

TOWN OF COLUMBINE VALLEY

ZONING CODE and LAND USE MANUAL

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TOWN OF COLUMBINE VALLEY

ZONING CODE AND LAND USE REGULATIONS

ARTICLE I

GENERAL PROVISIONS

SECTION 1. TITLE AND AUTHORITY

- A. This Ordinance of the Board of Trustees of the Town of Columbine Valley, Colorado, ("Town") establishes land use classifications; divides the Town into zone districts; imposes regulations, prohibitions, procedures and restrictions; governs the use of land for residential and non-residential purposes; regulates and limits lot occupancy; determines the requirement for open space; establishes standards of performance and design; adopts a map of said land use districts; prescribes procedures for changes and modifications of districts; provides for the land development and subdivision process, uses by special review, variances and other permits; allows for non-conforming uses, structures and land; provides regulations for accessory uses and buildings; provides for the adjustment, amendment and enforcement thereof; defines certain terms; provides a means of appeal; prescribes penalties for violations of its provisions; and repeals existing Town of Columbine Valley zoning ordinances, regulations and amendments thereof. Only Articles I-V are adopted by this Ordinance; Articles VI-XIII are adopted by resolution.
- B. The Town of Columbine Valley Zoning Code and Land Use Regulations are authorized by Title 31, Article 23, Part 3 of the Colorado Revised Statutes (CRS), as amended, and are hereby declared to be in accordance with all provisions of these statutes.
- C. The Town has the authority to plan for and regulate the use of land and to administer and regulate areas and activities of special interest as might be delineated in the Master Plan under authority of CRS Title 31, Article 23, Part 2, as amended.

SECTION 2. SHORT TITLE

For the purpose of brevity, the Town of Columbine Valley Zoning Code and Land Use Regulations shall hereinafter be referred to as "these Regulations."

SECTION 3. PURPOSE

These Regulations shall be for the purpose of promoting the health, safety, convenience, order, prosperity and/or welfare of the present and future inhabitants of the Town of Columbine Valley, Colorado, by managing the congestion on the streets and roads or reducing the waste of excessive amounts of roads, securing safety from fire and other dangers, providing adequate light and air, classifying land uses and land development, protecting the tax base, securing economy in governmental expenditures, and providing for the implementation of the goals and policies of the Master Plan or other policies approved by the Board of Trustees.

SECTION 4. JURISDICTION

These Regulations shall apply to all properties within the incorporated area of the Town of Columbine Valley, Colorado.

SECTION 5. ZONING DISTRICTS

The Town of Columbine Valley is hereby divided into the following zoning districts:

A	Agriculture
R-1	Residential
CC	Country Club
MUPD	Mixed Use Planned Development
RPD	Residential Planned Development
EPD	Equestrian Planned Development
REPD	Residential Estate Planned Development (Reserved)

SECTION 6. ZONING MAP

The location and boundaries of the zoning districts hereby established are shown on the map entitled Zoning Map, Town of Columbine Valley, Colorado. The Zoning Map is included as Appendix A of these Regulations.

SECTION 7. APPLICATION OF THESE REGULATIONS

After the effective date of these Regulations, but subject to Article II, Section 7 of these Regulations dealing with non-conforming uses, land and structures:

- A. Any new building or other structure, and any tract of land may be used for any purpose permitted or required by these Regulations for the district in which such building, other structure or tract of land is located, and for no other purpose.

- B. No zoning district or land use shall be modified, altered or amended without following the planned development (PD) process and receiving the Board of Trustees' approval of a PD , as provided for in these regulations.

Exception: any single-family residence in an established A or R-1 zone district.

- C. The provisions of these Regulations are applicable not only to private persons, agencies, corporations and organizations, but also to all public agencies and organizations to the full extent that they may be enforceable.

SECTION 8. EXISTING PERMITS, EASEMENTS, PD PLANS AND OTHER APPROVALS

These Regulations are not intended to abrogate, annul, govern or prevail over any permit, easement, final PD plan or other approval issued prior to the effective date of these Regulations.

SECTION 9. OVERLAPPING REGULATIONS

Except with respect to approved final PD plans, whenever a provision of these Regulations, other law, ordinance, resolution, rule or regulation of any kind contains any restrictions that cover the same subject matter, the more restrictive requirements shall govern.

SECTION 10. VIOLATIONS

Land in the Town of Columbine Valley shall not be used, nor any building or structure erected, constructed, enlarged, altered, maintained, moved or used in violation of these Regulations or amendments thereto. The Board of Trustees, through the Town Attorney and courts of appropriate jurisdiction, which includes the Town of Columbine Valley Municipal Court, may initiate legal or other appropriate action to prevent, abate or remove such unlawful use, maintenance, erection, construction, reconstruction or alteration, in addition to any other remedies provided by law. Any such violation of these Regulations shall be considered unlawful and a public nuisance.

SECTION 11. ENFORCEMENT

- A. All officials, employees and consultants of the Town of Columbine Valley vested with the duty or authority to issue permits shall not issue any permit, certificate or license in conflict with the provisions of these Regulations. Any approvals issued in conflict with the provisions of these Regulations shall be null and void. It shall be the duty of the Town Administrator of the Town of Columbine Valley, or his/her designee, to enforce the provisions of these Regulations pertaining to the use, maintenance, erection, construction, reconstruction, alteration, moving, conversion or addition to any building or structure.

B. Right-of-Entry

The Building Inspector, Town Administrator or any duly authorized person shall have the right to enter upon any premises at any reasonable time for the purpose of making inspections of buildings or premises necessary to perform his/her duties in performance of this title.

C. Liability

The enforcing official, or his/her authorized representative charged with the enforcement of these Regulations acting in good faith and without malice in discharge of his/her duties, shall not thereby render himself/herself personally liable for any damage that may accrue to persons or property as a result of any act or by reason of any act or omission in the discharge of his/her duties. The Town will indemnify and hold harmless the enforcing official or his/her authorized representative in any suit initiated against the enforcing official or authorized representative due to such act or omission performed by him/her in the enforcement of provisions of these Regulations.

SECTION 12. PENALTIES

Failure to comply with any of the provisions of this these Regulations, unless a variance has been authorized by the Board of Adjustment, shall upon conviction be punishable by a fine of not more than \$1,000 or imprisonment for a period of not more than one year, or both. Each day that such a violation continues to exist shall be considered as a separate offense.

SECTION 13. INVALID PROVISIONS

If any part, subpart, section, paragraph, sentence, clause or phrase of these Regulations is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of these Regulations.

SECTION 14. REPEAL AND EFFECTIVE DATE

- A. All zoning regulations heretofore adopted by the Board of Trustees, whether they are amendments, extensions or initial legislation, are hereby declared null and void and superseded by these Regulations.
- B. Such repeal shall not affect or prevent the prosecution or punishment of any person for the violation of any Regulation repealed hereby, for any offense committed prior to the repeal.
- C. These Regulations are effective as of 30 days after publication of the Ordinance and Resolution(s) adopting these Regulations.

SECTION 15. VESTED PROPERTY RIGHTS

A. Purpose

The purpose of this section is to provide the procedures necessary to implement the provisions of CRS Title 24, Article 68, as amended, relative to the creation of vested property rights.

B. Site-Specific Development Plan Defined

1. For all developments, including developments for any portion of a parcel of land, "site-specific development plan" shall mean the final approved PD plan in the Town of Columbine Valley. However, the Board of Trustees may by agreement with the landowner, or applicant on behalf of the landowner, designate an approval other than the said final approved PD plan step to serve as the site-specific development plan approval for a specific project. In the event a final development is approved for the property covered by a previously approved site specific development plan, the final development plan shall prevail.
2. The cover page of any set of documents that is intended to constitute a site-specific development plan shall contain the following language: "This plan constitutes a site-specific development plan pursuant to this section and CRS Sections 24-68-101 et seq., and establishes the vested property rights for three years from its effective date to undertake and complete the development and use of the property in accordance with this plan."
3. A site-specific development plan shall not include a variance, a preliminary plan as defined in CRS Section 30-28-101 (6) or any of the following:
 - a. A sketch plan as defined in CRS Section 30-28-101 (8), CRS; (8);
 - b. A final architectural plan;
 - c. Final construction drawings and related documents specifying materials and methods for construction of improvements.

C. Amendments to Site-Specific Development Plan

In the event amendments to a site-specific development plan are approved, the effective date of such amendments, for purposes of duration of a vested property right, shall remain the date of the approval of the original site-specific development plan unless the Board of Trustees specifically finds to the contrary and incorporates such finding in its approval of the amendment.

D. Approval Effective Date

A site-specific development plan shall be deemed approved upon the effective date of the approval action relating thereto by the Board of Trustees. Such approval shall be subject to all rights of referendum and judicial review except that the period of time permitted by law for exercise of such rights shall not begin to run until the date of publication in a newspaper of general circulation within the jurisdiction of the Town granting the approval of a notice advising the general public of the site-specific development plan approval and creation of a vested property right pursuant to this section. Such publication shall occur no later than 14 days following approval.

E. Other Provisions of Law Unaffected

Approval of a site-specific development plan pursuant to this section shall not constitute an exemption from, or waiver of, any other provisions of the Municipal Code of the Town of Columbine Valley or any other ordinances of the Town.

F. Exception to Vesting of Property Rights

A vested property right once established as provided by this section precludes any zoning or land use action by the Town or pursuant to an initiated measure which would alter, impair, prevent, diminish or otherwise delay the development or use of the property as set forth in the site-specific development plan except:

1. With the consent of the affected landowner;
2. Upon the discovery of natural or manmade hazards on or in the immediate vicinity of the subject property, which hazards could not reasonably have been discovered at the time of the site-specific development plan approval, and which hazards, if uncorrected, would pose a serious threat to public health, safety and welfare;
3. To the extent that the affected landowner receives just compensation for all costs, expenses and liabilities incurred by the landowner, including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal and other consultants' fees incurred after approval by the Board of Trustees together with interest thereon at the legal rate until paid; just compensation shall not include any diminution in the value of the property which is caused by such action, nor shall it include any claim for consequential damages or any claim for loss of profits; or
4. That the establishment of a vested property right pursuant to law shall not preclude the application of ordinances or regulations that are general in nature and are applicable to all property subject to land

use regulation by the town, including, but not limited to, building, fire, plumbing, electrical and mechanical, housing and dangerous building codes.

G. Notice and Recording

In addition, within 30 calendar days of the approval or act that creates a vested property right as described in Paragraph 15.B, of this Section, the owner of the property upon which the vested property right exists, or his/her authorized designee, shall submit two sets of twenty-four inch by thirty-six inch (24" x 36") photographic Mylar copies of the approved plan or plat and containing the language required in Paragraph B.2 of this section.

H. Other Provisions of Law Unaffected

Approval of a site-specific development plan pursuant to this section shall not constitute an exemption from, or waiver of, any other provisions of the municipal code of this Town or any other ordinances of the Town.

ARTICLE II

ZONING DISTRICT REGULATIONS

SECTION 1. AGRICULTURE (A) DISTRICT

A. Intent

To provide for low density residential and agricultural activities within the Town of Columbine Valley. Unless specifically modified by the Board of Trustees' the permitted and accessory uses, and development standards, shall be as specified in this Section.

B. Principal Permitted Uses

1. Not to exceed one single-family dwelling unit except as provided herein.
2. The keeping and sale of agricultural products, including livestock, and small animals that are raised on the property, and the sale is conducted by the owner of the property or the resident of the dwelling unit. Any sales activity shall be clearly incidental to the primary permitted uses. Any sales activity that creates a traffic impact, glare or noise that, in the sole discretion of the Board of Trustees, adversely affects the adjacent property owners is not permitted.
3. Group home for eight or fewer developmentally disabled or elderly persons subject to Article III, Section 1 of these Regulations.

C. Accessory Uses

1. Buildings and uses customarily appurtenant to the permitted agricultural use, not to exceed two per acre or a total of 12 buildings.
2. Home occupations as specified in Article III, Section 2 of these Regulations.
3. The keeping of not more than six agricultural animals per acre, not to include more than three large animals (e.g., horses, cows) per acre.
4. Greenhouse not to exceed 600 square feet (600 sq. ft.) gross floor area (GFA).
5. Temporary structures related and necessary to construction activity during the period the primary structures are being constructed.
6. Mother-in-law apartment/dwelling unit as specified in Article III, Section 6 of these Regulations.

7. Electrical, gas, cable TV and telephone lines and facilities subject to Article III, Section 5 of these Regulations.
8. Wells, irrigation, water supply, sanitary sewer and drainage activities subject to Article III, Section 4 of these Regulations.

D. Use by Special Review

The Board of Trustees may approve the following as a use by special review in accordance with Article VII, Section 5 of these Regulations:

1. Public and quasi-public uses.
2. Non-commercial wind energy systems.
3. Private garages, enclosed or partially enclosed, capable of housing more than four vehicles.
4. Uses by a public utility except as provided in Article III, Section 5, of these Regulations
5. Temporary structures that are not related to construction activities.
6. Greenhouse(s) that exceed 600 square feet GFA.
7. Wireless communication facilities; these facilities are subject to Section 5.05 of the Municipal Code of the Town of Columbine Valley.

E. Maximum Height of Structures

1. The principal structure shall not exceed thirty-five feet (35') in height.
2. Accessory structures shall not exceed twenty-five feet (25') in height.
3. For height measurement, see "Building Height" in Article XIII, Definitions.

F. Setbacks

1. Single-family dwelling unit:
 - a. Front yard: Thirty-five feet (35').
 - b. Side yard: Twenty-five feet (25').
 - c. Rear yard: Twenty-five feet (25').
2. Any yard adjacent to a public right of way (ROW) is considered a front yard.
3. Accessory structures
 - a. Front yard: One foot (1') for every two feet (2') of height but in no event less than twenty-five feet (25'). Any yard adjacent to a public ROW is considered a front yard.
 - b. Side and rear yard setbacks: one-and-one-half feet (1.5') for every one foot (1') of height but in no event less than fifteen feet (15').

G. Signage

One "for sale" or "for rent" sign with a maximum surface area of six square feet (6 sq. ft.) and a maximum height of six feet (6') is permitted.

SECTION 2. RESIDENTIAL (R-1) DISTRICT (OLD TOWN)

A. Intent

To provide for areas in Columbine Valley which are suitable for low-density residential development. Unless specifically modified by the Board of Trustees', the permitted and accessory uses, and development standards, shall be as specified in this Section.

B. Principal Permitted Uses

1. Not to exceed one single-family dwelling unit except as provided herein. Manufactured homes that comply with CRS Section 31-23-301 (5), 1973, as amended, are allowed.
2. Group homes for eight or fewer developmentally disabled or elderly persons subject to Article III, Section 1 of these Regulations.
3. Wells, irrigation canals, ditches and laterals, water supply and flood control reservoirs (not elevated), subject to Article III, Section 4 of these Regulations.
4. Underground utility lines, transformers, electrical substations, gas regulator stations and similar facilities subject to Article III, Section 5 of these Regulations.

C. Accessory Uses

1. Buildings and uses customarily appurtenant to the permitted residential use not to exceed one structure.
2. Home occupations subject to Article III, Section 2 of these Regulations.
3. Mother-in-law apartment/dwelling unit subject to Article III, Section 6 of these Regulations.

D. Maximum Height of Structures

1. No structure shall exceed twenty-eight feet (28') in height or contain more than one floor excluding basements.
2. For height measurement, see "Building Height" in Article XIII, Definitions.

E. Lot Size

The minimum lot size is one-half (1/2) acre.

F. Setbacks

1. Front yard: Thirty feet (30'). Any yard adjacent to a public ROW is considered a front yard.
2. Side yard: Fifteen feet (15').
3. Rear yard: Forty feet (40').

G. Signage

One "for sale" or "for rent" sign with a maximum surface area of six square feet (6 sq. ft.) and a maximum height of six feet (6') is permitted.

H. Lighting

Exterior lights, whether building-mounted or free-standing, shall be hooded or shielded so as not to cast light on adjacent properties nor dilute the night sky. Building-mounted exterior lights shall not protrude above the eave line. Free-standing lights shall not exceed six feet (6') in height.

I. Fences, Walls and Hedges

Fences, walls and hedges shall be constructed or maintained on any residential property no closer than twenty feet (20') to the front property line or ten feet (10') to any side property line. A fence, wall or hedge three feet (3') or less in height attached to and forming part of a dwelling may be constructed within the setback for such dwelling, but in no event closer than fifteen feet (15') to the front and rear property line, and ten feet (10') to the side property line.

SECTION 3. COUNTRY CLUB (CC) DISTRICT

A. Intent

To provide for Country Club uses within the Town of Columbine Valley. Unless specifically modified by the Board of Trustees' the permitted and accessory uses, and development standards, shall be as specified in this Section.

B. Principal Permitted Uses

1. Country club, including golf courses, tennis courts, swimming pools and a clubhouse or similar structure containing facilities commonly associated with a country club.
2. Wells, irrigation canals, ditches and laterals, water supply and flood control reservoirs (not elevated), subject to Article III, Section 4 of these Regulations.
3. Underground utility lines, transformers, electrical substations, gas regulator stations and similar facilities subject to Article III, Section 5 of these Regulations.

C. Accessory Uses

1. Structures accessory and incidental to the primary permitted uses (i.e., maintenance and storage buildings, trash enclosures, on-course food services, restroom facilities, pumping facilities and similar structures for the use and operation of a country club).
2. Parking areas for vehicles, golf carts and bicycles.

D. Use by Special Review

Wireless communication facilities subject to Section 5.05 of the Municipal Code of the Town of Columbine Valley.

E. Maximum Height of Structures

1. The principal structure shall not exceed thirty-five feet (35') in height unless otherwise approved under a PD plan by the Town Board of Trustees.
2. The accessory structures shall not exceed eighteen feet (18') in height unless approved under a PD plan by the Town Board of Trustees.
3. For height measurement, see "Building Height" in Article XII, Definitions.

F. Setbacks

1. Principal structure

- a. Front yard: 75 feet (75') adjacent to any residential property and twenty-five feet (25') adjacent to any other ROW or property line. Any yard adjacent to a public ROW is considered a front yard.
- b. Side and rear yards: 50 feet (50') adjacent to any residential property and 20 feet (20') adjacent to any other ROW or property line.

2. Accessory structures

The minimum setback on all sides is 35 feet (35') adjacent to any residential property and 15 feet (15') adjacent to any other ROW or property line.

G. Off-Street Parking

- 1. One space per 150 square feet (150 sq. ft.) of GFA of the principal buildings exclusive of non-occupied space such as basements, storage, mechanical, elevator and stair shafts, or similar unoccupied floor area.
- 2. The parking setbacks on all sides are 15 feet (15') adjacent to residential property and 10 feet (10') adjacent to any other ROW or property line.

H. Minimum Design Standards

Unless otherwise approved by the Board of Trustee, the following standards apply:

- 1. Equipment and maintenance materials stored outside shall be screened from view by fences, screens, berms or other means satisfactory to the Board of Trustees.
- 2. Parking lots on the property shall be screened from any public ROW and adjacent properties under separate ownership. A minimum of 15 percent of any parking lot containing one bay of parking or more shall be landscaped in accordance with the design standard set forth in Paragraph H.3.a, of this section.
- 3. Landscape buffer area
 - a. The landscaping will incorporate a minimum of one shade tree and one shrub or flowering tree for each fifteen linear feet (15') or fraction thereof of the buffer area (as measured along the property line) and groundcover over the entire area. The use of earth berms and decorative fencing is not required but encouraged. The trees and shrubs shall be designed and planted to provide privacy; mitigate noise, glare and unsightly views; and provide aesthetic interest.

- b. Unsightly areas, including, but not limited to, outside trash receptacles, loading docks, utility boxes and similar appurtenances shall be screened from public sidewalks, streets and other adjacent properties. Unsightly areas seen from surrounding public properties or private properties under separate ownership shall be screened. The following guidelines should be used:
 - 1) Any plants used as a screen should be coniferous. They should provide an opaque screen within three years from the time they are planted.
 - 2) Utility boxes, including, but not limited to, electric transformers, switchgear boxes and telephone pedestals and boxes, should be screened on all sides not used for service access.
 - 3) The materials and colors of the screen should blend with the site and the surroundings.
 - 4) Trash enclosures should be placed around dumpsters and any other proposed receptacles of trash. The dumpster should be entirely screened from view. The enclosure should prevent trash from being scattered by wind or animals. The dumpster should be placed on a concrete pad and enclosed by an opaque wall at least six feet (6') in height with opaque gates. The enclosure should be sturdy and built with quality wood and/or masonry materials. The trash enclosure should be sited so the garbage truck has convenient access to the enclosure and has room to maneuver without backing onto a public ROW.
 - 5) Lighting
 - a) Parking lot lighting shall be screened so it will not cast light on adjacent properties and shall not exceed 25 feet (25') in height.
 - b) Pedestrian lighting shall be provided at all building entrances and walkways to ensure adequate and safe access to and from buildings.
 - 6) Any sign proposal will be part of a PD submittal.

