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Chapter 17.04GENERAL PROVISIONSSections:

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17.04.010 Short title. The ordinance codified in this title shall be known and may be cited and referred to as the "zoning ordinance." (Ord. 3-1980 §1(part), 1980: prior code §7-2-2(part))

17.04.020 Authority. This chapter is authorized by CRS Article 23, Chapter 31, 1973 as amended, and is declared to be in accordance with all provisions of these statutes. The board of trustees further recognizes that the zoning districts R-1, R-A T and P-D set forth in this title were existing at the time of its adoption and zoning district P-O-R is a new district established in 1979 all being recited in Chapter 17.20. (Ord. 3-1980 §1(part), 1980: prior code §7-2-1)

17.04.030 Purpose. A. The town recognizes that zoning is ultimately a local and municipal matter and has enacted the ordinance codified in this title to encourage the most appropriate use of land throughout the town and to insure a logical growth of the various physical elements of the town to designate, regulate and restrict the location and use of buildings, structures and land for residence and commerce, or other purposes; to regulate and limit the height, number of stories, and size of buildings and other structures hereafter erected or altered; to regulate and determine the size of yards and other open spaces and to regulate and limit the density of population; and for the purposes to divide the town into zoning districts of such number, shape, locations, and area as may be deemed best suited to carry out these regulations and provide for their administration, enforcement, amendment and judicial review.

B. Such regulations are deemed necessary in order to conserve and stabilize the value of property; to provide adequate open spaces for light and air, and to secure safety from fire, flood, and other dangers; to prevent undue concentration of population; to lessen congestion on streets; to facilitate adequate provisions for community utilities and facilities such as transportation, water, sewerage and other services; to promote the development of convenient and beneficial uses, including commercial and residential facilities necessary and desirable for the public convenience and welfare; and to promote health, safety, morals and the general welfare, all in accordance with a comprehensive plan. (Ord. 3-1980 §1(part), 1980: prior code §7-2-3)

17.04.040 Territorial limits of regulations. All of the regulations, requirements, limitations and provisions of this title shall extend and apply only to land within the corporate limits of the town. (Ord. 3-1980 §1(part), 1980: prior code §7-2-4)

17.04.050 Interpretation. In interpreting and applying the provisions of this title, they shall be held to be the minimum requirements for the promotion of the public health, safety, morale, comfort and general welfare. It is not intended by this title to interfere with, abrogate or annul any easements, covenants or other agreements between parties; provided, however, that whenever this title imposes a greater restriction upon the use of buildings or structures, or requires larger open space about buildings, then the provisions of this title shall govern. (Ord. 3-1980 §1(part), 1980: prior code §7-2-16)

Chapter 17.08DEFINITIONSSections:

17.08.010	Generally.
17.08.020	Accessory building.
17.08.030	Accessory use.
17.08.040	Acre.
17.08.050	Basement.
17.08.060	Building.
17.08.070	Building, height of.
17.08.080	Cellar.
17.08.090	Dwelling.
17.08.100	Dwelling unit.
17.08.110	Family.
17.08.120	Garage.
17.08.140	Lot.
17.08.150	Street.
17.08.160	Structural alterations.
17.08.170	Structure.

17.08.010 Generally. For the purpose of this title, 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 "building" includes the word "structure" and either or both of such words shall include fences, tents, house trailers and other structures on wheels or other supports used for business or living purposes. The word "shall" is mandatory and not directory. All words used in this title and not specifically defined in this chapter shall be given their usual and commonly accepted meaning. (Ord. 3-1980 §1(part), 1980: prior code §7-2-2(part))

17.08.020 Accessory building. "Accessory building" means 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. (Ord. 3-1980 §1(part), 1980: prior code §7-2-2(part))

17.08.030 Accessory use. "Accessory use" means a use customarily incidental and accessory to the principal use of a lot or a building located upon the same lot. (Ord. 3-1980 §1(part), 1980: prior code §7-2-2(part))

17.08.040 Acre. An "acre" shall be forty-three thousand five hundred sixty square feet. (Ord. 3-1980 §1(part), 1980: prior code §7-2-2(part))

17.08.050 Basement. "Basement" means that portion of a building between floor and ceiling which is partly below and partly above grade and so located that the vertical distance from grade to the floor is greater than the vertical distance from grade to ceiling. It is "the lowest story of a building or the one just below main floor." (Ord. 3-1980 §1(part), 1980: prior code §7-2-2(part))

17.08.060 Building. "Building" means a structure which has a roof supported by columns or walls. (Ord. 3-1980 §1(part), 1980: prior code §7-2-2(part))

17.08.070 Building, height of. The "height of a building" means the vertical distance measured from the highest elevation of the finished grade immediately adjoining the building to the highest point of the roof surface. (Ord. 3-1980 §1(part), 1980: prior code §7-2-2(part))

17.08.080 Cellar. "Cellar" means a room or group of rooms below the ground level. (Ord. 3-1980 §1(part), 1980: prior code §7-2-2(part))

17.08.090 Dwelling. "Dwelling" means a detached building designed for or occupied by not more than one family as a home, residence or sleeping place, either permanently or transiently. (Ord. 3-1980 §1(part), 1980: prior code §7-2-2(part))

17.08.100 Dwelling unit. "Dwelling unit" means the necessary kitchen, dining, living, sleeping and bath accommodations for one family. "Dwelling unit" includes the term "dwelling." (Ord. 3-1980 §1(part), 1980: prior code §7-2-2(part))

17.08.110 Family. "Family" means any number of persons, including domestic employees, living and cooking together on the premises as a single housekeeping unit. This definition shall not be applicable to group homes as defined in this chapter. (Ord. 3-1980 §1(part), 1980: prior code §7-2-2(part))

17.08.120 Garage. "Garage" means 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. (Ord. 3-1980 §1(part), 1980: prior code §7-2-2(part))

17.08.140 Lot. "Lot" means 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. (Ord. 3-1980 §1(part), 1980: prior code §7-2-2(part))

17.08.150 Street. "Street" means all property dedicated, intended or used for public or private street, highway, freeway or road purposes. (Ord. 3-1980 §1(part), 1980: prior code §7-2-2(part))

17.08.160 Structural alterations. "Structural alterations" means any change in the supporting members of a building such as bearing walls, columns, posts, beams, girders, floor joists or roof joists. (Ord. 3-1980 §1(part), 1980: prior code §7-2-2(part))

17.08.170 Structure. "Structure" means anything constructed or erected, the use of which requires more or less permanent location on the ground or attachment to something having a permanent location on the ground including, but not by way of limitation, fences, swimming pools, and the like. (Ord. 3-1980 §1(part), 1980: prior code §7-2-2(part))

Chapter 17.12ZONING MAP--DISTRICTS ESTABLISHEDSections:

- 17.12.010 Zoning district symbols.
- 17.12.020 Zoning classification required.
- 17.12.030 Zoning map.
- 17.12.040 Boundaries of zoning districts.
- 17.12.050 Zoning of annexed areas.

17.12.010 Zoning district symbols. The following are the zoning district symbols for the town:

- A. R-1 residential one district;
- B. R-A residential-agricultural district;
- C. T transitional district;
- D. P-O-R park, open and recreational district;
- E. P-D planned development district. (Ord. 3-1980 \$1(part), 1980: prior code \$7-2-5)

17.12.020 Zoning classification required. A. All land within the boundaries of the town shall be located within one of the districts listed in Section 17.12.010.

B. It is the further intent that no land be without a zoning district designation. If, for any reason, any land within the boundaries of the town shall be determined not to be within one of the aforesaid districts, whether such determination results from annexation, from judicial declaration, or from any other reason or cause, then, and in that event, building permits may be refused to be issued for the erection or alteration of any structure or structures in the area found wanting in classification until the area has been examined by the planning and zoning commission and the board of trustees and a zone classification enacted and established therefor.

C. The planning and zoning commission shall recommend a zoning classification to the board of trustees and the board shall zone such land or area within ninety days of the date when the area became unzoned. (Ord. 3-1980 \$1(part), 1980: prior code \$7-2-6)

17.12.030 Zoning map. The zone symbols and the boundaries of such zone districts are shown upon a map attached hereto and made a part hereof, being designated as the "zoning map" as may from time to time be amended in accordance with Chapter 17.52. The map and all the notations, references and other information shown thereon are as much a part of this chapter as if the matters and information set forth by the map were fully described in this chapter. (Ord. 3-1980 \$1(part), 1980: prior code \$7-2-7(A))

17.12.040 Boundaries of zoning districts. In determining the boundaries of zones shown on the map, the following rules apply:

A. Unless otherwise indicated, the zone boundaries are the center line of streets, alleys, parkways, or waterways or such lines extended.

B. Where a district boundary line is shown as approximately following platted lot lines, the boundary lines shall be deemed to coincide with such platted lot lines.

C. In subdivided property, boundaries on the accompanying map shall be determined by use of the scale indicated on the map.

D. Where a district boundary line is shown by a specific dimension as being located at any given distance from a street right-of-way line, such specific dimension shall control.

E. In the event a dedicated street or alley shown on the map is vacated by ordinance, the property formerly in the street or alley shall be included within the zone of the adjoining property on either side of the vacated street or alley. In the event the street or alley was a zone boundary between town or more different zones, the new zone boundary shall be the former center line of the vacated street or alley.

F. Where the street layout or stream course actually on the ground varies from the layout as shown on the zoning map, the commission shall interpret the map according to the reasonable intent of this title. (Ord. 3-1980 §1(part), 1980: prior code §7-2-7(B))

17.12.050 Zoning of annexed areas. Any area annexed to the city after the effective date of the ordinance codified in this chapter shall be assigned a zoning classification subject to provisions of Section 17.12.020. (Ord. 3-1980 §1(part), 1980: prior code §7-2-8)

## Chapter 17.16

### ADMINISTRATIVE PROVISIONS

#### Sections:

- 17.16.010 Enforcing official.
- 17.16.020 Right-of-entry.
- 17.16.030 Liability.
- 17.16.040 Cooperation of other officials and offices.

