic system incorporating transportation and/or Greenway trajectories. A transportation Corridor may be a lineal Transect Zone.

Cottage: an Edgeyard building type. A single-family dwelling, on a regular Lot, often shared with an Accessory Building in the back yard.

Courtyard Building: a building that occupies the boundaries of its Lot while internally defining one or more private patios. *See Table 9.* **Common zone of defense:** a zone of Defense surrounding a collection of buildings rather than only one building.

Critical zone: the designated portion of the zone of Defense closest to development. *See Table FM-1.*

Crown Fire: fire that moves through the crown of trees in a continuous tree canopy, whether supported by heat from a Surface Fire below or a fire that is expanding solely via the crown.

Crown Fuel: combustible plant material in the tree canopy.

Curb: the edge of the vehicular pavement that may be raised or flush to a Swale. It usually incorporates the drainage system. *See Table 4A and Table 4B.*

DDC: Development and Design Center.

Density: the number of dwelling units within a standard measure of land area.

Design Speed: is the velocity at which a Thoroughfare tends to be driven without the constraints of signage or enforcement. There are four ranges of speed: Very Low: (below 20 MPH); Low: (20-25 MPH); Moderate: (25-35 MPH); High: (above 35 MPH). Lane width is determined by desired Design Speed. *See Table 3A.*

Developable Areas: lands other than those in the O-1 Preserved Open Sector.

Development and Design Center (DDC): A component of the Planning Office assigned to advise on the use of this Code and to aid in the design of the Communities and buildings based on it.

Disposition: the placement of a building on its Lot. *See Table 9 and Table 17.*

Dooryard: a Private Frontage type with a shallow Setback and front garden or patio, usually with a low wall at the Frontage Line. *See Table 7.* (Variant: **Lightwell**, light court.)

Drive: a Thoroughfare along the boundary between an Urbanized and a natural condition, usually along a waterfront, Park, or promontory. One side has the urban character of a Thoroughfare, with Sidewalk and building, while the other has the qualities of a Road or parkway, with naturalistic planting and rural details.

Drive-Thru: A window service application where services or products are provided via a drive up window.

Drive-in: A product or service provided at the vehicle such as a Sonic or MacDonalds at the car in a parked drive area.

Driveway: a vehicular lane within a Lot, often leading to a garage. *See Section 5.10 and Table 3B-f.*

Edgeyard Building: a building that occupies the center of its Lot with Setbacks on all sides. *See Table 9.*

Effective Parking: the amount of parking required for Mixed Use after adjustment by the Shared Parking Factor. *See Table 11.*

Effective Turning Radius: the measurement of the inside Turning Radius taking parked cars into account. *See Table 17.*

Elevation: an exterior wall of a building not along a Frontage Line. *See Table 17.* See: **Facade.**

Encroach: to break the plane of a vertical or horizontal regulatory limit with a structural element, so that it extends into a Setback, into the Public Frontage, or above a height limit.

Encroachment: any structural element that breaks the plane of a vertical or horizontal regulatory limit, extending into a Setback, into the Public Frontage, or above a height limit.

Enfront: to place an element along a Frontage, as in “porches Enfront the street.”

Estate House: an Edgeyard building type. A single-family dwelling on a very large Lot of rural character, often shared by one or more Accessory Buildings. (Syn: country house, villa)

Expression Line: a line prescribed at a certain level of a building for the major part of the width of a Facade, expressed by a variation in material or by a limited projection such as a molding or balcony. *See Table 8.* (Syn: transition line.)

Extension Line: a line prescribed at a certain level of a building for the major part of the width of a Facade, regulating the maximum height for an Encroachment by an Arcade Frontage. *See Table 8.*

Facade: the exterior wall of a building that is set along a Frontage Line. *See Elevation.*

Farm: A **farm** is an area of land including various structures, devoted primarily to the practice of producing and managing [food](#) ([produce](#), [grains](#), hay or [livestock](#) is the basic production facility in [food production](#). Farms may be owned and operated by a single individual, family, community, corporation or a company. A farm can be a holding of any size from a fraction of an acre to several hundred acres. Marijuana and other drug related plants regulated under local, state or federal drug laws are not considered agriculture under this code.

Forecourt: a Private Frontage wherein a portion of the Facade is close to the Frontage Line and the central portion is set back. *See Table 7.*

Frontage: the area between a building Facade and the vehicular lanes, inclusive of its built and planted components. Frontage is divided into **Private Frontage** and **Public Frontage**. *See Table 4A and Table 7.*

Frontage Line: a Lot line bordering a Public Frontage. Facades facing Frontage Lines define the public realm and are therefore more regulated than the Elevations facing other Lot Lines. *See Table 17.*

FHSz: see **Fire Hazard Severity zone**. **Firebrand:** rolling or falling debris already burning.

Fire extinction: the complete extinguishing of a fire via elimination of Fuel, changes in weather or actual suppression.

Fire Hazard Severity zone (FHSz): specific area designated by state or local agencies as prone to severe fire occurrence and related risks. The designation results from prior federal and state fire hazard assessment and planning, and calibrates specific areas to applicable codes.

Fire Modification: the changing of a fire type, usually from an intense type to one of lower intensity, either by

direct suppression, or by Fuel Treatment along the course of a fire.

Forest lands Fuel: any woodlands, from small deciduous trees to thick conifer climax forests.

Fuel: any material, natural or human-made, that is combustible during a wildfire event.

Fuel load: the quantification of Fuel in a particular area.

Fuel maintenance: the regular cutting, thinning, trimming and removal of Fuels on a repeated basis as a means to implement long-term Fuel Management

Fuel management: the cutting, thinning or removal of Fuels as a means to reduce the spread of a wildfire or modify its particular characteristics.

Fuel model: a description of a particular collection of varied Fuels that occur in specific geographic areas. Fuel Models can describe regional scale or very localized conditions depending on the nature of the subject area and the variability of Fuels within the area. Fuel Models typically have a relationship to the type of fire that can be expected, and are used to describe geographic conditions for the purpose of Fire Modification.

Function: the use or uses accommodated by a building and its Lot, categorized as *Restricted*, *Limited*, or *Open*, according to the intensity of the use. See *Table 10* and *Table 12*.

Gallery: a Private Frontage conventional for Retail use wherein the Facade is aligned close to the Frontage Line with an attached cantilevered shed or lightweight colonnade overlapping the Sidewalk. See *Table 7*.

GIS (Geographic Information System): a computerized program in widespread municipal use that organizes data on maps. The protocol for preparing a *Regional Plan* should be based on GIS information. See *Section 2.1*.

Green: a Civic Space type for unstructured recreation, spatially defined by landscaping rather than building Frontages. See *Table 13*.

Greenfield: an area that consists of open or wooded land or farmland that has not been previously developed.

Greenway: an Open Space Corridor in largely natural conditions which may include trails for bicycles and pedestrians.

Greyfield: an area previously used primarily as a parking lot. Shopping centers and shopping malls are typical Greyfield sites. (Variant: Greyfield.)

Growth Sector: one of four Sectors where development is permitted By Right in the SmartCode, three for New Communities and one for Infill. See *Article 2*.

Hamlet: See **CLD**. (Syn: cluster, settlement.)

Highway: a rural and suburban Thoroughfare of high vehicular speed and capacity. This type is allocated to the more rural Transect Zones (T-1, T-2, and T-3).

Home Occupation: non-Retail Commercial enterprises. The work quarters should be invisible from the Frontage, located either within the house or in an Outbuilding. Permitted activities are defined by the Restricted Office category. See *Table 10*.

House: an Edgeyard building type, usually a single-family dwelling on a large Lot, often shared with an Accessory Building in the back yard. (Syn: single.)

Infill: *noun* - new development on land that had been previously developed, including most Greyfield and Brownfield sites and cleared land within Urbanized areas. *Verb*- to develop such areas.

Infill RCD: a Community Unit type within an Urbanized, Greyfield, or Brownfield area based on a Long or Linear Pedestrian Shed and consisting of T-4, T-5, and/or T-6 Zones. An Infill RCD is permitted By Right in the G-4 Infill Growth Sector and is regulated by Article 4.

Infill TND: a Community Unit type within an Urbanized, Greyfield, or Brownfield area based on a Standard Pedestrian Shed and consisting of T-3, T-4, and/or T-5 Zones. An Infill TND is permitted By Right in the G-4 Infill Growth Sector and is regulated by Article 4.

Inn: a Lodging type, owner-occupied, offering 6 to 12 bedrooms, permitted to serve breakfast in the mornings to guests. See *Table 10*.

Layer: a range of depth of a Lot within which certain elements are permitted. See *Table 17*.

Lightwell: A Private Frontage type that is a below-grade entrance or recess designed to allow light into basements. See *Table 7*. (Syn: light court.)

Linear Pedestrian Shed: A Pedestrian Shed that is elongated along an important Mixed Use Corridor such as a main street. A Linear Pedestrian Shed extends approximately 1/4 mile from each side of the Corridor for the length of its Mixed Use portion. The resulting area is shaped like a lozenge. It may be used to structure a TND, RCD, Infill TND, or Infill RCD. (Syn: elongated pedestrian shed.)

Liner Building: a building specifically designed to mask a parking lot or a Parking Structure from a Frontage.

Live-Work: a Mixed Use unit consisting of a Commercial and Residential Function. The Commercial Function may be anywhere in the unit. It is intended to be occupied by a business operator who lives in the same structure that contains the Commercial activity or industry. See **Work-Live**. (Syn.: flexhouse.)

Lodging: premises available for daily and weekly renting of bedrooms. See *Table 10 and Table 12*.

Long Pedestrian Shed: a Pedestrian Shed that is an average 1/2 mile radius or 2640 feet, used when a transit stop (bus or rail) is present or proposed as the Common Destination. A Long Pedestrian Shed represents approximately a ten-minute walk at a leisurely pace. It is applied to structure an RCD Community Unit type. See **Pedestrian Shed**.

Lot: a parcel of land accommodating a building or buildings of unified design. The size of a Lot is controlled by its width in order to determine the grain (i.e., fine grain or coarse grain) of the urban fabric.

Lot Line: the boundary that legally and geometrically demarcates a Lot.

Lot Width: the length of the Principal Frontage Line of a Lot.

Main Civic Space: the primary outdoor gathering place for a community. The Main Civic Space is often, but not always, associated with an important Civic Building.

Manufacturing: premises available for the creation, assemblage and/or repair of artifacts, using table-mounted electrical machinery or artisanal equipment, and including their Retail sale.

Marquee: a structural feature of a building that provides shelter and sign space.

Meeting Hall: a building available for gatherings, including conferences, that accommodates at least one room equivalent to a minimum of 10 square feet per projected dwelling unit within the Pedestrian Shed in which it is located.

Message Board: a sign with changeable text. Non-electronic Message Boards typically consist of letters attached to a surface within a transparent display case. Electronic Message Boards typically have a fixed or changing message composed of a series of lights.

Mixed Use: multiple Functions within the same building through superimposition or adjacency, or in multiple buildings by adjacency, or at a proximity determined by Warrant.

Nameplate: a sign consisting of either a panel or individual letters applied to a building, listing the names of businesses or building tenants.

Net Site Area: all developable land within a site including Thoroughfares but excluding land allocated as Civic Zones.

Network Pedestrian Shed: a Pedestrian Shed adjusted for average walk times along Thoroughfares. This type may be used to structure Infill Community Plans. *See Table 17.*

Office: premises available for the transaction of general business but excluding Retail, artisanal and Manufacturing uses. *See Table 10.*

Open Space: land intended to remain undeveloped; it may be for Civic Space.

Outbuilding: an Accessory Building, usually located toward the rear of the same Lot as a Principal Building, and sometimes connected to the Principal Building by a Backbuilding. *See Table 17.*

Outdoor Display Case: a sign consisting of a lockable metal or wood framed cabinet with a transparent window or windows, mounted onto a building wall or freestanding support. It allows the contents, such as menus or maps, to be maintained and kept current.

Park: a Civic Space type that is a natural preserve available for unstructured recreation. *See Table 13.*

Parking Structure: a building containing one or more Stories of parking above grade.

Passage (PS): a pedestrian connector, open or roofed, that passes between buildings to provide shortcuts through long Blocks and connect rear parking areas to Frontages.

Path (PT): a pedestrian way traversing a Park or rural area, with landscape matching the contiguous Open Space, ideally connecting directly with the urban Sidewalk network.

Pedestrian Shed: An area that is centered on a Common Destination. Its size is related to average walking distances for the applicable Community Unit type. Pedestrian Sheds are applied to structure Communities. *See Standard, Long, Linear or Network Pedestrian Shed. (Syn: walkshed, walkable catchment.)*

Planter: the element of the Public Frontage which accommodates street trees, whether continuous or individual.

Plaza: a Civic Space type designed for Civic purposes and Commercial activities in the more urban Transect Zones, generally paved and spatially defined by building Frontages.

Principal Building: the main building on a Lot, usually located toward the Frontage. *See Table 17.*

Principal Entrance: the main point of access for pedestrians into a building.

Principal Frontage: On corner Lots, the Private Frontage designated to bear the address and Principal Entrance to the building, and the measure of minimum Lot width. Prescriptions for the parking Layers pertain only to the Principal Frontage. Prescriptions for the first Layer pertain to both Frontages of a corner Lot. *See Frontage.*

Private Frontage: the privately held Layer between the Frontage Line and the Principal Building Facade. *See Table 7 and Table 17.*

Public Frontage: the area between the Curb of the vehicular lanes and the Frontage Line. *See Table 4A and Table 4B.*

RCD: *see Regional Center Development.*

Rear Alley (RA): a vehicular way located to the rear of Lots providing access to service areas, parking, and Outbuildings and containing utility easements. Rear Alleys should be paved from building face to building face, with drainage by inverted crown at the center or with roll Curbs at the edges.

Rear Lane (RL): a vehicular way located to the rear of Lots providing access to service areas, parking, and Outbuildings and containing utility easements. Rear Lanes may be paved lightly to Driveway standards. The streetscape consists of gravel or landscaped edges, has no raised Curb, and is drained by percolation.

Rearyard Building: a building that occupies the full Frontage Line, leaving the rear of the Lot as the sole yard. *See Table 9.* (Var: Rowhouse, Townhouse, Apartment House)

Recess Line: a line prescribed for the full width of a Facade, above which there is a Setback of a minimum distance, such that the height to this line (not the overall building height) effectively defines the enclosure of the Enfronting public space. Var: Extension Line. *See Table 8.*

Regional Center: **Regional Center Development** or **RCD.**

Regional Center Development (RCD): a Community Unit type structured by a Long Pedestrian Shed or Linear Pedestrian Shed, which may be adjoined without buffers by one or several Standard Pedestrian Sheds, each with the individual Transect Zone requirements of a TND. RCD takes the form of a high-Density Mixed Use center connected to other centers by transit. *See Infill RCD, Table 2 and Table 14a.* (Var: town center, downtown. Syn: **Regional Center**)

Regulating Plan: a Zoning Map or set of maps that shows the Transect Zones, Civic Zones, Special Districts if any, and Special Requirements if any, of areas subject to, or potentially subject to, regulation by the SmartCode.

Residential: characterizing premises available for long-term human dwelling.

Retail: characterizing premises available for the sale of merchandise and food service. *See Table 10 and Table 12.*

Retail Frontage: Frontage designated on a Regulating Plan that requires or recommends the provision of a Shopfront, encouraging the ground level to be available for Retail use. *See Special Requirements.*

Road (RD): a local, rural and suburban Thoroughfare of low-to-moderate vehicular speed and capacity. This type is allocated to the more rural Transect Zones (T1-T3). *See Table 3A.*

Rowhouse: a single-family dwelling that shares a party wall with another of the same type and occupies the full Frontage Line. *See Rearyard Building.* (Syn: **Townhouse**)

Rural Boundary Line: the extent of potential urban growth as determined by existing geographical determinants. The Rural Boundary Line is permanent.

Sector: a neutral term for a geographic area. In the SmartCode there are six specific Sectors for regional planning that establish the legal boundaries for Open Space and development.

Secondary Frontage: on corner Lots, the Private Frontage that is not the Principal Frontage. As it affects the public realm, its First Layer is regulated. *See Table 17.*

Setback: the area of a Lot measured from the Lot line to a building Facade or Elevation that is maintained clear of permanent structures, with the exception of Encroachments listed in *Section 5.7.* *See Table 14g.* (Var: build-to-line.)

Shared Parking Factor: an accounting for parking spaces that are available to more than one Function. *See Table 11.*

Shed Awning: an awning with two short sides in addition to the main canopy. **Shingle Sign:** a small Blade Sign usually mounted on the ground floor level, displaying a building's professional tenant directory.

Shopfront: a Private Frontage conventional for Retail use, with substantial glazing and an awning, wherein the Facade is aligned close to the Frontage Line with the building entrance at Sidewalk grade. *See Table 7.*

Sidewalk: the paved section of the Public Frontage dedicated exclusively to pedestrian activity.

Sideyard Building: a building that occupies one side of the Lot with a Setback on the other side. This type can be a Single or Twin depending on whether it abuts the neighboring house. *See Table 9.*

Sidewalk Sign: a movable freestanding sign that is typically double-sided, placed at the entrance to a business to attract pedestrians. (Var: sandwich board, A-frame sign.)

Signband: the horizontal signage area on a Valance or Marquee.

Slip Road: an outer vehicular lane or lanes of a Thoroughfare, designed for slow speeds while inner lanes carry higher speed traffic, and separated from them by a planted median. (Syn: access lane, service lane)

Specialized Building: a building that is not subject to Residential, Commercial, or Lodging classification. *See Table 9.*

Special District (SD): an area that, by its intrinsic Function, Disposition, or Configuration, cannot or should not conform to one or more of the normative Community Unit types or Transect Zones specified by the SmartCode. Special Districts may be mapped and regulated at the regional scale or the community scale.

Special Flood Hazard Area: a designation by the Federal Emergency Management Agency (FEMA) that may include the V (Velocity) Zones and Coastal A Zones where building construction is forbidden, restricted, or contingent upon raising to the Base Flood Elevation.

Special Requirements: provisions of Section 3.9, Section 4.7, and Section 5.3 of this Code and/or the associated designations on a Regulating Plan or other map for those provisions.

Square: a Civic Space type designed for unstructured recreation and Civic purposes, spatially defined by building Frontages and consisting of Paths, lawns and trees, formally disposed. *See Table 13.*

Standard Pedestrian Shed: a Pedestrian Shed that is an average 1/4 mile radius or 1320 feet, about the distance of a five-minute walk at a leisurely pace. *See Pedestrian Shed.*

Stepback: a building Setback of a specified distance that occurs at a prescribed number of Stories above the ground. *See Table 8.*

Stoop: a Private Frontage wherein the Facade is aligned close to the Frontage Line with the first Story elevated from the Sidewalk for privacy, with an exterior stair and landing at the entrance. *See Table 7.*

Story: a habitable level within a building, excluding an Attic or raised basement. *See Table 8.*

Street (ST): a local urban Thoroughfare of low speed and capacity. *See Table 3B and Table 4B.*

Streetscreen: a freestanding wall built along the Frontage Line, or coplanar with the Facade. It may mask a parking lot from the Thoroughfare, provide privacy to a side yard, and/or strengthen the spatial definition of the public realm. (Syn: streetwall.) *See Section 5.7.5f.*

Substantial Modification: alteration to a building that is valued at more than 50% of the replacement cost of the entire building, if new.

Swale: a low or slightly depressed natural area for drainage.

T-zone: Transect Zone.

TDR: Transfer of Development Rights, a method of relocating existing zoning rights from areas to be preserved as Open Space to areas to be more densely urbanized.

TDR Receiving Area: an area intended for development that may be made more dense by the purchase of development rights from TDR Sending Areas.

TDR Sending Area: an area previously zoned for development within a designated Reserved Open Sector (O-2), from which development rights may be transferred to a Growth Sector.

Terminated Vista: a location at the axial conclusion of a Thoroughfare. A building located at a Terminated Vista designated on a Regulating Plan is required or recommended to be designed in response to the axis.

Thoroughfare: a way for use by vehicular and pedestrian traffic and to provide access to Lots and Open Spaces, consisting of Vehicular Lanes and the Public Frontage. *See Table 3A, Table 3B and Table 17a.*

TND: Traditional Neighborhood Development, a Community Unit type structured by a Standard Pedestrian Shed oriented toward a Common Destination consisting of a Mixed Use center or Corridor, and in the form of a medium-sized settlement near a transportation route. *See Table 2 and Table 14a.* (Syn: village. Variant:

Infill TND, neighborhood.)

TOD: Transit Oriented Development. TOD is created by an overlay on all or part of a TND or RCD, or by designation on a Regional Plan, permitting increased Density to support rail or Bus Rapid Transit (BRT) as set forth in *Section 5.9.2d*.

Townhouse: See **Rearyard Building**. (Syn: **Rowhouse**)

Transect: a cross-section of the environment showing a range of different habitats. The rural-urban Transect of the human environment used in the SmartCode template is divided into six Transect Zones. These zones describe the physical form and character of a place, according to the Density and intensity of its land use and Urbanism.

Transect Zone (T-zone): One of several areas on a Zoning Map regulated by the SmartCode. Transect Zones are administratively similar to the land use zones in conventional codes, except that in addition to the usual building use, Density, height, and Setback requirements, other elements of the intended habitat are integrated, including those of the private Lot and building and Public Frontage. See *Table 1*.

Turning Radius: the curved edge of a Thoroughfare at an intersection, measured at the inside edge of the vehicular tracking. The smaller the Turning Radius, the smaller the pedestrian crossing distance and the more slowly the vehicle is forced to make the turn. See *Table 3B and Table 17*.

Urban Boundary Line: the extent of potential urban growth as determined by the projected demographic needs of a region. The Urban Boundary Line may be adjusted from time to time.

Urbanism: collective term for the condition of a compact, Mixed Use settlement, including the physical form of its development and its environmental, functional, economic, and sociocultural aspects.

Urbanized: generally, developed. Specific to the SmartCode, developed at T-3 (Sub-Urban) Density or higher.

Valance: the portion of an awning that hangs perpendicular to the Sidewalk.

Variance: a ruling that would permit a practice that is not consistent with either a specific provision or the Intent of this Code (*Section 1.3*). Variances are usually granted by the Board of Appeals in a public hearing. See *Section 1.5*.

Warrant: a ruling that would permit a practice that is not consistent with a specific provision of this Code, but that is justified by its Intent (*Section 1.3*). Warrants are usually granted administratively by the CRC. See *Section 1.5*.

Window Sign: a sign placed or painted on the interior of a Shopfront window or the window of a business door.

Work-Live: a Mixed Use unit consisting of a Commercial and Residential Function. It typically has a substantial Commercial component that may accommodate employees and walk-in trade. The unit is intended to function predominantly as work space with incidental Residential accommodations that meet basic habitability requirements. See *Live-Work*. (Syn: *Live-With*.)

Yard Sign: a permanent freestanding sign in the Private Frontage, including a supporting post or posts.

Yield: characterizing a Thoroughfare that has two-way traffic but only one effective travel lane because of parked cars, necessitating slow movement and driver negotiation. Also, characterizing parking on such a Thoroughfare.

Zoning Map: the official map or maps that are part of the zoning ordinance and delineate the boundaries of individual zones and districts. See **Regulating Plan**.

CHAPTER 30 LAND USE CODE

1 GENERAL PROVISIONS

1.1 TITLE

- 1.1.1 This ordinance establishes the regulations and standards governing the use and development of land within the Town of Poncha Springs. Included are provisions for the annexation, subdivision and zoning of land, as well as the administrative procedures governing the submission of applications, administrative and public reviews, and appeals. Also included are Town of Poncha Springs standards for site design, landscaping, parking and public infrastructure.

1.2 SHORT TITLE

- 1.2.1 This ordinance shall be known and may be cited as the Town of Poncha Springs *Land Use Code*. Within this ordinance the Town of Poncha Springs *Land Use Code* shall simply be referred to as “this Code.” The Town of Poncha Springs will be referred to as the “Town”.

1.3 AUTHORITY

- 1.3.1 This Code is adopted pursuant to the authority contained in the Colorado Revised Statutes (C.R.S.). Local governments are provided broad authority to plan for and regulate the use of land within their jurisdictions, as authorized in Title 29, Article 20, et seq. and Title 31, Article 23, et seq. of the C.R.S., as amended. Additional statutory authority may also exist for specific types of land use regulation.
- 1.3.2 Whenever a section of the Colorado Revised Statutes that is referred to in this Code is later amended or superseded, this Code is deemed amended to refer to the amended section or section that most nearly corresponds to the superseded section.

1.2 JURISDICTION

- 1.2.1 This Code shall be effective throughout the Town of Poncha Springs corporate boundaries. The Town’s planning jurisdiction includes all land within the Town, and where applicable, land referred to as the “Service Area” in the Inter-governmental Agreement (IGA) with Chaffee County and the land within three miles of the Town’s boundaries with reference to a major street plan as allowed by State Statute. For purposes of zoning and subdivision, this Code only applies to lands within the Town’s corporate boundaries and land annexed in to the boundary.
- 1.2.2 A copy of current maps showing the boundaries of the Town, Zoning, the Regulating Plan, the IGA Service & Planning area, the Sector Plan and the three mile transportation plan shall be available for public inspection in the Town offices. Copies of these maps at the time of the adoption of this code are provided with the code for general information, it is the responsibility of the applicant to obtain and review the current maps from the Town offices.

1.3 PURPOSE

- 1.3.1 The purpose of this Code is to create a vital, cohesive, well-designed community in order to enhance the Town’s character and further the citizens’ goals as identified in the Town Comprehensive Plan. This Code is designed to:

- 1.3.1.1 Encourage the most appropriate use of land through the Town;
- 1.3.1.2 Encourage economic development and job creation in the form of retail, tourism, professional services, general services, research and development, laboratories, medical, and industrial;
- 1.3.1.3 Encourage innovative, quality site design, architecture and landscaping;
- 1.3.1.4 Encourage new developments to relate to Town's historic development pattern;
- 1.3.1.5 Promote compact, well-defined, sustainable neighborhoods that enhance Town's character;
- 1.3.1.6 Create livable neighborhoods that foster a sense of community and reduce dependency on private vehicles;
- 1.3.1.7 Encourage the proper arrangement of streets in relation to existing and planned streets and ensure that streets facilitate safe, efficient and pleasant walking, biking and driving;
- 1.3.1.8 Provide a variety of lot sizes and housing types in every neighborhood to encourage housing diversity;
- 1.3.1.9 Protect sensitive natural and historic areas and environmental quality;
- 1.3.1.10 Integrate a high quality natural environment into the developed portions of the community;
- 1.3.1.11 Facilitate the adequate and efficient provision of transportation, water, sewage, schools, parks and other public requirements;
- 1.3.1.12 Provide protection from geologic, flood and fire hazards and other dangers; and
- 1.3.1.13 Promote environmentally safe geothermal development for resort and electrical generation purposes.
- 1.3.1.14 Promote the health, safety, morals and general welfare of Town residents.

1.4 APPLICABILITY OF ARTICLE

- 1.5.1 The provisions of the Town Land Use Code shall apply to any and all development of land within the municipal boundaries of the Town and IGA Service Area, unless expressly and specifically exempted or provided otherwise in this Code. No development shall be undertaken without prior and proper approval or authorization pursuant to the terms of this Code. All development shall comply with the applicable terms, conditions, requirements, standards and procedures established in this Code.
- 1.4.1 Except as herein provided, no building, structure or land shall be used and no building or structure or part thereof shall be erected, constructed, reconstructed, altered, repaired, moved or structurally altered except in conformance with the regulations herein specified for the zone district in which it is located, nor shall a yard, lot or open space be reduced in dimensions or area to an amount less

CHAPTER 30 LAND USE CODE

than the minimum requirements set forth herein unless a warrant or variance is approved according to the terms of this code.

- 1.4.2 Whenever both the provisions of this Code and provisions of any other law cover the same subject matter, whichever rule is more restrictive shall govern.
- 1.4.3 This Code establishes procedural and substantive rules for obtaining the necessary approval to develop land and construct buildings and structures. Development applications will be reviewed for compliance with the spirit of Town Comprehensive Plan and with adopted regulations, policies and other guidelines.

1.5 RELATIONSHIP TO EXISTING ORDINANCES

All ordinances or resolutions or motions of the Board of Trustees prior to the date of the ordinance adopting this land use code or parts thereof in conflict with this Code are to the extent of such conflict hereby superseded and repealed, provided that no such repealer shall repeal the repealer clauses of such ordinance, resolution or motion, nor revive any ordinance, resolution or motion thereby. The adoption of this Code shall not adversely affect the Town's right to seek remedies for any violation of previous ordinances that occurred while those ordinances were in effect.

1.6 RELATIONSHIP TO COMPREHENSIVE PLAN

- 1.6.1 It is the intention of the Town that this Code consider the planning policies adopted in the Town Comprehensive Plan ("Comprehensive Plan") and its extraterritorial planning area. While this relationship is reaffirmed, it is the intent of the Town that neither this Code nor any amendment to it may be challenged on the basis of any alleged nonconformity with the Comprehensive Plan as the plan is only a guidance document. Wherever there is a conflict this Land Use and Zoning Code shall rule.

1.7 EFFECTIVE DATE

The provisions of this Code became effective on the date of adoption listed on the cover of this code. Development plans approved under previous regulations that received vested property rights through a site specific development plan shall be valid for the duration of that vested property right provided that all terms and conditions of the site specific development plan are followed. Existing legal uses that may become non-conforming by adoption of this Code shall be grandfathered under the terms and conditions of Article 6.8 {the language of the code the board approved for zoning grandfathering}

1.8 FEES

Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters will be charged to applicants for permits, plat approvals, zoning amendments, variances and other administrative relief. The current fee schedule is published in Chapter 8 of the Municipal Code or as an

Ordinance which will be adopted periodically by the Board of Trustees and is available from the Town Office.”

1.9 SEVERABILITY

If any part, section, subsection, sentence, clause or phrase of this Code is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the Code. The Board of Trustees hereby declares that it would have passed the Code including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases be declared invalid.

1.10 COMPUTATION OF TIME

- 1.10.1** In computing a period of days, the first day is excluded and the last day is included.
- 1.10.2** If the last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday or legal holiday.
- 1.10.3** If a number of months is to be computed by counting the months from a particular day, the period ends on the same numerical day in the concluding month as the day of the month from which the computation is begun, unless there are not that many days in the concluding month, in which case the period ends on the last day of that month.

1.11 TERMINOLOGY

- 1.11.1** As used in this Code, words used in the singular include the plural and words used in the plural include the singular.

1.12 WARRANTS AND VARIANCES

- 1.12.1** A Warrant is a ruling that would permit a practice that is consistent with the intent but requires a Staff or Board review to ensure the intent is not violated and may not consistent with a specific provision of this Code but is justified by the provisions of Section 1.3 Intent. There are two levels of Warrants.

1.12.1.1 The Town Board of Trustees shall have the authority to approve or disapprove a request for a Level 1 Warrant. Level 1 Warrants shall be identified as W1 in the use tables.

1.12.1.2 The Town Administrator or Manager shall have the authority to approve or disapprove a request for a level 2 Warrant administratively. Level 2 Warrants shall be identified as W2 in use tables. A decision on a staff W2 Warrant may be appealed to the Town Board of Trustees.

- 1.12.2** A Variance is any ruling on a deviation that is not within the intent or articles of this code. Variances shall be granted only in accordance with Colorado Statutes, and this code. Variances are requests that are not consistent with the intent of this code.

1.12.2.1 Zoning Variance may only be granted by the Zoning Board of Adjustments and Appeals.

1.12.2.2 All other development Variances shall be reviewed by the Planning & Zoning Commission who shall make a recommendation to the Town Board of Trustees for a final decision.

1.13 INCENTIVES

This section is reserved for future potential incentives.

1.14 VISION AND INTENT

The intention of the Town in enacting this Article is to clearly describe the Town's vision and to create a vital, cohesive, well-designed community in order to enhance its small-town character and further the citizens' goals as identified in this section.

- 1.14.1 **Vision:** The vision is a community with the appropriate mix of housing, retail, services agriculture, tourism and industry; in concert with environmental practices to ensure a healthy, vibrant and sustainable community.
- 1.14.2 **Goals & Actions:** This code executes specific entitlements, incentives and guidance to achieve the visions and goals of the community. Specific critical areas are:
- 1.14.2.1 A Resort Zone to capitalize on the recreational resources of the area.
- 1.14.2.2 A highly flexible Business Park Zone as an incubator for entrepreneurs and businesses to operate in an attractive live-work environment.
- 1.14.2.3 An Urban Center Zone to create a mixed use main street atmosphere and capitalize on the highway crossroads traffic.
- 1.14.2.4 A General Urban Zone to provide affordable living in walkable neighborhoods with park and service amenities.
- 1.14.3 **Intent:** The intent and purpose of this Code is to enable, encourage and qualify the implementation of the following policies:

1.14.3.1 GENERAL GOALS AND OBJECTIVES

- 1.14.3.1.1 Economic Development & Job Creation.
- 1.14.3.1.2 Enhancement of Tourism and Recreational Opportunities.
- 1.14.3.1.3 Sense of Community Pride and Public-Private Partnership in achieving community goals.
- 1.14.3.1.4 Taming the highway corridors into pleasant pedestrian friendly avenues with a sense of place.
- 1.14.3.1.5 Creation of a livable community with all the local services, jobs, amenities, and housing within the town boundaries.

1.14.3.2 THE REGION

- 1.14.3.2.1 That the region should retain its natural infrastructure, cultural heritage and visual character derived from topography, U.S. Forest, BLM, farm and ranch lands, water rights and riparian corridors.
- 1.14.3.2.2 That growth strategies should encourage Infill and redevelopment as a higher priority than New Communities.
- 1.14.3.2.3 That development contiguous to urban areas should be structured in the pattern of Infill Traditional Neighborhood Design (TND) or Infill Regional Center Development (RCD) and be integrated with the existing urban pattern.
- 1.14.3.2.4 That development non-contiguous to urban areas should be organized in the pattern of Clustered Land Development (CLD).

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- 1.14.3.2.5 That Affordable Workforce Housing should be distributed throughout the region to match job opportunities and to avoid concentrations of poverty.
- 1.14.3.2.6 That transportation Corridors should be planned and reserved in coordination with land use.
- 1.14.3.2.7 That green corridors should be used to define and connect the Neighborhoods.
- 1.14.3.2.8 That the region should include a framework of transit, pedestrian, and bicycle systems that provide alternatives to the automobile.

1.14.3.3 THE COMMUNITY

- 1.14.3.3.1 That Neighborhoods and Regional Centers should be compact, pedestrian-oriented and Mixed Use.
- 1.14.3.3.2 That Neighborhoods and Regional Centers should be the preferred pattern of development and that Districts specializing in a single use should be the exception.
- 1.14.3.3.3 That ordinary activities of daily living should occur within walking distance of most dwellings, allowing independence to those who do not drive.
- 1.14.3.3.4 That interconnected networks of Thoroughfares should be designed to disperse traffic through a Grid system and reduce the length of walking, bicycling and automobile trips.
- 1.14.3.3.5 That within neighborhoods, a range of housing types and price levels should be provided to accommodate diverse ages and incomes.
- 1.14.3.3.6 That appropriate building Densities and land uses should be provided within walking distance of shopping and transportation hubs.
- 1.14.3.3.7 That Civic, institutional, and Commercial activity should be embedded in downtowns, not isolated in remote single-use complexes.
- 1.14.3.3.8 That schools should be sized and located to enable children to walk or bicycle to them.
- 1.14.3.3.9 That a range of Open Space including Parks, Squares, and playgrounds should be distributed within neighborhoods and downtowns.

1.14.3.4 THE BLOCK AND THE BUILDING

- 1.14.3.4.1 That buildings and landscaping should contribute to the physical definition of Thoroughfares as Civic places.
- 1.14.3.4.2 That development should adequately accommodate automobiles while respecting the pedestrian and the spatial form of public areas.

- 1.14.3.4.3 That the design of streets and buildings should reinforce safe environments, but not at the expense of accessibility.
- 1.14.3.4.4 That architecture and landscape design should grow from local climate, topography, history, and building practice.
- 1.14.3.4.5 That buildings should provide their inhabitants with a clear sense of geography and climate through energy efficient methods.
- 1.14.3.4.6 That Civic Buildings and public gathering places should be provided as locations that reinforce community identity and support self-government.
- 1.14.3.4.7 That Civic Buildings should be distinctive and appropriate to a role more important than the other buildings that constitute the fabric of the city.
- 1.14.3.4.8 That the preservation and renewal of historic buildings should be facilitated, to affirm the continuity and evolution of society.
- 1.14.3.4.9 That houses should face the Primary Street with less prominent garages in the third layer preferably accessed off Secondary streets or alleys.
- 1.14.3.4.10 That the harmonious and orderly evolution of urban areas should be secured through form-based codes.

1.14.3.5 The Transect

- 1.14.3.5.1 That Communities should provide meaningful choices in living arrangements as manifested by distinct physical environments.
- 1.14.3.5.2 That the Transect Zone descriptions on Table 1 shall constitute the Intent of this Code with regard to the general character of each of these environments.

1.16 INTERPRETATION

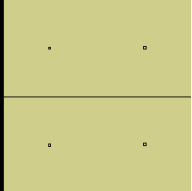
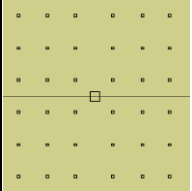
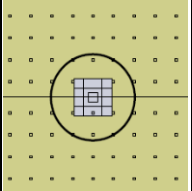
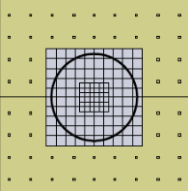
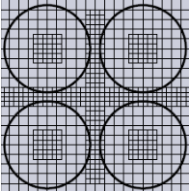
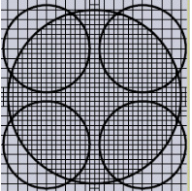
- 1.16.1 In their interpretation and application, the provisions of this Code shall be held to be minimum requirements for the promotion of the public health, safety and welfare. Whenever the requirements of this Code are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the more restrictive or that imposing the higher standards should govern.

2 REGIONAL SCALE PLANS

2.1 INSTRUCTIONS

- 2.1.1 This Article governs the preparation of Regional Scale Plans (“Regional Plans”) that allocate Sectors. For lands within the Town that have been mapped pursuant to this Article, Sections 2.5 et seq. prescribe the Community Unit types permitted in each Growth Sector. Articles 3 and 4 regulate the standards of those Community Unit types.
- 2.1.2 Regional Plans should integrate the three mile planning area or a lesser area as determined by the Town.
- 2.1.3 Regional Sectors are defined in Article 2 and are comprised of Open Space and growth areas. Growth areas are intended for the development of Community Units, defined in Article 3 and Article 4, which in turn are comprised of Transect Zones, defined by the elements appropriate to them in Article 5 and Article 6.
- 2.1.4 Regional Plans should be prepared by the Planning Staff and/or consultants under its supervision. The process shall involve citizen participation and the approval of the Planning Commission.
- 2.1.5 Sequence of sector determination: Determination of Sector designations shall be made in the following sequence:
- 2.1.5.1 The areas to be designated Preserved Open Sector (O-1) shall be mapped using the criteria listed in Section 2.3. The outline of this Sector is effectively the Rural Boundary Line, which is permanent.
- 2.1.5.2 The areas to be designated Reserved Open Sector (O-2) shall be mapped using the criteria listed under Section 2.4. The outline of this Sector is effectively the Urban Boundary Line which is to be adjusted by the ongoing permitting of New Community Plans or Infill Community Plans in accordance with this Code.
- 2.1.5.3 The areas to be designated Infill Growth Sectors (G-4) shall be mapped as described in Section 2.8. These areas may be redeveloped according to Article 4 of this Code.
- 2.1.5.4 All remaining areas shall be available for new development pursuant to New Community Plans submitted and approved in accordance with Article 3 of this Code. These areas shall be assigned to the Restricted Growth Sector, the Controlled Growth Sector, or the Intended Growth Sector using the criteria listed in this Article. Within these Sectors, the Community Unit types of CLD (Clustered Land Development), TND (Traditional Neighborhood Development), and RCD (Regional Center Development), shall be permitted to the extent set forth in Table 2.
- 2.1.5.5 Those areas that cannot or should not conform to one of the Community Unit types shall be allocated to Special Districts. See Section 2.8.

TABLE 2: Sector/Community Allocation. Table 2 defines the geography including both natural and infrastructure elements, determining areas that are or are not suitable for development. Specific Community Types of various densities are allowable in specific Sectors. This table also allocates the proportions of Transect Zones within each Community Type.

ALREADY DEVELOPED AREAS								
PROXIMITY TO MAJOR THOROUGHFARES AND TRANSIT								
PROXIMITY TO THOROUGHFARES								
MEDIUM SLOPES WOODLANDS								
FLOODPLAIN OPEN SPACE TO BE ACQUIRED CORRIDORS TO BE ACQUIRED BUFFERS TO BE ACQUIRED LEGACY WOODLAND LEGACY FARMLAND LEGACY VIEWSHEDS CLD RESIDUAL OPEN SPACE								
SURFACE WATERBODY PROTECTED WETLAND PROTECTED HABITAT RIPARIAN CORRIDOR PURCHASED OPEN SPACE CONSERV. EASEMENT LAND TRUST TRANSPORT. CORRIDOR CLD OPEN SPACE								
(PRIMARYLY OPEN SPACE)		(PRIMARYLY NEW COMMUNITIES)		(SUCCESSIONAL COMMUNITIES)				
PRESERVED OPEN SECTOR	RESERVED OPEN SECTOR	RESTRICTED GROWTH	CONTROLLED GROWTH	INTENDED GROWTH	INFILL GROWTH SECTOR			
								
NO MINIMUM	NO MINIMUM	50% MIN.	50% MIN.					
NO MINIMUM	NO MINIMUM			NO MIN.	NO MIN.			
		10 - 30%	10 - 30%	10 - 30%	10 - 30%			
		20 - 40%	20 - 40%	30 - 60%	30 - 60%	10 - 30%	VARIABLE	VARIABLE
				10 - 30%	10 - 30%	10 - 30%	VARIABLE	VARIABLE

2.2 (O-1) PRESERVED OPEN SECTOR

- 2.2.1 The Preserved Open Sector should consist of Open Space that is protected from development in perpetuity. The Preserved Open Sector includes areas under environmental protection by law or regulation, as well as land acquired for conservation through purchase, by easement, or by past Transfer of Development Rights.
- 2.2.2 The Preserved Open Sector shall consist of the aggregate of the following categories:
 - 2.2.2.1 Federal lands such as U.S. Forest Service, Bureau of Land Management & State Parks
 - 2.2.2.2 Town owned lands purchased and designated as natural preserves
 - 2.2.2.3 Private lands with perpetual conservation easements or PUD designated restrictions within the Town.
 - 2.2.2.4 Lands within the County preserved as perpetual open space by subdivision or PUD plats.
- 2.2.3 Development and construction within the Preserved Open Sector and the specifications required to do so shall be determined on an individual project basis by recommendation of the Planning and Zoning Commission and by public hearing of Board of Trustees.

2.3 (O-2) RESERVED OPEN SECTOR

- 2.3.1 The Reserved Open Sector shall consist of Open Space that should be, but is not yet, protected from development.
- 2.3.2 The Reserved Open Sector shall consist of the aggregate of the following categories:
 - 2.3.2.1 Flood plain, including Special Flood Hazard Areas in non-developed areas
 - 2.3.2.2 Steep slopes, in non-developed areas where the geotechnical report is likely to recommend cut slopes and fill slope less than the natural slopes.
 - 2.3.2.3 Open Space to be acquired.
 - 2.3.2.4 Corridors to be acquired.
 - 2.3.2.5 Irrigated legacy farm and ranch land
 - 2.3.2.6 Other County, State or Federally owned land that may be transferred, sold or traded.

2.4 (G-1) RESTRICTED GROWTH SECTOR

- 2.4.1 The Restricted Growth Sector should be assigned to areas that have value as Open Space but nevertheless are subject to development, either because the zoning has already been granted or because there is no legally defensible reason, in the long term, to deny it.
- 2.4.2 Within the Restricted Growth Sector, Clustered Land Development (CLD) shall be permitted By Right.

2.5 (G-2) CONTROLLED GROWTH SECTOR

- 2.5.1 The Controlled Growth Sector should be assigned to those locations that can support Mixed Use by virtue of proximity to an existing or planned Thoroughfare.
- 2.5.2 Within the Controlled Growth Sector, CLD and Traditional Neighborhood Development (TND) shall be permitted By Right.

2.6 (G-3) INTENDED GROWTH SECTOR

- 2.6.1 The Intended Growth Sector shall be assigned to those locations that can support substantial Mixed Use by virtue of proximity to an existing or planned regional Thoroughfare and/or transit.
- 2.6.2 Within the Intended Growth Sector, Communities in the pattern of Regional Center Developments (RCD), as well as TNDs, shall be permitted By Right.

2.7 (G-4) INFILL GROWTH SECTOR

- 2.7.1 The Infill Growth Sector shall be assigned to areas already developed, having the potential to be modified, confirmed or completed in the pattern of Infill TNDs or Infill RCDs.

2.8 (SD) SPECIAL DISTRICTS

- 2.8.1 Special District designations should be assigned to areas that, by their intrinsic size, Function, or Configuration, cannot conform to the requirements of a CLD, a TND, or an RCD as set forth in Article 3.
- 2.8.2 Conditions of development for New Special Districts shall be determined in public hearing of the Planning and Zoning Commission and the Board of Trustees; and recorded in Table 15. Alternatively, the provisions of the Existing Local Codes shall remain applicable to Special Districts.

2.9	FIRE HAZARD MITIGATION
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2.9.1 Set Aside Lands

2.9.1.1 Lands in a Fire Hazard Severity Zone that are set aside for the purpose of fire hazard mitigation, and that are not designated for agricultural uses or currently in private ownership for agricultural uses, should be permanently assigned to the O-1 Preserved Open sector. Such lands in private ownership should be assigned O-2 Reserved Open space sector for intended reassignment to O-1 through transfer of Development Rights or other compensatory actions, or to the G-1 Restricted growth sector, allowing only CLD development in the future.

2.9.2 Sector Designations

2.9.2.1 Undeveloped lands in Fire Hazard severity zones should be limited to designation as O-1, O-2, G-1, or G-2.

2.9.3 O-1 Preserved Sector

2.9.3.1 Lands in Fire Hazard severity zones designated O-1 may include Fuel treatments at Sector boundaries adjacent to other Sectors where structures may be present, and in other locations where Fuel treatments provide a strategic advantage for fire hazard mitigation for existing and proposed development and for general stewardship purposes.

2.9.3.2 Lands in Fire Hazard severity zones designated O-1 may include agricultural production and structures, timber production and structures, and parklands facilities and structures by warrant.

2.9.4 O-2 Reserved Open Sector

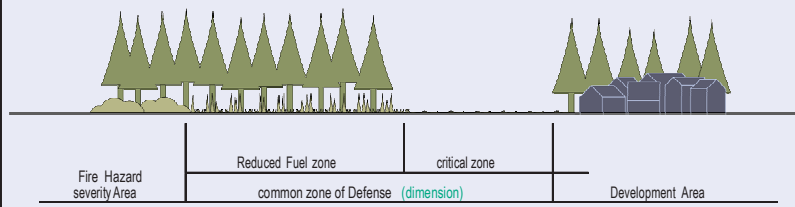
2.9.4.1 Fuel treatment in O-2 and O-1 should return undeveloped lands within the Sector to a condition in which naturally occurring fires generate ongoing Fuels Maintenance.

2.9.5 G-1 Restricted Growth Sector and G-2 Controlled Growth Sector

2.9.5.1 Lands in Fire Hazard severity zones designated G-1 or G-2 may include agricultural production and related structures.

FUEL TREATMENT TABLE FM-1

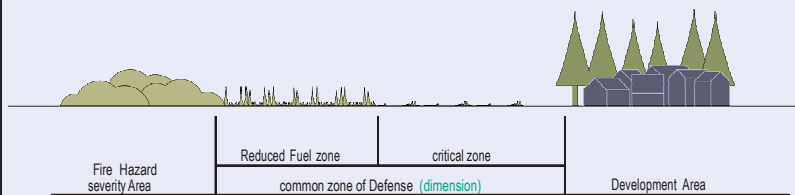
a. Common zone of defense: Forest land Fuel types



Fuel treatment shall be implemented as follows:

- Understory treatment throughout the Zone of Defense
- tree reduction or removal in the Critical Zone
- conversion to agriculture in the Critical Zone
- trees shall be permitted in the Critical Zone and within the development area when Ladder Fuels are managed.

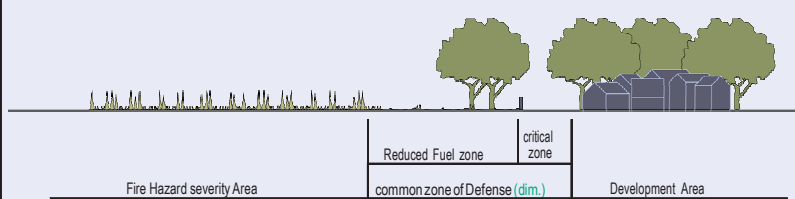
b. Common zone of defense: Scrub / brushland Fuel type



Fuel treatment shall be implemented as follows:

- Fuel reduction throughout the Zone of Defense
- conversion to agriculture in the Critical Zone
- trees shall be prohibited in the Critical Zone
- trees shall be permitted within the development area when Ladder Fuels and crown Fuels are managed.

