CHAPTER 16 Zoning

ARTICLE I - General Provisions

ARTICLE II - Zoning Procedures

ARTICLE III - Zoning Districts and Maps

ARTICLE IV - Transition District

ARTICLE V - R-1 District

ARTICLE VI - PRD District

ARTICLE VII - UOP District

ARTICLE VIII - Accessory Apartments

ARTICLE IX - Growing Marijuana in Residential Structures for Personal Use

ARTICLE X - Vested Property Rights

ARTICLE XI - Variances

ARTICLE XII - Berm Regulations and Design Standards

ARTICLE XIII - Grading and Excavation Regulations

ARTICLE XIV - Fences

ARTICLE XV - Architectural Design Guidelines

APPENDIX 16-A - Summit County Required Plant Materials List

ARTICLE I General Provisions

Sec. 16-1-10. Rules and definitions.

Sec. 16-1-20. Duties of Town Attorney.

Sec. 16-1-30. Building permit required.

Sec. 16-1-40. Amendments.

Sec. 16-1-10. Rules and definitions.

For the purpose of this Chapter, certain words and phrases used herein shall be defined or interpreted as follows: the word *lot* includes *plot, parcel* or *site* . *Occupied* or *used* shall be construed to also include *intended, arranged* or *designed to be used or occupied* .

Accessory building or structure means a building or structure on the same lot with the building or structure housing the principal use, but housing a use customarily incidental and subordinate to and customarily associated with the principal use.

Accessory use means a use customarily associated with but subordinate to the principal use on the same zoning lot.

Building means any structure having a roof and supported by columns and/or walls.

Building height means the vertical distance of any portion of a structure, excepting any chimney or vent element, as measured from the natural, original grade.

Club means any membership organization including a lodge catering exclusively to members and their guests and whose facilities are limited to meeting, eating and recreational uses and, further, whose activities are not conducted principally for monetary gain.

Conditional use means use by permit approved by the Board of Trustees.

Development application means the process through which all land use reviews are conducted by the Town, beginning with a development application form listing the name of the property owner, the name of the applicant, if different, the legal description of the real property and the various land use review steps proposed by an applicant and approval action by the Town; and including all phases of the project and every subsequent stage of review required by this Code, including any land use review application currently pending before the Town as of the effective date of the ordinance codified herein.

Dwelling, multi-family means a detached principal building containing townhouses, row houses or apartments designed for or used by three (3) or more families, each family living as an independent housekeeping unit, the total number of families in residence not exceeding the total number of dwelling units.

Dwelling, single-family means a detached principal building designed for or used as a dwelling exclusively by one (1) family as an independent housekeeping unit.

Dwelling, two-family means a detached principal building designed for or used as a dwelling exclusively by two (2) families each living as an independent housekeeping unit.

Exterior view means the extent or range of vision directed toward the development from any location beyond the boundaries of the development.

Family means 1) an individual or two (2) or more persons related by blood, marriage or domestic partnership/civil union or 2) an individual or two (2) or more unrelated persons, provided also that the total occupancy does not exceed: a) one (1) person per each four hundred (400) square feet of habitable floor area as defined by Chapter 18 of this Code, excluding any garage; or b) two (2) persons per bedroom. For purpose of this definition, any dwelling not having a separate room designated for sleeping shall be considered to have one (1) bedroom.

Greenbelt means a buffer area of high quality vegetation left substantially intact or supplemented by additional plant materials.

Gross density means the average number of dwelling units per acre for the development or any specific portion thereof.

Gross floor area means the sum of all of the roofed-over floor area of a building, measured from its exterior walls and including all accessory buildings on the same lot.

Home occupation means any use customarily performed within a dwelling by the inhabitants thereof, but which is incidental to the residence use. Such home occupation use shall have no external evidence and shall be operated only by persons residing on the premises.

Independent housekeeping unit means one (1) family having available to them their own cooking (whether stove, oven or microwave oven) and sanitary facilities.

Intensity of use means the qualitative and quantitative levels of activity anticipated for any use.

Interior view means the extent or range of vision originating from within the development and directed to another portion of the development or any surrounding area.

Lot area (net square feet) means the number of square feet included within a lot as measured within the boundaries of the lot, measured on a horizontal plane.

Lot or *site* means a block or other measured parcel intended as a unit for the transfer of ownership or for development.

Net density means the average number of dwelling units per acre, excepting all areas utilized for private roadways, public rights-of-way and easements, for the development of any specific portion thereof.

Open space means an area with few or no structures, relatively light tree cover and capable of sustaining circulation systems and suitable recreational activities.

Parking, off-street means any parking area located wholly within the limits of one (1) or more lots.

Parking space means that part of a parking area, exclusive of drives, turning areas or loading spaces, devoted to parking for one (1) automobile or vehicle.

Plant associations means a community of flora naturally found growing together. For the purpose of this Chapter, a plant association will be distinguished at least by genera, if not species.

Plant succession means the sequence in which one (1) plant association replaces a previous one that was eliminated by natural causes, by man or through an evolutionary process.

Preserved area means an area left completely in its natural state or the same condition in which it was found.

Public building or use means any building open to the general use, participation or enjoyment of the public and owned by the Town, county, state or federal government or by a public utility corporation.

Public utility means, for the purpose of this Chapter only, an electric substation, a gas regulator station, a telephone exchange, a water or sewer pumping station or a water reservoir.

Setback means the distance required by this Chapter between the drip edge of a building or proposed building and the closer of the lot line or the edge of any right-of-way or road, access and pedestrian easements, except for the Timber Creek Estates Development, where the setback will be measured from the property line.

Sewer system means a central or individual system providing a treatment of raw sewage in a manner approved by public authority.

Sign means any structure, poster, banner, insignia, billboard, trademark or other device used to indicate directions, advertise, announce or attract attention; except, that flags and banners of any country, state, city or nonprofit organization shall not be included.

Site specific development plan , for all developments, means the final approval step, irrespective of its title, which occurs prior to building permit application; provided, however, that if the landowner wishes said approval to have the effect of creating vested rights pursuant to Title 24, Article 68, C.R.S., the landowner or his or her designated representative must so request at least thirty (30) days prior to the date said approval is to be considered. Failure to so request renders the approval not a *site specific development plan* , and no vested rights shall be deemed to have been created. A vested property rights agreement signed by the landowner or his or her designated representative must be part of the final submittal of the site specific development plan, and all terms and conditions pertaining to vested rights must be therein set forth prior to final approval granting vested property rights by the Board of Trustees.

Solar device means solar membranes, solar shingles, solar in glass, non-PV technology and solar hot water systems and similar solar technology.

Solar panel means an electrical device consisting of an array of connected solar cells which converts solar energy into electricity or hot water/liquid for space heating or domestic hot water productions. It is also referred to as photovoltaic (PV) panel or solar array.

Structural alteration means any addition to or subtraction of parts of a building, including walls, columns, beams, girders, foundations, doors and windows.

Structure means anything constructed or erected upon the ground, except utility poles, flagpoles or walls and fences less than four (4) feet high. *Structure* includes any solar device or solar panel.

Use means the purpose for which any land, structure or building is designed, maintained or occupied. Use of property allowed under these regulations in a particular district includes construction, establishment, maintenance, alteration, moving onto, enlargement and occupation.

Use by right means any use listed as a principal permitted use in this Chapter in any given zoning district.

Vegetation zones means areas to which certain genera or associations are restricted due to the effects of either altitude or latitude.

(Prior code 6-2-1; Ord. 10-03 §§ 1—3, 2010; Ord. No. 15-07, §§ 1, 2, 7-21-2015; Ord. No. 16-01, § 1, 9-20-2016)

Sec. 16-1-20. Duties of Town Attorney.

If the Town Attorney finds that any of the provisions of this Chapter are being violated, he or she shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He or she shall order discontinuance of illegal use of the land, buildings or structures; removal of illegal buildings or of illegal additions, alterations or structural changes and discontinuance of any illegal work being done; and he or she shall take any other action authorized by this Chapter to ensure compliance with or to prevent violation of its provisions.

(Prior code 6-8-1)

Sec. 16-1-30. Building permit required.

No permit for construction that affects the exterior appearance or footprint of a structure shall be issued without approval of the plans for the structure by the Planning and Zoning Commission. In the case of variances, the Building Official must be in receipt of the written resolution of the Planning and Zoning Commission granting the variance prior to issuing a building permit.

(Prior code 6-8-2; Ord. 05-02 §3, 2005)

Sec. 16-1-40. Amendments.

Any amendment to the zone district regulations, restrictions or boundaries shall be governed by the provisions of this Section.

(1) Amendments may be initiated on application of:

a. Any owner or owner's representative who is the subject of the application; or

b. The Board of Trustees.

(2) Except for amendments initiated by the Board of Trustees, any application for an amendment shall be made on a form prescribed by the Building Official and shall be filed with the Building

Official. The application shall include the following information, unless determined by the Building Official to be unnecessary for consideration of the application:

a. Name and address of the owner and, if the applicant is not the owner, written authorization of the owner to the applicant to make application and act as agent for the owner;

b. Evidence of ownership (such as an informational title commitment) and a legal description for all property to be considered for rezoning;

c. A list of the owners of all properties within the boundaries of the area to be rezoned or changed, and of all properties within three hundred (300) feet of the property proposed to be rezoned or changed. The owners list shall include the name of all owners, their addresses and a general description of the property owned by each.

d. A certified survey map of the area included in the proposed change, showing:

1. Location and boundaries, including dimensions, of the property proposed for rezoning.

2. The acreage or square footage contained within the property proposed for rezoning.

3. All existing land uses in the proposed rezone area.

4. Zoning and existing land uses on all lands adjacent to the proposed rezone area.

5. The location and dimensions for all existing public rights-of-way, including streets, and watercourses within and adjacent to the rezone area.

6. The names of all adjoining subdivisions with lines of abutting lots and departing property lines of adjoining properties not subdivided.

e. A written statement describing the proposal and addressing the following points:

1. Need for the proposed rezoning;

2. Present and future impacts on the existing adjacent zone districts, uses and existing adjacent zone districts, uses and physical character of the surrounding area;

3. Impact of the proposed zone on area accesses and traffic patterns;

4. Availability of utilities for any potential development;

5. Present and future impacts on public facilities and services, including but not limited to fire, police, water, schools and sanitation;

6. The relationship between the proposal and the Joint Upper Blue Master Plan or other master plan adopted by the Town; and

7. Public benefits arising from the proposal.

f. An environmental impact report (if deemed necessary by the Building Official).

(3) When the Building Official has determined the application to be complete, he or she shall schedule a hearing before the Planning and Zoning Commission in accordance with Subsection 16-2-60(b) of this Chapter. Following the hearing, the Planning and Zoning Commission shall recommend approval, approval with conditions or denial of the application, in whole or in part, and shall transmit its recommendation and findings to the Board of Trustees. The Board of Trustees shall conduct a hearing on the recommendation of the Planning and Zoning Commission within thirty-five (35) days of the receipt of the recommendation after giving of notice in accordance with Subsection 16-2-60(c) of this Chapter.