17.16.010 Enforcing official. The provisions of this title pertaining to building construction and the issuance of building permits for that purpose shall be enforced by

the building commissioner or the building inspector of the town. Violation against other portions of this title, including the planning and zoning provisions shall be called to the attention of the town board of trustees which shall determine the necessary action to enforce compliance. (Ord. 3-1980 §1(part), 1980: prior code §7-2-9(A))

17.16.020 Right-of-entry. The building inspector 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 duties in the enforcement of this title. (Ord. 3-1980 §1(part), 1980: prior code §7-2-9(B))

17.16.030 Liability. The enforcing official, or his authorized representative charged with the enforcement of this code acting in good faith and without malice in discharge of his duties, shall not thereby render himself 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 duties. Any suit brought against the enforcing official or employee because of such act or omission performed by him in the enforcement of any provision of this code shall be defended by legal counsel provided by this jurisdiction until final termination of such proceedings. (Ord. 3-1980 §1(part), 1980: prior code §7-2-9(C))

17.16.040 Cooperation of other officials and offices. The enforcing official may request and shall receive so far as is required in the discharge of his duties, the assistance and cooperation of other officials of this jurisdiction. (Ord. 3-1980 §1(part), 1980: prior code §7-2-9(D))

## Chapter 17.20

### R-1 RESIDENTIAL ONE DISTRICT

#### Sections:

- 17.20.010 Use regulations.
- 17.20.020 Group homes.
- 17.20.030 Height and grading regulations.
- 17.20.040 Lot area.
- 17.20.050 Building area.
- 17.20.060 Setbacks.
- 17.20.070 Fences, walls and hedges.
- 17.20.080 Gutters and extension of paving to existing paved portion of roadway.
- 17.20.090 Roofing material.



Sections: (Continued)

- 17.20.100 Landscaping.
- 17.20.110 Considerations of plans.
- 17.20.120 Paved driveway.

17.20.010 Use regulations. No building or land shall be used and no building or structure shall be created or structurally altered, unless otherwise permitted herein, except for one or more of the following uses:

A. Single-Family Dwellings. Manufactured homes are permitted in accordance with CRS 31-23-301(5), 1973, as amended.

B. Wells, irrigation canals and water supply or flood control reservoirs, other than elevated tanks, if approved by the board of trustees as hereinafter provided.

C. Electric substations and transformers, and gas regulator stations, where no public business office and no repair or storage facilities are maintained, if approved by the board of trustees as herein provided. All electric and telephone lines shall be placed underground and the erection of utility poles is expressly prohibited.

D. Home Occupations--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. No article may be sold or offered for sale on the premises on a regular basis. This restriction shall not apply to occasional noncontinuous sales transactions;

7. Garage sales are expressly prohibited, except and unless held under the auspices of a lawfully organized homeowner's association and only for a period of one day per calendar year. All signage posted to advertise the garage sale must be erected and removed on the same day as the garage sale.

E. No exposed radio, television or short wave antenna or antenna or satellite dish shall be erected, placed or permitted to remain on any lot or upon any structure erected thereon; nor shall any advertising sign, billboards, unsightly objects or nuisances be erected, placed or

to be installed. In making such determination the architectural review committee shall take into consideration the visual impact of the satellite dish and shall require screening as determined by the architectural control committee. The satellite dish should be integrated into the natural setting and structural environment of the area. Nothing herein shall be construed to prohibit such architectural review committee from establishing its own rules, regulations or standards with respect to the installation of satellite dishes. All applications for the installation of a satellite dish shall be submitted in accordance with Section 15.08.080. (Ord. 1-1995 §1, 1995; Ord. 5-1993 §1, 1993; Ord. 6-1992 §1, 1992; Ord. 3-1990 §1(part), 1990: Ord. 3-1980 §1(part), 1980: prior code §7-2-10(A)(1)(a--f))

17.20.020 Group homes. A. Permitted Uses. Residential group homes for eight or fewer developmentally disabled persons or for elderly persons. In accordance with

permitted to remain on any lot, with the exception of one sign, which shall not be larger than twenty by twenty-six inches to advertise the sale or rental of such lot or building upon which it is placed and only to be located in the front, not back, of the lot.

F. A satellite dish not exceeding eighteen inches 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 to be installed. In making such determination the architectural review committee shall take into consideration the visual impact of the satellite dish and shall require screening as determined by the architectural control committee. The satellite dish should be integrated into the natural setting and structural environment of the area. Nothing herein shall be construed to prohibit such architectural review committee from establishing its own rules, regulations or standards with respect to the installation of satellite dishes. All applications for the installation of a satellite dish shall be submitted in accordance with Section 15.08.080. (Ord. 12-1998 §§1, 3, 1998; Ord. 1-1995 §1, 1995; Ord. 5-1993 §1, 1993; Ord. 6-1992 §1, 1992; Ord. 3-1990 §1(part), 1990: Ord. 3-1980 §1(part), 1980: prior code §7-2-10(A)(1)(a--f))

#### 17.20.020 Group homes. A. Definitions.

1. The term "affiliate" when used herein with respect to a person means any other person who controls, is under common control with, or who is controlled by such person.

2. The term "county" when used herein means Arapahoe County, Colorado.

3. The term "group home" when used herein means: (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 "nonprofit group home" or 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 C.R.S. Section 18-3-412.5, as amended.

4. The term "Group Home Act" when used herein means Section 31-23-303 of the Colorado Revised Statutes, as such may be amended from time to time.

5. The term "state" when used herein means the state of Colorado.

B. 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.

C. Application. Any person licensed by the state to operate one or more group homes or, if such licensing is not required, any person, may make application to the town 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 payable to the town of five hundred dollars:

1. The accurate legal name and (if not an individual) the form and state of organization of the applicant;

2. The applicant's address, telephone number, 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 subsection (C)(3) of this section, regarding the officers, directors, managers or partners, and persons who own a greater than ten 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 nonprofit 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 subdivisions 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;

7. A list of all administrative proceedings which have been resolved against any of the persons listed in subdivisions 1 and 4 of this subsection, or their affiliates, relating to violation of Medicare or Medicaid statutes, or federal, state or local licensing or operating requirements relating to the health care industry;

8. Information regarding the management of the applicant, including professional licenses and business experience (especially with respect to providing care in group homes);

9. Information regarding the compliance by the applicant with the group home provider licensing requirements of the Colorado Department of Public Health and Environment (the "CDPHE");

10. Information as to any other group homes in Colorado or elsewhere operated by the applicant or its affiliates;

11. 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;

12. If the group home will be a new construction, provide evidence of compliance with all applicable building codes, in addition to the requirements of this section;

13. If the proposed group home is owned by the applicant, provide proof of ownership. 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);

14. 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;

15. Describe 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?

16. Provide information regarding other group homes within one thousand feet of the proposed group home;

17. Provide information whether the applicant proposes to meet with the neighbors of the proposed group home prior to the public hearing required subsection E of this section, and whether the applicant requests the town's assistance in arranging such meetings;

18. Provide information showing that the group home will comply with Section 1210(a) of Part 12-Parking of the 1995 edition of the Model Traffic Code for Colorado Municipalities as adopted by the town;

19. Provide 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; a description of general supervision procedures;

20. Identify the proposed group home administrator(s) night and day telephone numbers, date of birth, social security numbers, and professional licenses and qualifications;

21. Information (to the extent not submitted pursuant to the foregoing subdivisions) sufficient to support the board of trustees' determination pursuant to subsection E of this section;

22. 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 E of this section.

D. Public Notice. Upon receipt of the fully completed application and the filing and administrative processing fee:

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. Interested persons may submit written comments to the town clerk at any time prior to the public hearing to be conducted in accordance with subsection E of this section.

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 to 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 E of this section.

3. Upon the receipt of any written comments pursuant to subdivision 1 or 2 of this subsection, 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, at the direction of the board of trustees, publish notice of a public hearing on such application to be held within sixty days of the receipt of the fully completed application, and will deliver a copy of such notice to the applicant and to persons to whom the application was delivered pursuant to subdivisions 1 and 2 of this subsection.

5. The building commissioner or his 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 designee will submit his 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.

E. 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 subsection (D)(4) of this section. The application may be approved based upon the following criteria:

1. No group home may be located within seven hundred fifty feet 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 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 (C)(19) 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 F of this section, as subsection F may be amended from time to time.

F. 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 of the premises of the group home; (d) persons who make threatening communications to others or commit acts dangerous to themselves or others; and (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 (C)(20) of this section, who shall be on-site or on call twenty-four hours each day. One or more telephone numbers must be available at the office of the town clerk and the group home at which the administrator can be reached twenty-four hours per day.

4. The applicant may amend the plan of operation described in subsection (C)(19) 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 C 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.

G. Inspection of 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 F of this section, without notice at reasonable hours and with reasonable frequency, by the building commissioner or his 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.

H. 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 twenty percent or more of the applicant will then own twenty percent or more of the applicant.

I. Revocation of Application Approval. The board of trustees, upon not less than fifteen 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 G 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 the operation of the group home;

3. To the extent necessary to protect 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.

J. 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. (Ord. 3-2000 §1, 2000; Ord. 6-1997 §2, 1997)

17.20.030 Height and grading regulations. A.

Height. All buildings shall be limited to one story only. One and one-half story, two-story and split level houses will not be permitted. The ridge height of any building shall not extend to more than twenty-five feet above the ground measured from the top of the foundation of the building at its highest point. Except for a chimney, nothing shall be mounted on a roof which will extend above the ridge of the roof on which it is mounted. The top of any basement window panes shall not be more than eight inches above the finished grade level. No floor will be permitted directly over any rooms unless the lower room meets the basement definition of Section 17.08.050.

B. Adequate allowance for positive drainage away from the structure shall be made. A minimum two percent slope downward from the structure shall be employed for the first ten feet. The top of the foundation wall, at its highest point may be increased one foot for every ten feet of front setback, but in no case shall the maximum height of the building be greater than twenty-eight feet when measured from the lot side of the street gutter pan to the highest ridge of the building. (Ord. 8-1999 §1, 1999; Ord. 5-1996 §1, 1996; Ord. 5-1981 §1, 1981: Ord. 3-1980 §1(part), 1980: prior code §7-2-10(A)(2))

17.20.040 Lot area. For every dwelling or main building erected or structurally altered there shall be provided a lot area of not less than one-half acre. (Ord. 3-1980 \$1(part), 1980: prior code §7-2-10(A)(3)(a))

17.20.050 Building area. The area of a dwelling or main building hereafter erected shall not be less than twenty-two hundred square feet measured on the outside walls exclusive of porches, terraces, garage, carports, basement area, breezeways, guest house and servant quarters. (Ord. 3-1980 \$1(part), 1980: prior code §7-2-10(A)(3)(b))

17.20.060 Setback. No structure shall be located nearer than thirty feet to any street right-of-way property line or nearer than forty feet to any rear property line; no structure shall be located nearer than fifteen feet to any side property line. In determining the distance between the property line and the structure, eaves, steps, and open porches shall be considered as part of the structure. (Ord. 3-1980 \$1(part), 1980: prior code §7-2-10(A)(3)(c))

17.20.070 Fences, walls and hedges. A. No fence, wall or hedge shall be constructed or maintained on any residential property closer to the front property line or any side property line or any side street property line than the dwelling. A fence, wall or hedge three feet or less in height attached to and forming part of a dwelling may be constructed within the setback regulation for such dwellings, subject to the restrictions of the previous sentence.