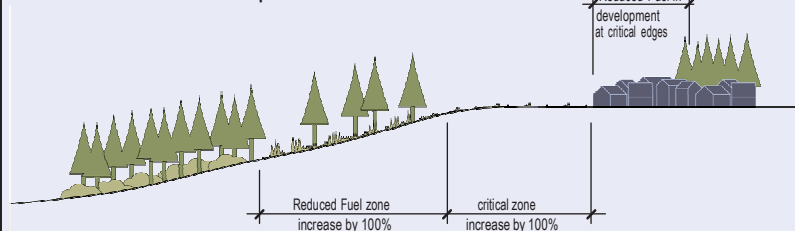
c. Common zone of defense: grassland Fuel type



Fuel treatment shall be implemented as follows:

- Fuel Reduction and Fuel Management throughout Zone of Defense
- conversion to agriculture in the Critical Zone
- trees shall be permitted in Critical Zone and within the development area when Ladder Fuels are managed
- Critical Zone may be reduced by Warrant via inclusion of walls, grade breaks, and other barriers.

d. Common zone of defense: Slope issues

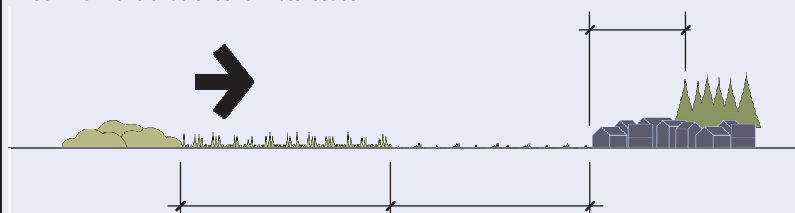


• Where topography includes slopes, draws, canyons and other features that focus wind effects, the zone of Defense shall be increased.

• Development shall be prohibited on slopes, and limited to benches, ridges and other locations where fire fighting in the critical zone is facilitated.

• Within development, Fuel sources shall be reduced at edges adjacent to increased Zone of Defense

e. Common zone of defense: Climate issues



• Where prevailing winds (during fire season) coincide

3 NEW COMMUNITY SCALE PLANS

3.1 NEW COMMUNITY SCALE PLANS

- 3.1.1 Within the Growth Sectors as shown on the Regional Scale Plan ("Regional Plan"), the provisions of Article 3 and this Code in general shall be available By Right, upon request by the owner subject to Town approved Annexation.
- 3.1.2 New Community Plans may be prepared in the absence of a Regional Plan or Comprehensive Plan by approval of the Town Board of Trustees. New Community Plans may contain more than one Community Unit and/or more than one Community Unit type.
- 3.1.3 Once the Board of Trustees approves a New Community Plan and Annexation, the parcel shall be zoned and shall be marked as such on the Zoning Map of Town of Poncha Springs. Within the new Community Planning Area, this Code shall be the exclusive and mandatory zoning regulation, and its provisions shall be applied in their entirety.
- 3.1.4 New Community Plans shall include a Regulating Plan consisting of one or more maps showing the following for each Community Unit in the plan area, in compliance with the standards described in this Article:
 - 3.1.4.1 Transect Zones
 - 3.1.4.2 Civic Zones
 - 3.1.4.3 Thoroughfare network
 - 3.1.4.4 Special Districts, if any
 - 3.1.4.5 Special Requirements, if any
 - 3.1.4.6 Numbers of Warrants or Variances, if any.
- 3.1.5 New Community Plans shall include one set of preliminary site plans for each Transect Zone, as provided by Table 15 and Section 5.1.3.1.

3.2 SEQUENCE OF COMMUNITY DESIGN

- 3.2.1 The site shall be structured using one or several Pedestrian Sheds, which should be located according to existing conditions, such as traffic intersections, adjacent developments, and natural features. The site or any Community Unit within it may be smaller or larger than its Pedestrian Shed.
- 3.2.2 The Pedestrian Sheds may be adjusted to include land falling between or outside them, but the extent of each shall not exceed the acreage limit specified in Section 3.3 for the applicable Community Unit type. An Adjusted Pedestrian Shed becomes the boundary of a Community Unit.
- 3.2.3 Areas of Transect Zones (Section 3.4) shall be allocated within the boundaries of each Community Unit as appropriate to its type. See Section 3.3 and Table 14a.
- 3.2.4 Civic Zones shall be assigned according to Section 3.5.
- 3.2.5 Special Districts, if any, shall be assigned according to Section 3.6.

- 3.2.6 The Thoroughfare network shall be laid out according to Section 3.7.
- 3.2.7 Density shall be calculated according to Section 3.8.
- 3.2.8 Remnants of the site outside the Adjusted Pedestrian Shed(s) shall be assigned to Transect Zones or Civic Space by Warrant or Special District by Variance.

3.3 COMMUNITY UNIT TYPES**3.3.1 Clustered Land Development (CLD)**

3.3.1.1 A Clustered Land Development (CLD) shall be permitted within the G-1 Restricted Growth Sector and the G-2 Controlled Growth Sector.

3.3.1.2 A CLD shall be structured by one Standard Pedestrian Shed and shall consist of no fewer than 30 acres and no more than 80 acres.

3.3.1.3 A CLD shall include Transect Zones as allocated on Table 2 and Table 14a. A minimum of 50% of the Community Unit shall be permanently allocated to a T1 Natural Zone and/or T2 Rural Zone.

3.3.2 Traditional Neighborhood Development (TND)

3.3.2.1 A Traditional Neighborhood Development (TND) shall be permitted within the G-2 Controlled Growth Sector, the G-3 Intended Growth Sector, and the G-4 Infill Growth Sector.

3.3.2.2 A TND within the G-2 Controlled Growth Sector and the G-3 Intended Growth Sector shall be structured by one Standard or Linear Pedestrian Shed and shall be no fewer than 80 acres and no more than 160 acres. See Article 4 for Infill TND acreage requirements in the G-4 Infill Growth Sector.

3.3.2.3 A TND shall include Transect Zones as allocated on Table 2 and Table 14a.

3.3.2.4 Larger sites shall be designed and developed as multiple Communities, each subject to the individual Transect Zone requirements for its type as allocated on Table 2 and Table 14a. The simultaneous planning of adjacent parcels is encouraged.

3.3.2.5 In the T-4 General Urban Zone, a minimum Residential mix of three Building Disposition types (none less than 20%) shall be required, selected from Table 9.

3.3.3 Regional Center Development (RCD)

3.3.3.1 A Regional Center Development (RCD) shall be permitted within the G-3 Intended Growth Sector and the G-4 Infill Growth Sector.

3.3.3.2 An RCD within the G-3 Intended Growth Sector shall be structured by one Long Pedestrian Shed or Linear Pedestrian Shed and shall consist of no fewer than 80 acres and no more than 640 acres. See Article 4 for Infill RCD acreage requirements in the G-4 Infill Growth Sector.

3.3.3.3 An RCD shall include Transect Zones as allocated on Table 2 and Table 14a.

3.3.3.4 For larger sites, an RCD may be adjoined without buffer by one or more TNDs, each subject to the individual Transect Zone requirements for TND as allocated on Table 2 and Table 14a. The simultaneous planning of adjacent parcels is encouraged.

3.4 TRANSECT ZONES

3.4.1 Transect Zones shall be assigned and mapped on each New Community Plan according to the percentages allocated on Tables 2 and 14a or other percentages negotiated with and approved by the Town. The Town Zoning Map shall be updated within 90 days of the ordinance adoption.

- 3.4.2 A Transect Zone may include any of the elements indicated for its T-zone number throughout this Code, in accordance with Intent described in Table 1 and the metric standards summarized in Table 14.
- 3.4.3 New Communities shall use the Transect Zone Standards of this Code unless a W1 Warrant is approved to allow alternative Transect Zone Standards. The proliferation of varied Transect Zone Standards should be discouraged as it significantly increases the complexity of the planning and enforcement for Town.

3.5 CIVIC ZONES

- 3.5.1 General
 - 3.5.1.1 Civic Zones dedicated for public use shall be required for each Community Unit and designated on the New Community Plan as Civic Space (CS) and Civic Building (CB).
 - 3.5.1.2 Civic Space Zones are public sites permanently dedicated to Open Space.
 - 3.5.1.3 Civic Building Zones are sites dedicated for buildings generally operated by not-for-profit organizations dedicated to culture, education, religion, government, transit and municipal parking, or for a use approved by the Board of Trustees.
 - 3.5.1.4 A Civic Zone may be permitted by Warrant if it does not occupy more than 20% of a Pedestrian Shed, otherwise it is subject to the creation of a Special District. See Section 3.6.
 - 3.5.1.5 Parking for Civic Zones shall be determined by Warrant. Civic parking lots may remain unpaved if graded, compacted and landscaped.
- 3.5.2 Civic Zones Specific to T1 & T2 Zones
 - 3.5.2.1 Civic Buildings and Civic Spaces within T1 Natural and T2 Rural Zones shall be permitted only by W1 Warrant.
- 3.5.3 Civic Space (CS) Specific to T3-T6 Zones
 - 3.5.3.1 Each Pedestrian Shed shall assign at least 5% of its Urbanized area to Civic Space.
 - 3.5.3.2 Civic Spaces shall be designed as generally described in Table 13, approved by Warrant, and distributed throughout Transect Zones as described in Table 14e.
 - 3.5.3.3 Those portions of the T1 Natural Zone that occur within a development parcel shall be part of the Civic Space allocation and should conform to the Civic Space types specified in Table 13a or 13b.
 - 3.5.3.4 Each Pedestrian Shed shall contain at least one Main Civic Space. The Main Civic Space shall be within 800 feet of the geographic center of each Pedestrian Shed, unless topographic conditions, pre-existing Thoroughfare alignments or other circumstances prevent such location. A Main Civic Space shall conform to one of the types specified in Table 13b, 13c, or 13d.
 - 3.5.3.5 Within 800-1300 feet of every Lot in Residential use, a Civic Space designed and equipped as a playground or pocket park should be provided. A playground shall conform to Table 13e.

- 3.5.3.6 Each Civic Space should have a minimum of 50% of its perimeter enfronting a Thoroughfare, except for playgrounds and pocket parks.
- 3.5.3.7 Civic Spaces may be permitted within Special Districts by Warrant.
- 3.5.3.8 Parks may be permitted in Transect Zone T5 by W1 Warrant.
- 3.5.4 Civic Buildings (CB) Specific to T3-T6 Zones
 - 3.5.4.1 The owner shall covenant to construct a Meeting Hall or a Public Facility approved by the town in proximity to the Main Civic Space of each Pedestrian Shed.
 - 3.5.4.2 The owner shall contribute to the public school system per the currently adopted in-lieu of school fees in the Town fee schedule.
 - 3.5.4.3 One Civic Building Lot suitable for a childcare building shall be reserved within each Pedestrian Shed. The owner or a homeowners' association or other community council may organize, fund and construct an appropriate building as the need arises.
 - 3.5.4.4 Civic Building sites shall not occupy more than 20% of the area of each Pedestrian Shed.
 - 3.5.4.5 Civic Building sites should be located within or adjacent to a Civic Space, or at the axial termination of a significant Thoroughfare.
 - 3.5.4.6 Civic Buildings shall not be subject to the standards of Article 5. The particulars of their design shall be determined by Warrant.
 - 3.5.4.7 Civic Buildings may be permitted within Special Districts by W1 Warrant.

3.6 SPECIAL DISTRICTS

- 3.6.1 Special District designations shall be assigned to areas that, by their intrinsic size, Function, or Configuration, cannot conform to the requirements of any Transect Zone or combination of zones. Conditions of development for Special Districts shall be determined in public hearing of the Town Board of Trustees and recorded in Article 5 Building Scale Plans, Table 10 and Table 14 and other associated zoning tables.

3.7 THOROUGHFARE STANDARDS**3.7.1 General**

- 3.7.1.1 Thoroughfares are intended for use by vehicular and pedestrian traffic and to provide access to Lots and Open Spaces.
- 3.7.1.2 Thoroughfares should generally consist of vehicular lanes and Public Frontages.
- 3.7.1.3 Thoroughfares should be designed in context with the urban form and desired design speed of the Transect Zones through which they pass. The Public Frontages of Thoroughfares that pass from one Transect Zone to another should be adjusted accordingly or, alternatively, the Transect Zone may follow the alignment of the Thoroughfare to the depth of one Lot, retaining a single Public Frontage throughout its trajectory.
- 3.7.1.4 Within the most rural Zones (T1 and T2) pedestrian comfort shall be a secondary consideration of the Thoroughfare. Design conflict between vehicular and pedestrian generally should be decided in favor of the vehicle. Within the more urban Transect Zones (T3 through T6) pedestrian comfort shall be a primary consideration of the Thoroughfare. Design conflict between vehicular and pedestrian movement generally shall be decided in favor of the pedestrian.
- 3.7.1.5 The Thoroughfare network shall be designed to define Blocks not exceeding the size prescribed in Table 14c. The perimeter shall be measured as the sum of four Lot Frontage Lines. Block perimeter at the edge of the development parcel shall be subject to approval by a W2 Warrant. Blocks exceeding the maximum size are subject to approval by a W1 Warrant and must be able to show that pedestrian circulation within the ped-shed is not degraded.
- 3.7.1.6 All Thoroughfares shall terminate at other Thoroughfares, forming a network. Internal Thoroughfares shall connect wherever possible to those on adjacent sites. Cul-de-sacs shall be subject to approval by a W1 Warrant to accommodate specific site topographical conditions only. Thoroughfare grids should be linear with primary (A) streets in the east-west direction if possible for energy efficiency. (maximizing solar incidence on rooftops)
- 3.7.1.7 Each Lot shall Enfront an A-Grid vehicular Thoroughfare. Lots Enfronting a B-Grid Thoroughfare shall be approved by a W2 Warrant.
- 3.7.1.8 Thoroughfares along a designated B-Grid may be exempted by a W2 Warrant from one or more of the specified Public Frontage or Private Frontage requirements. See Table 7.
- 3.7.1.9 Standards for Paths and Bicycle Trails shall be approved by W2 Warrant.

3.7.1.10 The standards for Thoroughfares within Special Districts shall be determined by a W1 Warrant if not determined by specific standards in this code.

3.7.2 Vehicular Lanes

3.7.2.1 Thoroughfares may include vehicular lanes in a variety of widths for parked and for moving vehicles, including bicycles. Approved Thoroughfares for each T-zone are provided in Table 3C Thoroughfare Assemblies. Alternate Thoroughfares shall be approved by a W1 Warrant and must comply with the standards for vehicular lanes shall be as shown in Table 3A.

3.7.2.2 A bicycle network consisting of Bicycle Trails, Bicycle Routes and Bicycle Lanes should be provided throughout as defined in Definitions of Terms and allocated as specified in Table 14d. Bicycle Routes should be marked with Sharrows. The community bicycle network should be connected to existing or proposed regional networks wherever possible. Bicycle network connections shown on the regulating plan are required. Required connections can be modified by a W1 Warrant.

TABLE 3A: Vehicular Lane Dimensions. This table assigns lane widths to Transect Zones. The Design ADT (Average Daily Traffic) is the determinant for each of these sections. The most typical assemblies are shown in Table 3B. Specific requirements for truck and transit bus routes and truck loading shall be decided by Warrant.

DESIGN SPEED	TRAVEL LANE WIDTH	T1	T2	T3	T4	T5	SD1	SD4	
Below 20 mph	10	■	■	□	□	■	■	□	
20-25 mph	11	■	■	■	■	■	■	■	
25-35 mph	12	■	■	□	□	□	□	□	

DESIGN SPEED	PARKING LANE WIDTH	T1	T2	T3	T4	T5	SD1	SD4	
Below 20 mph	(Parallel) 7 feet	■	■	■	■		■	■	
20-25 mph	(Parallel) 8 feet	□	□	□	■	■	■	□	

DESIGN SPEED	EFFECTIVE TURNING RADIUS	T1	T2	T3	T4	T5	SD1	SD4	
Below 20 mph	5-10 feet	■	■	■	■	■	■	■	
20-25 mph	10-15 feet	□	□	□	■	■	■	■	

1

■ BY RIGHT

□ BY W1 WARRANT

■ NOT PERMITTED

Table 3A Vehicular Lane Dimensions

TABLE 3B: Vehicular Lane/Parking Assemblies. The projected design speeds determine the dimensions of the vehicular lanes and Turning Radii assembled for Thoroughfares. This table is only provided as a general guideline, Town may require other configurations.

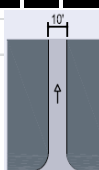
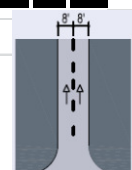
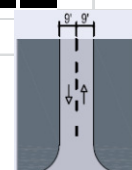
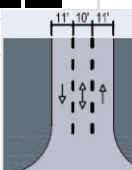
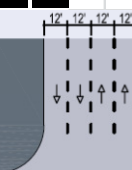

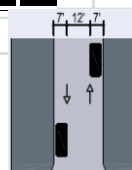
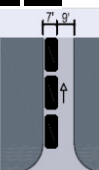
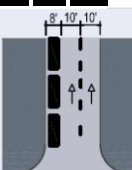
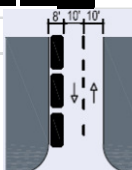
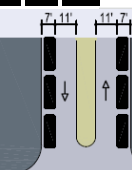
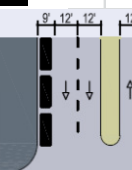

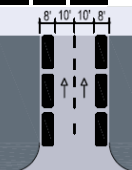
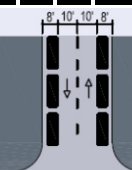
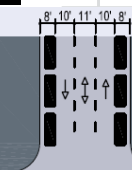
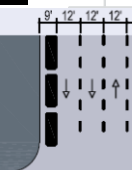




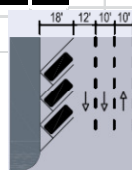
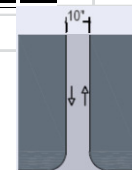
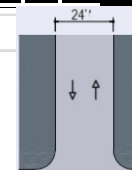
	ONE WAY MOVEMENT		TWO WAY MOVEMENT			
	T1	T2	T1	T2	T1	T2
a. NO PARKING						
Design ADT	300 VPD	600 VPD	2,500 VPD	22,000 VPD	36,000 VPD	
Pedestrian Crossing	3 Seconds	5 Seconds	5 Seconds	9 Seconds	13 Seconds	
Design Speed	20 - 30 MPH	Below 20 MPH	20 - 25 MPH		35 MPH or above	
b. YIELD PARKING						
Design ADT	1,000 VPD		1,000 VPD			
Pedestrian Crossing	5 Seconds		7 Seconds			
Design Speed						
c. PARKING ONE SIDE PARALLEL						
Design ADT	5,000 VPD	18,000 VPD	16,000 VPD	15,000 VPD	32,000 VPD	
Pedestrian Crossing	5 Seconds	8 Seconds	8 Seconds	11 Seconds	13 Seconds	
Design Speed	20 - 30 MPH		25 - 30 MPH	25 - 30 MPH		
d. PARKING BOTH SIDES PARALLEL						
Design ADT	8,000 VPD	20,000 VPD	15,000 VPD	22,000 VPD	32,000 VPD	
Pedestrian Crossing	7 Seconds	10 Seconds	10 Seconds	13 Seconds	15 Seconds	
Design Speed	Below 20 MPH	25 - 30 MPH	25 - 30 MPH	25 - 30 MPH	35 MPH and above	
e. PARKING BOTH SIDES DIAGONAL						
Design ADT	18,000 VPD	20,000 VPD	15,000 VPD	22,000 VPD	31,000 VPD	
Pedestrian Crossing	15 Seconds	17 Seconds	17 Seconds	20 Seconds	23 Seconds	
Design Speed	Below 20 MPH	20 - 25 MPH	20 - 25 MPH	25 - 30 MPH	25 - 30 MPH	
f. PARKING ACCESS						
Design ADT						
Pedestrian Crossing			3 Seconds	6 Seconds		
Design Speed						

TABLE 3C –COMMERCIAL STREET

KEY			
THOROUGHFARE TYPES		CS-60-38	
HIGHWAY	HW	THOROUGHFARE TYPE	COMMERCIAL STREET
BOULEVARD	BV	TRANSECT ZONE ASSIGNMENT	T5, SD1, SD2
AVENUE	AV	RIGHT OF WAY WIDTH	60 FEET
COMMERCIAL STREET	CS	PAVEMENT WIDTH	38 FEET
DRIVE	DR	MOVEMENT	FREE MOVEMENT
STREET	ST	DESIGN SPEED	25 MPH
ROAD	RD	PEDESTRIAN CROSSING TIME (SEC)	10.6
REAR ALLEY	RA	TRAFFIC LANES	TWO LANES
REAR LANE	RL	PARKING LANES	BOTH SIDES @ 8 FOOT MARKED
BICYCLE TRAIL	BT	CURB RADIUS	10 FEET
BICYCLE LANE	BL	WALKWAY TYPE	11 FOOT SIDEWALK
BICYCLE ROUTE	BR	PLANTER TYPE	TREE PLANTER 5 FOOT SQUARE TREES ON 30 CENTER
PATH	PT	CURB TYPE	VERTICAL CURB
PASSAGE	PS	LANDSCAPE TYPE	TREES @ 30 FOOT ON CENTER
TRANSIT ROUT	TR		

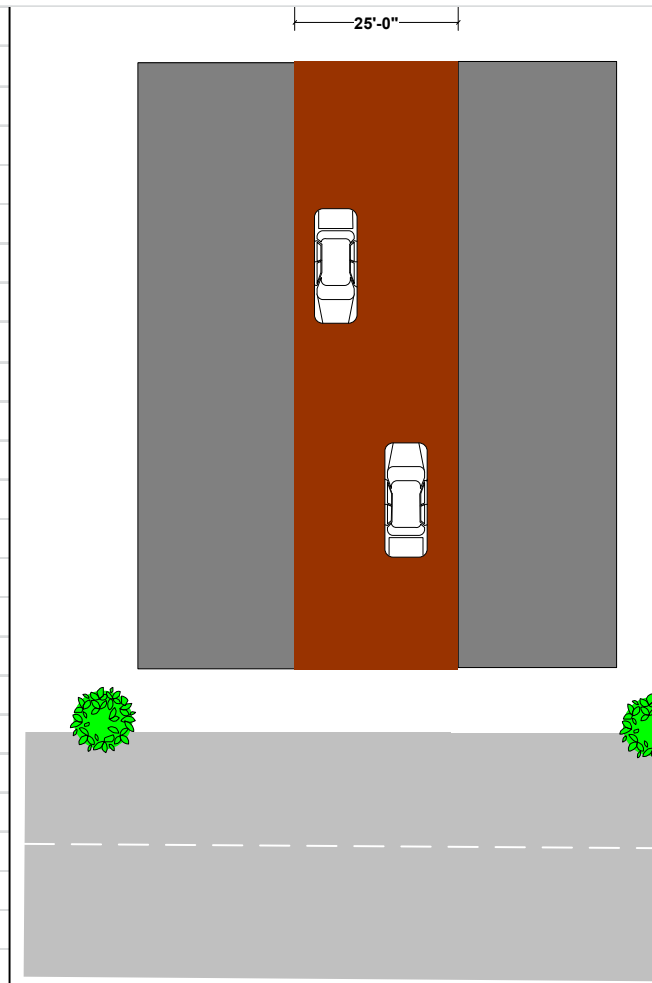
TABLE 3D – MIXED USE STREET

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THOROUGHFARE TYPES		ST-60-36	
HIGHWAY	HW	MIXED USE STREET	
BOULEVARD	BV	T4, SD4	
AVENUE	AV	60 FEET	
COMMERCIAL STREET	CS	36 FEET	
DRIVE	DR	FREE MOVEMENT	
STREET	ST	20 MPH	
ROAD	RD	10.1	
REAR ALLEY	RA	TWO LANES	
REAR LANE	RL	BOTH SIDES @ 7 FOOT MARKED	
BICYCLE TRAIL	BT	10 FEET	
BICYCLE LANE	BL	5 FOOT SIDEWALK	
BICYCLE ROUTE	BR	6.5 FOOT CONTINUOUS PLANTER (DEPRESSED)	
PATH	PT	VERTICAL CURB	
PASSAGE	PS	TREES @ 30 FOOT ON CENTER	
TRANSIT ROUT	TR		
THOROUGHFARE TYPE			
TRANSECT ZONE ASSIGNMENT			
RIGHT OF WAY WIDTH			
PAVEMENT WIDTH			
MOVEMENT			
DESIGN SPEED			
PEDESTRIAN CROSSING TIME (SEC)			
TRAFFIC LANES			
PARKING LANES			
CURB RADIUS			
WALKWAY TYPE			
PLANTER TYPE			
CURB TYPE			
LANDSCAPE TYPE			

[illegible]

TABLE 3F- REAR ALLEY

KEY		ST-57-20-BL	
THROUGHFARE TYPE		↑	
RIGHT OF WAY WIDTH		↑	
PAVEMENT WIDTH		↑	
TRANSPORTATION TYPES		↑	
THOROUGHFARE TYPES			
HIGHWAY	HW		
BOULEVARD	BV		
AVENUE	AV		
COMMERCIAL STREET	CS		
DRIVE	DR		
STREET	ST		
ROAD	RD		
REAR ALLEY	RA		
REAR LANE	RL		
BICYCLE TRAIL	BT		
BICYCLE LANE	BL		
BICYCLE ROUTE	BR		
PATH	PT		
PASSAGE	PS		
TRANSIT ROUT	TR		
THOROUGHFARE TYPE		RL 25-25	
TRANSECT ZONE ASSIGNMENT		REAR ALLEY	
RIGHT OF WAY WIDTH		ALL ZONES	
PAVEMENT OR GRAVEL WIDTH		25 FEET	
MOVEMENT		25 FEET	
DESIGN SPEED		FREE MOVEMENT	
PEDESTRIAN CROSSING TIME (SEC)		5 MPH	
TRAFFIC LANES		9.5	
PARKING LANES		ONE LANES	
CURB RADIUS		NONE	
WALKWAY TYPE		NONE	
PLANTER TYPE		NONE	
CURB TYPE		INVERTED CROWN	
LANDSCAPE TYPE		N ONE	

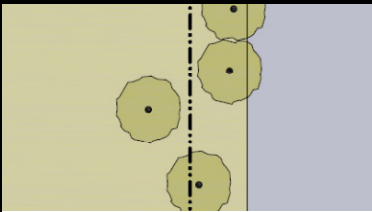
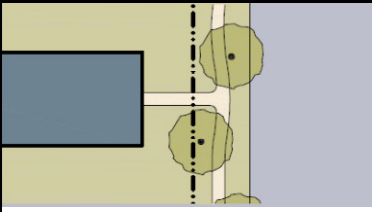
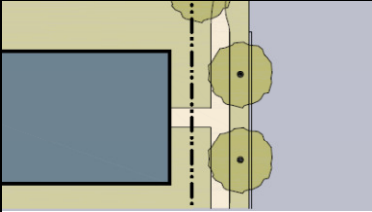
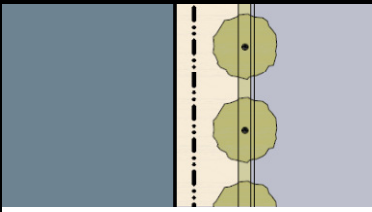
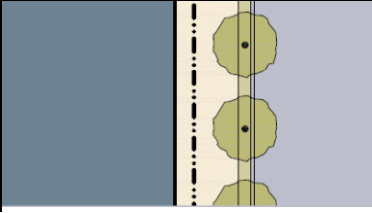
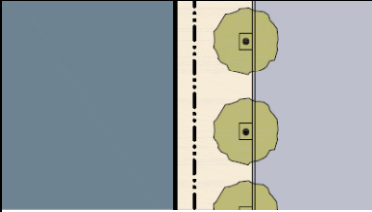
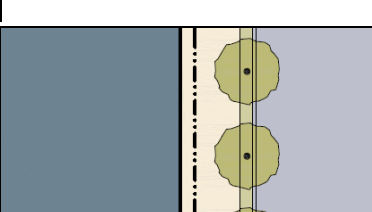


3.7.3 Public Frontages

3.7.3.1 General to all zones T1, T2, T3, T4, T5, SD-1, SD-4

- 3.7.3.1.1 The Public Frontage contributes to the character of the Transect Zone, and includes the types of Sidewalk, Curb, planter, bicycle facility, and street trees.
- 3.7.3.1.2 Public Frontages shall be designed as shown in Table 4A and Table 4B and allocated within Transect Zones as specified in Table 14d.
- 3.7.3.1.3 Within the Public Frontages, the prescribed types of Public Planting shall be as shown in Table 4A, Table 4B, and Table 6. The spacing may be adjusted by a W2 Warrant to accommodate specific site conditions.
- 3.7.3.1.4 Within the Public Frontages, the prescribed types of Public Lighting shall be as shown in Table 5 Public Lighting.

TABLE 4A: Public Frontages General: The Public Frontage is the area between the private Lot Line and the edge of the vehicular lanes. Dimensions are given in Table 4B.

		PLAN	
		LOT ▶	◀ R.O.W.
		PRIVATE FRONTAGE ▶	◀ PUBLIC FRONTAGE
a. (HW) For Highway: This Frontage has open Swales drained by percolation, Bicycle Trails and no parking. The landscaping consists of the natural condition or multiple species arrayed in naturalistic clusters. Buildings are buffered by distance or berms			T1
			T2
			T3
b. (RD) For Road: This Frontage has open Swales drained by percolation and a walking Path or Bicycle Trail along one or both sides Yield parking. The landscaping consists of the multiple species arrayed in naturalistic clusters.			T1
			T2
			T3
c. (ST) For Street: This Frontage has raised Curbs drained by inlets and Sidewalks separated from the vehicular lanes by individual or continuous Planters, with parking on one or both sides. The landscaping consists of street trees of a single or alternating species aligned in a regularly spaced Allee, with the exception that Streets with a right-of-way (R.O.W.) width of 40 feet or less are exempt from tree requirements.			T3
			T4
			SD4
d. (DR) For Drive: This Frontage has raised Curbs drained by inlets and a wide Sidewalk or paved path along one side, related to a Greenway or waterfront. It is separated from the vehicular lanes by individual or continuous Planters. The landscaping consists of street trees of a single species or alternating species aligned in a regularly spaced Allee.			T2
			T3
			SD4
e. (AV) For Avenue: This Frontage has raised Curbs drained by inlets and wide Sidewalks separated from the vehicular lanes by a narrow continuous Planter with parking on both sides. The landscaping consists of a single tree species aligned in a regularly spaced Allee.			T3
			T4
			T5
f. (CS) (AV) For Commercial Street or Avenue: This Frontage has raised Curbs drained by inlets and very wide Sidewalks along both sides separated from the vehicular lanes by separate tree wells with grates and parking on both sides. The landscaping consists of a single tree species aligned with regular spacing where possible but clears the storefront entrances.			T4
			T5
			SD1
g. (BV) For Boulevard: this Frontage has slip Roads on both sides. It consists of raised Curbs drained by inlets and Sidewalks along both sides, separated from the vehicular lanes by Planters. The landscaping consists of double rows of a single tree species aligned in a regularly spaced Allee.			T3
			T4
			T5
			SD4

	RURAL	TRANSECT	URBAN			
TRANSECT ZONE Public Frontage Type	T1 T2 T3 HW & RD	T1 T2 T3 RD & ST	T3 T4 ST-DR-AV	T4 T5 SD ST-DR-AV-BV	T4 T5 SD CS-DR-AV-BV	T4 T5 SD CS-DR-AV-BV
a. Assembly: The principal variables are the type and dimension of Curbs, walkways, Planters and landscape.						
Total Width	16-24 feet	12-24 feet	12-18 feet	12-18 feet	18-24 feet	18-30 feet
b. Curb: The detailing of the edge of the vehicular pavement incorporating drainage.						
Type	Open Swale	Open Swale	Raised Curb	Raised Curb	Raised Curb	Raised Curb
Radius	10-30 feet	10-30 feet	5-20 feet	5-20 feet	5-20 feet	5-20 feet
c. Walkway: The hard surface dedicated exclusively to pedestrian activity.						
Type	Path Optional	Path	Sidewalk	Sidewalk	Sidewalk	Sidewalk
Width	n/a	4-8 feet	4-8 feet	4-8 feet	12-20 feet	12-30 feet
d. Planter: The layer which accommodates street trees and other landscape materials.						
Arrangement	Clustered	Clustered	Regular	Regular	Regular	Opportunistic
Species	Clustered	Clustered	Alternating	Single	Single	Single
Planter Type	Continuous Swale	Continuous Swale	Continuous Planter	Continuous Planter	Continuous Planter	Tree Well
Planter Width	8 feet - 16 feet	8 feet - 16 feet	8 feet - 12 feet	8 feet - 12 feet	4 feet - 6 feet	4 feet - 6 feet
e. Landscape: The recommended plant species. (See Table 6)						
f. Lighting: The recommended Public Lighting. (See Table 5)						

3.7.3.2 Specific to zones T2, T3

- 3.7.3.2.1 The Public Frontage should include trees of various species, naturalistically clustered as shown on table 4a. Minimum of one tree per 50 foot of lot frontage required. W2 Warrant may modify tree requirement to allow for special conditions. The Town may require regular spaced tree plantings in the public right of way for T3 zones.
- 3.7.3.2.2 The introduced landscape should consist primarily of native species requiring minimal irrigation, fertilization and maintenance.

3.7.3.3 Specific to zone T4, T5, SD-1, SD-4

- 3.7.3.3.1 The introduced landscape should consist primarily of durable species tolerant of soil compaction.

3.7.3.4 Specific to zone T4, SD-1, SD-4

- 3.7.3.4.1 The Public Frontage should include trees planted in a regularly-spaced Allee pattern of single or alternated species with shade canopies of a height that, at maturity, clears at least one Story. Minimum of one tree per lot frontage for single family dwellings, one tree per 30 feet for multi-family lots or businesses.

3.7.3.5 SPECIFIC TO ZONES T5

- 3.7.3.5.1 The Public Frontage should include trees planted in a regularly-spaced Allee pattern of single species with shade canopies of a height that, at maturity, clears at least one Story. At Retail Frontages, the spacing of the trees may be irregular, to avoid visually obscuring the shopfronts. Minimum of one tree per 40 feet.
- 3.7.3.5.2 Streets with a Right-of-Way width of 40 feet or less may be exempted from the tree requirement.

3.7.4 Density CALCULATIONS

- 3.7.4.1 All areas of the New Community Plan site that are not part of the O-1 Preserved Sector shall be considered cumulatively the Net Site Area. The Net Site Area shall be allocated to the various Transect Zones according to the parameters specified in Table 14a.
- 3.7.4.2 Density shall be expressed in terms of housing units per acre as specified for the area of each Transect Zone by Table 14b. For purposes of Density calculation, the Transect Zones include the Thoroughfares but not land assigned to Civic Zones.
- 3.7.4.3 The Base Density of the Community Unit may be increased by the Transfer of Development Rights (TDR) up to the amount specified in the Incentives if any are adopted.
- 3.7.4.4 Within the percentage range shown on Table 14b for Other Functions, the housing units specified on Table 14b shall be exchanged at the following rates:
 - a. For Lodging: 2 rooms for each unit of Net Site Area Density.
 - b. For Office or Retail: 1000 square feet for each unit of Net Site Area Density.
 - c. The number of units exchanged shall be subject to approval by Warrant.

- 3.7.5 The housing and other Functions for each Transect Zone shall be subject to further adjustment at the building scale as limited by Table 10, Table 11 and Section 5.9. special requirements
- 3.7.6 A New Community Plan may designate any of the following Special Requirements:
- 3.7.6.1 A differentiation of the Thoroughfares as A-Grid and B-Grid Buildings along the A-Grid shall be held to the highest standard of this Code in support of pedestrian activity. Buildings along the B-Grid may be more readily considered for Warrants allowing automobile-oriented standards. The Frontages assigned to the B-Grid shall not exceed 30% of the total length of Frontages within a Pedestrian Shed.
 - 3.7.6.2 Designations for Mandatory and/or Recommended Retail Frontage requiring or advising that a building provide a Shopfront at Sidewalk level along the entire length of its Private Frontage. The Shopfront shall be no less than 70% glazed in clear glass and shaded by an awning overlapping the Sidewalk (exception for highway frontage without sidewalk) as generally illustrated in Table 7 and specified in Article 5. The first floor shall be confined to Retail use through the depth of the second Layer. (Table 17d)
 - 3.7.6.3 Designations for Mandatory and/or Recommended Gallery Frontage, requiring or advising that a building provide a permanent cover over the Sidewalk, either cantilevered or supported by columns. The Gallery Frontage designation may be combined with a Retail Frontage designation.
 - 3.7.6.4 Designations for Mandatory and/or Recommended Arcade Frontage, requiring or advising that a building overlap the Sidewalk such that the first floor Facade is a colonnade. The Arcade Frontage designation may be combined with a Retail Frontage designation.
 - 3.7.6.5 A designation for Coordinated Frontage, requiring that the Public Frontage (Table 4A) and Private Frontage (Table 7) be coordinated as a single, coherent landscape and paving design.
 - 3.7.6.6 Designations for Mandatory and/or Recommended Terminated Vista locations, requiring or advising that the building be provided with architectural articulation of a type and character that responds visually to the location, as approved by the Town Board of Trustees.
 - 3.7.6.7 A designation for Cross Block Passages, requiring that a minimum 8-foot-wide pedestrian access be reserved between buildings.
 - 3.7.6.8 A designation for Buildings of Value, requiring that such buildings and structures may be altered or demolished only in accordance with Municipal or State Preservation Standards and Protocols with Board Approval. See section 5

3.8 HAZARD STANDARDS

- 3.8.1 Fire Mitigation Standards in the Wildland Urban Interface (WUI)
- 3.8.1.1 Lands mapped in a developer's Community Plan that occur in a Fire Hazard severity zone and are set aside by the developer for the for the purpose of fire hazard mitigation, and that are not designated for agricultural uses or currently in private ownership for agricultural uses, should be permanently assigned to civic space or the O-1 Preserved Open sector.

3.8.1.2 General

3.8.1.2.1 Development occurring in or adjacent to a Fire Hazard Severity Zone shall be limited to the following:

3.8.1.2.1.1 TND where the existing or proposed WUI occurs, provided the WUI is modified via a common zone of Defense.

3.8.1.2.1.2 CLD as regulated in Section 3.3.1 and including a common zone of Defense per Section 3.3.1.1.3 above.

3.8.1.2.2 Specific to CLD

3.8.1.2.2.1 If any part of the Urbanized area of a planned CLD falls inside or adjacent to a Fire Hazard Severity Zone, the entire Urbanized area shall be subject to a Common zone of Defense separating it from the Fire Hazard severity zone. The required 50% t1/t2 zone in the CLD may act as part of the common zone of Defense if it satisfies the other requirements of this Code for a Zone of Defense.

3.8.1.3 Transect Zones

3.8.1.3.1 Specific to Zone T2 within a Fire Hazard Zone

3.8.1.3.1.1 Individual structures permitted by this Code that are justified within the FHSZ in support of land management, stewardship, agricultural production, and related residential and industrial structures shall include individual zones of Defense and shall be located adjacent to public roads for ease of access for firefighting.

3.8.1.3.1.2 Multiple structures comprising a compound shall utilize a common zone of Defense such that clusters of buildings are isolated from adjacent fire hazards as a group. The common zone of Defense may be increased in dimension to ensure isolation and to protect structures without requiring individual zones of Defense.

3.8.1.3.1.3 Multiple, but separate, individual structures or compounds that may be permitted by this Code (such as farmsteads) shall be located in close proximity to each other such that zones of Defense or common zones of Defense overlap or occur directly across roadways as a means to facilitate firefighting and discourage a pattern of sprawl. See Table FM-2 and FM-3

3.8.1.3.2 Specific to Zone T3 within or Adjacent to a Fire Hazard Severity Zone

3.8.1.3.2.1 Any t-3 zone at the edge of a TND shall be located such that a common zone of Defense occurs between the T-3 zone and any T-2 zone, T-1 zone or O-1 Pre-served Open sector that includes areas listed as Fire Hazard severity zones. the common zone of Defense shall separate the wildlands from the edge of T-3 and eliminate the need for special consideration of T-3 with regard to wildfire.

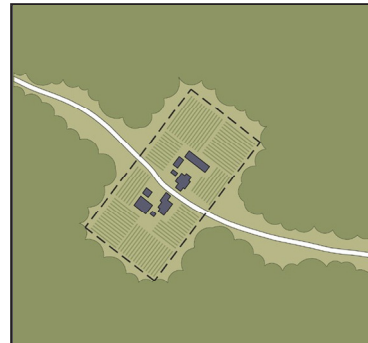
3.8.2 FIRE MITIGATION COMMUNITY SCALE PLANS TABLE FM-2

a. prohibited pattern: Conventional Sprawl

- Conventional sprawl patterns shall not be permitted that generate redundant Zones of Defense, increased building spacing, and/or complex fire fighting situations.

**b. individual buildings, Compounds, Farmsteads, agricultural / Stewardship, proto-Hamlets:**

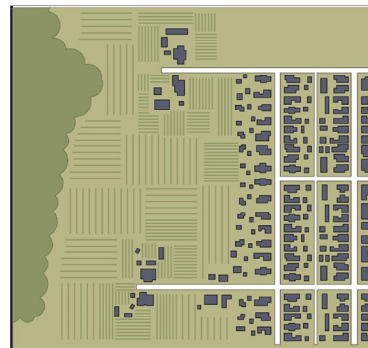
- Zones of Defense shall be provided around single structures.
- Multiple structures shall be clustered [per this table, items b, c, and d.](#)
- Common Zones of Defense shall be provided around clusters of multiple structures.
- Structures shall be located close enough to public Thoroughfares for direct fire fighting access.
- Zones of Defense shall be contiguous with public Thoroughfares.
- Multiple buildings and compounds under separate ownership shall be located in close proximity to each other to reduce the total quantity of individual zones of Defense and to initiate development patterns that favor emergent cLD development. In such cases, zones of Defense may overlap.

**c. cld with Common zone of defense:**

- For CLD Community Unit types, Common Zones of Defense shall be provided to isolate development from Fire Hazard severity zones. see section 3.3.x.
- Common Zones of Defense shall provide adequate isolation from likely wildfire threats via distance, Fuel Treatment and fire fighting access, such that resulting developments shall be regulated by this Code and [the local Building codes](#) and shall not require more restrictive regulation in response to proximity to Fire Hazard Severity Area.

**d. Common zone of defense at edge of tnd; agrarian urban interface (au):**

- For TND Community Unit types, Common Zones of Defense shall isolate development from Fire Hazard Severity zones.
- Common Zones of Defense shall extend between relevant edges of TND and the Fire Hazard Severity Zone.
- WUI shall be converted to AUI, thus separating wildland fire fighting requirements from urban fire fighting requirements.
- Farmsteads and related agrarian compounds may occur within the Agrarian Urban Interface per item b. above.



Fire severity zone Aui tnd

3.8.3 TABLE FM-3: WUI CONVERSION TO AUI

**a. prohibited pattern:**

- Dispersed development that requires numerous and redundant Zones of Defense and increases the extent of the wui shall not be not permitted.

**b. permitted pattern:**

- Conversion of the WUI to AUI at the edge of existing or planned development shall be permitted.
- For isolated development, compounds with Common Zones of Defense located adjacent to public Thoroughfares shall be permitted.
- For CLD and other clustered development, as well as the edges of tnD, common zones of Defense that convert wui to Aui shall be permitted.

4 INFILL COMMUNITY SCALE PLANS

4.1 INSTRUCTIONS

- 4.1.1 Within the G-4 Infill Growth Sector of the Regional Plan (Article 2), or other areas designated as Infill, a land owner may submit a Regulating Plan and Subdivision Application to guide and entitle further development. Infill Regulating Plans and Subdivision Applications are prepared in a process of public consultation.)
- 4.1.2 Infill Regulating Plans shall regulate, at minimum, an area the size of the Pedestrian Shed commensurate with its Community Unit type as listed in Section 4.2. The Infill Regulating Plan and Subdivision should determine the Community Unit type based on existing conditions and intended evolution in the plan area.
- 4.1.3 Infill Regulating Plans shall consist of one or more maps showing the following:
 - 4.1.3.1 The outline(s) of the Pedestrian Shed(s) and the boundaries of the Community Unit(s)
 - 4.1.3.2 Transect Zones and any Civic Zones within each Pedestrian Shed, assigned according to an analysis of existing conditions and future needs
 - 4.1.3.3 Thoroughfare network, existing or planned (Table 3A, Table 3B, Table 4A, Table 4B, and Table 4C)
 - 4.1.3.4 Any Special Districts (Section 4.5)
 - 4.1.3.5 Any Special Requirements (Section 4.7)
 - 4.1.3.6 A record of any Warrants or Variances.
 - 4.1.3.7 The Infill Regulating Plan shall show how it connects and blends with surrounding urbanism.
- 4.1.4 Within any area subject to an approved Infill Regulating and Subdivision Plan, this Code becomes the exclusive and mandatory regulation. Property owners within the plan area may submit Building Scale Plans under Article 5 in accordance with the provisions of this Code. Building Scale Plans requiring no Variances or W1 Warrants shall be approved administratively by the Town Staff.

4.2 COMMUNITY UNIT TYPES

- 4.2.1 Infill Regulating Plans should encompass one or more of the following Community Unit types. The allocation percentages of Table 14a do not apply.
- 4.2.2 INFILL TND (TRADITIONAL NEIGHBORHOOD DEVELOPMENT)
- 4.2.2.1 An Infill TND should be assigned to neighborhood areas that are predominantly residential with one or more Mixed Use Corridors or centers. An Infill TND should be mapped as at least one complete Standard Pedestrian Shed, which may be adjusted as a Network Pedestrian Shed, oriented around one or more existing or planned Common Destinations.
- 4.2.2.2 The edges of an Infill TND should blend into adjacent neighborhoods and/or a downtown without buffers.
- 4.2.3 Infill RCD (Regional Center Development)
- 4.2.3.1 An Infill RCD should be assigned to downtown areas that include significant Office and Retail uses as well as government and other Civic institutions of regional importance. An Infill RCD should be mapped as at least one complete Long or Linear Pedestrian Shed, which may be adjusted as a Network Pedestrian Shed, oriented around an important Mixed Use Corridor or center.
- 4.2.3.2 The edges of an Infill RCD should blend into adjacent neighborhoods without buffers.
- 4.2.4 Infill TOD (Transit Oriented Development)**
- 4.2.4.1 Any Infill TND or Infill RCD on an existing or projected rail or Bus Rapid Transit (BRT) network may be redesignated in whole or in part as TOD and permitted the higher Density represented by the Effective Parking allowance in Section 5.9.2d.
- 4.2.4.2 The use of a TOD overlay shall be approved by Variance.

4.3 TRANSECT ZONES

- 4.3.1 Transect Zone standards for Infill Regulating Plans shall conform to the Transect Zone Standards of this Code. A variation in Transect Zone Standards shall not be allowed for Subdivisions and Infill Regulating Plans. A Planned Unit Development is required for any variations to the Transect Zone Standards.
- 4.3.2 A Transect Zone shall include elements indicated by Article 3, Article 5, and Article 6.

4.4 CIVIC ZONES

- 4.4.1 General

- 4.4.1.1 Infill Plans should designate Civic Space Zones (CS) and Civic Building Zones (CB).
- 4.4.1.2 A Civic Zone may be permitted by Warrant if it does not occupy more than 20% of a Pedestrian Shed, otherwise it is subject to the creation of a Special District. See Section 4.5.
- 4.4.1.3 Parking provisions for Civic Zones shall be determined by Warrant.
- 4.4.2 Civic Space Zones (CS)
 - 4.4.1.4 Civic Spaces shall be generally designed as described in Table 13, their type determined by the surrounding or adjacent Transect Zone in a process of public consultation subject to the approval of the Town Board of Trustees.
- 4.4.2 Civic Building Zones (CB)
 - 4.4.2.1 Civic Buildings shall be permitted by W1 Warrant in T4, T5, SD-1. Civic Buildings shall be permitted in other zones by W1 Warrant only after a public hearing.
 - 4.4.2.2 Civic Buildings shall not be subject to the Requirements of Article 5. The particulars of their design shall be determined by W1 Warrant.

4.5 SPECIAL DISTRICTS

- 4.5.1 Areas that, by their intrinsic size, Function, or Configuration, cannot conform to the requirements of any Transect Zone or combination of zones shall be designated as Special Districts by the Town Administration Office in the process of preparing an Infill Plan and approved by the Town Board of Trustees. Conditions of development for Special Districts shall be determined in public hearing of the Town Board of Trustees and recorded on Tables 14 & 15.

4.6 PRE-EXISTING CONDITIONS

- 4.6.1 Existing buildings and appurtenances that do not conform to the provisions of this Code may continue in the same use and form until a Substantial Modification occurs unless the Town Board of Trustees determines the use is a public safety hazard or nuisance to the neighbors, at which time the owner shall be required to eliminate the specified safety hazard or nuisance.
- 4.6.2 Expansion of a Non-Conforming Building or Use Greater than 50% shall not be allowed.
- 4.6.3 Expansion of a Non-Conforming Use of 50% or less may be approved by a W1 Warrant.
- 4.6.4 Physical Expansion of a Non-Conforming Structure of 50% or less may be approved by a W1 Warrant as long as the expansion portion of the structure complies with Table 15 for the appropriate T-Zone and Article 5. (The expanded portion of the structure shall comply with this code).

- 4.6.5 The modification of existing buildings without expansion is encouraged if the modifications improve compliance with this code.
- 4.6.6 Where buildings exist on adjacent Lots, the Town Board of Trustees may require that a proposed building match one or the other of the adjacent Setbacks and heights rather than the provisions of this Code.
- 4.6.7 Any addition to or modification of a Building of Value that has been designated as such by the Local or State Preservation Organization or to a building actually or potentially eligible for inclusion on a state, local or national historic register, may be subject to approval by the Preservation Organization if required by the Town Board of Trustees .
- 4.6.8 The restoration or rehabilitation of an existing building shall not require the provision of (a) parking in addition to that existing or (b) on-site stormwater retention/detention in addition to that existing. Existing parking requirements that exceed those for this Code may be reduced as provided by Tables 10 and 11.

