HOW TO USE THIS CODE:

IF YOU OWN OR LEASE PROPERTY AND WANT TO KNOW WHAT RULES APPLY:

STEP 1: Find your zoning district and any overlay or special purpose districts by looking at the Official Zoning Map (available in the Town Hall).

STEP 2: Go to the Principal Use Table in Section 2.5.1, find your zoning district and follow down the column to determine the uses permitted in your district.

STEP 3: If your use is permitted, before building the structure or establishing the use or disturbing the site, you must get the appropriate permits (see Article 7). For details on minimum lot size, height and required yards (setbacks) see Section 2.6, Base district standards. For specific use standards see Article 3.

STEP 4: The general standards for off-street parking, driveways (access management), outdoor lighting, landscaping, sign regulations, etc., are found in Article 4.

STEP 5: Don't forget the overlay districts that apply to your site (if any).

IF YOU WANT TO BUILD OR ESTABLISH A PARTICULAR USE:

Follow Steps 1 through 5 above, to identify your zoning district and the permitted uses. You can find the specific details for the permitted uses in your zoning district in Article 2. Defined terms may be found in Article 10. You can also find the various development standards that apply to your property in Article 4.

IF YOU WANT TO CHANGE YOUR ZONING DISTRICT:

Only the Town Board may rezone property, following public notice and public hearings in front of the Planning and Zoning Commission and the Town Board itself. See Section 7.4, Rezoning, for details.

IF YOU WANT TO SUBDIVIDE YOUR PROPERTY:

Property can only be subdivided in accordance with Section 7.6. (See definition for "subdivision" in Article 10, for more information.)
SUPPLEMENTATION

Supplements to this Code provide periodic updating through the removal and replacement of pages. This inter-leaf supplementation system requires that each page which is to be removed and replaced is identified so that the updating may be accurately accomplished and historically maintained.

Instructions for supplementation are provided for each supplement, identified by Supplement number, date and inclusive ordinance numbers. The Instructions for posting the removal and replacement of pages must be followed and accomplished in sequence, with the most recent supplementation posted last.

When supplementation is completed and the removal and replacement of all pages are accomplished, the Instructions should be placed under the Supplementation tab, behind this page, with the most recent Instruction sheet on top. Previous Instructions should not be removed, so that the user may refer to this tab section to verify whether the code book is fully updated with all supplements included.

The maintenance of a Land Development Code with all supplementation is an important activity which deserves close attention so that the value of the Code is maintained as a fully comprehensive compilation of the legislative ordinances of the municipality.

AMENDMENTS

Amendments may be made to the Code by additions, revisions or deletions therefrom. Those changes may be made as follows:

Additions: Additions may be made by ordinance to the Code as follows:

The "Palisade Land Development Code" is amended by the addition thereto of a new Section 1.13, which is to read as follows:

Set out full section number, title and contents)

or if the location of the new section number or numbers is undetermined, the Code may be amended as follows:

The "Palisade Land Development Code" is amended by the addition of the following:

(Set out section title and contents)

Revisions: A revision of the Code may be accomplished as follows:

Section 1.13 of the "Palisade Land Development Code" is repealed in its entirety and readopted to read as follows:

(Set out section number, title and entire contents of the readopted code section)

or as follows:

Section 1.13 of the "Palisade Land Development Code" is amended to read as follows:

(Set out section number, title and entire contents of the amended code section)

Repeal: Sections, articles and chapters may be repealed as follows:

Section 1.13 of the "Palisade Land Development Code" is repealed in its entirety.

COLORADO CODE PUBLISHING COMPANY
This Supplement contains all ordinances deemed advisable to be included at this time through Ordinance No. 2011-11, adopted November 22, 2011.

Remove old pages Insert new pages

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2-15—2-18 2-15—2-18
3-i—3-2 3-i—3-2
3-5, 3-6 3-5—3-6a
3-17—3-22 3-17—3-22a
4-53, 4-54 4-53, 4-54
4-57—4-60 4-57—4-60
8-i—8-4 8-i—8-6
— Tables Tab—T-51 (insert in front of Index)
I-3—I-14 I-3—I-14

Insert this instruction sheet behind the Supplementation Tab in the front of the volume. File removed sheets for future reference.

COLORADO CODE PUBLISHING COMPANY
Fort Collins, Colorado

March 2012
# PALISADE LAND DEVELOPMENT CODE

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PALISADE LAND DEVELOPMENT CODE

Article 1
Introductory Provisions

Sec. 1.1 Title
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Sec. 1.1. Title.
This document shall be known and may be cited as the "Town of Palisade Land Development Code" or as the "Land Development Code" or simply as the "LDC."

Sec. 1.2. Authority.
The Town of Palisade Land Development Code is adopted pursuant to the powers granted and limitations imposed by the Constitution of the State of Colorado, Sections 31-23-101, et seq., C.R.S. (Planning and Zoning), Sections 29-20-101, et seq., C.R.S., (Land Use Control and Conservation); Sections 24-65-101, et seq., C.R.S. (Colorado Land use Act); Sections 24-67-101, et seq., C.R.S. (Vested Property Rights' Law); Title 29, Artiele 20, C.R.S. (Local Government Control Act of 1974); and other provisions of State statutory and common law that are relevant and appropriate.

Sec. 1.3. Purposes.
This Land Development Code is adopted for the purpose of promoting the public health, safety and general welfare of the citizens of Palisade, Colorado. It is adopted in accordance with and is intended to implement the Town of Palisade's Comprehensive Plan. More specifically, this LDC is intended to do one (1) or more of the following:

A. Preserve and enhance integrity, stability and livability of residential neighborhoods;
B. Maintain property values by stabilizing expectations and ensuring predictability in development;
C. Prevent or minimize land use incompatibilities and conflicts among land uses;
D. Prevent overcrowding of buildings and sites and excessive concentrations of population or commercial activities;
E. Encourage quality commercial development and revitalization;
F. Preserve and enhance the Town's natural environment and avoid natural hazards in the development of the Town;
G. Balance the protection of community and neighborhood resources with the need to promote economic development and protect individual property rights;
H. Maintain opportunities for development and redevelopment to respond to changes in the marketplace, while respecting the character of surrounding areas; and
I. Establish a process that effectively and fairly applies the regulations and standards of this LDC and respects the rights of property owners and the interests of citizens.

Sec. 1.4. Jurisdiction.
The boundaries of the zoning districts are shown upon the map accompanying this LDC, and made a part hereof, entitled "Town of Palisade, Official Zoning Map" and dated May 27, 2008, and is hereinafter referred to as the "Official Zoning Map" or simply as the "Zoning Map." The Zoning Map and all the notations, references and all amendments thereto, and other information shown thereon is hereby made a part of this LDC the same as if such information set forth on the map were all fully
described and set out herein. The Zoning Map properly attested is on file in the Planning Director's office and is available for inspection by the public. These regulations shall also govern each and every subdivision of land within the corporate limits of Palisade, as now or hereafter established.

Sec. 1.5. Minimum requirements.

The articles and sections of this LDC are the minimum standards necessary to accomplish its stated purposes. It is not the intent of this LDC to interfere with, abrogate or annul any private easement, covenant, deed restriction or other agreement between private parties. When the sections of this LDC impose a greater restriction than imposed by such private agreements, this LDC shall control. When private agreements impose a greater restriction than imposed by this LDC, such private agreements shall control.

Sec. 1.6. Vested rights.

Approval of a Final Subdivision plat or Site Plan, major or minor or Planned Unit Development Control Document or Conditional Use shall be considered approval or conditional approval of a "site specific development plan," as defined in Section 24-68-101, et seq., C.R.S., and shall result in a vested right for a period of three (3) years as provided in Section 24-68-101, et seq., C.R.S. Within fourteen (14) days after the final approval of a site specific development plan, the Town Clerk shall publish notice of the creation of a vested property right as described in Section 24-68-103, et seq., C.R.S. Approved final plats and site plans approved as part of a site specific development plan shall contain a note stating that the property right is vested for a period of three (3) years from the date that the required vesting notice is published. The Town is authorized to approve vested rights for periods of longer than three (3) years by entering into a development agreement.

Any applicant wishing to extend his or her Vested Rights must submit a request to the Town Board before expiration of existing Vested Rights. Any applicant may also waive a vested property right by law. Any annexation to the Town will require, in writing, the waiver of any pre-existing vested property rights as a condition of such annexation.

Applicants may request to the Town Board that another stage of development, such as preliminary plat, be used to hear and confer vested rights. The Town Board may require special conditions to be met in exchange for early vesting of property rights.

Sec. 1.7. Administrative Handbook on Land Use.

This Land Development Code is supplemented by, and should be read in conjunction with, the Town's Administrative Handbook on Land Use. The Handbook is a citizen's guide to the Land Development Code, and includes samples of application forms, detailed submittal requirements for types of development approvals, required text for plat notes and other information designed to simplify use of this Land Development Code.

Sec. 1.8. Graphics.

Where graphics included in this LDC conflict with the text of the regulations, the text shall control.
Sec. 1.9. Commentary.

Where a provision of this LDC requires additional explanation to clarify its intent, a "commentary" is included. They have no regulatory effect, but rather are intended solely as a guide for administrative officials and the public to use in understanding and interpreting this LDC.

Sec. 1.10. Conflicting provisions.

If the provisions of this Land Development Code are inconsistent with one another or when the regulations of this LDC conflict with other adopted ordinances or regulations of the Town, the more restrictive provisions shall control, unless otherwise specifically stated; however, the Town cannot enforce private covenants.

Sec. 1.11. Transitional provisions.

1.11.1 Building permits

Nothing in this LDC shall require any change in plans, construction, size or designated use of any building, structure or part thereof that has been granted a building permit prior to the effective date of this LDC or any amendment to this LDC, provided construction shall begin consistent with the terms and conditions of the building permit and proceed to completion in a timely manner as determined by the Building Official in accordance with applicable Town regulations.

1.11.2 Subdivision plats

The subdivision standards of this LDC shall not affect any preliminary plat or final plat for which a complete application was submitted prior to the adoption of this LDC. Such applications shall be subject to compliance with the standards applicable at the time of the submittal.

1.11.3 Violations continue

Any violation of the previous zoning ordinance or subdivision regulations of the Town shall continue to be a violation under this LDC and shall be subject to penalties and enforcement under Article 9, Violations, Penalties and Enforcement, unless the use, development, construction or other activity is consistent with the express terms of this LDC, in which case enforcement action shall cease, except to the extent of collecting penalties for violations that occurred before the effective date of this LDC.

1.11.4 Nonconforming uses under the zoning ordinance

Any (legal) nonconformity under the previous zoning regulations shall also be a legal nonconformity under this LDC, as long as the situation that resulted in the nonconforming status under the previous zoning regulations continues to exist. If a nonconformity under the previous ordinances and regulations becomes conforming because of the adoption of this LDC, then the situation shall no longer be treated as a nonconformity.
Sec. 1.12. Severability.

Should any section or provision of this Land Development Code be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the LDC as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.
PALISADE LAND DEVELOPMENT CODE

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  2.2.1 Base districts
  2.2.2 Planned and special purpose districts

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  2.3.1 Lot reduction
  2.3.2 Building coverage
  2.3.3 Impervious surface
  2.3.4 Building separation
  2.3.5 Gross floor area
  2.3.6 Height
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  2.6.7 Recreation and open space requirements
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Sec. 2.7 Planned development district standards
  2.7.1 General provisions for all planned developments (PUD and PUDO)
  2.7.2 Planned unit development (PUD)
  2.7.3 Planned unit development overlay (PUDO)

Sec. 2.8 Neighborhood conservation overlay district standards (NCO)
  2.8.1 Allowed uses
  2.8.2 Base zoning district standards
  2.8.3 District standards
Sec. 2.1. Districts established.

In order to implement the Palisade Comprehensive Plan and promote the purposes of this Land Development Code, the following zoning districts are established:

### Base Zoning Districts

<table>
<thead>
<tr>
<th>Symbol</th>
<th>District Name</th>
<th>Former District Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>AR</td>
<td>Agricultural Residential</td>
<td>(New District)</td>
</tr>
<tr>
<td>AFT</td>
<td>Agriculture, Forestry Transitional</td>
<td>(Same)</td>
</tr>
<tr>
<td>ER</td>
<td>Estate Residential</td>
<td>(New District)</td>
</tr>
<tr>
<td>LDR</td>
<td>Low Density Residential</td>
<td>R-1, Low Density Residential</td>
</tr>
<tr>
<td>MDR</td>
<td>Medium Density Residential</td>
<td>R-2, Medium Density Residential</td>
</tr>
<tr>
<td>HDR</td>
<td>High Density Residential</td>
<td>R-3, High Density Residential</td>
</tr>
<tr>
<td>MU</td>
<td>Mixed Use</td>
<td>(New District)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Symbol</th>
<th>District Name</th>
<th>Former District Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>TC</td>
<td>Town Center</td>
<td>B-1, Business</td>
</tr>
<tr>
<td>CB</td>
<td>Commercial Business</td>
<td>B-2, Business</td>
</tr>
<tr>
<td>LI</td>
<td>Light Industrial</td>
<td>(New District)</td>
</tr>
<tr>
<td>HR</td>
<td>Hospitality Retail</td>
<td>(New District)</td>
</tr>
<tr>
<td>CP</td>
<td>Community/Public</td>
<td>(New District)</td>
</tr>
</tbody>
</table>

### Nonresidential Districts

<table>
<thead>
<tr>
<th>Symbol</th>
<th>District Name</th>
<th>Former District Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>PUDO</td>
<td>Planned Unit Development Overlay</td>
<td>Planned Unit Development (PUD)</td>
</tr>
<tr>
<td>PUD</td>
<td>Planned Unit Development</td>
<td></td>
</tr>
<tr>
<td>NCO</td>
<td>Neighborhood Conservation Overlay</td>
<td>(New District)</td>
</tr>
</tbody>
</table>

Sec. 2.2. District intent statements.

2.2.1 Base districts

A. Residential districts

1. AR, Agricultural Residential (new district)

   This district is comprised of low density dwellings, agricultural uses and other selected uses which are compatible with the rural/agricultural character of the area. The established regulations for this district are designed to promote and encourage a quality low density residential environment in an agricultural setting. To encourage higher quality development and to ensure greater environmental protection, cluster residential subdivisions are permitted.

   The AR district is intended to implement and correspond in part to the Comprehensive Plan's "Agricultural/Residential 5" land use designation.
2. AFT, Agricultural and Forestry Transitional

Provides locations for wineries, vineyards and related lodging and commercial activity compatible with the Town's rural and agricultural character. Development in the AFT district is compatible and complementary to the rural/agricultural surroundings.

The AFT district is intended to implement and correspond in part to the Comprehensive Plan's "Agricultural/Residential 2.5" land use designation.

3. ER, Estate Residential (new district)

Established to provide for orderly suburban residential development and redevelopment and to encourage orchards and vineyards within Town boundaries. The established regulations for this district are designed to promote and encourage a quality residential environment in an agricultural setting. To encourage higher quality development and to ensure greater environmental protection, cluster residential subdivisions are permitted.

The ER district is intended to implement and correspond in part to the Comprehensive Plan's "Agricultural/Residential 2.5" land use designation.

4. LDR, Low Density Residential (formerly R-1, Low Density Residential)

Established to provide for orderly suburban residential development and redevelopment. Intended to maintain and protect residential areas at low to moderate densities characterized predominantly by single-family detached units. The district requirements protect existing neighborhoods from undesirable uses and residential conversions.

The LDR district is intended to implement and correspond in part to the Comprehensive Plan's "Low Density Residential" land use designation.

5. MDR, Medium Density Residential (Formerly R-2, Medium Density Residential)

Established to maintain and protect residential areas of higher density which include a variety of small lot residential development options. The MDR district allows moderate to high residential density development. Proximity to public parks and open space is an asset for MDR district development.

The MDR district is intended to implement and correspond in part to the Comprehensive Plan's "Medium Density Residential" land use designation.

6. HDR, High Density Residential (formerly R-3, High Density Residential)

Established to provide for orderly suburban residential development and redevelopment. Intended to protect, preserve and enhance existing residential areas of higher density which include multifamily dwellings mixed with other housing types. Proximity to public parks and open space is an asset for HDR district development. The HDR district is appropriate for use as a transitional district between lower density residential districts and the MU, TC and CB districts.
The HDR district is intended to implement and correspond in part to the Comprehensive Plan's "High Density Residential" land use designation.

7. MU, Mixed Use (new district)

Intended to facilitate adaptive re-use and preservation of older residential structures and compatible new development. The MU district is primarily a residential district, only modest-scale nonresidential uses are allowed. Nonresidential uses are encouraged to occupy existing residential structures without changing the character of such structures and to emphasize pedestrian rather than vehicular access. The MU district may be used as a transitional district between residential and nonresidential districts.

The MU district is intended to implement and correspond in part to the Comprehensive Plan's "Residential Mixed Use" land use designation.

B. Nonresidential districts

1. TC, Town Center (Formerly B-1, Business)

Intended to provide for the business and civic functions that make up the Town core and in the vicinity of the Historic Palisade High School at 711 Iowa. The Town Center (TC) district has a strong pedestrian character and provides for concentrated commercial activity with buildings covering the entire street frontage. It contains a mix of business, commercial and residential uses and serves the needs of the entire community and those of visitors to the community.

The TC district is intended to implement and correspond in part to the Comprehensive Plan's "Mixed Use" land use designation.

2. CB, Commercial Business (Formerly B-2, Business)

Provides locations of offices, service uses and businesses retailing durable and convenience goods for the community as a whole. Located on major and minor thoroughfares and, therefore, are accessible to and serve the entire community. Development standards provide for auto-oriented uses. Site design and buffering mitigate impacts of traffic, operations and scale on adjacent businesses and residential neighborhoods. Areas designated CB district are primarily located along U.S. Highway 6.

The CB district is intended to implement and correspond in part to the Comprehensive Plan's "Commercial" land use designation.

3. LI, Light Industrial (new district)

Promotes the retention and growth of employment opportunities by providing areas where a broad range of industrial uses may locate and where options for complementary uses exist. Industries should be operated in a relatively clean and quiet manner and should not be obnoxious to nearby residential or business districts, warehousing and wholesaling activities and research facilities. The regulations of this district are intended to prohibit the use of land for industries, that by their nature, may
create some nuisance to surrounding properties. Unless separated by a principal arterial, the LI district is not appropriate adjacent to any residential district.

The LI district is intended to implement and correspond in part to the Comprehensive Plan's "Industrial" land use designation.

4. HR, Hospitality Retail

Provides location for hospitality, retail development along I-70 in the vicinity of Exits 42 and 44 in a pedestrian-oriented village or mall environment, compatible with the character of the adjacent historic neighborhoods and existing uses. Development within the HR district will exhibit a design continuity, compatible and complementary to the historic Town and to its existing wineries and agricultural uses. Upper floor residential uses are appropriate and desirable in the village setting envisioned for the HR district.

The HR district is intended to implement and correspond in part to the Comprehensive Plan's "Commercial—Agricultural/Lodging" land use designation.

5. CP, Community Public (new district)

The purpose of the CP zone is to designate areas for public uses within the Town. The zone is intended to accommodate public service, recreational and open space needs of the community, surrounding rural areas and visitors.

2.2.2 Planned and special purpose districts

A. Authority

Article 67 of Title 24 of the C.R.S., the Planned Unit Development Act of 1972 gives the Town the authority to authorize Planned Unit Developments, in order to protect public safety, integrity and welfare while encouraging innovations in residential, commercial and industrial development, more efficient use of land and incorporating the best features of modern design. Moreover, the Planned Development option allows a developer to relate the type, design and layout of residential, commercial and industrial development to the particular site, thereby encouraging preservation of the site's natural characteristics. Any Planned Development should also be within general conformity with the Town's Comprehensive Plan. Therefore, the Town adopts the following planned development categories:

B. Planned unit development overlay (PUDO)

The PUDO, Planned Unit Development Overlay district is intended primarily to promote infill and redevelopment and to supplement the primary underlying base district classification. The requirements of the PUDO district shall supersede the requirements of the base district, provided that maximum density and uses shall be those of the underlying base district. The PUDO district provides for modification of the otherwise applicable dimensional requirements of the underlying base district as specified in Section 2.7 in order to accomplish one (1) or more of the following purposes:

1. Promote innovative and creative design of residential and nonresidential areas;
2. Promote flexibility in the placement of structures so as to preserve and take advantage of the site's unique, natural resource or scenic features and to avoid or mitigate any hazardous area;

3. Encourage more efficient use of land and public streets, utilities and governmental services;

4. Preserve open space for the benefit of residents of developments and the community;

5. Achieve a compatible land use relationship with surrounding areas; or

6. Promote greater variety in the type and design of buildings and thereby improving the character and quality of new development.

C. Planned unit development (PUD)

The PUD, Planned Unit Development district, accommodates proposals for the same or similar uses to be developed as integrated units such as offices, commercial or service centers, shopping centers, light industrial, residential developments or proposals where any appropriate combination of such uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. All development in the PUD district should include significant open space for the benefit of residents and occupants of the development and the community. PUD district standards are intended to provide for innovative development that is integrated and compatible with surrounding land uses and development patterns.