B. A privacy fence of not more than six feet in height shall be permitted and such privacy fence shall be no longer than fifty lineal feet in total and shall comply with the restrictions above.

C. A six-foot privacy fence on Platte Canyon Road is permitted.

D. All fences must be of wood construction. (Ord. 3-1980 \$1(part), 1980: prior code §7-2-10(A)(3)(d))

17.20.080 Gutters and extension of paving to existing paved portion of roadway. A. All applications for permits to construct buildings shall include plans and specifications for construction of the standard four foot wide cement gutters presently in use in the town as designed and/or approved by the town engineer, except to the subdivisions known as the Villas, Burning Tree and The Village where the cement gutters shall be three feet wide as presently in use in these subdivisions. Such plans for the gutter shall be included on the drawings as a part of the building construction to be accomplished on the owner's property. The construction of this gutter shall be completed prior to the granting of a building permit by the building commissioner of the town, or his designate. All costs for the

engineering drawings and the actual construction of the gutter must be borne and paid for by the owner of the property. The town engineer on request will provide grade points for the gutter to be installed prior to start-up of construction. All expenses, including staking of grade points and engineering details required for the gutter installation are to be borne by the lot owner. Such expenses to be borne by the owner also include base preparation for the gutter and base preparation and paving of roadway to existing paved portions or roadway when so specified by the town.

B. On lots where there is no existing paved roadway, the cost of engineering drawings, base preparation and entire paving on these streets shall be borne by the abutting property owner or owners when these streets are paved prior to start-up of building construction on the abutting lots. The lot owner or owners having responsibility to the town in this section, shall, at their expense secure from the town engineer, a certification of inspection for submission to the town commissioner of roads and streets that the construction work required by this section, when completed, has been satisfactorily accomplished according to approved plans and specifications.

C. The costs and expenses of repair, replacement and maintenance of curbs and pan gutters due to ordinary wear and tear, as determined by the town, shall be paid by the town. The costs and expenses of repair, replacement and maintenance of curbs and pan gutters damaged, as a result of the actions of any abutting property owner, shall be paid by the owner of such property, if the town determines that the owner has caused the damage. Where the repair, replacement or maintenance of a curb or gutter pan to a driveway which provides ingress and egress to the property which is adjacent and abutting the driveway, is required due to the actions of the owner of the property, then the owner of the property shall pay for the curb or gutter pan repair, replacement or maintenance if the town determines that the repair, replacement or maintenance is due to the actions of the owner of the property. In the event the town determines that it is necessary that a gutter pan be constructed, all future four foot wide gutter pans across driveways shall be constructed with two drainage channels equally spaced and running parallel to the length of the gutter pan. The drainage channels shall be four inches wide and as deep as the centerline depth of the abutting gutter pan. No gutter pan channels shall be required where the centerline depth is less than two inches. The gutter pan shall slope gently to the center from both sides and shall be of such height as to have the bottom of the channels at the same elevation as the abutting gutter pans. Both ends of the channelled gutter pan shall be gently tapered into the abutting gutter pans.

D. When the cost of any improvement provided for in subsections A through C of this section is assessed against

the owners of adjacent or abutting property and the assessment is not paid within thirty days, the clerk shall certify the assessment to the treasurer of the county who shall extend the assessment upon his tax roll and collect it in the manner as other taxes assessed upon the property.

(Ord. 9-1989 §1, 1989; Ord. 6-1983 §1, 1983: prior code §7-2-10(A)(4))

17.20.090 Roofing material. A. A roof of wood-shake shingles having at least one-half-inch butts, natural slate shingles, clay tile, cement tile and concrete tile is permitted. Such roofing materials are to be compatible with the color of other roofs in the area. Asbestos roofing shingles, asphalt roofing shingles, hard board roofing materials, plastic roofing materials, and any roofing materials containing asbestos shall not be permitted. Except as otherwise provided herein, metal roofing materials and composite shingles shall not be permitted. Stone coated metal roofing materials are permitted due to the slope of the roof, so long as the slope is a minimum of two and one-half-inch rise per foot. Such stone coated metal roof systems shall use earth tone colors as approved by the applicable architectural control committee having jurisdiction.

B. Where the use of roofing shingle and tile is inappropriate due to the low slope of the roof, that is, a slope of two-inch rise per foot or less, built-up roofing systems containing fiberglass or organic felt and which are bonded together to the roof structural surface with hot-applied asphalt or coal tar pitch, are permitted. Single-ply membrane and modified bitumen roofing systems are also permitted where the use of roofing shingle and tile is inappropriate due to the low slope of the roof. For any of the foregoing roofing systems, an appropriate rock or gravel surface which is bonded to the roofing surface shall meet the aesthetic appearance requirements of the applicable architectural review committee.

C. Fiber, cement, shake or slate residential roofing material is permitted subject to the following conditions:

1. Design: simulated wood shake or slate appearance.
2. Color:
  - a. Integral color throughout.
  - b. A product with painted or thinly coated top and edge surface is not acceptable.
  - c. Color selection must be approved by the architectural control committee having jurisdiction.
3. Shake butt thickness: nominal one-half inch.
4. Slate thickness: nominal one-half inch.
5. Fire rating: Class A as determined by the appropriate ASTM, Underwriters Lab, NFPA or UBC Standards.

6. Freeze/thaw resistance: The manufacturer shall have current ICBO code approval for freeze/thaw resistance of the roofing material, which approval shall be provided to the town. The manufacturer shall provide to the town, documentation and copies of laboratory test reports which have enabled the manufacturer to have passed the current ICBO code requirements for freeze/thaw resistance. The manufacturer shall also provide to the town and to the building owner a signed certification that the manufacturer recommends the use of the product in the climatic conditions found in Columbine Valley, Colorado.

7. Dry weight: three hundred seventy-five to four hundred twenty pounds per square. Weight as applied: four hundred to five hundred pounds per square.

8. Flexural test: wet, three hundred psi minimum.  
dry, two hundred fifty psi minimum.

9. Nailing or stapling: must be capable of being installed with nails or staples without need for holes to be predrilled.

10. Manufacturer's process certification: The manufacturer is to provide certification that: (a) the shingle or slate is manufactured by a process in which the monolithic cement/fiber/color component/water mix is poured into a pressure press system in which the configuration of the "green" roofing product is formed; and (b) that the "green" roofing product is then cured in a high temperature and high pressure steam autoclave. An "atmospheric cured" product is not acceptable.

11. Product label: The product is to bear a label or be stamped showing the manufacturer's name and/or trademark.

D. Composite shingles commonly known as CeDur shake are permitted. Such shingles are a foamed polymeric material comprising a continuous phase of polyurethane having solid polyvinyl chloride particles disbursed therein. Such composite shingle shall be permitted where the slope of the roof is four-inch rise per foot or less. (Ord. 6-1998 §§1, 2, 1998; Ord. 7-1995 §1, 1995; Ord. 1-1992 §1, 1992; Ord. 7-1983 §1, 1983; Ord. 3-1980 §1(part), 1980: prior code §7-2-10(A)(5))

17.20.100 Landscaping. At least one half of the lot around each dwelling shall be grass. (Ord. 3-1980 §1(part), 1980: prior code §7-2-10(A)(6))

17.20.110 Considerations of plans. In this zoning district, except for dwellings erected or to be erected on lots platted on an existing plat approved by the town board of trustees, signed by the mayor and witnessed, and filed as an official document by the town clerk with the county recorder's office, no building or structure shall be erect-

ed without approval of a plan in compliance with the subdivision regulations of November, 1978, as amended, by the planning and zoning commission and with final approval by the town board of trustees. (Ord. 3-1980 §1(part), 1980: prior code §7-2-10(A)(7))

17.20.120 Paved driveway. In this zoning district all driveways shall be paved with either concrete, asphalt, interlocking brick, black-top or washed river gravel with epoxy overlay installed over concrete. Driveways shall not be of dirt, sand, gravel, crushed rock or stone. (Ord. 4-1993 §1, 1993)

#### Chapter 17.24

#### R-A RESIDENTIAL-AGRICULTURAL DISTRICT

##### Sections:

- 17.24.010 Use regulations.
- 17.24.020 Height regulations.
- 17.24.030 Area regulations.

17.24.010 Use regulations. A. No building or land shall be used and no building or structure shall be erected

or structurally altered, unless otherwise permitted herein, except for one or more of the following uses:

1. Any use permitted in an R-1 residential one district;
2. Agricultural uses and pursuits;
3. Farm dwelling or building appurtenant to agricultural use;
4. Accessory uses customarily incident to any of the above permitted uses.

B. No advertising sign, billboard, unsightly object or nuisance shall be erected, placed or permitted to remain on any lot or property with the exception of one sign, which shall not be larger than twenty inches by twenty-six inches to advertise the sale or rental of such lot, property or building upon which it is placed.

C. No mobile homes are permitted for any use. (Ord. 3-1980 §1(part), 1980: prior code §7-2-10(B)(1))

17.24.020 Height regulations. No structure shall exceed thirty-five feet in height at the ridge of the building. Except for a chimney, nothing shall be mounted on a roof which will extend above the ridge of the roof on which it is mounted. (Ord. 5-1981 §2, 1981: prior code §7-2-10(B)(2))

17.24.030 Area regulations. A. The minimum lot area shall be two acres.

B. The minimum lot width shall be one hundred fifty feet.

C. The minimum front yard setback shall be twenty-five feet.

D. The minimum rear yard setback shall be twenty-five feet.

E. The minimum side yard setback shall be ten feet.

F. The area of a dwelling or main building hereafter erected shall not be less than one thousand six hundred square feet measured on the outside walls exclusive of porches, terraces, garage, carports, basement area, breezeways, guest house and servant quarters. (Ord. 3-1980 §1(part), 1980: prior code §7-2-10(B)(3))

## Chapter 17.28

### T TRANSITIONAL DISTRICT

#### Sections:

- 17.28.010 Use regulations.
- 17.28.020 Alterations and improvements.
- 17.28.030 Height regulations.