4.7 SPECIAL REQUIREMENTS

4.7.1 An Infill Community Plan may designate any of the following Special Requirements:

- 4.7.1.1 A differentiation of the Thoroughfares as A-Grid and B-Grid. Buildings along the A-Grid shall be held to the highest standard of this Code in support of pedestrian activity. Buildings along the B-Grid may be more readily considered for Warrants allowing automobile-oriented standards. The Frontages assigned to the B-Grid shall not exceed 30% of the total length of Frontages within a Pedestrian Shed.
- 4.7.1.2 Designations for Mandatory and/or Recommended Retail Frontage requiring or advising that a building provide a Shopfront at Sidewalk level along the entire length of its Private Frontage. The Shopfront shall be no less than 70% glazed in clear glass (glazing requirements may be reduced by a W1 Warrant) and shaded by an awning overlapping the Sidewalk as generally illustrated in Table 7 and specified in Article 5. The first floor shall be confined to Retail use through the depth of the second Layer (This requirement may be relaxed by a W1 Warrant). (Table 17d, see Article 5.)
- 4.7.1.3 Designations for Mandatory and/or Recommended Gallery Frontage, requiring or advising that a building provide a permanent cover over the Sidewalk, either cantilevered or supported by columns. The Gallery Frontage designation may be combined with a Retail Frontage designation.
- 4.7.1.4 Designations for Mandatory and/or Recommended Arcade Frontage, requiring or advising that a building overlap the Sidewalk such that the first floor Facade is a colonnade. The Arcade Frontage designation may be combined with a Retail Frontage designation.
- 4.7.1.5 A designation for Coordinated Frontage, requiring that the Public Frontage (Table 4A) and Private Frontage (Table 7, see Article 5) be coordinated as a single, coherent landscape and paving design.
- 4.7.1.6 Designations for Mandatory and/or Recommended Terminated Vista locations, requiring or advising that the building be provided with architectural articulation of a type and character that responds visually to the location, as approved by the Town Board.
- 4.7.1.7 A designation for Cross Block Passages, requiring that a minimum 8-foot-wide pedestrian access be reserved between buildings.

5 BUILDING SCALE PLANS

5.1 INSTRUCTIONS

- 5.1.1 Lots and buildings located within a New Community Plan or Infill Community Plan governed by this Code and previously approved by the Town shall be subject to the requirements of this Article.
- 5.1.2 Owners and developers shall submit design plans under this article. Such plans only require Staff review and approval.
- 5.1.3 Building and site plans submitted under this Article shall show the following, in compliance with the standards described in this Article:
- 5.1.3.1 For preliminary site and building approval:
- Building Disposition
 - Building Configuration
 - Building Function
 - Lighting Standards
 - Parking Location Standards
 - Architectural Standards
 - Landscape Standards
 - Natural Drainage Standards
- 5.1.3.2 For final approval, in addition to the above:
- Landscape Standards
 - Signage Standards
 - Special Requirements, if any
 - Hazard Mitigation Standards
 - Natural Drainage Standards
 - Architectural Standards
 - Lighting Standards

5.2 PRE-EXISTING CONDITIONS

- 5.2.1 Existing buildings and appurtenances that do not conform to the provisions of this Code may continue in use as they are until a Substantial Modification is requested, at which time the Town Board of Trustees shall determine the provisions of this section that shall apply.
- 5.2.2 The modification of existing buildings at less than Substantial Modification is permitted By Right if such changes result in greater conformance with the specifications of this Code.
- 5.2.3 Where buildings exist on adjacent Lots, the Town Board of Trustees may require that a proposed building match one or the other of the adjacent Setbacks and heights rather than the provisions of this Code.
- 5.2.4 Any addition to or modification of a Building of Value that has been designated as such by the Recognized Preservation Organization, or to a building actually or potentially eligible for inclusion on a state, local or national historic register, shall be subject to approval by the Town Board of Trustees.
- 5.2.5 The restoration or rehabilitation of an existing building shall not require the provision of (a) parking in addition to that existing nor (b) on-site stormwater retention/detention in addition to that existing. Existing parking requirements that exceed those for this Code may be reduced as provided by Table 10 and Table 11.

5.3 SPECIAL REQUIREMENTS

- 5.3.1 To the extent that a Regulating Plan for either a New Community Plan or an Infill Community Plan designates any of the following Special Requirements, standards shall be applied as follows:
 - 5.3.1.1 Buildings along the A-Grid shall be held to the highest standard of this Code in support of pedestrian activity. Buildings along the B-Grid may be more readily considered for Warrants allowing automobile-oriented standards.
 - 5.3.1.2 Mandatory or Recommended Retail Frontage designation requires that a building provide a Shopfront at Sidewalk level along the entire length of its Private Frontage. The Shopfront shall be no less than 70% glazed in clear glass and shaded by an awning overlapping the Sidewalk as generally illustrated in Table 7 (glazing requirements may be reduced by a W1 Warrant). The first floor shall be confined to Retail use through the depth of the second Layer (This requirement may be relaxed by a W1 Warrant). (Table 17d.) Access to the second floor is allowed on frontage.
 - 5.3.1.3 A Mandatory or Recommended Gallery Frontage designation requires or advises that a building provide a permanent cover over the Sidewalk, either cantilevered or supported by columns (as generally illustrated in Table 7). A Gallery Frontage may be combined with a Retail Frontage.
 - 5.3.1.4 A Mandatory or Recommended Arcade Frontage designation requires or advises that a building overlap the Sidewalk such that the first floor Facade is a colonnade (as generally illustrated in Table 7 and Table 8). The Arcade Frontage may be combined with a Retail Frontage.
 - 5.3.1.5 A Coordinated Frontage designation requires that the Public Frontage (Table 4A) and Private Frontage (Table 7) be coordinated as a single, coherent landscape and paving design.

- 5.3.1.6 A Mandatory or Recommended Terminated Vista designation requires or advises that the building be provided with architectural articulation of a type and character that responds visually to its axial location, as approved by the CRC.
- 5.3.1.7 A Cross Block Passage designation requires that a minimum 8-foot-wide pedestrian access be reserved between buildings.
- 5.3.1.8 A Building of Value designation requires that the building or structure may be altered or demolished only in accordance with Municipal Preservation Standards and Protocols.

5.4 CIVIC ZONES

5.4.1 General

- 5.4.1.1 Civic Zones are designated on Community Plans as Civic Space (CS) or Civic Building (CB).
- 5.4.1.2 Parking provisions for Civic Zones shall be determined by Warrant.

5.4.2 Civic Spaces (CS)

- 5.4.2.1 Civic Spaces should be generally designed as described in Table 13.

5.4.3 Civic Buildings (CB)

- 5.4.3.1 Civic Buildings shall not be subject to the requirements of this Article. The particulars of their design shall be determined by Warrant.

5.5 SPECIFIC TO THE T1 NATURAL ZONE

- 5.5.1 Buildings in the T1 Natural Zone are permitted only by W1 Warrant. Permission to build in T1 and the standards for Article 5 shall be determined concurrently as a Warrant, in public hearing of the Town Board of Trustees.

5.6 BUILDING DISPOSITION

5.6.1 Specific to zone T2





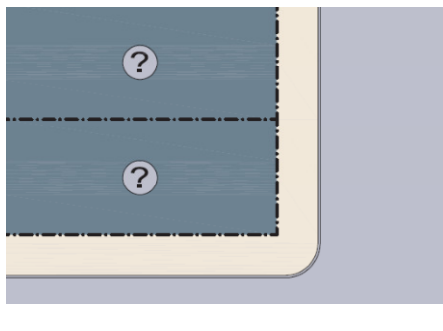
- 5.6.1.1 Building Lot dimensions, disposition and setbacks shall conform to Table 14f, 14g, 14h and 15, Disposition may also be determined by a W2 Warrant.

5.6.2 Specific to zones T3, T4, T5, SD-1, SD-4

- 5.6.2.1 Newly platted Lots shall be dimensioned according to Table 14f and Table 15.
- 5.6.2.2 Building Disposition types shall be as shown in Table 9 and Table 14i.
- 5.6.2.3 Buildings shall be disposed in relation to the boundaries of their Lots according to Table 14g, Table 14h, and Table 15.
- 5.6.2.4 One Principal Building at the Frontage, and one Outbuilding to the rear of the Principal Building, may be built on each Lot as shown in Table 17c.

5.6.2.5 Lot coverage by building shall not exceed that recorded in Table 14f and Table 15.

TABLE 9: Building Disposition. This table approximates the location of the structure relative to the boundaries of each individual Lot, establishing suitable basic building types for each Transect Zone.

<p>a. Edgeyard: Specific Types - single-family House, Cottage, villa, Estate House, urban villa. A building that occupies the center of its Lot with Setbacks on all sides. This is the least urban of types as the front yard sets it back from the Frontage, while the side yards weaken the spatial definition of the public Thoroughfare space. The front yard is intended to be visually continuous with the yards of adjacent buildings. The rear yard can be secured for privacy by fences and a well placed Backbuilding and/or Outbuilding.</p>		<p>T2 T3 T4 T5 SD1 SD4</p>
<p>b. Sideyard: Specific Types - Charleston single-House, double house, zero-lot-line house, twin. A building that occupies one side of the Lot with the Setback to the other side. A shallow Frontage Setback defines a more urban condition. If the adjacent building is similar with a blank side wall, the yard can be quite private. This type permits systematic climatic orientation in response to the sun or the breeze. If a Sideyard House abuts a neighboring Sideyard House, the type is known as a Twin or double house. Energy costs, and sometimes noise, are reduced by sharing a party wall in this disposition.</p>		<p>T2 T3 T4 T5 SD1 SD4</p>
<p>c. Rearyard: Specific Types - Townhouse, Rowhouse, Live-work unit, loft building, Apartment House, Mixed use Block, Flex Building, perimeter Block. A building that occupies the full Frontage, leaving the rear of the Lot as the sole yard. This is a very urban type as the continuous Facade steadily defines the public Thoroughfare. The rear Elevations may be articulated for functional purposes. In its Residential form, this type is the Rowhouse. For its Commercial form, the rear yard can accommodate substantial parking.</p>		<p>T5 SD1</p>
<p>d. Courtyard: Specific Types - patio House. A building that occupies the boundaries of its Lot while internally defining one or more private patios. This is the most urban of types, as it is able to shield the private realm from all sides while strongly defining the public Thoroughfare. Because of its ability to accommodate incompatible activities, masking them from all sides, it is recommended for workshops, Lodging and schools. The high security provided by the continuous enclosure is useful for crime-prone areas.</p>		<p>T5 SD1</p>
<p>e. Specialized: A building that is not subject to categorization. Buildings dedicated to manufacturing and transportation are often distorted by the trajectories of machinery. Civic buildings, which may express the aspirations of institutions, may be included.</p>		<p>SD</p>

- 5.6.2.6 Facades shall be built parallel to a rectilinear Principal Frontage Line or to the tangent of a curved Principal Frontage Line, and along a minimum percentage of the Frontage width at the Setback, as specified as Frontage Build-out on Table 14g and Table 15.
- 5.6.2.7 Setbacks for Principal Buildings shall be as shown in Table 14g and Table 15. In the case of an Infill Lot, Setbacks shall match one of the existing adjacent Setbacks. Setbacks may otherwise be adjusted by Warrant.
- 5.6.2.8 Rear Setbacks for Outbuildings shall be a minimum of 5 feet measured from Rear Alley or Rear Lane easement or lot line. In the absence of Rear Alley or Rear Lane, the rear Setback shall be as shown in Table 14h and Table 15.
- 5.6.2.9 To accommodate slopes over ten percent, relief from front Setback requirements is available by Warrant.

5.7 BUILDING CONFIGURATION

- 5.7.1 General to zones T2, T3, T4, T5, SD-1, SD-4
 - 5.7.1.1 The Private Frontage of buildings shall conform to and be allocated in accordance with Table 7 and Table 14j.
 - 5.7.1.2 Buildings on corner Lots shall have two Private Frontages as shown in Table 17. Prescriptions for the second and third Layers pertain only to the Principal Frontage. Prescriptions for the first Layer pertain to both Frontages.
 - 5.7.1.3 All Facades should be glazed with clear glass no less than 30% of the first Story.
 - 5.7.1.4 Building heights, Setbacks, and Extension Lines shall conform to Table 8 and Table 14j.
 - 5.7.1.5 Stories may not exceed 14 feet in height from finished floor to finished ceiling, except for a first floor Commercial Function, which shall be a minimum of 11 feet with a maximum of 25 feet. A single floor level exceeding 14 feet, or 25 feet at ground level, shall be counted as two (2) stories. Mezzanines extending beyond 33% of the floor area shall be counted as an additional Story. The highest elevation of any building structure must also not exceed the maximum height of the zone.
 - 5.7.1.6 In a Parking Structure or garage, each above-ground level counts as a single Story regardless of its relationship to habitable Stories.
 - 5.7.1.7 Height limits are measured at the frontage line. Height limits do not apply to masts, belfries, clock towers, chimney flues, or elevator bulkheads as long as they do not exceed 10 feet. Attics shall not exceed 12 feet in height or they shall count as a story.
- 5.7.2 Specific to zones T2, T3, T4, T5, SD-1, SD4
 - 5.7.2.1 The habitable area of an Accessory Unit within a Principal Building or an Outbuilding shall not be less than 350 square feet or exceed 800 square feet, excluding the parking area.
- 5.7.3 Specific to zone T3
 - 5.7.3.1 No portion of the Private Frontage may Encroach the Sidewalk.
 - 5.7.3.2 Open porches may Encroach the first Layer 35% of its depth. (Table 17d)

- 5.7.3.3 Balconies and bay windows may Encroach the first Layer 25% of its depth except that balconies on porch roofs may Encroach as does the porch.
- 5.7.4 Specific to zone T4, SD-4
 - 5.7.4.1 Balconies, open porches and bay windows may Encroach the first Layer 50% of its depth. (Table 17d)
- 5.7.5 Specific to zones T5, SD-1
 - 5.7.5.1 Awnings, Arcades, and Galleries may Encroach the Sidewalk to within 2 feet of the Curb but must clear the Sidewalk vertically by at least 9 feet.
 - 5.7.5.2 Maximum Encroachment heights (Extension Lines) for Arcades shall be as shown on Table 8.
 - 5.7.5.3 Stoops, Lightwells, balconies, bay windows, and terraces may Encroach the first Layer 90% of its depth. (Table 17d).
 - 5.7.5.4 Loading docks and service areas shall be permitted in the rear and 3rd layer. Loading docks and service areas on Frontages only by W1 Warrant.
 - 5.7.5.5 In the absence of a building Facade along any part of a Frontage Line, a Street-screen shall be built co-planar with the Facade.
 - 5.7.5.6 Street screens shall be between 5 and 6 feet in height. The Street-screen may be replaced by a hedge or fence by staff Warrant. Street-screens shall have openings no larger than necessary to allow automobile and pedestrian access.
 - 5.7.5.7 A first level Residential or Lodging Function floors shall be raised a minimum of 2 feet from average Sidewalk grade.

5.8 BUILDING FUNCTION

- 5.8.1 General to zones T2, T3, T4, T5, SD-1, SD-4
 - 5.8.1.1 Buildings in each Transect Zone shall conform to the Functions and use on Table 10, Table 12 and Table 14I. Functions that do not conform shall require approval by Warrant or Variance as specified on Table 12.
 - 5.8.1.2 Specific to zones T2, T3
 - 5.8.1.3 Accessory Functions of Restricted Lodging shall be permitted by W2 Warrant within an Accessory Building. See Table 10 and Table 12.
- 5.8.2 Specific to zones T4, SD-4
 - 5.8.2.1 Accessory Functions of Limited Lodging or Limited Office shall be permitted by W2 Warrant within an Accessory Building. See Table 10 and Table 12
- 5.8.3 Specific to zones T5
 - 5.8.3.1 First Story Commercial Functions shall be permitted.

5.8.3.2 Manufacturing Functions within the first Story may be permitted by Variance.

5.8.4 Specific to zones SD-1

5.8.4.1 First Story Commercial Functions shall be permitted.

5.8.4.2 Light Manufacturing Functions within the first Story shall be permitted.

5.9 PARKING AND DENSITY CALCULATIONS

5.9.1 Specific to zones T2, T3

5.9.1.1 Buildable Density on a Lot shall be determined by the actual parking provided within the Lot as applied to the Functions permitted in Table 10, Table 11.

5.9.2 Specific to zones T4, SD-4

5.9.2.1 Buildable Density on a Lot shall be determined by the sum of the actual parking calculated as that provided (1) within the Lot (2) along the parking lane corresponding to the Lot Frontage, and (3) by purchase or lease from a Civic Parking Reserve within the Pedestrian Shed, if available.

5.9.2.2 The actual parking may be adjusted upward according to the Shared Parking Factor of Table 11 to determine the Effective Parking. The Shared Parking Factor is available for any two Functions for public or shared lot parking within one block of the unit.

5.9.2.3 Based on the Effective Parking available, the Density of the projected Function may be determined according to Table 10.

5.9.2.4 The total Density within each Transect Zone shall not exceed that specified by an approved Regulating Plan based on Article 3 or Article 4.

5.9.2.5 Accessory Units do not count toward Density calculations.

5.10 PARKING LOCATION STANDARDS

5.10.1 General to zones T2, T3, T4, T5, SD-1, SD-4

5.10.1.1 Parking shall be accessed by Rear Alleys or Rear Lanes, when such are available on the Regulating Plan.

5.10.1.2 Open parking areas shall be masked from the Frontage by a Liner Building or Street-screen (Requirement may be waived by W1 Warrant)

5.10.1.3 For buildings on B-Grids, open parking areas may be allowed unmasked on the Frontage by W2 Warrant, except for corner lots at intersections with the A-Grid.

5.10.2 Specific to zones T2

5.10.2.1 Open parking areas shall be located at the second and third Lot Layers, except that Driveways, drop-offs and unpaved parking areas may be located at the first Lot Layer (Requirement may be waived by W1 Warrant). (Table 17d)

- 5.10.2.2 Garages (outbuilding even if attached) shall be located in the third layer and accessed from an alley if one is available. Garages may be located in the second layer with the required front setback see Table 5. Where an alley is available or not, Garages with B-Street frontage may be accessed from the B-Street. For mid-block lots without an alley garages may be accessed from the A-Street (Requirement may be waived by W1 Warrant)
- 5.10.3 Specific to zones T3, T4, SD-4
- 5.10.3.1 Driveways at A-Street Frontages shall be no wider than 12 feet in the first Layer. (Table 3B.f) (Requirement may be waived by W1 Warrant)
- 5.10.4 Specific to zone T3, T4, SD-4
- 5.10.4.1 Driveways at A-Street Frontages shall be no wider than 12 feet in the first Layer. (Table 3B.f) (Requirement may be waived by W1 Warrant)
- 5.10.4.2 All parking areas and garages shall be located at the second or third Layer. (Table 17d) (Requirement may be waived by W1 Warrant)
- 5.10.4.3 Garages (outbuilding even if attached) shall be located in the third layer and accessed from an alley if one is available. Garages may be located in the second layer with the required front setback see Table 5. Where an alley is available or not, Garages with B-Street frontage may be accessed from the B-Street. For mid-block lots without an alley garages may be accessed from the A-Street
- 5.10.5 Specific to zones T5, SD-1
- 5.10.4.4 All parking lots, garages, and Parking Structures shall be located at the second or third Layer. (Table 17d) (Requirement may be waived by W1 Warrant)
- 5.10.4.5 Vehicular entrances to parking lots, garages, and Parking Structures shall be no wider than 24 feet at the Frontage. (Table 3B.f) (Requirement may be waived by W1 Warrant)
- 5.10.4.6 Pedestrian exits from all parking lots, garages, and Parking Structures shall be directly to a Frontage Line (i.e., not directly into a building) except underground levels which may be exited by pedestrians directly into a building. (Requirement may be waived by W1 Warrant)
- 5.10.4.7 Parking Structures on the A-Grid shall have Liner Buildings lining the first and second Stories. (Requirement may be waived by W1 Warrant)
- 5.10.4.8 A minimum of one bicycle rack place shall be provided within the Public or Private Frontage for every ten vehicular parking spaces. (Requirement may be waived by W1 Warrant)

5.11 LANDSCAPE STANDARDS

- 5.11.1 General to zones T2, T3, T4, T5, SD-1, SD-4
- 5.11.1.1 Impermeable surface shall be confined to the ratio of Lot coverage specified in Table 14f.
- 5.11.2 Specific to zones T2, T3, T4

5.11.2.1 The first Layer may not be paved, with the exception of Driveways as specified in Section 5.10.2 and Section 5.10.3. (Table 17d)

5.11.3 Specific to zone T3

5.11.3.1 A minimum of one tree shall be planted within the first Layer for each 50 feet of Frontage Line and one tree planted in the street planter area for 30 feet of Frontage Line. Existing trees saved from demolition count toward these requirements. (Table 17d)

5.11.3.2 Trees may be of single or multiple species as shown on Table 6.

5.11.3.3 Trees should be naturalistically clustered.

5.11.3.4 Lawn shall be permitted by Right

5.11.4 Specific to zone T4, SD-4

5.11.4.1 A minimum of one tree shall be planted within the first Layer for each 50 feet of Frontage Line and one tree planted in the street planter area for each 50 feet of Frontage Line. Existing trees saved from demolition count toward these requirements. (Table 17d) (Requirement may be waived by W1 Warrant)

5.11.4.2 Trees may be of single or multiple species as shown on Table 6.

5.11.4.3 Lawn shall be permitted By Right.

5.11.5 Specific to zones T5, SD-1

5.11.5.1 Trees shall not be required in the first Layer.

5.11.5.2 The first Layer may be paved to match the pavement of the Public Frontage Sidewalk.

5.11.5.3 One Tree planter and Tree shall be required for each 50 feet of Frontage. (Requirement may be waived by W1 Warrant)

5.12 SIGN STANDARDS**GENERAL INTENT**

The intent of regulating signs that are visible from the Public Frontage is to ensure proper dimensioning and placement with respect to existing or planned architectural features, to maintain or improve public safety, to maintain or improve the aesthetic character of the context in which they are located, and to provide legible information for pedestrians, not just drivers.

5.12.1 SIGN LIABILITY

Signs encroaching on the public right of way are the liability of the owner of the building to which the sign is attached. The sign permit specifically waives all liability for the Town and requires the owner to accept all liability. Where applicable a building permit or structural engineer stamped design may be required.

5.12.2 GENERAL TO ALL SIGNS

5.12.2.1 Existing signs are may continue in use and placement until such time as the type of business is changed for the subject property at which time the signage shall be brought within this code. (Example: A hamburger stand sells to a new owner and it becomes a Mexican restaurant, the signage may continue in size and placement with new lettering and logo) Example #2: The hamburger stand sells to a new owner or is leased to a new client and becomes a gift shop, the signage must be brought up to the requirements of this code.)

5.12.2.2 Signs shall comply with Tables A, B & C of Article 5.12. Any sign types not listed are prohibited unless authorized by W1 Warrant.

5.12.2.3 Signs shall be designed to prevent bird nesting and perching. Signs shall be mounted permanently to the structures with sufficient strength to withstand 80 mph winds or when applicable meet the building codes. The Town may require a structural analysis and design for any sign determined to be a potential hazard.

5.12.3 SPECIFIC TO ADDRESS SIGNS

5.12.3.1 Address Sign numerals applied to Retail, Office, Residential, institutional, or industrial buildings shall be between four (4) and six (6) inches tall. Address Sign numerals applied to individual dwelling units in Apartment buildings shall be at least two (2) inches tall.

5.12.3.2 Address signs shall be easily visible by using colors or materials that contrast with their background.

5.12.3.3 Address signs shall be constructed of durable materials.

5.12.3.4 The address sign shall be attached to the front of the building in proximity to the Principal Entrance if the address has a detached mailbox, an address is still required on the structure.

5.12.4 SPECIFIC TO AWNING SIGNS

5.12.4.1 The following variations of awnings, with or without Signbands, are permitted:

5.12.4.1.1 Fixed or retractable awnings

5.12.4.1.2 Shed Awnings

5.12.4.1.3 Dome awnings

5.12.4.2 Other awning types may be permitted by Warrant.

5.12.4.3 Signage shall be limited to the Valance of the awning or the vertical portion of a dome awning. Company logos may be placed on the angled portion of the awning or dome awning.

5.12.4.4 No portion of an awning shall be lower than nine (9) feet Clearance, or eight (8) feet by Warrant.

5.12.4.4.1 Awnings shall be a minimum of 4 feet in depth. Awnings approved by Warrant for seven (7) feet Clearance may be a minimum of 3 feet in depth.

5.12.4.4.2 Awnings shall not extend beyond the width of the building or tenant space, nor encroach above the roof line or the Story above.

5.12.4.4.3 The height of the Valance shall not exceed twelve (12) inches.

5.12.4.4.4 Awning Signs shall contain only the business name, logo, and/or street address.

5.12.4.4.5 Letters, numbers, and graphics shall cover no more than seventy percent (70%) of the Valance area.

5.12.4.4.6 Awning Signs shall not be internally illuminated or backlit.

5.12.5 SPECIFIC TO BAND SIGNS

5.12.5.1 All businesses are permitted one (1) Band Sign on each first Story Facade.

5.12.5.2 Band Signs shall include only letters, background, lighting, and an optional logo.

5.12.5.3 Information shall consist only of the name and/or logo of the business. Band Signs shall not list products, sales, or other promotional messages, or contact information.

5.12.5.4 The following Band Sign construction types are permitted:

5.12.5.4.1 Cut-out Letters. Letters shall be individually attached to the wall or on a separate background panel, and shall be externally illuminated. Flat panel letters shall be printed or etched on same surface as the background, which is then affixed to the wall and externally illuminated.

5.12.5.4.2 Channel Letters by Warrant. Each letter shall have its own internal lighting element, individually attached to the wall or onto a separate background panel. The letter shall be translucent, or solid to create a backlit halo effect.

- 5.12.5.5 Height and width shall be measured using smallest rectangle that fully encompasses the entire extent of letters, logo and background.
- 5.12.5.6 Band Signs shall not be wider than 90% of the width of the building Facade or tenant space.
- 5.12.5.7 Band Signs shall not project vertically above the roof line.
- 5.12.5.8 Band Signs may be illuminated from dusk to dawn or during hours permitted by the lighting ordinance whichever is the more restrictive. External lights shall be shielded from direct view to reduce glare and meet the lighting requirements.
- 5.12.5.9 Neon may be permitted on Band Signs by Warrant. No other internal lighting shall be permitted, flashing neon is not permitted
- 5.12.5.10 Electrical raceways, conduits and wiring shall not be exposed. Internal lighting elements shall be contained completely within the sign assembly or inside the wall.
- 5.12.5.11 Band Signs should be placed where the architectural features suggest the best placement for signage. They should be vertically aligned with the center of an architectural feature such as a storefront window, entry portal, or width of a bay or overall retail space. They shall not interrupt or obscure these features or cause visual disharmony.

5.12.6 SPECIFIC TO BLADE SIGNS

- 5.12.6.1 Blade Signs may be double-sided.
- 5.12.6.2 Blade Signs shall be permitted only for businesses that have a Principal Entrance on the first Story.
- 5.12.6.3 Businesses shall be permitted one (1) Blade Sign where its Principal Frontage Line is no more than five (5) feet from the Facade. Businesses that have a Secondary Frontage Line that is no more than two (2) feet from the Facade shall be permitted one (1) additional Blade Sign on that Facade.
- 5.12.6.4 Blade Signs may encroach into the Public Frontage up to four (4) feet and shall clear the Sidewalk by at least eight (8) feet.
- 5.12.6.5 Blade Signs shall not encroach above the roof line nor above the bottom of the second Story window.
- 5.12.6.6 Text and graphics on the Blade Sign shall be limited to the name and/or logo of the business. Slogans, address labels, operating hours and contact information shall not be permitted.
- 5.12.6.7 Mounting hardware, such as supports and brackets, may be simple and unobtrusive or highly decorative, but shall complement the design of the sign, the building, or both.
- 5.12.6.8 For buildings with multiple signs, mounting hardware or sign shapes, sizes and colors shall be coordinated.

5.12.7 SPECIFIC TO MARQUEES

- 5.12.7.1 Marquees shall be located only above the Principal Entrance of a building.
- 5.12.7.2 No Marquee shall be wider than the entrance it serves, plus two (2) feet on each side thereof.
- 5.12.7.3 No portion of a Marquee shall be lower than ten (10) feet Clearance.
- 5.12.7.4 No Marquee shall extend closer to the Curb than three (3) feet.
- 5.12.7.5 Columns or posts may be used as supports for Marquees eight (8) feet deep or deeper by Warrant.
- 5.12.7.6 All Marquees, including anchors, bolts, supporting rods and braces, shall be constructed of non-combustible materials and shall be designed by a structural engineer and approved by the Building Inspector.
- 5.12.7.7 Marquee components and materials may vary. Anchors, bolts, and supporting rods shall be limited to the interior of the Marquee.
- 5.12.7.8 Message Boards shall be permitted as part of Marquees.
- 5.12.7.9 A Band Sign shall be permitted above a Marquee.

5.12.8 SPECIFIC TO NAMEPLATES

- 5.12.8.1 Nameplates shall consist of either a panel or individual letters applied to a building wall within ten (10) feet of an entrance to the building.
- 5.12.8.2 One Nameplate shall be permitted per address.
- 5.12.8.3 Nameplates shall not exceed three (3) square feet.
- 5.12.8.4 Nameplates shall be constructed of durable materials.

5.12.9 SPECIFIC TO DISPLAY CASES

- 5.12.9.1 Each outdoor display case shall not exceed six (6) square feet.
- 5.12.9.2 Outdoor display cases may be externally or internally illuminated.
- 5.12.9.3 Theaters may be permitted larger outdoor display cases by Warrant.
- 5.12.9.4 Outdoor display cases shall not be attached to Shopfront windows.
- 5.12.9.5 A larger display case may be allowed by W1 Warrant.

5.12.10 SHINGLE SIGNS

- 5.12.10.1 Shingle Signs shall comply with the standards for Blade Signs.
- 5.12.10.2 A building may have both the prescribed number of Blade Signs and the same number of Shingle Signs.
- 5.12.10.3 Shingle Signs may encroach into the Public Frontage up to two (2) feet and shall clear the Sidewalk by at least seven (7) feet.
- 5.12.10.4 Text and graphics on the Shingle Sign shall be limited to the name, logo, and suite number of the business. Slogans, full street address labels, operating hours and contact information are not permitted.

5.12.11 SPECIFIC TO SIDEWALK SIGNS

- 5.12.11.1 Sidewalk Signs shall consist of freestanding, double-sided temporary signs placed at the entrance to a business in a primarily pedestrian environment.
- 5.12.11.2 Sidewalk Signs shall be removed at the close of business each day.
- 5.12.11.3 One (1) Sidewalk Sign shall be permitted for each business.
- 5.12.11.4 Sidewalk Signs shall not exceed 42 inches in height or 26 inches in width.
- 5.12.11.5 Sidewalk Signs shall be moved inside during high winds or other weather conditions that might pose a hazard to public safety. Signs are only allowed during business hours and must be placed inside during off business hours.

5.12.12 SPECIFIC TO WINDOW SIGNS

- 5.12.12.1 Only the following Window Sign types shall be permitted:
 - 5.12.12.1.1 Vinyl applique letters applied to the window. Appliques shall consist of individual letters or graphics with no visible background.
 - 5.12.12.1.2 Letters painted directly on the window.
 - 5.12.12.1.3 Hanging signs that hang from the ceiling behind the window.
 - 5.12.12.1.4 Neon signs.
 - 5.12.12.1.5 Door signs applied to or hanging inside the glass portion of an entrance doorway.

- 5.12.12.2 Window signs shall not interfere with the primary function of windows, which is to enable passersby and public safety personnel to see through windows into premises and view product displays.
- 5.12.12.3 Window signs shall be no larger than 25% of the total area of the window onto which they are applied. Sign area shall be measured using smallest rectangle that fully encompasses the entire extent of letters, logo and background.
- 5.12.12.4 Window signs may list services and/or products sold on the premises, or provide phone numbers, operating hours or other messages, provided that the total aggregate area of these messages not exceed the limit provided above.
- 5.12.12.5 Letters on window signs shall be no taller than eight (8) inches.

5.12.13 SPECIFIC TO YARD SIGNS

- 5.12.13.1 One single- or double-post yard sign for each business may be permitted by Warrant, provided it is set back at least six (6) feet from the Frontage Line, does not exceed six (6) square feet excluding posts, and does not exceed six (6) feet high including posts, measured from the yard at the post location.

5.12.14 SPECIFIC TO TEMPORARY SIGNS AND BANNERS

- 5.12.14.1 Temporary signs and banners for business are allowed one per business for 30 days maximum.

5.12.15 SPECIFIC TO POLITICAL CAMPAIGN SIGNS

- 5.12.15.1 Political signs shall not be allowed in any public right of way or on any civic building or civic park property. Political signs may not be attached to utility poles or other structures. Glue on posters are prohibited. Signs must be removed within 10 days following an election.


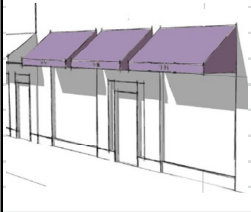



5.12.16 SPECIFIC TO TEMPORARY SALE SIGNS FOR NON-BUSINESS LICENSED SALES.

- 5.12.16.1 This section covers yard sale signs, signs for sale of vehicles, equipment and other items.
- 5.12.16.2 Yard sale signs may be placed in the public right of way planter areas only for the day or days of the sale. .
- 5.12.16.3 Signs for equipment and vehicles must be placed on the equipment or vehicle and the subject sale items must not violate this Code's zoning or parking regulations.


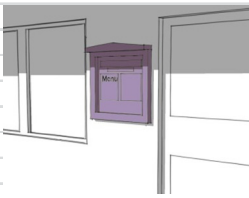



5.12.17 SPECIFIC TO MURALS

- 5.12.17.1 Murals may be allowed by a W1 Warrant. The applicant for a W1 Warrant must present an accurate scaled drawing of the proposed Mural and its placement on the subject building 30 days prior to the public meeting for approval.

5.12.18 SIGN CODE TABLE A

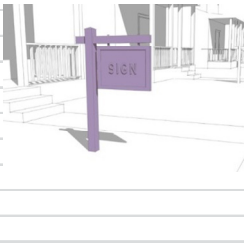


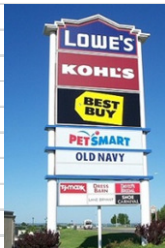

	T1	T2	T3	T4	T5	SD-1	SD-2	SD-4	SPECIFICATIONS
ADDRESS SIGN									Quantity (max) 1 per address Area max 2 sf Width max 24 inches Height max 12 inches Depth/Projection max 3 inches Letter Height max 6 inches NO SIGN PERMIT REQUIRED
	■	■	■	■	■	■	■	■	
AWNING AND SIGN									Quantity (max) 1 per address Area na Width façade width Height 80% of Valance Height Depth/Projection min 4 ft, see 5.12.2 Letter Height min 5 in, max 10 in Valance Height min 2 feet Distance from curb min 2 feet Vertical Clearance 9 ft, 8 ft with W2 Warrant SIGN & AWNING PERMIT REQUIRED Not allowed for in-home small businesses
				□	■	■	■	■	
BAND SIGN									Quantity (max) 1 per (2 per corner building) Area 1.5 sf per linear ft of façade Width max equals façade width Height max 3 ft Depth/Projection max 6 in Letter Height max 18 in Valance Height min 2 feet Distance from curb min 2 feet SIGN PERMIT REQUIRED Not allowed for in-home small businesses
				□	■	■	■	■	
BLADE SIGN									Quantity (max) 1 per address Area 7.5 sq ft Width 3 ft Height 2.5 ft Depth/Projection 4 ft Letter Height 8 in Distance from curb min 2 feet Vertical Clearance 9 ft, 8 ft with W2 Warrant SIGN & PERMIT REQUIRED Not allowed for in-home small businesses
				■	■	■	■	■	
MARQUEE AND SIGN									Quantity (max) 1 per lot Area na Width Entrance + 2 foot each side Height 40% of story height Depth/Projection min 4 ft, max 8 ft Letter Height na Distance from curb min 3 feet Vertical Clearance 9 ft, 8 ft with W2 Warrant SIGN & BUILDING PERMIT REQUIRED Not allowed for in-home small businesses
				□	□	□	□	□	
	NOT PERMITTED		■ BY RIGHT			□ BY W2 WARRANT		□ BY W1 WARRANT	
Note, sign permits will not be issued if the applicant does not have a business license with the Town									

5.12.19 SIGN CODE TABLE B

	T1	T2	T3	T4	T5	SD-1	SD-2	SD-4	SPECIFICATIONS		
NAMEPLATE SIGN 									Quantity (max)	1 per address	
									Area	max 3 sf	
									Width	max 24 inches	
									Height	max 18 inches	
	■	■	■	■	■	■	■	■	Depth/Projection	max 3 inches	
									Letter Height	max 6 inches	
									Apex	max 6 ft	
									SIGN PERMIT REQUIRED		
									Allowed for in-home small businesses		
OUTDOOR DISPLAY CASE 									Quantity (max)	1 per address	
									Area	6 sf	
									Width	max 3.5 ft	
									Height	max 3.5 ft	
			□	■	■	■	■	■	Depth/Projection	5 inches	
									Letter Height	na	
									Apex	6 ft	
									NO SIGN PERMIT REQUIRED		
									Not allowed for in-home small businesses		
SHINGLE SIGN 									Quantity (max)	1 per façade doorway	
									Area	5 sf	
									Width	2.5 ft	
									Height	2 ft	
				■	■	■	■	■	Vertical Clearance	min 7 ft	
									Letter Height	max 8	
									Valance Height	min 2 feet	
									SIGN & PERMIT REQUIRED		
									Not allowed for in-home small businesses		
SIDEWALK SIGN 									Quantity (max)	1 per façade address	
									Area	6 sq ft	
									Width	26 inches	
									Height	42 inches	
				■	■	■	■	■	Depth/Projection	na	
									Apex	42 inches	
									NO SIGN PERMIT REQUIRED		
									Not allowed for in-home small businesses		
WINDOW SIGN 									Quantity (max)	1 per window	
									Area	25% of window area	
									Width	varies	
									Height	varies	
				□	■	■	■	■	Depth/Projection	na	
									Letter Height	8 inches	
									Distance from curb	na	
									Vertical Clearance	na	
									SIGN PERMIT REQUIRED		
									Not allowed for in-home small businesses		
	NOT PERMITTED		■ BY RIGHT		□ BY W2 WARRANT		■ BY W1 WARRANT				
Note, sign permits will not be issued if the applicant does not have a business license with the Town											

ZONING

5.12.20 SIGN CODE TABLE C

	T1	T2	T3	T4	T5	SD-1	SD-2	SD-4	SPECIFICATIONS
YARD SIGN 	■	■	■	■		■	■	■	Quantity (max) 1 per address Area max 2 sf Width max 24 inches Height max 12 inches Depth/Projection max 3 inches Letter Height max 6 inches Only allowed if no other signs are present on property SIGN PERMIT REQUIRED Allowed for in-home small businesses
MONUMENT SIGN 				□	■	■	■	■	Quantity (max) 1 per address or mall/strip Area 24 sf Width 8 ft Height 4 ft Depth/Projection 2 ft Letter Height min 6 in, max 18 inch Valance Height na Distance from curb 1 ft from property line Vertical Clearance na SIGN PERMIT REQUIRED Not allowed for in-home small businesses
DIRECTIONAL SIGN 					□	□	□	□	Quantity (max) 1 per Resort or Subdivision Area 1.5 sf per linear ft of façade Width max equals façade width Height max 3 ft Depth/Projection max 6 in Letter Height max 18 in Valance Height min 2 feet Distance from curb min 2 feet SIGN PERMIT & WARRANT REQUIRED Not allowed for in-home small businesses
PYLON SIGN 					□				Quantity (max) 1 Pylon per shopping area Quantity (max) 1 sign per address Area per address sign 24 sf Width 6 ft max. Height 4 ft max Depth/Projection 2 ft Letter Height min 6 in, max 18 in Distance from prop. Line min 2 feet Vertical Height Max 25 ft SIGN PERMIT & WARRANT REQUIRED Not allowed for in-home small businesses
POLE SIGN 									Quantity (max) 0 per address Area Width Height Depth/Projection Letter Height Distance from prop. Line Vertical Height
	NOT PERMITTED	BY RIGHT	BY W2 WARRANT	BY W1 WARRANT					

Note: sign permits will not be issued if the applicant does not have a business license with the Town

5.13 FIRE MITIGATION STANDARDS**BUILDING DISPOSITION****5.13.1 General to all Zones**

5.13.1.1 Buildings that are protected by a common zone of Defense shall not require individual zones of Defense.

5.13.1.2 Buildings shall be disposed such that they can be easily accessed for firefighting and shall favor site locations adjacent to streets, roads or other public Thoroughfares

5.13.2 Fuel Treatment and Fire Resistance

5.13.2.1 Fuel Treatment as required on Lots shall extend to the public Thoroughfare. See table FM-1

5.13.2.2 Individual buildings shall be designed per the applicable building codes for fire resistance. Clustered buildings shall be designed for fire resistance to the extent required by the applicable building codes for buildings in close proximity to each other that are not within a Fire severity Hazard zone.

5.13.3 Specific to Zones T1, T2, and Civic Zones

5.13.3.1 Individual structures permitted by this code, by Right or by warrant, that are not part of a CLD Community Unit and that are justified in support of land management, stewardship, agricultural production, related residential and industrial structures, etc. shall require individual zones of Defense.

5.13.3.2 Multiple structures comprising a compound shall be clustered so that a common zone of Defense may protect all structures.

5.14 LIGHTING STANDARDS

- 5.14.1 This article provides the requirements for all outdoor illumination public and private. The purpose of these standards is to allow necessary lighting for public safety and commerce without causing a nuisance from glare or stray lighting.
- 5.14.2 Required Lighting. Outdoor lighting is not required with the exception of subdivision lighting.
- 5.14.3 This Article applies to all lighting to include subdivisions, PUDs, new buildings, new outdoor fixtures and replacement fixtures. It also applies to lighted signs.
- 5.14.4 All outdoor lighting shall be fully shielded fixtures where light emitted by the fixture by the lamp, diffusing element, reflection or refraction is projected only below the horizontal.
- 5.14.5 Maximum Foot Candles. All private outdoor lighting shall be designed and located such that the maximum illumination measured in foot candles at the property line shall not exceed 0.5 foot candles on to residential property and 3.0 foot candles on to any other type of property use. The Town Board of Trustees may approve a specific variance to the lighting standard if the applicant can demonstrate the need based on security, commerce or other needs. All commercial lighting plans shall provide an illumination map for any pole mounted lights or lights mounted above 12 feet.
- 5.14.6 Canopy lights are allowed as long as they only illuminate the area directly under the canopy.
- 5.14.7 Parking Lot Lighting: Parking lot lighting shall not exceed light levels necessary for safety and locating vehicles at night and shall not exceed the maximum foot candles of this article. Parking lot lighting may only be on during business hours. Lodging, gas stations and other 24 hour businesses are exempt from this business hour requirement.
- 5.14.8 Any lighting exceeding the maximum foot candle requirement must receive a special permit from the Town, this is an administrative permit issued by the Town Staff. The permit may be temporary or permanent. Should nuisance complaints be received regarding the lighting, the Town Board shall determine if the permit should continue, be revised or be revoked.

TABLE 5: Public Lighting. Lighting varies in brightness and also in the character of the fixture according to the Transect. The table shows five common types. A listed set of streetlights corresponding to these types would be approved by the utility company and listed on the page.






	T1	T2	T3	T4	T5	SD-1	SD-4	Specifications
Cobra Head 								
Pipe 								
Post 								
Column 								
Double Column 								

TABLE 7: Private Frontages. The Private Frontage is the areas between the building Facades and the Lot lines.

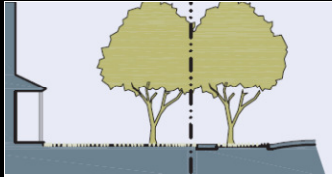
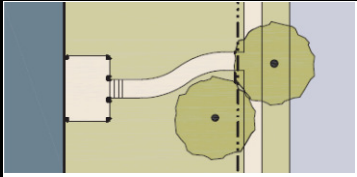

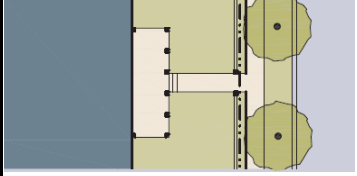
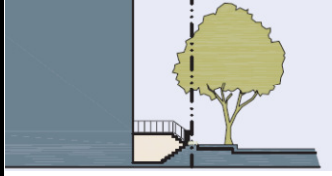

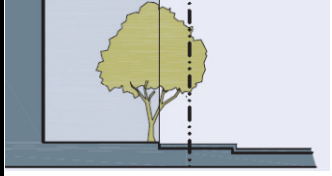
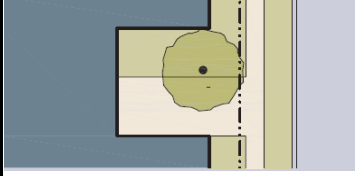
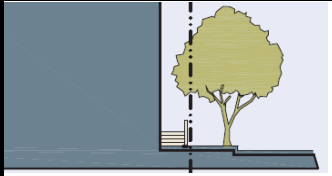
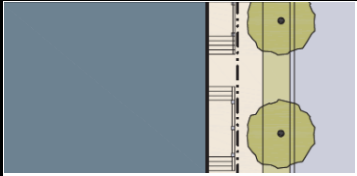


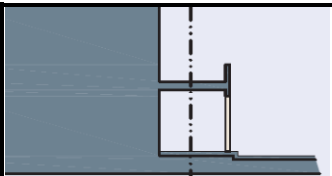
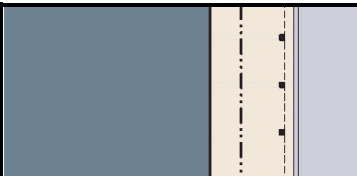
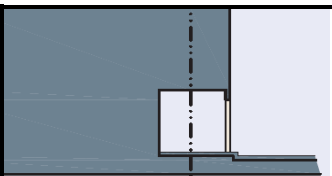
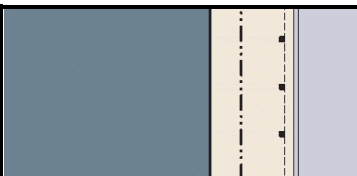
	SECTION		PLAN		
	LOT PRIVATE FRONTAGE	R.O.W. PUBLIC FRONTAGE	LOT PRIVATE FRONTAGE	R.O.W. PUBLIC FRONTAGE	
a. Common Yard: a planted Frontage wherein the Façade is set back substantially from the Frontage Line. The front yard created remains unfenced and is visually continuous with adjacent yards, supporting a common landscape. The deep Setback provides a buffer from the higher speed Thoroughfares.			T2 T3 T4 SD4		
b. Porch & Fence: a planted Frontage where the Façade is set back from the Frontage Line with an attached porch permitted to Encroach. A fence at the Frontage Line maintains street spatial definition. Porches shall be no less than 8 feet deep.			T2 T3 T4 SD4		
c. Terrace or Lightwell: a frontage wherein the Façade is setback back from the Frontage Line by an elevated terrace or sunken Lightwell. This type buffers Residential use from urban Sidewalks and removes the private yard from public encroachment. Terraces are suitable for conversion to outdoor cafes. Syn:			T4 T5 SD4		
d. Forecourt: a Frontage wherein the Façade is close to the Frontage Line and the central portion is set back. The forecourt created is suitable for vehicular drop-offs. This type should be allocated in conjunction with other Frontage types. Large trees within the Forecourts may overhang the Sidewalks.			T4 T5 SD1 SD4		
e. Stoop: a Frontage wherein the Façade is aligned close to the Frontage Line with the first Story elevated from the Sidewalk sufficiently to ensure privacy for the windows. The entrance is usually an exterior stair and landing. This type is recommended for ground-floor Residential use.			T4 T5 SD4		
f. Shopfront: a Frontage wherein the Façade is aligned close to the Frontage Line with the building entrance at Sidewalk grade. This type is conventional for Retail use. It has substantial glazing on the Sidewalk level and an awning that should overlap the Sidewalk to within 2 feet of the Curb. Syn: Retail Frontage.			T4 T5 SD1 SD4		
g. Gallery: a Frontage wherein the Façade is aligned with the Frontage Line with an attached cantilevered shed or lightweight colonnade overlapping the Sidewalk. This type is conventional for Retail use. The Gallery should be no less than 10 feet wide and should overlap the sidewalk to within 2 feet of the			T5		
h. Arcade: a colonnade supporting habitable space that overlaps the Sidewalk, while the Façade at Sidewalk level remains at or behind the Frontage Line. This type is conventional for Retail use. The Arcade shall be no less than 12 feet wide and should overlap the Sidewalk to within 2 feet of the Curb. See Table 8.					

TABLE 8 - BLANK, RESERVED FOR FUTURE USE

TABLE 10: Building Function. This table categorizes Building functions within Transect Zones. Parking requirements are correlated to functional intensity. For Specific Function and Use permitted By Right or by Warrant, see Table 12.