D. Neighborhood conservation overlay (NCO)

The NCO, Neighborhood Conservation Overlay district, is intended to facilitate adaptive re-use and preservation of older residential structures and compatible new development. The NCO district is intended primarily to modify the MU district, but may also be applied to other residential properties and structures as appropriate and as identified on the Official Zoning Map. NCO district uses are encouraged to occupy existing residential structures without changing the character of such structures and to emphasize pedestrian rather than vehicular access. The requirements of the NCO district shall apply whenever they are in conflict with or are more stringent than those in the base district.

Sec. 2.3. Measurements and exceptions.

2.3.1 Lot reduction

No lot, even though it may consist of one (1) or more adjacent lots of record in single ownership, shall be reduced in size so that the lot area per dwelling unit, lot width, yard and lot coverage requirements and other requirements of this LDC are not maintained. This prohibition shall not be construed to prevent the purchase or condemnation of narrow strips of land for public utilities or street right-of-way purposes.

2.3.2 Building coverage

The maximum area of the lot that is permitted to be covered by buildings, including both principal structures and accessory buildings. Building coverage does not include paved areas such as
driveways, uncovered porches or patios, decks, swimming pools or pool cages or roof overhangs of less than three (3) feet.

2.3.3 Impervious surface

The maximum area of the lot that is permitted to be covered by buildings, including both principal structures and accessory buildings, paved areas such as driveways, uncovered porches or patios or solid decks.

2.3.4 Building separation

The required separation between any two (2) buildings located on the same lot or parcel of land.

2.3.5 Gross floor area

The gross floor area of a building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings, excluding unfinished basements and enclosed parking areas, and including the following areas:

A. The area of each floor of the structure; and
B. All attic space used for active commercial space.

2.3.6 Height

A. Buildings

Height shall be determined by the vertical distance in feet between the lowest finished grade (including finished grade of a basement with direct, at-grade walk-out access) to the top of the highest roof beam on a flat, shed or mansard roof or the average distance between the eaves and apex of a gable, hip or pitched roof.

![Diagram of building heights]

B. Fences and walls

The height of fences or walls shall be measured as the vertical distance between finished grade on the highest side of the fence or wall to the top of the fence or wall.
2.3.7 Area

Area shall be measured in gross square feet or acres and shall be comprised of the following land units:

A. Lot

1. Lot area shall be that area included in a single, undivided piece of land.
2. Minimum lot areas shall be exclusive of existing or proposed public or private right-of-way and dedicated open space.

B. Parcel

1. A continuous quantity of land in the possession of or owned by or recorded as property of the same person or persons. A parcel may contain multiple buildings or uses.
2. Parcel area shall be that area required for each individual building in a multi-building project. A parcel may include multiple lots.

C. Site

1. A continuous quantity of land to be developed as a single project. A site may contain multiple parcels or lots.
2. Site area shall be the total land area of the proposed development.
D. Width

1. Building width

Building width shall be measured by the distance along the front plane of any building (as determined by the location of an entrance fronting on a street).

2. Parcel or lot width

Parcel or lot width shall be measured by the distance between the side lot lines (generally running perpendicular to a street), measured at the rear edge of the street yard (front building line) along a straight line parallel to the front of the property line or along the chord of the front property line.

E. Density

Density is measured as the number of dwelling units per gross acre of land. Gross maximum allowable density (the most units per acre allowed) is determined by dividing the proposed number of dwelling units for a lot or parcel by the parcel's gross land area (in acres). Reference the zoning district charts for maximum allowable gross densities based on housing types and specific zone districts.

2.3.8 Yards and setbacks

Commentary: Street yard setbacks are intended to provide a uniform building line along streets, a desirable urban form. The averaging of setbacks required in this Subsection is intended to support this urban design goal.

A. General

1. All street yard and side yard (street) setbacks shall be measured from the edge of the right-of-way.
2. The minimum street yard requirements of this Article for residential dwellings shall not apply on any lot where the average street yard of existing dwellings located on either side of the lot in question within the same block and zoning district and fronting on the same side of the street is less than the minimum required street yard. In such cases, the street yard on such lots shall be less than the required street yard, but not less than the adjacent dwelling with the greatest street yard depth.

3. Every part of every required yard shall be open and unobstructed above the general ground level of the graded lot upward to the sky except as provided or as otherwise permitted in this LDC.

B. Types of yards

1. There are four (4) types of yards – street, side (street), side (interior) and rear yards.

2. Double frontage lots shall be considered to have two (2) street yards. (See also Section 5.2.7.B.3 and definition for "double frontage lot" in Section 10.2)

3. Total yard (side) shall be the amount of side yard required for zero lot line homes and is nonapplicable to other structure types.

C. Measurement of yards

1. Depth of a required street yard shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot lines, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding.

2. Width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line.
3. Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line.

D. Yard encroachments

The following encroachment standards shall apply to all required yards, so long as they do not extend into any easements:

1. Parking structures and accessory dwellings built over parking structures may extend into the rear yard of a dwelling unit when compliant with Paragraph 2.3.8.7.

2. Fences and walls may extend into required yards in accordance with the standards found in Section 3.7.4.B.

3. Chimneys, pre-fabricated chimneys, flues or smokestacks may extend a maximum of four (4) feet into a required yard.

4. Building eave or roof overhang may extend to within four (4) feet of the property line, provided it is located at least five (5) feet from any other building or eave.

5. Sills and ornamental features may project up to twenty-four (24) inches into any required yard.

6. Fire escapes may project up to eight (8) feet into any required yard.

7. Signs may extend into required yards in conformance with standards found in Section 4.9.

8. Pedestrian bridges, breezeways, building connections and supports of these structures may extend into required yards upon findings by the approving authority that the connecting feature is necessary to provide safe pedestrian access or to improve transit access.

9. Security gates and guard stations may be located within any required yard.

10. Unenclosed patios, decks or terraces, including lighting structures, may extend up to four (4) feet into any required side yard or up to eight (8) feet into any required rear yard.

11. Covered porches may encroach forty percent (40%) or eight (8) feet, whichever is less, into the street yard or street (side) yard setback.
12. Mechanical equipment for residential uses, such as HVAC units and security lighting, may extend into any required side yard but shall remain at least four (4) feet from the property line.

13. Bay windows, entrances, balconies and similar features that are less than ten (10) feet wide may extend up to eighteen (18) inches into any required yard, but shall remain at least six (6) feet from the property line.

14. Structures below and covered by the ground may extend into any required yard.

15. Driveways may extend into any required yard.

16. Planters, retaining walls, other landscaping structures of twenty-four (24) inches in height or less as well as shrubs, hedges and other plant materials may encroach into any required yard setback subject to visibility restrictions. Such encroachments may not hinder in any way pedestrian movement along sidewalks, walkways or rights-of-ways.

17. Utility lines located underground and minor structures accessory to utility lines (such as hydrants, manholes and transformers and other cabinet structures) may encroach into any required yard.

E. Street yard setbacks, TC and CB districts

Minimum street yard setbacks in the TC, CB and HR districts shall allow for a minimum ten-foot sidewalk in all cases.

F. Side (interior) yard setbacks

Side yard (interior) setbacks on lots with less than sixty-foot width may be reduced to fifteen percent (15%) of the lot width, or five (5) feet, whichever is more.

G. General setback requirements for accessory structures

1. All accessory structures shall be placed in side (interior) yards, rear yards and, when applicable under Subsection 2.3.8.8, the back one-half (½) of side (street) yards.

2. Where the accessory structure is a garage in the side (interior) yard, it shall be set back a minimum of five (5) feet further from the street than the principal structure.

3. Side (interior) yard setbacks for accessory structures shall be five (5) feet.

4. Rear yard setbacks for accessory structures, other than garages, carports and similar structures, may be reduced to zero (0) feet adjacent to an alley right-of-way.

5. Rear yard setbacks for garages, carports and similar structures may be reduced to zero (0) feet adjacent to an alley right-of-way with a width of at least twenty (20) feet.

6. Rear yard setbacks for accessory structures, other than garages, carports and similar structures, may be reduced to five (5) feet in all cases.
7. Rear yard setbacks for accessory structures of two hundred (200) square feet or less may be reduced to zero (0); provided, however, that the drip line of said structure shall not cross the rear property lines.

H. Rear yard street adjacent area (corner lots)

The provisions in this Section are included to allow increased flexibility of use for owners of corner lots; however, specific attention need still be paid to adjacent land uses and configurations. The provisions herein apply when: The property adjacent to the applicant's rear yard is oriented to face opposite the applicant's front or is separated from the applicant's by an alley or right-of-way, or is located in a higher or more intense land use zone. If none of the conditions in this Paragraph are met, the applicant must use the street adjacent rear yard area per the requirements of a front street yard. Exceptions may still be sought under Subsection 2.3.8.8.d below.

1. Setbacks for accessory structures up to eight (8) feet in height which are located in the Rear Yard Street Adjacent Area may be reduced to five (5) feet.

2. Setbacks for accessory structures up to twelve (12) feet in height which are located in the Rear Yard Street Adjacent Area may be reduced to ten (10) feet.

3. Fences and walls up to six (6) feet in height may be located in the Rear Yard Street Adjacent Area provided such fences maintain a minimum five (5) foot setback from the right-of-way.

4. Maximum fence, wall and accessory height and setback requirements of this Subsection 8 shall not apply on any lot where the average height and or setback of fencing or accessory structures located adjacent to the applicant's rear yard, within the same block and zoning district is more than the maximum allowed fence, wall or accessory height or maintains less than the required setback. In such cases, the fence, wall or accessory structure on such lots may be higher or have less setback than otherwise spelled out in this code, but not higher or with less setback than the standards encountered on adjacent lots.

Sec. 2.4. Official Zoning Map.

The boundaries of the districts established by this Land Development Code shall be shown on a map or series of maps entitled "Official Zoning Map," an up-to-date copy of which shall be maintained at the Palisade Town Hall. Original copies of the official map and all amendments thereto shall be
maintained by the Planning Director. In any dispute regarding the classification of property subject to this LDC, the original map maintained by the Planning Director shall control.

2.4.1 Interpretation of district boundaries

A. The Board of Adjustment is authorized to interpret the Official Zoning Map and to decide disputed questions of lot lines or district boundary lines and similar questions. If such questions arise in the context of an appeal from a decision of the Planning Director, they shall be handled as provided in Section 7.16, Administrative Appeals.

B. An application for a Zoning Map interpretation shall be submitted to the Board of Adjustment by filing a copy of the application with the Planning Director. The application shall contain sufficient information to enable the Board of Adjustment to make the necessary interpretation.

C. Where uncertainty exists as to the boundaries of any district shown on the Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, alleys, streams or railroads (main tracks) shall be construed to follow such center lines;

2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

3. Boundaries indicated as approximately following municipal limits shall be construed as following such municipal limits;

4. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line, shall be construed as moving with the actual shore line, boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines;

5. Where distances are not specifically indicated on the Official Zoning Map, the boundary shall be determined by measurement, using the Zoning Map scale;

6. Where a district boundary divides a lot or where distances are not specifically indicated on the Zoning Map, the boundary shall be determined by measurement, using the scale of the Zoning Map; and

7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or in other circumstances not covered above, the property shall be considered as classified AR, agricultural residential temporarily and subject to Section 7.4, Rezoning.

Sec. 2.5 Permitted land use.

2.5.1 Housing types

Definitions
The following permitted housing types are established to provide a common terminology for housing in the Town. All drawings are for illustrative purposes only and do not reflect ownership arrangements such as in the case of condominiums. Additional accessory housing types may also be allowed in accordance with Section 3.7.

<table>
<thead>
<tr>
<th>Housing Type</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family detached</td>
<td>A detached dwelling unit located on a single lot with private yards on all 4 sides.</td>
</tr>
<tr>
<td>Alley-loaded house</td>
<td>A detached dwelling unit located on a single lot with private yards on all 4 sides; however, the house is set closer to the street than a single-family detached house and access is from the alley.</td>
</tr>
<tr>
<td>Zero lot line house</td>
<td>A detached dwelling unit located on a single lot with private yards on 3 sides. The unit has a single side yard on one side comprising the equivalent of 2 side yards of a single-family detached house.</td>
</tr>
<tr>
<td>Two-family house</td>
<td>Two attached dwelling units in a single structure on a single lot (often called a duplex). The 2 units can be located on separate floors or side-by-side.</td>
</tr>
<tr>
<td>Townhouse</td>
<td>Two or more attached dwelling units located on separately owned lots or on a single lot where the units are lined up in a row and share side walls, individual units can be mixed vertically.</td>
</tr>
<tr>
<td>Multifamily</td>
<td>Three or more attached dwelling units in a single structure on a single lot. A multifamily dwelling can vary in height from 2 to 3 stories, individual units can be mixed vertically.</td>
</tr>
<tr>
<td>Upper-story residential</td>
<td>A dwelling unit located on a floor above a nonresidential use or in the rear half of the first floor, preserving the front half for nonresidential uses.</td>
</tr>
</tbody>
</table>

2.5.2 Principal use table

A. Permitted
A "P" indicates that a use is allowed yet subject to compatibility with surrounding land uses and supplementary zoning regulations and standards. Such uses are also subject to all other applicable regulations of this Land Development Code (LDC).

B. Conditional

A "C" indicates that a use is allowed only if approved by a conditional use permit by the Town Board in accordance with the procedures of Section 7.8.

C. Uses not allowed

A blank cell indicates that a use is not allowed.

D. Specific use standards

The final column titled "Specific Use Standards" contains a cross-reference to standards that apply to specific uses in Article 3. Where no cross-reference is shown, no additional use standard shall apply.

E. Uses not listed

The Planning Director shall use the criteria in Section 3.1.6 to determine how an unlisted use should be treated.
## Principal Uses by Zoning District

<table>
<thead>
<tr>
<th>Group/Specific Uses</th>
<th>AR</th>
<th>AFT</th>
<th>ER</th>
<th>LDR</th>
<th>MDR</th>
<th>HDR</th>
<th>MU</th>
<th>TC</th>
<th>CB</th>
<th>LI</th>
<th>HR</th>
<th>CP</th>
<th>Specific Use Standards</th>
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</thead>
<tbody>
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<td><strong>Residential Uses</strong></td>
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<tr>
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<td><strong>Public and Civic Uses (Section 3.1.3)</strong></td>
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<td>Airport, heliport</td>
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</tr>
</tbody>
</table>

P = Permitted  C = Conditional Use (Section 7.8)  * = Group of Uses (Article 3)
### Principal Uses by Zoning District (Cont’d)

<table>
<thead>
<tr>
<th>Group/Specific Uses</th>
<th>AR</th>
<th>AFT</th>
<th>ER</th>
<th>LDR</th>
<th>MDR</th>
<th>HDR</th>
<th>MU</th>
<th>TC</th>
<th>CB</th>
<th>LI</th>
<th>HR</th>
<th>CP</th>
<th>Specific Use Standards</th>
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<td><strong>Commercial Uses (3.1.4)</strong></td>
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<tr>
<td>Bed and breakfast</td>
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P = Permitted  C = Conditional Use (Section 7.8)  * = Group of Uses (Article 3)
**Principal Uses by Zoning District (Cont'd)**

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P = Permitted  
C = Conditional Use (Section 7.8)  
* = Group of Uses (Article 3)

(Ord. 2011-03 §§1, 3)

**Sec. 2.6. Base district standards.**

**2.6.1 Intent**

The base district standards establish lot sizes and certain restrictions for residential and nonresidential development. These standards allow for variety of housing types while maintaining
the overall character of neighborhoods and commercial areas of the Town. Separate standards are established to regulate development in each base district. This approach to district development standards has several public benefits:

A. It allows for development that is more sensitive to the environment and allows for the preservation of open and natural areas.

B. It promotes quality site layout and energy-efficient development.

C. It promotes affordable and life-cycle housing.

D. It promotes development intensities that match existing and proposed infrastructure investments.

2.6.2 Design guidelines

The Town may establish design guidelines to guide the future growth of residential and nonresidential development. Such guidelines provide a basis for making decisions about the appropriate treatment of new construction and land development. Property owners, real estate agents, developers, tenants, architects and decision makers should use the design guidelines when considering a project. This will help establish an appropriate direction for development design. Following the adoption of design guidelines, the applicant for any project subject to review should refer to the guidelines at the outset, to avoid planning efforts that later may prove to be inappropriate. In addition to the guidelines set forth in Section 4.5, refer to the Administrative Handbook on Land Use for greater detail.

2.6.3 Section index

Part 1. Residential districts. This part sets forth specific standards of development in residential districts. Subsection 2.6.4 through Subsection 2.6.8.

Part 2. Nonresidential districts. This part sets forth specific standards for development in nonresidential districts. Subsection 2.6.9.

Part 3. Planned development and special purpose districts. This part sets forth specific standards for development in planned developments and overlay districts. Section 2.7 through Section 2.8.

Part I.
Residential Districts

2.6.4 Residential subdivision types

Residential subdivisions are allowed in the following two (2) types:

A. Conventional residential subdivision

Conventional residential subdivision is a pattern of residential development that provides a majority of property owners with substantial yards on their own property. Provision for common recreation and open space is not required in conventional residential subdivision (consistent with historic subdivision requirements in Palisade) but highly desirable in all residential district developments. However, any subdivider wishing to create a
conventional subdivision will be expected to either provide common recreation and open
space or pay the appropriate fee in lieu (see Section 5.9).

B. Cluster residential subdivision

Cluster residential subdivisions, allowed as an option only in the AR, AFT and ER
districts, trade conventional minimum lot size and dimensions for common recreation and
open space. A cluster residential subdivision shall be a sufficient size to ensure that
adequate common recreation and open space can be incorporated into the subdivision
design. A cluster residential subdivision may allow additional density provided certain
enhancements are incorporated into the design of the subdivision.

2.6.5 Conventional subdivision standards

A. Applicability

A conventional residential subdivision is permitted in all residential districts subject to the
following standards.

B. Development standards

Applicants utilizing the conventional residential subdivision option shall meet all
applicable development standards as set forth in Article 4, General Development
Standards, and all other applicable provisions of this LDC and other applicable laws.

C. Lots not served by public water and sewer

Applications for new septic systems within the Town will be evaluated on a case by case
basis; however, any installation thereof is highly discouraged.

No permit to install a septic tank system shall be issued until the Public Works Director
and other appropriate authorities have determined by a field investigation of the area that
the site is acceptable for a septic tank system and that such a system can be installed at the
site in compliance with these rules and regulations. The field investigations shall include
evaluation of such factors as size and shape of lot or lots, character and porosity of soil,
percolation rate, topography, depth of water table, rock or other impervious formations,
location or proposed location of any water supply wells and the success or failure history
of any other septic tank systems in the area. No permit shall be issued if the site is not
acceptable for septic tank systems.

D. Dimensional standards

Applicants utilizing the conventional residential subdivision option shall meet the
following standards and all other provisions in this LDC and other applicable laws.

Commentary: The standards below apply to all uses, principal uses and accessory uses, unless
otherwise specified. (See also Section 3.7.1).
## Conventional Residential Subdivision

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<th>Townhouse</th>
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## Conventional Residential Subdivision (Cont'd)

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**Conventional Residential Subdivision (Cont'd)**

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<th><strong>MDR</strong></th>
<th><strong>Single-family detached</strong></th>
<th><strong>Alley-loaded houses</strong></th>
<th><strong>Zero lot line</strong></th>
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<th><strong>Townhouse</strong></th>
<th><strong>Multi-family</strong></th>
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2-23
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(1) More than one (1) building may be established on a single parcel (see Section 3.2).
(2) Interior side yard setbacks may be reduced (see Section 2.3.8.6).
(3) Rear setbacks for accessory structures may be reduced (see Section 2.3.8.7).
(4) Side yard (street) setbacks may be prohibited in cases where applicant's side yard is adjacent to the street yard (front) of another structure. In such cases the applicant must use street yard setbacks for both yards.

### Conventional Residential Subdivision (Cont'd)

<table>
<thead>
<tr>
<th>HDR Use</th>
<th>Single-family detached</th>
<th>Alley-loaded houses</th>
<th>Zero lot line</th>
<th>Two-family</th>
<th>Townhouse(1)</th>
<th>Multi-family(1)</th>
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</tr>
<tr>
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<td>7</td>
<td>7</td>
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<td></td>
</tr>
<tr>
<td>Acre (acres)</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Recreational/open space</td>
<td>None</td>
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<td>None</td>
<td>None</td>
<td>None</td>
</tr>
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<tr>
<td>Area per building</td>
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<td>—</td>
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</tr>
<tr>
<td>Lot (min.)</td>
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<td>8,000</td>
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<tr>
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<tr>
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<td>15</td>
<td>15</td>
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<td>15</td>
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<tr>
<td>Side yard (interior)</td>
<td>10</td>
<td>10</td>
<td>0</td>
<td>10</td>
<td>15</td>
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</tr>
<tr>
<td>Side yard, (total)</td>
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<td>N/A</td>
<td>20</td>
<td>10</td>
<td>N/A</td>
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</tr>
<tr>
<td>Side yard (street)</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>Rear yard</td>
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<td>20</td>
<td>20</td>
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<td>20</td>
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<td>Building separation</td>
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<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>20</td>
</tr>
</tbody>
</table>

(1) More than one (1) building may be established on a single parcel (see Section 3.2).
(2) Interior side yard setbacks may be reduced (see Section 2.3.8.6).
(3) Rear setbacks for accessory structures may be reduced (see Section 2.3.8.7).
(4) Side yard (street) setbacks may be prohibited in cases where applicant's side yard is adjacent to the street yard (front) of another structure. In such cases the applicant must use street yard setbacks for both yards.