SECTION 4. MIXED USE PLANNED DEVELOPMENT (MUPD) DISTRICT

A. Intent

The intent of this section is to guide development of new mixed use projects within Columbine Valley and to provide a detailed review of how these projects deliver essential services (water and sanitation, fire and police protection, open space, etc.).

B. Principal Permitted Uses

The following principal uses are allowed subject to final approval of a PD plan, which will stipulate site-specific approved uses.

1. Commercial

- a. Professional office.
- b. Bank.
- c. Restaurant.
- d. Community retail, not to exceed 50,000 square feet (50,000 sq. ft.) with any one store not to exceed 15,000 square feet (15,000 sq. ft.).
- e. Drive-through: Any drive-through proposed in conjunction with any permitted use shall be subject to site-specific review to determine if the drive-through can be incorporated without undue impact to neighboring properties. All other uses are prohibited unless approved by the Board of Trustees.

2. Residential

- a. Single-family dwelling unit attached or detached.
- b. Multi-family units intended to be sold as owner-occupied.
- c. Group home for eight or fewer developmentally disabled or elderly persons subject to Article III, Section 1 of these Regulations.

C. Accessory Uses

- 1. Uses accessory and incidental to the primary permitted uses.
- 2. Home occupations as specified in Article III, Section 2 of these Regulations.
- 3. Mother-in-law apartment/dwelling as specified in Article III, Section 6 of these Regulations.

4. Wells, irrigation canals, ditches and laterals, water supply and flood control reservoirs (not elevated), subject to Article III, Section 4 of these Regulations.
5. Wireless communication facilities subject to Section 5.05 of the Municipal Code of the Town of Columbine Valley.
6. Underground utility lines, transformers, electrical substations, gas regulator stations and similar facilities subject to Article III, Section 5 of these Regulations.

D. Bulk and Space Requirements

Unless otherwise approved by the Board of Trustees under a PD plan, bulk and space requirements are as follows:

1. Maximum building height: The maximum building height shall not exceed 35 feet (35'). For height measurement, see "Building Height" in Article XIII, Definitions.
2. Minimum open space
 - a. Commercial: 25 percent.
 - b. Residential: 25 percent.
3. Setbacks
 - a. Commercial
 - 1) Front yard: 25 feet (25').
 - 2) Side and rear yards: 25 feet (25').
 - b. Residential
 - 1) Front yard: 20 feet (20').
 - 2) Side and rear yards: 10 feet (10').
4. Parking (Minimum)
 - a. Commercial
 - 1) Retail: one space for every 250 gross square feet.
 - 2) Office: one space for every 325 gross square feet.

3) Restaurant: one space for every 125 gross square feet.

b. Residential

- 1) Single-family dwelling unit: two spaces per unit.
- 2) Multi-family residential unit: one space per bedroom.
- 3) Group home: one space per four bedrooms.

5. Parking setbacks

a. Commercial and multi-family residential unit

- 1) Front yard: 20 feet (20').
- 2) Side and rear yards: 10 feet (10').

b. Single-family dwelling unit:

- 1) Front yard: 5 feet (5').
- 2) Side and rear yards: 10 feet (10').

E. Signage

In lieu of the requirements below, applicants may propose a complete signage package as part of the PD submittal for consideration by the Town.

1. Residential

Project identification signs: One per each major entrance. Signs shall be ground-mounted and not exceed six feet (6') in height and forty-eight square feet (48 sq. ft.) (per face). Signs shall be ground-lighted with no internal lighting unless otherwise approved by the Board of Trustees.

2. Office and retail

- a. Project identification signs: One per each major entrance. Signs shall be ground-mounted and not exceed six feet (6') in height and forty-eight square feet (48 sq. ft.) (per face). Signs shall be ground-lighted with no internal lighting.
- b. Building fascia signs: One sign per tenant unit with exterior wall exposure. Signs shall be mounted below the building parapet line and should not exceed one-half square foot (1/2 sq. ft.) for each

foot of store frontage. Letter heights should not exceed thirty inches (30") and shall be indirectly lighted.

- c. Directional and informational signs: As needed. Directional and informational signs include "Fire Lane," "No Parking," "Exit," "One Way" and directional arrows. Directional and informational signs shall not exceed six square feet (6 sq. ft.) per face.
- d. Temporary signs: As approved on the PD plan. Conditions may be placed on inclusion, design and length of time permitted.

SECTION 5. RESIDENTIAL PLANNED DEVELOPMENT (RPD) DISTRICT

A. Intent

The intent of this section is to guide development of new residential subdivisions within Columbine Valley and to provide a detailed review of how these developments provide essential services (water and sanitation, schools, parks and recreation, fire and police protection, open space, etc.).

B. Principal Permitted Uses

1. Single-family dwelling units, attached or detached.
2. Group homes for eight or fewer developmentally disabled or elderly persons subject to Article III, Section 1 of these Regulations.

C. Accessory Uses

1. Home occupations as specified in Article III, Section 2 of these Regulations.
2. Other uses that are clearly accessory or incidental to the primary permitted uses and are shown on the approved PD plan.
3. Wells, irrigation canals, ditches and laterals, water supply and flood control reservoirs (not elevated), subject to Article III, Section 4, of these Regulations.
4. Underground utility lines, transformers, electrical substations, gas regulator stations and similar facilities subject to Article III, Section 5 of these Regulations.
5. Wireless communication facilities subject to Section 5.05 of the Municipal Code of the Town of Columbine Valley.
6. Mother-in-law apartments as specified in Article III, Section 6 of these Regulations.

D. Minimum Area, Lot Width, Height and Yard Requirements

1. Maximum height:
 - a. The maximum height shall not exceed thirty-five feet (35').
 - b. For height measurement see "Building Height" in Article XIII, Definitions.
2. Lot area

As shown on the approved PD plan, but the average lot size not to be less than one-half acre (1/2 acre) without approval of the Board of Trustees.

3. **Setbacks**

Unless otherwise approved by the Board of Trustees, the minimum setbacks shall be as follows:

- a. Front yard: 25 feet (25').
- b. Side and rear yards: 15 feet (15').

Any yard adjacent to a public ROW is considered a front yard.

E. Maximum Density

The maximum density in the RPD District shall be as approved by the Board of Trustees.

F. Signage

- 1. One "for sale" sign per vacant lot with a maximum sign surface area of six square feet (6 sq. ft.) and a maximum height of four feet (4').
- 2. Other signs as shown on the approved final PD plan.

G. Open Space

Open space shall be a minimum of 35 percent unless otherwise approved by the Board of Trustees.

SECTION 6. REPD (RESIDENTIAL ESTATE PLANNED DEVELOPMENT) RESERVED**A. Intent**

The REPD District is intended to accommodate large single family detached homes with spacious lots. Any development in the REPD Zoning District must have access onto two existing arterial streets.

B. Principal Permitted Uses

1. Not to exceed one single-family dwelling unit except as provided herein.
2. Manufactured homes that comply with CRS Section 31-23-301 (5), 1973, as amended, are allowed.
3. Group homes for eight or fewer developmentally disabled or elderly persons subject to Article III, Section 1 of these Regulations.
4. Home occupations subject to Article III, Section 2 of these Regulations.
5. Wells, irrigation canals, ditches and laterals, water supply and flood control reservoirs (not elevated), subject to Article III, Section 4 of the these Regulations.
6. Underground utility lines, transformers, electrical substations, gas regulator stations and similar facilities subject to Article III, Section 5 of these Regulations.

C. Accessory Uses

As approved on the Final Development Plan.

D. Maximum Density

Not to exceed one dwelling unit per acre.

E. Maximum Height of Structures

As approved on the Final Development Plan.

F. Lot Size

As approved on the Final Development Plan.

G. Open Space

A minimum of thirty-five percent common open space unless otherwise approved on the Final Development Plan.

H. Setbacks

As approved on the Final Development Plan.

I. Signage and Lighting

As approved on the Final Development Plan.

J. Fences, Walls and Hedges

As approved on the Final Development Plan.

SECTION 6. EQUESTRIAN PLANNED DEVELOPMENT (EPD) DISTRICT

A. Intent

The intent of this section is to provide for the keeping of horses in specifically designated areas as well as the construction and use of equestrian facilities, and to provide a detailed review of how these developments provide essential services (water and sanitation, drainage, stormwater, erosion control, fire and police protection, etc.).

B. Principal Permitted Uses

The principal permitted uses shall be as shown on the approved PD plan and include but are not limited to:

1. The riding, keeping, boarding and showing of horses in areas specified on the PD plan.
2. Equestrian facilities.
3. Dwelling units used exclusively by the equestrian center personnel. No other dwelling units are permitted.
4. Other similar uses as shown on the approved PD plan.

C. Accessory Uses

1. Other uses and structures that are clearly accessory or incidental to the primary permitted uses and are shown on the approved PD plan.
2. Wireless communication facilities subject to Section 5.05 of the Municipal Code of the Town of Columbine Valley.
3. Wells, irrigation canals, ditches and laterals, water supply and flood control reservoirs (not elevated), subject to Article III, Section 4 of these Regulations.
4. Underground utility lines, transformers, electrical substations, gas regulator stations and similar facilities subject to Article III, Section 5 of these Regulations.

D. Maximum Height

Height: As shown on the approved PD plan except that the maximum height shall not exceed thirty-five feet (35'). For height measurement, see "Building Height" in Article XII, Definitions.

E. Setbacks

Unless otherwise approved by the Board of Trustees the minimum setbacks shall be as follows:

1. Front: 25 feet (25').
2. Rear: 15 feet (15').
3. Side: 1 foot (1') of setback per each three feet (3') of building height.

SECTION 7. NON-CONFORMING USES (LAND AND STRUCTURES)

A. Intent

1. The intent of this section is to recognize that within zoning districts established by these Regulations there exists land, uses of land, structures and uses of structures that were lawful before these Regulations were adopted or amended, but which would be prohibited, regulated or restricted under the provisions of these Regulations. These non-conforming uses, land and structures shall not be enlarged, expanded, increased, nor be used as grounds for adding other structures or uses now prohibited in the same district.
2. Nothing in this section shall be interpreted to require a change in plans, construction or designated use of any building in which a current building permit was lawfully obtained from the Town of Columbine Valley or Arapahoe County prior to the effective date of adoption or amendment of these Regulations, provided construction was commenced within 60 days after adoption or amendment of these Regulations, or unless agreed upon by the Board of Trustees.
3. Any use, structure and/or parcel of land that was used, erected or maintained in violation of any previous zoning regulations shall not be considered as a legal, non-conforming use, structure and/or parcel, and shall be required to comply with all provisions of these Regulations.

B. Non-Conforming Uses of Land

Any use of land, or use of a structure(s) that was lawful before these Regulations were adopted or amended, may continue to exist even though the use would be prohibited, regulated or restricted under the provisions of these Regulations, subject to the following provisions:

1. Such non-conforming use of land or existing structures devoted to a non-conforming use shall not be enlarged, expanded, extended, increased, nor moved to occupy an area of land that was not occupied before these Regulations were adopted or amended, or not altered to accommodate non-conforming uses or other uses not allowed in the district in which the structure was located.
2. If any such non-conforming use of land or when a non-conforming use of a structure is discontinued for any reason for a period of more than six months, a subsequent use of such land or of such structure shall conform to the provisions of these Regulations and amendments, unless the Board of Trustees grants an extension of time.

3. Any additional land use and/or structure(s) associated with the non-conforming use of land shall conform to these Regulations.

C. Non-Conforming Uses of Structures

1. Existing structures devoted to a non-conforming use shall not be enlarged, expanded, extended, nor altered to accommodate non-conforming uses or other uses not allowed in the district in which the structure is located.
2. When a non-conforming use of a structure is discontinued or abandoned for six consecutive months, any subsequent use of such structure shall conform to the provisions of these Regulations, unless the Board of Trustees grants an extension of time.
3. Should a structure devoted to a non-conforming use be damaged or destroyed by any means, the structure may be reconstructed and the non-conforming use re-established subject to compliance with the provisions of Paragraph E of this section.

D. Non-Conforming Structures

1. Should such non-conforming structure(s) or portion thereof be damaged or destroyed by any means, or be declared unsafe by the Town Building Official to an extent of more than 50 percent of its replacement cost, it shall not be reconstructed except in conformity with the provisions of these Regulations. If the reconstruction cost and/or area of reconstruction (whichever is less) is less than or equal to 50 percent, the structure may be strengthened or restored to a safe condition provided the original non-conformity is not enlarged, increased or extended, and construction is commenced within six months after obtaining the required building permit(s), unless the Board of Trustees grants an extension of time.
2. Should such non-conforming structure(s) be moved for any reason, for any distance whatsoever, it shall conform to the provisions of these Regulations.

E. Repairs and Maintenance

Any non-conforming structure or a structure devoted to a non-conforming use may be repaired and maintained for ordinary upkeep. Such repairs and maintenance shall not enlarge, expand, extend or increase the non-conformity in any manner. Also, such repairs and maintenance shall not exceed 50 percent of the current replacement cost of the non-conforming structure or a structure devoted to a non-conforming use.

ARTICLE III

SPECIAL REGULATIONS

SECTION 1. GROUP HOMES

A. Policy

The Town accepts the legislative statement in Section 303(2) of the Group Home Act that the establishment of group homes is a matter of statewide concern, and further that group homes which comply with the requirements of this section and the Group Home Act are residential uses of property for zoning purposes.

B. Application

Any person licensed by the state to operate one or more group homes or, if such licensing is not required for the establishment of a group home within the Town. Such application must include the following information and be submitted with a filing and administrative processing fee of \$500 payable to the Town:

1. The accurate legal name and (if not an individual) the form and state of organization of the applicant.
2. The applicant address, telephone number, email address and facsimile number.
3. If the applicant is an individual, age, date, place of birth and Social Security number.
4. If the applicant is an entity, information described under Paragraph B.3 of this section, regarding the officers, directors, managers or partners, and persons who own a greater than 10 percent equity interest in the applicant, and, with respect to the applicant, its tax identification number, and evidence that the applicant is qualified to do business in Colorado. If the applicant is a non-profit organization, indicate its tax status and the derivation of its principal funding.
5. If the applicant is represented by counsel, the name and address of counsel together with counsel's telephone number and facsimile number.
6. A list of all civil judgments or criminal convictions for the five years preceding the application involving any of the persons listed in paragraphs 1 and 4 of this subsection, or their affiliates, and

- information regarding any such proceeding pending at the time of the application. Minor traffic infractions need not be listed. A list of all administrative proceedings that have been resolved against any of the persons listed in Paragraphs 1 and 4 of this subsection, or their affiliates, relating to violation of Medicare or Medicaid statutes, or federal, state or local licensing or operation requirements relating to the health care industry.
7. Information regarding the management of the applicant, including professional licenses and business experience, especially with respect to providing care in group homes.
 8. Information regarding the compliance by the applicant with the group home provider licensing requirements of the Colorado Department of Public Health and Environment (CDPHE).
 9. Information as to any other group homes in Colorado or elsewhere operated by the applicant or its affiliates.
 10. The address of the proposed group home and a detailed description of any internal or external improvements that the applicant intends to make to the group home before it is operational.
 11. Evidence of compliance with all applicable building codes if the group home will be a new construction, in addition to the requirements of the section.
 12. Proof of ownership if the proposed group home is owned by the applicant. If the group home is not owned by the applicant, provide proof that the applicant has the right to acquire ownership and the consent of the existing owner (with proof of such person's ownership).
 13. Evidence of compliance by the applicant and the facility with the requirements imposed by the CDPHE, including (without limitation) a copy of the inspection report from the local fire department. To the extent either the CDPHE or the local fire department has identified any deficiencies in the proposed facility, indicate the applicant's plan to correct the deficiencies.
 14. A description of the nature and extent of public services to be required by the proposed facility and its residents. For example, and not by way of limitation:
 - a. Will the proposed group home require any public transportation, schooling or health care?

- b. Are any extraordinary police, fire protection or other needs anticipated?
 - 15. Information regarding other group homes within 1,000 feet of the proposed group home.
 - 16. Information as to whether the applicant proposes to meet with the neighbors of the proposed group home prior to the public hearing required in Subsection D of this section, and whether the applicant requests the Town's assistance in arranging such meetings.
 - 17. Information showing that the group home will comply with Section 1210(a) of Part 12, Parking, of the 1995 Model Traffic Code for Colorado Municipalities.
 - 18. A plan of operations, including a general description of the type of group home proposed and the facilities and care to be provided; the hours of operation and staffing; a descriptive floor plan specifying all area uses, with fire control and fire evacuation descriptions; a description of special care requirements and/or equipment of the group home or occupants, including (without limitation) a plan for secure storage of drugs, if any; and a description of general supervision procedures.
 - 19. The proposed group home administrator's(s') night and day telephone numbers, date of birth, Social Security number(s), and professional licenses and qualifications.
 - 20. Information (to the extent not submitted pursuant to the foregoing subdivisions) sufficient to support the Board of Trustees' determination pursuant to Subsection D of this Section;
 - 21. Other information which the applicant believes may assist the Town in its review of the application, or which may be required by the Town prior to or at the public hearing required by Subsection D of this section.
- C. Public Notice
- Upon receipt of the fully completed application and the filing and administrative processing fee, the applicant will comply with the notification requirements as specified in Article VIII, Section 3 of these Regulations. In addition:

1. The Town Clerk will, within five days, forward a copy of the application to those neighborhood associations known by the Town Clerk to include the proposed group home or who may otherwise express an interest therein.
2. The Town Clerk will also forward a copy of the application to the Town's Building Commissioner, the local fire district, police agency and the CDPHE as deemed appropriate or necessary. Such persons may also submit written comments to the Town Clerk at any time prior to the public hearing to be conducted in accordance with Subsection D of this section.
3. Upon the receipt of any written comments pursuant to Subsection 1 or 2 of this section, the Town Clerk shall promptly forward a copy of such comments to the applicant who may (but is not required to) respond to such comments in writing.
4. The Town Clerk will publish a notice of a public hearing and notify adjacent property owners as specified in Article VIII, Section 3 of these Regulations.
5. The Building Commissioner or his/her designee shall conduct an investigation into the character and qualifications of the applicant and the eligibility of the proposed property for group home use under health, safety, fire and building codes, with assistance from such other applicable agencies of the Town, county or state as the Building Commissioner may reasonably request. The Building Commissioner or his/her designee will submit his/her report to the Board of Trustees not later than seven days prior to the scheduled public hearing, and the Town Clerk will provide a copy of such report to the applicant and to persons to whom the application was delivered pursuant to Subdivisions 1 and 2 of this subsection.

D. Public Hearing

The Board of Trustees will hold a public hearing to approve the application, to approve the application with conditions or to deny the application, pursuant to the notice provided by the Town Clerk pursuant to Article VIII, Section 3 of these Regulations. The application may be approved based upon the following criteria:

1. No group home may be located within seven hundred fifty feet (750') of any other group home.
2. The group home shall comply with all Town ordinances and codes, including (without limitation) building, fire, housing and zoning, and

applicable county and state statutes; ordinances; and administrative regulations.

3. The group home will include at least six hundred square feet (600 sq. ft.) of usable space for each bed for the residents and staff members. "Usable space" includes only space that is reasonably accessible to the proposed residents of the group home.
4. Any proposed new structure or structural changes to an existing structure shall not be of an architectural design or style substantially inconsistent with the character of the surrounding neighborhood.
5. No administrative activities or religious activities of any private or public organization or agency shall be conducted on the premises of the group home.
6. The applicant shall demonstrate that it has obtained, or, upon granting the application by the Town, will be able to obtain, lawful ownership or possession of the group home, and all appropriate licenses or certifications required by the state or the county (including, without limitation, agencies thereof).
7. The applicant shall demonstrate that there is adequate parking for such use, and that the public services to be required by the proposed facility and its residents are, or will be at the time the group home accepts its first resident, available.
8. The applicant shall demonstrate that the plan of operations (as described in Subsection B.18 of this section) is appropriate for the operation of the group home and the protection of the health and safety of the neighborhood residents.
9. The applicant shall commit to operating the group home in accordance with the operating requirements set forth in Subsection E of this section, as Subsection E may be amended from time to time.

E. Operating Requirements

Any application approved hereunder is subject to revocation by the Town for failure to operate the group home in conformance with the following required standards:

1. The group home may not accept any resident until it has complied with all county and state licensing and inspection requirements, including the requirements of applicable police and fire agencies and the CDPHE.