17.28.010 Use regulations. A. No building or land shall be used and no building or structure shall be erected or structurally altered, except for one or more of the following uses:

1. Any use permitted in an R-1 residential one district;

2. A club or lodge, privately owned and operated for the benefit of the members and not for gain;

3. Hospital;

4. Medical service center, clinic, or medical office building including accessory uses such as laboratories, x-ray facilities, pharmacies limited to the compounding and disbursing of drugs and medicines. All such accessory uses shall be within the principal structure and shall have external effects or evidence except for permitted signs;

5. Library or reading room;

6. Office, in which chattels, goods, wares or merchandise are not commercially created, exchanged, stored or sold;

7. Studio for professional work or teaching of any form of fine arts, photography, music, drama or dance;

8. Savings and loan associations;

9. Other uses as approved by the planning and zoning commission and the town board of trustees.

B. No unsightly objects or nuisances shall be erected, placed or permitted to remain on any lot, with the exception of one or more signs, which shall not be larger than three feet by four feet to advertise the business being conducted or use being made of the premises or to advertise the sale or rental of such lot or building upon which it is placed. (Ord. 3-1980 §1(part), 1980: prior code §7-2-10(C)(1))

17.28.020 Alterations and improvements. A. In this zoning district, no building or structure shall be erected or altered nor shall any other changes to the land or any fixtures, facilities, improvements or appurtenances thereon be made, without favorable recommendation in each instance by the planning and zoning commission and without the final approval by the town board of trustees.

B. In their recommendation, the planning and zoning commissioner shall consider the items set forth in subsection C of this section.

C. In their decision whether to approve or disapprove, the town board of trustees shall consider and determine, as a fact, whether the nature of the proposed erection or alteration or changes is sufficiently guaranteed so that the quality of life of the inhabitants of the town is not only not reduced but, to the extent possible, is enhanced. No approval shall be granted to erect, alter or make any change until a written agreement evidencing the applicant's representations and guarantees for the proposed change has been

executed by the applicant and by the mayor and countersigned by a majority of the members of the board of trustees.

In determining whether the quality of life of the inhabitants of the town is not reduced or is enhanced, the town board of trustees shall consider:

1. The effect on the need for additional police protection, if any;
2. The effect on the need for additional fire protection, if any;
3. The effect on the community utilities, including water, sewer, gas, electricity, telephone and other services, if any;
4. The additional parking requirements for motorized vehicles or bicycles, if any;
5. The effects of additional vehicular and pedestrian traffic, if any;
6. The effect on natural or existing drainage, if any;
7. Whether the proposed design, finish, height or bulk of the proposed change will affect the community;
8. The effect on air flows, if any;
9. The effect on the natural light, if any;
10. The level and effects of additional lighting, if any;
11. The level and effects of additional noise, if any;
12. The effect of additional dust, if any;
13. The effects of additional odors, if any;
14. The effect on the property for which the application is made and the effect on the other property in the town, if any;
15. Whether the change would unduly concentrate the population;
16. The effect on the convenience of inhabitants;
17. Whether the proposal is in accordance with the comprehensive plan;
18. The proposed time day usage and days per week usage;
19. Intended use; and
20. The effect on safety, if any. (Ord. 4-1981 §1, 1981: prior code §7-2-10(C)(2))

17.28.030 Height regulations. No structure shall exceed thirty-five feet in height at the ridge of the building. Except for a chimney, nothing shall be mounted on a roof which will extend above the ridge of the roof on which it is mounted. (Ord. 5-1981 §3, 1981: prior code §7-2-10(C)(3))

Chapter 17.32

P-O-R PARK, OPEN AND RECREATIONAL DISTRICT

Sections:

- 17.32.010 Use regulations.
- 17.32.020 Lot and building standards.
- 17.32.030 Minimum off-street parking requirements.
- 17.32.040 General requirements.
- 17.32.050 Screening of unsightly areas.
- 17.32.060 Signs and other external fixtures.
- 17.32.070 POR building permit approval process.

17.32.010 Use regulations. In this district the land is restricted to one or more of the following uses:

- A. Parks, commons or greenbelts;
- B. Private country clubs;
- C. Parks, commons or greenbelts, and improvements thereon for the exclusive pleasure and recreation of the members of those homeowner associations within the town charged with the maintenance of the areas;
- D. Playgrounds for structured use, e.g., tennis or baseball;
- E. Playgrounds for unstructured or general use, e.g., community fairs, boy scouts, touch football;
- F. Open areas in floodplain lands that are unsuitable for any residential use, but may serve in the community as wildlife sanctuaries, arboretums, nature trails, and in such areas, no structures may be erected;
- G. Private golf courses to include trees, fairways, greens, cart paths, maintenance structures, swimming pools, snack bars, supply shops, as well as club house and other facilities pertinent thereto;
- H. Swimming pools in park or playground areas including maintenance, snack bar and cabana facilities;
- I. Off-street permanent parking areas designated for automobiles, bicycles, golf carts or other similar use vehicles by town residents, country club members or guests, including employees of either. All such areas must be approved by the planning and zoning commission, with final approval by the board of trustees;
- J. Special events may be allowed, provided adequate justification is present and approved by the police commissioner or his designate. The justification shall minimally show how the parking, sanitary, traffic, noise and other health and safety issues are satisfied;
- K. Except as provided in this section, no commercial uses shall be permitted within the zoning district;
- L. Except for a chimney or lightening rods, nothing shall be mounted on a roof which will extend above the

ridge of the roof on which it is mounted. (Ord. 2-1993 §1(part), 1993)

17.32.020 Lot and building standards. Deviation from the standards established below may be allowed through a variance process, requiring a public hearing and approval by the board of adjustment.

A. Height Limitation. No structure shall exceed thirty-five feet in height.

B. Front Setback. The minimum front setback for any building or structure shall be twenty-five feet from property line.

C. Side Setbacks. The minimum side setback shall be twenty-five feet from property line.

D. Rear Setback. The minimum rear setback shall be twenty-five feet from the property line.

E. The footprints of all buildings or structures in existence as of the date of the approval of this chapter will be grandfathered. (Ord. 2-1993 §1(part), 1993)

17.32.030 Minimum off-street parking requirements. One parking space per four members, based upon total membership in all categories. (Ord. 2-1993 §1(part), 1993)

17.32.040 General requirements. A. Corner Vision Clearance Requirement. No fence, wall, hedge, shrub, structure or other obstruction to view which is over forty-two inches 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 fifty-five feet from the point of intersection.

B. All setbacks shall be measured from the foundation or wall to the property line; however, eaves, roof overhangs and fireplaces may protrude twenty-four inches into the setback.

C. No structure may be erected, placed upon or extend over any easement unless approved in writing by the agency or agencies having jurisdiction over such easement.

D. The outside storage of equipment and maintenance materials shall not be permitted within one hundred feet of the front lot line and shall conform to the side setback requirements as described herein above.

E. Parking lots on the property shall be screened from the surrounding public streets, walks that abut public streets and adjacent properties under separate ownership. All parking will meet the parking screening and interior parking lot improvement standards of the town's Zoning Ordinance.

F. Landscape Buffer Area.

1. A landscape buffer area shall be provided when the POR zoning category abuts any residential zone.

2. The landscaping shall include one shade tree, one shrub or flowering tree for each fifteen linear feet or fraction thereof of the buffer area (as measured along the property line) and ground cover 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, unsightly views and aesthetic interest. (Ord. 2-1993 §1(part), 1993)

17.32.050 Screening of unsightly areas. A. Performance Standard. Unsightly areas, including, but not limited to, outside trash receptacles, loading docks, outside storage areas, utility boxes and open areas where machinery or vehicles are stored or repaired, 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.

B. Guidelines.

1. Whenever plants are used as a screen the plants should be coniferous. They should provide an opaque screen within three years of 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, enclosed by an opaque wall at least six feet in height, with opaque gates. The enclosure should be sturdy and built with quality wood and/or masonry materials. The trash enclosure should be sighted so the garbage truck has convenient access to the enclosure and has room to maneuver without backing onto a public right-of-way. (Ord. 2-1993 §1(part), 1993)

17.32.060 Signs and other external fixtures. No radio, television or shortwave antenna or antennae, or satellite dishes, shall be permanently erected or placed on any lot or upon any structure, unless such devices are located and/or screened so that they cannot be seen from surrounding public and private properties. Such screening may consist of, but not be limited to, berms, vegetation, fencing or other forms of natural or manmade concealment.

No advertising signs, billboards, unsightly objects or nuisances shall be erected or placed on any lot, with the exception of neat, permanent signs not larger than five hundred twenty square inches, to define usage, give directions, prohibitions and the like in connection with the designated uses of the parks, open, and recreational areas. Entry/identification signs may exceed the stated size limit, subject to review and approval by the planning and zoning commissioner or designated subcommittee. (Ord. 2-1993 §1(part), 1993)

17.32.070 POR building permit approval process. All plans and specifications presented for construction must be reviewed and approved by the architectural review subcommittee of the planning and zoning commission through administrative review. The subcommittee shall recommend on the proposed construction within fifteen calendar days of submittal to the city building official. The applicant or his representative may be present at the meeting.

Recommendations of denial may be appealed to the planning and zoning commission. (Ord. 2-1993 §1(part), 1993)

## Chapter 17.36

### P-D PLANNED DEVELOPMENT DISTRICT

#### Sections:

- 17.36.010 Intent of classification.
- 17.36.020 Use regulations.
- 17.36.030 Area, height and setback regulations.
- 17.36.040 Fences, walls and hedges.
- 17.36.050 Grading.
- 17.36.060 Consideration of plans.
- 17.36.070 Approval of plans.
- 17.36.080 Time limitations.
- 17.36.090 Amending official development plan.
- 17.36.100 Previous P-D subdivisions.

17.36.010 Intent of classification. A. The planned development district is intended to provide a means of developing tracts of land into buildings and use complexes with a continuity of design and development, fulfilling the intent of this chapter by making provision for development concepts not otherwise provided for with the zoning of the town, as well as provide for more innovation in developing parcels of unusual shape, topography or other unique physical features. This zoning classification is intended to

allow originality in the planning of development by modifying minimum and maximum standards set forth in the zoning requirements. It is not the intent of this zoning classification to be used solely for the purpose of increasing density. Development under this zoning classification must provide for the maintenance of open spaces and other common facilities under a unified management.

B. Approval of a rezoning to the planned development district requires a finding by the Board of Trustees that the proposed planned development meets the following criteria:

1. The proposed uses are compatible in both density and type of use with the uses in the immediately surrounding area. Type of use may include floor area, height, construction materials and other factors deemed appropriate by the board of trustees.