	T2 T3	T4 SD4	T5 SD1
a. RESIDENTIAL	Restricted Residential: The number of dwellings on each Lot is restricted to one within a Principal Building and one within an Accessory Building, with 2 parking spaces for each. Both dwellings shall be under single ownership. The habitable area of the Accessory Unit shall not exceed 440 sq. ft. excluding the parking area.	Limited Residential: The number of dwellings on each Lot is limited by the requirement of 1.5 parking spaces for each dwelling, a ratio which may be reduced according to the shared parking standards (See Table 11).	Open Residential: The number of dwellings on each Lot is limited by the requirement of 1.0 parking places for each dwelling, a ratio which may be reduced according to the shared parking standards (See Table 11).
b. LODGING	Restricted Lodging: The number of bedrooms available on each Lot for lodging is limited by the requirement of 1.0 assigned parking place for each bedroom, up to five, in addition to the parking requirement for the dwelling. The Lodging must be owner occupied. Food service may be provided in the a.m. The maximum length of stay shall not exceed 30 days.	Limited Lodging: The number of bedrooms available on each Lot for lodging is limited by the requirement of 1.0 assigned parking place for each bedroom, up to twelve, in addition to the parking requirement for the dwelling. The Lodging must be owner occupied. Food service may be provided in the a.m. The maximum length of stay shall not exceed 30 days.	Open Lodging: The number of bedrooms available on each Lot for lodging is limited by the requirement of 1.0 assigned parking place for each bedroom. Food service may be provided at all times. The area allocated for food service shall be calculated with parking according to Retail Function.
c. OFFICE	Restricted Office: The building area available for office use on each Lot is restricted to the first Story of the Principal or the Accessory Building and by the requirement of 3.0 assigned parking places per 1,000 square feet of net office space in addition to the parking requirement for each dwelling.	Limited Office: The building area available for office use on each Lot is limited to the first Story of the Principal Building and/or the Accessory Building, and by the requirement of 3.0 assigned parking places per 1,000 square feet of net office space in addition to the parking requirement for each dwelling.	Open Office: The building area available for office use on each Lot is limited by the requirement of 2.0 assigned parking places per 1,000 square feet of net office space.
d. RETAIL	Restricted Retail: The building area available for Retail use is restricted to one Block corner location at the first Story for each 300 dwelling units and by the requirement of 4.0 assigned parking places per 1,000 square feet of net Retail space in addition to the parking requirement of each dwelling. The specific use shall be further limited to neighborhood store, or food service.	Limited Retail: The building area available for Retail use is limited to the first Story of buildings at corner locations, not more than one per Block, and by the requirement of 4.0 assigned parking places per 1,000 square feet of net Retail space in addition to the parking requirement of each dwelling. The specific use shall be further limited to neighborhood store or food service.	Open Retail: The building area available for Retail use is limited by the requirement of 3.0 assigned parking places per 1,000 square feet of net Retail space. Retail spaces under 1,500 square feet are exempt from parking requirements.
e. CIVIC	See Table 12	See Table 12	See Table 12
f. OTHER	See Table 12	See Table 12	See Table 12

Parking Calculations. The Shared Parking Factor for two Functions, when divided into the sum of the two amounts as listed on the Required Parking table below, produces the Effective Parking needed for each site involved in sharing. Conversely, if the Sharing Factor is used as a multiplier, it indicates the amount of building allowed on each site given the parking available.

REQUIRED PARKING (See Table 10)				REQUIRED PARKING FACTOR	
	T2 T3	T4 SD4	T5 SD1		
RESIDENTIAL	2.0 / dwelling	1.5 / dwelling	1.0 / dwelling		
LODGING	1.0 / dwelling	1.0 / dwelling	1.0 / dwelling		
OFFICE	3.0 / 1,000 sq.ft.	3.0 / 1,000 sq.ft.	2.0 / 1,000 sq.ft.		
RETAIL	4.0 / 1,000 sq.ft.	4.0 / 1,000 sq.ft.	3.0 / 1,000 sq.ft.		
CIVIC	To be determined by Warrant				
OTHER	To be determined by Warrant				

6 ZONING

6.1 GENERAL PROVISIONS

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

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

6.1.1.1 No buildings, structure, or land shall be used or occupied, and no building or structure or part thereof shall be erected, changed, constructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the zone in which it is located. Where a lot is divided by a zoning district boundary line by the current official zoning map or by subsequent amendments to the zoning map, the zoning requirements may be extended within the lot for a distance of not more than twenty-five (25) feet.

6.1.1.2 Existing uses not creating a public health, safety or nuisance hazard are grandfathered if they existed in use prior to the adoption of this code until such time the use is changed and/or expanded. Expansion of a use requires compliance with this code unless a variance is granted by the Town.

6.1.1.3 Existing Structures, Signs and other appurtenances not creating a public health/safety hazard or a public nuisance prior to the adoption date of this code are grandfathered until the Structure, Sign or other appurtenances are changed, replaced or expanded. Structures expanded by the definition of a Substantial Modification shall be required to be brought in compliance with this code.

6.1.1.4 Non-Conforming uses may alter and improve structures as long as the improvements comply with this code and the adopted Building Code as long as the modification is not a Substantial Modification. Substantial Modifications require the Use, Structure, Signs and other appurtenances to be brought in compliance with this code.

6.1.1.5 No building or other structure shall be erected or altered:

6.1.1.5.1 To exceed the height or Story limitations in Table 8.

6.1.1.5.2 That does not comply with Tables 4 through 17.

6.1.2 Lots, Yards and Parking created or modified after the date of the adoption of this code shall comply with Tables 7, 9, 10, 11, 12, 14, 15, 16 & 17

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

6.1.2.2 Any use not permitted in a zone either specifically or by interpretation by the Board of Trustees per Table 12 is hereby specifically prohibited from that zone.

6.1.3 Conflict with Other Provisions of Law. Whenever the requirements of this Article are at a variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the more restrictive or that imposing the higher standards shall govern.

6.1.4 Conflict with Private Covenants or Deeds. In case of a conflict between this Code and any private restrictions imposed by covenant or deed, the responsibility of the Town shall be limited to the enforcement of this Code. When provisions within this Code are more restrictive than those imposed by covenant or deed, or when any such private instruments are silent on matters contained within this Code, the provisions of this Code shall rule.

6.1.5 Zoning of Annexed Territory.

6.1.5.1 Zoning of land during annexation may be done in accordance with the procedure and notice requirements of this Section. The proposed zoning ordinance shall not be passed before the date when the annexation ordinance is passed.

6.1.5.2 Any area annexed shall comply with the provisions of this Article and the map thereunder within ninety (90) days from the effective date of the annexation ordinance, despite any legal review that may be made challenging the annexation. During such ninety-day period, or such portion thereof as is required to zone the territory, the Town shall refuse to issue any building permit for any portion or all of the newly annexed area.

6.2 PURPOSE

The purpose of this Zoning Code is to create a vital, cohesive, well-designed community in order to enhance the Town's small-town character and further the citizens' goals as identified in the Town Comprehensive Plan. These zoning regulations are designed to:

- 6.2.1 Encourage the most appropriate use of land through the Town and insure a sustainable growth of the various physical elements of the Town.
- 6.2.2 Utilize the principles of New Urbanism as a guide to reduce sprawl, create a sense of place, encourage multi-modal transportation and a mix of housing and services
- 6.2.3 Regulate and restrict the location and use of buildings, structures and land for residence, business, trade, industry or other purposes to promote a viable and sustainable mixed use community.
- 6.2.4 Regulate and determine the size of building lots, yards and other open spaces to reduce sprawl and improve the quality of living in the community.
- 6.2.5 Promote good urban design and arrangement of buildings or clusters of buildings and uses in residential, business and industrial development.
- 6.2.6 Encourage innovative, quality site planning, architecture and landscaping that reflect improvements in the technology of land development.
- 6.2.7 Promote the health, safety, morals and general welfare of Town residents.

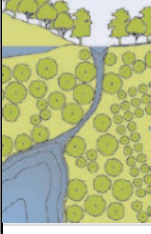


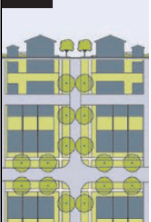
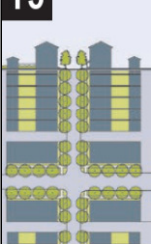
6.3 ZONING DISTRICTS AND BOUNDARIES

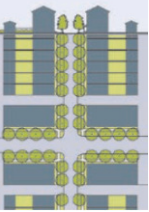



Basis of Zoning: The zoning is based on the Transect (see Transect.org for more information on the basis of the transect). Table 1 provides a brief overview of the Transect Zones for the Town.

- 6.3.1 Zoning Districts.** In order to carry out the provisions of this Code, the Town is divided into the following zoning districts:

T1	Natural Zone
T2	Rural Zone
T3	Sub-Urban Zone
T4	General Urban Zone
T5	Urban Center Zone
SD-1	Business Park Zone
SD-2	Industrial Park Zone
SD-3	Fairgrounds Zone
SD-4	Mountain Resort Zone
CB	Civic Building Zone (Town Hall, Library and other type, Civic Buildings) By W1 Warrant, no
CP	Civic Park Zone (Town Parks) By W1 Warrant, no

*Town of Poncha Springs***Table 1a: Transect Zone Descriptions.** This table provides descriptions of the character of each Transect Zone.

T1 	T-1 NATURAL T-1 Natural Zone consists of lands in a natural condition, including lands protected as U.S. Forest, BLM, State Forest, State Land Board and Private Conservation Easements. Also public and private natural Parks and Greenways set aside in subdivisions and PLUD developments.	General Character:	Natural landscape with some agricultural use
		Building Placement:	Not applicable
		Frontage Types:	Not applicable
		Typical Building	Not applicable
		Type of Civic Space:	Parks, Greenways
T2 	T-2 RURAL T-2 Rural Zone consists of sparsely settled lands in open or cultivated states. These include forest, pinons, agricultural land, grassland, and Typical buildings are farmhouses, agricultural buildings, cabins, and homes.	General Character:	Primarily agricultural with woodland & wetland and scattered buildings
		Building Placement:	Variable Setbacks
		Frontage Types:	Not applicable
		Typical Building	1- to 2-Story
		Type of Civic Space:	Parks, Greenways
T3 	T-3 SUB-URBAN T-3 Sub-Urban Zone consists of low density residential areas, adjacent to higher zones that have some mixed use. Home occupations and outbuildings are allowed. Planting is naturalistic and setbacks are relatively deep.	General Character:	Lawns and landscaped yards surrounding detached single-family houses
		Building Placement:	Large front and side yard Setbacks
		Frontage Types:	Porches, fences, naturalistic tree planting
		Typical Building	1- to 2-Story
		Type of Civic Space:	Parks, Greenways
T4 	T-4 GENERAL URBAN T-4 General Urban Zone consists of a mixed use but primarily residential urban fabric. It may have a wide range of building types: single, Sideyard, and Rowhouses. Setbacks and landscaping are variable. Streets with curbs and side-walks define medium-sized Blocks.	General Character:	Mix of Houses, Townhouses and small Apartment buildings with scattered Commercial activity; balance between landscape and buildings; presence of pedestrians
		Building Placement:	Shallow to medium front and side yard Setbacks
		Frontage Types:	Porches, fences, Dooryards
		Typical Building	1-2 Story Mixed Use Buildings
		Type of Civic Space:	Squares, Greens
T5 	T-5 URBAN CENTER T-5 Urban Center Zone consists of higher density mixed use building that accommodate Retail, Offices, Row-houses and Apartments. It has a tight network of streets, with wide sidewalks, steady street tree planting and buildings set close to the sidewalks.	General Character:	Shops mixed with Townhouses, larger Apartment houses, Offices, work place and Civic buildings; predominantly attached buildings; trees within the public right-of-way; substantial pedestrian activity
		Building Placement:	Shallow Setbacks or none; buildings oriented to street defining a street wall
		Frontage Types:	Stoops, Shopfronts, Galleries
		Typical Building	2- to 3 -Story with some variation, 4+ Stories by W1
		Type of Civic Space:	Parks, Plazas and Squares; median landscaping

SD-1 	SD-1 Business Park SD-1 Business Park Zone is intended as a business incubator of higher density mixed use buildings that accommodate Retail, Live Work, Research, Services and Light Industrial. It has a tight network of streets, with wide sidewalks, steady street tree planting and buildings set close to the sidewalks. Attractive frontages & elevations are required.	General Character: Building Placement: Frontage Types: Typical Building Height: Type of Civic Space:	Mix of Retail, Services, Live Work, Research & Light Industrial in a Business Park with a Sense of Place and attractive public frontages. Shallow Setbacks or none; buildings oriented to street defining a street wall Stoops, Shopfronts, Galleries 1- to 2-Story with some variation Parks, Plazas, and Squares, median landscaping
SD-2 	SD-2 Industrial Park SD-2 Industrial Park Zone is intended as a General Purpose Light and Heavy Industrial Park. Landscaping, frontages and elevations are not tightly controlled, parking is self regulated unless a nuisance is created.	General Character: Building Placement: Frontage Types: Typical Building Height: Type of Civic Space:	Light and Heavy Industry, Metal and Stand up Concrete Construction. Variable Setbacks Not applicable 1- to 2-Story, 3 Story by W1 Warrant Parks, Greenways
SD-3 	SD-3 Fairgrounds SD-3 Fairgrounds Zone is intended as a community facility for the County Fair, Rodeo's, Conferences, Exhibitions, Events Center, Entertainment, Agricultural Education & Demonstration Projects, Non-Profit and for Profit Activities.	General Character: Building Placement: Frontage Types: Typical Building Height: Type of Civic Space:	Fairgrounds, Conference, Exhibition Hall and Events Center Variable Setbacks Not applicable 1- to 2-Story Not applicable
SD-4 	SD-4 MOUNTAIN RESORT SD-4 Mountain Resort Zone is intended as a multi-functional resort and residential area offering a wide variety of lodging, entertainment, dining and recreational opportunities in a mountain and river setting	General Character: Building Placement: Frontage Types: Typical Building Height: Type of Civic Space:	Mix of Lodges, Cabins, Resorts, Restaurants, Stables, Custom Homes Shallow to medium front and side yard Setbacks Porches, fences, Dooryards 1 to 2 Story Mixed Use buildings, 3 Story by W1 Warrant Squares, Greens, Greenways, Parks, River Trails

6.3.2 Zoning District Map. The boundaries and classifications of districts established are as depicted on a map entitled Town Zoning District Map as may from time to time be revised, updated or redrafted. The official zoning district map adopted and to be used for present reference shall be that map bearing the most recent date of publication which has been signed by the Chair of the Planning Commission and the Mayor.

6.3.2.1 Interpretation of Boundary Lines.

6.3.2.1.1 Zoning District Boundaries – In the event uncertainty is deemed to exist on the zoning district map, district boundaries shall be on section lines, lot lines, the center lines of highways, streets, alleys, railroad rights-of-way or such lines extended; municipal corporation lines; natural boundary lines, such as streams; or other lines to be determined by the use of scales shown on the map. Where a lot is divided by a zoning district boundary line at the time of enactment of the ordinance codified in this section or by subsequent amendments to that ordinance or this Article, either zone requirements may be extended within the lot for a distance of not more than twenty-five (25) feet.

6.3.2.2 Hazard Overlay District Boundaries – Hazard district boundaries, as depicted by separate maps, are estimates based upon:

6.3.2.2.1 Data verified from the Colorado Geological Survey on geological hazards; and

6.3.2.2.2 Data verified from the Colorado Water Conservation Board, Federal Emergency Management Agency (FEMA) or the Town on flood-prone areas.

6.3.2.3 Amendment Upon Zoning or Modification. Upon enactment of any ordinance annexing and establishing zoning or modifying existing zoning for any property, and upon final passage thereof, the Town shall amend the prior existing official map to include the annexed area with the proper zoning classification or show the amended classification, as the case may be. Such updated, current official map shall contain, in table form, the date and number of the ordinance amending it, the date the map was amended to reflect each amendment and the initials of the person who checked and approved the change to the map.

6.3.2.4 Cost For Amending Zoning. Any person who proposes zoning for property being annexed or proposes modifying existing zoning shall bear the entire cost of amending the official zoning map, including all notification costs and legal fees. The Town shall provide applicants with a copy of the current fee schedule and fee agreement form.

6.3.2.5 Public Inspection; Storage of Original. The official zoning district map shall be available and on display at the Town Hall during normal business hours. In addition, one (1) original duplicate Mylar copy of the current official map, and all prior official maps having been adopted, shall be held under lock and in a secure

place by the Town Clerk, who shall act as custodian thereof, and the map shall not be amended, changed, updated or otherwise modified or let out of direct control of the Town Clerk for any reason whatsoever. The secured map is to be released for inspection only upon authorization of the Town Clerk.

6.4	PRINCIPAL AND CONDITIONAL USES PERMITTED BY ZONING DISTRICT
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6.4.1 General Application of Uses.

6.4.1.1 Uses designated as “permitted uses” are allowed in a zone district as a matter of right.

6.4.1.2 Unless a use is designated as a “permitted use” “Warrant” or “conditional use” or is classified as a legal “non-conforming” structure or use, it is not permitted.

6.4.1.3 Uses classified as “conditional uses” are designated, limited and require the following approvals:

6.4.1.3.1 W1 Warrants require approval of the Board of Trustees with an approved resolution. W1 Warrants shall be identified by the address and the County Assessor’s parcel identification recorded at the office of the County Clerk. Warrants do not have an expiration date. Justification and findings for Warrants are based on the Intent Sections of this code. W1 Warrants are transferable with the sale of a property. The resolution shall be recorded using the County Assessor’s Property ID number. Public Notice is not required for a W1 Warrant.

6.4.1.3.2 W2 Warrants require approval of the Town Staff with a signature of the Town Manager or Administrator. W2 Warrants shall be identified by the address and the County Assessor’s parcel identification recorded at the office of the County Clerk. W2 Warrants do not have an expiration date. Justification and findings for Warrants are based on the Intent Sections of this code. W2 Warrants are transferable with the sale of a property. Board of Trustees may temporarily or permanently suspend a W2 Warrant if they determine the Warrant is creating a public safety, health or nuisance hazard. The resolution shall be recorded using the County Assessor’s Property ID number. Public Notice is not required for a W2 Warrant.

6.4.1.3.3 Conditional Use Permits require a review and recommendation by the planning commission with a recommendation to the Board of Trustees and a ruling and resolution by the Board of Trustees. Conditional Use Permits are for requests that are not within the intent sections of this code, therefore Conditional Use Permits shall have an expiration date not less than 6 months and not more than 5 years. {If an applicant desires an approval without an expiration date, they should apply for rezoning}. The resolution shall be recorded using the County Assessor’s Property ID number. Conditional Use Permits are transferable with the sale of the property until the expiration date of the permit. Public Notice is required for a Conditional Use Permit.

- 6.4.1.4 For land uses not otherwise identified in this Code which are proposed for development by an applicant requiring a permanent zoning of uses not permitted and not within the intent in this code the Board of Trustees may approve a zoning overlay (Planned Unit Development) or a (Rezoning) upon receiving a complete application meeting the requirements of this code. A PUD is a permanent zoning overlay. Public notice and a public hearing are required for a PUD.
- 6.4.1.5 Lots in all zones except SD-4 are restricted to one principal building and one outbuilding. SD-4 allows for multiple buildings on a single parcel if a commercial site plan is approved and the lot coverage does not exceed the zoning tables.

6.5	MATRIX OF PERMITTED AND CONDITIONAL USES BY ZONING DISTRICT
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TABLE 12a: SPECIFIC FUNCTION AND USE.

LEGEND		DESCRIPTION	NATURAL	RURAL	SUB-URBAN	GENERAL URBAN	URBAN CENTER	BUSINESS PARK	INDUSTRIAL PARK	FAIRGROUNDS	URBAN RESORT
		MINIMUM LOT SIZE	NA	22,000	6,000	3,500	2,500	5,000	22,000	NO MIN OR MAX	3,500
ZONES			T1	T2	T3	T4	T5	SD1	SD2	SD3	SD4
LOT TYPE											
	Edgeyard			P	P	P	P	P	P	P	P
	Sideyard					P	P	P			
	Rearyard					P	P	P			W1
	Courtyard					P	P	P			W1
	Specialized					W1	W1	W1	W1	W1	W1
a. RESIDENTIAL											
	Mixed Use Building					P ₄	P ₄	P ₄			W1
	Multi-Family Building 5 or more units					P ₄	W1	W1			W1
	Multi-Family Building 4 or less units				W1	P ₄	W1	W1			W1
	Row House					P ₄	W1				P ₄
	Live/Work Unit					P ₄	W1	P ₄			P ₄
	Duplex House				P ₄	P ₄					P ₄
	Single Family House			P ₄	P ₄	P ₄					P ₄
	Single Family Cottage			P ₄	P ₄	P ₄					P ₄
	Sideyard House					P ₄					P ₄
	Accessory Unit			P ₄	P ₄	P ₄		P ₄			P ₄
	IRC Manufactured Home			P ₄	P ₄	P ₄					P ₄
	HUD Manufactured Home			P ₄							
b. LODGING											
	Hotel (no room limit)					W1	P				W1
	Inn (up to 12 rooms)					P	P				W1
	Bed & Breakfast (up to 5 rooms)			W2	W2	P					P
	S.R.O. Hostel					W1		W1			W1
	School Dormitory							W1			
	Cabin Resort				W1	W1					W2
	Guest Ranch, Resort Facility			W1							W1

TABLE 12b: SPECIFIC FUNCTION AND USE.

LEGEND		DESCRIPTION	NATURAL	RURAL	SUB-URBAN	GENERAL URBAN	URBAN CENTER	BUSINESS PARK	INDUSTRIAL PARK	FAIRGROUNDS	URBAN RESORT
P = PERMITTED BY RIGHT		MINIMUM LOT SIZE	NA	22,000	6,000	3,500	2,500	5,000	22,000	NO MIN OR MAX	3,500
NA = NOT APPLICABLE		ZONES	T1	T2	T3	T4	T5	SD1	SD2	SD3	SD4
☐ = NOT PERMITTED											
W1 = WARRANT BOARD LEVEL											
W2 = WARRANT STAFF LEVEL											
1 = IN 1 ST LAYER ONLY											
2 = IN 2 ND LAYER ONLY											
3 = IN 3 RD LAYER ONLY											
4 = SHORT TERM RENTAL BY W2 WARRANT											
c. OFFICE											
	Multi-Use Office Building					W1	P	P			W1
	Professional Office					P	P	P			W1
	Live/Work Unit					P	P	P			P
	In Home Small Business		P	P		P	P	P			P
	Medical Offices & Clinics					W2	P	P			
d. RETAIL											
	Open-Market Building					W2	P	P		P	W1
	Retail Building					P	P	P			W1
	Display Gallery					P	P	P			P
	Restaurant					W2	P	P			P
	Convenience Store					W2	P	P			P
	Financial Institution						P	P			
	Retail Services or Light Maintenance						P	P	P		
	Drive In Restaurant					W2	P	W2			
	Liquor Selling Establishment					W1	P	P			W1
	Grocery Store						P	P			
	Mobile Food Vendor Cart or Truck							W2	W2	W2	
	Retail Medical & Recreational Marijuana										
	Marijuana Grow Operations										
	Adult Entertainment							W1			
f. AUTOMOTIVE RELATED											
	Gas Stations all fuels					W1	P	P			
	Auto-Recreational Sales & Service					W1	P	W2	P		
	Recreational Outfitter - - Rental						W2	P	P		W1
	Drive-Through Facility						P	W2	P		
	Heavy & Light Equipment Sale, Rental, Service						P	W2	P		
	Roadside Stand					W2	P	W2			W2
	Car Wash					W1	P	W2	P		
	Shopping Center						P	W2			
	Campground or Recreational Vehicle Park		W1								

TABLE 12c: SPECIFIC FUNCTION AND USE.

LEGEND		DESCRIPTION	NATURAL	RURAL	SUB-URBAN	GENERAL URBAN	URBAN CENTER	BUSINESS PARK	INDUSTRIAL PARK	FAIRGROUNDS	URBAN RESORT
P = PERMITTED BY RIGHT		MINIMUM LOT SIZE	NA	22,000	6,000	3,500	2,500	5,000	22,000	NO MIN OR MAX	3,500
NA = NOT APPLICABLE		ZONES	T1	T2	T3	T4	T5	SD1	SD2	SD3	SD4
<input type="checkbox"/> = NOT PERMITTED											
W1 = WARRANT BOARD LEVEL											
W2 = WARRANT STAFF LEVEL											
1 = IN 1 ST LAYER ONLY											
2 = IN 2 ND LAYER ONLY											
3 = IN 3 RD LAYER ONLY											
4 = SHORT TERM RENTAL BY W2 WARRANT											
e. CIVIC											
Bus Shelter				P	P	P	P	P	P	P	P
Convention Center Greater than 10,000 S.F.						P	P		P	W1	
Conference Center 10,000 S.F. OR LESS						P	P		P	W1	
Public Buildings					P	P	P		P	W1	
Fountain or Public Art		P		P	P	P	P	P	P	P	
Live Theater						P	P		P	W1	
Movie Theater						P	P		P		
Museum or Library						P	P		P	W1	
Outdoor Auditorium								P	P	W1	
Long & Short Term Parking Lots & Structures						P	P	P	P	W1	
Park		P	P	P	P	P	P	P	P	P	
Sports Stadium or Field								P	P		
Surface Parking Lot					P	P	P	P	P	P	
Outdoor Events						W2	W2	W2	P	W1	
Religious Assembly					P	P	P		P	P	
f. CIVIL SUPPORT											
Fire Station or EMS					P	P	P	P		W1	
Police Station					P	P	P	P		W1	
Cemetery											
Funeral Home						P	P	P			
Hospital						P	P				
Elderly Care Center, Nursing Home, Group Homes					W2	W2	P			W1	
f. EDUCATION											
College						P	P		P	W1	
High School				P	P	P					
Middle School				P	P	P					
Elementary School				P	P	P					
Vocational or Trade School						P	P		P		
Pre-School or Childcare Center				W1	W2	P	P		P	W1	

TABLE 12d: SPECIFIC FUNCTION AND USE.**LEGEND**

P = PERMITTED BY RIGHT

☐ = NOT PERMITTED

W1 = WARRANT BOARD LEVEL

W2 = WARRANT STAFF LEVEL

1 = SHORT TERM RENTAL ALLOWED

2 = SHORT TERM RENTAL BY W2

3 = 3rd LAYER ONLYNOTE: 1 - SEE LIVESTOCK/POULTRY/PET
CHART FOR NUMBERS RESTRICTIONS

DESCRIPTION	NATURAL	RURAL	SUB-URBAN	GENERAL URBAN	URBAN CENTER	BUSINESS PARK	INDUSTRIAL PARK	FAIRGROUNDS	URBAN RESORT
MINIMUM LOT SIZE	NA	22,000	6,000	3,500	2,500	5,000	22,000	NO MIN OR MAX	3,500
ZONES	T1	T2	T3	T4	T5	SD1	SD2	SD3	SD4

f. AGRICULTURE SERVICES

Farm Market	W2	W2			W2	W2		W2	W2
Produce Sales Building				W2	W2	W2		W2	
Wholesale Produce		W2				W2	W2	W2	
Roadside Stand	W2	W2	W2	W2	W2	W2		P	W2
Animal Sales Yard								P	
Kennel							W1		
Animal Clinic or Hospital						W1	W1		
[NOTE:1] 2 ACRES < SMALL FARM OR < 20 ACRES	P	P	W1	W1					W1
[NOTE: 1] 20 ACRES < LARGE FARM	P	P	P	P					P

g. RECREATIONAL SERVICES

Stables, Horse Tours	P	P						P	W1
Rafting, Cycling, ATV Tours & Rentals					P	P			W1

f. INDUSTRIAL

Heavy Industrial Facility							P		
Light Industrial Facility						P	P		
Truck Depot							P		
Research or Laboratory Facility					P	P	P	P	
Water Supply Facility			P	P		P	P		P
Sewer and Waste Facility							P		
Public Utility Distribution, Electric Substation							P		
Wireless Transmitter		W1	W1	W1	W1	W1	P	P	W1
Cremation Facility							P		
Warehouse						P	P		
Wholesale Jobbers, Distributor, Warehouses						P	P		
Commercial Enclosed Storage					P	P	P		
Inside Storage 3rd Layer					P	P	P		
Open Storage 3rd Layer					P		P		
Sand & Gravel Operations									

6.6 DENSITY, DIMENSIONAL STANDARDS & SPECIFIC LIMITATIONS

6.6.1 The following specifications in the listed tables shall be required in the zones identified:

- Table 14, provides a summary of the density and dimensional standards for all the developable zones. This table provides a side by side comparison of zones that is helpful for a developer considering annexation, zoning and major subdivision. Note that the table is broken into areas covered by Article 5 and Articles 2-4 with a legend bar on the left side of the table. The right side of the table delineates function, configuration and disposition on the right side of the table.
- Table 5a T2 Rural Zone – provides dimensional standards for the T2 Rural Zone
- Table 5b T3 Sub-Urban Zone – provides dimensional standards for the T3 Sub-Urban Zone
- Table 5c T4 General Urban Zone – provides dimensional standards for the T4 General Urban Zone
- Table 5d T5 Urban Core Zone – provides dimensional standards for the T5 Urban Core Zone
- Table 5e SD-1 Business Park Zone – provides dimensional standards for the SD-1 Business Park Zone
- SD-3 Fairgrounds Zone – All zoning is by W1 Warrant as this is a Civic Facility.
- Table 5f SD-4 Urban Resort Zone – provides dimensional standards for the SD-4 Urban Resort Zone
- Table 5g SD-2 Industrial Park Zone – provides dimensional standards for the SD-2 Industrial Park Zone.

6.6.2 Specific Limitations

- 6.6.2.1 Where Outside Storage is allowed in a zone, it must be screened from the street and neighboring properties. In the Industrial Park Zone, Containers may be considered as acceptable screening.
- 6.6.2.2 Certificate of Occupancies for buildings with Live Work require the Work or Retail areas must be completed concurrent with the Live areas. Completing the Live area without completion of the Work area is not allowed for a temporary or permanent Certificate of Occupancy.
- 6.6.2.3 While existing uses prior to the adoption of this code are Grandfathered per the conditions of this code, Nuisances are not Grandfathered.
- 6.6.2.4 Motor Homes or Camper Trailers may only be occupied for a maximum period of 30 days on any property within the Town and must be parked in the subject lot not obstructing sidewalk or public right of ways. Only one unit is allowed per lot for this period. Any occupancy of a Motor Home or Camper beyond this period requires a special permit from the Town Staff. Vacant lots may only be occupied for this period by the owner of the lot. The Town Staff may require a special events permit for any property holding an outdoor event if there is a record at the Town office of a nuisance complaint regarding previous events on the property for illegal parking, noise, lighting extending beyond the property boundary or illegal activities investigated by the local law enforcement agency.

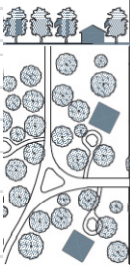
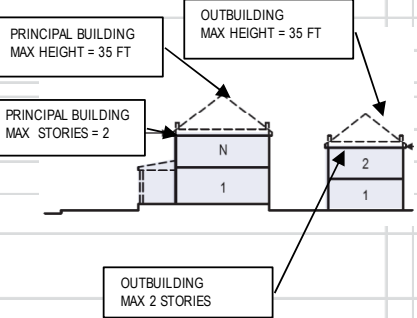
TABLE 14 ZONE DENSITY AND DIMENSIONAL SUMMARY

Note, this table is for summary any conflict with individual zone tables the individual zone tables are the rule.

	T1 NATURAL ZONE	T2 RURAL ZONE	T3 SUB-URBAN	T4 GENERAL URBAN	T5 URBAN CENTER	SD BUSINESS PARK	SD MOUNTAIN RESORT
a ALLOCATION OF ZONES per Pedestrian Shed (applicable to Article 3 only)							
CLD requires	no minimum	50%min.	10 - 30%	20 - 40%	not permitted	NA	
TND requires	no minimum	not permitted	10 - 30%	30 - 60%	10 - 30%	NA	
RCD requires	no minimum	not permitted	not permitted	10 - 30%	10 - 30%	NA	
b BASE RESIDENTIAL DENSITY (See Section 3.4)							
By Right	not applicable	1 unit / 20 ac. avg.	3.5 units / ac.	6 units / ac. Gross	6 units / ac. Gross	4 units / ac. Gross	6 units / ac. Gross
By TDR or Incentive	by Variance	1 unit / 10 ac. avg.	4 units / ac. Gross	8 units / ac. Gross	8 units / ac. Gross	6 units / ac. Gross	8 units / ac. Gross
Other Functions	by Variance	by Variance	10 - 20%	20 - 30%	30 - 50%	50 - 70%	20 - 30%
c BLOCK SIZE							
Block Perimeter	no maximum	5,200	2,500 ft. max.	1,600 ft. max.	1,600	1,600 ft. max.	1,600 ft. max.
d THOROUGHFARES (See Table 3 and 4)							
HW	not permitted	not permitted	not permitted	not permitted	permitted	not permitted	not permitted
BV	not permitted	not permitted	permitted	permitted	permitted	permitted	permitted
AV	not permitted	not permitted	permitted	permitted	permitted	permitted	permitted
CS	not permitted	not permitted	not permitted	not permitted	permitted	permitted	by W1 Warrant
ST	not permitted	not permitted	permitted	permitted	permitted	not permitted	permitted
RD	permitted	permitted	permitted	not permitted	not permitted	not permitted	not permitted
Rear Lane	permitted	permitted	permitted	permitted	not permitted	not permitted	permitted
Rear Alley	not permitted	not permitted	permitted	required	required	required	required
Path	permitted	permitted	permitted	permitted	not permitted	not permitted	permitted
Passage	not permitted	not permitted	permitted	permitted	permitted	permitted	permitted
Bicycle Trail	permitted	permitted	permitted	permitted	permitted	permitted	permitted
Bicycle Lane	permitted	permitted	permitted	permitted	permitted	not permitted	permitted
Bicycle Route	permitted	permitted	permitted	permitted	permitted	permitted	permitted
e CIVIC SPACES (See Table 13)							
Park	permitted	permitted	permitted	permitted	by W1 Warrant	by W1 Warrant	permitted
Green	not permitted	not permitted	permitted	permitted	permitted	permitted	permitted
Square	not permitted	not permitted	not permitted	permitted	permitted	permitted	permitted
Plaza	not permitted	not permitted	not permitted	by W1 Warrant	permitted	permitted	permitted
Playground	permitted	permitted	permitted	permitted	permitted	permitted	permitted
f. LOT OCCUPATION							
Lot Area Minimum	not applicable	14,000 s.f.	6,000 s.f.	3,500 s.f.	2,500 s.f.	5,000 s.f.	3,500 s.f.
Lot Width	not applicable	100 ft. min. no max.	50 ft. min 100 ft.	30 ft. min 100 ft.	25 ft. min 200 ft.	30 ft. min 100 ft.	30 ft. min 100 ft.
Lot Coverage	not applicable	by Warrant	60%max.	70%max.	80%max.	80%max.	70%max.
g SETBACKS - PRINCIPAL BUILDING (See Table 15)							
(g.1) Front Setback	not applicable	25 ft. min.	24 ft. min.	12 ft. min. 20 ft.	3 ft. min. 12 ft. max.	3 ft. min. 12 ft. max.	12 ft. min. 20 ft.
(g.2) Front Setback	not applicable	25 ft. min.	12 ft. min.	6 ft. min. 18 ft. max.	2 ft. min. 12 ft. max.	3 ft. min. 12 ft. max.	6 ft. min.
(g.3) Side Setback	not applicable	25 ft. min.	8 ft. min.	5 ft. min.	0 ft. min. 24 ft.	0 ft. min. 24 ft.	5 ft. min.
(g.4) Rear Setback	not applicable	25 ft. min.	12 ft. min.	12 ft. min. *	5 ft. min. *	0 ft. min.	12 ft. min. *
Frontage Buildout	not applicable	not applicable	40%min.	60%min. @	80%min.	80%min.	60%min. @
h. SETBACKS - OUTBUILDING (See Table 15)							
Front Setback	not applicable	20 ft. min. + bldg.	20 ft. min. + bldg.	20 ft. min. + bldg.	30 ft. + Principal	30 ft. + Principal	20 ft. min. + bldg.
Side Setback	not applicable	25 ft.	8 ft. or 10 ft. at	5 ft. min. or 5	0 ft. min.	5 ft. min. or	5 ft. min. or 5
Rear Setback	not applicable	25 ft. min.	5 ft. min.	5 ft.	5 ft. max.	5 ft. max.	5 ft.
i. BUILDING DISPOSITION (See Table 9)							
Edgeyard	permitted	permitted	permitted	permitted	permitted	permitted	permitted
Sideyard	not permitted	not permitted	not permitted	permitted	permitted	permitted	permitted
Rearyard	not permitted	not permitted	not permitted	permitted	permitted	permitted	permitted
Courtyard	not permitted	not permitted	not permitted	not permitted	permitted	permitted	not permitted
j. PRIVATE FRONTAGES (See Table 7)							
Common Yard	not applicable	permitted	permitted	permitted	not permitted	not permitted	permitted
Porch & Fence	not applicable	not permitted	permitted	permitted	not permitted	not permitted	permitted
Terrace, Dooryard	not applicable	not permitted	not permitted	permitted	permitted	permitted	permitted
Forecourt	not applicable	not permitted	not permitted	permitted	permitted	permitted	permitted
Stoop	not applicable	not permitted	not permitted	permitted	permitted	permitted	permitted
Shopfront	not applicable	not permitted	not permitted	permitted	permitted	permitted	permitted
Gallery	not applicable	not permitted	not permitted	permitted	permitted	permitted	permitted
Arcade	not applicable	not permitted	not permitted	permitted	permitted	permitted	permitted
Parking Lot	not applicable	not permitted	not permitted	not permitted	permitted	permitted	not permitted
k. BUILDING CONFIGURATION (See Table 8)							
Principal Building	not applicable	2 stories max.	2 stories max., 35'	2 stories max. 1	3 stories max. 2	8 stories max. 2	2 stories max. 1
Outbuilding	not applicable	2 stories max.	2 stories max.,	2 stories max.	2 stories max.	not applicable	2 stories max.
l. BUILDING FUNCTION (See Table 10 and Table 12)							
Residential	not applicable	restricted use	restricted use	limited use	open use	open use	limited use
Lodging	not applicable	restricted use	restricted use	limited use	open use	open use	limited use
Office	not applicable	restricted use	restricted use	limited use	open use	open use	limited use
Retail	not applicable	restricted use	restricted use	limited use	open use	open use	limited use

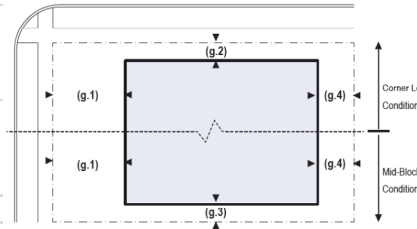
ARTICLE 5
ARTICLE 2,3,4

TABLE 15a T2 RURAL ZONE

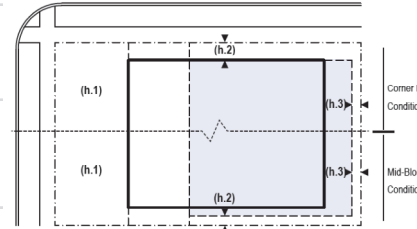
T2 		BUILDING CONFIGURATION 1. Max 2 Stories and shall be measured excluding Attics and raised basements. 2. Stories may not exceed 14 feet in height from finished floor to finished ceiling. 3. Stories shall be measured to the eave or roof deck as specified on Table 8. 4. Maximum height = 35 feet and shall be measured to the apex or peak of the roof to the apex or peak of the roof to the ground at the front façade	
(See Table 1) for Transect Zone Description			
I. BUILDING FUNCTION (See Table 10 & Table 12)			
Residential	restricted use		
Lodging	restricted use		
Office	restricted use		
Retail	restricted use		
K. BUILDING CONFIGURATION (See Table 8)			
Principal Building	2 stories max.		
Outbuilding	2 stories max.		
f. LOT OCCUPATION (See Table 14f)			
Minimum Lot Size	22,000 s.f. min		
Lot Width	100 ft. min.		
Lot Coverage	40% max.		
i. BUILDING DISPOSITION (See Table 9)			
Edgeyard	permitted		
Sideyard	not permitted		
Rearyard	not permitted		
Courtyard	not permitted		
g. SETBACKS - PRINCIPAL BUILDING (See Table 14a)			
(g.1) Front Setback Principal	25 ft. min.		
(g.2) Front Setback Secondary	25 ft. min.		
(g.3) Side Setback	25 ft. min.		
(g.4) Rear Setback	25 ft. min.		
Frontage Buildout	NA		
h. SETBACKS - OUTBUILDING (See Table 14h)			
(h.1) Front Setback Principal	20 ft. min. + principal bldg. setback		
(h.2) Front Setback Secondary	25 ft. min.		
(h.3) Rear Setback	25 ft. min.		
Garages are attached and detached are outbuildings			
j. PRIVATE FRONTAGES (See Table 7)			
Common Lawn	permitted		
Porch & Fence	permitted		
Terrace or Lightwell	not permitted		
Forecourt	not permitted		
Stoop	not permitted		
Shopfront & Awning	not permitted		
Gallery	not permitted		
Arcade	not permitted		
Refer to Summary Table 14			
PARKING PROVISIONS & NOTES			
(See Table 10 & 11)			
1. "N" stands for any Stories above those shown, up to the maximum. Refer to metrics for exact minimums and			

SETBACKS - PRINCIPAL BLDG.

1. The Facades and Elevations of Principal Buildings shall be distanced from the Lot lines as shown.

**SETBACKS - OUTBUILDING**

1. The Elevations of the Outbuilding shall be distanced from the Lot lines as shown.

**PARKING PLACEMENT**

1. Uncovered parking spaces may be provided within the second and third Layer as shown in the diagram (see Table 17d).
2. Covered parking shall be provided within the second or third Layer as shown in the diagram.
3. Trash containers shall be stored within the third

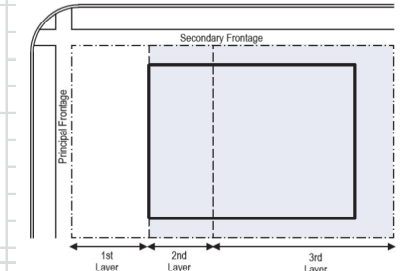


TABLE 15b T3 SUB-URBAN ZONE

T3

(See Table 1) for Transect Zone Description

I. BUILDING FUNCTION (See Table 10 & Table 12)

Residential	restricted use
Lodging	restricted use
Office	restricted use
Retail	restricted use

k. BUILDING CONFIGURATION (See Table 8)

Principal Building	2 stories max.
Outbuilding	2 stories max.

f. LOT OCCUPATION (See Table 14f)

Minimum Lot Size	6,000 s.f. min
Lot Width	50 ft. min. 100 ft. max.
Lot Coverage	60% max.

i. BUILDING DISPOSITION (See Table 9)

Edgeyard	permitted
Sidyard	not permitted
Rearyard	not permitted
Courtyard	not permitted

g. SETBACKS - PRINCIPAL BUILDING (See Table 14g)

(g.1) Front Setback Principal	24 ft. min.
(g.2) Front Setback Secondary	12 ft. min.
(g.3) Side Setback	8 ft. min.
(g.4) Rear Setback	12 ft. min.
Frontage Buildout	40% min. at setback

h. SETBACKS - OUTBUILDING (See Table 14h)

(h.1) Front Setback Principal	20 ft. min. + principal bldg. setback
(h.2) Front Setback Secondary	10 ft. min. or 12 ft. at corner
(h.3) Rear Setback	5 ft. min.

Garages are attached and detached are outbuildings

j. PRIVATE FRONTAGES (See Table 7)

Common Lawn	permitted
Porch & Fence	permitted
Terrace or Lightwell	not permitted
Forecourt	not permitted
Stoop	not permitted
Shopfront & Awning	not permitted
Gallery	not permitted
Arcade	not permitted

Refer to Summary Table 14

PARKING PROVISIONS & NOTES

(See Table 10 & 11) for parking provisions

1. "N" stands for any Stories above those shown, up to the maximum. Refer to metrics for exact minimums and

BUILDING CONFIGURATION

1. Max 2 Stories and shall be measured excluding Attics and raised basements.
2. Stories may not exceed 14 feet in height from finished floor to finished ceiling.
3. Stories shall be measured to the eave or roof deck as specified on Table 8.
4. Maximum height = 35 feet and shall be measured to the apex or peak of the roof to the ground at the front façade

PRINCIPAL BUILDING
MAX HEIGHT = 35 FT

OUTBUILDING
MAX HEIGHT = 26 FT

PRINCIPAL BUILDING
MAX STORIES = 2

OUTBUILDING
MAX 2 STORIES

SETBACKS - PRINCIPAL BLDG.

1. The Facades and Elevations of Principal Buildings shall be distanced from the Lot lines as shown.
2. Facades shall be built along the Principal Frontage to the minimum specified width in the table.

SETBACKS - OUTBUILDING

1. The Elevations of the Outbuilding shall be distanced from the Lot lines as shown.

PARKING PLACEMENT

1. Uncovered parking spaces may be provided within the second and third Layer as shown in the diagram (see Table 17d).
2. Covered parking shall be provided within the third Layer as shown in the diagram (see Table 17d). Side- or rear-entry garages may be allowed in the first
3. Trash containers shall be stored within the third

TABLE 15C T4 GENERAL URBAN ZONE

T4

BUILDING CONFIGURATION

1. Building height shall be measured in number of Stories, excluding Attics and raised basements.
2. Stories may not exceed 14 feet in height from finished floor to finished ceiling, except for a first floor Commercial function which must be a minimum of 11ft with a
3. Height shall be measured to the eave or roof deck as specified on Table 8.

(See Table 1) for Transect Zone Description

I. BUILDING FUNCTION (See Table 10 & Table 12)

Residential	limited use
Lodging	limited use
Office	limited use
Retail	limited use

K. BUILDING CONFIGURATION (See Table 8)

Principal Building	2 stories max., 2 min., see note
Outbuilding	2 stories max.

f. LOT OCCUPATION (See Table 14f)

Lot Area Minimum	3,500 s.f.
Lot Width	30 ft. min., 100 ft. max.
Lot Coverage	70% max.

I. BUILDING DISPOSITION (See Table 9)

Edgeyard	permitted
Sidyard	permitted
Rearyard	permitted
Courtyard	not permitted

g. SETBACKS - PRINCIPAL BUILDING (See Table 14a)

(g.1) Front Setback Principal	12 ft. min., 20 ft. max.
(g.2) Front Setback Secondary	6 ft. min., 18 ft. max.
(g.3) Side Setback	5 ft. min.
(g.4) Rear Setback	12 ft. min.
Frontage Buildout	60% min. at setback

h. SETBACKS - OUTBUILDING (See Table 14h)

(h.1) Front Setback Principal	20 ft. min. + bldg. setback
(h.2) Front Setback Secondary	5 ft. min. or 6 ft. at corner
(h.3) Side Setback	5 ft. min.

Garages are attached and detached are outbuildings

J. PRIVATE FRONTAGES (See Table 7)

Common Lawn	permitted
Porch & Fence	permitted
Terrace or Lightwell	permitted
Forecourt	permitted
Stoop	permitted
Shopfront & Awning	permitted
Gallery	permitted
Arcade	not permitted
	Refer to Summary Table 14

PARKING PROVISIONS

(See Table 10 & 11)

1. Highway Frontages may apply for W1 Warrant for increases setback w/a site plan concept
2. See Incentives Table for Building Story for additional Story
3. "N" stands for any Stories above those shown, up to the maximum. Refer to metrics for exact minimums and
4. All non-residential & multi-family require an approved site plan

SETBACKS - PRINCIPAL BLDG.

1. The Facades and Elevations of Principal Buildings shall be distanced from the Lot lines as shown.
2. Facades shall be built along the Principal Frontage to the minimum specified width in the table.

SETBACKS - OUTBUILDING

1. The Elevations of the Outbuilding shall be distanced from the Lot lines as shown.

PARKING PLACEMENT

1. Uncovered parking spaces may be provided within the third Layer as shown in the diagram (see Table 17d).
2. Covered parking shall be provided within the third Layer as shown in the diagram (see Table 17d).
3. Trash containers shall be stored within the third Layer.
4. Driveways in third layer, Rear Lane or Rear Alley
5. Highway frontages allowed front driveway access where required, shared driveways may be required.