2. The group home administrator must follow the required standards of any state or county license. The group home administrator shall immediately notify the police department of the Town of:
 - a. Any unlawful acts committed on the premises of the group home by residents or staff members of the group home or other people;
 - b. Improper storage or use of drugs or other material violations of the plan of operations;
 - c. Any unlawful acts of the residents or staff off the premises of the group home;
 - d. Persons who make threatening communications to others or commit acts dangerous to themselves or others; or
 - e. Incidents, such as fire or structural failure or flooding, dangerous or potentially dangerous to the residents.
 3. The group home must be operated by the administrator(s) named in Subsection B.19 of this section, who shall be on-site or on call 24 hours each day. One or more telephone numbers must be made available at the office of the Town Clerk and the group home at which the administrator can be reached 24 hours per day.
 4. The applicant may amend the plan of operation described in Subsection B.18 of this section from time to time, subject to approval by the Board of Trustees.
 5. The applicant must provide the Town Clerk notice, in advance unless not possible because of an emergency situation, of any change to the information required by Subsection B of this section.
 6. The group home must maintain sufficient staffing, supervision and equipment/facilities so residents do not become unaccounted for, uncontrolled or lost, or commit mischief or criminal acts of any sort on or off the premises of the group home.
- F. Inspection of the Premises
- Group homes duly approved pursuant to this section shall be subject to inspection by the Town for the purpose of verifying operation in conformance with the requirements of Subsection E of this section, without notice at reasonable hours and with reasonable frequency, by the Building Commissioner or his/her staff. Inspection may occur at any

time if exigent circumstances exist. Refusal of inspection requests, or interference with inspections, shall be cause for revocation of the application approval.

G. Transfer of the Group Home

The applicant (and any subsequent transferee) may transfer the group home and the operation thereof to any other qualified person, subject to an application by such person meeting the requirements of this section, and the approval by the Board of Trustees pursuant to this section. For the purposes of this subsection, the term "transfer" includes the transfer of equity interest in the applicant so that a person not previously owning 20 percent or more of the applicant will then own 20 percent or more of the applicant.

H. Revocation of Application Approval

The Board of Trustees, upon no less than 15 days' notice to the applicant and to the public, may at a public hearing (the "revocation hearing") revoke or suspend any prior approval of the application for the following reasons:

1. Refusal of the applicant to cooperate with inspection requests or the applicant's interference with inspections made by the Building Commissioner pursuant to Subsection F of this section;
2. Revocation by the county or state or any agency thereof of any permit or license obtained by the applicant in connection with operation of the group home;
3. To the extent necessary, protection of the public health, safety and welfare of the neighborhood.

Notice given to the applicant will specify the reasons for the revocation hearing, and the applicant will be given the opportunity to contest the proposed revocation.

I. Appeal

The applicant may appeal any denial of an application submitted pursuant to this section, conditions pursuant to which such application was granted or any revocation or suspension of the application approval, to the district court of the county pursuant to Rule 106 of the Colorado Rules of Civil Procedure.

SECTION 2. HOME OCCUPATIONS

A. Intent

The intent of this section is to allow limited non-residential uses in residential units.

B. Limitations on Permitted Home Occupations

Any occupation operated in a single-unit dwelling may be operated only if it complies with all of the following conditions:

1. Is operated in its entirety within the dwelling unit and only by the person or persons maintaining a dwelling therein.
2. Does not have an exclusive entrance from outside the dwelling unit.
3. Does not display or create outside the building any external evidence of the operation of the home occupation, including but not limited to noise, odor and traffic. In connection therewith, no signs are permitted.
4. Does not have any employees or regular assistants not residing in the dwelling unit.
5. Is not conducted in an unattached accessory structure.
6. Does not sell or offer for sale any article on the premises on a regular basis. This restriction shall not apply to occasional non-continuous sales transactions.

SECTION 3. GENERAL PROVISIONS

A. Compatibility with Adjacent Property

Structural design and landscaping shall conform to the requirements of Article XI of these Regulations.

B. Covenants and Restrictions

New residential subdivisions or new multi-lot or multi-unit residential development shall be governed, in part, by covenants and restrictions. The covenants and restrictions shall, at a minimum, contain development standards, design guidelines, design review procedures and amendment procedures that must be approved by the Board of Trustees.

C. Mandatory Homeowners Association

All new residential subdivisions or multi-lot or multi-unit developments are required to have a Homeowners Association (HOA) whose responsibilities and authority shall include, but are not limited to, enforcement of the approved design standards and maintenance responsibility for common open space and common facilities. Commercial developments shall

include an owner's association unless otherwise approved by the Board of Trustees.

D. Fences, Walls and Hedges

1. Fences, walls and hedges shall be as approved on the final PD plan.
2. Walls along arterial streets adjacent to the Town shall be a minimum six-foot (6') high sound wall of masonry construction that meets the following specifications:
 - a. Caissons every twenty-four feet (24').
 - b. Reinforced concrete base barrier.
 - c. Pilasters that are two feet by two feet (2' x 2') and are reinforced and faced with fractured block, masonry or stone.
 - d. Reinforced wall section that is twenty-four feet by two feet (24' x 2') of fractured block, masonry, stone or stucco on both sides.
 - e. Masonry coping covering the top of the wall section and a masonry cap on the pilasters.
 - f. Stamped professional engineering designs to meet all geotechnical foundation requirements.
3. Plans and specifications
All building permits shall be accompanied by plans and specifications as required in Section 15.08.080 of the Building Code of the Town of Columbine Valley.

E. Antenna and Satellite Dishes

1. No exposed radio, TV or shortwave antenna shall be erected, placed or permitted to remain on any lot or upon any structure erected thereon.
2. A satellite dish not exceeding eighteen inches (18") in diameter is permitted so long as the satellite dish is concealed from public view in a manner deemed appropriate by the applicable architectural review committee having jurisdiction over the property where the satellite dish is located.

F. Signs

No advertising sign, billboards, unsightly objects or nuisances shall be erected, placed or permitted to remain on any lot.

1. "For sale" signs shall not be larger than twenty inches by twenty-six inches (20" x 26") to advertise the sale or rental of such lot or building upon which it is placed, and shall only be located in the front, not the rear or side, of the lot.
2. Political signs shall not be larger than twenty inches by twenty-six inches (20" x 26") and shall be located in the front, not the rear or side, of any lot.

G. Grading

For new subdivisions or new multi-lot developments, an approved grading plan is required. For all other lots, adequate allowance for positive drainage away from the structure shall be made. A minimum 2 percent slope downward from the structure shall be employed for the first ten feet (10'). The top of the foundation wall, at its highest point, may be increased one foot (1') for every ten feet (10') of front setback.

SECTION 4. WELLS, IRRIGATION, WATER SUPPLY, SANITARY SUPPLY, SANITARY SEWER AND DRAINAGE FACILITIES

For any PD, all public water, sanitary sewer and drainage facilities shall comply with the requirements of the water and sanitary sewer providers and the Town of Columbine Valley Regulations as defined in Article X, Section 2.B,3 and 4 of these Regulations.

SECTION 5. UTILITY LINES AND FACILITIES

- A. For any PD, all electrical, gas, cable TV and telephone meter, transformers, pedestal boxes or similar appurtenances shall be shown on the final PD plan. Design and construction shall comply with the requirements of the service provider.
- B. When electrical, gas, cable TV and telephone lines and facilities are proposed in areas not covered by an approved or proposed final plat or final development plan, the location and/or alignment of easements and facilities must be approved by the Board of Trustees following a recommendation by the Town Engineer. The Town Engineer may require plans and other supporting documents prior to making a recommendation to the Board of Trustees.

SECTION 6. MOTHER-IN-LAW APARTMENT/DWELLING

- A. A mother-in-law apartment/dwelling unit is permitted in all A, R-1, MUPD, RPD and REPD zoned districts.
- B. A mother-in-law apartment/dwelling unit is a portion of an existing or proposed dwelling unit in which a member of the immediate family

resides. An immediate family member is one who is related to the family by blood or marriage. The mother-in law apartment/dwelling unit shall not be used as an income-producing asset; rather it is to be used when the need arises to maintain the family unit.

- C. A mother-in-law unit may be located within an existing or proposed dwelling unit. Such dwelling unit may provide for separate kitchen facilities.

SECTION 7. GARAGE SALES

Garage sales are expressly prohibited, except and unless held under the auspices of a lawfully organized HOA, if such HOA exists, and only for a period of one day per calendar year. Garage sales on property not represented by an HOA can be approved by the Board of Trustees or its designee. All signage posted to advertise the garage sale must be erected and removed on the same day as the garage sale.

ARTICLE IV

GENERAL PROCEDURES

SECTION 1. AMENDMENT OF ARTICLES I-V AND ZONING MAP

- A. The Board of Trustees, upon its own motion or following the recommendations of the Planning and Zoning Commission, may consider revisions or amendments to Articles I-IV of these Regulations or to Appendix A (Zoning Map) after giving public notice of any proposed revision or amendment and after holding a public hearing concerning the proposal. Prior to any final action by the Board of Trustees, a public hearing shall be held by the Planning and Zoning Commission.
- B. Notice prior to a public hearing shall be as set forth below. At least 21 days prior to the public hearing, the Town Clerk shall have a notice published at least one time in the legal notice section of a general circulation newspaper within the Town and posted at the Town Hall. The notice shall read as follows:

**TOWN OF COLUMBINE VALLEY
NOTICE OF PUBLIC HEARING
PROPOSED AMENDMENT TO _____**

Notice is hereby given that the Town of Columbine Valley (name of board: Planning and Zoning Commission or Board of Trustees) shall hold a public hearing concerning the type of amendment proposed pursuant to the Town of Columbine Valley Zoning Code and Land Use Regulations.

The public hearing shall be held before the (name of board) on (date), at the hour of (time), or as soon as possible thereafter as the agenda of the (name of board) permits, at (address of location of hearing), or at a place otherwise specified by the Town Clerk. Further information is available by calling (303) 795-1434.

SECTION 2. AMENDMENT OF ARTICLES VI-XIII, REVISIONS TO APPENDIX B, APPENDIX C,

- A. Articles VI-XIII may be amended by resolution at a public meeting of the Board of Trustees. Formal public notification is not required unless recommended by the Town Attorney.

- B. Prior to any final action by the Board of Trustees, any amendments to Articles VI-XII shall be considered by the Planning and Zoning Commission.
- C. Appendix B, Subdividers Improvement Agreement Format, may be revised by the Town Attorney.
- D. Appendix C, Amendment History, shall be maintained and the format may be revised by the Town Clerk.

ARTICLE V

BOARDS, COMMISSIONS AND OFFICIALS

SECTION 1. BOARD OF TRUSTEES

The Board of Trustees is the governing body of the Town of Columbine Valley. It has final approval authority for the following land development applications:

- A. Annexations
- B. PDs and any amendments thereto
- C. Any other amendments to the Zoning Code (text and map)
- D. Use by special review
- E. Subdivisions

SECTION 2. PLANNING AND ZONING COMMISSION

The Planning and Zoning Commission is appointed by the Board of Trustees and is responsible for the review and recommendation (to the Board of Trustees) on the following land development applications:

- A. Annexations
- B. PDs and any amendments thereto
- C. Any other amendments to the Zoning Code (text and map)
- D. Use by special review
- E. Subdivisions

The Planning and Zoning Commission is the authority for adoption of, and amendments to, the Master Plan, with final ratification and approval by the Board of Trustees.

SECTION 3. BOARD OF ADJUSTMENT

A. Established

A Board of Adjustment is established, the members of which shall be appointed by the Board of Trustees. The word "Board" when used in this article means the Board of Adjustment. The Board shall consist of nine members as follows:

1. The Mayor shall be an ex officio member of the Board with no vote, except as provided below, and shall serve during his/her office tenure.
2. The Commissioner of Planning and Zoning shall be an ex officio member of the Board with no vote, except as provided below, and shall serve during his/her office tenure.
3. The other seven members shall be appointed from the Town at large by the Board of Trustees. The members of the Board shall be appointed for three years, with staggered terms of three years. A proper meeting will require a quorum of five voting members. The concurring vote of a simple majority of the Board shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of an applicant on any matter upon which it is required to pass under any ordinance, or to effect any variation in such ordinance. In the absence of a quorum, an ex officio member may serve as a regular member of the Board and vote on all matters before the Board. Under such circumstances, the Mayor shall serve, and if he is unavailable, the Commissioner of Planning and Zoning shall so serve. All hearings of the Board of Adjustment must be held within 30 days after an appeal is filed.
4. The Board of Trustees may appoint not more than four alternate members of the Board to serve in the absence of any regular member of the Board. The alternate members shall be appointed for terms of three years, with staggered terms of three years. If a regular member is absent or is otherwise unable to participate, the Chairman of the Board shall designate which alternate shall serve until such regular member is in attendance at the Board meeting.
5. The Board of Trustees shall appoint the Chairman of the Board of Adjustment from among the non-ex officio members. The term of the Chairman shall be for one year, with eligibility for reappointment. The Board of Trustees shall also choose one of the non-ex officio members of the Board as a Vice Chairman, who, in the absence of the Chairman from any meeting of the Board, or his/her inability to act, shall perform the duties of the Chairman. The term of the Vice Chairman shall be for one year, with eligibility for reappointment.

6. All members of the Board of Adjustment shall be bona fide residents of the Town, and if any member ceases to reside in the Town, his/her membership shall immediately terminate.
7. Members may be removed, after public hearings, by the Board of Trustees for inefficiencies, neglect of duty or malfeasance in office. The Board of Trustees shall file a written statement of reasons for such removal. If vacancies occur otherwise than through ex officio, the expiration of terms shall be filled for the remainder of the unexpired term by the Board of Trustees.

B. Meetings and Procedure

Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board in its rules of procedure may specify. A proper meeting will require a quorum of five voting members.

The Chairman, or in his/her absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions. The Board shall have full power to adopt all rules for the transaction of its business, the regulation of procedure before it and the carrying out of the powers granted to it by the provisions of this article and not inconsistent herewith.

C. Appeals Procedure and Hearing

Appeals to the Board may be taken by any person aggrieved by his/her inability to obtain a building permit, or by the decision of any administrative officer or agency based upon or made in the course of administration or enforcement of the provisions of this article. Appeals to the Board may be taken by any officer, department, Board or bureau of the Town, affected by the grant or refusal of a building permit, or by other decision of an administrative officer or agency based on or made in the course of the administration or enforcement of the provisions of this article. Such appeal shall be made within 30 days of the date the building permit was issued or refused by filing with the Town Clerk and the Board a notice of appeal specifying the grounds for appeal. The Board shall fix a reasonable time for the hearing of the appeal and give due notice to the parties of interest and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or attorney.

D. Powers and Duties

The Board shall hear and determine appeals from and review any order, requirement, decision or determination made by any administrative official charged with the enforcement of this article. Such Board shall hear and decide all matters referred to it or upon which it is required to pass under this article. Such Board shall also have such other powers and duties as are now or may hereafter be provided by law. In exercising the foregoing powers, the Board may, in conformity with the provisions of law, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and shall make such order, requirement, decision or determination as in its opinion ought to be made and to that end shall have all the power of the Building Commissioner. The Board of Adjustment is appointed by the Board of Trustees and has two primary responsibilities:

1. To hear and decide, grant or deny requests for variances from the provisions of the Zoning Code except as provided in Paragraph E of this section.
2. To hear and decide appeals from the ruling or interpretations of the Zoning Administrator.

E. Limitation of Jurisdiction

Notwithstanding any provisions of this section, the Board of Adjustment is not authorized to hear any appeals or requests for variances from the requirements of an approved PD. Such appeals and variance requests shall be as provided in Article IXI, Section 4 of these Regulations.

F. Variances—Hardship

Where by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment hereof, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation herein adopted would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of such property, the Board may authorize, upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardship, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this article.

SECTION 4. OTHER OFFICIALS**A. Town Administrator/Clerk**

The Town Administrator/Clerk is the initial contact person for all land development inquiries. The Town Administrator/Clerk collects fees, issues permits, maintains the records and minutes of Planning and Zoning Commission and Board of Trustees meetings, and performs other administrative duties as directed. The Town Administrator/Clerk also acts as the Zoning Administrator and is responsible for the interpretation and administration of the zoning regulations.

B. Town Attorney

The Town Attorney provides legal services to the Board of Trustees and other boards and commissions in the Town.

C. Town Engineer

The Town Engineer provides advice on engineering issues to the Board of Trustees and other boards and commissions, and when directed, provides engineering design of public facilities and construction inspection of public facilities.

D. Town Planner

The Town Planner provides advice and direction to the Planning Commission and Board of Trustees on land use issues, and presents the Planning and Zoning Commission's recommendations to the Board of Trustees.

E. Building Commissioner

The Building Commissioner or his/her designee is responsible for the interpretation and administration of the Building Code.

F. Zoning Administrator

See Town Administrator/Clerk.

ARTICLE VI

LAND DEVELOPMENT APPLICATIONS AND PROCEDURES

SECTION 1. APPLICATIONS

- A. There is no development process other than the PD process as set forth in this Article and forward.
- B. All land use decisions will be governed under the application requirements and processing procedures outlined herein. The various application options within the Town consist of the following:
 1. Annexations.
 2. PD.
 3. Major amendments to a PD.
 4. Minor amendments to a PD.
 5. Use by special review.
 6. Subdivisions. The process and procedures for preliminary and final subdivision plats is as specified for preliminary and final PD plans.

SECTION 2. PROCESS

- A. Pre-Submittal Meeting
 1. A pre-submittal meeting with the Town staff is the first step in any approval process. The purpose of the pre-submittal meeting is for the applicant to explain the nature of the proposal and for staff to determine the appropriate course of action to properly process such proposal. Staff may be able to make that determination immediately or take the matter under advisement and provide a written response to the applicant shortly after the pre-submittal meeting within a reasonable period of time.
 2. To schedule a pre-submittal meeting, an applicant must contact the Town Administrator who will schedule a meeting with the appropriate Town staff based upon the information provided in the form.
 3. The applicant is responsible for all costs of review and processing of a land development application including but not limited to, costs of legal, engineering, planning and other review by Town employees and consultants. The applicant is also responsible for the costs of

notification, publishing and recording. The Town Planner will provide the applicant with an estimate of costs for each stage of the land development process. The applicant will pay the amount of the estimate at the beginning of each stage, unless a different method is approved by the Town Administrator. If the costs exceed the estimate, the applicant will pay the additional cost prior to the initiation of the next stage. If there is a positive balance that amount will be credited to the next stage, or refunded if the process has been completed. Any outstanding costs will be paid prior to recording of the final plan/plat.

B. Processing the Preliminary Plan/Preliminary Plat

The preliminary plan/plat is the first step in the PD approval process. When used in this Article the term preliminary plan and preliminary development plan shall mean both the preliminary plan and preliminary plat unless otherwise specified. The preliminary plan contains plans and supporting documentation sufficient to determine the intensity of development, general design standards, traffic impacts, drainage characteristics, and general street and utility layout. Unless waived by the Board of Trustees, the preliminary plan must include all the owners' contiguous land.

1. Submittal

- a. When an application for a preliminary PD plan is submitted, the Town Planner will review the plan to ensure that all submittal requirements have been met.
- b. The application must include all the contiguous property of the owner of the land proposed for development.
- c. If the application is complete, the applicant will be notified of the number of copies required for the Town to send out to appropriate agencies and HOAs for referral comments. The applicant shall be provided the mailing address of each referral agency. Referral packets shall be provided to the Town in appropriately sized, addressed, stamped, but not sealed, envelopes. Upon acceptance of the referral packets, the Town Clerk shall schedule the case for a hearing by the Planning and Zoning Commission. The hearing shall be scheduled for the first available Planning and Zoning Commission meeting at least 45 days after the case has been referred.
- d. If the application is deficient due to failure to include major items, or if there are major errors, the Town Planner will return the application with a copy of the submittal requirements showing the items that need to be corrected.

- e. Any application that includes a deviation from any published standard will include a description of the deviation, the justification or reason for such deviation, and any other information the applicant thinks is applicable for the Town to consider such deviation.
2. Notifications
- At least but not less than 21 days prior to the hearing:
- a. The Town Clerk will publish a notice of public hearing in a newspaper of general circulation within the jurisdiction of the Town.
 - b. The Town Clerk will post a notice of public hearing at the Town Office.
 - c. The applicant will notify property owners within 300 feet per notice requirements found in Article VIII, Section 3, Public Notice Forms.
3. Referrals
- The Town will confirm the referrals packets, as submitted, are complete and send packets to each referral agency within 10 business days of receiving the packets from the applicant. The referral agencies will be asked for a response within 35 calendar days. Staff will assemble all comments, determine the Town's position on each and inform the applicant within 10 calendar days of receipt of the last referral. The applicant shall endeavor to resolve all outstanding comments and provide written responses to the Town regarding disposition of all comments. The applicant shall submit all required revised PD documents for staff review.
4. Staff report
- Prior to the scheduled Planning and Zoning Commission meeting, the Town Planner will prepare a report to the Planning and Zoning Commission about the proposed preliminary plan. The report will be included in the Planning and Zoning Commission packets and will provide the following information:
- a. A summary of the request and related information such as existing zoning, character of the adjacent property, etc.
 - b. A description of the major elements of the plan.