Conventional Residential Subdivision (Cont’d)

<table>
<thead>
<tr>
<th>M U</th>
<th>Single-family detached</th>
<th>Alley-loaded houses</th>
<th>Zero lot line</th>
<th>Two-family</th>
<th>Townhouse</th>
<th>Multi-family</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use</td>
<td>Permitted</td>
<td>Permitted</td>
<td>Permitted</td>
<td>Permitted</td>
<td>Permitted</td>
<td>Not permitted</td>
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<tr>
<td>Bulk (max.)</td>
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<td></td>
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<td></td>
<td></td>
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<tr>
<td>Height (ft.)</td>
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<td>35</td>
<td>35</td>
<td>35</td>
<td>35</td>
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<tr>
<td>Building coverage (%)</td>
<td>35</td>
<td>45</td>
<td>45</td>
<td>45</td>
<td>60</td>
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</tr>
<tr>
<td>Impervious surface (%)</td>
<td>45</td>
<td>55</td>
<td>55</td>
<td>55</td>
<td>80</td>
<td></td>
</tr>
</tbody>
</table>

(1) More than one (1) building may be established on a single parcel (see Section 3.2).
(2) Interior side yard setbacks may be reduced (see Section 2.3.8.6).
(3) Rear setbacks for accessory structures may be reduced (see Section 2.3.8.7).
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2.6.6 Cluster residential subdivision

A. Intent

The intent of a cluster residential subdivision is to provide a development alternative to a conventional subdivision in the AR, AFT and ER districts. A cluster residential subdivision involves placing a cluster of home sites within a portion of the development site, allowing housing units on smaller lots than those permitted in a conventional residential subdivision to promote environmental sensitivity, make more efficient use of the land and provide additional common open space. Development is encouraged in the
AR, AFT and ER districts by the Town in the form of these flexible design and maximum density provisions. Other purposes of a cluster residential subdivision include the following:

1. To preserve in perpetuity orchards and prime agricultural land, rural character and farming as an economic activity;

2. To permit clustering of houses and structures in a manner that will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development;

3. To reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development;

4. To promote interconnected, contiguous greenways and corridors throughout the community; and

5. To protect scenic views.

B. Applicability

A cluster residential subdivision is permitted in the AR, AFT and ER districts subject to the following standards:

C. Mix of housing types

Two-family, townhouse and zero lot line homes may comprise no more than fifty percent (50%) of the total dwelling units of a proposed cluster residential subdivision.

D. Maximum district density

In no case shall the gross district density of the cluster subdivision zones be exceeded for the overall site. Townhouse parcels shall not exceed a net (density of developed area excluding open space, infrastructure, etc.) density of ten (10) units per acre.

E. Development standards

Applicants utilizing the cluster residential subdivision option shall meet all applicable development standards as set forth in Article 4, General Development Standards. Applicants shall comply with all other provisions in the LDC and all other applicable laws.

F. Dimensional standards

Applicants utilizing the cluster residential subdivision option shall meet the following dimensional standards and shall comply with all other provisions in the LDC and all other applicable laws.

<table>
<thead>
<tr>
<th>Cluster Residential Subdivision</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>AR</strong></td>
</tr>
<tr>
<td><strong>Use</strong></td>
</tr>
</tbody>
</table>

---

2-26
Cluster Residential Subdivision (Cont'd)

<table>
<thead>
<tr>
<th>AFT</th>
<th>Single-family detached</th>
<th>Alley-loaded houses</th>
<th>Zero lot line</th>
<th>Two-family</th>
<th>Townhouse&lt;sup&gt;(1)&lt;/sup&gt;</th>
<th>Multi-family&lt;sup&gt;(1)&lt;/sup&gt;</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use</td>
<td>Permitted</td>
<td>Permitted</td>
<td>Permitted</td>
<td>Permitted</td>
<td>Permitted</td>
<td>Not permitted</td>
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<tr>
<td>Density (max. units/acre)</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td></td>
</tr>
<tr>
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<td>4</td>
<td>4</td>
<td>4</td>
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<tr>
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<td>60</td>
<td></td>
</tr>
<tr>
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<td>—</td>
<td>—</td>
<td>—</td>
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<td>20,000</td>
</tr>
<tr>
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<td>5,000</td>
<td>5,000</td>
<td>12,000</td>
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<tr>
<td>Lot width (ft.)</td>
<td></td>
<td>Required</td>
<td>Required</td>
<td>Required</td>
<td>Required</td>
<td></td>
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<tr>
<td>Water/sewer</td>
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<td>—</td>
<td>—</td>
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<td>0</td>
<td>5</td>
<td>10</td>
</tr>
<tr>
<td>Side yard (interior)</td>
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<td>N/A</td>
<td>10</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Side yard (street)</td>
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<td>15</td>
<td>10</td>
<td>15</td>
<td>15</td>
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</tr>
<tr>
<td>Rear yard</td>
<td></td>
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<td>35</td>
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<td>55</td>
<td>55</td>
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<td>—</td>
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<td>—</td>
<td>—</td>
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</tr>
</tbody>
</table>

<sup>(1)</sup> More than one (1) building may be established on a single parcel (see Section 3.2).
<sup>(2)</sup> Interior side yard setbacks may be reduced (see Section 2.3.8.6).
<sup>(3)</sup> Rear setbacks for accessory structures may be reduced (see Section 2.3.8.7).
<sup>(4)</sup> Side yard (street) setbacks may be prohibited in cases where applicant's side yard is adjacent to the street yard (front) of another structure. In such cases the applicant must use street yard setbacks for both yards.
<table>
<thead>
<tr>
<th>Building separation</th>
<th></th>
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<tr>
<td><strong>Bulk (max.)</strong></td>
<td><strong>Height (ft.)</strong></td>
<td><strong>Building coverage (%)</strong></td>
<td><strong>Impervious surface (%)</strong></td>
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<td></td>
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<tr>
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</tr>
<tr>
<td>45</td>
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<table>
<thead>
<tr>
<th>ER</th>
<th>Single-family detached</th>
<th>Alley-loaded houses</th>
<th>Zero lot line</th>
<th>Two-family</th>
<th>Townhouse(1)</th>
<th>Multi-family(1)</th>
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</thead>
<tbody>
<tr>
<td>Use</td>
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<td>Permitted</td>
<td>Permitted</td>
<td>Permitted</td>
<td>Not permitted</td>
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</tr>
<tr>
<td><strong>Density (max. units/acre)</strong></td>
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<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td><strong>Site (min.)</strong></td>
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<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Recreational/open space (percent)</td>
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<td>60</td>
<td>60</td>
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</tr>
<tr>
<td><strong>Parcel (min. sq. ft.)</strong></td>
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<td>Area per building</td>
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<td>—</td>
<td>—</td>
<td>20,000</td>
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</tr>
<tr>
<td><strong>Lot (min.)</strong></td>
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<td>10,000</td>
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<tr>
<td>Lot width (ft.)</td>
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<td>50</td>
<td>60</td>
<td>40</td>
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<td>Water/sewer</td>
<td>Required</td>
<td>Required</td>
<td>Required</td>
<td>Required</td>
<td>Required</td>
<td></td>
</tr>
<tr>
<td><strong>Yards (min. ft.)</strong></td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Street yard</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Side yard</td>
<td>20</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>(interior)(2)</td>
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<td>5</td>
<td>0</td>
<td>5</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>Side yard, (total)</td>
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<td>N/A</td>
<td>10</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Rear yard(3)</td>
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<td>15</td>
<td>15</td>
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</tr>
<tr>
<td>Building separation</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>20</td>
<td></td>
</tr>
<tr>
<td><strong>Bulk (max.)</strong></td>
<td><strong>Height (ft.)</strong></td>
<td><strong>Building coverage (%)</strong></td>
<td><strong>Impervious surface (%)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>35</td>
<td>35</td>
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<td>55</td>
<td>55</td>
<td>55</td>
<td>65</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(1) More than one (1) building may be established on a single parcel (see Section 3.2).
(2) Interior side yard setbacks may be reduced (see Section 2.3.8.6).
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(4) Side yard (street) setbacks may be prohibited in cases where applicant's side yard is adjacent to the street yard (front) of another structure. In such cases the applicant must use street yard setbacks for both yards.

**G. Utilities**

To the maximum extent determined feasible, utilities in cluster residential subdivisions shall be placed underground.

**H. Project boundary buffer**
1. No buffer is required where the width of the project's perimeter lots is equal to or greater than the minimum lot width of the adjoining development or the minimum lot width required by the zoning district applied to any adjoining undeveloped parcel.

2. Where narrower lot widths are provided, a Class C buffer shall be provided (see Section 4.2, Landscaping, Screening and Buffering) along all project boundaries of a cluster residential subdivision.

2.6.7 Recreation and open space requirements

A. Applicability

Recreation and open space is an integral part of cluster residential subdivisions, HR district development and PUD district development. In the case that a subdivision or development is being developed in phases, the amount of recreation and open space shall be computed separately for each phase, but may be combined with existing recreation and open space in earlier phases to create a larger uniform area.

B. Configuration of recreation and open space

1. The minimum width for any required recreation and open space shall be fifty (50) feet. Exceptions may be granted by the Town Board for items such as trail easements, mid-block crossings, linear parks/medians, greenways, when their purpose meets the intent of this Section.

2. At least sixty percent (60%) of the required recreation and open space shall be in a contiguous parcel. For the purposes of this Section, contiguous shall include any recreation and open space bisected by a local, residential street, provided that:
   a. A pedestrian crosswalk is constructed to provide access to the recreation and open space on both sides of the street; and
   b. The right-of-way area is not included in the calculation of minimum recreation and open space required.

3. The recreation and open space shall adjoin any neighboring areas of recreation and open space, other protected areas and nonprotected natural areas that would be candidates for inclusion as part of a future area of protected recreation and open space.
4. The required recreation and open space shall be directly accessible to the largest practicable number of lots within the subdivision. Nonadjoining lots shall be provided with safe, convenient access to the open space (i.e., mid-block connections in logical locations). No lot within the subdivision should be further than a ¼-mile radius from the required recreation and open space. This radius shall be measured in a straight line, without regard for street, sidewalk or trail connections to the open space.

5. Access to the recreation and open space shall be provided either by an abutting street or easement. Such easement shall be not less than thirty (30) feet wide.

6. At least twenty-five percent (25%) of the recreation and open space shall be improved with trails, passive recreational uses or other similar improvements. Trails may be developed in accordance with the trail standards of this LDC (See Section 4.2). Other improved recreation and open space areas shall be developed as set forth below. The shape, topography and subsoils shall be appropriate to the improvements proposed. Where recreation or open space consists of prime, actively cultivated agricultural land, this improvement requirement shall not apply.

**Tot lot and playground.** Playgrounds provide play areas for children as well as open shelter and benches. Playgrounds may be built within squares, greens, mini-parks and neighborhood parks or may stand alone within a residential block. Playgrounds shall be designed with commercial grade play equipment for 2 age groups: tot lot for children ages 1 to 5; and separate play equipment for children ages 6 to 12. May include picnic units and shelter. Minimum requirements include park benches and trash receptacles. Must have shock absorbing surface with a maximum 2% slope. Playgrounds must meet all federal, State and local regulations and be compliant with the Americans with Disabilities Act.

**Mini-park.** Mini-parks provide active recreational facilities for use by the residents of the immediate surrounding neighborhood within the development. Size is from 2,500 sq. ft. to 1 acre. May include: tennis courts, basketball courts, playgrounds and seating accommodations. Each mini-park shall be centrally located and easily accessible so that it can be conveniently and safely reached and used by those persons in the surrounding neighborhood it is designed to serve. Rear facing lots are allowed. Mini-parks shall be attractively landscaped and be provided with sufficient natural or man-made screening or buffer areas to minimize any negative impacts upon adjacent residences.

**Plaza.** Plazas are for passive recreation use adjacent to a civic or commercial building. Plazas are paved in brick or another type of impervious surface. Plazas shall be level, stepped or gently sloping. At no time shall a plaza's horizontal length or width be greater than 3 times the height of surrounding buildings. Size is from 2,000 to 3,000 sq. ft.

**Square.** Squares are formal areas for passive recreation use bound by streets or front facing lots. Squares shall be bound by streets on a minimum of 3 sides or 75% of their perimeter and may be bound by front facing lots on 1 side or 25% of their perimeter. No rear facing lots allowed adjacent to a square. Tree plantings are encouraged parallel to the street right of way. Geometrical tree planting layouts for internal plantings are encouraged. Minimum size is 500 sq. ft.
### Green
Greens are informal areas for passive use bound by streets or front facing lots. Greens shall be bound by streets on a minimum of 3 sides or 75% of their perimeter and may be bound by front facing lots on 1 side or 25% of their perimeter. No rear facing lots allowed adjacent to a green. Tree plantings may be informal and the topography irregular. Greens may be used to preserve specimen trees. Size is 500 sq. ft. to 1 acre.

### Neighborhood park
Neighborhood parks are designed for active or passive recreation use. Maximum park size can exceed 5 acres if the neighborhood park creates an open space that services an entire neighborhood or a group of neighborhoods; or incorporates physical features which are an asset to the community (i.e., lake or river frontage, high ground or significant stand of trees). Minimum size is from 1 to 5 acres. Neighborhood parks shall be bound by streets on a minimum of 50% of their perimeter. Front facing lots are encouraged around the perimeter. Neighborhood parks shall include benches and walking paths. Neighborhood parks may include but are not limited to: tennis courts, racquet ball courts, basketball courts, volley ball courts, ball fields, swings, slides, playgrounds, dog parks, restrooms, picnic units, shelters and parking areas.

### Clubhouse/pool amenity area
Clubhouse/pool areas can be found in a neighborhood park, mini-park or alone as an amenity area for residents of a developed community. Clubhouse/pool areas can include: swimming pools, group activity room, gazebos, outdoor eating areas and exercise stations. Pools should be a minimum size of 1,000 sq. ft. Clubhouses and swimming pools must meet all applicable building and health codes for the Town and State of Colorado.

### Greenway
Greenways typically follow natural or constructed features such as streams or roads and are designed to incorporate natural settings such as creeks and significant stands of trees within neighborhoods, and are used for transportation, recreation and environmental protection. Greenways differ from parks, plazas and squares in that their detailing is natural (i.e., informally planted) except along rights-of-way, and may contain irregular topography. Design of the greenway should incorporate conservation of existing mature tree canopy and landscape, protection of existing natural drainage ways and creeks. Improvements shall include walks/trails, benches and trash receptacles.

### C. Permitted uses of recreation and open space

Uses of recreation and open space may include the following:

1. Conservation areas for natural, archeological or historical resources;
2. Meadows, woodlands, wetlands, wildlife corridors, game preserves or similar conservation-oriented areas;
3. Pedestrian or multipurpose trails;
4. Pedestrian plazas, greens, squares suitable for passive recreation, concerts, festivals and special events;
5. Passive recreation areas;
6. Active recreation areas, provided that impervious area is limited to no more than fifty percent (50%) of the total recreation and open space;
7. Above-ground utility rights-of-way, provided the area does not exceed fifty percent (50%) of the required recreation and open space;

8. Agriculture, horticulture, silviculture or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts;

9. Landscaped stormwater management facilities;

10. Easements for drainage, access, and underground utility lines; and

11. Other conservation-oriented uses compatible with the purposes of this LDC.

D. Prohibited uses of recreation and open space

Recreation and open space shall not include the following:

1. Community or individual wastewater disposal systems;

2. Streets (except for street crossings as expressly provided above) and parking areas; and

3. Other activities as determined by the applicant and recorded on the legal instrument providing for permanent protection.

E. Ownership and management of recreation and open space

1. Ownership

Recreation and open space shall be accepted and owned by one (1) of the following entities:

a. Land conservancy or land trust

The responsibility for maintaining the recreation and open space and any facilities shall be borne by a land conservancy or land trust.

b. Homeowners' association

A homeowners' association representing residents of the subdivision shall own the recreation and open space. Membership in the association shall be mandatory and automatic for all homeowners of the subdivision and their successors. The homeowners' association shall have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the recreation and open space and any facilities shall be borne by the homeowners' association.

c. Private landowner

A private landowner may retain ownership of recreation and open space. The responsibility for maintaining the recreation and open space and any facilities shall be borne by the private landowner. Regardless of ownership, the use of the property is restricted in accordance with the requirements of Section 2.6.7.C above.

d. The Town
At the discretion of the Town, the recreation and open space may be dedicated to
the Town. Regardless of ownership, the use of the property is restricted in
accordance with the requirements of Section 2.6.7.C above.

2. Management

Applicants shall submit a plan for the management of recreation and open space and
other common facilities that:

a. Allocates responsibility and guidelines for the maintenance and operation of the
recreation and open space and any facilities located thereon, including provisions
for ongoing maintenance and for long-term capital improvements;

b. Estimates the costs and staffing requirements needed for maintenance and operation
of and insurance for the recreation and open space and outlines the means by which
such funding will be obtained or provided;

c. Provides that any changes to the Plan be approved by the Town; and

d. Provides for enforcement of the Plan.

3. Maintenance

a. Passive recreation and open space maintenance is limited to removal of litter, dead
tree and plant materials (that is obstructing pedestrian movement) and brush;
weeding and mowing. Natural water courses are to be maintained as free-flowing
and devoid of debris. Stream channels shall be maintained so as not to alter
floodplain levels.

b. No specific maintenance is required for agricultural uses.

c. Active recreation and open space areas shall be accessible to all residents of the
development. Maintenance is limited to ensuring that there exist no hazards,
nuisances or unhealthy conditions.

4. Failure to maintain

In the event the party responsible for maintenance of the recreation and open space
fails to maintain all or any portion in reasonable order and condition, the Town may
assume responsibility for its maintenance and may enter the premises and take
corrective action including the provision of extended maintenance in accordance with
Subsection (1)(c) of Section 24-67-105, C.R.S. The costs of such maintenance may be
charged to the homeowners' association or to the individual property owners that make
up the homeowners' association, and may include administrative costs and penalties,
usually totaling ten percent (10%) of such costs. The Town may also certify the unpaid
assessments to the Mesa County Board of County Commissioners and the Mesa
County Treasurer for collection, enforcement and remittance in accordance with
Section 31-20-105, C.R.S. Such costs shall become a lien on all subdivision properties.

F. Legal instrument for permanent protection
1. The recreation and open space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument shall be one (1) of the following:

a. A permanent conservation easement in favor of either:

   (i) A land trust or similar conservation-oriented nonprofit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for re-transfer in the event the organization becomes unable to carry out its functions; or

   (ii) The Town or another governmental entity with an interest in pursuing goals compatible with the purposes of this LDC. If the entity accepting the easement is not the Town, then a third right of enforcement favoring the Town shall be included in the easement.

b. A permanent restrictive covenant for conservation purposes in favor of a governmental entity.

c. An equivalent legal tool that provides permanent protection, if approved by the Town.

2. The instrument for permanent protection shall include clear restrictions on the use of the recreation and open space. These restrictions shall include all restrictions contained in this LDC, as well as any further restrictions the applicant chooses to place on the use of the recreation and open space. Where appropriate, the instrument shall allow for stream or habitat restoration within the easement area.

2.6.8 Nonresidential development in residential districts

As set forth in the principal land use table (see Section 2.5.1) certain nonresidential uses are permitted in residential districts. Permitted nonresidential uses shall meet the following dimensional standards. Applicants shall comply with all other provisions of this LDC and all other applicable laws.