(4) The following criteria shall be considered in reviewing rezoning applications:

a. Is the proposed rezoning justified by changed or changing conditions in the character of the area proposed to be rezoned?

b. Is the proposed rezoning consistent with the Joint Upper Blue Master Plan or other master plan adopted by the Town?

c. Is the proposed use compatible with the surrounding area or uses?

d. Are adequate facilities available to serve development for the type and scope suggested by the proposed zone? (Prior code 6-8-4; Ord. 05-02 §4, 2005)

ARTICLE II Zoning Procedures

Sec. 16-2-10. Development; designated by zoning code and map.

Sec. 16-2-20. Development; approval of plan required; procedure.

Sec. 16-2-30. Deposit and fees for land use development applications.

Sec. 16-2-40. Developer's costs.

Sec. 16-2-50. Permit requirement.

Sec. 16-2-60. Hearings.

Sec. 16-2-70. Revocation and invalidation of permits.

Sec. 16-2-80. Interpretation; conflict with other laws.

Sec. 16-2-90. Liability of Town.

Sec. 16-2-100. Violations, penalties and remedies.

Sec. 16-2-10. Development; designated by zoning code and map.

This Chapter and the Zone District Map designate what development will be permitted in accordance with a development plan for all the land designated.

(Ord. 05-02 §1, 2005)

Sec. 16-2-20. Development; approval of plan required; procedure.

In all zoning districts, no development shall be permitted until the Planning and Zoning Commission by majority vote approves a development plan.

(1) All Planning and Zoning Commission procedures, rules and regulations adopted by the Town shall be followed.

(2) Nothing in this Section shall exempt any applicant from satisfying the requirements of the subdivision regulations of the Town, unless the Board of Trustees determines that an exemption from the requirements of subdivision is appropriate.

(3) Any landowner seeking development permission shall, prior to filing an application for a building permit, file with the Planning and Zoning Commission a prescribed application for approval of a development plan. Review of the application shall be commenced within thirty-five (35) days after the application has been found to be complete. If review is not completed within sixty-five (65) days after commencement of review, it shall be deemed that the Planning and Zoning Commission has made a decision approving the application.

(4) No building, sign or other structure or improvement shall be erected, placed or constructed, nor shall any excavation or importation of dirt be undertaken except in compliance with the development plan approved by the Planning and Zoning Commission or by the Building Official, as hereinafter provided. Furthermore, no completed building or other structure or improvement shall be reconstructed or altered as to use, density, parking requirements, height or lot size unless

such reconstruction or alteration has first been approved by the Planning and Zoning Commission.

(Ord. 05-02 §1, 2005; Ord. 06-01 §1, 2006)

Sec. 16-2-30. Deposit and fees for land use development applications.

Any person applying for a land use development application, including but not limited to an annexation, subdivision, planned residential development, conditional use permit, easement vacation, replat, rezoning, variance, lot line adjustment, or any other land use development application, shall pay all direct costs accrued by the Town as a result of the application and development process, including but not limited to publication of notices, public hearing and professional costs, including engineering, attorney, consultant and recordation fees. In order to ensure that these fees are paid and development pays its own way, as well as the prompt payment of such costs to the Town, all land use applicants shall deposit the following sums with the Town at the time of initial land use development application:

Land Use Application	***Deposit Fees***
Annexations, subdivisions, replats or planned residential developments	$20,000.00 or such lesser amount as determined by the Board of Trustees
Lot line vacation applications	250.00
Lot line adjustments or rezoning requests	500.00
Conditional use permit	300.00
Easement vacation or relocations	1,500.00
Variances	400.00
Any other land use applications	500.00

Any balance remaining after the payment of all costs to the Town shall be returned to the applicant. If the balance on deposit with the Town falls below twenty-five percent (25%) of the initial amount deposited, the applicant shall deposit such additional sums as the Town deems necessary in order to raise the balance to the initial amount deposited. Any dispute regarding the reasonableness or appropriateness of fees charged shall be presented to and resolved by the Board of Trustees.

(Prior code 1-6-3; Ord. No. 15-12, § 1, 10-20-2015)

Sec. 16-2-40. Developer's costs.

In addition to any and all other fees and charges imposed by this Chapter, the applicant for approval of a site specific development plan shall pay all costs incurred by the Town or charged to the Town as a result of the site specific development plan review and/or approval, including but not limited to publication of notices, public hearing and review costs and fees of attorneys, engineers and other consultants. To ensure prompt payment of such costs, the applicant shall deposit two thousand dollars ($2,000.00) with the Town upon submission of the development application. Any balance on deposit remaining after payment of all costs shall be returned to the applicant. If the balance on deposit with the Town falls below five hundred dollars ($500.00), the applicant shall deposit such additional sums as necessary to raise the balance to one thousand dollars ($1,000.00). For any balance due to the Town for costs and/or professional services, statements will be mailed to the applicant. Any such amounts must be paid within thirty (30) days of receipt of the statement. Any and all balance outstanding for greater than thirty (30) days will be assessed interest at the rate of one and one-half percent (1.5%) per month (eighteen percent [18%] per annum). The Town reserves the right to suspend review of an application if the applicant fails to pay fees as required herein. Any dispute regarding the reasonableness or appropriateness of fees charged shall be presented to and resolved by the Board of Trustees. Compliance with this Section shall be deemed to be compliance with Section 16-2-30 of this Chapter. In the event the applicant fails and refuses to pay the outstanding balance due the Town within thirty (30) days of notice of the same, the Town is entitled to exercise all remedies at law and in equity. In the event the Town is forced to pursue collection of any amounts due and unpaid under this provision, it shall be entitled to collect attorney fees incurred in such collection efforts in addition to the amounts due and unpaid.

(Prior code 6-1-7; Ord. 05-02 §2, 2005)

Sec. 16-2-50. Permit requirement.

(a) It is unlawful to erect, construct, reconstruct, alter, move or change the use of any building or other structure or improvement within the Town without obtaining a building permit from the Building Official, and such permit shall not be issued until the plans of and for the proposed erection, placement, construction, excavation, importation, reconstruction, alteration, moving or use fully conform to the zoning regulations then in effect, and unless plans are submitted to the Building Official and approved by the Planning and Zoning Commission.

(b) Miscellaneous permits shall be governed by the following:

(1) Issuance of excavation permit. Any approval granted by the Planning and Zoning Commission for the excavation or importation of dirt shall be issued as a permit by the Building Official upon payment of a fee of twenty-five dollars ($25.00) and shall be valid for a period of ninety (90) days unless extended by the Building Official for good cause shown.

(2) Issuance of failed septic system permit. A permit for replacement of a failed septic system may be issued by the Building Official, without review by the Planning and Zoning Commission, upon payment of a fee of twenty-five dollars ($25.00). Any such permit shall be valid for a period of ninety (90) days unless extended by the Building Official for good cause shown.

(3) Issuance of other permits by Commission. Any other approval granted by the Planning and Zoning Commission and not requiring a building permit, including fences, small structures and architectural changes, shall be issued as a permit by the Building Official upon payment of a fee of twenty-five dollars ($25.00) and shall be valid for a period of one hundred eighty (180) days unless extended by the Building Official for good cause shown.

(4) Reroofing permit. A permit for reroofing, if determined to be in accordance with the regulations for the design and color of roofs, may be issued by the Building Official, without review by the Planning and Zoning Commission, upon payment of a fee as determined by the building code. Any such permit shall be valid for a period of ninety (90) days unless extended by the Building Official for good cause shown.

(5) Same-color restaining permit. A permit for same-color restaining may be issued by the Building Official, without review by the Planning and Zoning Commission, upon payment of a fee of twenty-five dollars ($25.00). Any such permit shall be valid for a period of ninety (90) days unless extended by the Building Official for good cause shown.

(Ord. 05-02 §1, 2005; Ord. 05-05 §1, 2005)

Sec. 16-2-60. Hearings.

(a) Upon filing of an application, the disposition of which requires a hearing before the Planning and Zoning Commission pursuant to this Chapter, a date for the hearing shall be set which shall be not more than thirty-five (35) days from the date of acceptance of the complete application.

(b) The Planning and Zoning Commission shall hold a public hearing on the application, and notice of such hearing shall be published at the expense of the applicant in a newspaper of general circulation within the Town at least fifteen (15) days prior to the hearing date. Further, a copy of such notice shall be mailed to all property owners within three hundred (300) feet of the property in question, by regular mail, at least fifteen (15) days prior to the meeting, and a certificate of such mailing shall be filed with the Planning and Zoning Commission. If a property requiring notification is a condominium project, notice may be mailed to the managing agent, registered agent or any member of the Board of Directors thereof.

(c) The Board of Trustees shall hold a public hearing on any recommendation of the Planning and Zoning Commission for an amendment to any zone district regulations, restrictions or boundaries, and notice of such public hearing shall be published at the expense of the applicant in a newspaper of general circulation within the Town at least fifteen (15) days prior to the hearing date. It shall be sufficient notice to publish a copy of the proposed ordinance containing the amendment and the time and place of the hearing.

(Ord. 05-02 §1, 2005)

Sec. 16-2-70. Revocation and invalidation of permits.

Any building permit authorized by this Chapter, issued in reliance upon any materially false statement in the application therefor or in supporting documents or oral statements, is absolutely void ab initio and shall be revoked.

(Ord. 05-02 §1, 2005)

Sec. 16-2-80. Interpretation; conflict with other laws.

(a) In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements adopted for the promotion of the public health, safety and welfare.

(b) Whenever the requirements of this Chapter are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances or other legislative actions by the Board of Trustees, the more restrictive or that imposing the higher standard shall govern.

(c) Whenever restrictions imposed by this Chapter are either more or less restrictive than regulations adopted by any state or federal agency, the rules or regulations which are more restrictive or which impose higher standards or requirements shall govern.

(d) The foregoing notwithstanding, any application governed by the provisions of Chapter 15 of this Code shall be governed exclusively by that Chapter.

(e) Neither the Planning and Zoning Commission nor the Board of Trustees shall be bound by, or obligated to enforce, the protective covenants of any subdivision.

(Ord. 05-02 §1, 2005)

Sec. 16-2-90. Liability of Town.

This Chapter shall not be construed to hold the Town or its authorized agents responsible for any damage to property or injury to persons by reason of inspection authorized herein, or failure to inspect, or by reason of issuance of a building permit as herein provided.

(Ord. 05-02 §1, 2005)

Sec. 16-2-100. Violations, penalties and remedies.

(a) The erection, construction, reconstruction, alteration, moving, conversion or maintenance of any building or structure and the use of any land, structure or building which is continued, operated or maintained contrary to any provisions of this Chapter is declared to be a violation of this Chapter and unlawful.