2. The quality of development including design, access and provision of open space can best be provided through a planned development. (Ord. 10-1998 §1, 1998: Ord. 3-1980 §1(part), 1980: prior code §7-2-10(E)(1))

17.36.020 Use regulations. A. Planned development of single-family residential dwellings is permitted, together with those uses permitted in an R-1 residential one district, or as otherwise recommended for approval by the planning and zoning commission and approved by the board of trustees.

B. No exposed radio, television or short wave antenna or antennae or satellite dish shall be erected, placed or permitted to remain on any lot or upon any structure erected thereon; nor shall any advertising sign, billboards, unsightly objects or nuisances be erected, placed or permitted to remain on any lot, with the exception of one sign, which shall not be larger than twenty by twenty-six inches to advertise the sale or rental of such lot or building upon which it is placed and only to be located in the front, not back, of the lot.

C. In this zoning district all driveways shall be paved with either concrete, asphalt, interlocking brick, black-top or washed river gravel with epoxy overlay installed over concrete. Driveways shall not be of dirt, sand, gravel, crushed rock or stone. (Ord. 12-1998 §2, 1998; Ord. 5-1993 §2, 1993; Ord. 4-1993 §2, 1993: Ord. 3-1980 §1(part), 1980: prior code §7-2-10(E)(2))

17.36.030 Area, height and setback regulations. A. To qualify for consideration for planned development district zoning, the proposed development area shall contain a minimum of two acres under unified control.

B. Other minimum parking, height, setback and area regulations shall be considered for the overall site with regard to compatibility with surrounding development.

Varied regulations for parking, height, setback or area may be established upon recommendation by the planning and zoning commission to the town board of trustees. Except for a chimney, nothing shall be mounted on a roof which will extend above the ridge of the roof on which it is mounted. (Ord. 10-1998 §2, 1998; Ord. 5-1981 §5, 1981; Ord. 3-1980 §1(part), 1980: prior code §7-2-10(E)(3)(a, b))

17.36.040 Fences, walls and hedges. A. No fence, wall, or hedge shall be constructed or maintained on any residential property closer to the front property line or any side property line than the dwelling. A fence, wall or hedge three feet or less in height attached to and forming part of a dwelling may be constructed within the setback regulation for such dwellings, subject to the previous sentence.

B. A privacy fence not exceeding six feet in height shall be permitted, but privacy fence shall be no longer than fifty lineal feet in total and shall comply with the restrictions of subsection A of this section.

C. A six-foot privacy fence on Platte Canyon Road and adjacent to the transitional zone is permitted.

D. All fences must be of wood construction. (Ord. 3-1980 §1(part), 1980: prior code §7-2-10(E)(3)(c))

17.36.050 Grading. The front setback grading of each new dwelling shall be a maximum of one foot above the top of the lot side of the street gutter for each ten feet of



setback. Also for the the first ten feet of all sides of each residence, a minimum of one foot of slope downward from the residence will be employed. (Ord. 3-1980 §1(part), 1980: prior code §7-2-10(E)(3)(d))

17.36.060 Consideration of plans. A. The planning and zoning commission may make determinations of requirements and limitations, restrictions or other features felt to be necessary and reasonable and make such recommendations to the board of trustees. Requirements may be prescribed to insure that the proposed development will not result in undue traffic congestion or traffic hazards; will be adequately landscaped, buffered and screened; and will eliminate as many undesirable characteristics as possible, in its effect on nearby development.

B. In this zoning district, no building or structure shall be erected or altered without approval of a plan in compliance with the subdivision regulations of November, 1978, as amended by the planning and zoning commission and the town board of trustees. (Ord. 3-1980 §1(part), 1980: prior code §7-2-10(E)(4))

17.36.070 Approval of plans. A. Plans for approval under P-D zoning shall be provided by the owner, developer or authorized legal representative or agent. All town subdivision regulations must be met. All documents and an accompanying reproducible linen containing graphic and/or descriptive outlines of all stipulations and conditions placed on or required for the site plan shall be submitted to the planning and zoning commission for approval. These plans and documents shall be known as the "official development plan," also known as the "final plat."

B. When and if the planning and zoning commission approves the "ODP", it will be forwarded to the town board of trustees for further action. The board will hold a public hearing per Section 17.52.050. If favorable action is taken by the board, then it shall pass a resolution enabling the issuance of building permits within the prescribed requirements of the official development plan. Also, the ODP, having been signed by the mayor and witnessed, it will be filed as an official document by the town clerk with the county recorders office. Working copies will be provided by the developer to all members of the town board of trustees and planning and zoning commission. (Ord. 3-1980 §1(part), 1980: prior code §7-2-10(E)(5))

17.36.080 Time limitations. A. All construction shall be in accordance with such official development plan and shall be completed within a time limitation to be established by the town board of trustees. Such time limitation will be based on the extent of proposed development in relation to size, quantity of physical construction necessary,

cost and other time factors involved with the development. If, in the opinion of the town board, substantial construction of physical improvements have occurred at the end of this time limitation, and is evidenced by the submission of documents by the applicant, the town board of trustees may extend the time limitation.

B. Failure to complete the construction at the termination of the initial time limitation, or such extension of time as may have been granted the applicant, shall justify initiation, by the town board of trustees, of action to consider reclassification and rezoning of the site to a more restrictive zone classification or classifications. (Ord. 3-1980 §1(part), 1980: prior code §7-2-10(E)(6))

17.36.090 Amending official development plan. A. Amendments to the official development plan may be made by the town board of trustees upon the recommendation of the planning and zoning commission when one of the following conditions exists: an obvious hardship would result unless the amendment is granted; an error or mistake in the plan; a change of conditions which would necessitate a change in the plan.

B. Application for amendments of the official development plan shall be filed with the town board of trustees and, if any amendment is allowed, such amended official development plan shall then be the official development plan. (Ord. 3-1980 §1(part), 1980: prior code §7-2-10(E)(7))

17.36.100 Previous P-D subdivisions. These requirements shall not constrain the issuance of building permits for any previously approved and existing planned development areas. (Ord. 3-1980 §1(part), 1980: prior code §7-2-10(E)(8))

## Chapter 17.38

### PDE PLANNED DEVELOPMENT EQUESTRIAN DISTRICT

#### Sections:

17.38.010 General provisions.

17.38.010 General provisions. A. Intent. The PDE district also known as planned development equestrian is created to promote the public health, safety and general

welfare by allowing more flexible development, based upon a comprehensive, integrated plan.

B. Further, in the application of this section it is the intent of the trustees to:

1. Encourage more creative and effective use of land and public or private services, and to accommodate changes in land development technology so that the resulting economies benefit the community;
2. Encourage innovation and efficiency in residential development and encourage innovative development or redevelopment of all land uses to meet the contemporary needs of the community;
3. Provide a process which relates the design and development of a site to the particular characteristics of the site;
4. Require that the nature and intensity of development be supported by adequate utilities, transportation network, drainage systems and open space to serve the development, and to minimize impacts on adjacent, existing and future development;
5. Encourage development that is consistent with the policies and guidelines established in the adopted master plan for the area and for the town.

C. Permitted Uses. Uses by right in the PDE district are as follows:

1. Single-family residential dwellings are permitted, together with uses appurtenant thereto, subject to Chapter VII and Chapter VIII of the Subdivision Regulations of July 13, 1993, as amended to the current date;
2. Equestrian center to include but not be limited to barns, corrals, stables, horseback riding, horse shows and related parties;
3. Swimming pool facility;
4. Tennis courts;
5. Accessory uses customarily incident to the uses set forth in subsections C(1) and (2) of this section;
6. All of the uses set forth in subsections C(1) through (3) of this subsection must be presented for approval to the planning and zoning commission in compliance with the subdivision regulations of July 13, 1993, as amended to current date;
7. No exposed radio, television, shortwave antennae or antennae or satellite dish shall be erected, placed or permitted to remain on any lot or upon any structure erected thereon; nor shall any advertising sign, billboards, unsightly objects or nuisances be erected, placed or permitted to remain on any lot, with the exception of one sign, which shall not be larger than twenty by twenty-six inches to advertise the sale or rental of any such lot or building upon which it is placed and only to be located

in the front, not back, of the lot. With respect to an equestrian center, directional/location signage shall be permitted as may be negotiated between the owner and the town.

D. Procedure. All requests for approval of any PDE zone district shall be subject to the requirements set forth below.

1. Application. All requests for PDE zoning shall be submitted and processed pursuant to the procedures established in Title 17 of this code and its subdivision regulations of July 13, 1993, as amended to current date. The procedures established in Sections 16.61 and 16.62 of the subdivision regulations shall apply to the preliminary PDE plan process of review and approval and the procedures established in Section 16.63 of the subdivision regulations shall apply to the final PDE plan process of review and approval.

2. Preliminary PDE Plan. Applications for approval under the town's PDE regulations shall include a proposed preliminary PDE plan. This plan shall show all contiguous real property ownership or interest of the applicant. For purposes of this section, public rights of way shall not be considered to interrupt this requirement. A PDE plan shall include the following:

- a. Proposed name of the development;
- b. Name, address and telephone number of the legal property owner(s) and the applicant;
- c. Name, business address, telephone number and, if applicable, the seal and license number of the surveyor, engineer, architect or land planner responsible for plan preparation;
- d. North point, scale and date;
- e. Legal description;
- f. Natural features including, but not limited to, topography at two foot intervals, drainageways, and major foliage;
- g. Designation of proposed use areas; and the specifications of each use area, including, as applicable:
  - i. Proposed dwelling unit type, total land area and maximum density of residential use areas,
  - ii. Minimum lot areas and setbacks proposed uses, total land area and maximum floor area ratios of equestrian facility,
  - iii. Proposed maximum land area to be covered by structures;
- h. Site development standards, which shall be established by the preliminary PDE plan including the following:
  - i. Building height,
  - ii. Setbacks,

iii. Type(s) and color(s) of exterior building materials for each structure or group of structures,

iv. Provisions for general landscaping treatment, plant materials and other elements, shall be negotiated between the owner and the town, but in no event shall any such agreement be more restrictive than the standards established in the POR zone district. A landscaping schedule shall also be provided by the owner,

v. Provisions for off-street parking and loading shall be negotiated between the owner and the town, but in no event shall the agreement negotiated be more restrictive than the requirements set forth in the POR zone district;

i. Tentative location of collector, arterial or limited access streets, and tentative locations of access points to such streets;

j. Tentative location and proposed use of all other lands proposed to be dedicated for public purpose;

k. Tentative location of proposed and existing buildings, site area coverage, gross floor area, building height and proposed use of each; and proposed location of parking;

l. General information on adjacent lands adequate to show relationships between the proposed development and existing and/or proposed development of such adjacent lands including land uses, zoning, traffic circulation, transit facilities and routes, public facilities and natural features;

m. The town may place restrictions and requirements on the property which the town determines are necessary for the health, safety and welfare of its inhabitants;

n. The preliminary PDE plan shall have the following certification:

I, \_\_\_\_\_, Owner, or designated agent thereof, do hereby agree that the above described property will be developed as a PDE Development in accordance with the uses, restrictions, and conditions contained in this plan. Further, the Town of Columbine Valley is hereby granted permission to enter onto said property for the purposes of conducting inspections to establish compliance of the development and use of the property with on-site improvements including, but not limited to, landscaping, drainage facilities, parking areas, and trash enclosures. If, upon inspection, the Town finds deficiencies in the on-site improvements and, after proper notice, the developer shall take appropriate corrective action. Failure to take such corrective action specified by the Town shall be grounds

for the Town to apply any or all of any required financial assurance to cause the deficiencies to be into compliance with this PDE Plan, or with any subsequent amendments hereto.