<table>
<thead>
<tr>
<th>Lot (min.)</th>
<th>AR</th>
<th>AFT</th>
<th>ER</th>
<th>LDR</th>
<th>MDR</th>
<th>HDR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot area (sq. ft. or acres)</td>
<td>5 acres</td>
<td>4 acres</td>
<td>2 acres</td>
<td>9,000</td>
<td>6,000</td>
<td>6,000</td>
</tr>
<tr>
<td>Lot width (ft.)</td>
<td>330</td>
<td>150-200</td>
<td>120</td>
<td>60</td>
<td>60</td>
<td>60</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Yards (min. ft.)</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
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<tbody>
<tr>
<td>Street yard</td>
<td>40</td>
<td>35</td>
<td>30</td>
<td>25</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Side yard (interior)</td>
<td>30</td>
<td>35</td>
<td>20</td>
<td>10</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Side yard, interior (total)</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Rear yard</td>
<td>25</td>
<td>25</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
</tr>
</tbody>
</table>

| Bulk (max.)               |       |       |       |       |       |       |

2-34
Table: Nonresidential District Dimensional Standards

<table>
<thead>
<tr>
<th>Site (min.)</th>
<th>HR</th>
<th>MU</th>
<th>TC</th>
<th>CB</th>
<th>LI</th>
<th>C</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acre (acres)</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recreational/open space</td>
<td>2/20</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parcel (min. sq. ft.)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Area per building</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lot (min.)</td>
<td></td>
<td>5,000</td>
<td></td>
<td>8,000</td>
<td>20,000</td>
<td></td>
</tr>
<tr>
<td>Lot area (sq. ft.)</td>
<td></td>
<td>50</td>
<td></td>
<td>60</td>
<td>60</td>
<td></td>
</tr>
<tr>
<td>Lot width (ft.)</td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water/sewer</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yards (min. ft.)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Street yard (min.)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0(1)</td>
</tr>
<tr>
<td>Street yard (max.)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Side yard, (interior)</td>
<td>0(1)</td>
<td>25</td>
<td>0(1)</td>
<td>25(1)</td>
<td>35</td>
<td></td>
</tr>
<tr>
<td>Side yard (street)</td>
<td>10</td>
<td>30</td>
<td>10</td>
<td>None</td>
<td>20</td>
<td>10</td>
</tr>
<tr>
<td>Rear yard</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>25</td>
<td>15</td>
<td>10</td>
</tr>
<tr>
<td>Building separation</td>
<td>10(2)</td>
<td>20</td>
<td>10(2)</td>
<td>10(2)</td>
<td>40</td>
<td>20</td>
</tr>
<tr>
<td>Bulk (max.)</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Height (ft.)</td>
<td>50</td>
<td>35</td>
<td>50</td>
<td>50</td>
<td>45</td>
<td>50</td>
</tr>
</tbody>
</table>

Part II.
Nonresidential Districts

2.6.9 Nonresidential district standards

A. Development standards

Applicants shall meet all applicable development standards as set forth in Article 4, General Development Standards. Applicants shall comply with all other provisions in this LDC and all other applicable laws.

B. Nonresidential dimensional standards

1. As set forth in the Principal Use Table (see Section 2.5.1) certain nonresidential uses are permitted in nonresidential districts. Permitted nonresidential uses shall meet the following dimensional standards. Applicants shall comply with all other provisions of this LDC and all other applicable laws.
Building coverage
(%) | 70 | — | 50 | 75 | 70 | 50 | 75 | —
|---|---|---|---|---|---|---|---|---
Impervious surface (%) | 70 | — | 50 | 75 | — | 50 | 75 | —

(1) Minimum distance from the street must allow for ten-foot sidewalk.
(2) Rear setbacks for structures adjacent to alley may be reduced (See Section 2.3.8.7).

2. More than one (1) building may be permitted on a single lot (see Section 3.2, Complexes).

3. The Town Board may grant a conditional use permit in accordance with Section 7.8, Conditional Use Review, allowing specified nonresidential buildings to exceed the maximum height limits of the district.

C. Residential dimensional standards

1. As set forth in the Principal Use Table (see Section 2.5.1) certain residential uses are permitted in nonresidential districts. Permitted nonresidential uses shall meet the following dimensional standards. Applicants shall comply with all other provisions of this LDC and all other applicable laws.

2. Upper-story residential is permitted on the upper floors of a nonresidential building and shall conform with all lot, yard and bulk requirements of the principal building.

3. Other permitted nonresidential uses shall meet the following dimensional standards.

### Residential Uses in Nonresidential Districts

<table>
<thead>
<tr>
<th>HR</th>
<th>Single-family detached</th>
<th>Alley-loaded houses</th>
<th>Zero lot line</th>
<th>Two-family</th>
<th>Townhouse (1)</th>
<th>Multi-family (1)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use</td>
<td>Not permitted</td>
<td>Not permitted</td>
<td>Not permitted</td>
<td>Not permitted</td>
<td>Permitted</td>
<td>Permitted</td>
</tr>
<tr>
<td>Density (max. units/acre)</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>11</td>
<td>11</td>
</tr>
<tr>
<td>Site (min.)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Acre (acres)</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Recreational/open space</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Parcel (min. sq. ft.)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Area per building (up to 3 units)</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>7,500</td>
<td>—</td>
</tr>
<tr>
<td>Area per additional unit</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>2,000</td>
</tr>
<tr>
<td>Lot (min.)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lot area (acres)</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>2,500</td>
<td>21,000</td>
</tr>
<tr>
<td>Lot width (ft.)</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>25</td>
<td>110</td>
</tr>
<tr>
<td>Water/sewer</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>Required</td>
<td>Required</td>
</tr>
<tr>
<td>Yards (min. ft.)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Street yard</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Side yard (interior) (2)</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>15</td>
<td>5</td>
</tr>
<tr>
<td>Side yard, (total)</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>
Part III.
Planned Developments and Special Purpose Districts

Sec. 2.7. Planned development district standards.

2.7.1 General provisions for all planned developments (PUD and PUDO)

A. Review process

All planned developments shall be reviewed and approved in accordance with the procedures of Section 7.5, Planned development, and approval thereof shall constitute a Zoning Map amendment.

B. Approval criteria

In approving a planned development, the Town Board shall find that the district designation and planned development control document (PDCD) both comply with the general provisions for all planned developments in this Subsection and the specific standards for the proposed planned development as listed in Sections 2.7.2 through 2.7.3 below, respectively.

C. Planned development control document requirement

In approving a PUD or a PUDO, the Town Board shall require a planned development control document (PDCD) of the proposed development. The PDCD shall show the development to be compatible with the character of surrounding land uses, the Palisade Comprehensive Plan, and maintain and enhance the value of surrounding properties. The PDCD shall be prepared by a professionally certified landscape architect, engineer or architect or land use planner. The PDCD shall include the necessary maps, permitted land uses as well as supporting documentation as set forth in the Administrative Handbook on Land Use as well as Section 7.5.10 of this LDC. The PDCD shall be reviewed and recorded as part of the approval process.

D. Identification on Zoning Maps

Approved PUD and PUDO district developments shall be indicated on the Official Zoning Map.

E. Recreation and open space
At least twenty percent (20%) of the gross land area of any planned development district must be dedicated as recreation and open space in accordance with Subsection 2.6.7.

F. Preservation of natural features

Mature trees, vegetative cover, watercourses and other natural site features must be preserved to the maximum extent feasible.

G. Roadway access

Unless otherwise expressly approved during the planned development approval process of Section 7.5, principal vehicular access to planned unit developments must be from collectors or higher classification streets.

H. Project boundary buffer

1. No buffer is required where the width of the project's perimeter lots is equal to or greater than the minimum lot width of the adjoining development or the minimum lot width required by the zoning district applied to any adjoining undeveloped parcel.

2. Where narrower lot widths are provided, a Class C buffer shall be provided (see Section 4.5, Landscaping, screening and buffering) along all project boundaries.

I. Architectural review

The Planning Commission may require an architectural site plan review for the purpose of promoting the preservation of the visual character of the neighborhood, the stability of land values and investment, the public safety and the general welfare by preventing the erection of structures or additions or alterations thereto of unsightly or obnoxious appearance, which are not properly related to their sites or to prevent the indiscriminate clearing of property, excessive grading and the destruction of trees and shrubbery. In carrying out the purpose of this Section with respect to the external design of the buildings, approval shall be considered in accordance with the following objectives:

1. Reducing the adverse visual impacts of structures which, because of size, scale, color or location are out of harmony with the neighborhood in which they are to be constructed.

2. Minimizing disturbances to the natural terrain and existing significant vegetation; enhancing drainage; reducing soil erosion; and otherwise maximizing compatibility with policies and regulations of this LDC.

3. It is the intent of this Section that the Town shall exercise the minimum control necessary to achieve the overall objectives thereof.

J. Additional conditions

The Town Board shall impose such other conditions as are deemed necessary to accomplish the purposes of this Section, this LDC and the Comprehensive Plan.

1. The applicant requesting such change shall notify the property owners' association, at least fifteen (15) days prior to any decision, that would be affected by the change of the
request and ask that all comments be directed to the Planning Director. Proof of such notification shall be provided to the Planning Director. If the Planning Director determines that the change does not have the support of the affected property owners, the request will be referred to the Town Board for review.

K. Amendments

All proposed amendments to a listed PDCD or text thereof shall be considered major amendments and must be processed in accordance with the procedures and requirements of Section 7.5, Planned Development Review.

L. Effect on other Code standards

Except as expressly authorized by the regulations of this Section and approved as a part of a planned development control document in accordance with the procedures of Section 7.5, Planned development review, the standards of this LDC shall apply to development within any planned development.

2.7.2 Planned unit development (PUD)

A. Applicability

In accordance with Article 67 Title 24, C.R.S., planned unit development districts may be approved only when the applicant demonstrates to the satisfaction of the Town Board that a proposed planned unit development project would not negatively affect surrounding property and uses and/or that the PUD would result in a greater benefit to the Town than would development under conventional zoning district regulations.

B. Allowed uses

Allowed uses in the PUD district shall be established as part of the planned unit development review application approval process and shall be clearly indicated on the PDCD.

C. Dimensional standards

Dimensional standards in the PUD district shall be established as part of the rezoning application approval process and shall be clearly indicated on the PDCD.

2.7.3 Planned unit development overlay (PUDO)

A. Applicability

1. Owner-initiated

Owner initiated PUDO district developments may be approved only when the applicant demonstrates to the satisfaction of the Town Board that a proposed PUDO project would not negatively affect surrounding property and uses or that the PUDO would result in a greater benefit to the Town than would development under conventional zoning district regulations.

2. Mandatory PUDO
PUDO district standards and procedures shall apply to all development of undeveloped properties identified as a PUDO district on the Official Zoning Map.

B. Allowed uses

Allowed uses in the PUDO district shall be those of the underlying district.

C. Dimensional standards

The following otherwise applicable standards (i.e., those of the underlying zoning district) may be modified by the Town Board during the PUDO review process. Such modifications shall be indicated on the PDCD and contained within the ordinance that rezones the property. Standards not listed are not eligible for modification.

1. Lot size

The minimum lot size standards of the underlying zoning district may be reduced during the PUDO review and approval process, provided that overall density allowed in the underlying district is not exceeded.

2. Height

The maximum height limits of the underlying zoning district may be increased during the PUDO review and approval process.

3. Lot coverage and impervious coverage

The maximum lot coverage and impervious coverage standards of the underlying zoning district may be increased during the PUDO review and approval process.

D. District standards

1. Maximum density

The PUDO shall not automatically permit the maximum density allowed in the district in which the PUDO is located. The applicant shall be required to give his or her rationale and justification for the density proposed, considering such factors as the suitability for development of the land in terms of natural features and constraints; the availability of public transportation; and the conformance with the applicable regulations of this LDC.

Sec. 2.8. Neighborhood conservation overlay district standards (NCO).

2.8.1 Allowed uses

Uses allowed in the NCO district shall be in accordance with underlying zoning district standards of the use table of Subsection 2.5.1.

2.8.2 Base zoning district standards

All development in the NCO district is subject to the density and dimensional requirements of underlying zoning district standards specified in Section 2.6, Base district standards, as well as to other applicable provisions of this LDC.
2.8.3 District standards

A. Where an existing single-family residence is converted to a duplex, multifamily or nonresidential use, the following standards shall apply:

1. There shall be no additional entrances or other visible changes on the facade of the unit facing the street.

2. Modifications to the side or rear of the home shall, to the extent possible, conform to the design of the original residence.

3. Any exterior stairs shall be placed onto the rear of the residence or where rear placement is infeasible, onto the side of the residence.

4. Exterior stairs shall be compatible in treatment to the original residence.

B. To the extent practical, all parking shall be located in a rear yard. All parking shall be accessed from an alley where alley access is available or from a single common driveway where such alley access is not available. Paving of the street yard or street (side) yard for parking shall be prohibited.

C. All new structures and complete renovation shall incorporate at least three (3) desirable design elements common to the underlying district neighborhood, such as front porches, pitched roofs, gables, chimneys or picket fenced street yard and street (side) yards.

D. Front setbacks and maximum height shall be influenced (increased or decreased) by the adjacent or nearest buildings to ensure compatibility and consistency. (See Section 2.3.8)
PALISADE LAND DEVELOPMENT CODE

Article 3
Specific Use Standards

Sec. 3.1  Use interpretation
  3.1.1 Grouping of uses
  3.1.2 Uses not grouped
  3.1.3 Public and civic use groups
  3.1.4 Commercial use groups
  3.1.5 Industrial use groups
  3.1.6 Uses not specifically listed
  3.1.7 Developments with multiple principal uses
  3.1.8 Change of use

Sec. 3.2  Complexes
  3.2.1 Defined
  3.2.2 General
  3.2.3 Uses
  3.2.4 Intensity
  3.2.5 Setbacks
  3.2.6 Height
  3.2.7 Building separation
  3.2.8 Building design

Sec. 3.3  Residential use standards
  3.3.1 Single-family detached
  3.3.2 Two-family houses (duplexes)
  3.3.3 Alley-loaded houses
  3.3.4 Zero lot line
  3.3.5 Townhouse
  3.3.6 Multifamily dwellings
  3.3.7 Upper-story residential
  3.3.8 Manufactured homes
  3.3.9 Manufactured home parks
  3.3.10 Group home
  3.3.11 Nursing home or assisted living centers
  3.3.12 Cultivation of medical marijuana by patients and primary caregivers in residential dwelling units

Sec. 3.4  Civic use standards
  3.4.1 Child care centers
  3.4.2 Schools

Sec. 3.5  Commercial use standards
  3.5.1 Agriculture (general)
  3.5.2 Bed and breakfasts
  3.5.3 Brewpub
  3.5.4 Distillery
  3.5.5 Gas stations with convenience stores
  3.5.6 Kennel
  3.5.7 Microbrewery
  3.5.8 Outdoor storage, general
  3.5.9 Recreation club, private
  3.5.10 Veterinary animal hospital
3.5.11 Winery
3.5.12 Cultivation of medical marijuana by patients and primary caregivers in nonresidential zone districts

Sec. 3.6 Industrial use standards
3.6.1 Processing of food and related products
3.6.2 Manufacturing, limited

Sec. 3.7 Accessory uses and structures
3.7.1 General
3.7.2 Residential accessory uses
3.7.3 Nonresidential accessory uses
3.7.4 Accessory use standards

Sec. 3.8 Temporary uses
3.8.1 General
3.8.2 Concrete and asphalt products, temporary
3.8.3 Carnival, circus or special events, temporary
3.8.4 Construction field offices, temporary
3.8.5 Sales offices and model homes, temporary
Sec. 3.1. Use interpretation.

3.1.1 Grouping of uses

As set forth in the Principal Use Table (see Section 2.5.2) certain uses are grouped together based on common functional, product or physical characteristics. Characteristics include the type and amount of activity, the type of customers, how goods or services are sold or delivered, likely impact on surrounding properties and site conditions. Grouping uses provides a systematic basis for assigning uses to appropriate base zoning districts. Any use not specifically set forth in this LDC is expressly prohibited, unless determined otherwise as set forth in Section 3.1.6 below.

3.1.2 Uses not grouped

As set forth in the Principal Use Table (see Section 2.5.2), due to their specific nature and characteristics, certain uses have not been grouped. Individual uses may be defined in Article 10, Definitions.

3.1.3 Public and civic use groups

A. Parks and open areas: Uses focusing on natural areas consisting mostly of open vegetation, passive or active outdoor recreation areas or community gardens and having few structures. Parks and open areas shall include the following: tot lot and playgrounds; mini-parks; plazas; squares; greens; neighborhood parks; botanical gardens; nature preserves and recreation trails; cemeteries or any similar use.

B. Utility, major: A large-scale utility such as water or wastewater treatment plant, water tower, electrical generation plant, wireless telecommunications or transmission facility or any similar use.

C. Utility, minor: All utility facilities not considered major, including, but not limited to neighborhood-serving facilities such as pump stations, telephone exchanges, lift stations, electric substation or any similar use. Wind power generation facilities fall within this category, however are specifically intended as a conditional use.

3.1.4 Commercial use groups

A. Agriculture, general: Characterized by uses that create or preserve areas intended primarily for the raising of animals and crops, conservation and the secondary industries associated with agricultural production. Agriculture shall include the following: animal raising including horses, cows, sheep, goats, swine, poultry, rabbits and other small animals, apiculture, aquaculture, dairying, personal or commercial animal breeding and development; floriculture, pasturage, viticulture, tree or sod farm, silviculture; animal boarding, outdoor; livestock auction; plant nursery; plant nursery with landscape supply; retail or wholesale sales of agriculturally-related supplies and equipment; stable; or any similar use.

B. Agriculture, limited: Agricultural uses and activities limited to customary local agricultural uses and activities. Limited agriculture shall include: orchard, vineyard row and field crops, packing house for fruits or vegetables, produce stand; processing of fruits or vegetables and winery.
C. Indoor recreation: Amusement or recreational activities carried on wholly within a building, including dance hall, theater, health club and activities of a similar nature. This does not include an adult entertainment establishment or amusement center.

D. Manufacturing, limited: A facility conducting light manufacturing operations within a fully-enclosed building, generally serviced by trucks no longer than twenty-four (24) feet in length. Limited manufacturing shall include the following: bulk mailing service; clothing or textile manufacturing; manufacture or assembly of equipment, instruments (including musical instruments), appliances, precision items and electrical items; printing, publishing and lithography; production of artwork and toys; sign-making; building maintenance service; exterminator; movie production facility; photo-finishing laboratory; repair of scientific or professional instruments and electric motors; sheet metal; welding, machine, tool repair shop or studio; woodworking, including cabinet makers and furniture manufacturing; or any similar use.

E. Office, general: A facility generally focusing on business, government, professional or financial services. General office shall include the following: advertising office; bank; business management consulting; data processing; financial business such as lender, investment or brokerage house; collection agency; real estate or insurance agent; professional service such as lawyer, accountant, bookkeeper, engineer, contractor or architect; sales office, travel agency or any similar use.

F. Office, medical: A medical facility in which a doctor, dentist, psychiatrist, physician's assistant, nurse practitioner or similar medical provider treats or counsels patients.

G. Outdoor, recreation: Any recreational facility where activity takes place primarily outdoors, including RV parks and campgrounds, miniature golf courses, batting cages, swimming pool, driving range or a similar facility.

H. Retail, general: A facility involved in the wholesale or retail sale, lease or rental of new or used products to through traffic as well as the surrounding neighborhood. General retail shall include the selling, leasing or renting of the following goods: antiques; art; art supplies; bicycles; building supplies; cameras; carpet and floor coverings; crafts; clothing; computers; dry goods; electronic equipment; fabric; furniture; garden supplies; hardware; household products; jewelry; medical supplies; musical instruments; music; pets; pet supplies; printed materials; sporting goods or any similar use. The retail sale of automobile parts shall be considered retail general provided no on-site automobile service or repair is provided. This definition does not include any adult entertainment establishment.

I. Retail, neighborhood: A facility involved in the sale, lease or rental of new or used products primarily to local traffic in the surrounding neighborhood. Neighborhood retail shall include the selling, leasing or renting of the following goods: books; health and beauty products; photo finishing; crafts; flowers; gifts or souvenirs; groceries; plants; picture frames; produce; stationery; tobacco; videos or any similar use. Also includes preparation and sale of baked goods, coffee, ice cream, fountain drinks, confections and similar products whose preparation does not require installation of an exhaust hood.

J. Service, general: A facility involved in providing personal or repair services to through traffic as well as the surrounding neighborhood. General services shall include the following personal services: animal grooming; dance, martial arts, photographic, music
studio or classroom; photocopy, blueprint, quick-sign service; tattoo parlor; security service; catering service or any similar use. General services shall also include the following repair services: bicycles; mopeds; canvas products; clocks; computers; jewelry; musical instruments; office equipment; radios; shoes; televisions; furniture; watches or any similar use. Also includes a tailor, milliner, upholsterer or locksmith. This definition does not include any adult entertainment establishment.

K. Service, neighborhood: A facility involved in providing limited personal services to local traffic in the surrounding neighborhood. Neighborhood services shall include the following: personal care services such as hair, nail, tanning, massage therapy; or any similar use.

L. Vehicle sales: A facility involved in providing direct sales, renting or leasing of motor vehicles, light and medium trucks, tractor trailers, recreational vehicles, earthmoving equipment; construction equipment; farming equipment; and other consumer motor vehicles such as motorcycles and boats or any similar use.

M. Vehicle service, passenger: A facility involved in providing service to passenger vehicles and other small consumer vehicles. Vehicle service may include the following: alignment shop; quick lubrication facilities; brake service, battery sales and installation; outdoor car wash; auto detailing, tire sales and mounting; or any similar use.

N. Vehicle service, heavy: A facility involved in providing repair services or auto body work to tractor trailers, recreational vehicles, earthmoving equipment; construction equipment; farming equipment; and other consumer motor vehicles such as boats or any similar use.

O. Warehouse and freight movement: A facility involved in the storage or movement of goods for themselves or other firms. Goods are delivered to other firms or the final consumer with little on-site sales activity to customers. Warehouse and freight movement shall include the following: bulk storage, including nonflammable liquids, feed and grain storage; cold storage plants, including frozen food lockers; household moving and general freight storage; separate warehouse used by retail store such as furniture or appliance store; bus barn; parcel services, mail order facility; transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred; or any similar use.