- c. A summary of the traffic study, drainage study, preliminary construction plans and other engineering issues (including the Town Engineer's report).
 - d. A summary of the referral comments.
 - e. Findings of fact.
 - f. Recommendations.
5. Planning and Zoning Commission public hearing
- a. If the Planning Commission approves the preliminary plan with recommended revisions or conditions, the applicant shall notify the Town Planner regarding his/her position on the recommendations or conditions for inclusion in the packet to the Board of Trustees meeting.
 - b. If the Planning Commission does not approve the preliminary plan, the applicant has two options:
 - (1) attempt to resolve and resubmit; or
 - (2) appeal within 10 days to the Board of Trustees in which case the applicant shall provide a letter stating the reasons for such appeal.
 - c. Upon receipt of the required number of preliminary plan sets and other requested materials, the Town Planner will schedule the case for a Board of Trustees meeting.
6. Notifications
- Within 21 days prior to the hearing:
- a. The Town Clerk will publish a notice of the public hearing in the newspaper of general circulation within the jurisdiction of the Town.
 - b. The Town Clerk will post a notice of the public hearing at the Town Office.
 - c. The applicant shall notify adjacent property owners within 300 feet per notice requirements found in Article VIII, Section 3, Public Notice Forms.
7. Staff report
- Prior to the next Board of Trustees meeting, the Town Planner will prepare a report to the Board of Trustees on the proposed preliminary

plan. The report will be prepared in sufficient time to be included in the Board of Trustee packets and will include:

- a. A summary of the request and related information such as existing zoning, character of the adjacent property, etc.
 - b. A description of the major elements of the plan.
 - c. A summary of the traffic study, drainage study, preliminary construction plans and other engineering issues (including the Town Engineer's report).
 - d. A summary of the referral comments.
 - e. Findings of fact.
 - f. A summary of the Planning and Zoning Commission's findings and recommendations.
 - g. Recommendations.
8. Board of Trustees action
The Board of Trustees may approve the application, with or without conditions, deny the application or continue the matter to a date certain.
9. Filing the Preliminary Plan
If the Board of Trustees approves the preliminary plan, the applicant will make any required revisions to the plan and submit a check set of prints for staff's review. If staff finds everything in order, applicant shall submit Signature Mylars to the Town for execution and recording.
10. Expiration of the Preliminary Plan
The preliminary plan approval shall expire eighteen months after approval by the Board of Trustees unless an application for final plan/plat approval for all or a portion of the property included in the preliminary plan/plat has been filed. The Board of Trustees may grant an extension of the period of expiration.
11. Recording
The Town Clerk will record, or cause to be recorded, the Signature Mylars as soon as possible after they have been signed by the Mayor and all other required parties.

C. Processing the Final Plan

1. When used in this Article the term final plan, final development plan or final PD plan shall mean both the final plan and final plat unless otherwise specified. Final PD plan approval constitutes the completion of the land development planning process, and the final plan is the legal document that governs the development. Unlike the preliminary plan, which is a planning document, the final plan requires detailed and exact survey data, detailed and complete engineering data, detailed landscaping plans, signing and lighting plans, architectural illustrations and other plans, graphics and documents as may be required. A final plan application may be submitted for all or a portion of the site covered by the approved preliminary plan.
2. Submittal
 - a. Staff shall review the final PD plan to determine conformance with the approved preliminary plan. If the plan is in substantial conformance with the approved preliminary plan, staff shall schedule a hearing before the next available Planning and Zoning Commission meeting.
 - b. If staff determines any deviation is sufficient to warrant not accepting the application, staff shall provide the applicant with a list of additional items to be submitted and/or items to be corrected.
3. Referrals

Upon acceptance of the application, the Town Planner shall refer the case to the appropriate referral agencies and HOAs.
4. Notifications: Within 21 days prior to hearing:
 - a. The Town Clerk will publish a notice of public hearing in a newspaper of general circulation within the jurisdiction of the Town.
 - b. The Town Clerk will post a notice of public hearing at the Town Office.
 - c. The applicant shall provide notice to the property owners within 300 feet. The notice shall conform to the requirements found in Article VIII, Section 3, Public Notice Forms.
5. Staff report

The Town Planner will prepare a report to the Planning and Zoning Commission on the proposed final plan. The report will be prepared in

sufficient time to be included in the Planning and Zoning Commission packets and will include:

- a. A summary of the request and related information such as existing zoning, character of the adjacent property, etc.
- b. A description of the major elements of the plan.
- c. A summary of the traffic study, drainage study, preliminary construction plans and other engineering issues (including the Town Engineer's Report).
- d. A summary of the referral comments.
- e. Findings of fact.
- f. Recommendations.

6. Planning and Zoning Commission action

- a. If the Planning and Zoning Commission approves the final plan with recommended revisions or conditions, the applicant shall submit a letter to the Town Planner stating his position regarding the recommendations or conditions for inclusion in the packet to the Board of Trustee meeting.
- b. If the Planning and Zoning Commission does not approve the final plan, the applicant has two options:
 - 1) attempt to resolve and resubmit; or
 - 2) appeal within 10 days to the Board of Trustees in which case the applicant shall provide a letter stating reason for such appeal.
- c. Upon receipt of the required number of final plan sets and other requested materials, the Town Planner will schedule the case for a Board of Trustees meeting.

7. Notifications prior to the next Board of Trustee meeting

- a. The Town Clerk will publish a notice of the public hearing in a newspaper within 21 days prior to the hearing.
- b. Town Clerk will post a notice of the public hearing at the Town Office.

- c. Applicant shall notify adjacent property owners within 300 feet. The notice shall conform to the requirements found in Article VIII, Section 3, Public Notice Forms.
- 8. Staff report

Prior to the next Board of Trustee meeting, the Town Planner will prepare a report to the Board of Trustees on the proposed final plan/plat. The report will be prepared in sufficient time to be included in the Board of Trustee packets and will include:

 - a. A summary of the request and related information such as existing zoning, character of the adjacent property, etc.
 - b. A description of the major elements of the plan.
 - c. A summary of the traffic study, drainage study, preliminary construction plans and other engineering issues (including the Town Engineer's Report).
 - d. A summary of the referral comments.
 - e. Findings of fact.
 - f. A summary of the Planning and Zoning Commission's findings and recommendations.
 - g. Recommendations of staff.
- 9. Board of Trustees action
 - a. The Board of Trustees may approve the application, with or without conditions, deny the application or continue the matter to a date certain.
 - b. Upon approval of the final plan/plat, the following shall be required prior to the issuance of any permit for construction:
 - 1) Three executed Subdivider Improvements Agreements, if required.
 - 2) A warranty deed for any dedicated public sites.

3) A check in the amount necessary for all outstanding fees and payments due for review and processing, surveyor review, payment in lieu of land dedication and recording fees.

4) The number of copies of the revised plan as specified by the Town Planner.

10. Final plan/plat

If staff determines that the final PD plan and final plat, and supporting documents, are in conformance with all conditions of approval and Town regulations, and contain the appropriate signature blocks, the applicant shall submit the Signature Mylars to the Town for execution and recording.

11. Recording

The Town Clerk will record, or cause to be recorded, the final plan and, final plat Signature Mylars, deeds, the Subdividers Improvement Agreement and other documents as soon as possible after they have been deemed approved by the Town Attorney.

D. Major Amendments

A major amendment to an approved preliminary development plan or plat, an approved final development plan or plat may be initiated by the owner of all or a portion of the property, or, by the Board of Trustee's when the Board has determined that the amendment is in the public interest.

1. Any revision to an approved preliminary or final PD plan that does not meet the criteria for a minor amendment as defined in Paragraph E of this section is considered a major amendment.
2. The major amendment process is the same process as the final PD plan.

E. Minor Amendments

A minor amendment to an approved preliminary development plan or plat, an approved final development plan or plat may be initiated by the owner of all or a portion of the property, or, by the Board of Trustee's when the Board has determined that the amendment is in the public interest.

1. Criteria

The minor amendment process may only be used for amendments, changes and revisions to a preliminary or final plan that has been determined to be of a minor engineering, planning or administrative nature that meet the following criteria:

- a. All involved lands must be part of a previously approved plan.
- b. No additional lot, parcel or building site is created.
- c. The lot or parcel areas, or street frontage, shall not be reduced by more than 10 percent.
- d. The revisions do not conflict with any other ordinances, regulations, codes or rules of law of the Town of Columbine Valley or the State of Colorado.
- e. The revisions do not conflict with any major requirement or condition of the approved final PD plan.
- f. Changes consist of typographical and spelling errors or transpositions, incorrect seal, incorrect dates, monumentation incorrectly noted or drawn, incorrect or missing interior bearing(s) and/or dimension(s) on the drawing, or missing or incorrectly displayed arrows or symbols.
- g. The revisions are street name changes only.
- h. The revision is a plan title change only.

2. Process

The process and approval procedures for a minor amendment shall be as specified for a final PD plan except as follows:

- a. There are no referrals to outside agencies required. The Town Planner may refer the minor amendment to interested agencies, if appropriate.
- b. Notification is not required. The Town Planner may request notification of all or some adjacent or surrounding property owners, if appropriate.
- c. Upon receipt of a complete application for a minor amendment, the Town Planner shall schedule the case for the first available meeting of the Board of Trustees.

D. Board of Trustees Action

The Board of Trustees may approve the application, with or without conditions, deny the application or continue the matter to a date certain.

E. Recording

Minor amendments may be recorded if so determined by the Town Attorney, the Town Planner or the Board of Trustees. If so directed, the Town Clerk will record, or cause to be recorded, the amended plan.

SECTION 3. USE BY SPECIAL REVIEW

- A. The processing of a use by special review shall be as specified for a final PD plan.
- B. The submittal requirements for a use by special review are specified in Article VII, Section 5.B of these Regulations.

ARTICLE VII

SUBMITTAL REQUIREMENTS

The following article outlines the submittal requirements for each specific land use application. An incomplete application will not be processed.

SECTION 1. ANNEXATIONS

A. Statutes Apply

All requests for annexation must comply with Colorado Municipal Annexation Act of 1965 (CRS Section 31-12-101 et seq., as amended).

B. Submittal Requirements

1. A completed application form.
2. All documents required pursuant to the Colorado Municipal Annexation Act of 1965.
3. A narrative stating applicant's intent for annexation.
Note: If intent includes concurrent land development, applicant shall include the submittal requirement for the PD as well.
4. Title policy current within 30 days of application.
5. A list of abutting property owners within the Town of Columbine Valley and within three hundred feet (300') of any property boundary of the PD.

SECTION 2. PLANNED DEVELOPMENTS

A. Preliminary Plan/Plat

The preliminary plan/plat is the first step in the PD approval process. When used in this Article the term preliminary plan and preliminary development plan shall mean both the preliminary plan and preliminary plat unless otherwise specified. The submittal requirements are:

1. A completed Application for Land Development.
2. Statement or letter of intent containing:
 - a. Description of the proposed development.
 - b. Time schedule for completion of the project or each phase thereof.
 - c. List of abutting properties and properties within three hundred feet (300'), including names and addresses of owners of record.

4. Title work current within 30 days of submission.
5. Black line prints (24" x 36") and reductions (11" x 17") unless a different size is specified by the Town Planner. The prints shall show:
 - a. Perimeter boundary.
 - b. Existing topography. (Plat only)
 - c. Legal description including total acreage.
 - d. Location of existing (to remain) and proposed structures (where applicable) with square footage, heights and uses.
 - e. Boundaries of any 100-year flood plain or areas subject to flooding.
 - f. Names of recorded subdivision plats of adjoining platted land by record name, date and number.
 - g. Development Stipulations Chart (Article VIII, Section 2), (Plan only).
 - h. Pedestrian walkways, plazas, patios or similar gathering places and linkages to public areas and other neighborhoods.
 - i. Proposed lot, block, tract, street ROW, easements and boundary lines.
 - j. All proposed access points, circulation, parking and loading areas.
 - k. Location, height, size of proposed signs, lighting and advertising devices.
 - l. Solid waste disposal areas and containers.
 - m. Areas to be dedicated or reserved as common or public open space, and other public facilities.
 - n. Signature blocks, certifications and Standard Notes Paragraph C of this Section).
 - o. Building elevations showing colors and material types and maximum heights of structures.
 - p. Preliminary site lighting plan.

- q. Preliminary landscaping plan that illustrates:
 - 1) Types of plantings (shrubs, trees and groundcover, and whether deciduous or coniferous).
 - 2) Buffering from adjacent land uses.
- r. Preliminary engineering plans showing proposed:
 - 1) Dewatering plan, if necessary.
 - 2) Drainage, flood control, water quality.
 - 3) Grading, erosion, sediment control.
 - 4) ROW cross sections (roads, walks, etc.).
 - 5) Water supply, including fire control.
 - 6) Wet utilities.
 - 7) Proposed dry utility service points.
- s. "Will serve" letters for wet and dry utilities.
- t. Traffic study.
- u. Phase One drainage study.
- v. Payment of all outstanding fees for processing, including fees charged by the Town's consultants.

B. Final Plan

- 1. Completed Application for Land Development.
- 2. Statement or letter of intent containing:
 - a. Description of the proposed development.
 - b. Time schedule for completion of the project or each phase thereof.
- 3. List of abutting properties and properties within three hundred feet (300'), including names of owners of record.
- 4. Title work current within 30 days of submission.

5. Black line prints (24" x 36") and reductions (11" x 17") unless a different size is specified by the Town Planner. The prints shall show:
 - a. Perimeter boundary.
 - b. Existing topography
 - c. Legal description, including total acreage.
 - d. Location of existing (to remain) and proposed structures (where applicable), with square footage and heights and uses.
 - e. Boundaries of any 100-year flood plain or areas subject to flooding.
 - f. Names of recorded subdivision plats of adjoining platted land by record name, date and number.
 - g. Development Stipulations Chart (Article VIII, Section 2).
 - h. Pedestrian walkways, plazas and patios, or similar gathering places and linkages to public areas and other neighborhoods.
 - i. Proposed lot, block, tract, street ROW, easements and boundary lines.
 - j. All proposed access, circulation, parking and loading areas.
 - k. Location, height, size of proposed signs, lighting and advertising devices.
 - l. Solid waste disposal areas and containers.
 - m. Areas to be dedicated or reserved as common or public open space, and other public facilities.
 - n. Signature blocks, certifications and Standard Notes (Paragraph C of this Section).
 - o. Building elevations showing colors and material types, and maximum heights of structures.
 - p. Final site lighting and photo metrics plan with cuts of all proposed fixtures.

6. Landscape plans in the same format as final plans showing final landscaping plan that illustrates plant species, including quantity, size, location planting details and all hardscape materials.
7. Engineering and construction documents as specified in Paragraph D. 3, of this Section.
8. Payment of all outstanding fees for processing, including fees charged by the Town consultants.

C. Signature Blocks and Standard Notes

The following signature blocks and standard notes shall be incorporated onto the cover sheet of all PD plans and plats:

1. Signature Blocks

• **STATEMENT OF OWNERSHIP AND CONTROL**

Be it known that (name of actual owners of the site) are the owners of the property known as the (name of development), located at (address) in Columbine Valley, Colorado, which property is described on this plan/plat and that as the owners of the property we have the legal right and authority to request approval of this planned development from the Town of Columbine Valley.

Signed this ____ day of _____, AD ____.

Signature

Title

• **NOTARIES**

State of Colorado

ss.

County of Arapahoe

The foregoing instrument was acknowledged before me this ____ day of _____, AD_____, by (printed name of owner(s): if by natural persons here, insert name; if by person acting in a representative official capacity, insert capacity; if by officers of a corporation, then insert the title of said officers and the name of the corporation).

My Commission expires _____

My address is _____

Witness my hand and official seal.

Notary Public

(Seal)

- **BOARD OF TRUSTEES APPROVAL**

This (preliminary/final development plan/plat) was approved by the Board of Trustees of the Town of Columbine Valley, Colorado, this ____ day of _____, AD____.

Mayor: Town of Columbine Valley

Attest: Town Clerk

- **COUNTY CLERK AND RECORDER'S ACCEPTANCE**

This (plan/plat) was accepted for filing in the office of the Clerk and Recorder of Arapahoe County, Colorado, on this ____ day of _____, AD____.

Reception Number_____, Time _____. Book____, Page_____

Date_____ _____
County Clerk

2. Standard Notes

The following notes shall be required on the cover sheet of all PD final plans/plats

**THE OWNER(S) OF THE (NAME OF PLANNED DEVELOPMENT)
KNOWN AS (PROJECT/SUBDIVISION NAME), THEIR RESPECTIVE
SUCCESSORS, HEIRS AND/OR ASSIGNS AGREE TO THE FOLLOWING:**

- **Improvements Completed**

That no development, construction or improvements shall be certified for occupancy unless and until all required public improvements, as defined within the Subdivider Improvements Agreement for this (plan/plat) are in place and accepted by the Town of Columbine Valley.

- **Emergency and Service Vehicle Access**

The emergency and service vehicle access easement(s) shown hereon shall be constructed and maintained by the owner and subsequent owners, heirs, successors and assigns or HOA. In the event that such construction and maintenance is not performed by said owner, the Town of Columbine Valley shall have the right to enter such easements and perform necessary work, the cost of

which said owner, heirs, successors and assigns agree to pay upon billing.

- **Storm Drainage Easements**

When stormwater drainage easement(s) are required, the following language shall appear on the face of the plat:

"The stormwater drainage easement(s) shown hereon is (are) for the purpose of access, operation, maintenance, repair and alternation of the stormwater quantity and quality management system/facilities included within the said easement(s). The operation, maintenance and repair of such stormwater management system/facilities shall be the responsibility of the owner and subsequent owners, heirs, successors and assigns or Homeowners Association. In the event that the operation, maintenance and repair of the stormwater management system/facilities are not performed by said owner, the Town of Columbine Valley shall have the right to allow the Homeowners Association to enter such easement(s) and perform the necessary work, the cost of which said owner, heirs, successor and assigns agree to pay upon billing. Any claims and resulting judgments for damage to downstream properties caused by the lack of adequate maintenance being performed by the said property owner shall be borne solely by the said property owner. The property owner hereby releases, indemnifies and holds harmless the Town of Columbine Valley from any and all liability resulting from the lack of adequate maintenance of said stormwater management system/facilities. No buildings, fills, excavations, structures, fences or other alterations shall be constructed within a stormwater drainage easement(s) without the express written consent of the Town."

- **Street Maintenance**

It is mutually understood and agreed that the dedicated roadways shown on this plat/plan will not be maintained by the Town until and unless the streets are constructed in accordance with the subdivision regulations in effect at the date construction plans are approved, and provided construction of said roadways is started within one year of the construction plan approval. The owner and subsequent owners, heirs, successors and assigns or HOA shall be responsible for street maintenance until such time as the Town accepts the responsibility for maintenance as stated above.

- **Landscape Maintenance**

The owners, their successors and/or assigns in interest or other entity other than the Town of Columbine Valley shall be responsible for maintenance and upkeep of the perimeter fencing, landscaped areas and sidewalks within the public ROW adjacent to this PD.

The owners, their successors and/or assigns in interest other than the Town shall be responsible to maintain all common open space and other landscaped areas associated with this development.

- **Sight Triangle Maintenance/Clearance**

Corner vision clearance requirement: No fence, wall, hedge, shrub, structure or other obstruction to view that is more than forty-two inches (42") in height shall be erected, placed or maintained within a triangle formed by the point of intersection of lot lines abutting a street and the points located along the lot lines thirty feet (30') from the point of intersection.

- **Drives, Parking Area and Utility Easements Maintenance**

The owners, their successors and/or assigns in interest other than the Town of Columbine Valley shall be responsible for maintenance and upkeep of any and all drives, parking areas and easements (i.e., cross access easements, drainage easements, etc.).

- **Private Street Maintenance (If Applicable)**

It is mutually understood and agreed that the private roadways shown on this plat/plan that are not in conformance with the Town of Columbine Valley roadway design and construction standards will not be maintained by the Town until and unless the streets are constructed in conformance with the Town's regulations in effect at the date of the request for dedication. The owners, developers and/or subdividers, their successors and/or assigns in interest, or HOA shall be responsible for street maintenance until such time as the Town accepts responsibility for maintenance as stated above.

- **Final Plat Cross-Reference**

There is an approved final plat for the property covered by this PD plan. The final plat contains survey data, lot dimensions, easements dimensions and purpose, special and standard notes, and other information relevant to the property. The final plat is recorded in the office of the Arapahoe County Clerk and Recorder, Book ____, Page ____.