(b) Any person convicted of violating any of the provisions of this Chapter shall be punished by a fine as hereinafter provided or, if not hereinafter provided, in accordance with the provisions of Section 1-4-20 of this Code; provided, that each separate act in violation of the provisions of this Chapter, or each and every day or portion thereof during which any separate act in violation of this Chapter is committed, continued, or permitted, shall be deemed a separate offense. The following fines shall apply to any such violation and shall be levied either through the penalty assessment procedure of Rule 210(b)(4), Colorado Municipal Court Rules, or by the court after conviction, in which case the court shall also assess the appropriate court costs:

(1) For all violations involving occupancy of a single-family dwelling by more than a single family:

First offense $250.00

Second offense within 30 days $500.00

Subsequent offense within 30 days $999.00

(c) The Town Attorney shall, immediately upon such violation being called to his or her attention, institute injunction abatement or other appropriate action to prevent, enjoin, abate or remove such violation. Such right of action shall also accrue to any property owner who may be especially damaged by any violation of this Chapter.

(d) The imposition of any penalty under this Chapter shall not preclude the Town or affected property owner from instituting any appropriate action or procedure to require compliance with the provisions of this Chapter.

(e) Any remedies provided for in this Section shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

(Ord. 05-02 §1, 2005; Ord. No. 15-10, § 1, 9-22-2015)

ARTICLE III Zoning Districts and Maps

Sec. 16-3-10. Districts established.

Sec. 16-3-20. Zoning Map.

Sec. 16-3-10. Districts established.

For the purpose of carrying out the provisions of this Chapter, the Town is hereby divided into the following zoning districts:

(1) Transition District. Each tract or parcel of land not subdivided or subject to covenants which is owned as a parcel by one (1) or more persons or corporation on the effective date hereof. The Zoning Map adopted herewith identifies known tracts or parcels, but if others now exist, the map is not exclusive.

(2) R-1 - Low-Density Residential District. This district includes all subdivisions now existing which were by covenant restricted to one (1) single-family dwelling for each platted lot and those heretofore designated residential mountain estates.

(3) PRO - Planned Residential Development District. The appropriate district for the planned residential development of land not exceeding a gross density of six (6) dwelling units per acre and planned according to the requirements set forth hereinafter.

(4) UOP - Undisturbed Open Space District. This district includes lands within the Town which may vary in size but which are required to remain undeveloped and on which no building or structure may be erected, occupied or used except as set forth in Article VII of this Chapter.

(Prior code 6-3-1)

Sec. 16-3-20. Zoning Map.

The location of the zoning districts hereby established are shown on the map entitled "Town of Blue River, Colorado, Official Zoning Map," dated August 16, 2011, and said map, along with explanatory matter thereon, is hereby made a part of this Chapter and the same is adopted and approved. The official map shall be filed at the Town Hall and shall be kept current at all times. All amendments to the map made in conformity with this Chapter shall be recorded on the map within four (4) weeks of its adoption.

(Prior code 6-3-2; Ord. 06-01 §1, 2006; Ord. 11-06 §1, 2011)

ARTICLE IV Transition District

Sec. 16-4-10. Permitted uses.

Sec. 16-4-20. Accessory uses.

Sec. 16-4-10. Permitted uses.

The following uses are permitted in the Transition District: one (1) single-family dwelling unit in each transition district without regard to size, shape or location. The minimum yard setback requirement per lot shall be as follows:

(1) Front yard. The front yard requirement shall be twenty-five (25) feet.

(2) Rear yard. The rear yard requirement shall be twenty-five (25) feet.

(3) Side yards. Each side yard requirement shall be fifteen (15) feet.

Churches, public schools, colleges, public libraries, public museums, community buildings and necessary elements of utilities to serve such uses are also permitted.

(Prior code 6-4-1; Ord. 06-01 §1, 2006)

Sec. 16-4-20. Accessory uses.

Home occupations and accessory uses are permitted.

(Prior code 6-4-2; Ord. 06-01 §1, 2006)

ARTICLE V R-1 District

Sec. 16-5-10. Purpose.

Sec. 16-5-20. Permitted uses.

Sec. 16-5-30. Prohibited purposes.

Sec. 16-5-40. Accessory uses.

Sec. 16-5-50. Site and structure requirements.

Sec. 16-5-60. Off-street parking requirements.

Sec. 16-5-70. Signs and outdoor advertising devices.

Sec. 16-5-80. R-1 Development procedures.

Sec. 16-5-10. Purpose.

The purpose of the R-1 Low-Density Residential District is to encourage low density in the development of land, to preserve the natural and scenic features of open and wooded areas and thereby to preserve the essential character and value of the Town, to facilitate harmonious growth and to understand and respect the physiographic limitations of the environment.

(Prior code 6-5-1)

Sec. 16-5-20. Permitted uses.

The following uses are permitted in the R-1 District: single-family dwelling units and local government buildings, such as Town, fire department or law enforcement buildings, and the necessary elements of utilities to serve such uses.

(Prior code 6-5-2; Ord. 06-01 §1, 2006)

Sec. 16-5-30. Prohibited purposes.

The following uses are prohibited in the R-1 District:

(1) Roads or streets or private drives not terminating on the same lot, other than in a platted access easement.

(2) [Repealed by Ord. No. 15-08.]

(Prior code 6-5-2-1; Ord. 06-01 § 1, 2006; Ord. 10-02 §§ 1, 3, 2010; Ord. 12-05 § 1, 2012; Ord. No. 150-8, § 1, 8-18-2015)

Sec. 16-5-40. Accessory uses.

(a) Home occupations and accessory uses are permitted.

(b) Rental, leasing, subleasing or other leasehold occupation of residential premises is permitted, provided that the following conditions are met:

(1) The total occupancy does not at any time exceed one (1) person per each four hundred (400) square feet of gross floor area, excluding any garage, below ground level basement area and attic storage area.

(2) The total occupancy in any single-family residence shall not exceed two (2) persons per bedroom.

(3) There are no more than three (3) unenclosed off-street vehicles regularly parked on the property unless a variance is granted for good cause, depending upon the characteristics of the neighborhood, the size of the lot and the associated densities.

(Prior code 6-5-3; Ord. 02-2 §3, 2002; Ord. 06-01 §1, 2006)

Sec. 16-5-50. Site and structure requirements.

(a) Lot area, width and yard requirements.

(1) Lot area. The minimum gross lot area per dwelling unit shall be eighty thousand (80,000) square feet.

(2) Lot width. The minimum width per lot shall be one hundred (100) feet.

(3) Yards. The minimum yard setback requirement per lot shall be as follows:

a. Front yard. The front yard requirement shall be twenty-five (25) feet, except as follows: in Rivershore Subdivision, the requirement shall be fifteen (15) feet.

b. Rear yard. The rear yard requirement shall be twenty-five (25) feet, except as follows: in Rivershore Subdivision, the requirement shall be fifteen (15) feet.

c. Side yards. Each side yard requirement shall be fifteen (15) feet.

(4) Waiver of lot area, width and yard requirements. Although the gross density of any lot in a subdivision approved after the effective date of this Code in an R-1 development cannot exceed one (1) dwelling unit per each eighty thousand (80,000) square feet, the Planning and Zoning Commission may, by its discretion, waive lot area, width and yard requirements upon presentation and approval of detailed plans and documents as required herein and a written request from the applicant stating the rationale of the waiver.

(b) Height requirements. The maximum building height of any structure in Zone R-1 shall be thirty-five (35) feet. On steeper lots, where the average slope across the footprint of the proposed structure exceeds fifteen percent (15%), the Planning and Zoning Commission may allow additional height for a limited unobtrusive ridge projection at the downslope terminus of said structure. Such relief will be considered on a case-by-case basis and may not be construed as a blanket waiver for sloping lots in

general. The intent of this requirement is that the roof forms for homes on sloping sites step down with the grade to integrate with the natural setting.

(Prior code 6-5-4; Ord. 06-01 §1, 2006)

Sec. 16-5-60. Off-street parking requirements.

For every dwelling hereafter erected, two (2) off-street parking spaces shall be provided. Each space shall measure at least twelve (12) feet by twenty-five (25) feet and shall be provided with proper ingress and egress.

(Prior code 6-5-5)

Sec. 16-5-70. Signs and outdoor advertising devices.

No signs or outdoor advertising devices shall hereafter be erected, altered, maintained, moved or permitted unless such sign or device conforms with the following regulations. No new sign or device may be erected unless such sign or device conforms to the following schedule of signs permitted:

(1) Permanent signs.

a. Identification signs.

1. Purpose. The purpose of identification signs is to identify premises or occupants of premises.
2. Size. Size is limited to three (3) square feet maximum per sign.
3. Number. One (1) sign is permitted for each street upon which the property faces.
4. Illumination. No illumination is permitted.

b. Subdivision entryway signs.

1. Purpose. A subdivision entryway sign is a sign that is erected on the ground or is supported by one (1) or more columns or poles extended from the ground or from an object on the ground. Such signs are designed for locating and identifying entryway to a subdivision.
2. Size. A subdivision entryway sign shall not exceed twenty-four (24) square feet of visible sign area nor exceed nineteen (19) feet in height.
3. Number. Either one (1) sign is permitted for each subdivision which the subdivision entryway sign is designated to locate and identify, or multiple signs are permitted in a number and amount as may be approved by the Board of Trustees. The Town may temporarily prohibit any sign placement, depending upon the status of the development.
4. Illumination. No illumination is permitted.

c. Handicapped or physically challenged identification signs.

1. Purpose. The purpose of these signs is to identify and notify the public of handicapped or physically challenged persons located or residing within the general area.
2. Size. Size is limited to four (4) square feet maximum per sign.
3. Number. One (1) sign is permitted for each street or within a five-hundred-foot radius of an area where a physically challenged person resides or is located.
4. Illumination. No illumination is permitted.

(2) Temporary signs.

a. Purpose. The purpose of temporary signs is to announce the sale or leasing of a property; public events to be held; the builder, architect or tenant of a proposed building or property; real estate development projects; or election campaigns.

b. Size. Size is restricted to four (4) square feet maximum per sign side and limited to two (2) sides per sign; provided, however, that the developer of a real estate project may erect a "real estate project" identification sign not to exceed twenty-four (24) square feet of visible sign area or ten (10) feet in height, measured from the ground to the top of the sign.

c. Number. Either one (1) sign is permitted for each street frontage upon which the property faces and so placed so that only one (1) sign faces each street; provided, however, that real estate project signs are limited to one (1) sign per real estate project area, or multiple signs are permitted in a number and amount as may be approved by the Board of Trustees. which includes The town's ability to Town may temporarily prohibit any sign placement, depending upon the status of the development.

d. Illumination. None No illumination is permitted.

e. Time limit. Temporary signs must be removed after one hundred eighty (180) days, except for "real estate project signs," which may be located and erected for three hundred sixty-five (365) days. Any application for additional time for temporary sign placement is subject to prior Board of Trustees approval.

(3) Exempt signs. Signs erected by the Town or the Colorado Department of Transportation are exempt from the provisions of this Chapter.

(Prior code 6-5-6; Ord. 06-01 §1, 2006; Ord. 11-09 §1, 2011)

Sec. 16-5-80. R-1 Development procedures.

Residential R-1 Developments shall be subdivided pursuant to Article VII of this Chapter.

(Prior code 6-5-7)

ARTICLE VI PRD District

Sec. 16-6-10. Purpose.