### 3.1.5 Industrial use groups

A. Manufacturing, general: A facility conducting manufacturing with some operations conducted outside. General manufacturing shall include the following: bulk mailing service; clothing or textile manufacturing; manufacture or assembly of equipment, instruments (including musical instruments), appliances, precision items and electrical items, printing, publishing and lithography; production of artwork and toys; sign-making; building maintenance service; exterminator; movie production facility; laundry or dry cleaning plant; photo-finishing laboratory; repair of scientific or professional instruments and electric motors; sheet metal; welding, machine, tool repair shop or studio; woodworking, including cabinet makers and furniture manufacturing; or any similar use.

B. Manufacturing, heavy: A facility conducting heavy manufacturing with operations conducted indoors and outdoors. Heavy manufacturing shall include the following: heavy
factory production; industrial yards; any use that is potentially dangerous, noxious or offensive to neighboring uses or those who pass on public ways by reason of smoke, odor, noise, glare, fumes, gas, vibration, threat of fire or explosion, emission of particulate matter, interference with radio, television reception, radiation or any other likely cause; animal processing, packing, treating and storage; livestock or poultry slaughtering; citrus concentrate plant; production of chemical, rubber, leather, clay, bone, paper, pulp, plastic, stone or glass materials or products, production or fabrication of metals or metal products including enameling and galvanizing, sawmill; bulk storage of flammable liquids; commercial feed lot; concrete batching and asphalt processing and manufacture; wrecking, junk or salvage yard; bottling plant; or any similar use.

C. Research and development: A facility focused primarily on the research and development of new products. Research and development shall include: laboratories, offices and other facilities used for research and development by or for any individual, organization or concern, whether public or private; prototype production facilities that manufacture a limited amount of a product in order to fully investigate the merits of such a product; pilot plants used to test manufacturing processes planned for use in production elsewhere; production facilities and operations with a high degree of scientific input; facilities and operations in which the input of science, technology, research and other forms of concepts or ideas constitute a major element of the value added by manufacture per unit of product.

D. Waste service: A facility that generally receives solid or liquid wastes from others for transfer to another location, collects sanitary waste or manufactures a product from the composting of organic material. Waste-related service shall include the following: animal waste processing; landfill, incinerator; manufacture and production of goods from composting organic material; outdoor recycle processing center; outdoor storage of recyclable material, including construction material; transfer station; oil and gas facilities or any similar use.

3.1.6 Uses not specifically listed

A. Any use not specifically listed in this LDC is expressly prohibited, unless the Planning Director determines in accordance with Section 7.12, Written interpretation, that the use is similar to a permitted individual use or permitted group of uses as listed in this LDC. Where such similar permitted individual use or permitted group of uses is subject to a use standard contained in this Article or conditional use or conditional use review, the proposed use shall also be subject to such standard or approval.

B. Where a use not listed is found by the Planning Director not to be similar to any other permitted individual use or permitted group of uses, the use shall be permitted only following a text amendment in accordance with Section 7.3. The decision of the Planning Director may be appealed to the Board of Adjustment in accordance with Section 7.16, Administrative appeals.

C. When considering the appropriate districts for a use not listed in the Principal Use Table, the district intent statements (see Section 2.2) shall be taken into consideration.

D. Determination of an appropriate group of uses for a proposed use not currently listed shall be made by applying the following criteria.
1. The actual or projected characteristics of the activity in relationship to the stated
characteristics of each use category;

2. The relative amount of site area or floor space and equipment devoted to the activity;

3. Relative amounts of sales from each activity;

4. The customer type for each activity;

5. The relative number of employees in each activity;

6. Hours of operation;

7. Building and site arrangement;

8. Types of vehicles used and their parking requirements;

9. The relative number of vehicle trips generated;

10. Signs;

11. How the use is advertised;

12. The likely impact on surrounding properties; and

13. Whether the activity is likely to be found independent of the other activities on the
site.

3.1.7 Developments with multiple principal uses

A. Except as set forth in Section 3.2, Complexes, no more than one (1) principal building or
use may be erected on a single lot of record.

B. When all principal uses of a development fall within one (1) use category, the entire
development shall be assigned to that use category.

C. When the principal uses of a development fall within different groups of uses or no group
of uses, each principal use shall be classified in the applicable group of uses or treated as
an individual use and each use shall be subject to all applicable regulations for that group
of uses or individual use.

D. A development comprised of uses regulated by separate rows on the Principal Use Table
shall be reviewed using the most restrictive process from among the proposed uses.

Commentary: If a proposed development includes a gas station, library and a restaurant, including
outparcels, and one (1) of those uses is permitted or has a conditional use in the district, then the
entire development requires conditional use review.

E. Where a use requiring approval as a conditional use or a conditional use lies on a separate
legal parcel, only the building containing the use and its separate parcel shall be subject to
review, not the entire project. However, where the separate legal parcel is an outparcel, the
application shall describe the relationship of the outparcel to the remaining site.
Commentary: For example, where a vehicle repair shop in a CB district (subject to conditional use review) is an outparcel within a larger retail development, the conditional use shall review the outparcel only – not the entire development. However, where a conditional use is proposed in a building that contains a variety of other uses, the entire building and its associated parcel(s) of land shall require conditional use review.

3.1.8 Change of use

A. A change of use from one (1) permitted use to another permitted use in the same Zone District shall not require a development application process including a public hearing except for the issuance of a planning clearance by Town staff.

B. The Planning Director may permit a proposed land use in an existing structure or on an existing site when the proposed land use is permitted in the principal use table found in Subsection 2.5.2, and it shall conform to Article 8 of this LDC. (Ord. 2011-11 §1)

Sec. 3.2 Complexes.

Nonresidential, townhouse and multifamily complexes may be established on a single parcel, provided that the following requirements are met.

3.2.1 Defined

A group of two (2) or more office, industrial, commercial, multifamily and/or other operations on an unsubdivided parcel, operating under one (1) name or presenting other elements of a unified image of identity to the public.

3.2.2 General

Complexes shall meet all applicable development standards as set forth in Article 2, Zoning Districts, and Article 4, General Development Standards.

3.2.3 Uses

Uses within complexes shall be limited to those permitted within the zoning district in which the development is located (see Section 2.5.2, Principal Use Table).

3.2.4 Intensity

The overall intensity of the land use shall be no higher and the standard of development no lower than that permitted in the district in which the project is located.

3.2.5 Setbacks

The distance of every building from every property line shall meet the relative setback requirements of the district in which the development is located (the rear of a building must meet rear yard requirements, the front of the building must meet street yard requirements, the side of the building must meet side yard requirements). In no case, however, shall any portion of a building be located closer to a public street than the required minimum street yard setback of the zoning district.

3.2.6 Height
The building heights shall not exceed the height limits permitted in the district in which the
development is located.

3.2.7 Building separation

The minimum spacing between buildings in a complex shall be twenty (20) feet, with an additional
ten (10) feet provided between buildings for every story over two (2). Location of building must
allow access by fire fighting equipment from all sides.

3.2.8 Building design

In addition to complying with the applicable building design requirements of Section 4.5, all
complexes shall exhibit a unity of design through the use of similar elements such as rooflines,
materials, window arrangement, sign location, landscaping, access, building orientation and
details.

Sec. 3.3. Residential use standards.

The standards of this Section shall apply to all permitted, special and conditional uses, as set forth in
the Principal Use Table (see Section 2.5.1). All uses shall meet or exceed applicable standards.

3.3.1 Single-family detached

Single-family detached shall meet the following standards:

A. The home shall comply with the International Building Code or its successor;

B. The siding shall be wood, brick, stucco or stone or material which looks like wood, brick,
   block, stucco or stone;

C. Have a length not exceeding three (3) times the width, with length measured along the
   longest axis and width measured at the narrowest part of the other axis;

D. Have a minimum of one thousand two hundred (1,200) square feet of enclosed and heated
   living area per dwelling area;

E. Be attached to an excavated and backfilled, continuous concrete or concrete block
   perimeter foundation that complies with the Building Code;

F. The first floor shall be a minimum of twelve (12) inches above the finished grade. Any
   house built on a slab foundation shall have a brick, stone or other masonry veneer skirt
   extending up the face of the slab; and

G. Have a gable or hip type roof construction with at least Class C shingle or metal roofing
   material; and the roof slope must have a vertical rise of four (4) inches for every twelve
   (12) inches of horizontal run with a minimum eave projection and roof overhang of one (1)
   foot, which may include guttering. Roofs may be flat if the architecture is such that it
   reflects Santa Fe or Territorial style architecture.

H. Where a garage, either attached or detached, will be accessed from the front of the lot, the
   garage door must be set back a minimum of five (5) feet further from the street than the
   façade of the home.
I. Front porch

1. A covered porch minimum of six (6) feet in depth shall be required over a minimum of forty percent (40%) of the building width along the street front.

2. Front porches may encroach forty percent (40%) or eight (8) feet, whichever is less, into the street yard or street (side) yard and shall be at the same first floor elevation as the home.

J. Have site-built steps which must be constructed with exterior materials matching the structure.

K. Any single-family detached structure constructed with a detached garage placed at the rear of the lot may opt for usage of the setbacks normally ascribed to alley-loaded homes.

3.3.2 Two-family houses (duplexes)

All two-family houses shall meet the following minimum exterior and interior standards:

A. Two-family houses shall be set on and attached to a permanent foundation. Where monolithic concrete slabs are used in place of recessed foundations and crawl spaces, the foundation must be designed by a registered professional engineer to assure soil conditions have been analyzed and the foundation designed to provide the required stability to prevent shifting and cracking of the concrete floor.

B. All garages and parking areas shall be located to the rear of the lot. No parking shall be permitted in the required street yard.

C. Two-family houses shall have a minimum usable living area of eight hundred seventy-five (875) square feet excluding garages.

3.3.3 Alley-loaded houses

A. Only dwelling units with alley access shall be considered alley-loaded houses. All vehicular access shall take place from the alley. No parking shall be permitted in the required street yard or street (side) yard.

B. The first floor shall be a minimum of twelve (12) inches above the finished grade. Any house built on a slab foundation shall have a brick, stone or other masonry veneer skirt extending up the face of the slab.

C. Front porch

1. A front porch minimum of six (6) feet in depth shall be required over a minimum of fifty percent (50%) of the building width along the street front.
2. Front porches may encroach a maximum of eight (8) feet into the street yard or street (side) yard and shall be at the same first floor elevation as the home.

3.3.4 Zero lot line

A. The site area designated for a detached single-family zero lot line development shall not be less than one (1) acre.

B. A single side yard shall be provided comprising the equivalent of two (2) side yards of a conventional detached house or ten (10) feet, whichever is more. This reduction shall not be allowed on the street yard or to the side yard adjacent to lots that are not part of the zero lot line development.

C. An easement between the two (2) properties to allow for maintenance or repair of the house shall be required when the roof overhang or side wall of the house are within four (4) feet of the adjacent property line. The easement on the adjacent property must provide at least five (5) feet of unobstructed space. The easement shall be recorded on the subdivision plat.

D. The eaves on the side of a house with a reduced setback may project a maximum of eighteen (18) inches over the adjacent property line. In this case, an easement for the eave projection must be recorded on the deed for the lot where the projection occurs.

E. If the side wall of the house is on the property line or within three (3) feet of the property line, windows or other openings that allow for visibility into the side yard of the adjacent lot shall not be allowed. Windows that do not allow visibility into the side yard of the adjacent lot, such as a clerestory window or a translucent window, shall be allowed.

F. In no case other than in D. above, shall any part of a dwelling unit in a zero lot line development extend beyond the property line.

G. All garages and parking areas shall be located to the rear of the lot. No parking shall be permitted in the required street yard.

3.3.5 Townhouse
A. Side yards are not required for interior townhouses, but street and rear yards shall be provided for all townhouses and building separation requirements (Section 3.2.7) shall be maintained for all townhouse structures.

B. All garages and parking areas shall be located to the rear of the lot. No parking shall be permitted in the required street yard.

C. The maximum number of units allowed in a single building is eight (8).

D. The first floor shall be located a minimum of twelve (12) inches and a maximum of three (3) feet above grade.

E. For townhouse complexes see Section 3.2 for additional requirements.

3.3.6 Multifamily dwellings

A. All garages and parking areas shall be located to the rear of the lot. No parking shall be permitted in the required street yard.

B. No off-street parking space shall be located closer than ten (10) feet to any residential building wall.

Commentary: Building wall refers to any wall of a building. The space (10 feet) provides opportunity for landscaping, including foundation plantings, and looks better than the alternative.

C. For developments of forty (40) or more dwelling units, a divided ingress-egress driveway with a landscaped median for all entrances from public streets shall be provided.

D. Sidewalks shall be constructed within the interior of the development to link residential buildings with other destinations such as, but not limited to: parking, adjoining streets, mailboxes, trash disposal, adjoining sidewalks or greenways and on-site amenities such as recreation areas.

E. No building shall be located closer than ten (10) feet from any interior street, drive or off-street parking area.

F. All dwelling units shall have a minimum usable living area of four hundred eighty (480) square feet for an efficiency, five hundred seventy-five (575) square feet for a one-bedroom apartment and one hundred fifty (150) square feet of additional area for each additional bedroom.

G. Maximum number of dwelling units per building shall be limited to six (6).

H. No building shall exceed two hundred (200) feet in length or width.

I. Location of building must allow access by fire fighting equipment from all sides.

J. For multi-family complexes see Section 3.2 for additional requirements.

3.3.7 Upper-story residential

Such uses shall adhere to all dimensional standards of the permitted nonresidential use.

3.3.8 Manufactured homes
Manufactured homes shall:

A. The home shall have a label or documents certifying that it is constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974;

B. Be set up and tied down in accordance with the standards set by current building code regulations;

C. The wheels, axles, tongue, towing apparatus and transporting lights shall be removed prior to final installation of the unit;

D. The siding shall be wood, brick, block or stone or material which looks like wood, brick or stone;

E. Have a minimum of nine hundred sixty (960) square feet of enclosed and heated living area per dwelling;

F. Be attached to an excavated and backfilled, continuous concrete or concrete block perimeter foundation that complies with the Building Code;

G. Have a finished first floor being a maximum of twelve (12) inches above the exterior grade of the lot on the uphill side of the house;

H. Have a gable or hip type roof construction with at least Class C shingle roofing material; and the roof slope must have a vertical rise of four (4) inches for every twelve (12) inches of horizontal run with a minimum eave projection and roof overhang of one (1) foot, which may include guttering; and

I. Have covered front and rear porches and site-built steps must be constructed with exterior materials matching the structure.

3.3.9 Manufactured home parks

A. Applicability

The standards of this Section shall apply equally to all allowed uses in a manufactured home park. Restrictions applicable to manufactured homes and manufactured home parks shall apply equally to nonconforming mobile homes and mobile home parks.

B. General requirements

1. Each individual manufactured home shall comply with the requirements of Section 3.3.8 above.

2. Minimum park and subdivision area: four (4) acres.

3. Maximum density: six (6) homes and spaces or lots per acre.

4. Minimum space or lot area: four thousand five hundred (4,500) square feet.

5. Minimum space or lot width: forty (40) feet.
6. Minimum building separation: fifteen (15) feet, provided that the minimum separation may be reduced to ten (10) feet between carports, porches and patios open on three (3) sides and adjacent buildings.

7. Each manufactured home shall be located on a manufactured home space (space) designated on a site plan prepared in accordance with the requirements of Section 7.7, which shall be approved and filed as part of the approval of a new manufactured home park established after the effective date of this LDC and prior to the enlargement of any existing manufactured home park.

8. Up to (2) manufactured home park identification signs may be utilized, but the sum of the areas of one (1) side of these signs shall not exceed forty (40) square feet. Only external, nonflashing lighting shall be used for illumination. The top portion of any sign shall not exceed twelve (12) feet in height.

9. Within a manufactured home park, one (1) manufactured home shall be used as an administrative office, identified by a sign, in which the office of the person in charge is located. Copies of all required Town and State licenses and permits shall be posted therein and the park register shall be kept in this office at all times.

10. Any lot or space served by individual septic tank and individual well shall comply with applicable requirements of the Building Code with respect to minimum lot size and separation of wells and septic systems.

11. Maximum lot coverage shall not exceed forty percent (40%) of the lot area.

12. Maximum impervious cover shall not exceed fifty percent (50%) of the lot area.

C. Allowed uses

Allowed uses shall include:

1. Manufactured homes, single-family dwellings and mobile homes lawfully installed prior to the adoption of this LDC.

2. Common uses and uses accessory to dwelling units, including recreation facilities for the use of residents of the park only, management offices, laundry rooms, tenant storage lockers, parking areas and garbage and trash disposal facilities.

D. Site plan, internal relationship

1. General requirements

The site, including manufactured home stands, structures and all site improvements, shall be harmoniously and effectively organized in relation to topography, the shape of the tract and the shape, size and position of structures, with consideration for usability of space, appearance and livability. An informal park type of arrangement, with grouping or clustering of manufactured home dwelling units and which conforms to the terrain and natural landscape features, is preferable to a rigid, stylized pattern.

2. Streets and accessways
a. Paved streets at least twenty-two (22) feet in width shall extend from the existing street system as necessary to provide convenient access to each manufactured home stand and to common facilities and uses. Private streets shall be permitted in a manufactured home park or subdivision.

b. Convenient access shall be provided to each manufactured home stand by an accessway at least fifteen (15) feet in width. Such accessway shall be reserved for maneuvering manufactured homes into position and shall be kept free of trees and other immovable obstructions, but need not be paved. Temporary planks or steel mats may be used during the placement of a manufactured home.

c. In the event that the developer of a manufactured home park chooses to retain ownership of streets and accessways, he or she shall be required to dedicate to the Town a blanket emergency service access easement to permit police, ambulance and fire protection personnel to enter the park or subdivision.

d. In addition, pursuant to Section 42-4-1102, C.R.S., the Town elects to impose and enforce stop sign regulations, speed limits and parking restrictions posted in accordance with the Manual of Uniform Traffic Control Devices upon all streets which are privately maintained in manufactured home parks or subdivisions. The owner of the manufactured home park or subdivision shall provide such signs as may be required by the Town's Engineer and agrees to erect and maintain such signs in conformity with the Model Traffic Code and other applicable regulations.

The stop sign placement, speed limits and parking restrictions shall be determined by the Town's Engineer, but shall be consistent with the provisions of Sections 42-4-1101 to 42-4-1104 et al., C.R.S., Sections 42-4-1204, C.R.S. and Section 42-4-1208, C.R.S.

There shall be posted at each entrance to any manufactured home park or subdivision a sign giving notice of such enforcement in the following text: "NOTICE: Stop sign, speed limits and parking restrictions enforced by the Town."

When all signs are in place, stop signs, speed limits and parking regulations shall be enforced and violations thereof punished in accordance with the provisions of the Model Traffic Code, as adopted by the Town.

3. Pedestrian access

a. Pedestrian walkways at least two (2) feet in width and having an all-weather surface shall be provided for access to each manufactured home from a paved street or from a paved driveway or parking area connected to a public street.

b. Common walkways at least three (3) feet in width and having an all-weather surface shall be provided for access to common facilities and uses from each manufactured home group or cluster. Walkways through the interiors of blocks are preferable to walkways adjacent to streets.

4. Parking
a. Parking areas shall be located off-street and shall have an all weather surface. Parking spaces may be located on each lot or on the space immediately adjacent to the manufactured home stand, and the remainder shall be located in common parking bays adjacent to the street or adjacent to a vehicular accessway connected to a street.

b. Parking spaces shall be provided at the rate of two (2) car spaces for each manufactured home, plus one (1) additional car space for each four (4) manufactured home lots or spaces to provide for guest parking and delivery and service vehicles.

E. Project boundary buffer

A Class C buffer shall be provided (see Section 4.3, Landscaping, screening and buffering) along all project boundaries of a manufactured home park or subdivision; provided that the minimum distance from the line or corner of any manufactured home stand to a boundary line of the park or subdivision shall be twenty (20) feet.

F. Signs and numbering of spaces

Each manufactured home park shall have a sign located adjacent to a public street which includes the name of the park and the street address in letters and numbers in accordance with the requirements of Section 4.7. Each manufactured home space shall be numbered with four-inch reflective numbers on contrasting background and/or letters set at least forty (40) inches above ground level and clearly visible from public right-of-way.

G. Yard requirements

1. The following yard requirements shall pertain to every manufactured home in the manufactured home park or subdivision:
   a. Minimum depth of street yard, measured from front lot line: twenty (20) feet.
   b. Minimum width of side yard, measured from side lot line: ten (10) feet.
   c. Minimum depth of rear yard, measured from rear lot line: twenty (20) feet.

2. Detached garages and accessory buildings may be erected on manufactured home lots as permitted in Section 3.7, Accessory uses and structures.

H. Utility requirements

1. Water and sewer

   Water and sewer services and hookups shall conform with the Colorado Department of Public Healh and Environment, Sanitary Standards and Regulations for Manufactured Home Parks, as amended from time to time.