D. Final Plat

The final plat shall be submitted and include the following:

1. Revised Application for Land Development and revised Letter of Intent, if necessary.
2. Plat Map. Blackline prints (24"x36") and reductions (11"x17") unless a size otherwise specified by the Town Planner. The Plat Map shall show:
 - a. Perimeter Boundary.
 - b. Primary control point description. (ties to control points to which all dimensions, angles, bearings, etc., related to plat.
 - c. Location and description of all monuments.
 - d. Lot, Block and Tract boundary lines, right of way(R-O-W) lines of streets, easements and other rights-of-way, property lines of residential lots, with dimensions.
 - e. Bearings, deflection angles, radii, arc and central angles of all curves. (Accurate control survey which balances and closes within State limits).
 - f. Closure calculations.
 - g. Total acreage and surveyed legal description.
 - h. Name and R-O-W width of each street & other R-O-W.
 - i. Location, dimensions and purpose of easements.
 - j. Numbers to identify each block and lot.
 - k. Name of record owners of adjacent unplatted land.
 - l. Reference to recorded subdivision plat of adjoining platted land by record name, date and number.
 - m. Pedestrian walkways and linkages to public areas and other neighborhoods.
 - n. Areas to be dedicated or reserved as public or common open space, school sites and other public facilities.
 - o. Boundaries of any 100 year floodplain or areas subject to flooding.
 - a) Certifications and Standard Notes (Paragraph C of this Section).
3. Engineering Plans and Documents
 - a. Dewatering plan, if necessary.
 - b. Drainage, flood control and water quality.
 - c. Grading, erosion and sediment control. **Note:** Grading plans shall indicate the highest point of finished grade of the foundation for any structure so maximum height can be determined.
 - d. ROW cross sections (roads, walks, etc.).
 - e. Water supply, including fire control.
 - f. Wet utilities.

- g. Dry utility service points, pedestals, transformers, etc.
 - h. Pavement design report for public and private streets.
 - i. Phase Three drainage study.
 - j. Construction plans (streets and drainage)
6. Final Landscaping Plans as specified in Article VII, Section 2B unless provided with a final development plan.
 7. Building elevations as specified in Article VII, Section 2B unless provided with a final development plan.
 8. Copies of final special agreements, conveyances, restrictions or covenants unless provided with a final development plan.
 9. The following signature blocks shall be included on the cover sheet of all plats:

- **BOARD OF TRUSTEES APPROVAL**

This final plat was approved by the Board of Trustees of the Town of Columbine Valley, Colorado, this ____ day of _____, AD____.

Mayor: Town of Columbine Valley

Attest: Town Clerk

- **TOWN OF COLUMBINE VALLEY PLANNING AND ZONING COMMISSION (REVIEW/APPROVAL)**

The Town of Columbine Valley, Colorado, Planning and Zoning Commission on this ____ day of _____, AD____, (reviewed/approved) this final plat.

Chairman

Attest:

- **TITLE VERIFICATION**

I/We (name), a (choose one: qualified title insurance company, title attorney or attorney at law), do hereby certify that I/we have examined the title of land described hereon and that title to such land is in the owner's name, free and clear of all liens, taxes and encumbrances, except as follows:

 (Title of Official) Title Insurance Company

 (Title Attorney) or (Attorney at Law)

• **COUNTY CLERK AND RECORDER'S ACCEPTANCE**

This plat was accepted for filing in the office of the Clerk and Recorder of Arapahoe County, Colorado, on this ____ day of _____, AD_____.

Reception Number_____, Time _____. Book____, Page_____

Date_____

County Clerk

• **MORTGAGEE'S APPROVAL**

In witness whereof mortgagee has subscribed its name this ____ day of _____, AD_____.

Notarial

State of Colorado

ss.

County of Arapahoe

The foregoing instrument was acknowledged before me this ____ day of _____, AD_____, by (printed name of mortgagee: if by natural persons here, insert name; if by person acting in a representative official capacity, insert capacity; if by officers of a corporation, then insert the title of said officers and the name of the corporation).

My Commission expires _____

My address is _____

Witness my hand and official seal.

• **TOWN ENGINEER REVIEW**

The Town Engineer has reviewed this plat and found it to be in general conformance with the Town's engineering standards. The signature of the Town Engineer does not absolve the applicant's

design engineer responsibility to provide adequate and professional design.

Town Engineer

Date_____

• **CERTIFICATE OF TAXES PAID**

I, the undersigned, do hereby certify that the entire amount of taxes and assessments due and payable as of _____ upon all parcels of real estate described on this plat are paid in full. Dated this ____ day of _____, AD_____.

Treasurer of Arapahoe County, Colorado

• **SURVEYING CERTIFICATION**

I, (name of surveyor), a registered professional land surveyor in the State of Colorado, do hereby certify that the survey represented by this plat was made under my supervision and the monuments shown thereon actually exist and this plat accurately represents said survey. This survey prepared in accordance with the Manual of Instruction for the Survey of Public Lands, 1977 except as modified by Colorado Revised Statutes 38-51-101 through 103, as amended.

Signature

R.L.S. No._____

1. The surveyor shall seal the plat so that the seal does not obscure any information shown on the plat.
2. A bullet is required for each general note required in these Regulations.
3. Where the exterior boundary lines of the plat shows bearings and distances that vary from those recorded in adjoining plats or surveys, a note shall be placed along those lines, in parenthesis, stating the recorded bearing and distance, and the reception number or plat book and page of the adjoiners, as shown in the following example:

N41 degrees 127'29"E (recorded as N41 degrees, 10'23"E in Book 98 at Page 98).

4. With the submittal of the final Mylars, an address plat is required. The Address Mylar is an exact duplicate of the final plat exhibit with the

addition of a label that reads "address plat" and labels the addresses for each lot or tract in the subdivision. (The Address Plat needs to be signed by the owner(s) of the property and the signature(s) needs to be notarized.) The Address Plat Mylar shall be a photographic mylar or equivalent (prepared such that the text/line work does not bleed, flake or scratch off) on 24" x 36" single/double matte mylar. The drawing shall be in uppercase sans serif with a minimum 12-point font unless otherwise approved by the Town Planner or designee. The Address Plat Mylar is routed the same as the final plat mylar but is not recorded with the final plat. When multiple sheets are needed, a cover sheet may be required that shows a composite of the subdivision.

5. No plat shall include copyright restrictions.
6. All technical reports shall have been approved or concurrently approved with the plat.
7. All other applicable sections and requirements are completed as deemed necessary by the Board.
8. Signature Format Mylars are required.

SECTION 3. MAJOR AMENDMENTS

- A. The submittal requirements for a major amendment shall be the same as for the original final plan/plat.
- B. Any amendment not meeting the criteria of a minor amendment shall be considered a major amendment.

SECTION 4. MINOR AMENDMENTS

The application and submittal requirements for a minor amendment are:

- A. Application form.
- B. Description of change with supporting documentation shown and highlighted on the previously approved PD plan.
- C. Any other documents required by the Town Planner.

SECTION 5. USE BY SPECIAL REVIEW

A. Intent

Within the A (Agriculture) and CC (Country Club) zoning districts there are certain uses that require special approval by the Board of Trustees. Because these uses may have adverse impacts on adjacent property, the neighborhood or the community,

the Board of Trustees can impose conditions on the approval of these uses or can deny the use.

B. Submittal Requirements

1. Completed application form.
2. Legal description.
3. Narrative detailing all uses requiring approval.
4. Title work current within 30 days of submission.
5. Current site plan showing current and proposed uses.
6. Structure elevations and proposed modifications.
7. Landscape plan.
8. Any other criteria deemed appropriate by the Town Planner.

C. Process

The processing of a use by special review shall be as specified for a final plan in Article VI, Section 2.C of these Regulations.

D. Planning and Zoning Commission Action

1. If the Planning and Zoning Commission approves the final plan with recommended revisions or conditions, the applicant shall submit a letter to the Town Planner stating his position regarding the recommendations or conditions for inclusion in the packet to the Board of Trustees meeting.
2. If the Planning and Zoning Commission does not approve the final plan, the applicant has two options:
 - a. Attempt to resolve and resubmit; or
 - b. Appeal within 10 days to the Board of Trustees, in which case the applicant shall provide a letter stating the reasons for such an appeal.
3. As soon as possible after the action of the Planning and Zoning Commission, the Town Planner shall inform the applicant of the Planning and Zoning Commission action.

4. Upon receipt of the required number of amended plan sets and other requested materials, the Town Planner will schedule the case for a Board of Trustees meeting.

E. Board of Trustees Action

1. The Board of Trustees may approve the application, with or without conditions, deny the application or continue the matter to a date certain.
2. Upon approval of the amended plan/plat, the following shall be required prior to the issuance of any permit for construction:
 - a. The number of copies of the amended plan/plat as specified by the Town Planner.
 - b. A check in the amount necessary for all outstanding fees and payments due for review and processing, surveyor review, payment in lieu of land dedication and recording fees.
 - c. Check sets of the amended plan/plat indicating required revisions to conform with the final plan and plat approved by the Board of Trustees.

F. Filing. Amended Plan

If staff determines that all requirements have been satisfied, the applicant shall submit the Signature Mylars to the Town for execution and recording.

G. Recording

The Town Clerk will record, or cause to be recorded, the amended plan/plat and other documents as soon as possible after they have been deemed to be approved by the Town Attorney.

ARTICLE VIII

FORMS AND NOTIFICATIONS

SECTION 1. APPLICATION FOR DEVELOPMENT

APPLICATION FOR LAND DEVELOPMENT TOWN OF COLUMBINE VALLEY, COLORADO

<p>Date _____</p> <p>Name /Address/Contacts of Applicant</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>(Signature) _____</p> <p>Telephone _____ Fax _____</p> <p>Email Address _____</p>	<p>Name/Address/Contacts of Owner (If different from applicant)</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>(Signature) Note: Owner's signature indicates applicant may represent owner on all matters pertaining to this application.</p> <p>Telephone _____</p> <p>Fax _____</p> <p>Email Address _____</p>
<p>Type of Application:</p> <p>_____ Annexation</p> <p>_____ Planned Development</p> <p>_____ Preliminary Plan</p> <p>_____ Rezoning</p> <p>_____ Final Plan</p> <p>_____ Major Amendment</p> <p>_____ Minor Amendment</p> <p>_____ Use by Special Review</p> <p>_____ Other _____</p>	<p>Property Description:</p> <p>Location of Property _____</p> <p>Acreage _____</p> <p>Existing Zoning _____</p> <p>Proposed Zoning _____</p> <p>Existing Land Use _____</p> <p>Proposed Land Use _____</p> <p>Brief description of the request:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>
<p style="text-align: center;"><u>OFFICE USE ONLY</u></p> <p>Date of Complete Application _____</p> <p>Fees or Initial Deposit Paid \$ _____</p> <p>Comments: _____</p> <p>_____</p> <p>_____</p>	

SECTION 2. DEVELOPMENT STIPULATIONS CHART

DEVELOPMENT STIPULATIONS CHART

Standard	Residential	Commercial
Acreage		
Density (DU's Acre)		
Floor Area Ratio		
Building Coverage		
Open Space Public or Common		
Building Height (Maximum)		
Setbacks		
From Street ROW		
Front		
Side		
Rear		
Minimum Distance Between Buildings		
Parking Lot from ROW		
Parking (Off-Street)		
With On-Street Parking		
Without On-Street Parking		
Signage (Numbers and Dimensions)		
Project Identification		
Tenant Identification (Ground Mounted)		
Tenant Identification (Fascia or Wall)		
Directional Informational		
Temporary		
Walls, Fences, Hedges (Materials and Dimensions)		
North Property Line		
East Property Line		
South Property Line		
West Property Line		
Exterior Lighting (Height and Type)		

SECTION 3. PUBLIC NOTICE FORMS

A. Notice to Property Owners

At least twenty one days prior to a public hearing, a written notice shall be sent by certified mail, by the applicant, to all owners of property within 300 feet of the site for which the land use application is made. Return receipts shall be submitted with a list of all area property owners to the Town Clerk's Office prior to the hearing date. The written notice shall contain the following information:

1. The entire notice of public hearing outlined in Subsection C, including the legal description; and
2. Brief narrative outlining the proposed land use application before the Planning and Zoning Commission or Board of Trustees.

B. Notice for Sign

At least 21 days prior to a public hearing, a notice shall be posted by the applicant on the property for which the land use application is made. The notice shall consist of at least one sign facing an adjacent public ROW in a manner that provides the most visibility to the public. These notices shall be in the form of signs measuring not less than two feet by three feet (2' x 3') with lettering a minimum of one inch (1") high and on posts no less than three feet (3') above the ground. All lettering shall be clearly legible from the ROW the sign faces. These notices shall read as specified in Subsection C.

C. Notice Form

Notice is hereby given that the Town of Columbine Valley (name of board: Planning and Zoning Commission or Board of Trustees) shall hold a public hearing concerning (type of application request), located on property described in Exhibit A, and generally located at (distance and direction of nearest major intersection) pursuant to the Town of Columbine Valley Zoning Regulations.

The public hearing shall be held before the (name of board) on (date), at the hour of (time), or as soon as possible thereafter as the agenda of the (name of board) permits, at (address of location of hearing), or at a place otherwise specified by the Town Clerk. Further information is available by calling (303) 795-1434.

**ALL INTERESTED PERSONS MAY ATTEND
EXHIBIT A
(legal description)**

SECTION 4. SUBDIVIDER IMPROVEMENTS AGREEMENT

A. Intent

Subdivider Improvements Agreement shall be prepared by the Town of Columbine Valley and shall stipulate improvements to be completed within the proposed subdivision as determined by the Board of Trustees.

B. Contents of Subdivider Improvements Agreement

The Subdivider Improvements Agreement shall include, but not be limited to, the following:

1. A complete description of the improvements to be completed and the schedule for completion of these improvements. The improvement list shall be included as an exhibit to the agreement.
2. A provision that if at any time there is a breach of such agreement, the Town of Columbine Valley may withhold approval of all building permits, construction permits and certificates of occupancy within the subdivision until such breach or breaches have been cured.
3. A performance guarantee covering all costs related to construction as set forth in the improvements list. The guarantee shall be one of the following:
 - a. An irrevocable letter of credit.
 - b. Completion performance bond.
 - c. Cash escrow.
 - d. Other guarantees acceptable to the Town of Columbine Valley.
4. An agreement to provide the Town with a reproducible Mylar of the as-constructed improvements certified by a Colorado licensed Professional Engineer stating the improvements were completed in general conformance with the approved construction plans and specifications for the project.
5. Other relevant conditions or restrictions imposed upon the subdivider as a condition of approval and agreed to by the applicant.
6. Signature blocks for the subdivider and the Mayor of Columbine Valley.

C. Format

The format for the Subdivider Improvements Agreement is included as Appendix B of these Regulations.

ARTICLE IX

RELATED PROCEDURES

SECTION 1. VACATION OF STREETS, RIGHTS OF WAY AND EASEMENTS

A. Submittal Requirements

The submittal requirements for vacation of part or all of a street, right of way or easement are as follows.

1. Payment of application fee as estimated by the Town Planner.
2. Ten (10) copies of the following:
 - a. A map entitled, "A vacation of (name of street or easement)." Include on or attach to the map a legal description of the street, ROW or easement, or portion thereof, to be vacated. Cross-hatch or otherwise illustrate the portion to be vacated, and indicate all lots adjoining the portion to be vacated along with the names of the owners of such lots, plus their mailing address.
 - b. A letter assuring that no property will be left without proper access due to this vacation.
 - c. A petition signed by at least fifty percent (50%) of the property owners abutting the street, right of way, or easement, to be vacated.
 - d. A copy of a letter to each abutting property owner that did not sign the petition stating that a request for vacation of the street, right of way, or easement has been submitted and proof that each letter was sent by registered mail.

B. Process

1. Upon determining that the application for vacation is complete, the Town Planner shall schedule the request for a public hearing with the Board of Trustees.
2. The Town Clerk will publish a notice of the public hearing in a newspaper of general circulation within the jurisdiction of the Town within 21 days prior to the hearing and will post a notice of the public hearing at the Town Office.

3. The Town Planner, after consultation with the Town Attorney and Town Engineer, shall prepare a staff report for the Board of Trustees hearing indicating the staff's recommendation regarding the proposed vacation.

C. Board of Trustees Action

The Board of Trustees shall conduct a public hearing and make a determination on the vacation request.

D. Recording

Should the Board of Trustees approve the vacation, petitioners shall submit a Signature Mylar of the plat showing the ROW to be vacated and all new lots created by the vacation. Upon the Town Engineer's review and the Board of Trustees' signature the approved plat shall be recorded with the Arapahoe County Clerk and Recorder.

SECTION 2. EXEMPTIONS

A. Intent

The intent of this section is to provide for exemptions from the complete land development requirements.

B. Submittal Requirements

The submittal requirements for an exemption shall be as specified for a final plan (Article VII, Section 2B, 1-7) as may be modified by the Town Planner.

C. Process

The process and approval procedures for an exemption shall be as specified for a final plan except as follows:

1. There are no referrals to outside agencies required. The Town Planner may refer the application to interested agencies, if appropriate.
2. Notification and a public hearing is not required. The Town Planner may request notification of all or some adjacent or surrounding property owners, if appropriate.
3. Upon receipt of a complete application for a subdivision exemption, the Town Planner shall schedule the case for the first available meeting of the Board of Trustees.

D. Recording

1. If approved by the Board of Trustees, the exemptions must be recorded. The Town Clerk will record, or cause to be recorded, the exemption plat, the Trustees' resolution or both.
2. The exemption shall become effective upon filing of the exemption plat, the Board of Trustees' resolution or both with the Arapahoe County Clerk and Recorder.

SECTION 3. WAIVERS

Waivers of certain submittal requirements for an Application for Land Development or for all or a portion of the required processing fees may be approved by the Board of Trustees.

A. Submittal Requirements

A request for a waiver may be included with the original application submitted, if required, or a separate letter to the Town Planner.

B. Process

The Town Planner shall schedule the waiver request for consideration by the Board of Trustees. The land development application, which includes or is the subject of a waiver request, shall not be scheduled for a Board of Trustees hearing until all waiver requests have been either approved or denied unless the waiver is minor in nature and a denial of the waiver would not significantly affect the processing of the plan.

SECTION 4. APPEALS

In the event that any person disagrees with a Town employee's or a consultant's interpretation of the language of these regulations, he/she may appeal to the Board of Trustees. Any appeal shall be in writing no later than 15 days after the employee or Town consultant interpretation was made. The appeal shall be heard by the Board of Trustees at its next regular meeting so long as such meeting is at least 15 days after the filing of the appeal.

ARTICLE X

ENGINEERING AND CONSTRUCTION STANDARDS

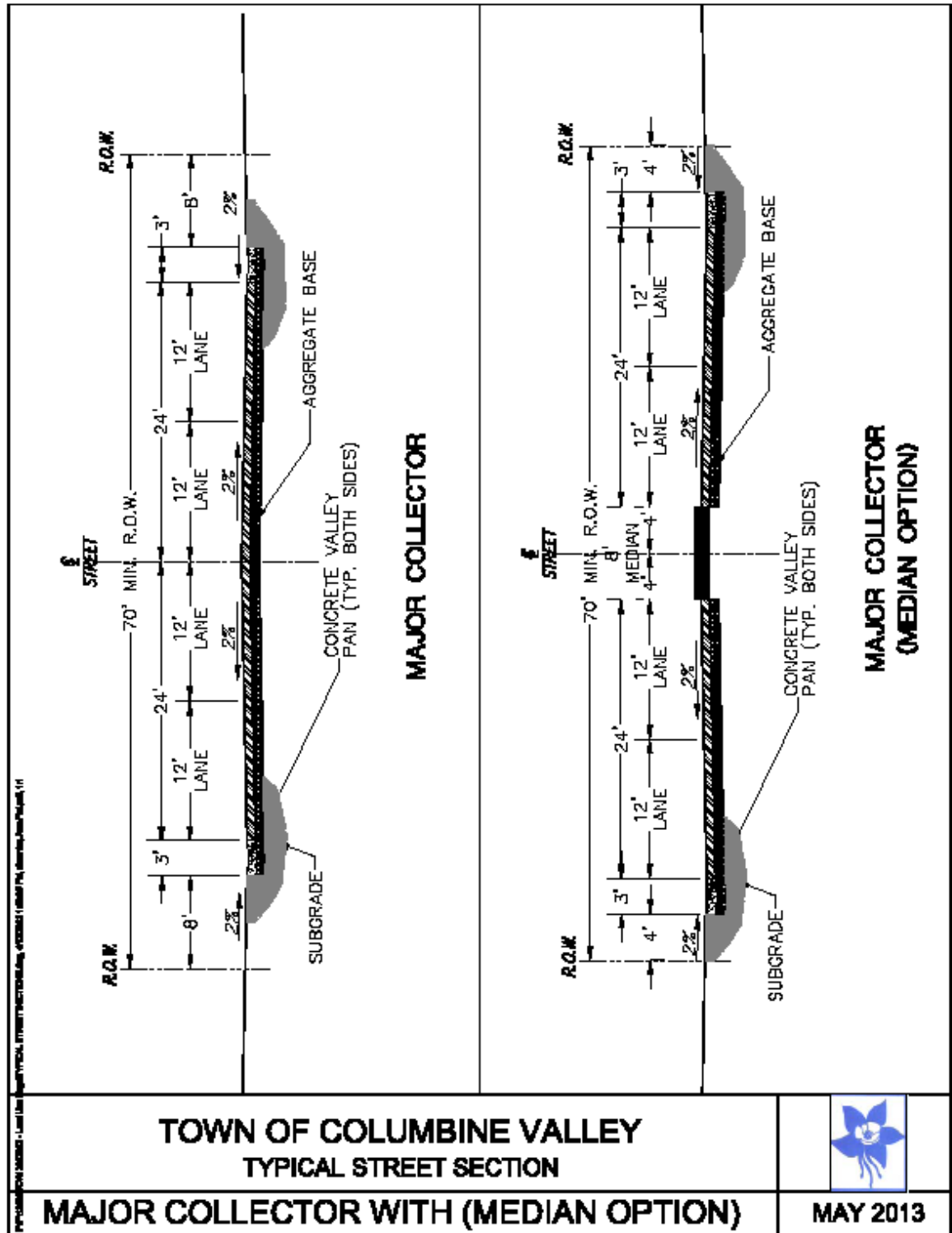
The list of required public improvements and the design and construction standards for all public improvements are specified in Section 2 of this Article. The requirements for a Subdivider Improvements Agreement are as specified in Article VIII, Section 4 and Appendix B of these Regulations.