Sec. 16-6-20. Permitted uses.

Sec. 16-6-30. Prohibited purposes.

Sec. 16-6-40. Accessory uses.

Sec. 16-6-50. Site and structure requirements.

Sec. 16-6-60. Off-street parking requirements.

Sec. 16-6-70. Signs.

Sec. 16-6-80. Circulation.

Sec. 16-6-90. Planned residential development procedures.

Sec. 16-6-100. Zoning review.

Sec. 16-6-110. Waiver of required information.

Sec. 16-6-10. Purpose.

The purpose of the PRD - Planned Residential Development is to:

(1) Encourage flexibility and creativity in the residential development of land;

(2) Enhance the design, character and quality of new development;

(3) Maximize the efficient use of land;

(4) Facilitate the harmonious growth of the Town;

(5) Preserve the natural and scenic features of open and wooded areas; and

(6) Understand and respect the physiographic limitations of the environment.

(Prior code 6-6-1; Ord. 06-01 §1, 2006)

Sec. 16-6-20. Permitted uses.

The following uses are permitted in the PRD District:

(1) Churches, public schools, colleges, public libraries, public museums, community buildings and the necessary elements of utilities to serve such uses.

(2) Multi-family dwelling units.

(3) Single-family dwelling units.

(4) Two-family dwelling units.

(Prior code 6-6-2; Ord. 06-01 §1, 2006)

Sec. 16-6-30. Prohibited purposes.

The following uses are prohibited in the PRG District:

(1) Roads or streets or private drives not terminating on the same lot, other than in a platted access easement.

(2) Fences or other similar enclosures.

(Prior code 6-6-2-1; Ord. 06-01 §1, 2006; Ord. 10-02 §§2, 3, 2010; Ord. 12-05 §2, 2012)

Sec. 16-6-40. Accessory uses.

The following accessory uses are permitted:

(1) Accessory uses.

(2) Home occupations.

(3) Sales and management offices.

(Prior code 6-6-3; Ord. 06-01 §1, 2006)

Sec. 16-6-50. Site and structure requirements.

(a) Density. The applicant shall be responsible for justifying the proposed density level in terms of land planning and physiographic data, but in no case shall the gross density exceed six (6) dwelling units per acre of land.

(b) Yard requirements. Yard requirements will be determined upon submission and approval of the preliminary development plans. The applicant shall be responsible for justifying the proposed yard requirements in terms of land planning and fire safety.

(c) Height requirements. The maximum height of structures must be approved by the Planning and Zoning Commission upon review of each planned residential development in relation to the following factors:

(1) Geographical position.

(2) The probable effect on surrounding slopes and hills.

(3) Adverse visual effects imparted to adjoining property owners, other areas of the development, public lands or public rights-of-way.

(4) Potential problems for adjacent sites, both within and out of the development, caused by shade, shadows, loss of air circulation or loss of view.

(5) Surrounding traffic conditions and lines of sight.

(6) Uses within each building.

(7) Fire prevention measures.

(Prior code 6-6-4)

Sec. 16-6-60. Off-street parking requirements.

Off-street parking shall be provided according to the off-street parking provisions of this Chapter.

(Prior code 6-6-5)

Sec. 16-6-70. Signs.

All signs shall conform to the sign provisions of this Chapter.

(Prior code 6-6-6)

Sec. 16-6-80. Circulation.

Circulation shall be determined by review of each planned residential development in order to ensure an adequate internal street system. Public streets must serve all such developments; however, private streets may be incorporated if they meet minimum standards established by the Planning and Zoning Commission, if the owner guarantees in writing that permanent, ongoing maintenance and snow removal will be provided, and if all emergency vehicles will have continuous access to all private roads.

(Prior code 6-6-7)

Sec. 16-6-90. Planned residential development procedures.

Planned residential developments shall be subdivided pursuant to Chapter 17 of this Code.

(Prior code 6-6-8)

Sec. 16-6-100. Zoning review.

At least once every twenty-four (24) months following the approval of a planned residential development, the Planning and Zoning Commission shall review all building permits which have been issued for the development and shall examine the construction which has taken place on the site. If there appear to be violations of any of the provisions of this Chapter or the terms or conditions of the planned residential development approval, the Planning and Zoning Commission shall hold a public hearing on the alleged violations, having first given notice to the planned residential development applicant or owner and all owners of abutting property, including the proper public authority governing abutting public lands. Upon review of the alleged violations, the Planning and Zoning Commission may, if it deems necessary, require that appropriate action be taken to remedy the violation, amend or modify the planned residential development or revoke approval of the planned residential development district.

(Prior code 6-6-9)

Sec. 16-6-110. Waiver of required information.

If a development involves not more than eight (8) dwelling units with a density which is not in excess of two (2) units per acre, the Planning and Zoning Commission may, at its discretion, waive any or all of the above requirements to be replaced by a site plan at a size no smaller than one (1) inch equal to thirty (30) feet, a boundary survey, the proposed location of structures and the circulation system with approximate dimensions, indication of wooded areas and willow thickets, surface waters, location of easements and rights-of-way, and the proposed method of providing sewer, water, ongoing maintenance and the treatment of common areas. A topographic map may be required if topography presents a particular problem.

(Prior code 6-6-10)

ARTICLE VII UOP District

Sec. 16-7-10. Permitted uses.

Sec. 16-7-20. Accessory uses.

Sec. 16-7-30. Prohibited uses.

Sec. 16-7-40. Preservation of natural features.

Sec. 16-7-50. Variances.

Sec. 16-7-10. Permitted uses.

(a) Uses permitted in the UOP - Undisturbed Open Space District are any existing use or use reserved or granted in any instrument of conveyance dated prior to the effective date of this Code.

(b) Areas zoned UOP may be used for underground utilities only, but only so long as the person or entity installing the utility agrees to restore the land to its natural state that existed prior to installation, posts a bond in twice the amount of the estimated cost of installation and removal and provides a permanent surety which guarantees repair and restoration of any property damaged or altered by future maintenance of the installed utility.

(c) Fire hydrants shall be allowed only along or within twenty (20) feet of the outer boundary of any area zoned UOP.

(d) Roadways in existence and located on any parcel of land which is zoned UOP may continue in existence and may be maintained, repaired and paved. Such roadways may not be widened or moved without the approval by motion of a majority of the governing body of the Board of Trustees.

(Prior code 6-7-1; Ord. 06-01 §1, 2006)

Sec. 16-7-20. Accessory uses.

There shall be no accessory uses in a UOP District.

(Prior code 6-7-2)

Sec. 16-7-30. Prohibited uses.

Except as provided in Section 16-7-10 above, no structures, buildings, walls, roads, foundations, signs, fences, posts or poles, of any kind whatsoever, whether temporary or permanent, may be erected, placed, stored or in any way placed upon any area zoned UOP.

(Prior code 6-7-3)

Sec. 16-7-40. Preservation of natural features.

UOP zoned districts shall be preserved in their natural state. Occasional pruning or planting to preserve and enhance the existing flora, fauna and wildlife may be allowed only upon a majority vote of the Board of Trustees.

(Prior code 6-7-4; Ord. 06-01 §1, 2006)

Sec. 16-7-50. Variances.

There shall be no variances in a UOP District.

(Prior code 6-7-5)

ARTICLE VIII Accessory Apartments

Sec. 16-8-10. Purpose.

Sec. 16-8-20. Reserved.

Sec. 16-8-30. Location and design.

Sec. 16-8-40. Number of units allowed.

Sec. 16-8-50. Size of units allowed.

Sec. 16-8-60. Water and sewer.

Sec. 16-8-70. Parking.

Sec. 16-8-80. Compliance with Building and Fire Codes.

Sec. 16-8-90. Impact on neighborhood.

Sec. 16-8-100. Definitions.

Sec. 16-8-10. Purpose.

(a) The purpose of this Article is to permit the construction of accessory apartments in single-family dwellings within R-1 zone districts in the Town subject to the criteria and conditions set forth below.

(b) The provisions of this Article shall apply only to R-1 building sites which exist on lots created by the elimination of a lot line formerly existing between two (2) lots, thus combining two (2) former lots into one (1).

(Prior code 5-5-1)

Sec. 16-8-20. Reserved.

Sec. 16-8-30. Location and design.

An accessory apartment shall be incorporated into the primary residence on the property or a garage serving the primary residence. Residences which contain accessory apartments shall be designed so as to retain a single-family character. An accessory apartment may have a separate kitchen and may have a separate entrance from that of the residence with which it is associated.

(Prior code 5-5-3)

Sec. 16-8-40. Number of units allowed.

(a) Where accessory apartments are permitted, no more than one (1) accessory apartment shall be permitted on each parcel. In order to maintain the single-family character of neighborhoods where accessory apartments are permitted, a maximum of ten percent (10%) of the single-family dwellings in each subdivision filing at build-out shall be approved for accessory apartments.

(b) No accessory apartments may be constructed without the express approval of the Board of Trustees indicated on the plat by the signature of the Mayor and Town Clerk, nor may any accessory apartment be constructed within five hundred (500) feet of an existing or approved unit. The Board of Trustees may decrease this requirement or the ten-percent limitation set forth above when it is determined that sufficient buffering exists to limit the impact of units in close proximity. Buffering may consist of topographic, landscape or other physical features such as roads or vacant properties.

(Prior code 5-5-4)

Sec. 16-8-50. Size of units allowed.

Where accessory apartments are allowed, the square footage in the accessory apartment shall not exceed forty-five percent (45%) of the square footage contained in the primary residence, excluding garage space, or not more than six hundred (600) square feet, whichever is less. In calculating the number of square feet in an accessory apartment to determine compliance with this Chapter, any garage or storage space associated with the accessory apartment shall be excluded.

(Prior code 5-5-5)

Sec. 16-8-60. Water and sewer.

Prior to approval of an accessory apartment, the property owner shall provide proof of adequate water and sewer service to both the primary residence and the accessory apartment. If the unit is served by well and septic, approval of the County Environmental Health Department must be obtained.

(Prior code 5-5-6)

Sec. 16-8-70. Parking.

Each accessory apartment shall be provided with parking only in a designated paved or graveled area with no more than two (2) spaces. Parking may be in tandem or in a garage.

(Prior code 5-5-7; Ord. 06-01 §1, 2006)

Sec. 16-8-80. Compliance with Building and Fire Codes.

Where approval of an accessory apartment is sought by an owner for a unit existing before adoption of this Article, the unit shall be inspected and shall comply with applicable requirements of the Building and Fire Codes [1] [].

(Prior code 5-5-8)

Sec. 16-8-90. Impact on neighborhood.

An accessory apartment shall be established and occupied in a manner which preserves the residential character of the neighborhood where it is located. Total occupancy of the accessory apartment and the primary unit shall not exceed one (1) person for each three hundred (300) square feet or portion thereof contained in the living quarters of the dwelling unit. All other restrictions of this Code, including animal restrictions, shall apply as if to one (1) single-family dwelling. For example, if the zone district restricts a single-family dwelling to two (2) dogs, the dwelling and the accessory apartment combined shall not have more than two (2) dogs.