TABLE 15d T5 URBAN CENTER ZONE

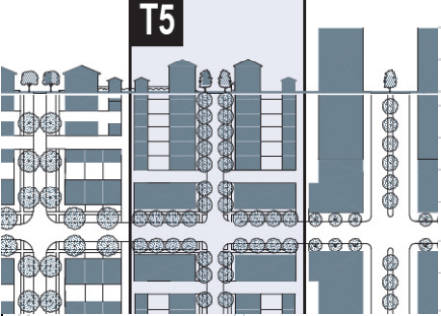
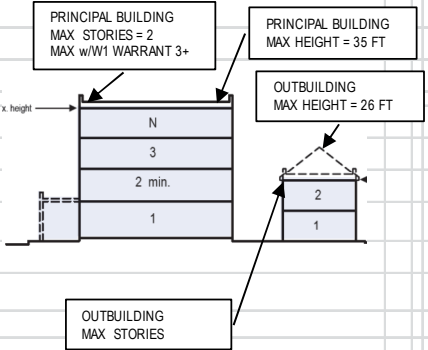
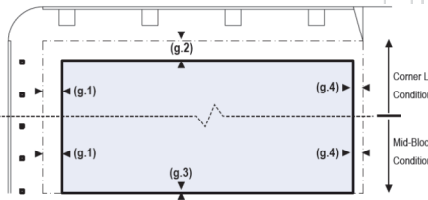
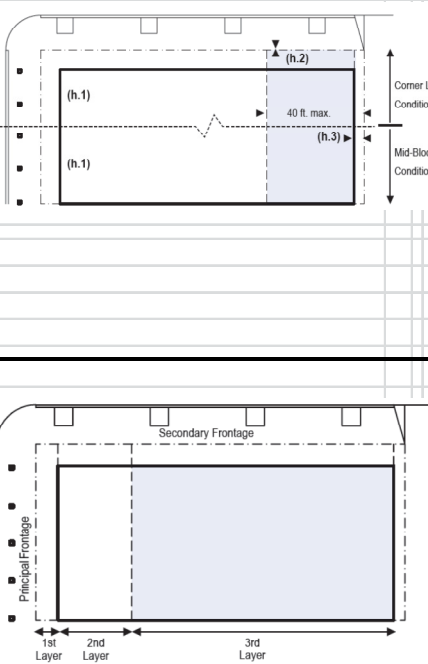
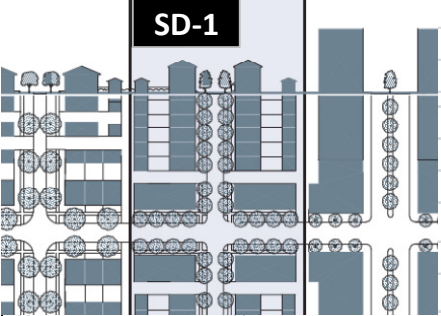
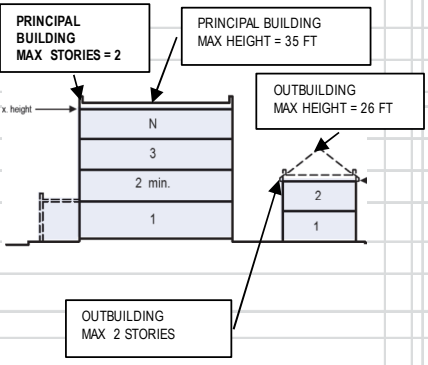
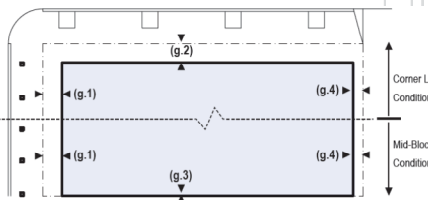
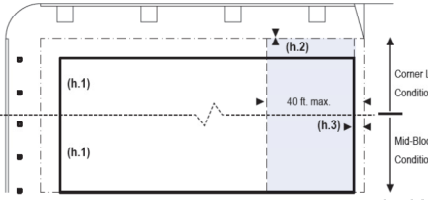
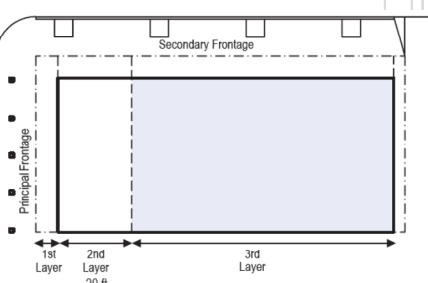
<div><div>T5</div><div>(See Table 1)</div></div>	<div><div>BUILDING CONFIGURATION</div><div><div><div>1. Building height shall be measured in number of Stories, excluding Attics and raised basements.</div><div>2. Stories may not exceed 14 feet in height from finished floor to finished ceiling, except for a first floor Commercial function which must be a minimum of 11ft with a</div><div>3. Height shall be measured to the eave or roof deck as specified on Table 8.</div><div>4. Expression Lines shall be as shown on Table 8.</div></div></div></div>	<div><div><div><div>PRINCIPAL BUILDING MAX STORIES = 2 MAX w/W1 WARRANT 3+</div><div>PRINCIPAL BUILDING MAX HEIGHT = 35 FT</div><div>OUTBUILDING MAX HEIGHT = 26 FT</div><div>OUTBUILDING MAX STORIES</div></div></div></div>																
<div><div>I. BUILDING FUNCTION (See Table 10 & Table 12)</div><table><tr><td>Residential</td><td>open use</td></tr><tr><td>Lodging</td><td>open use</td></tr><tr><td>Office</td><td>open use</td></tr><tr><td>Retail</td><td>open use</td></tr></table></div>	Residential	open use	Lodging	open use	Office	open use	Retail	open use	<div><div>SETBACKS - PRINCIPAL BLDG.</div><div><div><div>1. The Facades and Elevations of Principal Buildings shall be distanced from the Lot lines as shown.</div><div>2. Facades shall be built along the Principal Frontage to the minimum specified width in the table.</div></div></div></div>	<div><div></div></div>								
Residential	open use																	
Lodging	open use																	
Office	open use																	
Retail	open use																	
<div><div>K. BUILDING CONFIGURATION (See Table 8)</div><table><tr><td>Principal Building</td><td>2 Min, 2 Max, 3+by W1, Note1</td></tr><tr><td>Outbuilding</td><td>2 stories max.</td></tr></table></div>	Principal Building	2 Min, 2 Max, 3+by W1, Note1	Outbuilding	2 stories max.														
Principal Building	2 Min, 2 Max, 3+by W1, Note1																	
Outbuilding	2 stories max.																	
<div><div>f. LOT OCCUPATION (See Table 14f)</div><table><tr><td>Lot Area Minimum</td><td>2,500 s.f.</td></tr><tr><td>Lot Width</td><td>25 ft. min., 180 ft. max.</td></tr><tr><td>Lot Coverage</td><td>80% max.</td></tr></table></div>	Lot Area Minimum	2,500 s.f.	Lot Width	25 ft. min., 180 ft. max.	Lot Coverage	80% max.												
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Lot Width	25 ft. min., 180 ft. max.																	
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<div><div>I. BUILDING DISPOSITION (See Table 9)</div><table><tr><td>Edgeyard</td><td>permitted</td></tr><tr><td>Sidyard</td><td>permitted</td></tr><tr><td>Rearyard</td><td>permitted</td></tr><tr><td>Courtyard</td><td>permitted</td></tr></table></div>	Edgeyard	permitted	Sidyard	permitted	Rearyard	permitted	Courtyard	permitted										
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Sidyard	permitted																	
Rearyard	permitted																	
Courtyard	permitted																	
<div><div>g. SETBACKS - PRINCIPAL BUILDING (Table 14g)</div><table><tr><td>(g.1) Front Setback Principal</td><td>3 ft. min., 12 ft. max. [note 1]</td></tr><tr><td>(g.2) Front Setback Second</td><td>2 ft. min., 12 ft. max.</td></tr><tr><td>(g.3) Side Setback</td><td>0 ft. min., 24 ft. max.</td></tr><tr><td>(g.4) Rear Setback</td><td>5 ft. min.</td></tr><tr><td>Frontage Buildout</td><td>80% min. at setback</td></tr></table></div>	(g.1) Front Setback Principal	3 ft. min., 12 ft. max. [note 1]	(g.2) Front Setback Second	2 ft. min., 12 ft. max.	(g.3) Side Setback	0 ft. min., 24 ft. max.	(g.4) Rear Setback	5 ft. min.	Frontage Buildout	80% min. at setback								
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Frontage Buildout	80% min. at setback																	
<div><div>h. SETBACKS - OUTBUILDING (See Table 14h)</div><table><tr><td>(h.1) Front Setback Principal</td><td>30 ft + Principal Bldg setback</td></tr><tr><td>(h.2) Front Setback Second</td><td>0 ft. min. or 3 ft. at corner</td></tr><tr><td>(h.3) Side Setback</td><td>5 ft. min</td></tr></table></div>	(h.1) Front Setback Principal	30 ft + Principal Bldg setback	(h.2) Front Setback Second	0 ft. min. or 3 ft. at corner	(h.3) Side Setback	5 ft. min												
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<div><div>j. PRIVATE FRONTAGES (See Table 7)</div><table><tr><td>Common Lawn</td><td>not permitted</td></tr><tr><td>Porch & Fence</td><td>not permitted</td></tr><tr><td>Terrace or Lightwell</td><td>permitted</td></tr><tr><td>Forecourt</td><td>permitted</td></tr><tr><td>Stoop</td><td>permitted</td></tr><tr><td>Shopfront & Awning</td><td>permitted</td></tr><tr><td>Gallery</td><td>permitted</td></tr><tr><td>Arcade</td><td>permitted</td></tr></table><div>Refer to Summary Table 14</div></div>	Common Lawn	not permitted	Porch & Fence	not permitted	Terrace or Lightwell	permitted	Forecourt	permitted	Stoop	permitted	Shopfront & Awning	permitted	Gallery	permitted	Arcade	permitted		
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Arcade	permitted																	
<div><div>PARKING PROVISIONS & NOTES</div><div>(See Table 10 & 11)</div><div><div>1. Highway Frontages may apply for W1Warrant for increases setback w/a site plan concept</div><div>2. 1Story by W1Warrant, 3+by W1Warrant</div><div>3. "N" stands for any Stories above those shown, up to the maximum. Refer to metrics for exact minimums and</div><div>4. All non-residential & multi-family require an approved site plan</div></div></div>	<div><div>PARKING PLACEMENT</div><div><div><div>1. Uncovered parking spaces may be provided within the third Layer as shown in the diagram (see Table 17d).</div><div>2. Covered parking shall be provided within the third Layer as shown in the diagram (see Table 17d).</div><div>3. Trash containers shall be stored within the third Layer.</div><div>4. Driveways in third layer, Rear Lane or Rear Alley</div><div>5. Highway frontages allowed front driveway access where required, shared driveways may be required.</div></div></div></div>	<div><div></div></div>																

TABLE 15e SD-1 BUSINESS PARK ZONE

<div><div>SD-1</div><div>(See Table 1)</div></div>	<div><div>BUILDING CONFIGURATION</div><div><div>1. Building height shall be measured in number of Stories, excluding Attics and raised basements.</div><div>2. Stories may not exceed 14 feet in height from finished floor to finished ceiling, except for a first floor Commercial function which must be a minimum of 11ft with a</div><div>3. Height shall be measured to the eave or roof deck as specified on Table 8.</div><div>4. Expression Lines shall be as shown on Table 8.</div></div></div>	<div><div><div>PRINCIPAL BUILDING MAX STORIES = 2</div><div>PRINCIPAL BUILDING MAX HEIGHT = 35 FT</div><div>OUTBUILDING MAX HEIGHT = 26 FT</div></div></div>																		
<div><div>I. BUILDING FUNCTION (See Table 10 & Table 12)</div><table><tr><td>Residential</td><td>open use</td></tr><tr><td>Lodging</td><td>open use</td></tr><tr><td>Office</td><td>open use</td></tr><tr><td>Retail</td><td>open use</td></tr></table></div>	Residential	open use	Lodging	open use	Office	open use	Retail	open use	<div><div>SETBACKS - PRINCIPAL BLDG.</div><div><div>1. The Facades and Elevations of Principal Buildings shall be distanced from the Lot lines as shown.</div><div>2. Facades shall be built along the P Principal Frontage to the minimum specified width in the table.</div></div></div>											
Residential	open use																			
Lodging	open use																			
Office	open use																			
Retail	open use																			
<div><div>k. BUILDING CONFIGURATION (See Table 8)</div><table><tr><td>Principal Building</td><td>2 stories max., 2 min.</td></tr><tr><td>Outbuilding</td><td>2 stories max.</td></tr></table></div>	Principal Building	2 stories max., 2 min.	Outbuilding	2 stories max.		<div></div>														
Principal Building	2 stories max., 2 min.																			
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<div><div>f. LOT OCCUPATION (See Table 14f)</div><table><tr><td>Lot Area Minimum</td><td>5,000 s.f.</td></tr><tr><td>Lot Width</td><td>30 ft. min., 180 ft. max.</td></tr><tr><td>Lot Coverage</td><td>80% max.</td></tr></table></div>	Lot Area Minimum	5,000 s.f.	Lot Width	30 ft. min., 180 ft. max.	Lot Coverage	80% max.														
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Edgeyard	permitted																			
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<div><div>g. SETBACKS - PRINCIPAL BUILDING (See Table 14g)</div><table><tr><td>(g.1) Front Setback Principal</td><td>3 ft. min., 12 ft. max.</td></tr><tr><td>(g.2) Front Setback Secondary</td><td>3 ft. min., 12 ft. max.</td></tr><tr><td>(g.3) Side Setback</td><td>0 ft. min., 24 ft. max.</td></tr><tr><td>(g.4) Rear Setback</td><td>5 ft. min.</td></tr><tr><td>Frontage Buildout</td><td>80% min. at setback</td></tr></table></div>	(g.1) Front Setback Principal	3 ft. min., 12 ft. max.	(g.2) Front Setback Secondary	3 ft. min., 12 ft. max.	(g.3) Side Setback	0 ft. min., 24 ft. max.	(g.4) Rear Setback	5 ft. min.	Frontage Buildout	80% min. at setback	<div><div>SETBACKS - OUTBUILDING</div><div><div>1. The Elevations of the Outbuilding shall be distanced from the Lot lines as shown.</div></div></div>	<div></div>								
(g.1) Front Setback Principal	3 ft. min., 12 ft. max.																			
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<div><div>h. SETBACKS - OUTBUILDING (See Table 14h)</div><table><tr><td>(h.1) Front Setback Principal</td><td>30 ft + Principal Bldg setback</td></tr><tr><td>(h.2) Front Setback Secondary</td><td>5ft. min. or 5 ft. at corner</td></tr><tr><td>(h.3) Side Setback</td><td>5 ft. max.</td></tr></table></div>	(h.1) Front Setback Principal	30 ft + Principal Bldg setback	(h.2) Front Setback Secondary	5ft. min. or 5 ft. at corner	(h.3) Side Setback	5 ft. max.														
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<div><div>j. PRIVATE FRONTAGES (See Table 7)</div><table><tr><td>Common Lawn</td><td>not permitted</td></tr><tr><td>Porch & Fence</td><td>not permitted</td></tr><tr><td>Terrace or Lightwell</td><td>permitted</td></tr><tr><td>Forecourt</td><td>permitted</td></tr><tr><td>Stoop</td><td>permitted</td></tr><tr><td>Shopfront & Awning</td><td>permitted</td></tr><tr><td>Gallery</td><td>permitted</td></tr><tr><td>Arcade</td><td>permitted</td></tr><tr><td></td><td>Refer to Summary Table 14</td></tr></table></div>	Common Lawn	not permitted	Porch & Fence	not permitted	Terrace or Lightwell	permitted	Forecourt	permitted	Stoop	permitted	Shopfront & Awning	permitted	Gallery	permitted	Arcade	permitted		Refer to Summary Table 14		
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<div><div>PARKING PROVISIONS</div><div>(See Table 10 & 11)</div></div>	<div><div>PARKING PLACEMENT</div><div><div>1. Uncovered parking spaces may be provided within the third Layer as shown in the diagram (see Table 17d).</div><div>2. Covered parking shall be provided within the third Layer as shown in the diagram (see Table 17d).</div><div>3. Trash containers shall be stored within the third Layer.</div><div>4. Driveways in third layer, Rear Lane or Rear Alley</div></div></div>	<div></div>																		

1. See Incentives Table for Building Story for additional Story All

2. "N" stands for any Stories above those shown, up to the maximum. Refer to metrics for exact minimums and

3. All non-residential & multi-family require an approved site plan

TABLE 15f SD-2 INDUSTRIAL PARK ZONE

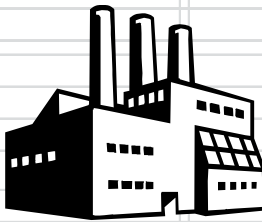
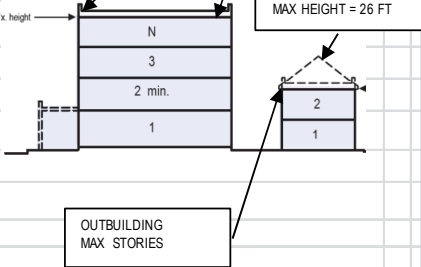
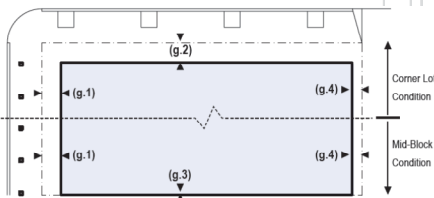
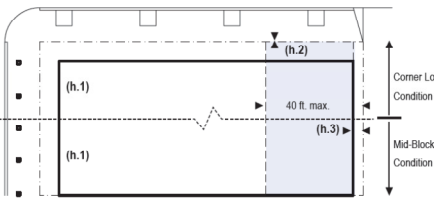
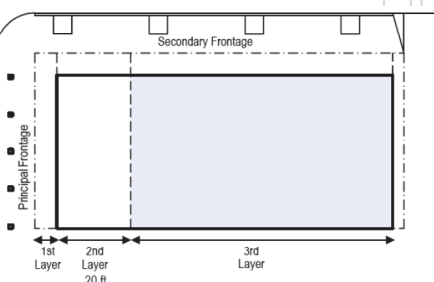
<div><div>SD-2</div></div> <p>(See Table 1)</p>		<p>BUILDING CONFIGURATION</p> <ol style="list-style-type: none">Building height shall be measured in number of Stories, excluding Attics and raised basements.Stories may not exceed 14 feet in height from finished floor to finished ceiling, except for a first floor Commercial function which must be a minimum of 11ft with aHeight shall be measured to the eave or roof deck as specified on Table 8.Expression Lines shall be as shown on Table 8.	<div><div>PRINCIPAL BUILDING MAX. STORIES = 2 MAX = 3 W/ Warrant</div><div>PRINCIPAL BUILDING MAX HEIGHT = 35 FT</div><div>OUTBUILDING MAX HEIGHT = 26 FT</div><div>OUTBUILDING MAX. STORIES</div></div>																								
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<p>j. PRIVATE FRONTAGES (See Table 7 see note 1 below.)</p> <table><tr><td>Common Lawn</td><td>permitted</td></tr><tr><td>Porch & Fence</td><td>permitted</td></tr><tr><td>Terrace or Lightwell</td><td>permitted</td></tr><tr><td>Forecourt</td><td>permitted</td></tr><tr><td>Stoop</td><td>permitted</td></tr><tr><td>Shopfront & Awning</td><td>permitted</td></tr><tr><td>Gallery</td><td>permitted</td></tr><tr><td>Arcade</td><td>permitted</td></tr><tr><td></td><td>Refer to Summary Table 14</td></tr></table>		Common Lawn	permitted	Porch & Fence	permitted	Terrace or Lightwell	permitted	Forecourt	permitted	Stoop	permitted	Shopfront & Awning	permitted	Gallery	permitted	Arcade	permitted		Refer to Summary Table 14	<p>PARKING PLACEMENT</p> <ol style="list-style-type: none">Uncovered parking spaces may be provided within any layer (see Table 17d).Covered parking may be provided within any Layer as shown in the diagram (see Table 17d).							
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<p>PARKING PROVISIONS & NOTES</p> <p>(See Table 10 & 11) for parking requirements</p> <ol style="list-style-type: none">Frontage & Architectural requirements are waived for this zone."N" stands for any Stories above those shown, up to the maximum. Refer to metrics for exact minimums andAll non-residential & multi-family require an approved site plan.																											

TABLE 15g SD-4 URBAN RESORT ZONE

SD-4

(See Table 1)

I. BUILDING FUNCTION (See Table 10 & Table 12)

Residential	limited use
Lodging	limited use
Office	limited use
Retail	limited use

K. BUILDING CONFIGURATION (See Table 8)

Principal Building	2 stories max., 3 by W1 Warrant
Outbuilding	2 stories max.

f. LOT OCCUPATION (See Table 14f)

Lot Area Minimum	3,500 s.f.
Lot Width	30 ft. min., 100 ft. max.
Lot Coverage	70% max.

i. BUILDING DISPOSITION (See Table 9)

Edgeyard	permitted
Sidyard	permitted
Rearyard	permitted
Courtyard	not permitted

g. SETBACKS - PRINCIPAL BUILDING (See Table 14g)

(g.1) Front Setback Principal	12 ft. min., 20 ft. max.
(g.2) Front Setback Second	6 ft. min., 20 ft. max.
(g.3) Side Setback	5 ft. min.
(g.4) Rear Setback	12 ft. min.
Frontage Buildout	60% min. at setback

h. SETBACKS - OUTBUILDING (See Table 14h)

(h.1) Front Setback Principal	20 ft. min. + bldg. setback
(h.2) Front Setback Second	5 ft. min. or 5 ft. at corner
(h.3) Side Setback	5 ft. min.

j. PRIVATE FRONTAGES (See Table 7)

Common Lawn	not permitted
Porch & Fence	permitted
Terrace or Lightwell	permitted
Forecourt	permitted
Stoop	permitted
Shopfront & Awning	permitted
Gallery	permitted
Arcade	not permitted
	Refer to Summary Table 14

PARKING PROVISIONS & NOTES

(See Table 10 & 11)

- See Incentives Table for Building Story for additional Story
- "N" stands for any Stories above those shown, up to the maximum. Refer to metrics for exact minimums and
- All non-residential & multi-family require an approved site plan

BUILDING CONFIGURATION

- Building height shall be measured in number of Stories, excluding Attics and raised basements.
- Stories may not exceed 14 feet in height from finished floor to finished ceiling, except for a first floor Commercial function which must be a minimum of 11ft with a
- Height shall be measured to the eave or roof deck as specified on Table 8.

SETBACKS - PRINCIPAL BLDG.

- The Facades and Elevations of Principal Buildings shall be distanced from the Lot lines as shown.
- Facades shall be built along the Principal Frontage to the minimum specified width in the table.

SETBACKS - OUTBUILDING

- The Elevations of the Outbuilding shall be distanced from the Lot lines as shown.

PARKING PLACEMENT

- Uncovered parking spaces may be provided within the third Layer as shown in the diagram (see Table 17d).
- Covered parking shall be provided within the third Layer as shown in the diagram (see Table 17d).
- Trash containers shall be stored within the third Layer.
- Driveways in third layer, Rear Lane or Rear Alley

6.7 CONDITIONAL USES

Purpose. In order to provide flexibility and adaptability for existing conditions and transition to full compliance to the zoning district uses and standards, the code provides for granting of a conditional use permit.

- 6.7.1 Conditional Uses are not within the intent of the zoning, but are within the intent of the overall code to provide transitional improvements and opportunities, which meet the economic development and public realm improvement goal
- 6.7.2 Conditional Uses shall not be a permanent entitlement and shall have a definitive term of approval for specific uses and dimensional standards. The maximum term for a Conditional Use is 5 years. The Board of Trustees may select any term of approval up to the maximum allowed term. The Board of Trustees may extend the Term of a Conditional Use one time for a maximum total of 10 years of cumulative terms at which time the Conditional Use must expire and may not be renewed.
- 6.7.3 Because of their unusual or special characteristics, conditional uses require review and evaluation so that they may be located properly with respect to their effects on surrounding properties. The review process prescribed in this Section is intended to assure compatibility and harmonious development between conditional uses, surrounding properties and the Town at large. Conditional uses may be permitted subject to such conditions and limitations as the Town may prescribe to ensure that the location and operation of the conditional uses will be in accordance with the conditional use criteria. The scope and elements of any conditional use may be limited or qualified by the conditions applicable to the specific property. Where conditions cannot be devised to achieve these objectives, applications for conditional use permits shall be denied.
- 6.7.4 Conditional Use Review Process.
 - 6.7.4.1 Step 1: Optional Pre-Application Conference. The applicant shall attend a pre-application conference with a representative from the Town. The purpose of the meeting is to discuss the conditional use submittal requirements and review process.
 - 6.7.4.2 Step 2: Conditional Use Application Submittal. The applicant shall submit twelve (12) copies of the complete conditional use application package to the Town Clerk and shall request that the application be reviewed by the Planning Commission and Board of Trustees. Conditional use requests shall include:
 - 6.7.4.2.1 Land Use Application Form.
 - 6.7.4.2.2 Conditional Use – **Land Use Application Form**
 - 6.7.4.2.3 Title Commitment. The title commitment must be current and dated no more than thirty (30) days from the date of conditional use application submittal.

- 6.7.4.2.4 Written statement and any graphics necessary to describe the precise nature of the proposed use and its operating characteristics and to illustrate how all conditional use review criteria have been satisfied.
- 6.7.4.2.5 A map showing the proposed development of the site, including topography, building locations, parking, traffic circulation, usable open space, landscaped area and utilities and drainage features.
- 6.7.4.2.6 Preliminary building plans and elevations sufficient to indicate the dimensions, general appearance and scale of all buildings.
- 6.7.4.2.7 Such additional material as the Town Clerk may prescribe or the applicant may submit pertinent to the application.

Adjacent and Interested Property Ownership Report - Provide the Town Clerk with a current list (not more than thirty [30] days old) of the names and addresses of the adjacent property owners , mineral interest owners of record, mineral and oil and gas lessees for the property and appropriate ditch companies. The applicant shall certify that the report is complete and accurate.

- 6.7.4.2.8 Public Hearing Notification Envelopes - one (1) set of stamped, addressed, certified (return receipt requested) envelopes. The envelopes shall have the Town's address as the mailing address and return address and the envelopes shall be addressed to the adjacent property owners, mineral interest owners of record, oil and gas lessees for the property, and the appropriate referral agencies.

6.7.4.3 Step 3: Conditional Use Application Certification of Completion and Report to Planning Commission. Within a reasonable period of time, Staff shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. Applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application (as specified in the Conditional Use Technical Criteria form) to the Town Clerk. The original application and all documents requiring a signature shall be signed in blue ink. After a complete application is received, Staff shall prepare a report to the Planning Commission explaining how the application is or is not consistent with the conditional use application review criteria.

6.7.4.4 Step 4: Planning Commission Review of the Conditional Use Application. The Planning Commission shall hold a meeting to review the application and determine if the application complies with the conditional use review criteria. The Planning Commission will then recommend to the Board of Trustees approval, approval with conditions or denial.

6.7.4.5 Step 5: Set Conditional Use Public Hearing Date and Notify Public of Hearing. The Town Clerk shall send notice of public hearing to the applicant, all property owners of record within

three hundred (300) feet of the property in question, all mineral interest owners of record, oil and gas lessees for the property, and to the appropriate referral agencies no less than forty-five (45) days before the hearing. The referral information shall include the time and place of the public hearing, the nature of the hearing, the location of the subject property, and the applicant's name. The Town Clerk shall also publish notice in a newspaper of general circulation. The Town Clerk shall prepare a public hearing notification sign to be posted on the property by the applicant. The hearing may be held no less than thirty (30) days from the date of property posting and newspaper publication. If the conditional use request is accompanying another application which is scheduled for public hearing before the Board of Trustees, one public hearing may be held on both applications.

6.7.4.6 Step 6: Board of Trustees Public Hearing and Action on the Conditional Use. *The Board of Trustees* shall hold a public hearing on the conditional use application. Following the public hearing, the Board of Trustees may approve, conditionally approve or deny the conditional use application based on the conditional use review criteria. A conditional use permit may be revocable, shall be granted only for a limited time period, or may be granted subject to conditions as the Board may prescribe. Conditions may include, but shall not be limited to: requiring special setbacks, open spaces, fences or walls, landscaping or screening, street dedication and improvement, regulation of vehicular access and parking, signs, illumination, hours and methods of operation, control of potential nuisances, prescription of standards for maintenance of buildings and grounds, and prescription of development schedules.

6.7.4.7 Step 7: Record Conditional Use Map. The Town Clerk shall record one (1) original Mylar of the conditional use map in the office of the County Clerk and Recorder. The recording fee shall be paid by the applicant.

6.7.5 Conditional Use Review Criteria. The Town shall use the following criteria to evaluate the applicant's request:

- 6.7.5.1 The conditional use will satisfy all applicable provisions of the zoning code and subdivision regulations unless a variance is being requested.
- 6.7.5.2 The conditional use will conform with or further the goals, policies and strategies set forth in the Town Comprehensive Plan and the intent of this code.
- 6.7.5.3 The conditional use will be adequately served with public utilities, services, and facilities (i.e. water, sewer, electric, schools, street system, fire protection, public transit, storm drainage, refuse collection, parks system, etc.) and not impose an undue burden above and beyond those of the permitted uses of the district.
- 6.7.5.4 The conditional use will not substantially alter the basic character of the district in which it is in or jeopardize the development or redevelopment potential of the district.
- 6.7.5.5 The conditional use will result in efficient on- and off-site traffic circulation which will not have a significant adverse impact on the adjacent uses or result in hazardous conditions for pedestrians or vehicles in or adjacent to the site.
- 6.7.5.6 Potential negative impacts of the conditional use on the rest of the neighborhood or of the neighborhood on the conditional use have been mitigated through setbacks, architecture, screen walls, landscaping, site arrangement or other methods. The applicant shall satisfactorily address the following impacts:
 - Traffic;
 - Activity levels;
 - Light;
 - Noise;
 - Odor;
 - Building type, style and scale;
 - Hours of operation;
 - Dust; and
 - Erosion control.
- 6.7.5.7 The applicant has submitted evidence that all applicable local, state and federal permits have been or will be obtained.

NONCONFORMING USES

- 6.8.1 Requirements for Nonconforming Uses.** Except as provided in this Section, the lawful use of any building or land existing at the time of enactment of this Article, or of any amendments to this chapter, may be continued even though such use does not conform to the requirements of this Code.
- 6.8.1.1 Abandonment. Abandonment means whenever a nonconforming use has been discontinued for a period of three hundred and sixty (360) days, such use shall not thereafter be reestablished and any future use shall be in conformance with the provisions of this Article.
- 6.8.1.2 Completion. Completion means that any building or structure for which a building permit has been issued prior to the date of enactment of this Article may be completed and used in accordance with the plans, specifications and permits on which said building permit was granted, if construction is commenced within sixty (60) days after the issuance of said permit and diligently prosecuted to completion.
- 6.8.1.3 Displacement. Displacement means no nonconforming use shall be altered, extended or restored so as to displace any conforming use. A HUD Trailer or IBC Modular manufactured after 1986 in any district may be improved or replaced with a newer model unit.
- 6.8.1.4 Extensions. Extensions means a nonconforming use shall not be extended, but the extension of a conforming building shall not be deemed the extension of such nonconforming use.
- 6.8.1.5 Repairs and Maintenance. Repairs and maintenance means ordinary repairs and maintenance of a nonconforming building shall not be deemed an extension of such nonconforming building and shall be permitted.
- 6.8.1.6 Restoration. Restoration means a nonconforming building which has been damaged by fire or other causes and which may be restored to its original condition, provided that such work is commenced within one hundred eighty (180) days of such calamity and less than fifty (50) percent of the building is destroyed.
- 6.8.1.7 Unsafe Buildings. Unsafe buildings means any nonconforming building or portion thereof declared unsafe by the Building Inspector, which may be replaced, strengthened or restored to a safe condition.

6.9 APPEALS AND VARIANCES

- 6.9.1 **Purpose.** The Town Board of Trustees shall hear and decide appeals from any order, requirement, decision, or determination made by any administrative official charged with the enforcement of this Code. In addition, the Board of Trustees acting as the Board of Adjustment shall hear and decide all requests for a zoning variance from the requirements of this Code. Such

variance shall not be granted if it would be detrimental to the public good, create a conflict with the Town, or impair the intent and purpose of this Code.

6.9.2 Appeal Application.

6.9.2.1 Any aggrieved person of interest may appeal a denial of a building or other development permit, or any order, requirement, decision, interpretation or determination made by an administrative official charged with the enforcement of this Code.

6.9.2.1.1 An appeal to the Board of Adjustment shall be made within ten (10) days after denial of a building permit or other development permit, or receipt of a written notice of an order, requirement, decision, interpretation or determination by an administrative official of the Town. Failure to make a timely appeal shall be considered a waiver of the appellant's rights to appeal to the Board of Adjustment.

6.9.2.1.2 The applicant shall file with the Town Clerk a written notice of appeal and pay the fee set by the current fee schedule.

6.9.2.1.3 The Town Clerk shall forward a copy of the notice of appeal to the Planning Staff or other appropriate administrative officer, who shall prepare a record of the Town action that is being appealed for consideration by the Board of Adjustment.

6.9.3 Variance Application. Any person of interest, or an officer or department of the Town may apply to the Board of Adjustment for a variance from the literal interpretation of the provisions this Code.

6.9.3.1 For a variance request, the applicant shall submit the following to the Town Clerk:

6.9.3.1.1 Land Use Application Form.

6.9.3.1.2 Variance – Technical Criteria Form.

6.9.3.1.3 Title Commitment. The title commitment must be current and dated no more than thirty (30) days from the date of preliminary plat application submittal.

6.9.3.1.4 Explanation Letter – identifying the variance being requested, a citation of the portion of the Town Land Use Code from which relief is requested and explaining what exceptional condition, practical difficulty, or unnecessary hardship exists to require the variance. The letter shall also address how the variance, if granted, will not be detrimental to the public good, create a

conflict with the Town Comprehensive Plan or impair the intent and purpose of this Code.

6.9.3.1.5 Map – Board of Trustees will dictate map requirements based on the variance being requested. The map shall typically consist of a scale drawing depicting the property affected by the variance request, including, but not limited to, required or existing setbacks and proposed setbacks from adjacent lot lines or structures and any other information that will assist the Board of Adjustment in understanding the request.

6.9.3.1.6 Adjacent and Interested Property Ownership Report - Provide the Town Clerk with a current list (not more than thirty [30] days old) of the names and addresses of the adjacent property owners , mineral interest owners of record, mineral and oil and gas lessees for the property and appropriate ditch companies. The applicant shall certify that the report is complete and accurate.

6.9.3.1.7 Public Hearing Notification Envelopes - Provide the Town Clerk with one (1) set of stamped, addressed, certified (return receipt requested) envelopes. The envelopes shall have the Town's address as the return address and the envelopes shall be addressed to the adjacent property owners, and the appropriate referral agencies.

6.9.3.2 Set Public Hearing and Complete Public and Referral Agency Notification.

6.9.3.2.1 The Town Clerk shall publish notice in a newspaper of general circulation. The hearing may be held no less than thirty (15) days from the date of advertising.

6.9.3.2.2 For a variance, in addition to the published notice, the Town Clerk shall send notice of public hearing to the applicant, all adjacent property owners of record in question, all mineral interest owners of record, oil and gas lessees for the property, and to the appropriate referral agencies no less than forty-five (15) before the hearing. The Town Clerk shall also publish notice in a newspaper of general circulation. The Town Clerk shall prepare a public hearing notification sign to be posted on the property by the applicant no less than thirty (15) days before the hearing. The hearing may be held no less than thirty (15) days from the date of posting the property.

6.9.3.3 **Board of Adjustment Public Hearing and Action on the Appeal or Variance Request.** The Board of Adjustment ("Board") shall make the decision on appeals and variances at a regular meeting of the Board.

6.9.3.3.1 The appellant, or the applicant for a variance, has the burden of proof to establish the necessary facts to warrant favorable action of the Board.

- 6.9.3.3.2 The Board shall have all the powers of the applicable Town administrative official on the action appealed. The Board may in whole or in part affirm, reverse or amend the decisions of the applicable Town administrative official.
- 6.9.3.3.3 The Board may impose reasonable conditions in its order to be complied with by the appellant in order to further the purposes and intent of the Town *Land Use Code*.
- 6.9.3.3.4 The Board may impose any reasonable conditions on the issuance of a variance and may amend the variance from that requested.
- 6.9.3.3.5 No single decision of the Board sets a precedent. The decision of the Board shall be made on the particular facts of each case.
- 6.9.3.3.6 Variances granted by the Board of Adjustment shall be recorded with the County Clerk and Recorder at the expense of the applicant.
- 6.9.3.3.7 Any appeal of the decision of the Board of Adjustment may be made to the District Court as provided by law;
- 6.9.3.4 **Appeal Criteria for Approval.** The Board of Adjustment, in hearing an appeal from an interpretation of the Town *Land Use Code*, shall consider:
 - 6.9.3.4.1 The technical meaning of the provision being appealed;
 - 6.9.3.4.2 Evidence of the manner in which the provision has been interpreted in the past;
 - 6.9.3.4.3 The positive or negative impact of the requested appeal on the achievement of stated Town development goals and objectives; and
 - 6.9.3.4.4 The intent of the provision in implementing the Town *Comprehensive Plan & the Intent of the Land Use Code*.
- 6.9.3.5 In approving a requested interpretation, the Board of Adjustment shall provide a written record of its findings and the staff shall use it to propose amendments that address future interpretation problems.
- 6.9.3.6 **Variance Criteria for Approval.**
 - 6.9.3.6.1 The Board of Adjustment shall not grant a variance to the Town Land Use Code, which:
 - Permits a land use not allowed in the zoning district in which the property is located; or

- Is in the public right-of-way or on public property; or
- Alters any definition of the Town Land Use Code; or
- Is other than the minimum variance that will afford relief with the least modification possible to the requirements of the Town Land Use Code; or
- Is based on physical conditions or circumstances of the property so general or recurring in nature as to reasonably make practicable the formulation of a general regulation to be adopted as an amendment to of the Town Land Use Code; or
- Is based exclusively on findings of personal or financial hardship. Convenience, profit or whim shall not constitute undue hardship.

6.9.3.6.2 In order to grant a variance to the Town Land Use Code, the Board of Adjustment shall find that all the following have been satisfied:

- That there are unique physical circumstances or conditions such as irregularity, narrowness or shallowness of the lot, or exceptional topographical or other physical condition particular to the affected property;
- That because of these unique physical circumstances or conditions, the property cannot be reasonably developed or used in compliance with the provisions of the Town Land Use Code;
- That due to such unique physical circumstances or conditions, the strict application of the *Town Land Use Code* would create a demonstrated hardship;
- That the demonstrable hardship is not self-imposed;
- That the variance, if granted, will not adversely affect the proposed development or use of adjacent property or neighborhood;
- That the variance, if granted, will not change the character of the zoning district in which the property is located;
- That the variance, if granted, is in keeping with the intent of the Town Land Use Code; and
- That the variance, if granted, will not adversely affect the health, safety or welfare of the citizens of Town.

6.9.3.6.3 The condition of any variance authorized shall be stated in writing in the minutes of the Board of Adjustment with the justifications set forth.

6.10 WAIVERS

Purpose. The Board of Trustees may authorize waivers from the Town Land Use Code in cases where, due to exceptional conditions peculiar to the site, practical difficulties or an unnecessary hardship is placed on the landowner. Such waiver shall not be granted if it would be detrimental to the public good, create a conflict with the Town Comprehensive Plan or impair the intent and purpose of this Code.

6.10.1 Waiver Application.

6.10.1.1 Waiver Requests in Conjunction with Other Applications. The applicant shall submit the following to the Town Clerk in conjunction with another application (i.e. zoning amendment):

6.10.1.1.1 *Explanation Letter* – identifying the waiver being requested and explaining what exceptional condition, practical difficulty, or unnecessary hardship exists to require the waiver. The letter shall also address how the waiver, if granted, will not be detrimental to the public good, create a conflict with the Town Comprehensive Plan or impair the intent and purpose of this Code.

6.10.1.2 **Waiver Criteria for Approval.** The condition of any waiver authorized shall be stated in writing in the minutes of the Board of Trustees with the justifications set forth. Waivers may be granted only if they meet the following criteria:

6.10.1.2.1 The waiver, if granted, will not alter the essential character of the neighborhood or district in which the property is located, nor diminish the value, use or enjoyment of adjacent property.

6.10.1.2.2 The waiver, if granted, is the minimum variance that will afford relief and is the least modification possible of the subdivision ordinance provisions which are in question.

6.10.1.2.3 That such practical difficulties or unnecessary hardship has not been created by the applicant.

6.11 AMENDMENTS

6.11.1 Initiation of Amendments to Text or Official Zoning Map. The Board of Trustees may from time to time, amend, supplement, change or repeal the regulations and provisions of this Article. Amendments to the text of the zoning code may be initiated by the Board of Trustees, Town Staff, the Planning Commission, or by written application of any property owner or resident of the Town. Amendments to the zoning district map may be initiated by the Board of Trustees, Town Staff, the

Planning Commission, or by a real property owner in the area to be included in the proposed amendment.

6.11.1.1 General Rezoning of the Town. Whenever the zoning district map is in any way to be changed or amended incidental to or as part of a general revision of the zoning code, whether such revision be made by repeal of the existing zoning code and enactment of a new zoning code or otherwise, the requirement of an accurate survey map or other sufficient legal description of, and the notice to and listing of names and addresses of owners of real property in the area of the proposed change, shall be waived. However, the proposed zoning map shall be available for public inspection in the Town Hall during regular business hours for fifteen (15) days prior to the public hearing on such amendments.

6.11.1.2 Zoning Amendment Application Process.

6.11.1.2.1 Step 1: Optional Pre-Application Conference. The applicant may attend a pre-application conference with a representative from the Town. The purpose of the meeting is to discuss the zoning amendment, submittal requirements and review process.

6.11.1.2.2 Step 2: Zoning Amendment Application Submittal. The applicant shall submit one (1) copy of the complete zoning amendment application package to the Town Clerk and shall request that the application be reviewed by the Planning Commission and Board of Trustees. Note: In the case of text amendments, only the first two bulleted items are required.

- Completed Land Use Application Form, Zoning Amendment – Technical Criteria Form , application fee and fee agreement;
- A written description of the proposed change to the text of this Article, including the citation of the portion of the Article to be changed and the wording of the proposed change. The description must provide the rationale for the proposed change, citing specific difficulties with the existing text and similar provisions in zoning codes of other jurisdictions that support the rational of the proposed change. .

- A legal description for all property to be considered for rezoning;
- Current proof of ownership in the form of title insurance issued with thirty (30) days of submission of the application (for zoning map amendments only).
- A zoning amendment map of the area included in the proposed change, twenty-four (24) inches high by thirty-six (36) inches wide, with the following information:
 - North arrow, scale (1" = 100' or 1" = 200'), and date of preparation.
 - The subdivision or block and lot name of the area to be zoned (if applicable) at the top of each sheet.
 - Legal description of area to be zoned (entire area and individual zoning districts). In un-subdivided property, zone boundaries shall be determined by a metes and bounds description.
 - Location and boundaries, including dimensions, of the property(s) proposed for rezoning. Note: Zone boundaries are to be the center lines of physical streets, roads, highways, alleys, railroad rights-of-way, and channelized waterways, or such lines extended.
 - The acreage or square footage contained within the property proposed for rezoning.
 - All existing land uses in the proposed rezoning area.
 - Zoning and existing land uses on all lands adjacent to the proposed rezoning. The location and dimensions for all existing public rights-of-way including streets, and centerlines of water-courses within and adjacent to the rezoning.
 - The names of all adjoining subdivisions with lines of abutting lots, and departing property lines of adjoining properties not subdivided.
 - Certificate blocks for Surveyor, Planning Commission, Board of Trustees, and County Clerk and Recorder
 - An AutoCAD™ drawing file (release 12 or higher) of the zoning amendment map on 3 ½" IBM formatted disk or by other acceptable electronic transfer shall also be provided.
- A written statement describing the proposal and addressing the following points:
 - Need for the proposed rezoning;
 - Present and future impacts on the existing adjacent zone districts, uses, and physical character of the surrounding area;
 - Impact of the proposed zone on area accesses and traffic patterns;
 - Availability of utilities for any potential development;
 - Present and future impacts on public facilities and services, including, but not limited to, fire, police, water, sanitation, roadways, parks, schools, and transit;
 - The relationship between the proposal and the Town Comprehensive Plan; and
 - Public benefits arising from the proposal.

- Adjacent and Interested Property Ownership Report - Provide the Town Clerk with a current list (not more than thirty [30] days old) of the names and addresses of the adjacent property owners (within three hundred [300] feet of the property), mineral interest owners of record, mineral and oil and gas lessees for the property and appropriate ditch companies. The applicant shall certify that the report is complete and accurate.
- Public Hearing Notification Envelopes – one set of stamped, addressed, certified (return receipt requested) envelopes. The envelopes shall have the Town's address as the mailing address and return address and the envelopes shall be addressed to the adjacent property owners (within three hundred [300] feet of the property), mineral interest owners of record, oil and gas lessees for the property, and the appropriate referral agencies.
- It is the applicant's responsibility to ensure that accurate and complete information is provided.

6.11.1.2.3 Step 3: Zoning Amendment Application Certification of Completion. Within a reasonable period of time, Staff shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. Applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application (as specified in the Zoning Amendment *Technical Criteria* form) to the Town Clerk. The original application and all documents requiring a signature shall be signed in blue ink.

6.11.1.2.4 Step 4: Final Staff Review and Report to Planning Commission. Staff shall complete a final review of the resubmitted materials and prepare a report to the Planning Commission explaining how the application is or is not consistent with the Criteria for Amendments to the Official Zoning Map or Criteria for Amendments to the Text of the Zoning Code.

6.11.1.2.5 Step 5: Set Zoning Amendment Public Hearing and Complete Public Notification Process. The Town Clerk shall send notice of public hearing to the applicant, all property owners of record within three hundred (300) feet of the property in question, all mineral interest owners of record, oil and gas lessees for the property, and to the appropriate referral agencies no less than forty-five (45) days before the initial Planning Commission public hearing. Such notice shall not be required for text amendments. The Town Clerk shall also publish notice in a newspaper of general circulation. For zoning map amendments, the Town Clerk shall prepare a public hearing notification sign to be posted on the property by the applicant. The hearing may be held no less than thirty (30) days from the date of property posting and newspaper publication. If the zoning amendment request is

accompanying another application which is scheduled for public hearing before Board of Trustees, one public hearing may be held on both applications.

- 6.11.1.2.6 Step 6: Planning Commission Public Hearing and Action on the Zoning Amendment. The Planning Commission shall hold a meeting to review the zoning amendment based on the Criteria for Amendments to the Official Zoning Map or the Criteria for Text Amendments to the Zoning Code. The Commission shall then make a recommendation to the Board of Trustees to approve, conditionally approve, or deny the zoning amendment application. The Town Board of Trustees Shall have a public hearing and take action.
- 6.11.1.2.7 Step 7: Finalize Zoning Amendment Based on Planning Commission Comments. The applicant shall revise the zoning amendment application based on Planning Commission's comments and submit it to the Town.
- 6.11.1.2.8 Step 8: Notify Parties of Interest. Not less than thirty (15) days before the date scheduled for the initial Board of Trustees public hearing, Staff shall notify: adjacent property owners., and other interested parties. The notice shall include the time and place of the public hearing, the nature of the hearing, the location of the subject property, and the applicant's name. Such notice shall not be required for text amendments.
- 6.11.1.2.9 Step 9: Set Board of Trustees Public Hearing and Complete Public Notification Process. The Board of Trustees shall schedule a public hearing for the purpose of taking action on the zoning amendment. The Town Clerk shall publish notice in a newspaper of general circulation. The hearing may be held no less than thirty (15) days from the date of advertising.
- 6.11.1.2.10 Step 10: Board of Trustees Public Hearing and Action on the Zoning Amendment. The Board of Trustees shall, after receiving the report and recommendations from the Planning Commission, hold a public hearing and act upon the proposed amendment. Following the required hearing, the Town Board shall consider the comments and evidence presented at the hearing and evaluate the application in accordance with the criteria listed below and approve, approve with conditions, or deny the application, in whole or in part.
- 6.11.1.2.11 Step 11: Post Approval Actions.
- Upon approval of an amendment to the official zoning map by the Board of Trustees, the Town Clerk shall cause an appropriate revision of the official zoning map to be prepared for recording with the County

Clerk and Recorder. In the event the zoning amendment was initiated by an interested party, the petitioner shall pay the Town's cost for the preparation and recording of the revision to the official zoning map.

- Upon approval of an ordinance amending, changing or repealing part of the text of this Article, the Town Clerk shall certify a copy of the ordinance and place it in the official records of the Town and make appropriate supplements to this Article.
- The applicant initiating the official zoning map amendment shall have thirty (30) days after approval of the amendment by the Board of Trustees to submit to the Town Clerk two (2) original drawings of the approved zoning amendment map for recording, along with the recording fees and all other costs billed by the Town relative to the zoning amendment.
- The zoning amendment map shall be prepared by a licensed surveyor or engineer. Inaccurate, incomplete or poorly drawn plans shall be rejected. In addition, the petitioner shall submit one 11" x 17" Mylar reduction of the zoning amendment map and an AutoCAD™ drawing file (release 13 or higher) of the zoning amendment map in electronic format, or by other acceptable electronic transfer.
- Within thirty (30) days of receipt of the zoning amendment map, the Town Clerk shall review the documents for compliance with the Board of Trustee's approval, obtain the Town Officials' signatures and submit the approved zoning amendment map and the ordinance amending the official zoning map to the County Clerk and Recorder's Office for recording.

6.11.2 Criteria for Amendments to the Official Zoning Map. For the purpose of establishing and maintaining sound, stable and desirable development within the Town, the official zoning map shall not be amended except:

6.11.2.1 To correct a manifest error in an ordinance establishing the zoning for a specific property;

6.11.2.2 To rezone an area or extend the boundary of an existing district because of changed or changing conditions in a particular area or in the Town generally; or

6.11.2.3 The land to be rezoned was zoned in error and as presently zoned is inconsistent with the policies and goals of the Town Comprehensive Plan; or

6.11.2.4 The proposed rezoning is necessary to provide land for a community-related use that was not anticipated at the time of the adoption of the Town Comprehensive Plan, and the rezoning will be consistent with the policies and goals of the Comprehensive Plan; or

6.11.2.5 The area requested for rezoning has changed or is changing to such a degree that it is in the public interest to encourage development or redevelopment of the area; or

6.11.2.6 A rezoning to Planned Unit Development overlay district is requested to encourage innovative and creative design and to promote a mix of land uses in the development.

6.11.2.7 This declaration of criteria for zoning map amendments shall not control an amendment that occurs incidentally to a general revision of the zoning map.

6.11.3 Criteria for Text Amendments to the Zoning Code. For the purpose of establishing and maintaining sound, stable and desirable development within the Town, the text of this Article shall not be amended except:

6.11.3.1 To correct a manifest error in the text of this Article; or

6.11.3.2 To provide for changes in administrative practices as may be necessary to accommodate changing needs of the community and the Town Staff; or

6.11.3.3 To accommodate innovations in land use and development practices that were not contemplated at the adoption of this Article; or to further the implementation of the goals and objectives of the Town Comprehensive Plan.