\_\_\_\_\_  
Signature of Owner or Agent

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 199\_\_.

Witness my hand and official seal.

My commission expires \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

APPROVED AS TO FORM:

Town Attorney \_\_\_\_\_

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 199\_\_, by the Columbine Valley Board of Trustees.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Town Clerk

This document was filed for records in the office of the County Clerk and Recorder of Arapahoe County at \_\_\_\_\_ M, on the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 199\_\_, in Book \_\_\_\_\_, Map \_\_\_\_\_, Reception \_\_\_\_\_.

\_\_\_\_\_  
County Clerk and Recorder

BY:

\_\_\_\_\_  
Deputy

o. Any other information pertinent to the application which addresses issues raised during the review process, or which is deemed necessary by the applicant;

p. The planning commission shall review the preliminary PDE plan for compliance with this section, the subdivision regulations and Title 17 of this code and negotiate with the applicant as to the type and extent of improvements to be installed and on modifications deems advisable.

3. Additional Material. The following additional material is required to accompany the preliminary PDE plan.

a. The applicant shall submit a statement of the terms and conditions under which the subject property will be developed and maintained subsequent to development. Such statement shall include conditions, performance standards and such other reasonable restrictions as may be necessary to insure development and maintenance of the subject property in full accordance with the approved PDE plan.

b. The applicant shall submit a written description of the objectives to be achieved by the particular development concept being proposed. This statement shall include, but is not limited to, the manner in which the proposed development meets or exceeds the intent of the PDE district. The proposed architectural and site design concepts including style; placement of structures to maximize views and take advantage of the site's natural characteristics; building materials (type, textures and colors); specific concepts by which the proposed development will make an orderly transition from existing adjacent development including varied setbacks and facade treatment, additional open space, screening of parking areas and landscaping of all public and private open spaces, and recreational facilities. It is the intent of this requirement that the applicant provide a clear, concise statement for the reviewing authorities to better understand the proposed development concept and upon which a decision regarding the proposal may be based.

c. The applicant shall submit a written statement of the tentative time schedule for phased development. The statement shall include the type of development, density, floor area ratios, etc. for each phase of development, and shall be accompanied by a map generally designating the phases and the sequence of development.

4. Review and Approval of the Preliminary PDE Plan. The procedure for review of a proposed preliminary PDE plan shall be as set forth in the Sections 16.61 and 16.62 of the subdivision regulations of July 13, 1993, as amended to current date. The planning and zoning commis-

sion shall base its recommendation and the trustees shall base its decision on the conformance of the proposed plan with the stated intent of the PDE district. The planning and zoning commission may recommend approval of the request, recommend denial, or table the matter to a date certain, pending provision of further information by the applicant. All recommendations adopted by the planning and zoning commission shall be by resolution. The trustees may approve the request, deny the request, or table the matter to a date certain, pending provision of further information by the applicant.

5. Final PDE Plans. After approval of the preliminary PDE plan, a final PDE plan must be reviewed for conformance with the preliminary PDE plan and trustee requirements prior to application for any permits required to commence construction. The procedures established in Section 16.63 of the subdivision regulations of July 13, 1993, as amended to current date, shall apply to the final PDE plan. The final PDE plan shall conform to the approved preliminary PDE plan. Final PDE plans may be filed for all or part of the area covered by the approved preliminary PDE plan and shall be in conformance with the requirements and procedures as set forth in Title 17 and the subdivision regulations.

6. Recording. An approved final PDE plan, including all required modifications and all necessary signatures, shall be recorded in the office of the county clerk and recorder. Two reproducible mylar copies of the approved plan shall be provided to the planning and zoning commission for recording. Only upon approval and recording, by the town, of the final PDE plan, with the county clerk and recorder, shall the town issue building permits for structures within the PDE zone district.

E. Optional Subdivision Procedure. Any applicant may file an application for approval of a preliminary subdivision plat to be reviewed concurrently with an application for approval of a PDE plan submitted under the provisions of subsection D of this section. Such preliminary subdivision plan application shall meet all of the requirements of Title 17 and the subdivision regulations.

F. Enforcement of Approved Plan.

1. An approved final PDE plan shall bind the development of the subject property regardless of any change in ownership of that property.

2. Adequate assurance shall be required to insure that common open space and/or facilities will be provided as shown on the final PDE plan. Such assurance may be in the form of a bond, letter of credit, or other financial guarantee approved as to form by the town attorney. The financial assurance shall be in the amount of one hundred twenty-five percent of the estimated engineering, materials



and construction costs at the projected time of installation. If the required improvements are not complete by the time an occupancy permit is requested, the building commissioner shall review the amount of the financial assurance covering the incomplete improvements and may require that the amount of the assurance be revised in accordance with the then current estimated costs of engineering, materials and of completing construction prior to the issuance of a certificate of occupancy. The decision of the building commission with respect to the amount of the financial assurance, may be appealed to the board of trustees, within thirty days after his determination.

3. If development is proposed to occur in phases, an acceptable form of assurance shall be required for all on-site and off-site improvements, including utilities, streets, curb, gutter, sidewalks, public open spaces and common open space and facilities. Such improvements will be provided as shown on the PDE plan, which plan shall stipulate that such improvements shall be completed in the same proportion as that particular phase is of the entire development.

4. The requirements of this section for financial assurance are deemed separate and distinct from, and are not met by, the requirements for financial assurance for public improvements contained in the town's subdivision regulations.

G. Amendments. The procedure for amending an approved preliminary PDE plan or final PDE plan shall be the same as prescribed for the original approval, except in the event that a preliminary PDE plan is administratively amended. The planning and zoning commission shall approve administrative amendments, for the processes specified below, provided the applicable conditions of subsection H of this section are met.

1. Relocation of access points from the property onto local and collector streets, but not including arterial streets or state highways;

2. Changes in the location and type (ground, monument, wall, etc.) of signage, but not including the total allowable sign area; or

3. Relocation of structures, parking, and open spaces, but not including maximum or minimum standards for each established by the approved PDE plan.

H. Conditions for Administrative Amendments. The planning and zoning commission shall approve any request for an administrative amendment if the applicable conditions set forth below are met:

1. There will be no change in permitted uses;

2. There will be no increase in total building coverage;

3. There will be no increase in dwelling unit density or equestrian facility gross floor area;

4. There will be no increase in maximum building height;

5. Any projected increases in traffic volume are within the design capacities of the existing or planned internal and adjacent public street system;

6. The existing or planned internal and adjacent public utilities have adequate capacities to serve the proposed amendment;

7. Existing or planned private and/or public open space meets the applicable minimum requirements;

8. Off-street parking or loading space meets the applicable minimum requirements; and

9. Public street rights-of-way and/or paving widths are acceptable to the department of public services, Littleton fire protection district, and Columbine Valley police department;

10. The basic content of the amended preliminary PDE plan will remain in conformance with the originally approved preliminary PDE plan.

I. A proposed amended preliminary PDE plan shall include all of the following:

1. Proposed name of the development;

2. Name, address and telephone number of the legal property owner(s) and the applicant;

3. Name, business address, telephone number and, if applicable, the seal and license number of the surveyor, engineer, architect or land planner responsible for plan preparation;

4. North point, scale and date;

5. Legal description of the property included in the amendment;

6. Map depicting the development area included in the amendment. (The details of the map will be determined on a case by case basis depending on the type of amendment requested);

7. A statement describing the purpose of the amendment;

8. A statement referencing the applicable criteria of the PDE plan originally approved which still pertain to the amended PDE plan;

9. New development criteria and performance standards which differ from the PDE plan originally approved.

10. The amended preliminary PDE plan shall have the following certification:

I, \_\_\_\_\_, Owner, or designated agent thereof, do hereby agree that the above described property will be developed as a Planned Development in ac-

cordance with the uses, restrictions, and conditions contained in the PDE Plan as amended by this plan.

\_\_\_\_\_  
Signature of Owner or Agent

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 199\_\_.

Witness my hand and official seal.

My commission expires:\_\_\_\_\_

\_\_\_\_\_  
Notary Public

Approved this \_\_\_\_ day of \_\_\_\_\_, 199\_\_.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chairman of the Planning and Zoning Commission

11. Two reproducible mylar copies of the approved plan, containing all necessary signatures, shall be provided to the planning and zoning commission for recording prior to the approval of any final PDE plans;

12. Any other information pertinent to the application which addresses issues raised during the review process, or which is deemed necessary by the applicant.

J. Amendments to be Recorded. Any amendments approved hereunder shall be filed with the clerk and recorder's office in the appropriate county.

K. The base fee for any application seeking development pursuant to this section shall be five hundred dollars. The fee shall be due at the time the preliminary PDE plan is submitted and shall be nonrefundable. In addition, the applicant shall be responsible for and shall pay to the town all out-of-pocket expenses incurred by the town relative to the consideration of the application. The out-of-pocket expenses shall include, but shall not be limited to, engineering fees, attorney's fees, testing fees, survey

fees and studies required in the consideration of the application. All such out-of-pocket expenses will be billed to the applicant and shall be due and payable within fifteen days of billing. Nothing herein shall prohibit the board of trustees and the applicant from entering into an agreement with respect to the reimbursement amount paid by the applicant to the town for the town's out-of-pocket expenses. (Ord. 2-1994 §1, 1994)

#### Chapter 17.40

#### REGULATIONS APPLICABLE TO ALL DISTRICTS

##### Sections:

- 17.40.010 Intersection visibility.
- 17.40.020 Swimming pools.