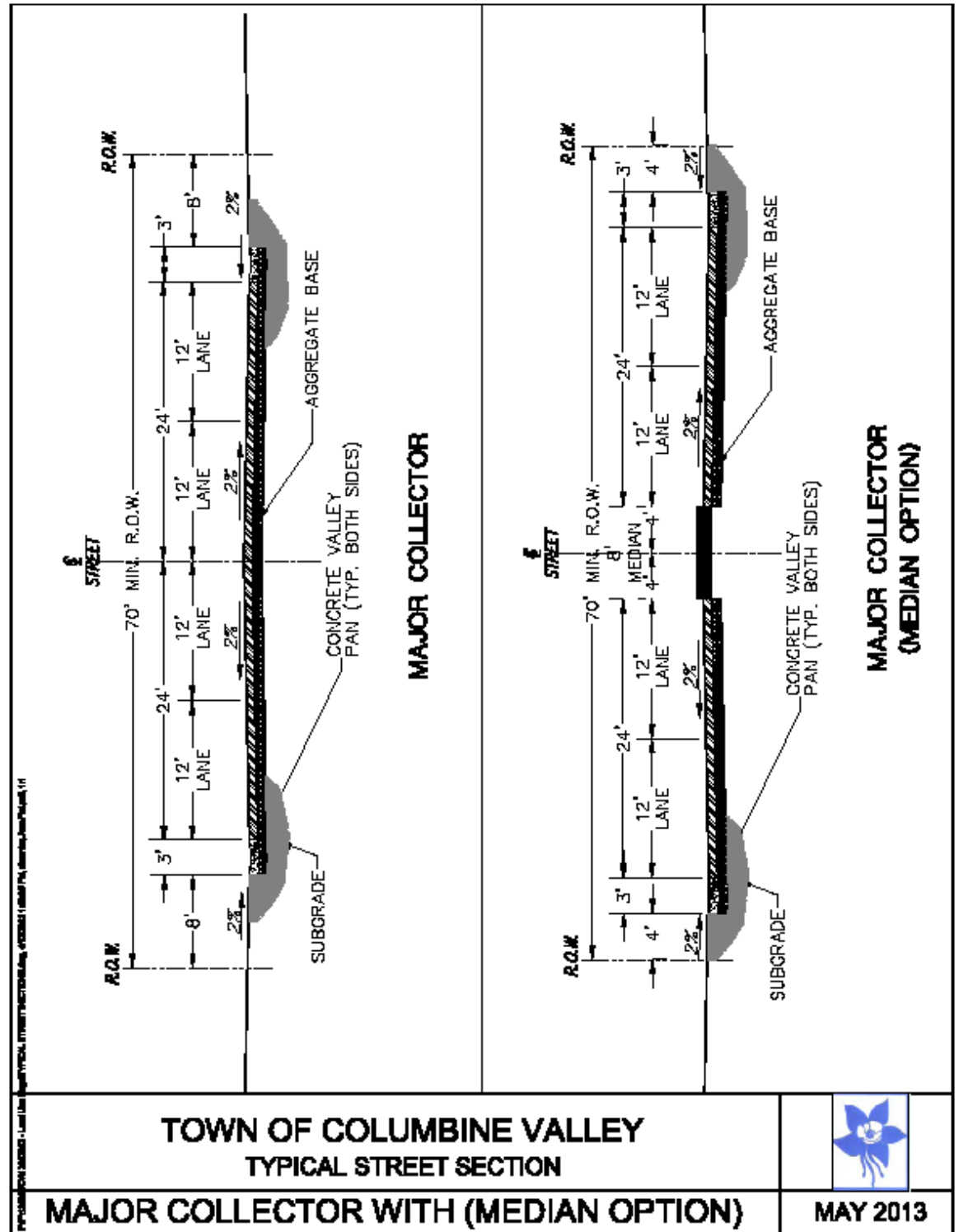
SECTION 1. STREETS, CURBS AND GUTTERS, AND SIDEWALKS

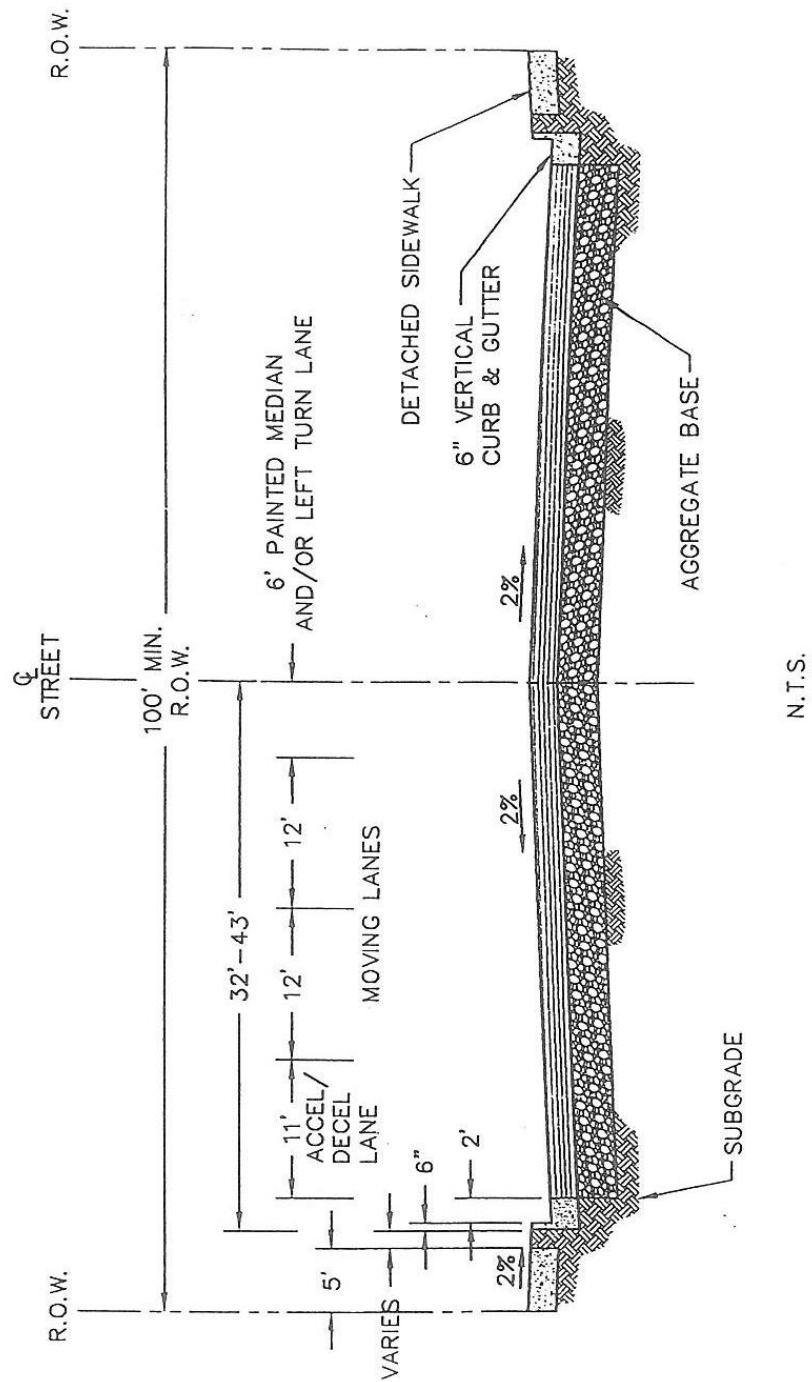
Specifications, material requirements and standards related to the construction and maintenance of streets are contained in Chapter 4 of the Arapahoe County Infrastructure Design and Construction Standards in effect as of December 15, 2006, revised December 31, 2007, with the following amended definitions: (1) "Division of Engineering," "County Engineer" or "Engineer" shall mean the Town of Columbine Valley Engineer; (2) "Department of Development Services/Infrastructure Management" shall mean the Town Engineer and Town Planner; (3) "County" shall mean the Town of Columbine Valley, Colorado.

EXHIBIT A

TYPICAL STREET CROSS SECTIONS







TOWN OF COLUMBINE VALLEY

TYPICAL STREET SECTION

ARTERIAL

Lore Associates, Inc.
water resource consultants
841 Front Street
Louisville, Colorado 80027-1649
Phone: 303-673-9795
Fax: 303-673-9796

JANUARY 19, 1999

SECTION 2. PUBLIC IMPROVEMENT DESIGN AND CONSTRUCTION STANDARDS

A. Public Improvements List Required

The developer shall prepare a list of all required public improvements for the proposed subdivision including, as a minimum, the items in the Required Public Improvements chart below. This list shall be submitted with the final plat and included as an exhibit to the Subdivider Improvements Agreement. The Town may require public improvements in addition to what is listed in the Public Improvements List. The list shall also include the developer's estimate of the unit costs, a subtotal estimated cost for each improvement category and a total estimated cost for the development.

REQUIRED PUBLIC IMPROVEMENTS

Improvement	Items	Unit	Unit Price	Cost
Streets	Hot Bituminous Pavement	Square Yards/ Inches of Depth		
	Aggregate Base Course	Square Yards/ Inches of Depth		
	Cut/Fill	Cubic Yards		
	Grading	Cubic Yards		
	Cross Pans	Linear Feet		
	Curb/Gutter	Linear Feet		
	Cart Paths	Square Yards/ Inches of Depth		
	Trails	Linear Feet/Width		
	Special Structures	Each		
	Street/Road Signs	Each		
	Other (List)			
Subtotal				

Improvement	Items	Unit	Unit Price	Cost
Water System	Water Main (State Size)	Linear Feet		
	Gate Valve/Box	Each		
	Fire Hydrants	Each		
	Valve Fittings	Lump Sum		
	Resurfacing Asphalt Trench Gravel Trench	Square Yards/ Inches of Depth		
	Steel Case Bore	Linear Feet		
	Other (List)			
Subtotal				

Improvement	Items	Unit	Unit Price	Cost
Sewage System	Manholes	Each		
	Sewer Lines (State Size)	Linear Feet		
	Lift Stations	Each		

	Dewatering	Lump Sum		
	Other (List)			
Subtotal				
Drainage	Culverts/Storm Drains (state size)	Linear Feet		
	Drainage Channels	As Appropriate		
	Drainage Appurtenances	As Appropriate		
	Drop Inlets	Each/Foot Depth		
	Flared End Sections	Each		
	Manholes	Each		
	Excavation/Embankment/ Detention Ponds	Cubic Yards		
	Seeding	Square Feet or Acres		
	Other (List)			
Subtotal				
Improvement	Items	Unit	Unit Price	Cost
Erosion Control During Construction	Vehicle Tracking Control Devices	Each		
	Silt Fence	Linear Feet		
	Rock Dams	Each		
	Hay Bales	Each		
	Inlet Protection	Each		
	Other			
Geologic	Abatement Structures	Each		
Soil	Erosion Control/Topsoil	Cubic Yards		
Radiation	Removal of Soil Replacement of Soil	Cubic Yards		
Sensory	Special Structures	Each		
	Trees	Each		
	Groundcover	Square Yards		
	Other Vegetation	As Appropriate		
Tracts	Rough Grading	Cubic Yards		
	Natural Seeding	Square Yards		
Subtotal				
Engineering costs. Including costs for preparation and review of any CLOMR/LOMR)				
Contingency Cost			15%	
Total				

B. Public Improvement Design Standards

1. Arapahoe County Standards Apply

Engineering criteria for public street design, inspection and testing requirements for roadway and appurtenant structures in the Town shall be as specified in the Arapahoe County Infrastructure Design and Construction Standards in effect as of December 15, 2006, revised December 31, 2007, or latest revision, except as follows:

- a. The following amended definitions: (1) "Division of Engineering," "County Engineer" or "Engineer" shall mean the Town of Columbine Valley Engineer; (2) "Department of Development Services/Infrastructure Management" shall mean the Town Engineer and Town Planner; (3) "County" shall mean Town of Columbine Valley, Colorado.
- b. All gutter pans shall be a minimum of three feet (3') wide.
- c. Pavement width for a local street shall be thirty-six feet (36').
- d. The Middlefield Road Drainage and Transportation Master Plan dated August 1997 also contains street design criteria. In the event of conflicting standards, the design will be based on the Town Engineer's recommendation.

2. Streets

- a. Street ROW widths, curves, radii, grades, site distances, minimum design speeds and other design criteria are summarized in Table 4.1 of the Arapahoe County Infrastructure Design and Construction Standards, Chapter 4, Roadway Design and Technical Criteria.
- b. Typical street cross sections are included as Section I of this article.

3. Water

The water distribution system shall be designed in accordance with the requirements of the Denver Water Board and the local water provider.

4. Sanitary Sewer

The sanitary sewer system shall be designed in accordance with the requirements of the local sanitary sewer service provider.

5. Drainage

Criteria, guidelines, specifications, material requirements and procedures related to the study and design of storm drainage facilities within the Town shall conform to:

- a. The Arapahoe County Stormwater Management Manual in effect as of January 30, 2007, with the following amended definitions: (1) "Division of Engineering," "County Engineer" or "Engineer" shall mean the Town of Columbine Valley Engineer; (2) "Department of Development Services/Infrastructure Management" shall mean the Town Engineer and Town Planner; (3) "County" shall mean Town of Columbine Valley, Colorado.
 - b. Urban Drainage and Flood Control District applicable Master Plans and Outfall System Plans. At a minimum, this includes:
 - 1) Dutch Lilley Coon Three Lakes Trib Master Drainageway Plan, Phase A, Phase B, 2008
 - 2) Dutch Lilley Coon Three Lakes Trib Flood Hazard Area Delineation, 2008
 - 3) South Platte Master Drainageway Plan, Phase A, 1984
 - 4) South Platte Master Drainageway Plan, Phase B, 1985
 - 5) South Platte River, A Plan for the Future, Special Report, 1985
 - 6) Columbine Valley Outfall Systems Plan, 1985
6. Amendments to Arapahoe County Standards
 Amendments to the Arapahoe County Infrastructure Design and Construction Standards or the Arapahoe County Stormwater Management Manual will be reviewed by the Board of Trustees and may or may not be adopted.

ARTICLE XI

DESIGN STANDARDS

SECTION 1. DESIGN STANDARDS

A. Purpose

The character and environment of the Town of Columbine Valley for future years will be greatly affected by the design of future subdivisions and the plans that are approved by the Town of Columbine Valley. Planning, layout and design of subdivisions are of the utmost concern.

1. Lots and blocks should provide desirable settings for the buildings that are to be constructed, make use of natural contours and protect the view, afford privacy for the residents and provide protection from adverse noise and vehicular traffic.
2. Natural features and vegetation of the area should be preserved if at all possible. Schools, parks, churches and other community facilities should be planned as an integral part of the area.
3. Structural design and landscaping shall be compatible with adjacent developed or planned neighborhoods. The Board of Trustees may consider the density, heights and setbacks, and the height-setback ratio. The amount and treatment of landscaped areas, and the type of landscaping of adjacent developed or planned neighborhoods or subdivisions, will be a consideration in the development stipulations.

B. Higher Standards

The Town may require higher or more stringent design standards where appropriate so long as such standards are required by site considerations and are in accordance with generally accepted design and construction practices and in accordance with the purposes and intent of these Regulations.

Where an HOA or other property owners association has adopted design standards, those standards shall not be less stringent than the standards approved by the Board of Trustees.

C. Site Considerations

1. Difficult sites

Steep land; potentially unstable land; areas having potentially inadequate drainage; areas having potential geologic or soils problems; or areas having problems of such a nature as to potentially endanger health, life or property shall not be platted unless studies and reports that provide for the elimination or control of such problems have been submitted. Such studies and reports shall be prepared by a registered engineer or other professional qualified in the particular field. Such studies must be approved by the Board of Trustees, which shall judge the same, by generally accepted principles adapted to the particular circumstances. All development in the subdivision shall be carried out in conformity with the recommendations of the reports as finally approved.

2. Noise abatement

Where a residential subdivision borders an arterial street or is contiguous to a commercial or office development, subdivision design shall include provisions for reduction of noise. Inclusion of walls, parallel streets, landscaped buffer areas and lots with increased setbacks, among others, are recommended solutions. Walls adjacent to arterial streets or contiguous to a commercial or office development shall conform to the Town's design standards as specified in Article III, Section 3D of these Regulations.

3. Natural contours

In all subdivision design, the natural contours of the land should be preserved whenever feasible. Grading, over lot grading, scarring of natural terrain features and other topographical changes shall be kept to a minimum to preserve drainage patterns. Vegetation removal shall be minimized as well as the impact on the aesthetics of the special terrain in Columbine Valley. Erosion, silting and fugitive dust during construction and afterward are to be minimized.

4. Access

Adequate vehicular and pedestrian access shall be provided to all parcels. Two points of public access should be provided when possible.

5. Public Improvements

Public improvements design standards are specified in Article X, Section B of these Regulations.

ARTICLE XII. SUBDIVISION REGULATIONS

SECTION 1. TITLE

These Subdivision Regulations establish rules, regulations and standards governing the subdivision of land within the incorporated areas of the Town of Columbine Valley, setting forth the procedure to be followed by the Board of Trustees, the Planning and Zoning Commission and employees of the Town in applying and administering these rules, regulations and standards, and setting forth the penalties for the violation thereof as established by law. These Subdivision Regulations relate to the subdivision of land and the improvements thereon and establishes administrative procedures for administering these Subdivision Regulations and establishes fees, as the Board of Trustees may from time to time amend them:

SECTION 2. SHORT TITLE

These Subdivision Regulations shall be cited as the "Town of Columbine Valley Subdivision Regulations.", and may be referred to as "these Subdivision Regulations".

SECTION 3. PURPOSE

The purpose of these Subdivision Regulations is to:

- A. To promote the health, safety and general welfare of the residents of the Town of Columbine Valley.
- B. To implement the goals and objectives of the Master Plan and ensure that growth occurs in an orderly and efficient manner.
- C. To establish adequate and accurate records of land subdivision.
- D. To provide adequate, safe and efficient public utilities and improvements, and to provide for other community facilities and land for public places.

SECTION 4. AUTHORITY

The Board of Trustees of Columbine Valley, Colorado is empowered, by law, to adopt and enforce subdivision regulations for the corporate limits of the Town of Columbine Valley, Colorado and in adjacent unincorporated territory within five miles of the corporate limits as per Colorado Revised Statutes 1973, Section 31-23-213 and 31-23-214 as amended.

SECTION 5. ENFORCEMENT AND PENALTIES

No person or agent of a person shall subdivide any parcel of land, which is located in the Town of Columbine Valley into two or more parcels except in compliance with these Subdivision Regulations. No person shall offer for recording, in the office of the County Clerk and Recorder, any deed conveying a parcel of land, or interest therein, unless such a parcel of land has been subdivided, or otherwise created, in compliance with the rules set forth in these Subdivision Regulations.

No lot within a subdivision created prior to the effective date of these Subdivision Regulations or approved by the Board of Trustees under the provisions of these Subdivision Regulations shall be further divided, rearranged, or reduced in area, nor shall the perimeter boundaries of any subdivision, or any lot within a subdivision, be altered in any manner without the approval of the Board of Trustees and as provided for in these Subdivision Regulations.

All officials and employees of the Town of Columbine Valley who are vested with the authority to issue permits by the Board of Trustees or by state statute, shall not issue permits, record documents, conduct inspections or otherwise perform any duties or administrative actions that are not in conformance with the provisions of these Subdivision Regulations.