(Prior code 5-5-9)

Sec. 16-8-100. Definitions.

When used in this Article, the following words and terms shall have the meanings ascribed to them in this Section:

Accessory apartment means a dwelling unit or integral part of the primary residence in an R-1 District used exclusively for rental housing. An accessory apartment requires express approval of the Board of Trustees as set forth in this Article.

Primary residence means the main residential structure on a parcel of land zoned for its use, which structure is used as the base from which the allowable size of the accessory apartment is computed.

(Prior code 5-5-10; Ord. 13-09 §§2, 3, 2013)

FOOTNOTE(S):

--- () ---

See Chapter 18 of this Code. (Back)

ARTICLE IX Growing Marijuana in Residential Structures for Personal Use [2] []

Sec. 16-9-10. Purpose.

Sec. 16-9-20. Permitted use of marijuana—Requirements for use.

Sec. 16-9-10. Purpose.

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

(Ord. No. 15-01, § 1, 2-17-2015)

Sec. 16-9-20. Permitted use of marijuana—Requirements for use.

Any person, for purposes of this subsection and consistent with Article XVIII, Section 16(3)(b) of the Colorado Constitution, who is twenty-one (21) years of age or older who is cultivating marijuana plants for his or her own use may possess, grow, process or transport no more than six (6) marijuana plants with three (3) or fewer being mature, flowering plants, subject to the following requirements:

(1) Such processing, growing, possessing, or transporting of marijuana plants for personal use must be in full compliance with all applicable provisions of Article XVIII, Section 16 of the Colorado Constitution.

(2) Except as provided herein, such marijuana plants are possessed, grown, or processed within the primary residence of the person possessing, growing or processing the marijuana plants for personal use, as defined by subsection (8) below. No more than a total of twelve (12) marijuana plants may be cultivated in a primary residence. If persons living in a primary residence desire to cultivate more than a total of twelve (12) marijuana plants, each person may cultivate no more than six (6) marijuana plants for personal use.

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

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

b. Unusual odors, smells, fragrances, or other olfactory stimulus;

c. Light pollution, glare, or brightness that disturbs others.

(4) Marijuana plants shall not be grown or processed in the common areas of a planned community or of a multi-family or attached residential development.

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

a. Within a single-family dwelling (Group R-3 as defined by the International Building Code): A secured, defined contiguous area not exceeding one hundred fifty (150) square feet within the primary residence of the person possessing, growing or processing the marijuana plants for personal use.

b. Within a multi-family dwelling unit (Group R-2 as defined by the International Building Code): a secured, defined, contiguous area not exceeding one hundred (100) square feet within the primary residence of the person possessing, growing, or processing the marijuana plants for personal use.

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

(6) Such possession, growing and processing of marijuana plants shall meet the requirements of all adopted Town building and life/safety codes, and applicable fire codes, including requirements concerning electrical systems and ventilation systems, as the same may be amended from time to time. Any person cultivating marijuana for personal use shall have an initial building and safety inspection conducted by the Town and shall comply with any conditions of such inspections, and shall submit to periodic building, safety and fire code inspections thereafter.

(7) Pursuant to Section 9-7-113, C.R.S., the use of a compressed flammable gas as a solvent in the extraction of THC or other cannabinoids is prohibited.

(8) The possession, growing and processing of marijuana plants shall meet the requirements of all adopted water and wastewater regulations promulgated by the Town.

(9) Cultivation of marijuana in a residential unit that is not a primary residence is not permitted.

(10) For the purposes of this subsection "primary residence" means the place that a person, by custom and practice, makes his or her principal domicile and address to which the person intends to return, following any temporary absence, such as a vacation. Residence is evidenced by actual daily physical presence, use and occupancy of the primary residence and the use of the residential address for domestic purposes, such as, but not limited to, sleep, preparation of meals, regular mail delivery, vehicle and voter registration, or credit and utility billings. A person shall have only one (1) primary residence. A primary residence shall not include accessory buildings.

(11) For the purposes of this subsection, a "secure area" means an area within the primary residence accessible only to the person possessing, growing or processing marijuana plants for personal use. Secure premises shall be locked or partitioned off to prevent access by children, visitors, or anyone not authorized to possess marijuana.

(Ord. No. 15-01, § 2, 2-17-2015)

FOOTNOTE(S):

--- () ---

Editor's note— Sec. 1 of Ord. No. 15-01, adopted Feb. 17, 2015, added provisions to be designated as Art. XIII, §§ 16-13-10, 16-13-20. Inasmuch as there already exist provisions with those designations, said new provisions have been codified as Art. IX, §§ 16-9-10, 16-9-20 as the discretion of the editor. (Back)

ARTICLE X Vested Property Rights

Sec. 16-10-10. Purpose.

Sec. 16-10-20. Definitions.

Sec. 16-10-30. Scope.

Sec. 16-10-40. Submittal requirements.

Sec. 16-10-50. Notice of hearing.

Sec. 16-10-60. Review criteria and approval.

Sec. 16-10-70. Duration of approval; effect on prior approvals.

Sec. 16-10-80. Notice of approval.

Sec. 16-10-90. Payment of costs.

Sec. 16-10-100. Other provisions unaffected.

Sec. 16-10-110. Combined submittal.

Sec. 16-10-120. Unconstitutionality.

Sec. 16-10-10. Purpose.

The purpose of this Article is to provide procedures necessary to implement the provisions of Title 24, Article 68, C.R.S., which purports to establish a vested property right to undertake and complete development and use of real property under the terms and conditions of a site-specific development plan. By the passage of this Article, the Board of Trustees intends only to provide the procedures necessary to implement the provisions of that legislation.

(Prior code 6-1-6A; Ord. 05-02 §2, 2005)

Sec. 16-10-20. Definitions.

As used in this Article:

Site specific development plan means a plan denominated as such that has been submitted to the Board of Trustees by a landowner or his or her representative describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property and which includes all of the submittal requirements described in Section 16-10-40 below. No plan or other land use document submitted to or approved by the Town shall be deemed a site-specific development plan unless such plan meets all of the requirements of this Article and has been approved at a separate hearing conducted by the Board of Trustees pursuant to this Article.

Vested property right means the right to undertake and complete the development and use of property under the terms and conditions of a site-specific development plan.

(Prior code 6-1-6B; Ord. 05-02 §2, 2005)

Sec. 16-10-30. Scope.

Compliance with this Article shall be the only available method to obtain vested property rights as defined herein. The procedures set forth in this Article shall be available with respect to any land use development project that has reached the stage of an approved preliminary subdivision plan or an approved planned unit development preliminary development plan. Vested property rights shall not be available with respect to any other type of land use approval process within the Town, including without limitation zoning, conditional use permits, annexation or variances.

(Prior code 6-1-6C; Ord. 05-02 §2, 2005)

Sec. 16-10-40. Submittal requirements.

An application for approval of a site specific development plan including all of the following information shall be submitted not less than thirty-five (35) days prior to a public meeting of the Board of Trustees at which the applicant wishes to be considered:

(1) All of the common submittal requirements set forth in Section 8303 of the Summit County Land Use and Development Code, Chapter 8, incorporated by Chapter 17 of this Code. The application fee shall be the same as for a final plat for a major subdivision.

(2) Three (3) copies of the approved preliminary subdivision plan and/or planned unit development preliminary development plan, together with copies of the entire final submittal packet for such plans.

(3) Fifteen (15) paper copies of a proposed final plat for the property and, if applicable, a condominium plat, meeting all of the requirements set forth in this Code.

(4) Three (3) copies of the following supplemental information:

a. A site specific development plan agreement in a form acceptable to the Town Attorney, including a legal description of the property, providing provided that no grading or construction will occur on any portion of the property until such time as a final subdivision plan has been approved for the property and a subdivision improvements agreement has been entered into between the property owner and the Town pursuant to this Code, this chapter, and a performance guarantee has been provided to the Town. Upon approval by the Board of Trustees, the site specific development plan agreement shall be recorded in the office of the County Clerk and Recorder and shall operate as a covenant and equitable servitude upon the land. The agreement shall provide that in the event of a breach, the Town will be entitled to an injunction and damages, and the developer will forfeit its vested rights. Said covenant and servitude shall expire upon the expiration of any vested rights granted pursuant to this Article section or upon the recordation of an approved final plat and approved subdivision improvements agreement for the property pursuant to this Code, this chapter, whichever first occurs.

b. Certification by the County Treasurer that all applicable ad valorem taxes have been paid and are not in arrears.

c. The proposed subdivision protective covenants, if any.

d. Evidence, which need not include evidence of actual filings with any public utilities, that all services, including water, sewage, disposal and street access, will conform to state and local

laws and shall be available to each subdivision lot and condominium unit in a manner permitted by law and the covenants of the subdivision. On double frontage or corner lots, street access shall be designated by the Town Engineer.

e. A copy of the Colorado State Land Survey Monument Record forms for any survey corners as required to be filed by state law.

f. Condominium declarations (applicable if the subdivision includes condominium units) and/or common interest community documents as required by Title 38, Article 33.3, C.R.S., and including the following:

1. A statement defining the character, duration, rights, obligations and limitations of condominium common interest community ownership, including any restrictive covenants affecting individual units;
2. A statement of the method by which the proportionate valuation of common elements shall be assessed to individual units; and
3. Provisions for creating conditions, restrictions and limitations on time-sharing ownership, if applicable.

(Prior code 6-1-6D; Ord. 05-02 §2, 2005)

Sec. 16-10-50. Notice of hearing.

No site specific development plan shall be approved until after a public hearing is held before the Board of Trustees, at a regular or special meeting. This hearing may be combined with other hearings before the Board of Trustees relating to the project. Public notice shall be given by the applicant of the public hearing either separately, or combined with other notices which are required by this Code. Any interested persons shall have an opportunity to be heard at the public hearing.

(Prior code 6-1-6E; Ord. 05-02 §2, 2005)

Sec. 16-10-60. Review criteria and approval.

Review by the Board of Trustees and any decision shall be in conformance with the following:

(1) Conformance of the proposal with this Code;

(2) The compatibility of the proposal with the character of the surrounding area, including but not limited to the architectural character of the neighborhood, the average lot and building sizes in the neighborhood and the relative value of the proposed structure to the value of other structures in the neighborhood;

(3) The desirability for the proposed use in the specific area of the Town;

(4) The potential for adverse environmental effects that might result from the proposed use; and

(5) The potential impact of the proposed use upon the value of property and buildings within the surrounding area.

In addition to the matters set forth therein, the Board of Trustees shall consider whether the proposed site specific development plan conforms with all conditions of approval of the preliminary subdivision plan and/or planned unit development preliminary development plan, as applicable. No site specific development plan shall be approved except by ordinance.

(Prior code 6-1-6F; Ord. 05-02 §2, 2005)

Sec. 16-10-70. Duration of approval; effect on prior approvals.