17.40.010 Intersection visibility. At the intersection of all streets and roads, no fence, tree, shrub or other vegetation or structure shall be erected or permitted which causes a traffic hazard by obstructing the clear view of cross traffic on any intersecting street or road, and all such obstructions shall be removed by the owner of the lot upon which obstruction is situated within five days after

fees and studies required in the consideration of the application. All such out-of-pocket expenses will be billed to the applicant and shall be due and payable within fifteen days of billing. Nothing herein shall prohibit the board of trustees and the applicant from entering into an agreement with respect to the reimbursement amount paid by the applicant to the town for the town's out-of-pocket expenses. (Ord. 2-1994 §1, 1994)

## Chapter 17.40

### REGULATIONS APPLICABLE TO ALL DISTRICTS

#### Sections:

- 17.40.010 Intersection visibility.
- 17.40.020 Swimming pools.
- 17.40.030 Signs.
- 17.40.040 Exempted signs.
- 17.40.050 Nonconforming signs.
- 17.40.060 Remedies not exclusive.

17.40.010 Intersection visibility. At the intersection of all streets and roads, no fence, tree, shrub or other vegetation or structure shall be erected or permitted which causes a traffic hazard by obstructing the clear view of cross traffic on any intersecting street or road, and all such obstructions shall be removed by the owner of the lot upon which obstruction is situated within five days after the receipt of a written order from the planning and zoning commission. (Ord. 3-1980 §1(part), 1980: prior code §7-2-12))

17.40.020 Swimming pools. Swimming pools must comply with requirements set forth in Chapter 15.20. (Ord. 3-1980 §1(part), 1980: prior code §7-2-13)

17.40.030 Signs. No advertising sign, billboards, unsightly objects and nuisances shall be erected, placed or permitted to remain on any unzoned property within the town of Columbine Valley. (Ord. 4-2001 §1, 2001: Ord. 6-1999 §1, 1999)

17.40.040 Exempted signs. The following signs shall not be subject to regulation under this chapter:

A. Traffic Control Sign. Any sign or device erected or placed on a permanent or temporary basis within or adja-

cent to a state or county road right-of-way, by an agency of the state of Colorado or the county of Arapahoe, or by any contractor engaged in any public road maintenance or construction activities, provided such sign or device is erected or placed in the interest of public safety.

B. Utility warning, identification or buried cables signs.

C. Political Signs. Signs which do not exceed six square feet in area that announce the candidacy for election to various governmental offices or state a political position concerning political issues. Such signs may be increased in size up to twelve square feet if located a distance greater than fifty feet from the edge of the traveled portion of any adjacent roadway, if placed on private property, with the permission of the landowner and located a distance of at least ten feet from the edge of the traveled portion of any adjacent roadway. Political signs shall not be illuminated and shall be removed within seven days after the date of the election to which they pertain.

D. Street name signs and subdivision name signs.  
(Ord. 4-2001 §2, 2001: Ord. 6-1999 §2, 1999)

17.40.050 Nonconforming signs. A. Declaration of Public Policy. It is reasonable that a time limit be placed upon the continuance of existing nonconforming signs. An amortization program permits the owner to plan during a period when he is allowed to continue the nonconforming signs while at the same time assuring that the location in which the nonconforming signs exist will eventually benefit from a substantial uniformity of signs.

B. Definition of Nonconforming Signs. A nonconforming sign shall be any sign which:

1. On the effective date of the ordinance codified in this section, was lawfully maintained and had been lawfully erected in accordance with the provisions of any prior zoning ordinance, but which sign does not conform to the limitations established by the ordinance codified in this section in the location in which the sign is located; or

2. On or after the effective date of the ordinance codified in this section, was lawfully maintained and erected in accordance with the provisions of this section, but which sign, by reason of amendment to this section after the effective date thereof, does not conform to the limitations established by the amendment to this section in the location in which the sign is located.

C. Continuance of Nonconforming Signs. Subject to the termination hereinafter provided, any nonconforming sign may be continued in operation and maintained after the effective date of the ordinance codified in this section; provided, however, that no such sign shall be changed in

any manner that increases the noncompliance of such sign with the provisions of this section established for signs in the location in which the sign is located; and provided, further, that the burden of establishing a sign to be nonconforming under this section rests entirely upon the person or persons, firm or corporation claiming a nonconforming status for a sign.

1. One stay of any portion of this amortization schedule may be granted by the board of adjustment for a period of six months, if a substantial attempt at compliance is proven.

2. Any owner or operator of a nonconforming sign in a newly annexed area shall terminate such nonconforming sign in accordance with the schedule set forth in this section, within the effective date of the annexation ordinance being the start of the time limitation.

D. Termination of Nonconforming Signs.

1. By Abandonment. Abandonment of such nonconforming sign shall terminate immediately the right to maintain such sign.

2. By Violation of the Ordinance. Any violation of the ordinance codified in this section shall terminate immediately the right to maintain a nonconforming sign.

3. By Destruction, Damage or Obsolescence. The right to maintain any nonconforming sign shall terminate and shall cease to exist whenever the sign is damaged to the extent that the cost of repair would be greater than fifty percent of the replacement cost, or destroyed, from any cause whatsoever, or becomes obsolete or substandard under any applicable ordinance of the town to the extent that the sign becomes a hazard or a danger.

4. By Time. The right to keep, own, use, maintain or display shall cease and terminate within three years of the effective date of the ordinance codified in this section.

E. This section shall supersede Chapter 17.44 of the town's municipal code. (Ord. 4-2001 §3, 2001: Ord. 6-1999 §3, 1999)

17.40.060 Remedies not exclusive. In the event any sign, advertising sign, billboard or unsightly object shall be declared a public nuisance by the building commissioner of the town of Columbine Valley, the town attorney is hereby authorized on behalf of the town to bring an action to abate and enjoin any such nuisance and for damages and for costs of abatement, in addition to any other remedies which may be sought under the municipal code of the town of Columbine Valley, or action or remedy exercised hereunder, and none shall preclude the bringing of any charges of vio-

lation, or the exercise of any other remedy available to the town, including, but not limited to, those remedies available in Chapter 8.04 of the municipal code of the town of Columbine Valley. (Ord. 8-2000 §1, 2001)

#### Chapter 17.44

#### NONCONFORMING USES

##### Sections:

- 17.44.010 Existing nonconforming uses.
- 17.44.020 Discontinuance of nonconforming uses.
- 17.44.030 Restoration of damaged buildings.

17.44.010 Existing nonconforming uses. The lawful use of any building or land, as existing and lawful at the time of adoption of the ordinance codified in this chapter, which use does not conform with the regulations for the district in which such land or building is located, may be continued except for Sections 17.44.010 and 17.44.020. (Ord. 3-1980 §1(part), 1980: prior code §7-2-14(A))

17.44.020 Discontinuance of nonconforming uses. Upon any discontinuance of a nonconforming use of land or a building for a period of one year, the use thereafter shall conform to the use regulations for the district in which the building or land is situated. (Ord. 3-1980 §1(part), 1980: prior code §7-2-14(B))

17.44.030 Restoration of damaged buildings. In case a building used for a nonconforming use is damaged by fire, explosion, or other calamity to the extent of more than seventy-five percent of its fair market value, it shall not be restored except for a conforming use unless approved by the board of trustees as hereinafter provided. (Ord. 3-1980 §1(part), 1980: prior code §7-2-14(C))



## Chapter 17.48

### BOARD OF ADJUSTMENT

#### Sections:

- 17.48.010 Established.
- 17.48.020 Meetings--Procedure.
- 17.48.030 Appeals--Procedure--Hearing.
- 17.48.040 Powers and duties.
- 17.48.050 Variances--Hardship.
- 17.48.060 Modifications.

17.48.010 Established. A. 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 chapter means the board of adjustment. The board shall consist of nine members as follows:

1. The mayor, who shall be an ex officio member of the board with no vote, except as provided below, and shall serve during his office tenure;

2. The commissioner of planning and zoning, who shall be an ex officio member of the board with no vote, except as provided below, and shall serve during his 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 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 thirty 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 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. A proper meeting will require a quorum of four voting members;

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 membership shall immediately terminate.

B. 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. Vacancies occurring otherwise than through the expiration of terms shall be filled for the remainder of the unexpired term by the board of trustees. (Ord. 7-1992 §1, 1992: Ord. 3-1988 §1, 1988: Ord. 3-1980 §1(part), 1980: prior code §7-2-15(A))

17.48.020 Meetings--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. The chairman, or in his 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 chapter and not inconsistent herewith. (Ord. 3-1980 §1(part), 1980: prior code §7-2-15(B))

17.48.030 Appeals--Procedure--Hearing. Appeals to the board may be taken by any person aggrieved by his inability to obtain a building permit, or by the decision of any administrative officer or agency based upon or made in the course of administration or enforcement of the provisions of this chapter. Appeals to the board may be taken by any officer, department, board or bureau of the city, 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 chapter. Such appeal shall be made within thirty days of the date the building permit was issued or refused, by filing with the building department 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 in interest and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney. (Ord. 3-1980 §1(part), 1980: prior code §7-2-15(C))

17.48.040 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 chapter. Such board shall hear and decide all matters referred to it or upon which it is required to pass under this chapter. Such board shall also have such other powers and duties as are now or may hereafter be provided by law. (Ord. 3-1994 §1, 1994: Ord. 3-1980 §1(part), 1980: prior code §7-2-15(D))

17.48.050 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 or 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 chapter. (Ord. 3-1980 §1(part), 1980: prior code §7-2-15(E))

17.48.060 Modifications. 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 powers of the building department. (Ord. 3-1980 §1(part), 1980: prior code §7-2-15(F))

Chapter 17.52AMENDMENTSSections:

- 17.52.010 Amendments--Procedure.
- 17.52.020 Application for amendment--Contents.
- 17.52.030 Fees.
- 17.52.040 Application referrals.
- 17.52.050 Notice.
- 17.52.060 Amendment--Adoption.
- 17.52.070 Protests.