Any person or agent of a person, subdivider or agent of a subdivider who sells, transfers or conveys, or attempts to sell, transfer or convey property which has been subdivided and which is subject to the provisions of these Subdivision Regulations, without first obtaining approval of the subdivision of the property, or the sale, transfer or conveyance of the property, in accordance with the provisions of these Subdivision Regulations shall be charged with a misdemeanor and if convicted of such charges, shall be punished by a fine of not exceeding one thousand (\$1000.00) dollars for each parcel which is sold, transferred or conveyed, or offered for sale. The time limit for initiating legal action under the provision of these Land Use Regulations shall be twenty-four (24) months from the date of the alleged infraction. The Board of Trustees of the Town of Columbine Valley shall have the power to bring an action to enjoin any person or agent of any person from selling, or offering for sale, subdivided land which is subject to the provisions of these Land Use Regulations without first obtaining the necessary approvals from the Board of Trustees, in accordance with the applicable provisions of these Subdivision Regulations.

SECTION 6. AMENDMENT

Amendments to these Subdivision Regulations shall be as specified in Article IV, Section 2 of the Land Use Regulations.

SECTION 7. DEFINITIONS

Definitions are included in Article XIII of the Land Use Regulations and are incorporated into these Subdivision Regulations by reference.

SECTION 8. GENERAL PROCEDURES

The pre-application procedures for a subdivision application are as specified Article VI, Section 2A of the Land Use Regulations.

SECTION 9. PRELIMINARY PLAT**A. Intent**

The intent, processing, and submittal requirements for a preliminary plat are as specified in Articles VI,2, B and VII,2,A of the Land Use Regulations.

B. Conformance to Zoning Resolution

The Town shall accept no application for a preliminary plat if the proposed development is not in compliance with the Zoning Ordinance.

C. Expiration of Preliminary Plat

The preliminary plat approval shall expire eighteen months after approval by the Board of Trustees (See Article VI, Section 2,B,10) unless an application for final plan/plat approval for all or a portion of the property included in the preliminary plan/plat has been filed. The Board of Trustees may grant an extension of the period of expiration.

SECTION 10. FINAL PLAT

The processing procedures and submittal requirements for final plats are as specified in Articles VI and VII of the Land Use Regulations

SECTION 11. RESUBDIVISIONS, MINOR SUBDIVISIONS, EXEMPTIONS AND WAIVERS**A. Processing Procedures**

The processing of Resubdivision, Minor Subdivisions, Subdivision Exemptions, Vacations, Appeals and Waivers of all or part of the processing procedures, submittal requirements and fees shall be as specified in the Land Use Regulations, as follows:

Resubdivision	Article VI, Section 2D Major Amendments
Minor Subdivisions	Article VI, Section 2E Minor Amendments
Exemptions	Article IX, Section 2

Waivers
Appeals

Article IX, Section 3
Article IX, Section, 4

B. Submittal Requirements

The processing of Resubdivision, Minor Subdivisions, Subdivision Exemptions, Vacations, Appeals and Waivers of all or part of the processing procedures, submittal requirements and fees shall be as specified in the Land Use Regulations, as follows:

Resubdivision	Article VII, Section 3 Major Amendments
Minor Subdivisions	Article VII, Section 4 Minor Amendments
Exemptions	Article IX, Section 2
Waivers	Article IX, Section 3
Appeals	Article IX, Section 4

SECTION 12. VACATION OF ALL OR PART OF A FINAL PLAT

The Board of Trustees has the authority to vacate all or a portion of an approved final plat. Vacation of a portion of an approved final plat is discouraged and will only be considered when the objective could not be achieved through a resubdivision.

A. Submittal Requirements

1. Payment of the application fees as estimated by the Town Planner.
2. Ten copies of the following:
 - a. A map entitled "A Vacation (name of subdivision or part thereof). Include on the map, or attach, a legal description of the part or portion to be vacated.
 - b. A petition signed by not less than 50% of the owners of the lots in the subdivision or portion to be vacated.
 - c. A letter notifying all owners of record in the subdivision or portion to be vacated, that did not sign the petition, that a request for vacation of the final plat, or portion thereof has been submitted. Such letter shall be by Certified Mail.

B. Process

1. Upon determination that the petition for vacation is complete and that the non-petitioning lot owners have been notified, the Town Planning shall schedule a public hearing by the Board of Trustees.

2. The Town Planner, after consultation with the Town Attorney and Town Engineer, shall prepare a staff report for the Board of Trustees hearing.

C. Board of Trustees Action

The Board of Trustees will either approve the vacation, as requested, approve with conditions or deny for reasons specified. Appeals from the decision of the Board of Trustees shall be as specified in Article IX, Section, 4, of these Regulations.

- D. Approval of the vacation shall be by Resolution. The Town Clerk shall cause the Resolution and the accompanying map or plat to be recorded with the Arapahoe County Clerk and Recorder's Office as soon as possible after approval of the Resolution

ARTICLE XIII

DEFINITIONS

Rules of Construction

Generally, for the purpose of these Regulations, certain words and terms are defined. Words used in the present tense include the future. The singular number includes the plural, and the plural number includes the singular. The word "shall" is mandatory and not discretionary. All words used in these Regulations and not specifically defined shall be given their usual and commonly accepted meaning.

ABUTTING. Having a common property line or district line with an adjacent property. Properties separated by a right of way or easement shall be deemed abutting if, in the absence of the right of way or easement, the properties would have a common boundary.

ACCELERATION LANE. A speed change lane, including tapered areas, for the purpose of enabling a vehicle entering a roadway to increase its speed to a rate which it can more safely merge with through traffic.

ACCESSORY BUILDING. A subordinate building or portion of a main building, the use of which is incidental to that of the main building on the same lot, including, but not by way of limitation, barns, sheds and similar structures, but not including an attached garage.

ACCESSORY USE. A use subordinate to the principal use which serves a purpose customarily incidental to the principal use.

ACRE. An area in any shape containing 43,560 square feet.

AFFILIATE. When used in conjunction with group home applications, any other person who controls, who is under common control with or who is controlled by such person.

AGRICULTURE. The art or science of cultivating the ground for the production of crops and livestock.

ANTENNA. A metallic apparatus used for sending and/or receiving electromagnetic signals.

APPLICANT. The person or agent of a person, upon proof of ownership, who applies for and signs an application for a land development change.

AREA OF FLOOD HAZARD, AREA OF SPECIAL FLOOD HAZARD, FLOOD HAZARD AREA. The land in the flood plain subject to a 1 percent or greater chance of flooding in any given year.

BASE FLOOD. The flood having a 1 percent chance of being equaled or exceeded in any given year.

BASEMENT. That portion of a building that has a ceiling and a floor and where the vertical distance from the floor to finished grade is greater than the vertical distance from the ceiling to finished grade.

BASEMENT, WALKOUT. That portion of a building that has a ceiling and a floor and where, on one or more sides of the building, the vertical distance from the floor to finished grade is less than the vertical distance from the ceiling to finished grade.

BERM. Mound of earth used for screening, definition of space, noise attenuation and/or decoration in landscaping.

BLOCK. An area of land within a subdivision that contains one or more lots which area is bounded entirely by streets, highways or public ways, or the exterior boundary or boundaries of the subdivision or other blocks in the subdivision.

BOARD. The Board of Trustees of the Town of Columbine Valley, Colorado.

BOARD OF ADJUSTMENT. A group of individuals appointed or designated by the Board of Trustees as having the responsibility for hearing requests for variances from the Zoning Regulations or for hearing appeals as to the interpretation of the provisions of those Regulations.

BUFFER. A strip of land established to separate and protect one type of land use from another; to screen from objectionable noise, smoke or visual impact; or to provide for future public improvements or additional open space.

BUILDING. Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING ENVELOPE. The portion of a lot within applicable setback requirements within which building construction will be permitted.

BUILDING FRONT. The side of a building that faces a public right of way. When a building faces two public rights of way, the building front shall be on the street that is the building address.

BUILDING HEIGHT. The highest point of any structure, excluding chimneys, cupolas or any exposed rooftop equipment, as measured from the highest point of finished grade at the foundation of any existing structure as indicated by an improvement survey completed by a registered land surveyor completed prior to any planned demolition, remodel, reconstruction or construction, or in the absence of such survey for any existing structure, from a point of three feet (3') above the elevation of the flow line (low point) of any gutter or gutter pan adjacent to the midpoint of the front property line of the lot, or for new construction to be completed under an approved planned development, from the highest point of finished grade at the foundation of any proposed structure as shown on the final approved planned development plan.

BUILDING LINE, FRONT. A line parallel to the front lot line extending the width of the lot.

BUILDING, PRINCIPAL. A building in which is conducted the principal permitted use of the lot on which it is situated.

CANOPY. An accessory roof-type structure which is permanently affixed to the ground and typically not enclosed. As accessory structures, these structures would be exempt from the minimum distance requirements between structures. These structures must meet all other minimum yard requirements within the zoning district.

CART PATH. A pathway designed for golf carts, pedestrians and bicycles that may be attached to or detached from the street.

CHURCH. A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

COLLECTOR STREET. See STREET.

COMPATIBLE ARCHITECTURAL TREATMENT. The exterior design of structures that ensures said structures are suitable to their purpose within the Town and in keeping with the general appearance and quality of existing development.

CORRECTION PLAT. A plat which corrects errors in an original plat.

COUNTY. Arapahoe County, Colorado.

CUL-DE-SAC. See STREET.

CUPOLA. A small structure on top of a roof or building.

DECELERATION LANE. A speed change lane, including tapered areas, for the purpose of enabling a vehicle leaving a roadway to decrease its speed to a rate which it can more safely enter a driveway or side street.

DENSITY, NON-RESIDENTIAL. A measurement of the amount of floor area on a given parcel of land. In non-residential development, density is usually expressed as a ratio between the gross floor area and the total site area. (See FLOOR AREA RATIO.)

DENSITY, RESIDENTIAL. The number of dwelling units per unit of land. In these Regulations, density is normally expressed as the number of dwelling units per gross acre.

DISTRICT, ZONING. A portion of the Town within which the use of land and structure(s) and the location, height and bulk of structure(s) are governed

DWELLING, SINGLE-FAMILY ATTACHED. An individual dwelling unit situated on one lot but attached to one or more similar dwelling units by a common wall or party wall. Where such a unit is attached to another, the property line shall be the center of the common wall or party wall.

DWELLING, SINGLE-FAMILY DETACHED. A detached building designed for or occupied by not more than one family as a home, residence or sleeping place, either permanently or transiently.

DWELLING UNIT. Kitchen, dining, living, sleeping and bath accommodations necessary for service to a family.

EASEMENT. A grant by a property owner for the use of land by another person or a specific purpose.

EVIDENCE. Any map, table, chart, contract or other document or testimony prepared or certified by a qualified person to attest to a specific claim or condition, which evidence shall be relevant and competent.

FAMILY. An individual or two or more persons occupying a single-dwelling unit as a single-housekeeping unit, related by blood, marriage or adoption; or not more than three unrelated persons living together as a single-housekeeping unit; provided that documented domestic servants employed on the premises may be housed on the premises without being counted as a family or families.

FINAL DEVELOPMENT PLAN. The final step in establishing approval of land uses and site restrictions for a development. This document provides specific information on the uses to be permitted and the manner in which they may be situated on the property.

FLOOD OR FLOODING. A general and temporary condition of partial or complete inundation of normally dry land areas from overflow of inland waters, and/or the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM). The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones.

FLOOD INSURANCE STUDY. The official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Boundary Floodway Map and the water surface elevation of the base flood.

FLOOD PLAIN. The area adjoining any river, stream, watercourse, lake or other body of standing water which is subject to inundation by a 100-year flood.

FLOODWAY. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one-half foot.

FLOOR AREA RATIO. The ratio of building gross square footage to the gross square footage of a parcel. For example, 43,560 square feet (43,560 sq. ft.) of floor area on one acre (1 acre) of land would be a 1:1 floor area ratio.

FLOW LINE TO FLOW LINE. The surface of a street or road from the back of the curb on one side to the back of the curb on the other side.

GARAGE. An accessory building or portion of a main building designed or used for the shelter or storage of motor vehicles owned or operated by the occupants of the main building in which no business, occupation or service for profit is in any way conducted.

GEOLOGIC HAZARD. A geological phenomenon which is so adverse to past, current or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property. This term

includes, but is not limited to, landslide, rockfalls, seismic effect, mud flow, ground subsidence, and unstable or potentially unstable slopes.

GRADE, FINISHED. Finished ground surface resulting from construction activities, disposal of all excavated material and placement of topsoil.

GRADE, ORIGINAL. The grade prior to any cuts or fills, as verified by a topographic survey certified by a registered land surveyor or, if requested by the Town, by analysis of core samples of soils taken at the proposed corners of a building pad.

GROSS FLOOR AREA (GFA). The total floor area of a building or structure enclosed by the outer walls including all stories (floor levels), exclusive of basement area, garage space and porches.

GROUP HOME. (a) a “state-licensed group home for the exclusive use of developmentally disabled persons” as that term is used in Section 303(2)(a) of the Group Home Act; (b) a “non-profit group home” of an “owner-occupied group home” as those terms are used in Section 303(2)(b) of the Group Home Act; or (c) a “state-licensed group home for the exclusive use of mentally ill persons” as that term is used in Section 303(2)(b.5) of the Group Home Act. Notwithstanding the foregoing, the term “group home” does not include a home or facility which houses more than one individual who is required to register as a sex offender under the provisions of Colorado Revised Statutes Section 18-3-412.5, as amended.

GROUP HOME ACT. Section 31-23-303 of the Colorado Revised Statutes, as such may be amended from time to time.

HANDICAP. Physical or mental impairment which substantially limits one or more of a person's major life activities, and as further defined by the U.S. Department of Housing and Urban Development (24 CFR 1 § 100.201 (4-1-91 Edition), in response to the Fair Housing Act Amendments of 1988.

HOME OCCUPATION. Any occupation or activity which is clearly incidental to and conducted wholly within a dwelling unit and not in any accessory building or space on the premises by residents of the dwelling unit.

IMPROVEMENT PLAN. The maps or drawings accompanying a building permit application showing the specific location and design of improvements to be installed in a development.

IMPROVEMENTS. Streets, curbs, gutters, sidewalks, pedestrian walks, water mains, fire hydrants, sanitary sewers, storm sewers and drainage facilities,

gas lines, underground and overhead electric and telephone lines, street trees, street lights and other such items as may be designated by the Town to be improvements.

LAND DEVELOPMENT. The action of changing the use of a piece of property, including the zoning and subdivision process and related construction activities.

LOT. A parcel of land occupied or designated to be occupied by one building and the accessory building or uses customarily incident to it, including the open spaces required by this title and such open spaces are arranged and designated to be used in connection with such buildings, and excluding the street on which the dwelling is addressed.

Corner. A lot abutting two or more streets at their intersection or upon two parts of the same street and where in either case the interior angle formed by the intersection of the street lines does not exceed 135 degrees.

Coverage. That portion of the lot area covered by a building(s), including all overhanging roofs and parking areas.

Double Frontage. A lot having a frontage on two non-intersecting streets as distinguished from a corner lot.

Interior. A lot other than a corner lot.

Line, Front. The line separating a lot from a street or road upon which the principal building faces.

Line, Rear. The lot line opposite and most distant from the front line, except for corner lots. The rear lot line may be any lot line not fronting on a street.

Line, Side. Any lot line that is neither front nor rear.

Width. The distance between side lot lines measured at the rear of the front yard.

MAJOR COLLECTOR. See STREET.

MAJOR STREET PLAN. That portion of the Master Plan which delineates the locations of principal arterial, minor arterial and collector streets.

MASTER PLAN. The master plan for development of the Town of Columbine Valley prepared and adopted by the Planning and Zoning Commission and Board of Trustees, pursuant to state law, and including any part of such plan separately adopted and any amendment to such plan, or parts thereof.

MEDIAN. An area marked or constructed upon a roadway, or between two adjacent roadways, for the purpose of separating opposing traffic.

MEETING. When used in these Regulations, any regular or special meeting of the Board of Trustees, the Planning and Zoning Commission or other appointed boards of the Town of Columbine Valley. The term "meeting" does not imply an official public hearing.

MINOR COLLECTOR. See STREET.

MOTHER-IN-LAW APARTMENT/DWELLING UNIT. A portion of an existing or proposed dwelling unit in which a member of the immediate family resides. If located within an existing or proposed dwelling unit, such dwelling unit may provide separate kitchen facilities and separate entrances from the principal dwelling unit.

NON-CONFORMING STRUCTURE. A structure legally existing and/or used at the time of adoption of these Regulations, or any amendment thereto, which does not conform with the regulations of the zoning district in which it is located.

NON-CONFORMING USE. A use of land legally existing and/or used at the time of adoption of these Regulations, or any amendment thereto, which does not conform with the regulations of the zoning district in which it is located.

OFF-STREET PARKING. A site or portion of a site devoted to the off-street parking of motor vehicles including garages, parking spaces, aisles, access drives and landscaped areas.

OPEN SPACE. Land utilized for recreational, landscaping and/or buffering purposes. Examples include parklands, residential yards and landscaping treatments within non-residential developments.

OUTDOOR STORAGE. The storage of materials, vehicles or equipment outside of the principal permitted structure on any parcel, which material is either wholly or partially visible excluding vehicles used by the residents or owners of the structure or by customers of a business establishment.

PD. See PLANNED DEVELOPMENT.

PDP. See PRELIMINARY DEVELOPMENT PLAN.

PERMANENT MONUMENT. Any structure of masonry and/or metal permanently placed in or on the ground, including those placed there expressly for surveying reference.

PERSON. An individual, proprietorship, partnership, corporation, limited liability company, association or other legal entity.

PETS. Dogs, cats, small animals, reptiles and fowl which are customarily kept in the home or on the premises, as those that may be purchased at local pet stores, for the sole pleasure and enjoyment of the occupants.

PLANNED DEVELOPMENT (PD). An area of land controlled by one or more landowners to be developed under unified control or unified plan of development for a number of residential, commercial, educational, recreational or industrial uses or any combination of the foregoing, the plan for which may not correspond to lot size, bulk or type of use, lot coverage, open space and/or restrictions of the existing land use regulations.

PLANNING COMMISSION. See PLANNING AND ZONING COMMISSION.

PLANNING AND ZONING COMMISSION. That group of individuals appointed or designated by the Board of Trustees having the responsibility for adoption or amendment of a master plan and other planning responsibilities as set forth in Colorado Revised Statutes 31, 1973, as amended, and, as defined by the Board of Trustees including, but not limited to, recommendations to the Board of Trustees on applications for zoning amendments and subdivision plats.

PLAT. A map of certain described land prepared for the purpose of subdividing land in conformance with these Regulations or amending, revising or vacating an existing subdivision.

POLITICAL SIGN. A sign announcing or supporting political candidates or issues erected on private property. Political signs shall not exceed twenty inches by twenty-six inches (20" x 26") in area.

PRELIMINARY DEVELOPMENT PLAN (PDP). The first formal step in establishing land uses and site restrictions for a Planned Development.

PRINCIPAL PERMITTED USE. The primary use(s) established for a parcel of land.

PUBLIC HEARING. A meeting of the Board of Trustees, Board of Adjustment or Planning and Zoning Commission with a specific subject matter and open to the public with notice given stating the time, place and purpose of the hearing.

PUBLIC UTILITY. Every firm, partnership, association, cooperative, company, corporation and governmental agency, and the directors, trustees or receivers thereof, whether elected or appointed, which is engaged in providing railroad, airline, bus, electric, rural electric, telephone, telegraph, communications, gas, gas pipeline carrier, water, sewerage, pipeline, street transportation, sleeping car, express, or private car line facilities and services.

QUASI-PUBLIC USE. Charitable, educational, cultural and/or religious organizations or uses which, as a primary function of their operation, provide significant benefits to the health, safety and welfare of the citizens of the Town of Columbine Valley, as may be determined by the Board of Trustees. Examples of such uses are religious organizations, whose buildings are intended for religious services; private meeting halls; and private schools.

RECREATION, PRIVATE/COMMERCIAL. Uses, structures and/or land utilized for the provision of recreational activities and/or open space which may be developed, operated and/or maintained by an entity other than a public entity, such as a swimming pool, tennis court/club, recreation center, etc.

RECREATION, PUBLIC. Uses, structures and/or land utilized for the provision of recreational activities and/or open space that may be developed, operated and/or maintained by a public entity.

REPLAT. See RESUBDIVISION.

RESIDENTIAL CARE FACILITY.

For Developmentally Disabled. A licensed or certified, by appropriate agency, building which is owner-occupied, for the purpose of providing care and supervision or treatment for those persons having cerebral palsy, multiple sclerosis, sclerosis, mental retardation, autism and epilepsy. "Developmentally disabled" in this section shall mean those persons having cerebral palsy, multiple sclerosis, mental retardation, autism and epilepsy.

For Mentally Ill Persons. A state-licensed building, which is owner-occupied, for the exclusive use of not more than eight persons with

mental illness, as that term is defined in Colorado Revised Statutes Section 27-10-102 (1973, as amended).

For Persons 60 Years of Age or Older. A state-licensed building, which is owner-occupied, for exclusive use of not more than eight persons 60 years of age or older who do not need skilled and intermediate care facilities.