6.11.4 Map – Amendment upon Zoning Establishment or Modification. Upon enactment of any ordinance annexing and establishing zoning or modifying existing zoning for any property, and upon final passage thereof, the Town shall amend the prior existing official maps to include the annexed area with the proper zoning classification or show the amended classification, as the case may be. Such updated, current official map shall contain, in table form, the date and number of the ordinance amending it, the date the map was amended to reflect each amendment and the initials of the person who checked and approved the change to the map.

6.12 ZONING AND USE OF WIRELESS TELECOMMUNICATION SERVICES, FACILITIES AND EQUIPMENT

- 6.12.1.1 **Permitted Zoning District.** Wireless telecommunication services facilities shall be permitted only in the zones where permitted without a conditional use permit.
- 6.12.1.2 **Site Plans.** The site plans for a “wireless telecommunication service facility” shall be submitted on one (1) or more plats or maps, at a scale not less than 1" = 50', showing the following information:
- The proposed size, location and boundaries of the commercial mobile radio service facility site, including existing and proposed topography at two (2) foot intervals, referenced to USGS data, state plane coordinates and a legal description of the proposed site;
 - Elevations of all towers and equipment, indicating materials, overall exterior dimensions and colors;
 - True north arrow;
 - Locations and size of existing improvements, existing vegetation, if any; location and size of proposed improvements, including any landscaping;
 - Existing utility easements and other rights-of-way of record, if any;
 - Location of access roads;
 - The names of abutting subdivisions or the names of owners of abutting, unplatted property within four hundred (400) feet of the site; zoning and uses of adjacent parcels; and
 - Proof of ownership in a form acceptable to the Town.
- 6.12.1.2.1 **Vicinity Maps.** The vicinity maps submitted with an application under this Article shall include one (1) or more maps showing the location of existing and planned commercial mobile radio service facilities belonging to the applicant, within five (5) miles of the proposed facility. Planned facilities may be identified in general terms and need not be address specific.
- 6.12.1.2.2 **Written Narrative.** The application shall include the following in narrative form:
- The applicant's and surface owner's names, addresses, signatures and designation of agent, if applicable;
 - An explanation of the need for such a facility, operating plan and proposed coverage area;
 - If a freestanding facility is proposed, an analysis of alternatives to a freestanding facility within a one-mile radius of the facility;
A list of all permits or approvals obtained or anticipated to be obtained from local, state or federal agencies other than the Federal Communications Commission (FCC);
 - Affirmation that the proposed facility, alone or in combination with other like facilities, will comply with current FCC standards for cumulative field

measurements of radio frequency power densities and electromagnetic fields;

- Affirmation that the facility will comply at all times with current FCC regulations prohibiting localized interference with reception of television and radio broadcasts;
- Affirmation that the facility will not interfere with any public safety frequencies servicing the Town and its residents;
- Affirmation that, if approved, the applicant and surface owner will make the facility available, on a reasonable basis, to other service providers; and
- An explanation of compatibility with the Town Comprehensive Plan.

6.12.1.3 **Review Criteria.** The recommendation of the Planning Commission and the decision of the Board of Trustees shall be based on whether the applicant has demonstrated that the proposed “wireless telecommunications services facility” meets the following standards:

- The site plan complies with the foregoing requirements;
- The vicinity map complies with the foregoing requirements;
- The narrative for the application complies with the foregoing requirements;
- When applicable, compliance with the setback and height requirements;
- When applicable, compliance with the accessory building requirements; and
- When applicable, compliance with conditional mitigation co-location requirements as set forth.
- The review criteria shall be included in the ordinance granting approval of the conditional use.

6.12.1.4 **Height and Setback Requirements.** In all performance districts where wireless telecommunications service facilities are allowed as uses by conditional review, the following apply:

- Roof- or building-mounted commercial mobile radio service facilities may protrude no more than five (5) feet above the parapet line of the building or structure, nor more than two and one-half (2½) feet outside of the building wall unless sufficient screening methods are demonstrated and accepted as part of the approval;
- Roof- or building-mounted whip antenna(s) of no more than three (3) inches in diameter, in groupings of five (5) or less, may extend up to twelve (12) feet above the parapet wall; and
- Applicable zoning setback requirements of this Article must be met. At a minimum, all freestanding facilities shall be set back at least three hundred (300) feet from all residentially zoned properties or residential structures on properties otherwise zoned.

6.12.1.4.1 Accessory Buildings Requirements

- Accessory buildings located on the ground shall be no larger than four hundred (400) square feet and must be constructed of durable, low maintenance materials, architecturally compatible and integrated with existing buildings and structures. Sites with greater than one hundred (100) cubic feet of cabinet area, visible from a public right-of-way or residentially zoned or used area, must enclose the equipment in accessory buildings.
- Accessory buildings and facilities are to be screened, to the extent possible, from public streets and sidewalks, either by screening, landscaping, location or other techniques deemed sufficient.

6.12.1.4.2 **Building- or Roof-Mounted Facilities Requirements.** Building- or roof-mounted facilities are to be screened from public view, either by screening, location or other techniques deemed sufficient.

6.12.1.4.3 **Freestanding Wireless Telecommunications Facilities Requirements.** All freestanding wireless telecommunications facilities shall be designed and constructed in such a manner that they are:

- Capable of serving, through original construction, expansion or replacement, a minimum of two (2) users;
- Constructed as a monopole, which tapers toward the top of the pole to the degree allowed by structural requirements, unless some other decorative type of structure is proposed and approved;
- Of a neutral color, including fencing, buildings and cabinets, or to match existing buildings;
- Hold only lighting required by the Federal Aviation Administration; and no signage;
- No higher than fifty (50) feet from the ground, with an additional twenty (20) feet per co-locating user permitted, up to seventy (70) feet. Exceptions may be granted upon request by the applicant; and
- Constructed in accordance with a certified engineer's specifications and in compliance with all applicable U.B.C. provisions.

6.12.1.4.4 **Conditional Mitigation Measures Co-location**

- The Town encourages co-location of wireless telecommunications facilities to minimize the number of sites.
- No wireless telecommunications facility owner or operator shall unreasonably exclude a competitor from using the same facility or location. Unreasonable exclusion of use by a competitor may result in the revocation of the use by conditional review or site development plan.

6.12.1.4.5 **Application Fees.** Each applicant shall pay a non-refundable processing fee of per the Town Fee Structure to reimburse the Town for the legal, engineering and land planning costs of reviewing the application. Legal

publication costs are in addition to the processing fee and will be billed separately by the Town. No permit will be issued until all fees are paid.

- 6.12.1.4.6 **Abandonment.** At the request of the Town, the operator must furnish a statement to the Town indicating the operational status of the facility. If the use has been discontinued, the date on which the facility was last used shall also be provided. Commercial mobile radio service facilities not used for a continuous period of six (6) months shall be disassembled within twelve (12) months of the last use.
- 6.12.1.4.7 **Penalty.** Any person who constructs, installs or uses, or who causes to be constructed, installed or used, any wireless telecommunications facility in violation of any provision of this Article or of the conditions and requirement of the conditional use permit, may be punished as provided in Article 6 of this Code. Each day of unlawful operation constitutes a separate violation.
- 6.12.1.4.8 **Civil Action.** In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered or used or any land is or is to be used in violation of any provision of this Article or the conditions and requirements of the commercial mobile radio service facility special use permit, the Town Attorney, in addition to the other remedies provided by law, ordinance or resolution, may institute an injunction, , abatement or other appropriate action or proceeding to the prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration or use.

6.13 HOME OCCUPATIONS

6.13.1 Home occupations shall meet the following standards:

6.13.1.1 Medical, dental and real estate offices are not permitted as home occupations.

6.13.1.2 In addition to the family occupying the dwelling containing the home occupation, there shall not be more than one outside employee in the home occupation.

6.13.1.3 The employee and clients may park in on-street curbside parking spaces.

6.13.1.4 The home occupation shall not exceed one thousand (1,000) square feet or thirty (30) percent of the total square footage of the dwelling, whichever is less, or can be located in an accessory building not to exceed five hundred (500) square feet.

6.13.1.5 All exterior aspects of the home occupation operation shall not disrupt the residential character of the area.

6.13.1.6 The maximum number of clients which may visit the home occupation per day is ten (10). All exterior aspects of the home occupation operation shall not disrupt the residential character of the area.

7 PUBLIC DEDICATIONS AND IMPACT FEES

7.1 PARK SPACE GENERAL REQUIREMENTS

- 7.1.1 The Town shall require all residential major subdivisions and PUD's which will be subdivided under this Code to provide improved public park space to be dedicated to the Town or a cash-in-lieu fee of for mitigation of the impacts of new growth on demand for parks, open space and trails.
- 7.1.2 The purpose of the dedication and/or payment is to provide the public facilities and/or services made necessary as a consequence of the development, in an amount roughly proportional to the impact of the development upon such facilities and/or services or the increased need for them brought about by the development. Any cash in lieu of payments shall be held in a special account dedicated to capital improvements or grant matches for Parks, Recreation & Trails.
- 7.1.3 The requirement for improved park space is 0.007 acres (305 square feet) per person for the residential population proposed by the application. Residential lot area is defined as any lot with a residential component no matter what percentage of the lot is used for residential. Thus mixed use lots are subject to the park space requirement for their residential components. Lots solely utilized for commercial purposes without a residential component are not subject to this requirement. (Park requirements based on the Town's Parks and Recreation Master Plan Study)

	ACRES	SQUARE FEET	FEE PER SQUARE FT.
OPEN SPACE CALCULATION PER PERSON	0.007	305	\$ 0.75
RESIDENTIAL UNIT TYPE	PERSONS PER UNIT/LOT	OPEN SPACE REQUIRED (SQUARE FEET)	FEE IN LIEU OF (\$ PER UNIT/LOT) 2014 FEE LEVEL
SINGLE FAMILY DETACHED	2.3	\$ 700.00	\$ 530.00
MULTI-FAMILY	2.1	\$ 640.00	\$ 480.00
APARTMENT	2.1	\$ 640.00	\$ 480.00
RETIREMENT COMMUNITY	2.0	\$ 610.00	\$ 460.00
ASSISTED LIVING	2.0	\$ 610.00	\$ 460.00
CONGREGATE CARE FACILITY PER ROOM	1.0	\$ 310.00	\$ 230.00
RESIDENTIAL CONDOMINIUM	2.1	\$ 640.00	\$ 480.00
DUPLEX	2.1	\$ 640.00	\$ 480.00
TOWNHOME	2.1	\$ 640.00	\$ 480.00
ACCESSORY DWELLING UNIT	2.0	\$ 610.00	\$ 460.00
MOBILE HOME	2.1	\$ 640.00	\$ 480.00

** SEE TOWN FEE STRUCTURE FOR CURRENT FEE RATES AFTER 2014

Table 18 – Example of Open Space Fee Structure

- 7.1.4 Improved Park Space is defined as landscaped with grass & trees, irrigation system, sidewalks or trails. The Board of Trustees has sole discretion to provide a reduction in the open space requirement to offset costs for additional amenities or grant matches the applicant and Town may mutually agree to such as playground equipment, pavilions or other above ground improvements.
- 7.1.5 The Board of Trustees may at its sole discretion accept or require trail easements and trail improvements on or off the site in lieu of improved park space if the value and area of the trail easement and improvements are of similar value to the required improved park.
- 7.1.6 The Board of Trustees may at its sole discretion accept off site public facility improvements funded by the applicant in lieu of the open space requirement. The value of the offsite improvements shall be determined to be of similar value to the on-site requirement. Example: an applicant and the Board can mutually agree that expansion or improvements to an existing park is more beneficial to the Town than a new park on the development site. This option requires mutual agreement of both parties.
- 7.1.7 The Board of Trustees may at its sole discretion determine a fee in lieu of is more beneficial for the Park and Recreation goals of the town than additional park space. The applicant may also request the Board of Trustees consider a fee in lieu of. The in lieu of fee for park space is defined in the Towns Fee schedule which may be amended from time to time to compensate for inflation and changing land and construction costs.
- 7.1.8 All land to be dedicated as required by this Article and these regulations, shall be designated on the final approved plat as out-lots, and these out-lots shall not be building lots. Such out-lots shall be deeded to the Town of Poncha Springs at the time of recording of the final plat. Title insurance acceptable to Town of Poncha Springs provided by a title insurance company authorized to do business in the State of Colorado and a certificate of representations and warranties concerning title and usability of the property shall be required at the time of recording of the final plat. Disposition of the out-lots shall be shown on the final plat.
- 7.1.9 Criteria for park dedications. In determining which land areas are appropriate for dedication as parks, the Board shall consider the following criteria:
- 7.1.9.1 The placement of park lands in such a manner as to assist in enhancing the environment, and in preserving community integrity in the most practical, attractive manner possible.
- 7.1.9.2 The assurance of the continuity of open space links, trails, and other major components of the recreation system.
- 7.1.9.3 The assurance that areas set aside for parks lands, have been examined for compliance with all Town plans.
- 7.1.9.4 The assessment of the suitability of proposed land dedications for park, recreation and open space needs.
- 7.1.9.5 The examination of the size, shape, topography, geology, presence and condition of ground cover and timber, condition of soil, drainage, location, access and availability of water to lands proposed for park, recreation and open space uses.

- 7.1.9.6 The assurance of the protection of natural and historical features, scenic vistas, watersheds, timber and wildlife.
- 7.1.9.7 Park lands that are intended to be used for trail rights-of-way, (linear parks for pedestrian, equestrian or bicycle use) shall conform to the following criteria:
 - 7.1.9.7.1 The land may either be set aside as a dedicated easement or as a deeded outlot.
 - 7.1.9.7.2 The minimum width for such trail easement or outlot shall be based on the particular reasonable needs of the trail, its location, the surrounding terrain and the projected usage but in no instance shall be less than twelve (12) feet in width and in all cases the easement shall be of adequate width to handle the proposed uses.
 - 7.1.9.7.3 There shall be adequate provisions for public access to the trail easement within the subject property.
 - 7.1.9.7.4 The trail easement may overlap and include other property previously included in other easements such as ditch, canal or utility, public open space or other easement provided no easement compromises the functional use of any other easement..
 - 7.1.9.7.5 Land with a slope of 12% or more shall not be considered for acceptance towards goal to provide park, open space and trails.

7.2 TRAFFIC IMPACT FEE

- 7.2.1 The Town shall require all residential major and minor subdivisions and PUD's which will be subdivided under this Code to pay a Traffic Impact fee for mitigation of the off-site impacts of new growth on Streets, Traffic Devices and Pedestrian Crosswalks.
- 7.2.2 The developer shall remit to the Town a fee for the impact on the Town's roads outside the proposed major subdivision or planned unit development. This fee will be assessed based on the number of vehicle trips per day generated by the development as defined by the Institute of Traffic Engineers Trip Generation Manual. The fee is based on the following formula: (Ord. #2002-14)
 - 7.2.2.1 Number of linear feet impacted multiplied by the cost per foot which equals the total cost to pave the impacted roads, divided by the entire number of vehicle trips per day on road. Multiplied by the number of vehicle trips per day attributed to the new subdivision.

(F) Linear feet
 (C) Cost per foot
 (TC) Total cost to pave impacted road(s)
 (VT) Vehicle trips per day

(SDVT) Subdivision daily vehicle trips

$$\frac{F \times C}{VT} = TC \quad \times \text{SDVT} = \text{Impact Fee}$$

RESIDENTIAL UNIT TYPE	AVERAGE DAILY TRIPS (PER HOUSING UNIT)	TRANSPORTATION IMPACT FEE RATE (PER HOUSING UNIT)
SINGLE FAMILY DETACHED	9.55	\$ 1,391.00
MULTI-FAMILY	6.59	\$ 960.00
APARTMENT	6.12	\$ 893.00
RETIREMENT COMMUNITY	3.00	\$ 480.00
ASSISTED LIVING	4.52	\$ 659.00
CONGREGATE CARE FACILITY	2.15	\$ 313.00
RESIDENTIAL CONDOMINIUM	5.86	\$ 853.00
DUPLEX	7.18	\$ 1,044.00
TOWNHOME	5.86	\$ 853.00
MOBILE HOME	4.92	\$ 717.00

Table 19 – Transportation Impact Fee

7.2.2.2 In adopting this schedule of fees, the Board intends and has determined that they are designed to and do address needs for capital facilities brought about by development generally, which capital facilities are separate and distinct from the impacts addressed by other requirements of this code, and in no circumstance do these fees address the same subjects as other requirements of this code for site-specific dedications or improvements.

7.2.2.3 The developer may request credit, reimbursement or offset for the same capital improvements that are funded by the road impact fee. The developer shall make a claim for credit as part of its application submitted to the Planning and Zoning Commission. Final approval of the credit shall be by the Board of Trustees. (Ord. #2002-11)

7.3 REQUIRED RIGHT OF WAY AND STREET DEDICATIONS

7.3.1 Notwithstanding any other provision of this Section or this Code, the following shall be required for all final plat and exemptions as conditions of approval by the Board of Trustees: All roads, streets, alleys or other public traffic ways located within the development, the benefit of which is to the current or future residents of the development, shall be dedicated as public rights-of-way unless specifically approved as private rights-of-way and so designated on the plat. Streets and roads

shall be conveyed to the Town at the time of filing of the final approved plat. Such dedications shall be included on the final plat.

8 PLANNED UNIT DEVELOPMENTS (PUD)

8.1 PLANNED UNIT DEVELOPMENT DEFINITION

- 8.1.1 A Planned Unit Development is a zoning overlay over existing zoning to accommodate a development not allowed under the existing zoning. Typically PUDs are utilized to create mixed use developments. The Poncha Springs Land Use Code however is based on the principles of New Urbanism and the SmartCode Transect which encourages mixed use in many of the zones. Therefore the use of PUDs is expected to be minimal under this code. A PUD process has been included in the code to allow for un-anticipated mixed use development that may not fit within the adopted zoning. PUDs like annexations are approved at the sole discretion of the Board of Trustees if it is determined the PUD will be an improvement for a Town. A PUD should only be approved if the existing zoning or a Special District will not accommodate the objectives.
- 8.1.2 A PUD provides a zoning overlay over the existing zoning that is recorded as a PUD Plat. The underlining zoning remains on the Town Zoning Map.
- 8.1.3 A PUD application is processed in parallel with a Major Subdivision Application. Minor Subdivisions may not be used with a PUD.
- 8.1.4 The PUD is a negotiated process between the Town and the Applicant in which the Town may ask for specific requirements, dedications, voluntary real estate transfer fees and specific public improvements. There is no pre-existing entitlement for a PUD within the Town Boundary or a new Annexation.

8.2 PLANNED UNIT DEVELOPMENT PROCESS

- 8.2.1 The PUD process shall be completed in parallel with the Major Subdivision Process utilizing the Major Subdivision submittal requirements and public notice requirements.
- 8.2.2 The Applicant shall show why the objectives of the development cannot be accommodated under existing zoning or with the use of a Special District.
- 8.2.3 The applicant is required to pay all fees and reimburse the Town for all costs associated with the review of a PUD. The Town may ask for upfront payment for fees and reimbursement costs.
- 8.2.4 A PUD Plat must define the allowed uses, densities and dimensional standards for each proposed zone within the PUD in a tabular format similar to the T-Zone Tables of this code. A zone map format similar to the Town Zoning Map must be prepared for the PUD showing each zone overlay. Any conditions required by the Town beyond those of the land use code must be clearly stated and identified.

9 SUBDIVISION

9.1 GENERAL PROVISIONS

- 9.1.1 The provisions of this Article, the Subdivision Regulations, in conjunction with the Zoning Code, shall apply to any and all development of land within the municipal boundaries of the Town, unless expressly and specifically exempted or provided otherwise in these Regulations. No development shall be undertaken without prior and proper approval or authorization pursuant to the terms of these Regulations in conjunction with the Zoning Code. All development shall comply with the applicable terms, conditions, requirements, standards and procedures established in these Regulations in conjunction with the Zoning Code.
- 9.1.2 Except as herein provided, no building, structure or land shall be used and no building or structure or part thereof shall be erected, constructed, reconstructed, altered, repaired, moved or structurally altered except in conformance with the regulations herein specified for the district in which it is located, nor shall a yard, lot or open space be reduced in dimensions or area to an amount less than the minimum requirements set forth herein.
- 9.1.3 These Regulations in conjunction with the Zoning Code, establish procedural and substantive rules for obtaining the necessary approval to develop land and construct buildings and structures. Development applications will be reviewed for compliance, the intent of this code and with other adopted regulations, policies and other guidelines.

9.2 INTENT

- 9.2.1 This Article is designed and enacted for the purpose of promoting the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants of the Town by:
- 9.2.1.1 Encouraging growth to occur in a rational pattern that enhances the sustainability of the town in the following order of highest to lowest priority:
- Infill Growth Sector
 - Intended Growth Sector
 - Controlled Growth Sector
 - Restricted Growth Sector
 - Reserved Growth Sector

- 9.2.1.2 Encouraging new subdivision developments to relate to Town's historic development pattern and the principals of the SmartCode and New Urbanism.
- 9.2.1.3 Promoting compact, well-defined, sustainable neighborhoods that enhance Town's character with attractive public realms and frontages.
- 9.2.1.4 Creating livable neighborhoods that foster a sense of community and reduce dependency on private vehicles through walkability, bicycle access, mixed use and compactness.
- 9.2.1.5 Encouraging the proper arrangement of street grids in relation to existing or planned streets and ensuring streets facilitate safe, efficient and pleasant walking, biking and driving.
- 9.2.1.6 Providing a variety of lot sizes and housing types in every neighborhood and protecting sensitive natural and historic areas and Town's environmental quality.
- 9.2.1.7 Providing adequate water, sewer and other utilities.
- 9.2.1.8 Providing Civic Park spaces within every neighborhood (pedestrian shed) and within approximately 800 feet to 1300 feet of every residential dwelling.
- 9.2.1.9 Providing trails and sidewalks within a neighborhood and Green Corridors with trail connections between neighborhoods.
- 9.2.1.10 Providing protection from geologic hazards and flood prone areas.
- 9.2.1.11 Ensuring compliance with the Zoning Code, and the and the Land Use Code (Articles 2-6 of this Code).
- 9.2.1.12 Regulating such other matters as the Board of Trustees may deem necessary in order to protect the best interest of the public.

9.3 ADMINISTRATION

- 9.3.1 All plans of streets or highways for public use, and all plans, plats, plots and replants of land laid out in subdivision or building lots, and the streets, highways, alleys or other portions of the same intended to be dedicated to a public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto, shall be submitted to the Board of Trustees for review and subsequent approval, conditional approval or disapproval. No plat shall be recorded in any public office unless the same shall bear thereon, by endorsement or otherwise, the approval of the Board of Trustees.
- 9.3.2 Any application that is inactive, with inactive being defined as no submittal or hearing within a one year period will be deactivated unless the applicant requests an extension in writing. Deactivated applications must start the process over from sketch plan and pay new fees.
- 9.3.3 The Town may charge for applications per the Town Fee Structure and also require reimbursement for outside consultants such as the Town Attorney and Town Engineer.
- 9.3.4 The applicant shall pay all fees for each step of the subdivision process before being allowed to proceed to the next phase. All fees must be paid up to date prior to filing of a plat or release of the lot sales restriction.
- 9.3.5 The Town may restrict Subdivision in areas of geological hazard, steep slopes or flood hazard drainage courses.

9.4 TYPES OF SUBDIVISIONS

9.4.1 The Town has defined two distinct subdivision processes. The primary subdivision process is Major Subdivision covers all subdivisions in all Growth Sectors not covered under the Minor Subdivision category. The Minor Subdivision Process is limited to the Infill Growth Sector as defined by the most recently adopted Sector Plan Map and to subdivisions which are 5 gross acres or less.

9.4.2 Major Subdivision Process Chart

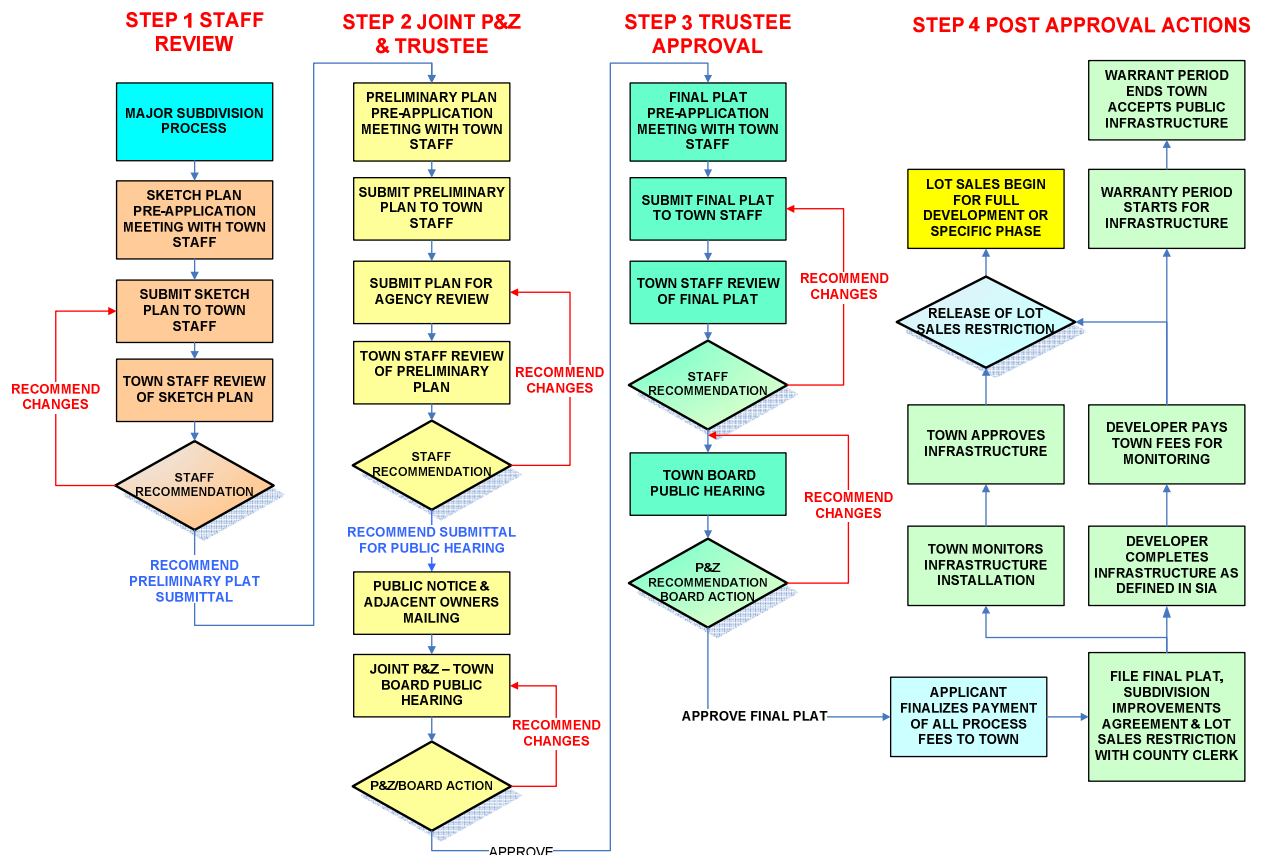


Figure 9.1 Major Subdivision Process Chart

9.4.3 Major Subdivisions.

9.4.3.1 Definition. A major subdivision is permitted when any one or more of the following conditions exist.

9.4.3.1.1 The entire tract to be subdivided is greater than ten (5) acres; or

9.4.3.1.2 The subdivision is not in the Infill Growth Area.

9.4.3.2 The Subdivision includes Annexation of property.

9.4.4 Major Subdivision Process. The major subdivision process is as follows. [PUD or Re-zoning and Subdivision] may be processed concurrently; however the PUD or Re-zone must be approved prior to approval of the Subdivision Final Plat, but may occur at the same public hearing].

9.4.4.1 Sketch Plan.

9.4.4.1.1 Pre-Application Conference with Staff.

9.4.4.1.2 Application Submittal.

9.4.4.2 Staff Review of Sketch Plan. Staff may approve Sketch Plan or recommend changes prior to submittal of Preliminary Plan.

9.4.4.3 Applicant adjusts Sketch Plan if changes are recommended.

9.4.4.4 Staff recommends submittal of Preliminary Plat.

9.4.5 Preliminary Plat.

9.4.5.1 Pre-Application Conference with Staff

9.4.5.2 Submittal of Preliminary Plan to Town Staff.

9.4.5.3 Staff Refers Application to Reviewing Agencies.

9.4.5.4 Staff Reviews Application and Prepares Comments. The review includes review of Preliminary Engineering Plans

9.4.5.5 Applicant Addresses Staff Comments.

9.4.5.6 Staff Certifies Application is Complete.

9.4.5.7 Town Schedules Public Hearing and Completes Public Notification Process.

9.4.5.8 Public Notice and Mailing to Adjacent Property Owners.

9.4.5.9 Staff Report to Planning Commission & Board of Trustees.

9.4.5.10 Joint Planning Commission & Board of Trustees Public Hearing for Preliminary Plat.

9.4.5.11 P&Z votes for recommendation of: Approval, Denial, or Approval with Conditions

9.4.5.12 Board of Trustees votes and takes action of: Approval, Denial or Approval with Conditions.

9.4.6 Final Plat.

9.4.6.1 Pre-Application Conference with Staff

9.4.6.2 Final Plat Application Submittal.

9.4.6.3 Staff Certifies Application is Complete and conditions of approval from preliminary plat have been fulfilled or recommends corrections to the applicant. The review includes Final Stamped Engineering Plans prepared by a Professional Engineer and reviewed by the Town Engineer.

9.4.6.4 Applicant Addresses Staff Comments if any.

9.4.6.5 Final Staff Review and Report to Board of Trustees.

9.4.6.6 Town Schedules Public Hearing and Completes Public Notification Process.

9.4.6.7 Board of Trustees Public Hearing and Action. Board may Approve, Approve with Conditions or Deny.

9.4.7 Post Final Plat Approval Steps

9.4.7.1 Applicant Signs Subdivision Improvements Agreement (SIA) and Lot Sales Restriction (LSR) listing all required improvements with references to Final Engineered Drawings and Engineer's Schedule of Values. Applicant pays all fees owed to date to Town to include Recording Fees.

9.4.7.2 Mayor Signs Subdivision Improvements Agreement and Lots Sales Restriction. Town Records Final Plat and Subdivision Improvements Agreement and Lot Sales Restriction with County Clerk.

9.4.7.3 Applicant completes Infrastructure Improvements as defined by final engineered drawings and SIA. Town Engineer or Public Works Director as determined by the Board of Trustees monitors the improvements construction and files all necessary test results. Applicant may complete infrastructure by phases if so noted in SIA and LSR.

9.4.7.4 Town Board approves infrastructure installation based on recommendation of Town Engineer and Staff. Applicant pays any fees or reimbursements owed town for monitoring or testing.

9.4.7.5 Town releases Lot Sales Restriction for applicable phase or whole development and the two year Warranty Period begins per the SIA.

9.4.7.6 Applicant may begin to sell lots per the LSR release.

9.4.7.7 At the end of the two year warranty period if no open warranty issues exist and all payments owed the Town are current the Town Board may action to accept Public Infrastructure Improvements.

9.4.7.8 The Subdivision file is moved to an inactive status and the subdivision file filed in the permanent records.

9.4.8 Minor Subdivisions

9.4.8.1 Definition. A Minor Subdivision is permitted under the following circumstances:

9.4.8.2 The property is within the Town Boundaries in the Infill Growth Sector and is not a new annexation;

9.4.8.3 The entire tract to be subdivided is ten (5) acres or less in size;

9.4.8.4 The application requests no variances or waivers to the zoning standards and a rezoning is not required.

9.4.8.5 There will be no exceptions to the Subdivision Design Standards.

9.4.8.6 Any existing non-conformances are removed as a result of the subdivision.

9.4.9 Minor Subdivision Process Chart

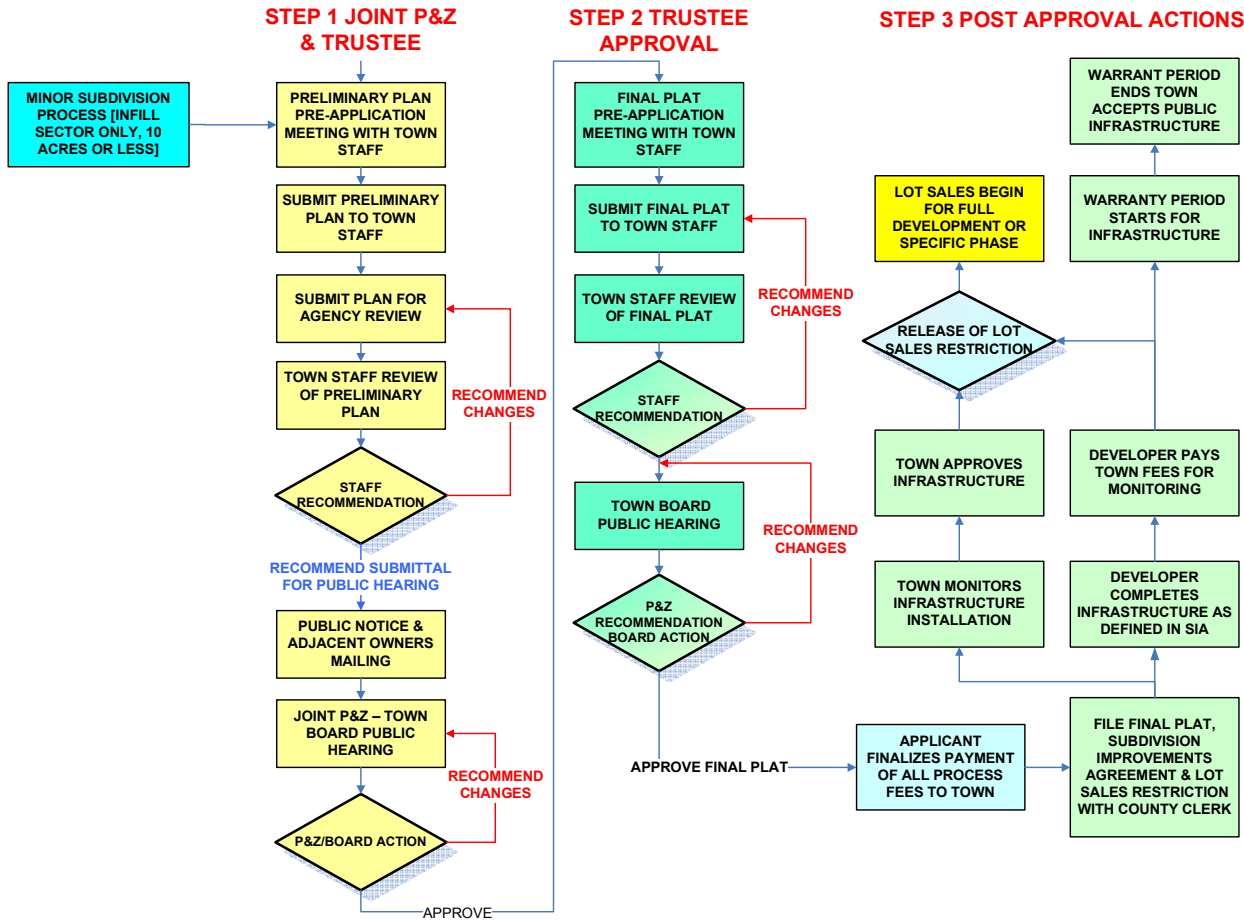


Figure 9.2 Minor Subdivision Process

9.4.10 Process. The minor subdivision process is as follows

9.4.11 Preliminary Plat.

- 9.4.11.1 Pre-Application Conference with Staff
- 9.4.11.2 Submittal of Preliminary Plan to Town Staff.
- 9.4.11.3 Staff Refers Application to Reviewing Agencies.
- 9.4.11.4 Staff Reviews Application and Prepares Comments. The review includes review of Preliminary Engineering Plans
- 9.4.11.5 Applicant Addresses Staff Comments.
- 9.4.11.6 Staff Certifies Application is Complete.
- 9.4.11.7 Town Schedules Public Hearing and Completes Public Notification Process.
- 9.4.11.8 Public Notice and Mailing to Adjacent Property Owners.
- 9.4.11.9 Staff Report to Planning Commission & Board of Trustees.
- 9.4.11.10 Joint Planning Commission & Board of Trustees Public Hearing for Preliminary Plat.
- 9.4.11.11 P&Z votes for recommendation of: Approval, Denial, or Approval with Conditions
- 9.4.11.12 Board of Trustees votes and takes action of: Approval, Denial or Approval with Conditions.

9.4.12 Final Plat.

9.4.12.1 Pre-Application Conference with Staff

9.4.12.2 Final Plat Application Submittal.

9.4.12.3 Staff Certifies Application is Complete and conditions of approval from preliminary plat have been fulfilled or recommends corrections to the applicant. The review includes Final Stamped Engineering Plans prepared by a Professional Engineer and reviewed by the Town Engineer.

9.4.12.4 Applicant Addresses Staff Comments if any.

9.4.12.5 Final Staff Review and Report to Board of Trustees.

9.4.12.6 Town Schedules Public Hearing and Completes Public Notification Process.

9.4.12.7 Board of Trustees Public Hearing and Action. Board may Approve, Approve with Conditions or Deny.

9.4.13 Post Final Plat Approval Steps

9.4.13.1 Applicant Signs Subdivision Improvements Agreement (SIA) and Lot Sales Restriction (LSR) listing all required improvements with references to Final Engineered Drawings. Applicant pays all fees owed to date to Town to include Recording Fees.

9.4.13.2 Mayor Signs Subdivision Improvements Agreement and Lots Sales Restriction. Town Records Final Plat and Subdivision Improvements Agreement and Lot Sales Restriction with County Clerk.

9.4.13.3 Applicant completes Infrastructure Improvements as defined by final engineered drawings and SIA. Town Engineer or Public Works Director as determined by the Board of Trustees monitors the improvements construction and files all necessary test results. Applicant may complete infrastructure by phases if so noted in SIA and LSR.

9.4.13.4 Town Board approves infrastructure installation based on recommendation of Town Engineer and Staff. Applicant pays any fees or reimbursements owed town for monitoring or testing.

9.4.13.5 Town releases Lot Sales Restriction for applicable phase or whole development and the two year Warranty Period begins per the SIA.

9.4.13.6 Applicant may begin to sell lots per the LSR release.

9.4.13.7 Warranty period ends if no open warranty issues exist and Town Board takes action to accept Public Infrastructure Improvements.

- 9.4.13.7.1 The Subdivision file is moved to an inactive status and permanently filed by the Town Clerk.

9.5 SKETCH PLAN

9.5.1 Sketch Plan Purpose. The sketch plan process is collaborative from the onset. The purpose of the sketch plan is two-fold. First, it provides the Town Staff the opportunity to describe the community's vision to the applicant. Second, it gives the applicant an opportunity to discuss his/her development plans, explain how the plans will further the community's vision and obtain input and direction from the Town Staff early in the process. The ultimate goal of this process is to help the applicant develop a plan that fosters the community's vision.

9.5.2 Sketch Plan Application Process.

9.5.2.1 Step 1: Pre-Application Conference. A pre-application conference with a representative from the Town is required before the applicant may submit a sketch plan application. The purpose of the meeting is to allow the applicant to discuss his/her ideas for developing the property and to give the Town the opportunity to communicate the Town's vision. Topics to be discussed will include:

9.5.2.1.1 Applicant's goals for the property.

9.5.2.1.2 Town vision and expectations.

9.5.2.1.3 Land Use Code.

9.5.2.1.4 The character and quality of development the Town is seeking.

9.5.2.1.5 Town regulations and standards.

9.5.2.1.6 The application and review process.

9.5.2.1.7 Submittal requirements.

9.5.2.1.8 Schedule.

9.5.2.2 Step 2: Preparation for Sketch Plan Submittal and optional follow-up meetings with staff. This is intended to be a collaborative process between the Staff and the developer to ensure that all new development is consistent with the community's goals and issues are identified early in the development process. Topics that may be addressed in the meetings may include:

9.5.2.2.1 How the proposed project is consistent with the Land Use Code), the *Town Comprehensive Plan* and the Subdivision Regulations.

9.5.2.2.1.1 The developer's goals and vision for the project.

- 9.5.2.2.2 How the proposed development incorporates variety in the type, design and siting of buildings.
- 9.5.2.2.3 How the proposed subdivision will be connected to and integrated with surrounding natural and developed areas.
- 9.5.2.2.4 How the project will impact neighboring properties (i.e., water drainage, traffic circulation, environmental impacts, view corridors).
- 9.5.2.2.5 How the design is cost-effective and environmentally responsive to site features and constraints and how potential impacts to natural systems will be mitigated.
- 9.5.2.2.6 How the design capitalizes on natural and cultural assets on and around the site to build a positive and distinctive identity.
- 9.5.2.2.7 How the proposal promotes the efficient use of land and public streets, utilities and governmental services.
- 9.5.2.2.8 Applicants should bring the following items to the meeting:
- Context/Vicinity Map – which shows the proposed development in relation to the surrounding area.
 - Base Map – which shows the site features (such as topography, ditches, drainage ways, wildlife habitat, trees and view corridors).
 - Images (such as photographs, sketches and/or plans) which illustrate the project intention. For example, an applicant might bring pictures of:
 - Important architectural elements (such as a porch, vertical windows, mother-in-law units);
 - Proposed architectural styles;
 - Ideas for landscaping features such as a xeriscaping garden entryway;
 - Streetscape components which contribute to the project's character;
 - A special tree on the property;
 - Examples of signs that promote the development's identity; and
 - Anything else that illustrates what the developer is trying to create.

9.5.2.3 Step 3: Sketch Plan Application Submittal. The applicant shall submit one (1) copy of the complete sketch plan application package to the Town Clerk and shall request that the application be reviewed by the Town Staff. The staff will review the application within two weeks. The staff will either approve the Sketch Plan or provide comments and suggestions for changes to make the application compliant with the submittal requirements. . The sketch plan application package shall include the following items:

9.5.2.3.1 Land Use Application Form.

9.5.2.3.2 Application Fee and Fee Agreement. A non-refundable fee is collected to cover the cost of review. The Town shall provide applicants with a copy of the most current fee schedule and fee agreement form.

9.5.2.3.3 *Sketch Plan.* The sketch plan shall be a minimum of 11"x 17" and may be a free hand drawing in a legible medium that clearly shows:

- Title of project.
- North arrow, scale (not greater than 1" = 200') and date of preparation.
- Vicinity map.
- Legal description.
- Acreage of property.
- Location and approximate acreage of proposed land uses.
- Existing easements and rights-of-way on or adjacent to the property
- Existing streets on or adjacent to the property (show and label street name).
- Table providing the following information for each proposed land use area: total acreage; proposed density or floor area ratio; proposed number of dwelling units; and approximate size of proposed residential lots.
- Proposed new streets and existing streets.
- General locations of existing utilities on or adjacent to the property.
- Graphic and/or verbal explanation of how the property will be served with utilities.
- Location of any proposed sewer lift stations.
- Trails - show how the development will tie into the regional trails network.
- Floodplain boundary with a note regarding the source of information (if a floodplain does not exist on the property, please state this on the plan).
- Geologic hazard areas.
- Existing and proposed zoning on and around the property.
- Land use table - the table shall include: land uses, approximate acreage of each land use and percentage of each land use.

9.5.2.3.4 *General Development Information.* Provide a written description of the existing conditions on the site and the proposed development. Include the following items in the description:

- Design rationale - discuss how the development is connected to/integrated with surrounding area, how it responds to site features/constraints and how it is consistent with the Land Use Code. If it is not consistent with the Land

Use Code, explain how the intent of the Land Use Code and Comprehensive Plan is met.

- Proposed number of residential lots or dwelling units, typical lot width and depth,
- General description of plan for drainage and storm water management.
- Water supply information, estimate of average daily water use, including: the number of water taps required.
- Description of any floodplain hazards on the site
- Show how the subdivision will provide adequate park space and connectivity for streets and trails. The Town shall require dedication of park space or fee in lieu of per the Town Fee Ordinance for any Major Subdivision.
- Show how the proposed development complies with the Land Use Code and the *Comprehensive Plan*.

9.5.2.4 Step 4: Application Certification of Completion. Within a reasonable period of time, Staff shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. Applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application to the Town Clerk. The original application and all documents requiring a signature shall be signed in blue ink.

9.5.2.5 Step 5: Staff Review. The staff shall complete a review of the sketch plan within two weeks. The staff shall provide a written review of the sketch plan and schedule a meeting to meet with the applicant to review the staff comments and recommendations for preliminary plat submittal.

9.5.3 Sketch Plan Review Criteria. The Town shall use the following criteria to evaluate the applicant's sketch plan application:

9.5.3.1 The land use mix within the project conforms to Town's Zoning District Map and Land Use and Public Facilities Map and furthers the goals and policies of the Town Comprehensive Plan including:

- 9.5.3.1.1 The proposed development promotes quality urbanism;
- 9.5.3.1.2 Proposed residential development adds diversity to Town's housing supply;
- 9.5.3.1.3 Proposed commercial development will benefit Town's economic base;
- 9.5.3.1.4 Parks and open space are incorporated into the site design if applicable;
- 9.5.3.1.5 The proposed project protects Town's environmental quality; and

- 9.5.3.1.6 The development enhances cultural, historical, educational and/or human service opportunities.
- 9.5.3.2 The sketch plan represents a functional system of land use and is consistent with the rationale and criteria set forth in this Code and the Town Comprehensive Plan & the intent of this code.
- 9.5.3.3 The utility and transportation design is adequate, given existing and planned capacities of those systems.
- 9.5.3.4 Negative impacts on adjacent land uses have been identified and satisfactorily mitigated.
- 9.5.3.5 There is a need or desirability within the community for the applicant's development and the development will help achieve a balance of land use and/or housing types within Town according to Town's goals.

9.6 PRELIMINARY PLAT

- 9.6.2 Preliminary Plat Purpose. The purpose of the preliminary plat is to provide the Town with an overall master plan for the proposed development.
- 9.6.3 Preliminary Plat Application Process.
 - 9.6.3.1 Step 1: Pre-Application Conference. A pre-application conference with a representative from the Town is required before the applicant may submit a preliminary plat application. Topics to be discussed will include:
 - 9.6.3.1.1 Town regulations and standards;
 - 9.6.3.1.2 The application and review process;
 - 9.6.3.1.3 Submittal requirements; and
 - 9.6.3.1.4 Schedule.
 - 9.6.3.2 Step 2: Preliminary Plat Application Submittal. Upon staff approval or conditional approval of the sketch plan, the applicant shall submit Twelve (30) Copies of the complete preliminary plat application to the Town Clerk. The application must be submitted a minimum of sixty (60) days prior to the Planning Commission meeting at which the application will be reviewed. The application must be submitted not more than twelve (12) months after approval of the sketch plan unless otherwise approved by the Board of Trustees. The preliminary plat application package shall include the following items:
 - 9.6.3.2.1 Land Use Application Form.
 - 9.6.3.2.2 Application Fee and Fee Agreement. A non-refundable fee is collected to cover the cost of review by the Town Attorney, Town Engineer consultant, Town Planning consultant and any other expert whom the Town may wish to

employ; and notice and publication expenses. Actual costs may exceed the deposit; in this case, the applicant is liable for costs in excess of the deposit. The Town shall provide applicants with a copy of the most current fee schedule and fee agreement form.

9.6.3.2.3 Title Commitment. The title commitment must be current and dated no more than thirty (30) days from the date of preliminary plat application submittal.

9.6.3.2.4 Survey of the property not more than 5 years old by a licensed surveyor with a minimum of 2 foot contours, existing buildings, adjoining streets, highways and roads, utilities within the property and on adjoining public right of ways.

9.6.3.2.5 Adjacent and Interested Property Ownership Report. Provide the Town Clerk with a current list (not more than thirty [30] days old) of the names and addresses of the adjacent property owners, mineral interest owners of record, mineral and oil and gas lessees for the property and appropriate ditch companies. The applicant shall certify that the report is complete and accurate.

9.6.3.2.6 Preliminary Plat. The preliminary plat shall be twenty-four (24) inches high by thirty-six (36) inches wide and provide the following information:

- Title of project.
- North arrow, scale (not greater than 1" = 100') and date of preparation.
- Vicinity map.
- Names and addresses of owners, applicant, designers, engineers and surveyors.
- Legal description.
- Total acreage of property.
- Existing contours at two (2) foot intervals (contours shall be based on USGS datum).
- Name and location of abutting subdivisions or owners of abutting property (if land is not platted).
- Lots, blocks, and street layout with approximate dimensions and square footage for each lot.
- Consecutive numbering of all lots and blocks.
- Existing and proposed rights-of-way and easements on and adjacent to the property.
- Existing and proposed street names for all streets on and adjacent to the property.
- Existing and proposed zoning on and adjacent to property.
- Location and size of existing and proposed sewer lines, water lines and fire hydrants. (Note: Applicant must consult with the appropriate utility service providers regarding the design of all utilities through the subdivision.)
- Existing and proposed curb cuts on and adjacent to subject property.
- Location by field survey or aerial photography of existing and proposed water courses and bodies of water such as irrigation ditches and lakes. Water courses shall include direction of flow.

- Floodplain boundary with a note regarding source of information (if a floodplain does not exist on the property, please state this on the plan).
- General location of existing surface improvements such as buildings, fences or other structures which will remain on the property as part of the subdivision.
- Location and acreage of sites, if any, to be dedicated for parks, playgrounds, schools or other public uses to meet the Town requirement for Park space.
- Location, function, ownership and manner of maintenance of any private open space.
- Land use table - the table shall include: land uses, approximate acreage of each land use, and percentage of each land use (including how twelve [12] percent public/semi-public requirement will be met).
- Total number of lots.
- Number of each type of dwelling unit proposed.