2. Solid waste

   a. The storage, collection and disposal of solid waste in the manufactured home park or subdivision shall be so constructed as to create no health hazards, rodent harborage, insect breeding area, accident or fire hazard or pollution and shall be maintained at least one hundred (100) feet from a well site.
b. All solid waste containing garbage shall be stored in a standard fly-tight, watertight, rodent-proof container which shall be located at each manufactured home space or an approved bulk container site. The proper storage, collection and disposal of solid waste shall be as specified by the adopted Building Code.

c. Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation.

d. No junked or abandoned vehicles shall be allowed in the park or subdivision.

I. Service buildings

Service buildings, when constructed and which supply laundry facilities for occupants of the manufactured home park, shall have:

1. Adequate heating facilities to maintain a temperature of seventy (70) degrees Fahrenheit during cold weather and to supply a minimum of fifteen (15) gallons of hot water per hour per laundry machine at a temperature of one hundred fifty (150) degrees Fahrenheit during times of peak demand;

2. All rooms well-ventilated, with all openings effectively screened;

3. At least one (1) mop-sink or other satisfactory facility supplied with hot and cold water; and

4. Separate flush-type toilet facilities for each sex plainly marked by appropriate signs, which shall be provided in separate rooms if in the same building. Each water closet shall be placed in a separate compartment, at least three (3) feet wide, properly separated from other water closets.

J. Storage

1. Tenant storage facilities shall be provided for materials which cannot be conveniently stored in a manufactured home. A minimum of thirty-two (32) square feet shall be provided for each manufactured home unit.

2. Storage facilities may be located adjacent to the manufactured homes or in common compounds within a reasonable distance from the manufactured homes. Storage facilities shall be designed in a manner that will enhance the park and shall be constructed of suitable weather-resistant materials appropriate under the use and maintenance contemplated.

3. Covered storage sheds on individual spaces and lots shall contain a minimum of forty-eight (48) square feet of floor area for the storage of personal belongings. This requirement may be satisfied by a separate common building that serves more than one (1) manufactured home space, provided that a like amount of space is set aside in each building for each manufactured home space serviced by that building.

4. No storage shall be allowed under a manufactured home.

K. Landscaping
1. Lawn and ground cover, which may include aggregates, shall be provided on all common ground areas except those undisturbed areas, such as watercourses, left in their natural state.

2. Screen planting and/or fencing at least six (6) feet in height shall be provided where necessary for screening purposes, such as around the park or subdivision boundary lines, refuse collection points, common recreation areas and playgrounds and at such other points as necessary for screening of objectionable views.

L. Street lights

All streets in the manufactured home park or subdivision shall be adequately illuminated. Street lights shall be installed/located at each intersection.

M. Telephone and power lines

All telephone lines and power lines are to be located underground. Utility easements shall not be less than ten (10) feet in width.

N. Recreation areas and facilities

1. Not less than ten percent (10%) of the total land area of the park or subdivision shall be devoted to space for common facilities and uses, such as a laundry, swimming pool or recreation and play areas.

2. Laundry, recreation rooms, management offices and other common facilities may be consolidated in a single building if the single location will adequately serve all manufactured home units.

O. Maintenance: owner or manager responsibilities

The manufactured home park owner or manager shall have the following park maintenance responsibilities set forth below:

1. Annual business license for manufactured home parks

   No person shall operate a manufactured home park within the Town without first having obtained an annual business license therefor from the Town Clerk. Each manufactured home park shall be licensed for each calendar year and each license shall expire on December 31 of each year.

2. Compliance with regulations required

   Both the owner and operator of any manufactured home park shall arrange for the management and supervision of the manufactured home park so as to enforce or cause compliance with all of the provisions of this Section.

3. Register of tenants required; contents; inspection authorized when

   It shall be the duty of the owner or operator to keep at all times a register, which shall be open at all times to inspection by United States, State, County and Town officers, showing for all tenants in the manufactured home park:
a. The names of all persons inhabiting each manufactured home.

b. The date of entry and departure of each manufactured home.

c. The license numbers and state issuing, for each manufactured home and the towing vehicle used to tow the manufactured home into or from the manufactured home park.

4. Use restrictions

Both the owner and operator shall prohibit the use of any manufactured home located in the manufactured home park for other than use as a single-family dwelling, with the exception of the park's office.

5. Repair and maintenance of facilities

Both the owner and operator of every home park shall be responsible for maintaining in good repair and condition all facilities of the manufactured home park and for maintaining the manufactured home park in a clean, orderly and sanitary condition at all times.

6. Owner duty to report violations

Both the owner and operator of each manufactured home park shall report promptly to the proper authorities any violations of this Section which may come to his, her or their attention.

P. Roadway repair and maintenance

No part of any manufactured home shall obstruct any roadway. All easements and public areas shall be cared for and kept free from weeds and trash. The physical repair and maintenance to all roadways, to include street sweeping and snow removal, shall be the responsibility of the manufactured home park owner.

3.3.10 Group home

Group homes shall comply with the standards of this Section.

A. Neighborhood density

No group home shall be located closer than seven hundred fifty (750) feet to another group home.

B. Health and safety codes

Group homes shall comply with all applicable local, State or Federal health, safety, fire and building codes.

3.3.11 Nursing home or assisted living centers

Nursing homes or assisted living centers shall conform to applicable State regulations, administered by the Colorado Department of Human Services.
3.3.12 Cultivation of medical marijuana by patients and primary caregivers in residential units

The cultivation, production or possession of marijuana plants for medical use by a patient or primary caregiver, as such terms are defined by Article XVIII, Section 14 of the Colorado Constitution, shall be allowed in residential dwelling units subject to the following conditions:

A. The cultivation, production or possession of marijuana plants shall be in full compliance with all applicable provisions of Article XVIII, Section 14 of the Colorado Constitution, the Colorado Medical Marijuana Code, Section 12-43.3-101, et seq., C.R.S., and the Medical Marijuana Program, Section 25-1.5-106, C.R.S.

B. Marijuana plants that are cultivated, produced or possessed shall not exceed the presumptive limits of no more than two (2) ounces of a usable form of marijuana, unless otherwise permitted under Article XVIII, Section 14 of the Colorado Constitution, and no more than six (6) marijuana plants with three (3) or fewer being mature, flowering plants that are producing a usable form of marijuana, shall be cultivated or permitted within a primary residence.

C. Such cultivation, production or possession of marijuana plants shall be limited to the following space limitations within a residential unit:

1. Within a single-family dwelling unit (Group R-3 as defined by the International Building Code, as adopted in Section 22-131 of the Palisade Municipal Code); a secure, defined, contiguous area not exceeding one hundred fifty (150) square feet within the residence of the licensed patient or registered caregiver.

2. Within a multifamily dwelling unit (Group R-2 as defined by the International Building Code, as adopted in Section 22-131 of the Palisade Municipal Code); a secure, defined, contiguous area not exceeding one hundred (100) square feet within the residence of the licensed patient or registered caregiver.

D. Marijuana plants shall not be grown in the common area of a multifamily residential structure.

E. If a licensed patient or primary caregiver elects to cultivate quantities of marijuana in excess of the amounts permitted under Subsection B above, as permitted in Article XVIII, Section 14(4)(b) of the Colorado Constitution, each patient must be in full compliance with the Colorado Medical Marijuana Program as provided in Section 25-1.5-106(10), C.R.S., and may grow medical marijuana for personal use as a patient or as a primary caregiver for licensed patients as a use by right within the Town Center (TC), Commercial Business (CB) and Light Industrial (LI) Zone Districts only.

F. The cultivation of medical marijuana plants in a residential unit shall meet the requirements of all adopted Town building and safety codes. Any licensed patient or registered primary caregiver cultivating medical marijuana in a primary residential unit shall have an initial building and safety inspection conducted by the Town, shall comply with any conditions of said inspection and shall submit to an annual building and safety code inspection thereafter. The names and locations of patients and caregivers shall not be
made available to the general public in accordance with Section 24-72-204(3)(a)(I), C.R.S., as contained in the Colorado Open Records Act.

G. The cultivation of medical marijuana plants shall not be permitted on the exterior portions of a residential lot. The cultivation, production or possession of marijuana plants in a residential unit must not be perceptible from the exterior of the residence and shall comply with the following:

1. Any form of signage shall be prohibited; unusual odors, smells, fragrances or other olfactory stimulants shall be prohibited; light pollution, glare or brightness resulting from grow lamps that disturbs adjacent residents shall be prohibited; and excessive noise from ventilation fans shall be prohibited.

2. Marijuana plants shall be used or consumed exclusively by a licensed patient for the patient's personal use and solely to address a debilitating medical condition.

H. Any primary caregiver cultivating medical marijuana for licensed patients and providing said marijuana to patients for consideration, such as a monetary sum, shall obtain a business license from the Town pursuant to Chapter 6, Article I of the Palisade Municipal Code. Any primary caregiver transferring medical marijuana to a licensed patient for consideration shall also obtain a sales tax license and shall comply with the requirements of Chapter 4, Article IV of the Palisade Municipal Code concerning collection and payment of municipal sales tax.

I. Cultivation of medical marijuana in a residential unit that is not a primary residence is not permitted.

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

K. For the purposes of this Subsection, a secure area means an area within the primary residence accessible only to the patient or primary caregiver. Secure premises shall be locked or partitioned off to prevent access by children, visitors or anyone not licensed and authorized to possess medical marijuana. (Ord. 2011-03 §2)

Sec. 3.4. Civic use standards.

The standards of this Section shall apply to all permitted, special and conditional uses, as set forth in the Principal Use Table (see Section 2.5.2). All uses shall meet or exceed applicable standards.

3.4.1 Child care centers

Child care centers shall conform to the regulations contained in the Colorado Child Care Facilities Licensing Act, which is administered by the Colorado Department of Human Services. When
operated within the HR district, child care centers must be done in conjunction with another commercial use.

3.4.2 Schools

  A. Elementary schools

Elementary schools shall have a street yard and street (side) yard setback of not less than fifty (50) feet, shall front on a collector street and shall not front on an arterial street. Portable classrooms shall not be permitted in any street yard.

  B. Middle schools

Middle schools shall have a street yard and street (side) yard setback of not less than fifty (50) feet and shall front on either a major collector or minor arterial street. Portable classrooms shall not be permitted in any street yard.

  C. High schools

High schools shall have a street yard and street (side) yard setback of not less than fifty (50) feet and shall front on either a minor or major arterial. Portable classrooms shall not be permitted in any street yard.

Sec. 3.5. Commercial use standards.

The standards of this Section shall apply to all permitted and conditional uses, as set forth in the Principal Use Table (see Section 2.5.2). Additional design considerations may be outlined in the Palisade Design Guidelines (See the Administrative Handbook on Land Use). All uses shall meet or exceed applicable standards.

3.5.1 Agriculture (general)

Raising of livestock shall comply with all applicable ordinances of the Palisade Municipal Code.

3.5.2 Bed and breakfasts

A bed and breakfast establishment is permitted subject to the following standards:

  A. Either the owner or operator of the bed and breakfast must be a full-time resident of the dwelling in which the bed and breakfast establishment is housed.

  B. No exterior evidence of the bed and breakfast shall be allowed, except for one (1) wall sign no larger than twelve (12) square feet or one (1) free-standing sign not to exceed four (4) square feet and not to exceed a height of four (4) feet. A larger sign may be applied for under the conditional use permit process as defined in Section 7.8.

  C. No food preparation, except beverages, is allowed within individual guestrooms. Meal service may be provided.

  D. Preparation and service of food shall conform to all applicable regulations of the State of Colorado.
E. All parking areas on property (except driveways) shall be behind any building lines and must be screened from the view of adjacent residences to a height of six (6) feet by a solid screening fence or dense shrubs and vegetation.

F. Parties, receptions, events or similar functions intended to draw in excess of two hundred (200) people shall require a Temporary Use Permit and shall be limited to a total of six (6) such functions per calendar year.

3.5.3 Brewpub

Brewpubs shall have annual production no greater than fifteen thousand (15,000) barrels on the premises, may serve food and must maintain a State of Colorado Brew Pub license.

3.5.4 Distillery

Distilleries shall be limited in production to a maximum of twenty thousand (20,000) raw gallons per year.

3.5.5 Gas stations with convenience stores

A. Fuels shall be transferred from underground storage tanks by means of approved dispensing units located at least fifteen (15) feet from all property lines.

B. All dispensers shall be protected from vehicle damage by rigidly mounting them in a concrete platform of at least six (6) inches in height extending a minimum of twelve (12) inches beyond the dispenser in all directions. Pipe bollards or guard rails shall be used to provide additional safeguards as necessary.

C. Underground tanks for the storage of flammable or combustible liquids shall be located at least five (5) feet from any wall, foundation or property line. The top of the flammable liquid tanks shall be below the lowest floor elevation of any building within twenty (20) feet of said tanks.

D. All service station, gas station canopies constructed as an accessory structure to a building or commercial establishment dispensing flammable liquids shall have a minimum vertical clearance of fifteen (15) feet. Such canopies shall be set back at least fifteen (15) feet from all property lines.

E. All servicing of vehicles and assembly of equipment carried on as an incidental part of the sales operation shall be conducted within a completely enclosed building.

F. All lighting, including lighting for canopies, shall be designed and installed to prevent glare or excessive light spillover onto adjacent properties. No source of illumination shall be allowed if such source of illumination would be visible from a residentially-zoned district to the extent that it interferes with the residential use of that area.

G. A visual barrier or screen shall be provided between the gas station and any adjacent residential use or district.

H. All uses shall be so operated as to comply with all applicable local, State and federal standards of performance or their equivalent which have been adopted or amended from time to time.
3.5.6 Kennel

A kennel may only be allowed in conjunction with a veterinary clinic or animal hospital facility (See Section 3.5.10) and in accordance with requirement of the Municipal Code.

3.5.7 Microbrewery

Microbreweries shall have annual production no greater than fifty-nine thousand (59,000) barrels on the premises, serve food and maintain a State of Colorado Brew Pub license.

3.5.8 Outdoor storage, general

A. General outdoor storage shall be defined as salvage yards, vehicle storage yards, overnight outdoor storage of shipping containers, lumber, pipe, steel, junk and other similar merchandise, material or equipment.

B. General outdoor storage shall be screened by one hundred percent (100%) opaque, eight-foot high visual barrier or screen, except where located abutting or across the street from a residential use or residentially-zoned property such screening shall be high enough to completely conceal all outdoor storage from view.

C. All general outdoor storage shall be located at least fifteen (15) feet from the public right-of-way and any abutting residential use or residential district.

D. No general outdoor storage shall be permitted in a street yard or otherwise forward of the front building line.

E. General outdoor storage may be located in the side or rear yard only.

3.5.9 Recreation club, private

A recreational club shall be located on a parcel of land not less than three (3) acres in size.

3.5.10 Veterinary animal hospital

A veterinary clinic or animal hospital facility shall comply with the following standards.

A. Kennel areas shall be completely enclosed, indoors, within sound proof walls;

B. Facilities shall be developed and maintained so as to meet all County Health Department requirements and so as to minimize pollution or health risks to adjacent property owners; and

C. Services shall only be provided for small animals; i.e., animals weighing no more than two hundred (200) pounds.

D. Large animal veterinary practices shall be limited to the AFT zone.

3.5.11 Winery

A wine production and bottling facility shall have the appropriate State of Colorado liquor license and may include associated vineyard crops on premises.
3.5.12 Cultivation of medical marijuana by patients and primary caregivers in nonresidential zone districts

The cultivation, production or possession of marijuana plants for medical use by a patient or primary caregiver, as such terms are defined by Article XVIII, Section 14 of the Colorado Constitution, shall be allowed in nonresidential units or structures in the Town Center (TC), Commercial Business (CB) and Light Industrial (LI) Zone Districts as a permitted use subject to the following conditions:

A. The cultivation, production or possession of marijuana plants shall be in full compliance with all applicable provisions of Article XVIII, Section 14 of the Colorado Constitution, the Colorado Medical Marijuana Code, Section 12-43.3-101, et seq., C.R.S., and the Medical Marijuana Program, Section 25-1.5-106, C.R.S.

B. Marijuana plants that are cultivated, produced or possessed shall not exceed the presumptive limits of no more than two (2) ounces of a useable form of marijuana per patient and no more than six (6) marijuana plants, with three (3) or fewer being mature, flowering plants that are producing a usable form of marijuana per patient, unless otherwise permitted under Article XVIII, Section 14 of the Colorado Constitution, shall be cultivated. A caregiver may cultivate medical marijuana for no more than five (5) licensed patients. Two (2) or more primary caregivers shall not join together for the purpose of cultivating medical marijuana within any nonresidential unit located in the Town Center (TC), Commercial Business (CB) and Light Industrial (LI) Zone Districts.

C. Marijuana plants shall not be grown in the common area of any commercial or industrial building.

D. The cultivation of medical marijuana plants in any building or unit within the Town Center (TC), Commercial Business (CB) and Light Industrial (LI) Zone Districts shall meet the requirements of all adopted Town building and safety codes. Any licensed patient or registered primary caregiver cultivating medical marijuana shall have an initial building and safety inspection conducted by the Town, shall comply with any conditions of said inspection and shall submit to an annual building and safety code inspection thereafter. The names of patients and caregivers and the location of their cultivation operations shall not be made available to the general public in accordance with Section 24-72-204(3)(a)(I), C.R.S., as contained in the Colorado Open Records Act.

E. The cultivation of medical marijuana plants shall not be permitted on exterior portions of a lot. The cultivation, production or possession of marijuana plants within a building or unit must not be perceptible from the exterior of the building or unit.

F. Any form of signage shall be prohibited; unusual odors, smells, fragrances or other olfactory stimulants shall be prohibited; light pollution, glare or brightness resulting from grow lamps that disturbs adjacent property shall be prohibited; and excessive noise from ventilation fans shall be prohibited.

G. Any primary caregiver cultivating medical marijuana for licensed patients and providing said marijuana to patients for consideration, such as a monetary sum, shall obtain a business license from the Town pursuant to Chapter 6, Article I of the Palisade Municipal Code. Any primary caregiver transferring medical marijuana to a licensed patient for
consideration shall also obtain a sales tax license and shall comply with the requirements of Chapter 4, Article IV of the Palisade Municipal Code concerning the collection and payment of municipal sales taxes. (Ord. 2011-03 §4)

Sec. 3.6. Industrial use standards.

3.6.1 Processing of food and related products

Processing of food and related products shall comply with the requirements of Subsection 3.6.2.

3.6.2 Manufacturing, limited

Limited manufacturing may be allowed subject to the following standards:

A. All limited manufacturing activity shall be conducted entirely within a fully-enclosed building.

B. Outdoor storage and display may be allowed subject to Subsection 3.5.8.

C. Uses shall not emit smoke, odor or objectionable waste materials.

D. No vibration shall be produced that is transmitted through the ground (and is discernible without the aid of instruments) at or beyond the lot line.

E. No direct glare from high temperature processes such as combustion or welding visible from the street shall be permitted.

Sec. 3.7. Accessory uses and structures.

3.7.1 General

A. Accessory uses and structures shall be subject to the same regulations as principal uses unless otherwise stated.

B. Accessory structures and uses shall be accessory and clearly incidental and subordinate to a permitted principal use. An accessory use shall only be allowed when a principal use exists.

C. Accessory structures and uses shall be located on the same lot and in the same district as the permitted use or structure.

D. Accessory structures and uses shall not involve operations or structures not in keeping with the character of the primary use or principal structure served.

E. Accessory structures and uses shall not be of a nature likely to attract visitors in larger numbers than would the principal use, where applicable.

F. An accessory use shall contribute to the comfort, convenience or necessity of occupants of the primary use served.

G. Tractor trailers and pods are prohibited as storage buildings or structures except as permitted on an active construction site or as otherwise specifically allowed.
H. Accessory structures which constitute a building (shed, dwelling unit, guardhouse, etc.) shall not be located closer than five (5) feet to any other building.

I. Maximum height of accessory structures shall be fifteen (15) feet; provided, however, accessory garages with approved accessory dwellings over a garage may be twenty-four (24) feet or the height of the principal structure, whichever is less. In no case shall the height of the accessory structure be greater than that of the principal structure.

J. Maximum floor area of any accessory structure shall be no greater than fifty percent (50%) of the floor area of the principal structure.

K. All accessory structures shall conform to the corner visibility requirements of Subsection 4.6.11 as well as the placement provisions of Paragraph 2.3.8.7.

L. In the event that two (2) or more adjacent landowners choose to mutually accept the placement of a structure of two hundred (200) square feet or less with no electric or water improvements, they may reduce side and rear setbacks of said structure(s) to zero (0) after submission of a notarized Mutual Placement Agreement (see the Administrative Handbook on Land Use).