Approval by the Board of Trustees of a site specific development plan pursuant to this Article shall operate to grant vested rights for a period of three (3) years from the date of the Board of Trustees' final approval action, unless a longer or shorter period is requested by the applicant and is approved by the Board of Trustees, in its sole discretion. In the event amendments to the site specific development plan are proposed and approved, the effective date of such amendments, for the purpose of the duration of the 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. If and only if vested rights are approved by the Board of Trustees pursuant to this Article, such approval shall automatically extend the duration of the approval for preliminary subdivision plans or planned unit development preliminary plans, as applicable, so that such approval periods shall expire at the same time as any vested rights granted pursuant to this Article. If the property owner or his or her successors or assigns fails to submit a complete application for approval of a final subdivision plan or planned unit development final development plan within the vested rights period, then any and all prior approvals for the property shall automatically expire at the end of the vested rights period, and any development or subdivision of the property shall require recommencement of the entire process described in this Chapter.

(Prior code 6-1-6G; Ord. 05-02 §2, 2005)

Sec. 16-10-80. Notice of approval.

Each site specific development plan shall contain the following language:

> APPROVAL OF THIS PLAN MAY CREATE A VESTED PROPERTY RIGHT PURSUANT TO ARTICLE 68 OF TITLE 24, C.R.S., AS AMENDED.

The failure to include this statement in the plan shall preclude the creation of the vested property right. In addition, a notice describing generally the type and intensity of use approved, the specific parcel or parcels of property affected, and stating that a vested property right has been created 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. The applicant shall have the sole responsibility to publish said notice. Failure to publish the notice within the prescribed time period shall preclude the creation of the vested property right unless a new hearing is conducted by the Board of Trustees at the expense of the applicant.

(Prior code 6-1-6H; Ord. 05-02 §2, 2005)

Sec. 16-10-90. Payment of costs.

In addition to any and all other fees and charges imposed by this Code, the applicant for approval of a site specific development plan shall pay all costs incurred by the Town as a result of the site specific development plan review, including, without limitation, publication of notices, public hearing and review costs, legal and engineering fees and recording fees. A deposit may be required, in an amount to be determined by the Mayor prior to the setting of a hearing for a site specific development plan. This deposit shall be used to pay the costs described above.

(Prior code 6-1-6I; Ord. 05-02 §2, 2005)

Sec. 16-10-100. Other provisions unaffected.

Except as expressly set forth in this Section, approval of a site specific development plan does not constitute an exemption from, or waiver of, any other provision of this Code pertaining to the development and use of property.

(Prior code 6-1-6J; Ord. 05-02 §2, 2005)

Sec. 16-10-110. Combined submittal.

The applicant may elect to combine an application for approval of a site specific development plan with an application for approval of a final subdivision plan and/or planned unit development final development plan. In such event, the submittal requirements set forth in this Section may be satisfied as part of the application for approval of the final subdivision plan and/or planned unit development final development plan, and neither the separate application nor the separate fee described in Section 16-10-40 above shall be required. All other provisions of this Article shall still apply.

(Prior code 6-1-6K; Ord. 05-02 §2, 2005)

Sec. 16-10-120. Unconstitutionality.

Nothing contained in this Article is intended to create a vested property right, but merely to implement the provisions of Title 24, Article 68, C.R.S. In the event that said state statute is repealed, or judicially determined to be invalid or unconstitutional to the Town, this Article shall be deemed to be repealed and the provisions hereof no longer effective.

(Prior code 6-1-6L; Ord. 05-02 §2, 2005)

ARTICLE XI Variances

Sec. 16-11-10. Application; public hearing.

Sec. 16-11-20. Approval criteria.

Sec. 16-11-30. Findings required.

Sec. 16-11-40. Decision final.

Sec. 16-11-10. Application; public hearing.

An application for a variance shall be heard by the Planning and Zoning Commission in accordance with Section 16-2-60(b) of this Chapter. The application shall include the following information, unless determined by the Building Official to be unnecessary for its consideration:

(1) Name and address of the owner and, if the applicant is not the owner, written authorization of the owner to the applicant to make application and act as agent for the owner;

(2) Evidence of ownership (such as an informational title commitment) and a legal description for all property to be considered for rezoning;

(3) A list of the owners of all properties within the boundaries of the area to be rezoned or changed, and of all properties within three hundred (300) feet of the property proposed to be rezoned or

changed. The owners list shall include the name of all owners, their addresses and a general description of the property owned by each.

(4) A description of the precise nature of the proposed variance and its operating characteristics, and measures proposed to make the variance compatible with other properties in the vicinity;

(5) A site plan, showing proposed development of the site, including topography, building or structure locations, parking, traffic circulation, usable open space, landscaped area and utilities and drainage features;

(6) Preliminary building plans and elevations sufficient to indicate the dimensions, general appearance, scale and interior plan of all buildings;

(7) Such additional materials as the Planning and Zoning Commission may prescribe or the applicant may submit pertinent to the application and to the findings prerequisite to the granting of a variance.

(Ord. 05-02 §6, 2005)

Sec. 16-11-20. Approval criteria.

The following criteria shall be considered in reviewing applications for a variance:

(1) The relationship of the requested variance to other existing or potential uses and structures in the vicinity;

(2) The degree to which relief from the strict or literal interpretation and enforcement of a specified regulation is necessary to achieve compatibility and uniformity of treatment objectives of this Chapter without grant of special privilege;

(3) The effect of the requested variance on light and air, traffic movement, public facilities and utilities and public safety;

(4) Such other factors and criteria as the Planning and Zoning Commission deems applicable to the proposed variance.

(Ord. 05-02 §6, 2005; Ord. 06-01 §1, 2006)

Sec. 16-11-30. Findings required.

The Planning and Zoning Commission shall make all the following written findings before granting a variance:

(1) That the granting of the variance will not authorize a use not permitted by the zoning regulations of the Town;

(2) That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties having the same classification in the same district;

(3) That the granting of the variance will not be detrimental to the public health, safety or welfare, materially injurious to properties or improvements in the vicinity or prevent the proper access of light and air to adjacent properties;

(4) That the strict, literal interpretation and enforcement of the specified regulation would result in unnecessary physical hardship inconsistent with the objectives of this Chapter;

(5) That the circumstances found to create a hardship were not created by the owner, are not due to or the result of general conditions in the zone district and cannot reasonably be corrected; and

(6) That the variance would not be out of harmony with the intent and purpose of this Chapter.

(Ord. 05-02 §6, 2005)

Sec. 16-11-40. Decision final.

Any decision of the Planning and Zoning Commission shall be final unless an appeal is taken to a court of competent jurisdiction pursuant to Section 31-23-307, C.R.S.

(Ord. 05-02 §6, 2005)

ARTICLE XII Berm Regulations and Design Standards

Sec. 16-12-10. Policy statement and applicability.

Sec. 16-12-20. Design standards.

Sec. 16-12-30. Permit required; financial guarantee.

Sec. 16-12-40. Contents and timing of application.

Sec. 16-12-50. Inspection of berm.

Sec. 16-12-60. Sight distance triangle.

Sec. 16-12-70. Existing berms.

Sec. 16-12-80. Variances.

Sec. 16-12-10. Policy statement and applicability.

It is the purpose and intent of the Town to ensure that all berms are constructed and landscaped to appear as consistent as possible with the natural landscaping of the existing natural areas within the Town. All berms that are to be constructed that are greater than two (2) feet in height (as measured from original ground level), or larger than four hundred (400) square feet of surface area, shall require submittal and approval of an application for such construction from the Planning and Zoning Commission.

(Ord. 05-08 §2)

Sec. 16-12-20. Design standards.

All berms within the Town shall be designed and constructed in accordance with the following design standards:

(1) Maximum height of berms shall not exceed eight (8) feet, as measured from existing grade to the top of the crown of the berm.

(2) Maximum slope of the berm shall not be greater than one to two (1:2) as a vertical rise to horizontal run.

(3) Berms shall be designed with both horizontal and vertical undulations so that the top of the berm undulates and so that the sides of the berm form a serpentine-like pattern. Vertical undulations shall be at least fifty percent (50%) of the maximum height. Horizontal undulations shall be at least twenty-five percent (25%) of the maximum width. The Planning and Zoning Commission shall review all berm plans for approval to ensure that there are enough horizontal and vertical undulations to make the berm naturally appearing to be consistent with the natural surroundings.

(4) Berms shall be tied into existing grades along the entire length of their perimeter to ensure that berms are naturally appearing.

(5) Berms along property lines shall not be longer than two-thirds (2/3) of the length of the property line they adjoin (as measured from the toe of the slope at each end of the berm). This length shall be measured only along portions of the berm over two (2) feet in height. Adjacent property owners may propose to build one (1) longer berm along the length of the adjacent properties, provided that the overall length does not exceed two-thirds (2/3) of the combined lot length that the berm adjoins.

(6) Berms shall be compacted prior to planting, landscaping or revegetation.

(7) Berms shall be landscaped in their entirety at final grade with at least two (2) inches of topsoil. If topsoil is not used, the applicant may use two (2) inches of mulch (straw, hay, wood cellulose, etc.) prior to seeding. The top soil or mulch must be tilled at least four (4) inches deep into the soil prior to seeding. Straw and hay shall be certified as free of noxious weeds and shall not be in a state of decomposition so as to smother or retard the growth of natural grasses or groundcovers used by the applicant. Naturally occurring materials should be used throughout the berm site, such as natural logs, stumps, decorative dead trees and larger rocks of varying sizes or other naturally occurring materials. The entire berm area shall be landscaped with grass, shrubs, perennials, groundcovers, annuals and trees. It is the applicant's responsibility to ensure that the landscaped ground surface, as if viewed from above, covers at least eighty percent (80%) of the ground surface in a uniform manner, with no sizable bare spots. The groundcovers shall be free from weeds as identified by the County as invasive, noxious or otherwise nuisance weed species. The establishment and maintenance of revegetation is the responsibility of the applicant on both a short- and long-term basis; or of any new property owner if the property is transferred. Plantings of grass, groundcovers or flower seeds shall occur within ten (10) days following the surface soil preparation.

(8) Naturally occurring trees shall not be "buried" or incorporated within the berm so as to cause the trees to die unnaturally from piling up and stacking of soils above and around the natural ground level surrounding the tree trunks.

(9) All seed mixes, trees and shrubs, perennials, groundcovers and annuals shall conform to the Summit County Land Use and Development Code (Appendix 3-2), Required Plant Materials List (see Appendix 16-A of this Chapter). This Appendix lists species of plants, shrubs and mixes to assist the applicant with proven plants for use at the Town's high altitude and in limited growing conditions (semi-arid environment, short growing season, short frost-free period, extremely cold winters, etc.). The applicant shall take into consideration if there are proper water rights for use on the landscaped areas in case additional water is necessary for supplementing natural precipitation. The aforementioned Appendix lists types of vegetation to use for three (3) different ranges of precipitation.

(10) Landscaping of all berms shall take into account and be designed to be protected from snow storage areas and from snow sliding off of roofs. Hardy landscaping plants that will not be damaged by snow storage shall be located in those areas so affected by snow piled upon or against the berm.

(Ord. 05-08 §2)

Sec. 16-12-30. Permit required; financial guarantee.