9.6.3.2.7 *General Development Information.* Provide a written description of the existing conditions on the site and the proposed development. Include the following items:

- Explanation of how the preliminary plat is consistent with the sketch plan, and if there are any differences, what they are and how the plan is still consistent with the community's vision.
- Explanation of how the items of concern expressed by the Town Staff, at the time of sketch plan review, have been addressed.
- Explanation of how the plan is consistent with the Town Land Use Code and Town Comprehensive Plan.

9.6.3.2.8 All engineering must comply with the Town's Technical Standards for Public Works Construction and where not covered in these standards shall comply with the generally accepted practices for Public Works Design and Construction. All engineering plans must be reviewed by the Towns Engineer prior to approval.

9.6.3.2.9 *Preliminary Grading and Drainage Plan and Report.* This plan and report must be certified by a Colorado registered professional engineer, including storm drainage concepts such as locations for on-site detention or downstream structural improvements and soil erosion and sedimentation control plans and specifications.. It must also discuss the impacts on and to any existing floodways and/or floodplains on and adjacent to the site as well as any FEMA applications required.

9.6.3.2.10 *Preliminary Engineering Utility Plan.* This plan shall be prepared by a registered professional engineer. It is necessary that the engineer consult with the appropriate utility service providers regarding the design of all utilities through the subdivision. This plan should include water, sewer, electric, phone, gas and public lighting.

9.6.3.2.11 *Preliminary Landscape Plan.*

- 9.6.3.2.12 *Traffic Study.* This study must be prepared by a professional traffic engineer. The Board of Trustees may waive this requirement at their discretion based on the size, location and type of development. Traffic studies are not required for the infill sector.
- 9.6.3.2.13 *Draft of Proposed Covenants and Architectural Design Guidelines.*
- 9.6.3.2.14 *Geologic Report.* If a geologic report prepared by a licensed professional is required.
- 9.6.3.2.15 *Colorado Historical Society Records Search.* At the discretion of the Town Staff or Board of Trustees, an applicant may be required to provide the Town with a Colorado Historical Society records listing historically or archaeologically significant findings on the property being subdivided. If a listing shows a significant finding, a site-specific historic survey is required.
- 9.6.3.2.16 If, in coordination with the applicant, the Board of Trustees decides to protect an historic resource, a protection plan must be devised.
- 9.6.3.2.17 *Public Hearing Notification Envelopes.* Provide the Town Clerk with one (1) set of stamped, addressed, certified (return receipt requested) envelopes. The envelopes shall have the Town's address as the mailing address and return address and the envelopes shall be addressed to the adjacent property owners, mineral interest owners of record, mineral and oil and gas lessees for the property, and the appropriate referral agencies (as discussed in pre-application conference).
- 9.6.3.3 Step 3: Application Certification of Completion. Within a reasonable period to time, Staff shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. Applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application (as specified in the Preliminary Plat *Technical Criteria* form) to the Town Clerk. The original application and all documents requiring a signature shall be signed in blue ink.
- 9.6.3.4 Step 4: Notice to Adjacent Property Owners and Referral Agencies. Not less than fifteen (15) days before the date scheduled for the initial public hearing, Staff shall send information about the application by certified mail to: adjacent property owners, mineral interest owners of record, mineral and oil and gas lessees for the property, and other parties of interest. The referral information shall include the time and place of the public hearing, the nature of the hearing, the location of the subject property, and the applicant's name. The Staff shall also determine the appropriate referral agencies from the general list below and send an application package to those agencies (30) days prior to the hearing.
- Potential Referral Agencies (appropriate agencies determined by staff)
- CDOT if the application has an access directly to a highway
 - Chaffee County if the application borders the town boundary or is part of an annexation process.

- The City of Salida Public Works Department for Sanitary Sewer Service (all applications), City of Salida watershed protection.
- State Land Board if the application borders lands administered by the Board.
- U.S. Department of Interior or U.S. Forest Service if the application borders these lands.
- Chaffee County Fire Protection District (all applications)
- Ditch Companies if the application contains or borders a ditch.
- Ranch and Farm owners if the application is upstream of a bordering ranch or farm and has seep or was previously irrigated.
- Salida School District R-32J if the town has been notified by the school district that additional students will create a capacity problem for the school system.
- Utility companies that have service lines crossing the subject property or other facilities within the boundary of the property. It is not necessary to have utility companies as reviewing agencies if the applicant is required to get will serve letters from the utilities.
- Colorado Division of Wildlife if the subject property is outside the infill growth area.

9.6.3.5 Step 5: Commitment to Serve. Within thirty (30) days from the date the application is deemed complete, the applicant shall provide the Town with letters of commitment to serve from all utilities required for the subdivision identified at the pre-application conference

9.6.3.6 Step 6: Staff Reviews Application and Prepares Comments. Staff will complete a review of the preliminary plat based on the preliminary plat review criteria and referral comments received. Staff will then prepare a report identifying issues of concern for the applicant to address and forward this report to the applicant.

9.6.3.7 Step 7: Applicant Addresses Staff Comments. *The applicant shall submit the following to the Town_Clerk:*

9.6.3.7.1 Letter explaining how all of the comments have been addressed;
and

9.6.3.7.2 Revised maps and other documents.

- 9.6.3.8 Step 8: Final Staff Review and Report to Planning Commission. Staff will complete a final review of the resubmitted materials and then prepare a report to the Planning Commission explaining how the application is or is not consistent with the preliminary plat review criteria.
- 9.6.3.9 Step 9: Schedule Preliminary Plat Public Hearing and Complete Public Notification Process. The Planning Commission and Board of Trustees shall schedule a joint public hearing for the purpose of taking action on the preliminary plat. The Town Clerk shall publish notice in a newspaper of general circulation. The hearing may be held no less than thirty (30) days from the date of advertising.
- 9.6.3.10 Step 10: Planning Commission Board of Trustees Public Hearing and Recommendation. The Planning Commission shall hold a public hearing to review the application based on the preliminary plat review criteria. The Planning Commission shall then make a recommendation to the Board of Trustees to approve, conditionally approve, or deny the application.
- 9.6.3.11 Step 11: Board of Trustees Action. The preliminary plat shall be presented to the Board of Trustees for its review and action. The Board of Trustees may approve, conditionally approve or deny the preliminary plat based on the preliminary plat review criteria. Approval and conditional approval of a preliminary plat shall be effective for one (1) year unless otherwise approved by the Board of Trustees. If the plat is denied, the request or one that is substantially similar may not be heard by the Planning Commission for a period of one (1) year from the date of denial unless otherwise approved by the Planning Commission. If a final plat is not submitted within said time limit or an extension has not been granted, a preliminary plat must again be submitted before action may be taken on a final plat.
- 9.6.3.12 Preliminary Plat Review Criteria. The Town shall use the following criteria to evaluate the applicant's request:
- 9.6.3.13 The preliminary plat represents a functional system of land use and is consistent with the rationale and criteria set forth in this Code and the Town Comprehensive Plan.
- 9.6.3.14 The application is consistent with the approved sketch plan and incorporates the Planning Commission's recommendations and conditions of approval.
- 9.6.3.15 The land use mix within the project conforms to Town's Zoning District Map and Land Use and Public Facilities Map and furthers the goals and policies of the Town Comprehensive Plan including:
- 9.6.3.15.1 The proposed development promotes Town's small town, rural character;
 - 9.6.3.15.2 Proposed residential development adds diversity to Town's housing supply;
 - 9.6.3.15.3 Proposed commercial development will benefit Town's economic base;

- 9.6.3.15.4 Parks and open space are incorporated into the site design;
 - 9.6.3.15.5 The proposed project protects Town's environmental quality; and
 - 9.6.3.15.6 The development enhances cultural, historical, educational and/or human service opportunities.
 - 9.6.3.16 The utility and transportation design is adequate, given existing and planned capacities of those systems.
 - 9.6.3.17 Negative impacts on adjacent land uses have been identified and satisfactorily mitigated.
 - 9.6.3.18 There is a need or desirability within the community for the applicant's development and the development will help achieve a balance of land use and/or housing types within Town, according to Town's goals.**Final Plat**
- 9.6.5** Final Plat Purpose. The purpose of the final plat is to complete the subdivision of land consistent with the technical standards.
- 9.6.6** Final Plat Application Process.
- 9.6.6.1 Step 1: Final Plat Application Submittal. The final plat application shall conform to the preliminary plat as approved at the public hearing and shall address all conditions of approval required by the Board of Trustees. The final plat application for the first phase of development must be submitted not more than twelve (12) months after approval of the preliminary plat unless otherwise approved by the Board of Trustees. In addition, the application must be submitted a minimum of sixty (60) days prior to the Board of Trustees meeting at which the application will be reviewed. The applicant shall submit Twelve (12) copies of the complete final plat application package to the Town Clerk and shall request that the application be reviewed by the Planning Commission and Board of Trustees. The final plat application shall include:
- 9.6.6.1.1 Land Use Application Form.
 - 9.6.6.1.2 Subdivisions - Technical Criteria Form.
 - 9.6.6.1.3 Application Fee and Fee Agreement. A non-refundable fee is collected to cover the cost of review by the Town Attorney, Town Engineer and any other expert whom the Town may wish to employ; notice and publication expenses; and recording fees. Actual costs may exceed the deposit; in this case, the applicant is liable for costs in excess of the deposit. The Town shall provide applicants with a copy of the most current fee schedule and fee agreement form.
 - 9.6.6.1.4 Title Commitment. The title commitment must be current and dated no more than thirty (30) days from the date of preliminary plat application submittal.

9.6.6.1.5 Adjacent and Interested Property Ownership Report. Provide the Town Clerk with a current list (not more than thirty [30] days old) of the names and addresses of the adjacent property owners, mineral interest owners of record, mineral and oil and gas lessees for the property and appropriate ditch companies. The applicant shall certify that the report is complete and accurate

9.6.6.2 **Final Plat.** The final plat drawing shall comply with the following standards:

9.6.6.2.1 The plat shall be prepared by or under the direct supervision of a registered land surveyor and meet applicable State of Colorado requirements.

9.6.6.2.2 Parcels not contiguous shall not be included in one (1) plat, nor shall more than one (1) plat be made on the same sheet. Contiguous parcels owned by different parties may be included on one (1) plat, provided that all owners join in the dedication and acknowledgment.

9.6.6.2.3 Lengths shall be shown to the nearest hundredth of a foot and bearings shall be shown in degrees, minutes and seconds.

9.6.6.2.4 The perimeter survey description of proposed subdivision shall include at least one (1) tie to an existing section monument of record and a description of monuments. The survey shown shall not have an error greater than one (1) part in ten thousand (10,000).

9.6.6.2.5 Bearings, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line, not inside, with the lot dimensions.

9.6.6.2.6 All signatures shall be made in black drawing ink.

9.6.6.2.7 The final plat shall be twenty-four (24) inches high by thirty-six (36) inches wide and shall provide the following information:

- Title of project.
- North arrow, scale (not greater than 1"=100') and date of preparation.
- Vicinity map.
- Legal description.
- Basis for establishing bearing.
- Names and addresses of owners, applicant, designers, engineers and surveyors.
- Total acreage of subdivision.
- Bearings, distances, chords, radii, central angles and tangent links for the perimeter and all lots, blocks, rights-of-way and easements.
- Lot and block numbers, numbered in consecutive order, and square footage of each lot or tract.
- Exempted parcels from inclusion noted as "not included in this subdivision" and the boundary completely indicated by bearings and distances.
- Existing and proposed rights-of-way in and adjacent to subject property (labeled and dimensioned).

- Existing and proposed street names for all streets on and adjacent to the property.
- Existing and proposed easements and their type in and adjacent to subject property (labeled and dimensioned).
- Location and description of monuments.
- Floodplain boundary with a note regarding source of information (if a floodplain does not exist on the property, please state this on the plat).
- Signature block for registered land surveyor certifying to accuracy of boundary survey and plat
- Signature block for certification of approval by the Board of Trustees with a signature for the Mayor and Town Clerk\
- Signature blocks for utility providers.
- Certification of ownership and dedication of streets, rights-of-way, easements and public sites.

9.6.6.3 *General Development Information.* Provide a written description confirming that the final plat conforms to the preliminary plat. In addition, the description shall address how the proposed development conforms to the Land Use Code...

9.6.6.4 Complete Engineering Plans and Specifications.

9.6.6.4.1 Construction Plans and Profiles. The Plans and Profiles shall be prepared by a registered professional engineer licensed in the State of Colorado, shall be twenty-four (24) inches high by thirty-six (36) inches wide and provide the following information:

- The horizontal to vertical scales shall be chosen to best depict the aspects of the design.
- Minimum horizontal scale: 1"=100'.
- Minimum vertical scale: 1"=10'.
- The typical road geometric and structural cross-section is to be shown on each plan sheet.
- The plan must show right-of-way lines and widths, road names, lot lines, tangent lengths and bearings, curve radii, delta angles, curve lengths, chord lengths and bearings, stationing at all beginning of curves and end of curves, intersections, structures, angles, curb lines, cross pans, traffic control devices (islands, striping, signs, etc.), drive cuts, curb returns and radii, and all other features to enable construction in accordance with approved standards and standard engineering practice. Construction plans shall also include water, sewer, sanitary sewer and any other utilities such as irrigation ditches. (Note: The developer/owner is responsible for coordinating with the appropriate dry utility companies (i.e. gas, electric, telephone, cable).
- The profiles shall include ground lines, grade lines of curb and gutter or centerline of street elevation at point of intersection of vertical curves, intersections and other critical points, structures, and all other features required to enable construction in accordance with approved standards.

- Signature blocks for all utility providers unless otherwise provided in agreement form.

9.6.6.5 Structure Details. Sufficient data shall be given to construction of major structures and road appurtenances such as bridges, culverts, gutters, drives, walks, cross pans, etc.; detail shall include orientation line and grade, cross-sections, dimensions, reinforcement schedules, materials, quality specification, etc.

9.6.6.5.1 Sewage Collection and Water Supply Distribution Plans, Profiles and Specifications. The plans, profiles and specifications shall be prepared by a registered professional engineer and shall be accompanied by written approvals from the applicable water and sanitation district.

9.6.6.5.2 Final Drainage Plans and Reports. Based upon the approved preliminary drainage plan, a final report is to be submitted in accordance with applicable storm drainage design criteria as determined at the initial pre-application conference. The plan and report must provide:

- Cross-sections of each water carrier showing high water elevations for one hundred (100) year run-off and adjacent features that may be affected thereby
- Written approvals, as may be required, from other agencies or parties that may be affected by the drainage proposals (i.e., FEMA, County, ditch companies).
- Supporting calculations for run-offs, times of concentration, flow capacity with all assumptions clearly stated with proper jurisdiction when needed or requested.
- Erosion control plans, when required, to be submitted as a result of preliminary plan review.

9.6.6.5.3 Final Grading Plan. The final grading plan shall be twenty-four (24) inches high by thirty-six (36) inches wide and illustrate existing and proposed contours and lot and block grading details (per FHA requirements if FHA insured).

9.6.6.5.4 Soils Reports. The soils reports shall detail special foundation requirements (shall be submitted after over lot grading is complete) and pavement design (may be submitted prior to building permit).

9.6.6.5.5 Final Street Lighting Plan. A final street lighting plan shall be prepared in conjunction with electric utility and the Town. The plan must specify the number, kind and approximate location of street lights.

9.6.6.5.6 Engineer's Opinion of Probable Cost for all improvements or contractor bids for all improvements.

9.6.6.6 Final Landscape Plan - Refer to Section 2.16 of this Code for the final landscape plan requirements.

9.6.6.7 Final Open Space -

9.6.6.8 Special Documents (as Needed)

9.6.6.8.1 State Highway Utility Permit (from Colorado Department of Transportation).

9.6.6.8.2 State Highway Access Permit (from Colorado Department of Transportation).

9.6.6.8.3 Construction Dewatering Permit (from Colorado Department of Public Health and Environment).

9.6.6.8.4 404 Permit (from Army Corps of Engineers).

9.6.6.8.5 Work in Ditch Right-of-Way Permit (from individual ditch companies).

9.6.6.8.6 Subdivision Improvements Agreement - This agreement assures construction of the required improvements. This document shall be signed by the developer and the Town, the signatures shall be notarized, and the document shall be recorded by the Town Clerk with the County Clerk and Recorder.

9.6.6.8.7 General Warranty Deed - This deed conveys to the Town all public lands other than streets shown on the plat or, in lieu of a deed, a check in an amount to be determined by the Town.

9.6.6.8.8 A lot sales restriction agreement as an improvements guarantee to be filed with the County Clerk, not to be released until all the public and private improvements required in the subdivision improvements agreement are completed for any approved phase of the subdivision. Approved Adjudication of Water Rights and a *Plan of Augmentation* and transfer of any water rights as required by the annexation agreement if applicable.

9.6.6.8.9 Protective Covenants, *Homeowners Association (HOA) Documents*, *Articles of Incorporation for HOA*, and *Architectural Design Guidelines* finalized and in a form for recording. If there are open space areas to remain in private ownership within the subdivision, the HOA documents must have in place a mechanism which will assure maintenance will be funded in perpetuity.

9.6.6.8.10 FEMA approved applications (i.e., Conditional Letter of Map Revisions [CLOMR] or Letter of Map Revisions [LOMR]).

9.6.6.8.11 Documentation for dedication of public sites for open space or other civic purposes.

9.6.6.9 "Clean" Final Plat for Addressing.

- 9.6.6.9.1 Title of project.
- 9.6.6.9.2 North arrow, scale (not greater than 1"=100') and date of preparation.
- 9.6.6.9.3 Vicinity map.
- 9.6.6.9.4 Lot and block numbers, numbered in consecutive order.
- 9.6.6.9.5 Rights-of-way and street names.
- 9.6.6.9.6 Property boundary.

- 9.6.6.10 *Public Hearing Notification Envelopes.* Provide the *Town Clerk* with two (2) sets of stamped, addressed, certified (return receipt requested) envelopes. The envelopes shall have the *Town's* address as the mailing address and return address and the envelopes shall be addressed to the adjacent property owners, mineral interest owners of record, mineral and oil and gas lessees for the property, and the appropriate referral agencies (as discussed in pre-application conference).
- 9.6.7 Step 2: Application Certification of Completion. Within a reasonable period to time, Staff shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. Applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application (as specified in the Final Plat *Technical Criteria* form) to the Town Clerk. The original application and all documents requiring a signature shall be signed in blue ink.
- 9.6.8 Step 3: Refer Application to Parties of Interest. Not less than forty-five (45) days before the date scheduled for the initial Planning Commission public hearing, Staff shall send information about the application by certified mail to: adjacent property owners, mineral interest owners of record, mineral and oil and gas lessees for the property, and other parties of interest. The referral information shall include the time and place of the public hearing, the nature of the hearing, the location of the subject property, and the applicant's name.
- 9.6.9 Step 4: Staff Reviews Application and Prepares Comments. Staff will complete a technical review of the final plat based on the Town's final plat review criteria and referral comments received. Staff will then prepare a report identifying any issues of concern that the applicant will need to address and forward this report to the applicant.
- 9.6.10 Step 5: Applicant Addresses Staff Comments. The applicant shall address all of the Staff comments then submit the following to the Town Clerk:
- 9.6.10.1 Letter explaining how all of the comments have been addressed; and
- 9.6.10.2 Revised maps and other documents.
- 9.6.11 Step 6: Final Staff Review and Report to Board of Trustees. Staff will complete a final review of the resubmitted materials and then prepare a report to the Board of Trustees explaining how the application is or is not consistent with the final plat review criteria.
- 9.6.12 Step 7: Schedule Final Plat Public Hearing and Complete Public Notification Process. The Planning Commission shall schedule a public hearing for the purpose of taking action on the final plat. The Town Clerk shall publish notice in a newspaper of general circulation. The hearing may be held no less than thirty (30) days from the date of advertising.
- 9.6.13 Step 11: Schedule Final Plat Public Hearing and Complete Public Notification Process. The *Board of Trustees* shall schedule a public hearing for the purpose of taking action on the final plat. The *Town Clerk* shall publish notice in a newspaper of general circulation. The hearing may be held no less than thirty (30) days from the date of advertising.

- 9.6.14** Step 12: Board of Trustees Public Hearing and Action. The finalized final plat shall be presented to the Board of Trustees for its review and action at a public hearing. The Town Board of Trustees shall review the final plat based on the final plat review criteria. If approved, the Board of Trustees shall adopt the plat by ordinance and the Town Clerk shall request two (2) original Mylar of the final plat ready for the Mayor and Clerk to sign and then record. The Town will provide the finalized Memorandum of Agreement for Public Improvements (MOAPI) for the applicant to sign.
- 9.6.15** Step 13: Record Final Plat. One (1) original Mylar of the final plat shall be recorded by the Town Clerk in the office of the County Clerk and Recorder. The recording fee shall be paid by the developer.
- 9.6.16** Step 14: Post Approval Actions. The applicant shall submit the following documentation to the Town Clerk:
- 9.6.16.1 *List of Contractors.* List of all contractors that will be performing the improvements.
- 9.6.16.2 *Proof of Insurance.* Proof of workman's comprehensive insurance and liability insurance for each contractor.
- 9.6.16.3 *Other Certificates, Affidavits, Enforcements or Deductions.* As required by the Planning Commission or Board of Trustees.

10 COMMERCIAL SITE PLANS

10.1 GENERAL PROVISIONS

- 10.1.1 The provisions of this Article, and the other applicable provisions of this code shall apply to all New or expanded Commercial Sites, unless otherwise expressly or provided otherwise in these regulations.
- 10.1.2 Except as herein provided, no building, structure or land shall be modified or constructed for the purpose of a Commercial activity unless a site plan and building plan is approved by the Town.
- 10.1.3 These Regulations in conjunction with the Zoning Article and Article 5 Building Scale Plans establish procedural and substantive rules for obtaining the necessary approval for a Commercial site.

10.2 INTENT

- 10.2.1 This Article is designed and enacted for the purpose of promoting an economically viable and safe retail and commercial environment that is aesthetically pleasing, walkable and economically efficient.

10.3 SITE PLAN REQUIREMENTS

- 10.3.1 All Commercial Site Plan submittals shall complete the Commercial Site Plan worksheet to show compliance to Zoning and Building Scale Plans.
- 10.3.2 All Commercial Site Plans shall provide a survey not more than 5 years old for the site and a copy of the filed Warranty Deed matching the survey boundaries.
- 10.3.3 All Commercial Site Plans shall provide a scaled drawing with a scale of 1:100 or less on a sheet no smaller than 11"x 17". The drawing shall show the following:
- 10.3.3.1 Site Boundary
- 10.3.4 Plan View of site showing:
- Building placements
 - Parking areas and surface types
 - Access and Drive lanes (as well as CDOT access permit if not in the access plan)
 - Pedestrian access, connectivity to existing and planned sidewalks, trails, etc.
 - Grading and landscape plans
 - Fencing if any
 - Trash collection site and enclosure
 - Screening of any outside storage if allowed under zoning
 - Lighting plan conforming to lighting standards
 - Fire department access and nearest fire hydrant locations
 - Fire Hydrant served by a 6 inch or 8 inch minimum main within 300 feet, show nearest hydrants within 500 feet.

- Truck turning radius for sites requiring delivery by tractor trailer (can include backing in off Town Streets, but not CDOT highways)
- Drainage plan
- Signage locations
- ADA access and parking as required
- Compliance to the Highway Corridor Plan if buildings are set back and do not provide sidewalks along the frontage. Sites where buildings conform to the Building Scale plans and dimensional standards for the zone, compliance with the highway corridor plan are exempted.

10.3.5 Scaled Elevation Plans for buildings and structures showing:

- Stories for each structure
- Maximum height for each structure
- Frontage Compliance to Building Scale Plan such as % glazing
- Material for exterior

10.3.6 The Board of Trustees may require specific analysis and actions to be taken to mitigate potential community impacts if the commercial use has the potential to produce any of the following:

10.3.6.1 Noise from equipment, music, animals or other sources.

10.3.6.2 Odors from equipment, animals or other sources.

10.3.6.3 Large amounts of refuse.

10.3.6.4 Event Parking.

10.3.6.5 Light pollution.

10.3.6.6 High average or peak demand water use.

10.3.6.7 Requirements for extra police or fire protection.

11 VESTING OF PROPERTY RIGHTS

11.1 PURPOSE

- 11.1.1 The purpose of this Section is to provide the procedures necessary to implement the provisions of Article 68 of Title 24, C.R.S., as amended, which establishes a vested property right to undertake and complete development of real property under the terms and conditions of an approved site specific development plan. No vested rights shall be created within the Town except through a site specific development plan.

11.2 VESTING GENERAL PROVISIONS

- 11.2.1 **Definitions.** As used in this Section, unless the context otherwise requires:

11.2.1.1 “Landowner” shall mean any owner of a legal or equitable interest in real property, and includes the heirs, successors, and assigns of such ownership interests.

11.2.1.2 “Property” means all real property subject to land use regulation by the Town.

11.2.1.3 “Site specific development plan” shall mean and be limited to the “final plat” of a subdivision or a “final site plan” of a PUD Planned Unit Development District (also known as a “final PUD development plan”) when approved by the Board of Trustees by ordinance duly adopted.

11.2.1.4 “Vested property rights” shall mean the right to undertake and complete the development and use of property under the terms and conditions of a site specific development plan.

- 11.2.1.5 **Request for Site Specific Development Plan Approval.** For those developments for which the landowner wishes the creation of vested property rights pursuant to Article 68 of Title 24, C.R.S., as amended, the landowner shall request the approval in writing at least thirty (30) days prior to the date said approval is to be considered. Failure of the landowner to request such an approval renders the plan not a “site specific development plan,” and no vested property rights shall be deemed to have been created.

- 11.2.1.6 **Notice and Hearing.** No site specific development plan shall be approved until after a public hearing called for that purpose, preceded by notice of such hearing published as provided by law at least fourteen (14) days before the hearing. Such notice may, at the Town's option, be combined with any other required notice. At such hearing, all interested persons shall have an opportunity to be heard.

- 11.2.2 Approval, Conditional Approval, Effective Date, Amendments, Referendum and Review.

11.2.2.1 A site specific development plan shall be deemed approved upon the effective date of the ordinance granting final approval of the plan. The vested property right shall attach to and run with the applicable property and shall confer upon the landowner the right to

undertake and complete the development and use of said property under the terms and conditions of the site specific development plan including any amendments thereto.

11.2.2.2 The Board of Trustees may approve a site specific development plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety and welfare. Such conditional approval will result in a vested property right, although failure to abide by such terms and conditions will result in a forfeiture of vested property rights.

11.2.2.3 In the event amendments to a site specific development plan are approved, the effective date of such amendments, for purposes of duration of a vested property right, shall be the date of the approval of the original site specific development plan, unless the Board of Trustees specifically finds to the contrary and incorporates such findings in its approval of the amendment.

11.2.2.4 The approval of vested property rights shall be subject to all rights of referendum and judicial review; except that the period of time permitted by law for the exercise of such rights shall not begin to run until the date of publication of a notice to the general public of the site specific development plan and creation of vested property rights.

11.2.3 Notice of Approval.

11.2.3.1 Each map, plat or site plan or other document constituting a site specific development plan shall contain the following notice: "Approval of this plan may create a vested property right pursuant to Article 68 of Title 24, C.R.S., as amended." Failure to contain this statement shall invalidate the creation of the vested property right.

11.2.3.1.1 In addition, the Town shall publish a notice describing generally the type and intensity of the use approved, the specific parcel or parcels of property affected and stating that a vested property right has been created. The notice shall be published once, not more than fourteen (14) days after approval of the site specific development plan, in a newspaper of general circulation within the Town.

11.2.4 Duration of Vested Property Right. A property right which has been vested as provided herein shall remain vested for a period of three (3) years; except that the Board of Trustees may, in their sole discretion, grant vested property rights for a longer period when warranted in light of all relevant circumstance, including but not limited to, the size and phasing of the development, economic cycles and market conditions. The vesting period shall not be extended by any amendments to a site specific development plan unless expressly authorized by the Board of Trustees in the ordinance approving such amendments.

11.2.4.1 Other Provisions Unaffected. Approval of a site specific development plan shall not constitute an exemption or waiver of any other provisions of this Code pertaining to the development or use of property.

11.2.4.2 Payment of Costs. In addition to any and all other fees and charges imposed by this Code, the applicant for approval of a site specific development plan shall pay all costs occasioned to the Town pertaining to such application, including but not limited to publication of notices, public hearing and review costs, county recording fees and review costs.

11.2.5 Limitations. Nothing in this Section is intended to create any vested property right, but only to implement the provisions of Article 68 of Title 24, C.R.S., as amended. In the event of the repeal of said Article or a judicial determination that said Article is invalid or unconstitutional, this Section shall be deemed to be repealed, and the provisions hereof no longer effective.

12 RECREATIONAL VEHICLE PARKS

12.1 DEFINITIONS

12.1.1 As used in this Article, the following words and terms shall have the meaning ascribed to them in this Section:

- 12.1.1.1 Recreational vehicle. Recreational vehicle means a vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted or drawn by another vehicle. The following shall be considered a recreational vehicle (RV):
- 12.1.1.2 Cabin. A permanent structure complying with the adopted International Residential Building Code. (IRC) or International Building Code (IBC). Cabins are limited in size to 800 square feet maximum. Cabins may be rented short term basis.
- 12.1.1.3 *Camping trailer.* A canvas (or other type of material), folding vehicle of rigid construction, mounted on wheels and designed for travel and recreation.
- 12.1.1.4 *Motorized home, motor home and/or recreational bus or van.* Self-Contained. A recreational vehicle consisting of a portable, temporary dwelling to be used for travel, recreation and vacation uses, and constructed as an integral part of a self-propelled vehicle.
- 12.1.1.5 *Pickup coach.* A vehicle designed to be mounted on or loaded into a truck chassis for use as a temporary dwelling for travel and recreation.
- 12.1.1.6 *Tent.* Protective fabric erected to provide protection from the elements.
- 12.1.1.7 *Travel trailer.* A towable vehicle designed as a temporary dwelling for travel and recreation.
- 12.1.1.8 *Travel trailer, self-contained.* A trailer which can operate independently of connections to sewer, water and electric systems. It contains a water-flushed toilet, lavatory, shower or bath and kitchen sink, all of which are connected to water storage and sewage holding tanks located within the trailer.
- 12.1.1.9 Recreational vehicle Park. Recreational Vehicle Park means a parcel of land specifically developed for locating only recreational vehicles & cabins on lots on a short-term basis. RVs may not be set on a foundation or have axles removed. Spaces can be rented daily, weekly, monthly or annually. Spaces may not be sold as a parcel, timeshare or fractional.
- 12.1.1.10 Recreational vehicle site. Recreational vehicle site means a plot of ground within a recreational vehicle park intended for the accommodation of either a recreational vehicle, tent or other individual camping unit on a temporary basis.
- 12.1.1.11 Sanitary facilities. Sanitary facilities means toilets, urinals, lavatories, showers, utility sinks and drinking fountains, and the service buildings containing these units.

- 12.1.1.12 Sanitary waste station. Sanitary waste station means a facility used for removing and disposing of waste from self-contained camping vehicle sewage holding tanks.
- 12.1.1.13 Service building. Service building means a structure housing toilet, lavatory, bath, laundry, service sink and other such sanitary facilities as may be required.

12.2 ALLOWED USES

- 12.2.1 Tent Camping
- 12.2.2 RV Dry Camping if a dump station is provided
- 12.2.3 RV Full Hookup (water, sewer, electricity)
- 12.2.4 Permanent cabins not to exceed 800 square feet each with full utilities.
- 12.2.5 Service Buildings.

12.3 REVIEW PROCESS

- 12.3.1 The review and approval process for RV Parks shall follow the same three step process as the Minor Subdivision Process with the option to combine Sketch and Preliminary into one step. The submittal requirements must meet the commercial site plan requirements unless specifically noted to be different in this section.
- 12.3.2 All new recreational vehicle parks or development on any recreational vehicle park, new or pre-existing, must submit all plans and specifications in detail for such development to the Planning Commission and obtain approval after formal public hearing from the Board of Trustees. No construction or development shall be commenced until approved by the Board of Trustees and a building permit issued.
- 12.3.3 Approval for development of recreational vehicle parks shall be granted according to the Commercial Site Plan and Zoning Process of this Code.
- 12.3.4 The Building Inspector and Town Engineer shall inspect each new recreational vehicle park or space/site addition or construction on existing parks to determine compliance with the provisions of this Article and all other applicable ordinances, rules, regulations or codes. No occupancy shall be permitted or certificate of occupancy issued until said officials have made such determination in writing. Occupancy of the premises prior to issuance of a certificate of occupancy based on the above determination shall subject the violator to the penalties per adopted ordinances and codes. The above-named officials shall have authority to enter upon the premises for the purpose of such inspection at any reasonable time without notice or approval of the owner or manager.

12.4 LOCATION OF RECREATIONAL VEHICLE PARKS

- 12.4.1 Recreational vehicle parks may be located in areas whose principal characteristic or activity is allowed by the zoning article of this code or a PUD application is required for a zoning overlay.

12.5 RV PARK DEVELOPMENT STANDARDS

- 12.5.1 Site Conditions.** Conditions of soil, groundwater level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors or other adverse influences, and no portion subject to unpredictable flooding, subsidence or erosion shall be used for any purpose which would expose persons or property to hazards.
- 12.5.2 Soil and Groundcover.** Exposed ground surfaces in all parts of the recreational vehicle park shall be paved, or covered with stone screening or other solid materials, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.
- 12.5.3 Drainage Requirements.** A drainage plan in accordance shall be developed for the recreational vehicle park by a professional engineer.

12.6 PARK SIZE AND DENSITY

- 12.6.1 Park Size.** The minimum gross area for a recreational vehicle park is five (5) acres. The maximum gross area allowed is forty (40) acres.
- 12.6.2 Park Density.** The maximum density shall not exceed eighteen (18) recreational vehicles per gross acre. A cabin shall be counted as one recreational vehicle for each bedroom.
- 12.6.3 Minimum Site Size.** Each recreational vehicle site shall contain a minimum of one thousand five hundred (1,500) square feet and shall have a minimum width of twenty-five (25) feet. Tent sites shall be a minimum of six hundred (600) square feet and may be grass only.
- 12.6.4 Site Pads.** Each site shall be designated on the plans showing site amenities.
- 12.6.5 Required Separation Between RV Vehicles.** Recreation vehicles shall be separated from each other and from other structures by at least ten (10) feet.
- 12.6.6 Site Identification.** Each site for the parking of the recreational vehicle shall be identified by numbers

12.7 ROADWAYS AND PARKING

- 12.7.1 Interior Roads.** All interior drives shall provide 20 foot clear access. Each drive shall list the sites at the entrance and exit for emergency personnel to find a site.
- 12.7.2** The site plan must demonstrate RV turning radius for access to town streets or highways.
- 12.7.3 Parking Requirements.** At least one (1) off-road parking space shall be provided at each site. On street (drive) parking is only permitted if the design demonstrates 20 foot clear access for emergency vehicles. The board may require additional centralized or distributed parking spaces.

12.8 ENTRANCES AND EXITS

- 12.8.1 Locations and Access.** Entrances and exits from a park shall be to a street, highway or road capable of handling the traffic generated by the site.

12.8.2 Design of Access to Park.

12.8.2.1 Entrances and exits to recreational vehicle parks shall be designed for the safe and convenient movement of traffic into and out of the park and to minimize marginal friction with free movement of traffic on adjacent streets.

12.8.2.2 Each recreational vehicle park shall have an entrance and exit roadway which shall not be less than twenty-eight (28) feet wide from flow line to flow line, shall be hard surfaced with asphalt or concrete for a minimum of 40 feet if accessing a paved public street and shall connect to a dedicated public right-of-way or street.

12.8.3 Access onto State Highways. Access onto state-controlled highways or roads will require a permit from the State Department of Transportation if not in the approved access plan. The design of the access will be according to Department of Transportation requirements.

12.8.4 Distance from Intersection. Entrance driveways should not be located closer than one hundred fifty (150) feet from the intersection of public streets. If the park adjoins a residential or urbanized area the Board of Trustees may require screening

12.8.5 Screening. The park shall be screened from public streets/highways and shall have an attractive landscaped entrance with signage compliant to the signage article of this code.

12.8.6 Lighting. Parks shall meet the lighting standards of this code and shall not project lighting outside the boundaries of the park.

12.8.7 Noise. The park shall comply with the Noise standards adopted by the Town at all times.

12.8.8 Accessory Uses

12.8.8.1 Management headquarters, recreational facilities, toilets, dumping stations, showers, coin-operated laundry facilities and other uses and structures customarily incidental to operation of a recreational vehicle park and campground are permitted as accessory uses to the park.

12.8.8.2 In addition, stores, restaurants and other convenience establishments shall be permitted as accessory uses in recreational vehicle parks in districts where such uses are not allowed as principal uses, subject to the following restrictions:

12.8.8.2.1 Such establishments and the parking areas must submit a commercial site plan and meet the parking requirements of this code.

12.9 OPEN SPACE AND RECREATIONAL AREAS

- 12.9.1** A general area should be provided for visitor recreation and open space use.
- 12.9.2** Such areas shall not include any area designated as a recreational vehicle space, storage area, required yard, service building or sanitary facility or waste station area.
- 12.9.3** Open space and recreational areas should be placed with consideration to buffering, setbacks, landscaping and minimizing impacts to neighboring properties.
- 12.9.4 Yards and Setbacks.** Each recreational vehicle park shall set aside along the perimeter of the park the following areas which shall be landscaped and used for no other purpose:
- 12.9.4.1** Minimum front setback – twenty-five (25) feet.
- 12.9.4.2** Minimum side setback – when abutting T3 or T4 districts, the side setback shall be fifty (50) feet; when abutting a dedicated public right-of-way, the side setback shall be twenty-five (25) feet on the side street; when abutting any other zone district, the side setback shall be fifteen (15) feet along the interior lot line.
- 12.9.4.3** Minimum rear setback – if the rear yard abuts a dedicated public right-of-way, T3 or T4, the minimum shall be twenty-five (25) feet. If the rear yard abuts any other zoning district, the setback shall be fifteen (15) feet.
- 12.9.5 Landscaping.** A landscaping plan illustrating the placement and type of trees and shrubs must be submitted as part of the park development plan. The design of the landscaping must mitigate the visual impact of the recreational vehicle park on the surrounding area.
- 12.9.6 Boundary Fencing.** Except for the front boundary, each recreational vehicle park shall be enclosed by an attractive solid fence not less than six (6) feet in height if adjacent property has residential homes within 50 feet of the property. The material shall be identified in the site plan.
- 12.9.7 Utilities**
- 12.9.7.1 All Utilities Underground.** All public utilities within the recreational vehicle park shall be underground.
- 12.9.7.2 Water Supply.** The water supply for the recreational vehicle park shall be provided by a delivery system that is owned and operated by a local government authority if available. If public water is not available the system shall have CDPHE approval. The water system shall be connected by pipes to all service buildings and all recreational vehicle spaces. The water distribution system within the park shall meet the following minimum standards:
- 12.9.7.2.1** The water distribution system shall be designed, constructed and maintained in compliance with State Department of Health regulations and recommendations to provide a safe, potable and adequate supply of water.

- 12.9.7.3 **Sewage Disposal.** Facilities shall be provided and properly maintained for the collection and disposal or treatment and disposal of sewage.
- 12.9.7.3.1 Connection to a public sewer is required if available, if the system exceeds 2000 gpd CDPHE site and design approval is required.
- 12.9.7.3.2 Solid and liquid wastes shall not be discharged or otherwise disposed of on the surface of the ground or into any well, cave, open ditch, stream, lake or reservoir.
- 12.9.7.4 Sewage Collection.
- 12.9.7.4.1 Sewage collection lines shall meet the adopted International Plumbing Code (IPC).
- 12.9.7.4.2 Any lines to be accepted by Salida Utilities shall meet the standards adopted by Salida Utilities.
- 12.9.7.4.3 Individual sewer connections shall meet the following requirements: A four (4) inch inside diameter sewer lateral and riser pipe with the surrounding ground graded to drain from the rim of the riser pipe. The sewer lateral shall be properly trapped and vented if camping vehicles without individually trapped and vented plumbing fixtures are accommodated.
- 12.9.7.4.4 When the campsite is not occupied, the sewer riser pipe shall be adequately capped.
- 12.9.7.5 A sanitary waste station shall be provided for each 50 non-full hook-up campsites or part there of not equipped with individual sewer connections. Unless other approved means are used, the sanitary station shall be designed and constructed to include the following:
 - 12.9.7.5.1 The plumbing shall be installed according to the most recent edition of the Uniform Plumbing Code as adopted by the Town.

12.9.8 Electricity.

12.9.8.1 An electric outlet approved by an electric utility shall be provided for each recreational vehicle space. The installation shall comply with all state and local electrical codes. Such electrical outlets shall be weatherproof. Large RV sites shall have a minimum of a 30 amp outlet.

12.9.8.2 Street and yard lights shall be provided in such number and intensity as to ensure safe movement of vehicles and pedestrians at night. A light shall be located at each outside entrance of the service buildings.

12.9.9 **Utility Plans.** Plans for water, sewer, electricity and natural gas along with letters of approval from the appropriate utility provider must be submitted to the Board of Trustees for approval.

12.10 REFUSE DISPOSAL

12.10.1 The storage, collection and disposal of refuse shall be performed so as to minimize accidents, fire hazards, air pollution, odors, insects, rodents or other nuisance conditions.

12.10.1.1 Durable, watertight, easily cleanable refuse containers, sufficient to contain all the refuse, shall be provided at each service building and sanitary waste station, or at a central storage area readily accessible and located not more than three hundred (300) feet from any campsite. All containers for refuse shall be covered with close-fitting, fly tight covers and be bear proof.

12.10.1.2 Refuse shall be collected and removed from the premises as often as necessary, but not less than once weekly during the peak season (May – August).

12.10.1.3 No burning of refuse will be permitted at the recreational vehicle park.

12.11 FIRE PREVENTION AND PROTECTION

12.11.1 All recreational vehicle parks shall comply with the current Fire Code of the Town.

12.11.2 No outdoor fires will be allowed except in grills, ovens, stoves or park-provided fire boxes. Park-provided boxes must be approved by the Fire Department. No open fires are allowed.

12.11.3 Fire hydrants shall be located so that every site within the park can be reached with three hundred (300) feet of hose.

12.12 SANITARY TOILET FACILITIES

12.12.1 Sanitary facilities shall be provided and installed in accordance with the latest edition of the International Plumbing Code adopted by the Town.

12.12.2 Required toilet, lavatory and bathing facilities shall be provided in the following minimum numbers:

12.12.3

Campsites	Toilets		Urinals	Lavatories		Showers	
	M	F	M	M	F	M	F
15	1	1	1	1	1	1	1
16 – 30	1	2	1	2	2	1	1
31 – 45	2	2	1	3	3	1	1
46 – 60	2	3	2	3	3	2	2
61 – 80	3	4	2	4	4	2	2
81 – 100	3	4	2	4	4	3	3
101 – 120	4	5	3	5	5	4	4

M is Male

F is Female

12.12.4 At least one (1) toilet and shower facility shall be ADA compliant.

12.12.5 No portable toilets will be allowed in recreational vehicle parks as a substitute for 10.13.2. They are allowed for temporary use for special events.

12.13 SERVICE BUILDINGS

12.13.1 Service buildings shall be constructed per the adopted codes of the Town.

12.14 SAFETY

12.14.1 All electrical wiring, equipment and appurtenances shall be installed and maintained in accordance with provisions of the National Electrical Code currently adopted by the Town.

12.14.2 Play equipment, when provided for children, shall be designed for safety, maintained in good repair and located in areas free from hazards.

12.14.3 Liquid Petroleum Gas filling stations shall be approved by the State department responsible for such inspections and approvals.

12.14.4 L.P. ground set tanks shall be limited to 125 gallon size for RVs per NFPA58.

12.15 OCCUPANCY CONDITIONS PROHIBITED

- 12.15.1 Recreational sites may not be sold unless the sites have been approved for sale through a Town Subdivision process. Sales include full title, time share or fractional ownership.
- 12.15.2 Any action toward removal of wheels of a recreational vehicle except for temporary purposes of repair or to attach the trailer to the grounds for stabilizing purposes is hereby prohibited.
- 12.15.3 No in-home business is allowed in a recreational vehicle.

12.16 DEVELOPMENT APPLICATION AND SITE PLAN REQUIREMENTS

- 12.16.1 Before any permit is issued for construction and/or operation of any recreational vehicle park, a site plan and required documentation shall be submitted to and approved by the Board of Trustees. The plan shall be prepared by a registered land surveyor or a registered professional engineer, shall be drawn to a scale of no less than 1" = 100', and shall include as a minimum the following:
- 12.16.1.1 Name, address and telephone number of applicant.
 - 12.16.1.2 Location, address and legal description of the entire proposed recreational vehicle park site.
 - 12.16.1.3 Existing zoning of subject property and all adjacent properties.
 - 12.16.1.4 Names and addresses of adjacent property owners.
 - 12.16.1.5 Complete engineering plans and specifications of the proposed recreational vehicle park showing:
 - 12.16.1.5.1 The area and dimensions of the entire tract of land.
 - 12.16.1.5.2 The land uses occupying the adjacent properties.
 - 12.16.1.5.3 The number, size and location of the proposed vehicle sites and other parking areas.
 - 12.16.1.5.4 The location, right-of-way and surfaced roadway width, and surfacing material of roadways and walkways.
 - 12.16.1.5.5 The proposed interior vehicular and pedestrian circulation patterns.
 - 12.16.1.5.6 The location of service buildings, sanitary stations and any other existing or proposed structure.
 - 12.16.1.5.7 The location of water and sewer lines and riser pipes.
 - 12.16.1.5.8 Plans and specifications of the water supply, sewage disposal and refuse facilities.
 - 12.16.1.5.9 The locations and details of lighting, electric and gas systems.
 - 12.16.1.5.10 Plans for drainage, flood control and landscaping.

- 12.16.1.5.11 Plans and specifications of all buildings constructed or to be constructed within the recreational vehicle park.
 - 12.16.1.5.12 Letters of review from utility agencies stating whether they can provide services to the recreational vehicle park.
 - 12.16.1.5.13 Preliminary plat plan shall be drawn on twenty-four (24) inch by thirty-six (36) inch sheet size in blue or black ink.
 - 12.16.1.5.14 An application fee per the Town fee schedule.
 - 12.16.1.5.15 All requirements listed in the Commercial Site Plan requirements not listed in this section.
- 12.16.2** Where a recreational vehicle park development is proposed for construction in a series of stages, a master plan for the development of the entire tract of land shall be submitted along with the detailed plans and specifications for the initial stage, as well as any subsequent stages.
- 12.16.3** After final approval of the final plat by the Board of Trustees, two (2) Mylar originals the final plat with supporting documents shall be submitted to the Town Clerk. The final plat shall conform to the preliminary plat as approved at public hearings, and shall include all changes specified thereon or alterations of the preliminary plat required by the Board of Trustees. One (1) original shall remain with the Town Clerk for the Town's records and one (1) original shall be recorded in the office of the County Clerk and Recorder. All recording fees shall be paid by the developer.

13 MANUFACTURED HOUSING DEVELOPMENT (MFH) DISTRICT

13.1 DEFINITIONS

- 13.1.1 HUD Manufactured homes are constructed according to a code administered by the U.S. Department of Housing and Urban Development (HUD Code). The HUD Code, unlike conventional building codes, requires manufactured homes to be constructed on a permanent chassis.
- 13.1.1.1 The first type was manufactured prior to June 15, 1976 prior to the HUD standards and issuance of HUD tags. These homes are not allowed to be placed in the Town. Existing homes of this type are grandfathered. Grandfathered homes of this type once moved, damaged by fire or unoccupied for more than 12 months are now longer allowed and must be removed within 60 days of losing the grandfathered status.
- 13.1.1.2 The second type of manufactured home is HUD approved and built after June 15, 1976. These homes are allowed in Manufactured Housing Development Districts within the town as long as the installation meets the Towns current adopted building codes.
- 13.1.2 IBC Manufactured Homes
- 13.1.2.1 Modular homes are constructed to the IBC and IRC building codes as site-built homes and are not built on a permanent chassis. These homes are allowed in MFH districts.

13.2 MANUFACTURED HOME DESIGN STANDARDS/BUILDING REQUIREMENTS

- 13.2.1 The manufactured home must be partially or entirely manufactured in a factory.
- 13.2.2 The manufactured home must have brick, wood or cosmetically equivalent exterior siding on all exterior walls which provides a consistent, continuous facade from the bottom of the soffit (top of the wall section) downward to the top of the exposed perimeter foundation. The exterior siding of the manufactured home must have the same appearance as materials commonly used on residential dwellings. Metal siding must be painted or anodized.
- 13.2.3 The main entrance to the manufactured home should face or be oriented toward the street frontage so lots shall be designed to accommodate the proper orientation.
- 13.2.4 No manufactured home shall be occupied for dwelling purposes unless it is properly placed in a manufactured home space and connected to water, sewerage, electric and gas utilities, as appropriate.
- 13.2.5 All manufactured homes shall be certified pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974," 42 U.S.C. §5401, et seq., as amended or shall be certified by the Colorado Division of Housing pursuant to C.R.S. § 24-32-701, et seq.

13.3 GENERAL PROVISIONS -- MANUFACTURED HOUSING DEVELOPMENT (MFH) DISTRICT

13.3.1 Intent. This is a residential zoning district intended primarily for single-family uses on individual lots within a subdivision, consisting of dwellings partially or entirely manufactured in a factory.

13.3.2 MFH – Manufactured Housing Development District Approval Procedure.

13.3.2.1 This District may only be used in conjunction with the Planned Unit Development (PUD) Overlay District and the Subdivision Process.

13.3.2.2 An amendment to the zoning district map to create a MFH zone district shall follow the procedures set forth in the Zoning Article. Prior to, or simultaneously with the application for an amendment to the official zoning map for a MFH district, the applicant shall submit a MFH development plan of the property for review and approval.