### 3.7.2 Residential accessory uses

Residential accessory uses shall include but not be limited to the following accessory uses, activities and structures:

A. Accessory dwelling units, subject to the standards of Paragraph 3.7.4.A;

B. Driveways and off-street parking areas;

C. Fences and walls, subject to compliance with the requirements of Paragraph 3.7.4.B;

D. Fruit and vegetable stands, subject to the standards of Paragraph 3.7.4.C;

E. Garages, carports and other similar vehicle storage facilities, subject to compliance with the requirements of Paragraph 3.7.4.D;

F. Home child care (five [5] or less);

G. Home occupations, subject to the standards of Paragraph 3.7.4.E;

H. Home businesses, subject to the standards of Paragraph 3.7.4.F;

I. Keeping of domestic animals for noncommercial purposes;

J. Playhouses, patios, cabanas, porches, gazebos and incidental household storage buildings;

K. Radio and television receiving antennas and support structures;

L. Recreational facilities for the use of residents;

M. Outdoor storage, subject to the standards of Paragraph 3.7.4.G;

N. Solar energy systems; and
O. Other necessary and customary uses determined by the Planning Director to be appropriate, incidental and subordinate to the principal use on the lot.

3.7.3 Nonresidential accessory uses

Nonresidential accessory uses shall include but not be limited to the following accessory uses, activities and structures:

A. Dwelling units for security or maintenance personnel;
B. Fences and walls, subject to compliance with the requirements of 3.7.4.B;
C. Gates and guardhouses;
D. Outdoor storage, subject to the standards of Paragraph 3.7.4.G;
E. Off-street parking and loading facilities, subject to compliance with the requirements of Section 4.1;
F. Radio and television receiving antennas and support structures;
G. Signs, subject to compliance with the requirements of Section 4.9;
H. Solar energy systems; and
I. Other necessary and customary uses determined by the Planning Director to be appropriate, incidental and subordinate to the principal use on the lot.

3.7.4 Accessory use standards

A. Accessory dwelling units

One (1) accessory dwelling unit (ADU) shall be permitted as an accessory use to each principal single-family dwelling subject to the following requirements:

1. The living area of the ADU shall contain not more than six hundred fifty (650) square feet and not less than four hundred (400) square feet and shall contain no more than one (1) bedroom.
2. Detached ADUs must be located in the rear half of the residential lot or parcel unless the ADU is to be located within or above a garage. Private entrances to an ADU contained in the principal dwelling shall be located on the side or rear of the principal dwelling.
3. An ADU may not be condominiumized and/or sold separate and apart from the principal dwelling to which it is an accessory.
4. The design, exterior treatments and color of an ADU shall be the same as or compatible with, the design and exterior color and treatments of the primary building to which it is accessory.
5. Either the principal structure or the ADU shall be owner occupied.
6. ADUs shall not be built on lot sizes less than six thousand (6,000) square feet; and for lot sizes from six thousand (6,000) to nine thousand (9,000) square feet, an ADU shall not increase the footprint of existing structures.

Commentary: ADUs should not be included when calculating the maximum allowable density, as ADUs are "accessory" to otherwise allowed principal uses. Per Subsection 3.7.1, ADUs are subject to lot coverage and floor area ratio requirements and to all other regulations applicable to the principal uses unless otherwise stated.

B. Fences and walls

1. General
   a. Fences and walls not more than six (6) feet in height may be installed along any side (interior) and rear lot line.
   b. Fences and walls in any required street yard shall not exceed four (4) feet in height.
   c. Fences and walls placed on corner lots shall comply with the requirements of Subsection 2.3.8.8.
   d. Fences and walls higher than six (6) feet in height shall comply with all applicable yard requirements; provided, however, the provisions of this Subsection shall not apply in the LI district.
   e. Fences and walls shall be constructed of high quality materials, such as decorative blocks, brick, stone, vinyl, treated wood and wrought iron, complimentary to the siding on the principal structure pattern and of materials similar to the principal structure. Fences shall be constructed so that the supporting side of any fence (beams or cross arms, supports) are facing away from the right-of-way. Chain-link fences and barbed wire or other wire fence materials shall not be permitted outside the LI district.
   f. Electrical fences are prohibited.
   g. Breaks in any required fence or wall may be provided for pedestrian connections to adjacent developments.
   h. The maximum length of a continuous, unbroken and uninterrupted fence or wall plane shall be one hundred (100) feet. Breaks shall be provided through the use of columns, landscaped areas, transparent sections and a change in material.

2. Location
   a. Where a fence or wall is to be installed and property lines are not marked by survey monuments, the name, address and a signed statement of non objection by the abutting owners to the proposed location of the fence must be included in the planning clearance application (see the Administrative Handbook on Land Use).
   b. Every effort should be made to assure that the fence, new or a replacement, is on the applicant's property. It is the intent of this Subsection to ease the burden on the applicant by not requiring a property survey to establish the location of the property
lines. However, it remains the responsibility of the applicant to assure that the installation of the fence is on the property of the applicant. Errors in the location of the fence resulting in an encroachment on another property, private or public, is the liability of the applicant, not of the Town.

c. It should be understood that there is considerable evidence of lines of occupation in the older section of the Town, but that the evidence may not be consistent with the location of property lines if located by survey. Thus, the applicant must be aware that placing of the fence may, based on a future property survey, be found to encroach on neighboring property. In the newer sections of the Town, the evidence of occupation is considerably less, but the existence of survey corners should be more prolific than in the older parts of Palisade. The applicant should make an effort to locate existing corners in order to avoid encroaching on neighboring property.

d. In the preparation of the site map, property lines must be shown to the best of the knowledge of the applicant. If property corners exist (monumented), those corners need to be shown. If the corners are not known, the applicant must estimate the location of the property lines based on existing physical evidence. In the review of the application, the Town will decide if the location of the property lines adjacent to Town rights-of-way can be reasonably determined. If so, that determination will prevail, and the location of the fence shall be placed on the property side of the estimated location of the property line. If the applicant objects to the Town's determination of the location of the property line, the applicant may obtain a survey by a registered land surveyor to set the correct corners.

e. The quality of the estimated location of the property line on which the fence is to be placed or replaced shall determine the conditions for approval of the planning clearance.

(i) If the corners which define the property line on which the fence is to be placed are monumented, the fence shall be placed on or inside that property line. No other approval is required except that of the Town in approving the planning clearance.

(ii) If the property line on which the fence is to be placed is not marked by survey monuments and is adjacent to another private property, the notarized signature of the owner of that adjacent property approving the proposed location of the fence must be provided in the planning clearance application. The language to which the adjacent owner is attesting must be clear as to having knowledge of the proposed location of the fence and of having no objection to the proposed location. If the applicant is unable to obtain a signature of approval from the adjacent property owner, the applicant will be required to obtain a survey monumenting the property lines on which the fence is to be placed.

(iii) If the property line is adjacent to a street or alley for which the Town has determined a reasonable location of the right-of-way line, the fence shall be placed on or inside that line except that the location of the fence may not be closer than the edge of the sidewalk, if existing, or from the edge of the most probable location of a future sidewalk as determined by the Town.
(iv) If the property line is one which is adjacent to an alley and cannot be reasonably located, the fence shall be placed on the property side of the right-of-way line based on the evidence of existing fences and buildings along the alley. If the evidence is insufficient, the fence shall be placed no less than fifteen (15) feet from the apparent centerline of the alley.

C. Fruit and vegetable stands

Fruit and vegetable stands shall comply with the following standards:

1. The fruit and vegetables shall be grown on the lot upon which they are offered for sale and sold or upon any parcel of land which is contiguous to such lot and which is also owned by the owner of the lot.

2. The fruit and vegetables may be offered for sale and sold only during the normal growing season for such fruit and vegetables or for such period of time thereafter as may be reasonably necessary to sell the fruit and vegetables which were produced during the normal growing season.

3. The owner of the lot shall comply with all other applicable requirements, restrictions and regulations of this LDC, including without limitation all setback requirements and requirements for signs and outdoor advertising devices.

D. Garages, carports and similar vehicle storage facilities

Garages, carports and similar structures shall:

1. Be built in a pattern and of materials similar to the principal structure; and

2. Be used for the storage of automobiles, recreation vehicles and/or commercial vehicles or for uses incidental to the dwelling to which it is an accessory.

See Sections 2.3.8.7, General setback requirements for accessory structures, and 2.3.8.8, Rear yard street adjacent area.

E. Home occupations

1. Home occupations shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes.

2. No exterior alterations of the structure shall be made which are of a nonresidential nature and shall change the character of the residence. No evidence, other than signage, of any home occupation shall be perceptible to an observer in the street or on any other property.

3. Home occupations must be conducted within a dwelling which is the bona fide residence of the principal practitioner or an accessory building.

4. There shall be no visible storage of equipment, materials or vehicles that have more than two (2) axles.

5. No person shall be employed at any time, other than a member of the immediate family residing on the premises.
6. Advertising signs shall be limited to one (1) unlighted wall sign no larger than three (3) square feet in area, attached to the structure housing the home occupation or one (1) free-standing sign of the same size not to exceed three (3) feet in height.

7. No trading in merchandise shall be carried on and in connection with a home business and there shall be no display of merchandise.

8. In the event the home occupation involves tutoring or instruction, no more than two (2) students may be present at the dwelling unit at any one time.

9. No use or activity shall be conducted that creates undue noise, vibration, electrical interference, smoke or particulate matter emission, excessive power demands or odors beyond the confines of the lot on which said occupation is conducted. Such uses shall comply with the operational performance standards of Section 4.7.

10. All persons engaged in home occupations shall register said occupations with the Town Clerk. The registration shall include the name and address of the persons conducting the home occupation and a description of said occupation. Such registration shall include a statement that the home occupation complies and will continue to comply with the conditions set forth above.

F. Home Businesses

The following home business standards are intended to permit residents to engage in home businesses within residential zoning districts that are compatible with residential land uses and to ensure that home businesses do not adversely affect the integrity of residential areas. These home business standards shall have no application in a nonresidential zoning district. Home businesses shall comply with the following standards:

1. The use shall be subject to the conditional use review procedures of Section 7.8; provided, however, that no such conditional use permit will be transferable to future owners or occupants of the principal dwelling unit.

2. Home business shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes.

3. No exterior alterations of the structure shall be made which are of a nonresidential nature and shall change the character of the residence. No evidence of any home business, other than signage, shall be perceptible to an observer in the street or on any other property.

4. Home businesses must be conducted within a dwelling which is the bona fide residence of the principal practitioner or an accessory building.

5. There shall be no visible storage of equipment, materials or vehicles that have more than two (2) axles.

6. Up to two (2) persons other than a member(s) of the immediate family occupying such a dwelling may be employed by the home business.

7. Advertising signs shall be limited to one (1) unlighted wall sign no larger than three (3) square feet in area, attached to the structure housing the home occupation, or one (1) free-standing sign of the same size not to exceed three (3) feet in height.
8. No equipment shall be used and no activity conducted that creates undue noise, vibration, electrical interference, smoke or particulate matter emission, excessive power demands or odors beyond the confines of the lot on which said occupation is conducted. Home businesses shall comply with the operational performance standards of Section 4.11.

9. One (1) off-street parking space shall be provided for each person working on the premises other than member(s) of the immediate family occupying such a dwelling. Such parking shall be in addition to otherwise required off-street parking.

10. No mechanical equipment is used or activity is conducted which creates any noise, dust, odor or electrical disturbance beyond the confines of the lot on which said occupation is conducted.

11. No trading in merchandise, other than incidental sales, shall be carried on in connection with a home business and there shall be no display of merchandise. This provision shall not apply to beauty salons, which otherwise comply with these standards.

G. Outdoor storage

1. Merchandise and materials which are not completely assembled or which are not immediately and actively being offered for sale, shall be so screened by ornamental fences or evergreen planting or by permanent buildings, that it cannot be seen from a public street.

2. Areas for truck parking and loading and areas for outdoor storage, including trash collection and compaction, shall be incorporated in the overall design of the site to assure adequate screening. The screening shall be a combination of structures and evergreen landscaping to minimize visibility from adjacent streets and residential areas.

3. Nonenclosed areas for the storage and sale of seasonal inventory shall be permanently screened with walls and/or fences.

4. All trash collection and loading areas shall be located and designed to ensure adequate on-site maneuvering of vehicles.

5. All developments, including multi-family housing, shall provide a designated trash collection area meeting the requirements of this Section.

Sec. 3.8. Temporary uses.

3.8.1 General

Temporary uses include those temporary, large scale events such as political rallies, concerts, festivals, carnivals, circuses or similar events which are intended to draw crowds in excess of five hundred (500) people. Temporary structures designed to facilitate an event or an existing land use may also require a temporary use permit.

Temporary use permits will be required in those circumstances where, due to proximity to residential land uses or potential for traffic, noise, visual and other impacts, the Planning Director deems it necessary to regulate certain aspects of the temporary use. Temporary use permits shall not be required for those occasional special events which are held in conjunction with and subordinate to an established, legal land use.
No temporary use shall be established unless a temporary use permit shall be approved pursuant to the provisions of Section 7.10. In addition to complying with the approval criteria of Section 7.10, the following uses shall comply with the applicable specific use requirements.

3.8.2 Concrete and asphalt products, temporary

Temporary facilities for manufacturing concrete, asphalt or related products shall comply with the standards of this Section. Such uses may be located in any zoning district where they are directly associated with construction in the area. Retail sales of such products shall be prohibited in conjunction with temporary plants. The production site must be returned to its pre-construction state following completion of the associated project. Such permits shall be valid for up to six (6) months.

3.8.3 Carnival, circus or special events, temporary

Temporary carnivals, circuses or special events shall comply with the standards of this Section.

   A. Minimum setback from lot lines adjacent to residential uses (all sides): one hundred fifty (150) feet.

   B. The above minimum setback shall apply to all equipment, structures and displays.

   C. The maximum length of the permit shall be seven (7) days and no more than one (1) such permit shall be issued per lot in any calendar year.

   D. The applicant must provide adequate parking.

   E. The applicant must make arrangements for police protection and security guards for crowd control.

   F. The applicant must guarantee cleanup of the premises.

   G. The applicant may be required to post a bond in a reasonable amount as determined by the Town Board to ensure compliance with the requirements of this Section.

3.8.4 Construction field offices, temporary

Temporary construction field offices shall comply with the requirements of this Section.

   A. A temporary building for use as a construction field office is permitted on a nine-month basis. One (1) construction field temporary building shall be allowed for each builder in a subdivision in which that builder has the authority to construct structures.

   B. If the operation of the temporary building used as a construction field office violates any Town ordinances, the certificate of occupancy shall be revoked, unless satisfactory compliance is achieved.

3.8.5 Sales offices and model homes, temporary

A temporary sales office and model home may be located within any zoning district provided such use shall comply with the standards of this Section.
A. Temporary residential sales offices and model homes may be located within a residential district as part of an on-going residential development.

B. Any temporary residential sales office or model home shall be removed or converted to a use permitted within the district when certificates of occupancy have been issued to eighty percent (80%) of the associated residential units or when use as a sales office or model home has ceased.

C. Model homes for new subdivisions shall only be occupied for residential habitation after all business activities have ceased and upon sale of the home and shall comply with the applicable residential parking standards at that time.
PALISADE LAND DEVELOPMENT CODE

Article 4
General Development Standards

Sec. 4.1 Off-street parking and loading requirements
4.1.1 Applicability
4.1.2 How to use this Section
4.1.3 Off-street parking
4.1.4 Off-street stacking requirements
4.1.5 Off-street loading requirements

Sec. 4.2 Pedestrian facilities
4.2.1 Applicability
4.2.2 Types of pedestrian facilities
4.2.3 Sidewalks
4.2.4 Accessways
4.2.5 Trails

Sec. 4.3 Landscaping, screening and buffering
4.3.1 Applicability
4.3.2 Landscape plan required
4.3.3 How to use this Section
4.3.4 Landscaped areas
4.3.5 Buffers
4.3.6 Street yard trees
4.3.7 Screening
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Sec. 4.4 Outdoor lighting
4.4.1 Applicability
4.4.2 Prohibited light sources
4.4.3 Design requirements
4.4.4 Specific standards
4.4.5 Entrances and exits in nonresidential and multifamily development
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4.4.7 Excessive illumination

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4.5.1 Purpose
4.5.2 Applicability
4.5.3 General
4.5.4 Façades
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Sec. 4.6 Access management
4.6.1 Access required
4.6.2 Access to major arterials
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4.6.6 Driveway location
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4.6.8 Nonresidential driveway access to adjacent development
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4.6.11 Corner setbacks and intersection visibility (safe sight triangle)
4.6.12 Fire protection

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4.7.1 General provisions and applicability
4.7.2 General standards
4.7.3 Specific standards
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Sec. 4.8 Mandatory homeowners' associations
4.8.1 General
4.8.2 Legal instrument
4.8.3 Responsibilities

Sec. 4.9 Signs
4.9.1 Purpose and intent
4.9.2 Common signage plan
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4.9.4 General sign regulations
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4.9.6 Exemptions
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4.10.1 Purpose
4.10.2 Findings
4.10.3 Time of fee obligation and payment
4.10.4 Exemptions
4.10.5 Fee determination
4.10.6 Independent fee calculation
4.10.7 Use of fees
4.10.8 Refunds
4.10.9 Credits
4.10.10 Developer's street improvements
4.10.11 Miscellaneous provisions
4.10.12 Appeals
4.10.13 Violation
4.10.14 Calculation of time for the purposes of this Section

Sec. 4.11 Operational performance
4.11.1 Purpose
4.11.2 Applicability
4.11.3 Exemptions
4.11.4 Standards
4.11.5 Compliance
Sec. 4.1. Off-street parking and loading requirements.

4.1.1 Applicability

A. Unless specifically exempt, all existing and proposed development shall provide off-street parking and loading facilities in accordance with this Section. No certificate of occupancy shall be issued until these parking requirements and regulations have been met.

B. With the exception of a restriping of a parking area or other vehicular use area which does not result in a reconfiguration of the parking spaces, any modification to existing off-street parking and loading facilities shall conform to the requirements of this Section.

C. No proposed parking area of six (6) spaces or more shall be developed without an approved site plan issued in accordance with Section 7.7.

D. Buildings and uses lawfully existing as of the effective date of this LDC may be redeveloped, renovated or repaired without providing additional off-street parking and loading facilities, provided there is no increase in gross floor area or change in use of existing floor area that would increase parking demands.

E. Where a building existed as of the effective date of this LDC and such building is enlarged in gross floor area or impervious area by ten percent (10%) or two thousand (2,000) square feet, whichever is less, off-street parking and loading as specified in this Section shall be required for the enlarged area.

F. A change in use of a building or use existing as of the effective date of this LDC shall require additional off-street parking and loading facilities to comply with the requirements of this Section for the new use unless:

1. The building is less than two thousand (2,000) square feet in floor area; or

2. The new use has the same parking requirement or a lesser requirement than the previous one.

G. In the TC district, the Planning Director may allow a new use to be established, even if all off-street parking and loading requirements of this Section cannot be met for the new use, provided that as much off-street parking and loading as can reasonably be provided is provided by the use and no foreseeable traffic congestion problems will be created.

4.1.2 How to use this Section


4.1.3 Off-street parking

A. Calculation of parking ratios

1. Developments containing more than one (1) use shall provide parking spaces in an amount equal to the total of the requirements for all uses.
2. Where fractional spaces result, the parking spaces required shall be construed to be the next highest whole number.

3. The parking space requirements for a use not specifically listed in the table below shall be the same as for the listed use deemed most similar by the Planning Director to the proposed use. The Planning Director shall use the criteria in Section 3.1.6 to determine how an unlisted use should be treated.

B. Parking ratios

1. Off-street parking

The following off-street parking ratios shall be applicable to all zoning districts. Where in the opinion of the applicant, a listed ratio requires too much or too little parking, the applicant may provide an alternative parking plan with data submitted in support of higher or lower ratios (see Section 4.1.3.D).