(a) A permit for the construction of a berm is required. Such permit may be issued upon approval of the Planning and Zoning Commission and payment of the permit fee in the amount of one hundred dollars ($100.00). Such permit will expire eighteen (18) months after issuance.

(b) A financial guarantee in the form of a cash bond, in an amount to be determined by the Planning and Zoning Commission based upon cost estimates, shall be paid to the Town, prior to the issuance of a

permit to construct a berm. Such bond will be refunded upon approval by the Town of the full completion of the construction of the berm, including required landscaping. The Town shall hold these funds in a non-interest-bearing account. The funds may be commingled with other Town funds. If the construction of the berm, including landscaping, is not completed within eighteen (18) months from the date of issuance of the permit, the Town may contract for the completion, including landscaping, and deduct any incurred expenses from the bond. Any unused funds shall be returned to the applicant upon final completion of the berm, including landscaping.

(Ord. 05-08 §2)

Sec. 16-12-40. Contents and timing of application.

(a) The berm construction and landscaping application shall include at a minimum the following items:

(1) Property address and name and address of the owner of the property; depiction of property lines, easements, structures, driveways, snow storage areas and utilities; location of berms; proposed revegetation materials to be used; and, if requested by the Planning and Zoning Commission, an Improvement Location Certificate (ILC).

(2) A sketch of the proposed berm, with items shown as close to scale as possible (including the placement of the listed materials, along with any natural materials used, such as trees, stumps, large rocks, etc.), together with a narrative describing the project and an estimated time of completion.

(b) Additional plans and details may be required by the Planning and Zoning Commission after review of the scope and size of the submitted application and plans.

(c) All plans and applications shall be submitted to the Building Official at least fourteen (14) business days prior to the next regularly scheduled Planning and Zoning Commission meeting in order to be placed on that meeting agenda. Applications and plans must be complete when submitted, as determined by the Building Official, in order to be scheduled and reviewed by the Planning and Zoning Commission.

(Ord. 05-08 §2)

Sec. 16-12-50. Inspection of berm.

The berm shall be inspected by the Building Official, and approval of the construction, including landscaping, shall be given unless the Building Official determines that construction of the berm is not in accordance with the requirements of this Article. Any determination of the Building Official may be appealed to the Planning and Zoning Commission, provided that notice of such appeal is presented in writing to the Town Clerk within ten (10) days of the action to be appealed.

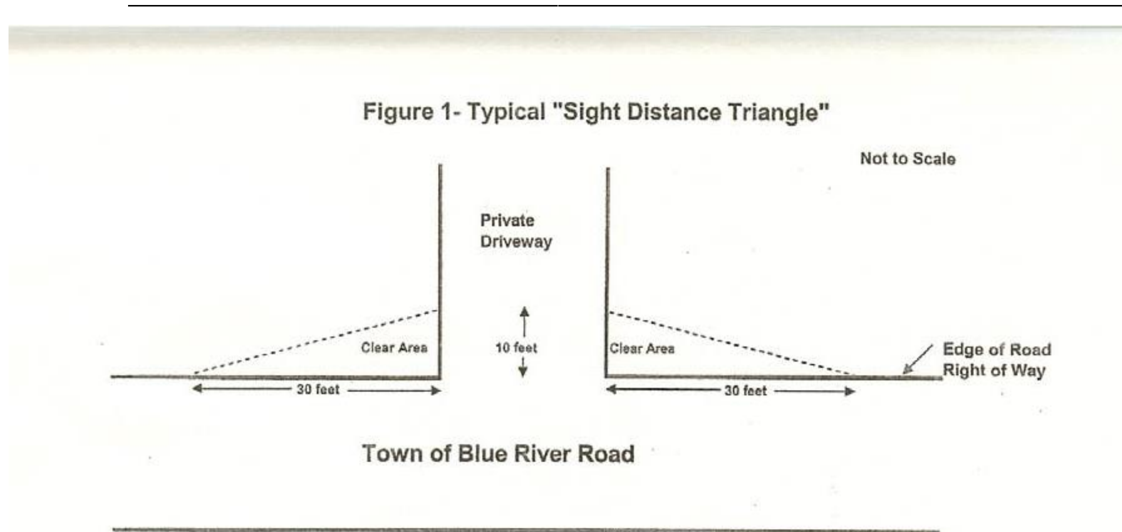
(Ord. 05-08 §2)

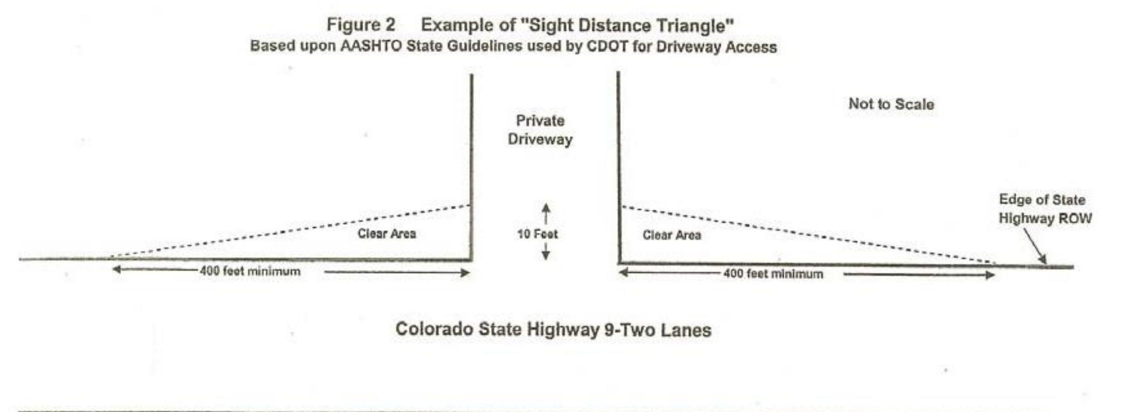
Sec. 16-12-60. Sight distance triangle.

For safety and visibility purposes, a sight distance triangle shall be maintained at all street intersections and where driveways intersect Town streets (See Figure 1). The length of the legs and the method of measurement shall be as stated in Chapter 5 of the Summit County Road Standards. No landscape materials, earth berming or other visual obstructions between three (3) feet and eight (8) feet shall be allowed within this sight distance triangle. In the case of any new driveway accessing Colorado State Highway 9, the property owner shall first obtain a permit approval from the Colorado Department of Transportation (CDOT), Region One (303-757-9123). As a general rule, the CDOT provisions call for a

"sight distance triangle" of ten (10) feet (from the edge of State Highway 9 right-of-way into and along the driveway accessing Highway 9), by four hundred (400) feet, minimum, along the road length of Highway 9 (See Figure 2). In this example, this ten-foot-by-four-hundred-foot triangle must not have any objects interfering with a line of sight from a height of twenty-seven (27) inches above the ground. CDOT uses the American Association of State Highway Traffic Official codes (AASHTO) to determine the exact dimensions of the triangle when a property owner applies for a state access permit, taking into account posted speeds, traffic density, road slopes, etc. In the case of existing berms or other objects that may be within the sight distance triangle within existing access driveways or roads that intersect Colorado State Highway 9, the Town may request CDOT to determine if said existing driveways or roads conform to the current AASHTO codes. If not, the property owner may be required to comply with state minimum standards within a reasonable time period. This regulation is a highway safety measure and is not intended to prohibit the planting of trees or retention of existing trees in the sight distance triangle, if they are pruned so that all branches are higher than seven (7) feet as measured from the ground surface.

(Ord. 05-08 §2)





Sec. 16-12-70. Existing berms.

Berms constructed prior to the adoption of the ordinance codified herein must be brought into compliance within one (1) year after the effective date of said ordinance. The Planning and Zoning Commission will notify each property owner to submit a plan which will be reviewed, with the goal of

minimizing any further earth disturbance or excavation. It is the intent of this Section to cause all existing berms to be landscaped with suggested vegetation as closely as possible to the requirements of this Article, utilizing grasses, shrubs, trees or other naturally occurring materials. Existing berm heights and all side slopes may be approved for existing berms as a variance in order to minimize disturbances on a site-specific basis. In the case of existing berms that appear not to meet CDOT sight distance triangle provisions for access to Colorado State Highway 9, the Town may request CDOT to evaluate the site for compliance with state regulations for highway access.

(Ord. 05-08 §2)

Sec. 16-12-80. Variances.

Variances may be granted by the Planning and Zoning Commission for any existing or new berm in accordance with Chapter 16, Article XI of this Code.

(Ord. 05-08 §2)

ARTICLE XIII Grading and Excavation Regulations

Sec. 16-13-10. Regulations authorized.

Sec. 16-13-20. Permit required.

Sec. 16-13-30. Financial guarantee.

Sec. 16-13-40. Expiration.

Sec. 16-13-50. Nonconforming property.

Sec. 16-13-10. Regulations authorized.

The Planning and Zoning Commission is authorized to adopt grading and excavation regulations, which regulations shall become effective upon approval by the Board of Trustees.

(Ord. 06-05 §1, 2006)

Sec. 16-13-20. Permit required.

A grading and excavation permit must be obtained prior to any person undertaking any earth-disturbing activity, including but not limited to grading, excavating, clearing of timber, vegetation, revegetation or landscaping activity, if the area of the activity is:

(1) More than four hundred (400) square feet of surface area;

(2) An excavation or placement of earth greater than three (3) feet in height or depth from original ground levels, including test holes for percolation tests for the design of septic systems or soils tests for foundation/ structure designs; or

(3) Final vegetation or revegetation of the entire surface of a septic or leach field system approved by the Summit County Department of Environmental Health, whether or not four hundred (400) square feet in area.

No permit shall be required for emergency work, as shall be defined by the regulations, or for activity covered by a valid building permit. Work not requiring a permit shall nevertheless conform to the requirements of the regulations.

(Ord. 06-05 §1, 2006)

Sec. 16-13-30. Financial guarantee.

(a) No permit application shall be approved unless the applicant shall have provided a financial guarantee of completion of grading and revegetation acceptable to the Building Official. The amount of the guarantee shall be calculated on the basis of one dollar and fifty cents ($1.50) per square foot of disturbed area. *Disturbed area* means all adjacent and/or other associated areas of disturbance or uprooting of trees or vegetation resulting from the construction activity, including but not limited to new roads or parking areas; graded or run-over areas disturbed to provide materials, equipment or other storage needs; or any other, similar area determined by the Building Official to be disturbed.

(b) In calculating the disturbed area, the Building Official shall exclude areas of completed construction, including but not limited to residences, garages, paved roads, sheds, patios, gazebos and decks. In the case of septic or leach field systems, the entire area of disturbance, including areas containing the installed system, shall be included.

(Ord. 06-05 §1, 2006)

Sec. 16-13-40. Expiration.

Any permit issued under this Article shall expire twelve (12) months from the date of issue.

(Ord. 06-05 §1, 2006)

Sec. 16-13-50. Nonconforming property.