13.3.2.3 Prior to, or simultaneously with the application for an amendment to the official zoning map for a MFH district, the applicant shall submit a subdivision plat of the property for review and approval. Development of a Manufactured Housing Development shall be subject to review and approval through the sketch, preliminary, and final plat process in compliance with all the standards of the Major Subdivision Process and consistent with the applicable Land Use Code. Public hearings on these matters may be combined or occur separately.

13.3.2.4 A Manufactured Home Development shall be subdivided for the purpose of dedication of adjacent public streets, internal public streets and ways, utility and other easements and other public facilities, and a final plat recorded as provided by Article 4 of this Code.

13.3.2.5 Development in this district is permitted only in accordance with a MFH development plan and final plat(s) prepared and approved in accordance with the provisions herein. The owners and their successors, heirs, or assigns shall be bound by the approved MFH development plan and final plat(s) including any amendments thereto approved by the Board of Trustees, as provided herein.

13.3.3 General Requirements Applicable to MFH – Manufactured Housing Development Districts.

13.3.3.1 In order to provide uniform administrative procedures and quality development standards, MFH districts shall conform to all provisions of this Code except as such provisions are specifically altered on the approved MFH development plan.

13.3.3.2 Final approval of the MFH - Manufactured Housing Development amendment to the official zoning map and any development within a MFH district shall not occur until a final plat for the portion to be developed is approved and recorded as provided in the Town's Subdivision Regulations.

13.3.3.3 A portion of the gross site area shall be dedicated to the Town for public use as required by the Town's Subdivision Regulations for open space, or cash-in-lieu of land shall be paid.

13.3.3.4 Vesting of property rights in a MFH district accrue only for that portion of the property granted a final plat approval.

13.3.3.5 All public utility distribution lines shall be placed underground.

13.4 MANUFACTURED HOUSING DESIGN STANDARDS

13.4.1 The manufactured home must be manufactured in a factory to HUD, IBC or IRC standards.

13.4.2 The manufactured home must have brick, wood or cosmetically equivalent exterior siding on all exterior walls which provides a consistent, continuous facade from the bottom of the soffit (top of the wall section) downward to the top of the exposed perimeter foundation. The exterior siding of the manufactured home must have the same appearance as materials commonly used on residential dwellings. Metal siding must be painted or anodized.

13.4.3 The manufactured home must have a pitched roof with a pitch of at least a nominal 3/12. The roof must be covered with shingles, metal, or tile. Eaves of the roof must extend at least one (1) foot from the intersection of the roof and the exterior walls.

13.4.4 The main entrance to the manufactured home shall face or be oriented toward an adjacent street.

13.4.5 The transportation mechanisms including the wheels, axles and hitch must be removed.

13.4.6 The manufactured home shall meet or exceed all equivalent performance engineering standards to the same extent as required for other single-family housing units such as snow load.

14 Enforcement

14.1 RESPONSIBLE ENFORCEMENT ENTITY.

- 14.1.1** The Town Board of Trustees, or its designee, shall be responsible for enforcing the provisions of this Code. Any criminal enforcement shall be by the issuance of a complaint and summons to Municipal Court by a peace officer.

14.2 AUTHORIZATION FOR INSPECTIONS.

- 14.2.1** An active application provides the Town with the right to inspect the site subject to the application, or for any public health and safety concern.

14.3 VIOLATIONS AND ENFORCEMENT PROCEDURES. Violations. It shall be a violation of this Code to undertake any of the following activities:

- 14.3.1.1** *Activities Inconsistent with Code.* Erecting, constructing, reconstructing, remodeling, altering, maintaining, expanding, moving, or using any building, structure, or sign, or to engage in development or subdivision of any land in contravention of any zoning, subdivision, sign, or other regulation of this Code, including all required approvals;
- 14.3.1.2** *Land Disturbing Activities Inconsistent with Code.* Excavating, grading, cutting, clearing, or undertaking any other land disturbance activity contrary to the provisions of this Code or without first obtaining all requisite land use approvals required by this Code or other applicable regulations;
- 14.3.1.3** *Nonconforming Uses Inconsistent with Code.* Creating, expanding, replacing; or changing a nonconforming use, structure, lot, or sign except in compliance with this Code;
- 14.3.1.4** *Making Lots or Setbacks Nonconforming.* Reducing or diminishing the lot area, setbacks, or open space below the minimum required by this Code;
- 14.3.1.5** *Increasing Intensity of Use.* Increasing the intensity of use of any land or structure, except in accordance with the procedural and substantive standards of this Code;
- 14.3.1.6** *Activities Inconsistent with Permit.* Engaging in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval, or other form of authorization required to engage in such activity; or
- 14.3.1.7** *Activities Inconsistent with Conditions of Approval.* Failure to comply with any terms, conditions, or limitations placed by the Board of Trustees upon any final development plan, subdivision plat, permit, or other form of authorization.

- 14.3.2** Penalty for Violations. Any person, including but not limited to the officers and agents of a corporation responsible for its actions or inaction, and the partners or members of a partnership, firm or joint venture, either as owner, lessee, occupant, or otherwise, who violates or causes the violation of any of the provisions of this Code, shall be guilty of a separate offense for each and

every day or portion thereof during which a violation is committed, permitted, or continues. Any person convicted of a violation shall be subject only to the fines provided for in ordinances adopted by the Town.

14.3.3 Civil Remedies and Enforcement Powers. In addition to criminal prosecution for violations, the code enforcement officer, the Board of Trustees shall have the following civil remedies and powers to enforce this Code:

14.3.3.1 Notice of Violation and Corrective Action Order.

14.3.3.1.1 Non-emergency Violations. In the case of violations of this Code that do not constitute an emergency or require immediate attention, written notice of the nature of the violation and required corrective action to be taken shall be given to the property owner, agent, occupant, or to the applicant for any relevant permit. Notice shall be given in person, by certified U.S. Mail (return receipt requested) or by posting notice on the premises. The notice shall specify the Code provisions allegedly in violation, and shall state that the individual has a period of thirty (30) days from the date of the receipt of the notice in which to correct the alleged violations before further enforcement action shall be taken. The notice shall also state any appeal and/or variance procedures available pursuant to this Code.

14.3.3.1.2 *Emergency Violations.* In the case of violations of this Code that constitute an emergency as a result of safety or public concern, or violations that will create increased problems or costs if not remedied immediately, the Code Enforcement Officer, Town Clerk or Board of Trustees may use the enforcement powers available under this Article without prior notice, but shall attempt to give notice simultaneously with beginning enforcement action or as soon thereafter as practicable. Notice may be provided to the property owner, agent, occupant, or to the applicant for any relevant permit.

14.3.3.1.3 *Extension of Time for Correction.* The Board of Trustees may grant an extension of the time to cure an alleged violation, up to a total of ninety (90) days, if the Board finds that due to the nature of the alleged violation, it reasonably appears that it cannot be corrected within thirty (30) days.

14.3.3.2 *Deny/Withhold Permits.* The Town Administrator or Building Official may deny and withhold all permits, certificates, or other forms of authorization to use or develop any land, structure, or improvements thereon until the alleged violation related to such property, use, or development is corrected. This provision shall apply whether or not the current owner or applicant for the permit is responsible for the violation.

14.3.3.2.1 Where a property owner, agent, or other person has a record of an outstanding serious violation or violations of this Code, the Town Administrator, Building Official and/or Board of Trustees shall be authorized to deny or withhold all permits, certificates of occupancy, or other forms of authorization for any use or development activity undertaken by such person until the outstanding violation is corrected. This provision shall apply whether or not the property for which the permit or other approval is sought is the property in violation.

SECTION 12.10 MFH DISTRICT APPLICATION SUBMISSION REQUIREMENTS

- 14.3.3.2.2 The denial or withholding of a permit by the Town Administrator or Building Official may be appealed to the Board of Trustees.

14.3.3.3 Revocation of Permits.

- 14.3.3.3.1 *Public Hearing Required.* The Board of Trustees may revoke any development permit, building permit or other authorization, after notice and a public hearing.

- 14.3.3.3.2 *Notice of Public Hearing.* The public hearing on the revocation of a development permit, building permit or other authorization shall be conducted during a regular or special meeting of the Board of Trustees *not* less than seven (7) days, nor more than fourteen (14) days from the date the notice of the hearing is given. Notice of hearing shall be deemed given to the owner, the owner's agent or other person to whom the development permit was issued, upon deposit of said notice in the U.S. Mail, by certified mail, return receipt requested, addressed to the last known address of said person. Additional methods of service may also be utilized to give notice of the public hearing.

- 14.3.3.3.3 *Findings.* Following the public hearing, the Board of Trustees *upon* a finding of the following, may revoke any development permit, building permit or other authorization:

- There is a departure from the approved plans, specifications, or conditions of approval; or
- There is a violation of any provision of the Town Land Use Code; or
- The development permit was obtained by false representation; or
- The development permit was issued in error.

- 14.3.3.3.4 *Notice of Revocation.* Written notice of revocation shall be served upon the owner, the owner's agent, applicant, or other person to whom the permit was issued by certified mail, return receipt requested, or such notice may be posted in a prominent location at the place of the violation. No work or construction or use of the property shall proceed after service of the revocation notice.

- 14.3.3.3.5 Stop Work Order.

- *Issuance of Stop Work Order.* The Town Staff, Building Official, Code Enforcement Officer or Board of Trustees may issue a written order to stop work on any property on which there is an uncorrected violation of either a provision of this Code or a provision of a development permit, building permit or other form of authorization. The stop work order shall specify the Code provisions allegedly in violation. Service of the order shall be given in person, by certified U.S. Mail (return receipt requested) or by posting notice on the premises. After any such order has been served, no work shall proceed on any building, other structure, or tract of land covered by such order, except to correct such violation or comply with the order. The notice shall also state any appeal and/or variance procedures available pursuant to this Code.

- *Timing/Notice.* The stop work order may be issued in conjunction with a notice of violation or subsequent to such notice. The stop work order may also specify a shorter time for correction of the violation than the thirty (30) day period specified above. The stop work order shall also indicate that failure to comply with the order may subject the violator to criminal liability as penalty for the violation(s).

14.3.3.3.6 **Abatement or Injunctive Relief.** The Board of Trustees, through the Town Attorney, may initiate injunction or abatement proceedings or other appropriate legal action in the District Court or other court of competent jurisdiction to abate, remove, or enjoin such violation and to recover damages, costs, and reasonable attorney's fees incurred in the abatement and removal of such violation.

14.3.3.4 **Remedies Cumulative.** The remedies provided for violations of this Code, whether civil or criminal, shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order.

14.3.3.5 **Continuation of Prior Enforcement Actions.** Nothing in this Code shall prohibit the continuation of previous enforcement actions undertaken by the Town pursuant to previous regulations.

14.3.3.6 **Appeals of Enforcement Actions.** Appeals of any order, requirement, decision, or determination made by an administrative official in the enforcement of this Article shall be made to the Board of Trustees.

14.3.3.7 **Liability of Town.** This Code shall not be construed to hold the Town responsible for any damages to persons or property by reason of the inspection or re-inspection, or failure to inspect or re-inspect, or by reason of issuing a building permit, or by reason of pursuing or failing to pursue an action for injunctive relief

15 ANNEXATION

15.1 PURPOSE

15.1.1 The purpose of this Article is to establish a procedure to bring land under the jurisdiction of the Town in compliance with the *Colorado Municipal Annexation Act of 1965*, as amended. This Article, in part, provides supplemental requirements for annexation pursuant to the *Colorado Municipal Annexation Act of 1965*, and is not to be construed as altering, modifying, eliminating or replacing any requirement set forth in that act, or any requirements set forth in other portions of the Town Codes and Ordinances. In the event of a conflict between the Act, the provisions of this Article or any requirements set forth in other portions of the Town Codes and Ordinances, it is the expressed intent of the Board of Trustees that the Act shall control.

15.1.2 Statement of Policy and Review Criteria

15.1.2.1 It shall be the general policy of the Town with respect to annexations and the consideration of annexation petitions that:

15.1.2.1.1 Annexation is a discretionary act. With the exception of an initiated petition for the annexation of an enclave, the Board of Trustees shall exercise its sole discretion in the annexation of territory to the Town.

15.1.2.1.2 The land to be annexed and the uses proposed for the land shall conform to the goals, policies and strategies of the Town Land Use Code and Comprehensive Plan and to the land uses depicted on the Sector Plan Map, as amended.

15.1.2.1.3 Certain public facilities and amenities are necessary and must be constructed as part of any territory annexed to the Town in order that the public needs may be served by such facilities. These facilities include, but not by way of limitation, arterial streets, bridges, public parks and recreation areas, school sites, fire and police station sites, and storm drainage facilities. The annexation of lands to the Town shall be shown not to create any additional cost or burden on the then-existing residents of the Town to provide such public facilities in any newly annexed area.

15.1.2.1.4 The petitioner for annexation shall be responsible for paying the Town's full cost for processing the annexation petition, from initial discussion with Town staff before submittal of the petition, through the approval and recording of the final annexation documents. Annexation documents will not be filed until all fees and reimbursements are paid. The Town is required to pay all the costs of the Annexation Election per CRS 31-12-112(10).

15.1.2.1.5 Annexed areas will not divide tracts of land to prevent further annexation of adjoining parcels. (For example, leaving a "gap" or a "strip" of land between property to be annexed and the adjoining property.)

- 15.1.2.1.6 All tributary surface and subsurface water rights or well permits on the property to be annexed shall be deeded or legally transferred to the Town at the time of annexation. The Town Board of Trustees may require the petitioner to provide the Town with additional water (perfected water rights or augmentation) sufficient to serve the annexed property if the Town Board at its discretion determines the additional water is required to serve the property. The Town may require an engineering study to determine the water demand of the annexed property and the existing town water capacity to be paid by the petitioner. No annexation will be filed until the requirement for sufficient water has been satisfied. Sufficient water must be in the form of perfected water rights for municipal use or water purchased from an approved water augmentation plan. For augmentation water the applicant must provide a plan for an annual source of revenue to pay for the annual augmentation fees from HOA dues or another approved source.
- 15.1.2.1.7 The Town may request the petitioner to agree to a Voluntary Real Estate Transfer Tax for the annexed property up to 1.5%.
- 15.1.2.1.8 The Town shall have in place an “annexation master plan” hereby referred to as the Sector Plan for an area surrounding the Town. The Sector Plan shall be updated when significant changes in the Town Boundary warrant an updated plan.

15.2 ELIGIBILITY FOR ANNEXATION

- 15.2.1 Eligibility for annexation shall be determined by conformity with the requirements of C.R.S. §§ 31-12-104 and 31-12-105, as amended and as determined by the Board of Trustees in their sole discretion.

15.3 PROCEDURE

- 15.3.1 Annexation petitions shall be processed and considered as follows:

15.3.1.1 Step 1: Annexation Pre-Application Conference. The application process begins with a pre-application conference with the Mayor or designated Town Staff member to determine the feasibility of the annexation request. Following this informal meeting, the applicant submits a Letter of Intent requesting annexation, the Annexation Petition, the completed Annexation Application form, annexation maps and supporting documents.

15.3.1.2 Step 2: Annexation Petition Certification and Completion. The petition for annexation or petition for election and all other documents submitted shall be reviewed by Staff for completeness and compliance with the provisions of the *Municipal Annexation Act of 1965*, and the Town Land Use Code. The applicant shall be notified within a reasonable time of any deficiencies or inadequacies in the materials submitted. An incomplete submission shall not be processed, nor referred to the Board of Trustees for a determination of substantial compliance.

15.3.1.3 Step 3: Annexation Petition Referral to Board of Trustees. Upon the staff's determination that the petition and supporting documentation are complete and in compliance with provisions of the *Municipal Annexation Act of 1965*, and the Town Municipal Code, the Town Clerk shall refer the petition to the Board of Trustees as a communication.

15.3.1.4 Step 4: Board of Trustees Determination of Substantial Compliance. The Board of Trustees, without undue delay, shall take the appropriate steps to determine if the petition is in substantial compliance with the *Municipal Annexation Act of 1965*.

- 15.3.2 If the petition is found to be in substantial compliance with the *Municipal Annexation Act of 1965*, the Board/Council may, by the adoption of a Resolution of Intent to Annex, set the annexation (and zoning if requested) for public hearing on a specified date, time, and place, not less than (30) thirty days nor more than (60) sixty days from the effective date of the Resolution, subject to compliance with C.R.S. § 31-12-108.

- 15.3.3 If the petition is found to not be in compliance with the *Municipal Annexation Act of 1965*, no further action shall be taken, except that the determination shall be made by resolution adopted by the Board of Trustees.

15.3.3.1 Step 5: Planning Commission Review and Recommendations. The Planning Commission shall consider the petition for annexation at a regular or special meeting to be held prior to the date of the public hearing before the Board of Trustees. If zoning of the property is requested at the time of annexation, the Planning Commission shall hold a public hearing on the zoning of the property at the same meeting. Notice of the public hearing on zoning shall

be given in accordance with the requirements for an amendment to the zoning map. (Section 3.11)

- 15.3.3.2 The Planning Commission, upon the conclusion of the meeting at which they consider the petition, shall by resolution recommend approval of the petition for annexation with or without modifications and/or conditions, or recommend denial. If zoning of the property is requested at the time of annexation, the Planning Commission shall by resolution recommend approval with or without modifications and/or conditions, or recommend denial of the requested zoning. They shall refer any such recommendation to the Board of Trustees.
- 15.3.3.3 Step 6: Board of Trustees Public Hearing and Action on the Annexation. The Board of Trustees shall hold the public hearing on the petition for annexation, and zoning, if requested in conjunction with the annexation, on the date and at the time set by the Resolution of Intent to Annex. The petitioners shall present evidence in support of the petition, and zoning if applicable. Staff shall testify as to the elements required by statute to be present for annexation. Any person may appear at the hearing and present evidence on any matter related to the annexation petition as determined by the Board of Trustees. The Board of Trustees may continue the hearing to another date without additional notice if the volume of material to be received cannot be presented within the available time for any given session; except that no session of the hearing shall be so continued unless at least one hour of testimony has been heard. All proceedings at the hearing and any continuances thereof shall be recorded, but the recorder's notes need not be transcribed unless proceedings for judicial review are initiated as provided by C.R.S. § 31-12-116.
- 15.3.3.4 At the conclusion of the public hearing, the Board of Trustees shall adopt a resolution containing the findings of fact and conclusions, including:
- 15.3.3.4.1 Whether or not the requirements of C.R.S. § 31-12-104 and 105 and this Article have been met;
- 15.3.3.4.2 Whether or not additional terms and conditions are to be imposed; and
- 15.3.3.4.3 Whether or not an election is required, either as result of a petition for election or the imposition of additional terms and conditions.
- 15.3.3.5 If the Board of Trustees finds that the area proposed for annexation does not comply with the requirements of C.R.S. § 31-12-104 and 105, the annexation proceeding will be terminated.
- 15.3.3.6 If the Board of Trustees finds the following:
- 15.3.3.6.1 The annexation is in compliance with the requirements of C.R.S. § 31-12-104 and 105;
- 15.3.3.6.2 That an election is not required under C.R.S. § 31-12-107 (2);
- 15.3.3.6.3 The petition is found to be signed by the owners of one hundred (100) percent of the area proposed the annexed, exclusive of streets and alleys; and
- 15.3.3.6.4 No additional terms and conditions are to be imposed;

- 15.3.3.7 The Board/Council may annex the land by ordinance without election. The ordinance annexing such area shall include a statement that the owners of one hundred (100) percent of the area petitioned for the annexation. The zoning of the property, if requested with annexation, shall be approved by separate ordinance.
- 15.3.3.8 If the petition is for an annexation election, or the Board of Trustees determines that less than one hundred (100) percent of the owners have signed the petition for annexation, or the Board of Trustees determines that additional terms and conditions should be imposed upon the area proposed be annexed, which are not agreed to voluntarily and in writing by the landowners, the Board/Council shall make appropriate findings by Resolution and order an election to be conducted in accordance with C.R.S. § 31-12-112.
- 15.3.3.9 If the annexation is approved by the eligible electors in accordance with C.R.S. § 31-12-112, the Board of Trustees may by ordinance annex the land. In the event the annexation is not approved by the eligible electors or the vote is tied, the annexation proceeding will be terminated.
- 15.3.3.10 If the Board of Trustees, in its sole discretion, finds that the annexation is not in the best interest of the Town, it may deny the petition by resolution, stating the grounds for such denial. Only in the event of a petition for the annexation of an enclave as provided by C.R.S. § 31-12-107(5) shall the Town be required to annex property.

15.4 POST APPROVAL ACTIONS

- 15.4.1 After final passage of the annexation ordinance, the Town will file one (1) copy of the annexation map with the original of the annexation ordinance in the office of the Town Clerk. The Town will file for recording three (3) certified copies of the annexation ordinance and annexation map with the County Clerk and Recorder. The Town shall request the County Clerk to forward one (1) copy of the annexation map and ordinance to the Division of Local Government in the Colorado Department of Local Affairs and one (1) copy of the annexation map and ordinance to the Department of Revenue of the State of Colorado.
- 15.4.2 In the event that zoning was requested with the annexation, zoning shall be granted by ordinance and copies of the official zoning map amendment shall be recorded with the County Clerk and Recorder in the manner provided by Article 3 of the Town Land Use Code. In the event that zoning was not requested with annexation, the Town shall bring the area annexed under the zoning ordinance and map within ninety (90) days after the effective date of the annexation ordinance in the manner provided by Article 3 of the Town Land Use Code.

15.5 PUBLIC HEARING NOTICES

- 15.5.1 Notice of the public hearing for annexation set by the Resolution of Intent to Annex shall be given in accordance with C.R.S. § 31-12-108. A copy of the Resolution of Intent to Annex, or the petition(s) as filed (exclusive of signatures), together with a notice of the date and time and place set by the Board of Trustees for the public hearing, shall be published once a week for four (4) successive weeks in a newspaper general circulation in the area proposed the annexed. The first publication of such notice shall be at least (30) thirty days prior to the date of the public hearing.
- 15.5.2 A copy of the published notice, together with a copy of the adopted Resolution of Intent to Annex and the petition as filed, shall be sent by certified mail, return receipt requested, to the County

Board of County Commissioners and the County Attorney and any special district or school district having territory within the area to be annexed, at least (25) twenty-five days prior to the date fixed for the public hearing.

15.5.3 A copy of the published notice, together with the “Letter of Intent” provided with the application, the annexation map and the “concept plan” for the development of the property shall be sent by certified mail, return receipt requested, to the owners of real property within three hundred (300) feet of the boundaries of the proposed annexation, irrigation ditch companies whose rights-of-way traverse the property to be annexed and to the mineral estate owners and their lessees of the property to be annexed. Notice provided by the Town to the owners of the minerals estate and their lessees shall not relieve the petitioner(s) from the responsibility of providing notice as required by C.R.S. § 24-65.5-101, *et seq.*

15.5.4 In the case of a “flagpole” annexation, the Town shall also provide notice to abutting property owners as specified in C.R.S. § 31-12-105 as amended.

15.5.5 Petitioner’s Responsibilities - Mailing and Posting Notices, Notice to Mineral Estate Owners and Lessees.

15.5.5.1 The petitioner shall provide the Town with an address list containing the owners of real property within three hundred (300) feet of the property to be annexed, the mineral interest owners and lessees for the property to be annexed, the irrigation ditch companies whose rights-of-way traverse the property to be annexed and the special districts encompassing the property to be annexed. The list is to be prepared and certified by a title insurance company licensed by the State of Colorado, within the thirty (30) days prior to the date of submission of the annexation petition.

15.5.5.2 The petitioner shall provide a sufficient number clasp envelopes to mail notices to all special districts encompassing the property be annexed, the Board of County Commissioners and County Attorney, and referral agencies of the Town, as directed by the Town. The petitioner shall also provide a sufficient number of self-adhesive window envelopes (no return address) to mail notice to the owners of real property and mineral interest owners and lessees identified in the mailing list.

15.5.5.3 The petitioner shall be responsible for posting the property as provided herein, and shall meet with Staff to obtain completed public notice placards and the posting layout. The petitioner shall submit a signed, notarized affidavit certifying that the property was posted on the required date and in the locations as approved by the Town. The petitioner is also responsible for ensuring that the posted notices remain in place, in legible condition until the public hearing is concluded, and for removal of said posted notices after the public hearing is concluded. Notice shall be posted along the public street rights-of-way bordering the property, at least once for every six hundred (600) feet of frontage on said rights-of-way, or as otherwise approved by the Town.

15.5.5.4 The petitioner shall be responsible for providing notice of each public hearing (Planning Commission and/or Board of Trustees) to the owners of the mineral estate on the property to be annexed, and to their lessees, as required by C.R.S. § 24-65.5-101, *et seq.* The petitioner shall certify to the Town Clerk not less than fifteen (15) days prior to the date of the public hearing(s), the petitioner’s conformance with this notice requirement. Reimbursement of Town for Annexation Expenses.

- 15.5.6 The petitioner shall reimburse the Town for its expenses in reviewing and processing the annexation petition, including, but not limited to legal publications, engineering services, attorney fees, consultant fees, reproduction of material, postage, public hearing expenses and recording documents. The Town may require a reasonable administrative fee and a reimbursement agreement upon the submission of a petition for annexation.

15.6 ANNEXATION PETITION AND APPLICATION SUBMITTAL REQUIREMENTS
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- 15.6.1 The following are the submission requirements for an annexation petition. One (1) original and three (3) copies of the following forms, maps, but letters and documents are to be delivered to the Town Clerk with the fees. The documents are to be submitted in separate three-ring binders of suitable size to hold the material. Any forms or letters requiring signatures shall have one original signed and dated in blue ink. The remaining copies may be photocopies of the original. The binders shall contain a table of contents and be tabbed accordingly. Pockets are to be provided in the binder for the folded maps that are submitted.
- 15.6.2 Following staff review and notice of acceptance for referral to the Board of Trustees, the applicant shall provide twenty two (22) copies of the annexation documents. Fourteen (16) sets shall be bound in three-ring binders as above. The remaining twenty-two (6) sets are to be three hole-punched, collated into complete application packets and bound with binder clips only.
- 15.6.3 The name or title of the proposed annexation on all documents and maps must be consistent. All letter size (8 ½" x 11") documents to be filed with the County Clerk and Recorder Office must have one (1) inch margins, or they will be rejected for filing.
- 15.6.4 The Annexation application shall include:
- 15.6.4.1 Letter of Intent. The applicant shall provide a letter of intent addressed to the Board of Trustees to serve as a cover letter to the formal petition, introducing the applicant(s) to the Board of Trustees, requesting annexation of the petitioner's property and describing the development plans for the property, if it is annexed.
- 15.6.4.2 Annexation Application Form. The Town's Annexation Application Form shall be completed, signed and dated. Agreement for Payment of Development Review Expenses Incurred by the Town. The application shall be accompanied a signed standard form Agreement for the Payment of Development Review Expenses Incurred by the Town.
- 15.6.4.3 Petition for Annexation. The applicant shall submit a petition for annexation complying with the requirements of C.R.S. § 31-12-107. The Town's standard form petition shall be utilized. Any deviation from the standard form petition will require review and approval by the Town Attorney before the Town accepts the petition for processing. The applicant is to provide a word processing file of this document if it deviates from the Town's standard form petition.
- 15.6.4.4 The petition shall contain the following statements:
- 15.6.4.4.1 An allegation that it is desirable and necessary that the area be annexed to the municipality.

- 15.6.4.4.2 An allegation that eligibility requirements and limitations have been met or addressed respectively.
 - 15.6.4.4.3 An allegation that the petitioners comprise the land owners of more than fifty (50) percent of the territory included in the proposed annexation area (excluding streets and alleys).
 - 15.6.4.4.4 A request that the annexing municipality approve the annexation.
 - 15.6.4.4.5 If not already included, consent to the inclusion of the property into the *(insert names of any applicable special districts)* as appropriate.
 - 15.6.4.4.6 A waiver of any right to election pursuant to Section 28 of Article X of the Colorado Constitution before a district can impose property tax levies and special assessments.
 - 15.6.4.4.7 The dated signatures of petitioning landowners. Petition signatures must be signed within one hundred eighty (180) days of the date the petition is first submitted to the Town Clerk.
 - 15.6.4.4.8 The mailing address of each signer of the petition.
 - 15.6.4.4.9 The full legal description of land owned by each signer of the petition (if platted, by lot and block; if unplatted, by metes and bounds).
 - 15.6.4.4.10 The affidavit of each petition circulator that each petitioner's signature is valid.
- 15.6.4.5 Annexation Map. Four (4) paper copies of the annexation map are to be provided with the initial submittal. The annexation map shall be signed and sealed by the registered land surveyor or engineer preparing the map, or under whose supervision the annexation map was prepared. The annexation map(s) shall comply with the technical drawing requirements contained in Section 13.10 of this Article. In addition, provide one (1) small format paper copy (not less than 8½" x 11", not more than 11" x 17"). Provide one (1) "Annexation Map Land Surveying Standards Checklist" completed by the Surveyor (attach to the "original" application packet).
- 15.6.4.6 Concept Plan Map. Four (4) paper copies of the concept plan map are to be provided with the initial submittal. The concept plan map(s) shall comply with the technical drawing requirements contained in Section 13.11 of this Article. In addition, provide one (1) small format paper copy (not less than 8½" x 11", not more than 11" x 17").
- 15.6.4.7 Title Commitment. The applicant shall submit proof of ownership in the form of a current title commitment, issued by a title insurance company licensed by the State of Colorado, whose effective date shall be less than (30) thirty days prior to the date of submittal of the annexation petition. Ownership **must** match the ownership listed in the petition. If the legal description of the area to be annexed as shown on the annexation map does not match the legal description of the property owned, because of road rights-of-way or other reasons, then the title policy must certify that the property owned is wholly contained within the described area on the annexation map. If the applicant is not the owner, there shall be provided in addition to the title commitment naming the owner as the insured, a

notarized affidavit by the owner stating the applicant is authorized by the owner to make application for annexation. The applicant is to provide a word processing file of the legal description contained in the title commitment.

- 15.6.4.8 Property Tax Statement. A copy of the prior year's property tax statement for all property to be annexed.
- 15.6.4.9 Mailing List and Envelopes for County, Special Districts, Irrigation Ditch Companies, Mineral Interest Owners and Adjacent Property Owners. The Applicant is to provide a mailing address list and envelopes as required by Section 13.6.D.
- 15.6.4.10 Annexation Impact Report. A draft annexation impact report conforming to C.R.S § 31-12-108.5 should be required for areas of ten (10) or more acres. Any deviation from the Town's standard form will require review and approval by the Town Attorney before the annexation impact report is accepted for processing by the Town. The Town is required to produce an Annexation Report. The applicant is to provide an AutoCAD™ drawing file (within 3 releases of the latest release) of the required "existing conditions" map. An inaccurate, incomplete or poorly drawn "existing conditions" map shall be rejected. The applicant shall reimburse the Town for all outside consulting costs associated with the preparation of the Annexation Impact Report.
- 15.6.4.11 The impact report shall contain the following information:
- 15.6.4.11.1 A map or maps of the municipality and adjacent territory showing the present and proposed boundaries of the municipality in the vicinity of the proposed annexation; the present streets, major trunk water mains, sewer interceptors and outfalls, other utility lines and irrigation and drainage ditches, and the proposed extension of such streets and utility lines in the vicinity of the proposed annexation; and the existing and proposed land use pattern in the areas to be annexed;
 - 15.6.4.11.2 A copy of any draft or final pre-annexation agreement, if available;
 - 15.6.4.11.3 A statement setting forth the plans of the municipality for extending to or otherwise providing for, within the area to be annexed, municipal services performed by or for the municipality at the time of annexation;
 - 15.6.4.11.4 A statement setting forth the method under which the municipality plans to finance the extension of the municipal services into the area to be annexed (those municipal services supplied by the Town);
 - 15.6.4.11.5 A statement identifying existing special districts within the area to be annexed; and
 - 15.6.4.11.6 A statement on the effect of annexation upon local public school district systems including the estimated number of students generated and the capital construction required to educate such students.
- 15.6.4.12 Town Comprehensive Plan Project Summary Worksheet. A completed Town Comprehensive Plan Project Summary Worksheet. This standardized worksheet was developed with the Town Comprehensive Plan. The applicant is required to provide a

narrative response to the series of questions related to the conformance of the project to the goals, policies and strategies identified in the *Comprehensive Plan*. The applicant is to provide a word processing file of the completed worksheet document.

15.6.4.13 Zoning of Property to Be Annexed. If zoning is requested simultaneously with annexation, the petitioner must submit a completed Zoning Application form, provide a Zoning Map for the property, a zoning amendment map amending the official zoning map and pay the application and recording fees. If zoning is not requested simultaneously with annexation, the property is required by statute to be brought under the Town's Zoning Code and Zoning Map within ninety (90) days of the completion of the annexation process.

15.6.5 Annexation Assessment Report. The application is to be accompanied by a narrative report assessing the effect of the proposed annexation upon the community and existing services and facilities. It shall detail the need for any expansion of those services and facilities to accommodate the development proposed for the property being annexed. The narratives shall be one or more paragraphs in length, and adequate to fully explain the needs, concepts and proposed solutions for each of the following:

- 15.6.5.1 An assessment of the community needs for the proposed annexation and land use;
- 15.6.5.2 The economic impact to the municipality of the proposed annexation. This is to include an analysis of short-term and long-term municipal revenues to be generated by the development, short-term and long-term municipal expenses likely to be incurred as a result of the annexation and development, and proposals to mitigate any negative impacts;
- 15.6.5.3 The school impact including an estimated of the number of students to be generated by development of the property, capital construction required to educate the students, and proposals to mitigate any negative school impacts;
- 15.6.5.4 The impact on the existing transportation system and proposals to mitigate any negative transportation impacts upon the community (arterial and collector street improvements, intersection improvements, intersection signalization, alternative modes of transportation, etc.);
- 15.6.5.5 The impact of the proposed development on the existing storm drainage system and proposals to mitigate any negative drainage impacts upon the community (historic rainfall drainage patterns, detention and retention areas, storm sewer requirements, discharged irrigation ditches, floodways and floodplains, etc.);
- 15.6.5.6 The impact of the proposed development on the Town Police Department and proposals to mitigate any impact upon the existing police services (special security needs, additional officers required, additional equipment requirements, etc.);
- 15.6.5.7 The impact of the proposed development on the Fire Protection District and proposals to mitigate any impact upon the existing fire protection services (special fire hazards, fire prevention, fire detection, emergency access, additional equipment requirements, additional manpower requirements, additional fire stations, etc.);
- 15.6.5.8 The impact of the proposed development on the Town of Town park facilities and recreation programs

- 15.6.5.9 The impact of the proposed development on the environment of the Town and proposals to mitigate any negative impact (identify environmentally sensitive areas, endangered species, significant habitats, etc.);
- 15.6.5.10 The short-term and long-term economic development potential for the property (numbers of jobs to be created, sales and use tax generation, property tax generation, utility revenue generation, incentives to be offered, etc.);
- 15.6.5.11 The compatibility of the proposed development with the street master plan as depicted by the *Transportation Map* contained in the Town Comprehensive Plan and proposals for mitigating any negative impact;
- 15.6.5.12 The compatibility of the proposed development with the Town Comprehensive Plan and Sector Plan and any plan amendments that may be necessary for the proposed development;
- 15.6.5.13 The compatibility of the proposed development with the Town Land Use Code and any deviations in setbacks, space requirements, and permitted uses that may be required for the proposed development; and
- 15.6.5.14 A review of existing and adjacent land uses, areas of compatibility or conflict, and possible mitigation measures that may be required for the proposed development. Letters of Support. The application is to be accompanied by letters of support or comments from the following special districts servicing the area to be annexed.
- 15.6.5.15 City of Salida Public Works Department regarding Sanitary Sewer.
- 15.6.5.16 Fire Protection District.

15.7 ANNEXATION AGREEMENT

- 15.7.1 A draft Annexation Agreement shall be provided to the applicant by the Town not less than three (3) weeks prior to the annexation public hearing before the Board of Trustees. This document outlines the responsibilities of the applicant and the Town regarding the provision and extension of streets and utilities, the dedication of water rights and the applicability of Town regulations. Any changes or additions to the standard form Annexation Agreement proposed by the applicant or the Town shall be addressed in the “supplemental provisions” section of the document. If a property to be annexed has multiple ownership, all of the owners must sign the Annexation Agreement. If multiple properties are combined for annexation purposes, but each will be developed separately, separate Annexation Agreements are to be signed by each owner. The final document is to be signed by the applicant and made available to the Town Clerk not less than two (2) weeks before the date of the public hearing on the annexation.

15.8 ANNEXATION MAP TECHNICAL STANDARDS

15.8.1 The annexation map shall be prepared by or under the supervision of a registered professional land surveyor licensed with the State of Colorado. The annexation map shall conform to the following drafting standards and contain the following information. It shall be a neat, clear, permanent, legible and reproducible document. Inaccurate, incomplete or poorly drawn maps shall be rejected.

15.8.1.1 The annexation map shall be an original drawing on 24" x 36" flat, splice less, tapeless and creaseless sheet(s) of double matte mylar film with a uniform thickness of not less than .003 of an inch, using only permanent black ink that will adhere to drafting films, or an acceptable "fix-line" photographic reproduction (emulsion down), or a computer generated reproduction of the original drawing. A margin line shall be drawn completely around each sheet leaving a margin at least one-half ($\frac{1}{2}$) inch on three sides and a margin at least two (2) inches on the left (short) side, entirely blank. Unless otherwise specified, text and numbers are to be large enough to be clearly legible at the scale drawn.

15.8.1.2 Paper copies of the annexation map(s) shall be blue line or black line copies of the original, folded to 12" x 9" size. The applicant shall also provide paper 11" x 17" reductions of the annexation map(s).

15.8.1.3 The annexation map shall be drafted at a scale that best conveys the detailed survey, and confines the drafting error to less than one (1) percent. Acceptable scales are 1"=50' or 1"=100' and for annexations exceeding one hundred (100) acres, 1"=200'. In special instances another scale may be approved by the Town. When an annexation requires multiple sheets, an index shall be provided that delineates the boundaries and identify each sheet number. The scale of a composite map may be different from the individual sheets, as approved by the Town. A "title sheet" containing the certifications and signature blocks shall be provided in the event that the annexation map sheet is too crowded.

15.8.1.4 The title shall be centered at the top of the sheet along the long dimension of each sheet shall include the name of the proposed annexation. A general legal description stating the section, township, range, 6th P.M., Town, County, Colorado, shall be included under the name. On the title sheet (Sheet #1), under the general legal description, include the total acreage. Annexation names may not duplicate existing annexation names.

Example:

PINE VIEW ANNEXATION
TO THE TOWN OF PONCHA SPRINGS, COLORADO
A Part of the E/2 of Section 23, Township __ North,
Range __ West, __th P.M., Town, Colorado
78.05 Acres

15.8.1.5 There shall be a title block in the lower right-hand corner, or along the right-hand margin that contains the name, address and telephone number of the land owner, the developer, and the engineer or surveyor preparing the drawing, an appropriate title for the drawing, the preparation date, sheet number, the preparer's project identification numbers, revision

dates, draftsman's initials, and the electronic drawing file name (matching the AutoCAD drawing file provided to the Town).

- 15.8.1.6 Adjacent to the title block, in the lower right-hand corner, there shall be a legend block which shall include a description of lines, points and symbols, a double-headed north arrow designated as true north and a written and graphic scale.
- 15.8.1.7 Adjacent to the right margin, or in a column to the right of the center of the title page if the page is crowded, there shall be the Town's standard statement of ownership containing a written metes and bounds legal description of the land to be annexed (including the full width of abutting roadways not already within the Town) followed by the owner's signature block(s) and notary block(s), one for each owner or mortgagee.
- 15.8.1.8 Immediately following the ownership certificate, there shall be the Town's standard Surveyor's certificate, signed, dated and sealed by a licensed surveyor or engineer.
- 15.8.1.9 Immediately following the Surveyor's certificate, there shall be the Town's standard certificate blocks for the Planning Commission and Board of Trustees.
- 15.8.1.10 Immediately following the Board of Trustees/City's approval certificate, there shall be the Town's standard recording certificate block for the County Clerk and Recorder.
- 15.8.1.11 A vicinity map that depicts the area to be annexed and the area which surrounds the proposed annexation within a two-(2) mile radius superimposed on a current *USGS Topographical Map*, maintaining the same scale shall be placed on the left side of annexation map, outside the boundary of the area being annexed, or on the left side of the title sheet.
- 15.8.1.12 The annexation map drawing shall contain the following:
 - 15.8.1.12.1 Show the outline of area to be annexed with boldest line.
 - 15.8.1.12.2 For all references, show book, page, map number, etc., and place where publicly recorded.
 - 15.8.1.12.3 Show all recorded and apparent rights-of-way lines of roads both within and without the periphery of land to be annexed; these roads are those which are adjacent, adjoining, contiguous, and/or coincident with boundary. Provide all road names, right-of-way widths at each leg of an intersection, at the point of curve and point of tangent, at dead ends and at angle points; and right-of-way lines with accurate bearings and dimensions including chord lengths and bearings, central angles and radii of all curves. Whenever the centerline of a road has been established or recorded, the date and recording information shall be shown on the Annexation Map.
 - 15.8.1.12.4 Show on the annexation map, next to the boundary of the area proposed to be annexed, a drawing of the contiguous boundary of the Town and the contiguous boundary of any other municipality abutting the area proposed to be annexed. A hatched boundary line shall be used to depict the boundary contiguous to the Town.

- 15.8.1.12.5 Show section, quarter section, and other monument corners. Display ties to section corners and to the State grid, if available, which show dimensions of all primary boundary survey control points with complete monument and location descriptions, all parcel lines showing dimensions with lengths, bearings, and curve data, including chord lengths and bearings, basis of bearings and relation to true meridian and similar data. .
- 15.8.1.12.6 Provided a description of all monuments, both found and set, which mark the boundaries of the property and of all control monuments used in conducting the survey.
- 15.8.1.12.7 Show the location of each ownership tract in unplatted land, and if part or all of the area is platted, the boundaries and plat numbers of plots or of lots and blocks.
- 15.8.1.12.8 Show the names and locations of all abutting subdivisions. The locations of all abutting unplatted parcels and public lands shall be depicted and designated as such.
- 15.8.1.12.9 The ownership identity of all mineral rights shall be designated on the map.
- 15.8.1.12.10 Show the purpose, widths, location (with fine dashed lines) and ownership of all easements and all abutting easements, including but not limited to utility, oil and gas gathering and transmission lines and irrigation ditches (fee or prescriptive). If any easement already of record cannot be definitely located, a statement of its existence, the nature thereof and its recorded reference must appear on the title sheet. The widths of all easements and sufficient data to definitively locate the same with respect to the parcel to be annexed must be shown. All easements must be clearly labeled and identified. If an easement shown on the annexation map is of record, its recorded reference must be given.
- 15.8.1.12.11 All lines, names and descriptions on the annexation map which do not constitute a part of the annexation shall be depicted in dashed or screened lines. Any area enclosed by the annexation, but not a part thereof, shall be labeled "Not a Part of This Annexation."
- 15.8.1.12.12 Accurately locate 100-year floodplains, all existing and proposed watercourses, retention and detention areas, wetlands, aquifer recharge areas, streams, lakes, or inlets on the affected property.
- 15.8.1.12.13 Show clearly the length and bearing of all lines described in the written description.
- 15.8.1.12.14 Show section numbers, quarter section quadrants, township and range lines, and label each.
- 15.8.1.12.15 Show all lines, calls, arcs, etc., described in written description.
- 15.8.1.12.16 Circle or place an ellipse around each location where a detail drawing will be provided, and provide designation for each detail such as "See Detail A."

- 15.8.1.12.17 Show "Point of Beginning" in bold letters with an arrow.
- 15.8.1.12.18 Show "True Point of Beginning" with bold letters and arrow, when appropriate.
- 15.8.1.12.19 A map note shall indicate the total perimeter of the annexation boundary, the contiguous length to the existing Town boundary and the length representing one-sixth (1/6) of the total annexation boundary perimeter.
- 15.8.1.13 An "Annexation Map Land Surveying Standards Checklist" completed by the surveyor shall be provided.
- 15.8.1.14 An AutoCAD™ drawing file (release not older than 2 years of latest release version) of the annexation map(s) and title sheets and all fonts used, shall be provided on IBM formatted 3 ½" floppy disks, or by other acceptable electronic transfer. Large drawing files are to be compressed. If multiple maps are used, one drawing file must combine all the parts into one map showing the entire annexation. AutoCAD™ drawing files (release 12 or higher) of each revision to the annexation map shall be provided at the time the revision is submitted to the Town.
- 15.8.1.15 A word processing file of the legal description shall be provided on an, or by other acceptable electronic transfer. Text must be in uppercase.

15.9 CONCEPT PLAN MAP TECHNICAL STANDARDS

- 15.9.1 The concept plan map shall be prepared by or under the supervision of a qualified land planner or architect. The concept plan map shall conform to the drafting standards of the annexation map. It shall be a neat, clear, permanent, legible and reproducible document. Inaccurate, incomplete or poorly drawn maps shall be rejected.
- 15.9.1.1 Paper copies of the concept plan map(s) shall be blue line or black line copies of the original, folded to 12" x 9" size. The applicant shall also provide paper 11" x 17" and 8½" x 11" reductions of the concept plan map(s).
- 15.9.1.2 The concept plan map drawing shall contain the following:
- 15.9.1.2.1 Show the boundary of the area to be developed;
- 15.9.1.2.2 Provide a written legal description of the area to be developed;
- 15.9.1.2.3 Within the concept plan, show the general location of each proposed land use on the property and the percentage of the whole for each use. General location of land uses may be shown as irregular graphic shapes depicting the approximate size and relationship to adjacent land uses. A table shall be used to list densities and land use by type, including the area of each, the density of residential development and the maximum and minimum lot sizes, and the maximum square footage of commercial and industrial buildings and the maximum and minimum lot sizes;
- 15.9.1.2.4 Within the concept plan, show existing and proposed arterial and collector streets and their relationship to the principal land uses on the site;

- 15.9.1.2.5 Within the concept plan, show existing and proposed major utility lines or facilities and their relationship to the principal land uses on the site;
 - 15.9.1.2.6 Within the concept plan, show contour lines at ten (10) foot intervals, except when there are significant geographical features on the land and a different interval is determined to be more appropriate; and
 - 15.9.1.2.7 Within the concept plan, show significant natural or manmade features on the site and contiguous to the property, including but not limited to, bluffs, tree galleries, lakes and ponds, irrigation ditches watercourses and wetlands.
- 15.9.1.3 An AutoCAD™ drawing file (release not older than 2 years of latest release version) of the concept plan map(s) and title sheets and all fonts used, shall be provided on IBM formatted 3 ½" floppy disks, or by other acceptable electronic transfer. Large drawing files are to be compressed. If multiple maps are used, one drawing file must combine all the parts into one map showing the entire annexation. AutoCAD™ drawing files () of each revision to the concept plan map shall be provided at the time the revision is submitted to the Town

16 Boundary Line Adjustments

16.1 PURPOSE

- 16.1.1 The purpose of Boundary Line Adjustments is to allow for adjustment of property lines between two existing legal parcels without creating any new parcels, new zoning non-conformances or increasing any existing zoning non-conformances.

16.2 LIMITATIONS

- 16.2.1 A boundary line adjustment is limited to no more than three parcels per boundary line application.
- 16.2.2 A parcel may only have one Boundary Line Adjustment per 365 days.
- 16.2.3 More than 3 parcels or serial Boundary Line Adjustments shall submit a re-plat.
- 16.2.4 Boundary Line Adjustments may not decrease a parcel below the minimum lot size for the zone.
- 16.2.5 Boundary Line Adjustments may be used to eliminate non-conformances or reduce non-conformances for a parcel. A boundary line adjustment is not required to eliminate a non-conformance if the combination of the lots sizes is not sufficient as long as it reduces the non-conformance.
- 16.2.6 Boundary Line Adjustments may not create or increase any zoning non-conformance.
- 16.2.7 Each parcel at the completion of a boundary line adjustment may only have one zone for each parcel, Boundary Line Adjustments may not create parcels split across zoning boundaries. The zone boundaries shall be adjusted to the parcel boundaries as necessary. The Board of Trustees may require a rezoning application if the application is changing the zone of a parcel.
- 16.2.8 Boundary Line Adjustments do not require a Public Notice or notification of adjoining land owners as there is no subdivision or zoning changes.

16.3 BOUNDARY LINE ADJUSTMENT PROCESS

- 16.3.1 Applicant has a pre-application conference with Town staff
- 16.3.2 Applicant submits a Land Use Application Form signed by each parcel owner.
- 16.3.3 A title report for each parcel involved must be provided with the application. For single ownership a single title report for the parcels is acceptable.
- 16.3.4 A licensed Surveyor must prepare the boundary line adjustment plat with the town's signature blocks. A signature block must be provided for each parcel owner and notary.
- 16.3.5 Town Staff reviews application for conformance and completeness. Staff may reject applications that are incomplete or non-compliant. The applicants may appeal the staff decision to the Board of Trustees.
- 16.3.6 Staff places the application on the published Town Board Agenda.

- 16.3.7 Town Board considers the application after hearing the Staff report, applicants comments and any public comments.
- 16.3.8 Town Board makes a decision based on a vote of the Board. The findings must include at a minimum the following:
 - 16.3.8.1 The Boundary Line Adjustment does not create any new parcels.
 - 16.3.8.2 The Boundary Line Adjustment does not rezone the primary area of any parcel.
 - 16.3.8.3 The Boundary Line Adjustment does not create any new zoning or building code non-conformances nor increase any existing non-conformances.
 - 16.3.8.4 The Boundary Line Adjustment plat conforms to survey standards and has been signed by the owners of the parcels.
 - 16.3.8.5 The Boundary Line Adjustment conforms to the Land Use Code.