RESUBDIVISION. Any change to be made on an approved or recorded plat including, but not limited to, realignment of lot, block or tract lines; division of any lot, block or tract into additional lots, blocks or tracts; correction of any errors in the original plat; or areas reserved for public use.

REZONING. A revision to the Zoning Map that changes the zoning district designation of a parcel of land or alters the boundaries of a zoning district.

RIDING STABLE AND/OR ACADEMY. Any establishment that rents, boards or leases riding animals and gives lessons to develop horsemanship.

RIGHT OF WAY (ROW). An area or strip of land over which a right of passage has been recorded for use by vehicles, pedestrians and/or facilities of a public utility.

ROW. See RIGHT OF WAY.

SITE-SPECIFIC DEVELOPMENT PLAN, shall mean the final approved PD plan in the Town of Columbine Valley.

SIGHT TRIANGLE. An area of land located at intersections of streets, drives and other public and/or private ways situated to protect lines of sight for motorists, within which, the height of materials and/or structures is limited.

SIGNS. Any object or device containing letters, figures and/or other means of communication or part thereof, situated outdoors or indoors, of which the effect produced is to advertise, announce, communicate, identify, declare, demonstrate, direct, display and/or instruct potential users of a use, product and/or service.

STABLE. A structure to house riding animals.

STATE. The state of Colorado.

STORAGE CAPACITY, FLOOD PLAIN. The volume of space above an area of flood plain that can be occupied by floodwater of a given stage at a given time, regardless of whether the water is moving.

STREET. A delineated public or private right of way specifically designed and intended for use by motor vehicles:

Arterial. A street outside of the town boundary that is primarily intended to move traffic from major collectors into the regional transportation network.

Collector. (see Major and Minor Collector)

Cul-De-Sac. A local street with only one outlet and which terminates on the opposite end in a vehicular turnaround.

Driveway. A private roadway intended to provide access to one existing property and connecting to primarily local roads, although several exceptions connecting to minor and major collectors are expected in undeveloped areas.

Expressway. A divided roadway which permits rapid and relatively unimpeded movement of traffic through and around a community serving major traffic generators within the community and connecting with major access routes into the community. Access is controlled on this type of facility.

Frontage Road. A street designed to provide access to property that abuts on a limited access highway.

Lane. A street that serves a limited number of lots and that has a lower classification than a local street.

Local Street. A street designed to service the needs of the neighborhood and provide direct access to abutting properties. Through-traffic movements are discouraged on this type of facility.

Major Collector. A street primarily intended to move traffic from *minor collectors* to other major collectors and arterials *outside of the town boundary*, and where access to existing properties is a secondary function.

Minor Arterial. A street intended to collect and distribute traffic in a manner similar to principal arterial, except that these roads serve minor traffic-generating areas such as commercial areas, primary and secondary

educational facilities, hospitals, major recreational areas, churches and offices, and are designed to carry traffic from collector streets to the system of principal arterials.

Minor Collector. A street primarily intended to (1) move traffic from local roads to major collectors and (2) provide access to existing properties, and which by design standards is a lower classification than a major collector.

Principal Arterial. A street that permits rapid and relatively unimpeded traffic movement throughout communities and that connects major land use elements with one another. The major function is to serve through traffic. The secondary function is to serve abutting property. This functional description pertains to both four- and six-lane facilities.

State Highway. A right of way or location, whether actually used as a highway or not, designated for the construction of a state highway upon it as specified in Colorado Revised Statutes Section 43-1-204 (1973).

Stub Street. An internal street or road extending to the subdivision boundary, and terminating with no permanent vehicular turnaround. Stub streets are provided to permit adjacent undeveloped parcels of land to be developed later with an adjacent connecting street system.

STREET PROFILE. A drawing reflecting a proposed or existing section of a road, street or alley for which right of way is to be conveyed or dedicated to the Town of Columbine Valley for road purposes. It may be an existing or designed profile, and may reflect either a centerline and/or both flow lines or curb lines of a road, street or alley.

STRUCTURAL ALTERATIONS. Any change in the supporting members of a building such as bearing walls, columns, posts, beams, girders, floor joists or roof joists.

STRUCTURE. That which is built or constructed. An edifice or building of any kind, or a piece of work artificially built up or composed of parts joined together in some defined manner.

STRUCTURE, TEMPORARY. A structure which is not a permanent structure, or one which is constructed for a special purpose in contemplation of eventual removal.

SUBDIVIDER. Any person, firm, partnership, joint venture, association or corporation who shall participate as owner, promoter, developer or sales

agent in the planning, platting development, promotion, sale or lease of a subdivision.

SUBDIVIDER IMPROVEMENTS AGREEMENT. The contract or instrument used to specify the public improvements required in a subdivision and containing one or more security arrangements, which may be accepted by the Town of Columbine Valley to secure the construction of such public improvements.

SUBDIVISION OR SUBDIVIDED LAND. The division of any lot, tract or parcel of land into two or more parcels or lots, plats, sites or other division of land for the purpose, whether immediate or in the future, of sale or planned developments, whether or not a plat has been recorded.

360 DEGREE ARCHITECTURAL TREATMENT. Building materials, color schemes and rooftop screening which are identical on all sides of a structure and which enclose loading docks and other service areas.

TOWN. The Town of Columbine Valley, Colorado.

TOWN ADMINISTRATOR/CLERK. Shall mean that person appointed by The Board of Trustees to perform the normal administrative duties, including but not limited to, collection of fees, issuance of permits, maintenance of the records and minutes of Planning and Zoning Commission and Board of Trustees meetings, and performs other administrative duties as directed. The Town Administrator/Clerk also acts as the Zoning Administrator and is responsible for the interpretation and administration of the zoning regulations.

TOWN ATTORNEY. That person(s) who provides legal advice and legal services to the Board of Trustees and other boards and commissions in the Town.

TOWN ENGINEER. That person(s) who provides advice on engineering issues to the Board of Trustees and other boards and commissions, and when directed, provides engineering design of public facilities and construction inspection of public facilities.

TOWN PLANNER. That person(s) who provides advice to the Planning and Zoning Commission and Board of Trustees on land use issues.

VESTED PROPERTY RIGHTS. The right to undertake and complete the development and use of property under the terms and conditions of a site-specific development plan and shall be deemed established upon approval of such site-specific development plan.

WATERCOURSE. A channel, slough, artificial channel, gulch, arroyo, stream, creek, pond, reservoir or lake which carries or contains storm runoff and floodwater.

YARD. That area of a lot which is to the front, side or rear of a building:

Front Yard. That part of the lot lying in front of the building and extending to the side lot lines.

Rear Yard. That part of the lot lying in the rear of the building and extending to the side lot lines.

Side Yard. That part of the lot lying between the front and rear building and between the building and side lot lines.

ZONING ADMINISTRATOR. The Town Administrator of the Town of Columbine Valley.

APPENDIX A
ZONING MAP
TOWN OF COLUMBINE VALLEY, COLORADO

APPENDIX B

SUBDIVIDER IMPROVEMENTS AGREEMENT FORMAT

SUBDIVIDER IMPROVEMENTS AGREEMENT

THIS AGREEMENT, made and entered into as of the ____ day of _____, AD_____, by and between _____, hereinafter referred to as "Subdivider," _____ Homeowners Association (HOA), hereinafter referred to as the "HOA," and the Town of Columbine Valley, a municipal corporation, State of Colorado, hereinafter referred to as "Town."

WITNESSETH:

WHEREAS, Subdivider is the owner of _____ acres located at _____ hereinafter referred to as the "Property," being further defined as _____, which is described in Exhibit A, attached hereto and incorporated herein by this reference; and

WHEREAS, all of the Property is located within the Corporate boundaries of the Town; and

WHEREAS, certain questions regarding the rights and obligations of Subdivider and Town have arisen; and

WHEREAS, both parties herein desire to execute a contract specifically defining the rights and obligations of each, all as contemplated by the Town, the Subdivider and the HOA agree as follows:

I.

STREETS

A. The Subdivider agrees to dedicate, and the Town agrees to accept, rights of way (ROW) for the full width of the streets lying within the Property, as shown on: sample (the final plat of _____ Subdivision as approved (_____)date)

all without cost to the Town at the time of approval of said subdivision plat.

B. Subdivider further agrees to improve the Property by paving all streets located within the Property with an asphalt surface in full

conformance with the street design standards and specifications as established and in use by the Town except as may be modified in the final improvements drawings and specifications as approved by the Town. Geotechnical services and materials testing reports shall be provided to ensure the quality control of any utility trenches and pavement placement.

C. The Subdivider agrees to install, or cause to be installed, a street lighting system in accordance with the Town standards and specifications.

D. Town agrees to accept the street after a two-year warranty period, if constructed according to plans and specifications approved by the Town.

II.

OPEN SPACE DEDICATION

A. The Subdivider agrees to dedicate, free and clear to the HOA, and the HOA agrees to accept _____, as described on the final plat, upon completion of the public improvements.

III.

WATER AND SANITARY SEWER

A. The parties mutually agree that Subdivider shall design and install water lines and fire hydrant(s) within the Property described herein in accordance with Denver Water Board and Columbine Water and Sanitation District standards and specifications. Subdivider represents that said entities have already approved its plans. All water and sewer improvements will be installed in accordance with specifications of the provider of water and sewer services. Any agreements between the Subdivider and such providers may be attached to this Subdivider Improvements Agreement as exhibits.

B. The Subdivider will connect to the Columbine Water and Sanitation District sewer line for service and that district may impose a tap fee and service fees.

C. Columbine Water and Sanitation District will own and maintain said sewer mains.

D. Resolution of problems associated with sediment deposition or clogging of sanitary sewer mains by construction debris shall be the

responsibility of Subdivider, until such time as responsibility therefore is accepted by the provider of sewer services.

IV.

STORM DRAINAGE

A. All storm drainage improvements shall be designed and installed in full conformance with the approved construction plans and specifications. Subdivider agrees to dedicate to the appropriate parties (HOA and/or Town and/or Urban Drainage and Flood Control District) and improve all necessary unobstructed and unencumbered access streets and easements within the Property for storm sewers and/or transmission of stormwaters as indicated on the final plat.

B. Town agrees to accept the drainage improvements constructed after a two-year warranty period, if constructed according to plans and specifications approved by the Town.

C. The storm drainage improvements shall be completed in accordance with the drainage plan approved by the Town and Urban Drainage and Flood Control District. Upon the dedication of drainage improvements by the Subdivider, the party to whom such drainage improvements have been dedicated shall thereafter be responsible for storm drainage maintenance thereof. Subdivider shall remain responsible for storm drainage maintenance with respect to those drainage improvements that have not been dedicated.

D. Subdivider agrees to provide a two-year warranty on all public and private storm drainage improvements. Said warranty period shall begin when the Town receives notice from the Town Engineer and the Urban Drainage and Flood Control District that the improvements are completed according to the plan specifications. In the event that said public and private storm drainage improvements are not installed according to the approved plans in the opinion of the Town Engineer or the Urban Drainage and Flood Control District, the Subdivider will be required to take corrective actions necessary to bring said storm drainage system in compliance with the approved plans to acceptance. The warranty period shall automatically be extended until said system is determined to be built in accordance with the approved plans. Resolution of problems associated with the storm drainage improvements due to erosion and sediment deposition or clogging by construction debris shall be the responsibility of Subdivider.

E. The Subdivider shall maintain certain erosion control measures (such as straw bales and silt fences) around the perimeter boundary, where necessary, to protect adjoining properties from silt and sediment from entering their property during grading operations. Subdivider agrees to install and maintain erosion and sediment prevention measures in accordance with the approved Erosion and Sediment Control Plan.

F. Subdivider shall prepare a Conditional Letter of Map Revision (CLOMR) to remove the property from the flood plain. Subdivider agrees to provide a surety bond, irrevocable letter of credit or other suitable form of guarantee as approved by the Town for the cost to prepare the CLOMR prior to the execution of the final plat by the Town. The guarantee for the cost of the CLOMR shall be released upon approval of the CLOMR as deemed appropriate by the Town.

V.

PUBLIC IMPROVEMENTS AND DEVELOPMENT ASSURANCE

A. The Subdivider agrees to provide a surety bond, irrevocable letter of credit or other suitable form of guarantee as approved by the Town Attorney for all public and private improvements contemplated by this Agreement (the "Guarantee") which are to be dedicated to the Town. The Guarantee shall be provided to the Town before the final plat is recorded. The Guarantee shall be for 115 percent of the total cost of the improvements to be dedicated to the Town, which are not installed as of the date of approval of the final plat.

B. The Subdivider shall, at its own expense, furnish and install the public improvements in accordance with the construction drawings and engineering plans approved by the Town.

C. Subdivider shall complete the improvements delineated herein within the schedule shown in Exhibit B. Subdivider may request extensions of up to one year within which to complete the improvements, however, the Subdivider shall make such extension requests at least 30 days prior to the expiration of time frames established within the schedule shown in Exhibit B. Any extension request shall require a review and approval of the Town and possible increase in the Guarantee provided as necessary to cover inflation, real or anticipated.

D. The Colorado Department of Transportation (CDOT) has issued a state highway access permit from _____ to _____. Construction shall be in accordance with said CDOT-approved plans.

E. The Town shall release that portion of the assurances attributable to the public improvements completed, except the 15 percent contingencies, when the conditions for start of warranty, as determined by the Town Engineer, are met. The Town shall release the remaining amount upon final acceptance of all public improvements by the Town, which shall be one year after preliminary approval of all public improvements and of course subject to and conditioned upon final review and acceptance by the Town Engineer.

VI.

**LANDSCAPE IMPROVEMENTS, DEVELOPMENT ASSURANCES
AND HOMEOWNERS ASSOCIATION**

A. The Subdivider agrees to install and provide assurances for landscaping and irrigation systems located within (name of development) as set forth on (title of plan, e.g., landscape plan, development plan). All improvements shall be in conformance with the final improvement drawings and specifications as prepared by a Landscape Architect and approved by the Town of Columbine Valley.

B. The Subdivider agrees to warrant the landscaping, irrigation system and fencing for a period of one year after installation. In the event said improvements are not in an acceptable and satisfactory condition at the end of the warranty period, in the opinion of the Town Landscape Architect, the Subdivider shall take corrective measures as necessary to bring said improvements into an acceptable and satisfactory condition prior to acceptance.

C. The Subdivider further agrees and acknowledges that the Subdivider or the:

HOA, a duly organized non-profit corporation, and not the Town, will be responsible for the continuous and perpetual maintenance of (specify improvements, facilities, etc.): _____

_____ as defined on the plat of (title of plat and date approved), including landscaping and fencing installed therein by the Subdivider or the HOA. The Subdivider or the HOA, and not the Town, will be responsible for the continuous and perpetual maintenance of: _____

The responsibility for said maintenance has been established by a declaration of covenants, conditions and restrictions, and said covenants, conditions and restrictions regarding said maintenance responsibility and requirements or provisions for the funding thereof are not subject to amendment without the prior approval of the Town.

D. Subdivider acknowledges and agrees that it shall construct an eight-foot (8') wall along its Property adjacent to _____, which wall shall be of the same design and material as the existing Town wall which has already been erected adjacent to Platte Canyon Road. Said wall constructed by Subdivider shall measure eight feet (8') from the top of the wall to the top of the grade, and shall have a two-foot (2') concrete base barrier and six feet (6') of brick just as the existing Town wall.

VII.

MISCELLANEOUS

A. Subdivider acknowledges that the Town will not allow construction above ground and framing of all units until an all-weather access road, approved by the City of Littleton Fire Department, is constructed and fire hydrants, in acceptable proximity to the construction site, are in place and operational. Subdivider acknowledges that the Town will not issue building permits until it has granted approval of all final construction plans. Moreover, Certificates of Occupancy or temporary Certificates of Occupancy for units and/or buildings will not be issued until all utilities required by the construction drawings and engineering plans are completed by or approved by Excel Energy and/or Columbine Water and Sanitation District, and in any event Certificates of Occupancy, temporary or otherwise, shall not be issued until all improvements are complete and certified as complete, by the Town, including roads and drainage facilities.

B. Subdivider warrants that the Property is free from any contamination from hazardous or toxic materials on or below the surface of the Property. Subdivider's Phase I environmental evaluation of the subject Property determined the Property to be free from contamination by hazardous or toxic materials on or below the surface of the Property.

C. The parties agree that this Agreement is the only Subdivision Improvements Agreement existing for the Property as described in Exhibit A and that it contains a full integration of all terms and agreements between the parties hereto with regard to said Property.

D. Subdivider agrees, in developing the Property, that it will meet all of the codes, regulations and policies of the Town as established under the municipal code of the Town, except as modified herein. Acreage dedicated to the public in conjunction with this development is shown on the plat of the Property.

E. All proposed public utilities, including but not limited to all water and sewer mains and service stub-outs, electrical services, natural gas, telephone and cable TV, shall be installed underground or sleeves provided and prior to construction of any overlaying street, curb, sidewalk or gutter in order to prevent unnecessary pavement cuts.

F. The Subdivider shall be responsible for the payment of any and all fees incurred during the zoning and platting process, as more particularly required in Article VI. Section 2.A.3, of these Regulations. All such fees paid, or other guarantees acceptable to the Town, shall be made prior to the appropriate signing of the signature Mylar of the final plat.

G. This Agreement may not be assigned or delegated without the written consent of the parties which shall not be unreasonably withheld.

H. Any notice required or permitted by this Agreement shall be in writing and shall be deemed to have been sufficiently given for all purposes if sent by certified or registered mail (postage and fees prepaid), addressed to the party to whom such notice is intended to be given at the address set forth on the signature page below or at such other address as has been previously furnished in writing to the other party. Such notice shall be deemed to have been given when deposited in the U.S. Mail.

I. The captions of paragraphs are set forth only for convenience and reference and are not intended in any way to define, limit or describe the scope or intent of this Agreement.

J. The parties agree to execute any additional document(s) and to take any additional action necessary to carry out this Agreement.

K. Unless otherwise stated in this Agreement, exhibits referenced in this Agreement shall be incorporated into this Agreement for all purposes. Reference to construction drawings, engineering plans, landscape plans, drainage plans and the like in this Agreement are a reference to construction documentation that is a public record on file and available for review at the offices of the Town of Columbine Valley.

L. Further, upon breach by Subdivider or its assigns, the Town shall have the right to refuse to issue for any phase of the development contemplated herein, building permits, certificates of occupancy or any other approvals required hereunder. In the event any amounts due and owing to the Town under this Agreement are not paid in a timely manner, the Town shall be entitled to draw upon the bond or irrevocable letter of credit posted by the Subdivider, and the Town shall be authorized to complete the improvements in connection therewith. In the event such improvements have never been started by the Subdivider, the Town shall have the right and option to vacate the final plat or to draw upon the bond or irrevocable letter of credit posted by the Subdivider and the Town shall be authorized to complete the improvements in connection therewith.

M. The waiver by any party to this Agreement of a breach of any term or provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach by any party.

N. In addition to claims for damages and any other remedies the parties may have upon the breach of this Agreement by the other party, the aggrieved party shall have the right to request a court of proper jurisdiction to enter an order against the other party requiring specific performance of the terms contained in this Agreement and any mandatory injunctive relief that may be necessary.

O. Invalidation of any of the provisions of this Agreement or any paragraph, sentence, clause, phrase or word herein, or the application thereof in any given circumstance, shall not affect the validity of any other provision of this Agreement.

P. This Agreement shall be governed by the laws of the State of Colorado.

Q. This Agreement represents the entire agreement between the parties, and there are no oral or collateral agreements or understandings.

R. This Agreement may be amended only by an instrument in writing signed by both parties.

S. The Subdivider's payment of fees and charges specified by this Agreement shall be delivered to the Town of Columbine Valley, 2 Middlefield Road, Columbine Valley, Colorado 80123.

T. During construction, Subdivider shall use proper dust and erosion control and maintain streets and roads in such a manner that they may be reasonably traveled upon. Subdivider may secure construction areas

within the Property from the general public during construction, except for necessary local traffic, representatives of the Town and other appropriate jurisdiction on official business and emergency service providers.

This Agreement, when executed, shall inure to the benefit of and be binding upon the successors, assigns and heirs of the respective parties. The original hereof shall, upon execution, be recorded in the Public Land Records of the County of Arapahoe, State of Colorado.

ATTEST: _____

Subdivider a Colorado _____

By: _____

President

_____ **HOMEOWNERS ASSOCIATION**

as President

Title: _____

Date: _____

ATTEST:
TOWN OF COLUMBINE VALLEY
A Municipal Corporation
2 Middlefield Road
Columbine Valley, Colorado 80123

By: _____ By: _____

Title: _____ Title: _____

Date: _____ Date: _____

APPROVED AS TO FORM

By: _____

Town Attorney

**APPENDIX C
AMENDMENT HISTORY**

DATE APPROVED	ORDINANCE/ RESOLUTION #	ARTICLE OR APPENDIX# SECTION#	DESCRIPTION