17.52.010 Amendments--Procedure. Amendments, supplements, changes or repeal of this title or any section thereof, or to the official zoning map may be initiated by application of:

A. Any citizen or group of citizens, firm or corporation residing, owning or leasing property in the town, provided that a pre-submittal meeting with the town planner has been held and the appropriate fees paid as provided in Section 17.52.030;

B. The planning and zoning commission;

C. The board of trustees. (Ord. 2-1998 §1, 1998)

17.52.020 Application for amendment--Contents. Application for an amendment to this title shall be made on such a form as the planning and zoning commission shall prescribe and shall be filed with the town clerk. Applications for an amendment to the official zoning map shall contain all of the following information:

A. Description of land area to be rezoned, and requested new classification along with sketch to scale showing boundaries of area requested to be rezoned, along with an indication of the existing zoning on all adjacent sides of the area;

B. A statement of justification for the rezoning including one of the following conditions:

1. Changing area conditions;
2. Error in original zoning;
3. Conformance to comprehensive plan for area;
4. Peculiar suitability of the site to a certain

use;

C. Description and sketches, if available, of building or uses proposed if rezoning is granted, along with a description of land and building uses within two hundred feet of the boundary of the proposed area of change, in all directions;

D. Time schedule for any contemplated new construction or uses;

E. Justification for any new business or industrial zoning;

F. Effect that the new zoning would have on adjacent uses. (Ord. 3-1980 §1(part), 1980: prior code §7-2-18(B)(1)--(6))

17.52.030 Fees. The applicant is responsible for all the costs of review and processing applications for annexation, variances and zoning amendments including, but not limited to, costs of legal, engineering and planning review by the town's consultants. The applicant is also responsible for the costs of notification, publishing, recording and other related costs. The basic fee to be charged for a variance is one hundred dollars, unless in the determination of the building commissioner the applicant's fee should be estimated by the town planner and/or town engineer. For all other applications, the town planner and/or town engineer will provide the applicant with an estimate of time and costs for review and proceeding based on the following:

A. Number of hours, hourly rate and total costs for each consultant involved in the development review. This will include initial analysis, meetings with the applicant and the applicant's consultants, meetings with other agencies, preliminary correspondence, staff reports, attendance at planning and zoning commission and board of trustees meetings and necessary follow-up;

B. An estimate of the costs of notification, publishing, recording and order related costs;

C. An estimate of the hours and costs for reviewing resubmittals and attending extra meetings if they are necessary;

D. The applicant will pay the amount of the estimate of the beginning of the process. Any outstanding costs will be paid prior to the meeting of the board of trustees at which final action on the application is scheduled. If the initial fees exceed the actual costs, the town will refund the surplus.

If the applicant proceeds with the development proposal by submitting a formal application, it shall be deemed as accepting the estimate of fees. (Ord. 2-1998 §2, 1998)

17.52.040 Application referrals. All applications for changes to the zoning ordinance or map shall be referred by the town clerk to the planning and zoning commission, which shall return a recommendation either recommending for or against the proposed change to the board of trustees. (Ord. 3-1980 §1(part), 1980: prior code §7-2-18(C))

17.52.050 Notice. Before any amendment to this chapter or map is enacted, a public hearing shall be held. Notice of the public hearing shall be in the following manner:

A. The clerk shall give written notice of the date, time and place of the public hearing, by first class mail, to the applicant.

B. The applicant shall submit to the clerk, no later than twenty-one days prior to the public hearing, information and materials necessary to provide public notice. The information and materials shall include, at a minimum, a list of owners of real property and homeowners' associations located within the notification area. The notification area shall be within five hundred feet of the boundaries of the property to be rezoned. The applicant shall also pay the costs of postage for mailing of notification letters.

C. The clerk shall prepare letters explaining the request and giving notice of the date, time and place of the public hearing. Such letters shall be mailed, by the applicant, via first class mail, certified return receipt requested, to all owners of real property and homeowners' associations identified in subsection B of this section at least fifteen days prior to the public hearing.

D. The applicant shall erect upon the property or aggregate of properties described within the application and to which the application applies, one or more signs containing notice of the public hearing and stating the date, time and place the hearing will be held. Such signs shall be provided by the town, with the mounting boards and supports provided by the applicant, and they shall be posted for a period of at least fifteen consecutive days prior to the date of such hearing, in a conspicuous location, as determined by the town. The cost of signage shall be paid by the applicant.

E. The clerk shall cause notice of the hearing, including date, time and place, to be published in full in an official paper of paper of general circulation in the town at least fifteen days prior to the date of the hearing.

F. The applicant shall certify in writing, to the clerk, prior to the public hearing, that the list submitted in accordance with subsection B of this section was obtained from the most current records of the applicable county assessor, proof that notice was mailed certified return receipt, and that signs were posted on the property in accordance with subsection D of this section.

G. Failure of the applicant to provide the certification required in subsection F of this section shall cause the public hearing to be postponed at least fifteen days and until the applicant provides the certification. (Ord. 2-1992 §1, 1992; Ord. 3-1980 §1(part), 1980: prior code §7-2-18(D))

17.52.060 Amendment--Adoption. A. The adoption of any amendment shall require the favorable vote of a majority of the board of trustees except, however, when there is filed a protest against a map change by the owners of more than twenty percent of the property:

1. Within the proposed area of change; or
2. Immediately adjacent thereto to the rear extending one hundred feet; or
3. Facing the proposed change directly across a street and extending one hundred feet from the street frontage.

B. The favorable vote of three-quarters of the board shall be required. (Ord. 3-1980 §1(part), 1980: prior code §7-2-18(E)(part))

17.52.070 Protests. In order to be valid and acceptable, a protest must be filed in writing with the town clerk at least five days prior to the date of a public hearing on the adoption of any proposed amendment to which the protest

is directed. (Ord. 3-1980 §1(part), 1980: prior code §7-2-18(E) (part))

## Chapter 17.56

### VESTED PROPERTY RIGHTS

#### Sections:

- 17.56.010 Purpose.
- 17.56.020 Definitions.
- 17.56.030 Request for site specific development plan approval.
- 17.56.040 Notice and hearing.
- 17.56.050 Approval effective date and amendments.
- 17.56.060 Notice of approvals.
- 17.56.070 Payment of costs.
- 17.56.080 Other provisions unaffected.
- 17.56.090 Limitations.

17.56.010 Purpose. The purpose of this chapter is to provide the procedures necessary to implement the provisions of Article 68 of Title 24, C.R.S. (Ord. 14-1999 §1(part), 1999)

17.56.020 Definitions. As used in this chapter, the following terms are defined in this section:

"Site specific development plan" means for all developments, the final approval step, irrespective of its title, which occurs prior to building permit application: provided, however, that if the landowner wishes such approval to have the effect of creating vested rights pursuant to Article 68 of Title 24, C.R.S., as amended, the landowner must so request at least ninety days prior to the date such approval is to be considered. Failure to so request renders the approval not a "site specific development plan," and no vested rights shall be deemed to have been created.

Notwithstanding anything herein to the contrary, neither an annexation map, a variance or adjustment from the board of adjustment, a certificate of appropriateness, nor a flood plain or geohazard permit shall constitute a site specific development plan.

"Vested real property right" means the right to undertake and complete the development and use of property under the terms and conditions of a site specific development plan. (Ord. 14-1999 §1(part), 1999)



17.56.030 Request for site specific development plan approval. For those developments for which the landowner wishes the creation of vested rights, the landowner shall specifically request the approval by the town of the designated site specific development plan and development agreement. The plan shall be clearly labeled "Site Development Plan for the Vesting of Property Rights Pursuant to Article 68 of the Title 24 CRS." Failure of the landowner to request such an approval renders the plan not a "site specific development plan," and no vested rights shall be deemed to have been created. (Ord. 14-1999 §1(part), 1999)

17.56.040 Notice and hearing. No site specific development plan and development agreement shall be approved until after a public hearing preceded by written notice of such hearing. Such notice may, at the town's option, be combined with the notices required by any other regulation. At such hearing, interested persons shall have an opportunity to be heard. (Ord. 14-1999 §1(part), 1999)

17.56.050 Approval effective date and amendments. A site specific development plan shall be deemed approved upon the effective date of final board of trustee action approving such plan. In the event amendments to a site specific development are approved, the effective date of such amendments, for purposes of duration of a vested property right, shall be the date of the approval of the original site specific development plan, unless the board of trustees specifically finds to the contrary and incorporates such findings in its approval of the amendment. (Ord. 14-1999 §1(part), 1999)

17.56.060 Notice of approvals. Each map, plat or site plan or other document constituting a specific development plan and development agreement shall contain the following language: "Approval of the Site Specific Development Plan and Development Agreement may create a vested property right pursuant to Article 68 of Title 24 CRS." Failure to contain this statement shall invalidate the creation of the vested property right. In addition, a notice describing generally the type and intensity of use approved, the specific parcel or parcels of property affected and stating that a vested property right has been created shall be published once, not more than fourteen days after approval of the site specific development plan, in a newspaper of general circulation within in the town. (Ord. 14-1999 §1(part), 1999)

17.56.070 Payment of costs. In addition to any and all other fees and charges imposed by this code, the applicant for approval of a site specific development plan shall

pay all costs occasioned to the town as a result of the site specific development plan review, including publication of notices, public hearing and review costs. At the option of the town, these costs may be imposed as: (a flat fee of one hundred dollars). (Ord. 14-1999 §1(part), 1999)

17.56.080 Other provisions unaffected. Approval of a site specific development plan shall not constitute an exemption from or waiver of any other provisions of this code pertaining to the development and use of property. (Ord. 14-1999 §1(part), 1999)

17.56.090 Limitations. Nothing in this chapter is intended to create any vested property right, but only to implement the provisions of Article 68 of Title 24, C.R.S., as amended. In the event of the repeal of said article or a judicial determination that said article is invalid or unconstitutional, this chapter shall be deemed to be repealed, and the provisions hereof no longer effective. (Ord. 14-1999 §1(part), 1999)

## Chapter 17.60

### VIOLATIONS--PENALTIES

#### Sections:

- 17.60.010 Complaints.
- 17.60.020 Removal--Order.
- 17.60.030 Violation--Penalties.

17.60.010 Complaints. Any person aggrieved by a violation or apparent violation of the provisions of this chapter may file a written complaint with the town board of trustees who shall immediately investigate such complaint and take legal action to have the violation penalized and removed, if such a violation is found to exist. (Ord. 3-1980 §1(part), 1980: prior code §7-2-19)

17.60.020 Removal--Order. When judgment is rendered against any person for violating any of the provisions of this chapter, it shall be the duty of the court before whom such conviction is had to order the defendant in such action to forthwith remove the violation; and if the same is not done by such defendant within twenty-four hours, the same shall be removed by the town marshall. The order shall be entered upon the docket of the court and be made a part of the judgment in the cause. (Ord. 6-1995 §1, 1995)

17.60.030 Violation--Penalties. Failure to comply with any of the provisions of this title, unless a variance has been authorized by the board of adjustment, shall constitute a misdemeanor and upon conviction is punishable by a fine of not less than ten dollars nor more than one thousand dollars, 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. (Ord. 6-1995 §2, 1995)