Any property having exposed, unvegetated slope areas from side hill cuts, filled pad slopes or other cuts and fills that are exposed and not vegetated shall be stabilized and revegetated in compliance with the grading and excavation regulations within nine (9) months of approval of the regulations.

(Ord. 06-05 §1, 2006)

ARTICLE XIV Fences

Sec. 16-14-10. Permit required.

Sec. 16-14-20. General guidelines.

Sec. 16-14-30. Violations and penalties.

Sec. 16-14-10. Permit required.

(a) Permit required. No fence or enclosure of any kind shall be permitted without issuance of a fencing permit. It shall be unlawful to erect or construct any fence or enclosure within the Town of Blue River without having first received a permit to do so.

(b) Permit application procedures. Animal control fences or enclosures may be permitted pursuant to the application procedure set forth as follows:

(1) A written application for a permit to construct a fence or other enclosure shall be submitted to the Planning and Zoning Commission.

(2) The application shall contain the name and address of the applicant, a description of the type of fence or enclosure to be erected, a site plan showing the location of

the proposed fence or enclosure and a description or sample of the materials to be used for such fence enclosure.

(3) Upon receipt of the application, the Planning and Zoning Commission shall conduct a public hearing pursuant to Section 16-2-60 of this Chapter and shall grant or deny the application for the erection of a fence or enclosure. Any approval of an application shall be conditioned upon the applicant signing a fence permit agreement agreeing to all regulations set forth herein.

(Ord. No. 150-8, § 2, 8-18-2015)

Sec. 16-14-20. General guidelines.

(a) Purpose. The purpose of a fence or enclosure shall be to restrain animals with the applicable Planning and Zoning Review Fee.

(b) Style. Aesthetically, the fence or enclosure shall be of a style that will complement the architecture of the neighborhood and generally blend with the natural surroundings as much as possible. Fences or enclosures shall be constructed of natural materials. The typical chain link or wire fence will not be approved. Anodized, colored or dull wire shall be used only as secondary materials and must be concealed by the primary material.

(c) Location. Fences or enclosures shall be erected away from property lines and town roads outside building setbacks and attached to the premises so to be as unobtrusive as possible. The fence must blend with the home and surroundings and be adjacent to or attached to the home.

(d) Height and design. Fences or enclosures shall not enclose more than four hundred (400) square feet, and no fence shall be more than thirty-five (35) feet on any side. Fences and enclosures shall not be more than five (5) feet high. Such fences and enclosures should have an open, low mass look, such as the look of a split rail fence.

(Ord. No. 15-08, § 2, 8-18-2015)

Sec. 16-14-30. Violations and penalties.

(a) Failure to follow above regulations will result in revocation of said permit.

(b) It shall be unlawful for any person to violate any of the provisions of this Chapter and any person violating the provision of this Chapter shall be guilty of a misdemeanor and, upon conviction, such person shall be punished as provided in [Chapter 1,] Article IV of this Code.

(c) In addition to all other remedies or penalties provided herein, the Municipal Judge may require any person violating this Chapter to remove, at his or her own expense, any fence or enclosure violating this Article. Failure to remove the fence or enclosure in accordance with an order of the Court shall be a further violation of this Article.

(Ord. No. 15-08, § 2, 8-18-2015)

ARTICLE XV Architectural Design Guidelines

Sec. 16-15-10. Adoption.

Sec. 16-15-20. Penalties for violation.

Sec. 16-15-10. Adoption.

(a) The Architectural Design Guidelines, originally promulgated August 2015 and updated December 2018, by the Town of Blue River, Colorado, is hereby adopted by reference as if fully set out in this Article.

(b) No person at any time shall construct, reconstruct, refinish, alter or maintain any improvement upon any property within the Town of Blue River, or make any change in the natural or existing surface, drainage or plant life thereof, without compliance with the Architectural Design Guidelines, as adopted and as they may be amended.

(Ord. No. 18-05, § 1, 1-15-2019)

Sec. 16-15-20. Penalties for violation.

(a) It shall be unlawful for any person to construct, reconstruct, refinish, alter or maintain any improvement upon any property within the Town of Blue River in violation of the Architectural Design Guidelines. A person who violates the Architectural Design Guidelines may be fined in an amount not to exceed the maximum fine amount authorized in Section 1-4-20 of this Code.

(b) The Town may also enforce any provision of the Architectural Design Guidelines in any manner permitted by law or equity including, but not limited to, enjoining any unlawful action or requiring the removal or abatement of any condition found in violation of the Architectural Design Guidelines.

(Ord. No. 18-05, § 1, 1-15-2019)

APPENDIX 16-A Summit County Required Plant Materials List

Due to the high altitude and limitations on growing conditions in Summit County (semi-arid environment, short growing season, short frost-free period, etc.), a list of required plant materials and seed mixes is included to aid in selecting plants that have proven to be appropriate for this area. However, if wetland setbacks or wetland areas are approved for either soil disturbance or mitigation, wetland areas dictate a different group of plants not covered by this list.

Grass Mixes		
Short Grass Mixture	**X**	
Perennial Ryegrass	25%	A premium lawn mix for consistently watered and mowed lawns. Similar mix as used in sod. Not recommended for wildflowers.
Chewings Fescue	30%	

Kentucky Bluegrass, Limousine	20%	
Kentucky Bluegrass, Marquis	20%	
Annual Ryegrass	5%	
Short Dry Grass Seed Mixture	**XX**	
Hard Fescue	30%	Drought-tolerant, low-growing grass mix that can be left unmowed. Requires little water once established. Use with wildflowers only if not watering on a regular basis. With regular watering, this mix will out-compete wildflowers. Grows 6" to 8" in height.
Creeping Red Fescue	30%	
Sheep Fescue	25%	
Canada Bluegrass	10%	
Canby Bluegrass	5%	
Aggressive Grass Seed Mixture	**XXX**	
Smooth Bromegrass	15%	Quick cover mix that contains tall nonnative aggressive grasses. Provides a crop or field look. Use for erosion control and reclamation. For very steep slopes and poor soils. With water, can grow to 4' in height. Do NOT use with wildflowers and not recommended for home properties.
Crested Wheatgrass	15%	
Intermediate Wheatgrass	10%	
Kentucky Bluegrass	10%	
Orchardgrass	10%	
Creeping Red Fescue	10%	

Tall Fescue	10%	
Perennial Ryegrass	5%	
Timothy	5%	
Mountain Bromegrass	5%	
Annual Ryegrass	5%	
Summit Hills Grass Seed Mixture	**XXX**	
*Slender Wheatgrass	25%	Mixture of primarily bunch-type grasses to provide a "natural" look. With water, can grow to 3' in height. Good companion with wildflowers. * Denotes native
Hard Fescue	20%	
*Sheep Fescue	20%	
Tall Fescue	15%	
*Big Bluegrass	10%	
*Canby Bluegrass	10%	
Native High Country Grass Seed Mixture	**XXX**	
Slender Wheatgrass	30%	100% native mix. With water, can grow to 3' in height. Good companion for wildflowers. This mix meets Summit County and Town of Breckenridge recommendations for reclamation.
Canby Bluegrass	15%	
Big Bluegrass	10%	
Idaho Fescue	10%	
Sheep Fescue	10%	

Western Wheatgrass	10%	
Blue Wildrye	5%	
Rocky Mountain Fescue	5%	
Tufted Hairgrass	5%	

X = Thrives in slightly dry conditions. Once established, these plants generally require about 1" of water per week.

XX = Thrives in dry conditions. Once established, these plants generally require about ½" of water per week.

XXX = Thrives in very dry conditions. Once established, these plants generally require about ½" of water every two weeks.

Trees and Shrubs
X
Aspen
Balsam Poplar
Mayday
Narrowleaf Cottonwood
Shubert Chokecherry
Crabapple, Radiant and Spring Snow
Colorado Spruce
Colorado Blue Spruce
Subalpine Fir

Antelope Bitterbush
Cherry, Cistena (Purpleleaf Plum)
Chokecherry, Black
Chokecherry, Native
Chokecherry, Shubert's
Mugo Pine
Rose, Redleaf
Serviceberry
Spirea, Rock or Ashleaf
XX
Bristlecone Pine
Engelmann Spruce
Limber Pine
Lodgepole Pine
Rocky Mountain Douglas Fir
Honeysuckle, Carnold's Red
Juniper
Kinnikinick
Lilac, Canadian and Common
Maple, Ginnala (Amur)

Mountain Ninebark
Peking Cotoneaster
Potentilla
Raspberry, Wild
Rose, Woods
XXX
Buffaloberry, Russet or Silver
Currant, Alpine
Currant, Golden
Currant, Red Lake
Currant, Squaw or Wax
Fernbush
Gooseberry, Pixwell and Whitestem
Sage, Big Leaf
Siberian Peashrub

X = Thrives in slightly dry conditions. Once established, these plants generally require about 1" of water per week.

XX = Thrives in dry conditions. Once established, these plants generally require about ½" of water per week.

XXX = Thrives in very dry conditions. Once established, these plants generally require about ½" of water every two weeks.

Perennials, Groundcovers and Annuals

X	XX	XXX
Aiuga	Alyssum	Cushion Spurge
Basket of Gold	Anthemis	Evening Primrose
Bellflower	Aster	Flax, Blue
Candytuft	Baby's Breath, Creeping	Gaillardia
Columbine	Bishop's Weed	Penstemon, Rocky Mtn.
Coral Bells	Black-Eyed Susan	Penstemon
Daisy, Shasta and Painted	Border Jewel	Pussytoes
Delphinium	Daylily	Sulphurflower
Edelweiss	Dianthus	Bachelor Buttons
Fireweed	Erigeron/Fleabane	California Poppy
Foxglove	Geum	Salvia
Geranium	Goldenrod	
Harebell	Hens and Chicks	
Lady's Mantle	Iceplant	
Lamium	Iris, Bearded	
Liatris	Jacob's Ladder	
Maltese Cross	Lamb's Ears	
Pansy	Oregano	
Purple Coneflower	Pasque Flower	

Snow in Summer	Peony	
Soapwort	Phlox, Creeping	
Sweet Woodruff	Poppy, Iceland	
African Daisy	Poppy, Oriental	
Bacopa	Potentilla, Creeping	
Marguerite Daisy	Rockcress	
Nasturtium	Salvia	
Viola	Sandwort	
	Scabiosa	
	Sea Pink	
	Sedum, Autumn Joy	
	Sedum, Dragon's Blood	
	Sedum, species	
	Silver Mound	
	Statice	
	Sunrose	
	Thyme	
	Veronica, Creeping	
	Veronica, Turkish and Wooly	
	Yarrow	

	Cosmos	
	Dahlberg Daisy	
	Dusty Miller	
	Gazania	
	Nierembergia	
	Petunia	
	Vinca Vine	
	Four O'Clock	
	Marigold	
	Mossrose	
	Twinspur	

X = Thrives in slightly dry conditions. Once established, these plants generally require about 1" of water per week.

XX = Thrives in dry conditions. Once established, these plants generally require about ½" of water per week.

XXX = Thrives in very dry conditions. Once established, these plants generally require about ½" of water every two weeks.

(Ord. 05-08, 2005)