**Off-street Parking Ratios**
### Residential Uses

<table>
<thead>
<tr>
<th>Type</th>
<th>Use</th>
<th>Per Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family detached</td>
<td>All uses</td>
<td>2 per unit</td>
</tr>
<tr>
<td>Zero lot line</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Two-family</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Townhouse</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Manufactured home</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Manufactured home park</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Group home (8 or less)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rehabilitation center</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Multifamily</td>
<td>Studio</td>
<td>1.25 per unit</td>
</tr>
<tr>
<td>Upper-story residential</td>
<td>1 bedroom</td>
<td>1.50 per unit</td>
</tr>
<tr>
<td></td>
<td>2 bedroom</td>
<td>1.75 per unit</td>
</tr>
<tr>
<td></td>
<td>3+ bedroom</td>
<td>2.00 per unit</td>
</tr>
<tr>
<td>Assisted living or nursing home</td>
<td>—</td>
<td>1 per 5 beds</td>
</tr>
<tr>
<td>Manufactured home park</td>
<td>—</td>
<td>2 per unit</td>
</tr>
</tbody>
</table>

### Public and Civic Uses

<table>
<thead>
<tr>
<th>Type</th>
<th>Use</th>
<th>Per Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Airport, heliport</td>
<td>—</td>
<td>As determined by Planning Director</td>
</tr>
<tr>
<td>Adult care home or day care center (6+)</td>
<td>All uses</td>
<td>1 per employee</td>
</tr>
<tr>
<td>Civic club</td>
<td>—</td>
<td>1 per 500 sq. ft. of GFA</td>
</tr>
<tr>
<td>Hospital</td>
<td>—</td>
<td>1 per 2 beds</td>
</tr>
<tr>
<td>Museum, library</td>
<td>—</td>
<td>1 per 200 sq. ft. of GFA</td>
</tr>
<tr>
<td>Park, open area</td>
<td>All uses</td>
<td>As determined by Planning Director</td>
</tr>
<tr>
<td>Place of worship</td>
<td>—</td>
<td>1 per 8 seats in largest assembly room</td>
</tr>
<tr>
<td>Public facility</td>
<td>—</td>
<td>As determined by Planning Director</td>
</tr>
<tr>
<td>School (public or private)</td>
<td>Elementary</td>
<td>1 per classroom + 1 per 300 sq. ft. of office area + 1 per 5 seats in any auditorium or similar facility</td>
</tr>
<tr>
<td></td>
<td>Junior High/High School</td>
<td>6 per classroom + 1 per 300 sq. ft. of office area + 1 per 5 seats in any auditorium or similar facility</td>
</tr>
<tr>
<td>Technical, trade or business school</td>
<td>—</td>
<td>6 per classroom + 1 per 300 sq. ft. of office area + 1 per 5 seats in any auditorium or similar facility</td>
</tr>
<tr>
<td>Utility, minor*</td>
<td>All uses</td>
<td>1 per 1,000 sq. ft. of GFA</td>
</tr>
<tr>
<td>Utility, major*</td>
<td>All uses</td>
<td>1 per 1,000 sq. ft. of GFA</td>
</tr>
<tr>
<td>Wireless telecommunication facility</td>
<td>—</td>
<td>As determined by Planning Director</td>
</tr>
</tbody>
</table>

### Commercial Uses

<table>
<thead>
<tr>
<th>Type</th>
<th>Use</th>
<th>Per Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture (involving livestock)*</td>
<td>All uses</td>
<td>As determined by Planning Director</td>
</tr>
<tr>
<td>Agriculture (sales and processing)*</td>
<td>All uses</td>
<td>As determined by Planning Director</td>
</tr>
<tr>
<td>Amusement center, indoor</td>
<td>—</td>
<td>1 per 400 sq. ft. of GFA</td>
</tr>
<tr>
<td>Bed &amp; Breakfast</td>
<td>—</td>
<td>1 per unit + 1 per guest room</td>
</tr>
<tr>
<td>Cemetery</td>
<td>—</td>
<td>As determined by Planning Director</td>
</tr>
<tr>
<td>Club, private</td>
<td>—</td>
<td>1 per 500 sq. ft. of GFA</td>
</tr>
<tr>
<td>Contractor's office</td>
<td>—</td>
<td>1 per 1,000 sq. ft. of GFA</td>
</tr>
<tr>
<td>Funeral home</td>
<td>—</td>
<td>1 per 8 seats in largest assembly room</td>
</tr>
<tr>
<td>Use</td>
<td>Minimum Area</td>
<td>Notes</td>
</tr>
<tr>
<td>--------------------------------------------------------------------</td>
<td>--------------</td>
<td>----------------------------------------------------------------------</td>
</tr>
<tr>
<td>Gas station with convenience retail</td>
<td>1 per 200 sq. ft. of GFA</td>
<td></td>
</tr>
<tr>
<td>Hotel, motel</td>
<td>1 per guest room + 1 per 200 sq. ft. of conference/banquet/restaurant area</td>
<td></td>
</tr>
<tr>
<td>Indoor recreation (commercial)*</td>
<td>Bowler alley All other uses 3 per lane 1 per 300 sq. ft. of GFA</td>
<td></td>
</tr>
<tr>
<td>Kennel</td>
<td>1 per 300 sq. ft. of GFA of office area</td>
<td></td>
</tr>
<tr>
<td>Newspaper publisher</td>
<td>All uses 1 per 1,000 sq. ft. of GFA</td>
<td></td>
</tr>
<tr>
<td>Office, general*</td>
<td>Bank 1 per 300 of GFA All other uses 1 per 400 sq. ft. of GFA</td>
<td></td>
</tr>
<tr>
<td>Office, medical*</td>
<td>All uses 1 per 300 sq. ft. of GFA</td>
<td></td>
</tr>
<tr>
<td>Outdoor recreation (commercial)*</td>
<td>Campground 1 per camp site Golf course 2 per hole + 1 per 200 GFA All other uses As determined by Planning Director</td>
<td></td>
</tr>
<tr>
<td>Outdoor storage, general</td>
<td>— As determined by Planning Director</td>
<td></td>
</tr>
<tr>
<td>Outdoor storage, general</td>
<td>— As determined by Planning Director</td>
<td></td>
</tr>
<tr>
<td>Radio or television studio</td>
<td>1 per 300 sq. ft. of GFA</td>
<td></td>
</tr>
<tr>
<td>Recreational club, private</td>
<td>1 per 300 sq. ft. of GFA</td>
<td></td>
</tr>
<tr>
<td>Restaurant, brewpub, bar</td>
<td>1 per 150 sq. ft. of GFA</td>
<td></td>
</tr>
<tr>
<td>Restaurant, drive-through</td>
<td>1 per 100 sq. ft. of GFA</td>
<td></td>
</tr>
<tr>
<td>Retail, neighborhood*</td>
<td>All uses 1 per 250 sq. ft. of GFA</td>
<td></td>
</tr>
<tr>
<td>Retail, general</td>
<td>All uses 1 per 250 sq. ft. of GFA</td>
<td></td>
</tr>
<tr>
<td>Self-storage facility</td>
<td>Minimum 5 + 1 per 100 storage units</td>
<td></td>
</tr>
<tr>
<td>Service, neighborhood*</td>
<td>All uses 1 per 250 sq. ft. of GFA</td>
<td></td>
</tr>
<tr>
<td>Service, general*</td>
<td>All uses 1 per 250 sq. ft. of GFA</td>
<td></td>
</tr>
<tr>
<td>Sexually oriented business</td>
<td>All uses 1 per 300 sq. ft. of GFA</td>
<td></td>
</tr>
<tr>
<td>Vehicle repair</td>
<td>All uses 3 per service bay</td>
<td></td>
</tr>
<tr>
<td>Vehicle sales</td>
<td>All uses 1 per 500 sq. ft. of GFA</td>
<td></td>
</tr>
<tr>
<td>Vehicle service*</td>
<td>Car wash 1 per wash bay All other uses 3 per bay</td>
<td></td>
</tr>
<tr>
<td>Veterinarian, animal hospital</td>
<td>1 per 300 sq. ft. of GFA</td>
<td></td>
</tr>
<tr>
<td>Winery/tasting room, distillery, brewery</td>
<td>1 per 300 sq. ft. of GFA</td>
<td></td>
</tr>
<tr>
<td>Warehouse and freight movement*</td>
<td>All uses 1 per 1,000 sq. ft. of GFA</td>
<td></td>
</tr>
</tbody>
</table>

**Industrial Uses**

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Area</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crematorium</td>
<td>1 per 8 seats in largest assembly room</td>
<td></td>
</tr>
<tr>
<td>Manufacturing, general*</td>
<td>1 per 1,000 sq. ft. of GFA</td>
<td></td>
</tr>
<tr>
<td>Manufacturing, limited*</td>
<td>1 per 1,000 sq. ft. of GFA</td>
<td></td>
</tr>
<tr>
<td>Manufacturing, heavy*</td>
<td>1 per 1,000 sq. ft. of GFA</td>
<td></td>
</tr>
<tr>
<td>Oil or gas wells</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>Gravel pits</td>
<td>As determined by Planning Director</td>
<td></td>
</tr>
</tbody>
</table>
2. Handicapped-accessible parking

Parking spaces for vehicles with handicapped drivers shall be provided per the following schedule:

<table>
<thead>
<tr>
<th>Total Parking Spaces in Lot</th>
<th>Minimum Accessible Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 25</td>
<td>1</td>
</tr>
<tr>
<td>26 to 50</td>
<td>2</td>
</tr>
<tr>
<td>51 to 75</td>
<td>3</td>
</tr>
<tr>
<td>76 to 100</td>
<td>4</td>
</tr>
<tr>
<td>101 to 150</td>
<td>5</td>
</tr>
<tr>
<td>151 to 200</td>
<td>6</td>
</tr>
<tr>
<td>201 to 300</td>
<td>7</td>
</tr>
<tr>
<td>301 to 400</td>
<td>8</td>
</tr>
<tr>
<td>401 to 500</td>
<td>9</td>
</tr>
<tr>
<td>501 to 1,000</td>
<td>2% of total</td>
</tr>
<tr>
<td>Over 1,000</td>
<td>20 plus 1 for each 100 over 1,000</td>
</tr>
</tbody>
</table>

3. Bike racks

Three (3) bike racks capable of locking the frame of a full sized bike (i.e., parking for three [3] bikes) shall be provided at the same rate as handicapped accessible parking in accordance with the requirements of Paragraph 4.1.3.B.2 above, up to a maximum of fifteen (15) required bike racks. This requirement may be waived at the discretion of the Planning Director based on the nature of the proposed business. The location of required bike racks shall be determined based on consideration of the safety and convenience of users.

4. Maximum

a. No use shall provide more than one hundred percent (100%) of the required parking shown in the table above unless any parking above the one hundred percent (100%) threshold is pervious or is provided through use of structured parking.

b. Where a project is intended to be developed in phases, the Planning Director may approve development of a parking area intended to serve current and future development.

5. Modifications

The Planning Director may reduce the required number of spaces by up to ten percent (10%) if for reasons of topography, mix of uses, ride sharing programs, availability of
transit or other conditions specific to the site, provided the reduction in the required number of parking spaces satisfies the intent of this LDC.

C. Design standards

1. Dimensions

a. Parking space sizes shall be governed by the following dimensions:

<table>
<thead>
<tr>
<th>Type of Stall</th>
<th>Minimum Dimensions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parallel stall</td>
<td>20 ft. x 9 ft.</td>
</tr>
<tr>
<td>Angle stall</td>
<td>19 ft. x 9 ft.</td>
</tr>
<tr>
<td>Ninety-degree stall</td>
<td>19 ft. x 9 ft.</td>
</tr>
<tr>
<td>Handicapped stall</td>
<td>19 ft. x 12.5 ft.</td>
</tr>
</tbody>
</table>

b. Minimum aisle widths shall be as follows:

<table>
<thead>
<tr>
<th>Parking Angle</th>
<th>Aisle Width in Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>One-way traffic</td>
</tr>
<tr>
<td>0 – 57 degrees</td>
<td>14</td>
</tr>
<tr>
<td>58 – 74 degrees</td>
<td>18</td>
</tr>
<tr>
<td>79 – 90 degrees</td>
<td>24</td>
</tr>
</tbody>
</table>

c. The maximum grade permitted for any required parking shall not exceed eight percent (8%).

d. Parking spaces using geometric standards other than those specified above may be approved if developed and sealed by a registered engineer with expertise in parking facility design, subject to a determination by the Planning Director that the proposed facility will satisfy off-street parking requirements as adequately as would a facility using those specified above.

2. Surfacing

Where off-street facilities are provided for parking or any other vehicular use area, they shall be surfaced with asphalt bituminous, concrete or other dustless, unified material approved by the Planning Director and shall be maintained in a smooth, well-graded condition. Permeable materials with durability and dustless characteristics similar to asphalt bituminous and concrete may be used with the approval of the Planning Director. (See the Administrative Handbook on Land Use.)

3. Landscaping

Off-street parking areas in excess of one thousand five hundred (1,500) square feet or five (5) spaces shall provide landscaped areas in accordance with the following requirements.
a. Perimeter screening

(i) All parking areas and other vehicular use areas with frontage on any portion of an existing public right-of-way shall provide a parking buffer as set forth in Paragraph 4.3.5.B.2.

(ii) The perimeter of all parking areas and other vehicular use areas adjacent to residentially-zoned property shall provide a Class C buffer (see Section 4.3, Landscaping, screening and buffering).

b. Interior landscaping

(i) Interior islands

An interior landscaped island shall be provided for every ten (10) spaces. Each island shall contain a minimum of two hundred (200) square feet with a minimum width of eight (8) feet inside the curb and include a minimum of one (1) tree with a minimum caliper of two and one-half (2½) inches. Planting islands shall be evenly distributed throughout the parking area, with no parking space located more than one hundred (100) feet from a planting island. Interior islands may be consolidated or intervals may be expanded in order to preserve existing trees where approved by the Planning Director.

(ii) Terminal islands

All rows of spaces shall terminate in a curbed, landscaped island. Each island shall conform to the specifications described in Paragraph (i) above.

(iii) Median islands

A median island with a minimum width of eight (8) feet inside the curb shall be sited between every six (6) double parking rows and along primary internal and external access drives. Median intervals may be expanded in order to preserve existing trees, where approved by the Planning Director.

4. Markings

Each parking stall shall be marked off and maintained so as to be distinguishable.

5. Lighting

Where off-street facilities are provided for parking or any other vehicular use, adequate outdoor lighting shall be provided. Lighting shall be so arranged as to direct the light and glare away from streets and adjacent property (see Section 4.4, Outdoor lighting).
6. **Yards**

All parking lots shall observe a minimum street yard and street (side) yard of not less than five (5) feet and a side yard on a corner lot of not less than five (5) feet. Parking lots in residential districts shall have street yard and street (side) yards of not less than fifteen (15) feet and side and rear yards of not less than five (5) feet.

7. **Curbs**

a. All landscaping in or adjacent to a vehicular use area shall be protected from vehicular damage by a raised concrete curb six (6) inches in height or equivalent barrier, however, the barrier need not be continuous.

b. Landscaped areas adjacent to parking areas shall be designed so that no plant material greater that twelve (12) inches in height will be located within two (2) feet of the curb or other protective barrier.

8. **Separation from walkways and streets**

In the event any parking area abuts a walkway, sidewalk or street, the parking area shall be separated by curbing or other protective device with a minimum distance of three and one-half (3 1/2) feet between the protective device and the edge of the walkway.

9. **Drainage**

Parking lots shall not drain onto or across public sidewalks or into adjacent property, except into a natural watercourse or a drainage easement. In already developed areas where this condition would be impossible to meet, the Planning Director may exempt the applicant from this requirement, provided that adequate provision is made for drainage.

10. **Entrances and exits**

On all corner lots, all vehicular openings shall be located at least twenty (20) feet from the point of intersection of established right-of-way lines. No entrance and exit, whether or not on a corner lot, shall exceed thirty (30) feet in width at the property line or forty (40) feet in width at the curb line. There shall be a minimum distance between driveways of twenty-five (25) feet, measured along the curb line, unless such driveways are less than five (5) feet apart.

D. **Alternative parking plans**

1. **General**

The Planning Director may modify the parking requirements of this Section (beyond that permitted by Paragraph 4.1.3.B.5, Modifications) where applicant-submitted parking data, prepared and sealed by a registered engineer in the State of Colorado with transportation expertise, illustrates that the standards of this Section do not accurately apply to a specific development. The data submitted for an alternative parking plan shall include, at a minimum, the size and type of the proposed development, the mix of uses, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads of all uses.
2. On-street parking

The Planning Director may approve on-street parking spaces located immediately abutting the subject parcel, entirely within the extension of the side lot lines into the roadway, and not within any required clear sight triangle as meeting some or all off-street parking requirements.

3. Off-site parking

The Planning Director may approve the location of required off-street parking spaces on a separate lot from the lot on which the principal use is located if the off-site parking complies with all of the following standards.

a. Ineligible activities

Off-site parking may not be used to satisfy the off-street parking requirements for residential uses (except for guest parking) or for convenience stores or other convenience-oriented uses. Required parking spaces reserved for persons with disabilities may not be located off-site.

b. Location

Off-site parking spaces shall be located within three hundred (300) feet from the primary entrance of the use served. Off-site parking may not be separated from the use that it serves by a street right-of-way with a width of more than eighty (80) feet.

c. Zoning classification

Off-site parking areas serving uses located in nonresidential districts shall be located in nonresidential districts. Off-site parking areas serving uses located in residential districts may be located in residential or nonresidential districts.

d. Agreement

(i) In the event that an off-site parking area is not under the same ownership as the principal use served, a written agreement between the record owners shall be required.

(ii) The owner of the off-site parking area shall enter into a written agreement with the Town, with enforcement running to the Town, providing that the land comprising the parking area shall never be disposed of except in conjunction with the sale of the building which the parking area serves so long as the facilities are required; and that the owner agrees to bear the expense of recording the agreement and such agreement shall bind his or her heirs, successors and assigns.

(iii) An off-site parking agreement may be rescinded only if all required off-street parking spaces will be provided in accordance with this Section.

(iv) Any such agreement shall meet approval of the Town Attorney.

E. Shared parking
The Planning Director may allow shared parking facilities if the shared parking complies with all of the following standards.

1. Ineligible activities

Shared parking may not be used to satisfy the off-street parking standards for upper-story residential uses. Required parking spaces reserved for persons with disabilities may not be located off-site.

2. Location

Shared parking spaces shall be located within seven hundred fifty (750) feet of the primary entrance of all uses served, unless shuttle bus service is provided to the parking area.

3. Zoning classification

Shared parking areas serving uses located in nonresidential districts shall be located in nonresidential districts. Shared parking areas serving uses located in residential districts may be located in residential or nonresidential districts. Shared parking areas shall require the same or a more intensive zoning classification than that required for the most intensive of the uses served by the shared parking area.

4. Shared parking study

Applicants wishing to use shared parking as a means of satisfying off-street parking requirements shall submit a shared parking analysis to the Planning Director that clearly demonstrates the feasibility of shared parking. The study shall be provided in a form established by the Planning Director and made available to the public. It shall address, at minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.

5. Agreement

a. A shared parking plan will be enforced through written agreement among all owners of record. An attested copy of the agreement between the owners of record shall be submitted to the Planning Director on forms made available by the Planning Director.

b. A shared parking agreement may be rescinded only if all required off-street parking spaces will be provided in accordance with this Section.

c. The Town shall be permitted to enforce such agreement and such agreement shall bind the parties, heirs, successors and assigns and be approved by the Town Attorney.

F. Recording of approved plans

An attested copy of an approved alternative parking plan shall be recorded in the office of the County Clerk and Recorder on forms made available by the Planning Director. An alternative parking plan may be amended by following the same procedure required for the
original approval. The applicant shall provide proof of recording prior to approval of the certificate of occupancy.

G. Violations

Violations of an approved alternative parking plan constitute a violation of this LDC and will be subject to the enforcement and penalty provisions of Article 9, Violations, penalties and enforcement.

4.1.4 Off-street stacking requirements

The following vehicle stacking standards shall apply unless otherwise expressly approved by the Planning Director. The Planning Director may require additional stacking spaces where trip generation rates suggest that additional spaces will be needed.

A. Minimum number of spaces

Off-street stacking spaces shall be provided as follows:

<table>
<thead>
<tr>
<th>Specific Use</th>
<th>Minimum Spaces</th>
<th>Measured From</th>
</tr>
</thead>
<tbody>
<tr>
<td>Automated teller machine</td>
<td>3</td>
<td>Machine</td>
</tr>
<tr>
<td>Bank teller lane</td>
<td>4</td>
<td>Teller or window</td>
</tr>
<tr>
<td>Car lubrication stall</td>
<td>2</td>
<td>Entrance to stall</td>
</tr>
<tr>
<td>Car wash stall, automated</td>
<td>4</td>
<td>Entrance to wash bay</td>
</tr>
<tr>
<td>Car wash stall, hand-operated</td>
<td>3</td>
<td>Entrance to wash bay</td>
</tr>
<tr>
<td>Day care drop off</td>
<td>3</td>
<td>Passenger loading area</td>
</tr>
<tr>
<td>Gasoline pump island</td>
<td>2</td>
<td>Pump island</td>
</tr>
<tr>
<td>Parking area, controlled entrance</td>
<td>4</td>
<td>Key code box</td>
</tr>
<tr>
<td>Restaurant drive-through</td>
<td>6</td>
<td>Order box</td>
</tr>
<tr>
<td>Restaurant drive-through</td>
<td>4</td>
<td>Order box to pick-up window</td>
</tr>
<tr>
<td>School drop-off (public and private)</td>
<td>Determined by Planning Director</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td>Determined by Planning Director</td>
<td></td>
</tr>
</tbody>
</table>

B. Design and layout

Required stacking spaces are subject to the following design and layout standards:

1. Dimensions

Stacking spaces shall be a minimum of eight (8) feet by twenty (20) feet in size.

2. Location

Stacking spaces shall not impede on- or off-site traffic movements or movements into or out of off-street parking spaces.

3. Design
Stacking spaces shall be separated from other internal driveways by raised medians if deemed necessary by the Planning Director for traffic movement and safety.

4.1.5 Off-street loading requirements

A. Loading facilities required

1. As determined by the Planning Director, off-street loading facilities shall be required for uses that regularly handle large quantities of goods. Loading facilities shall be of sufficient quantity to adequately serve the proposed use.

2. Any vehicle sales or rental facility or similar use requiring delivery of vehicles by truck shall demonstrate adequate on-site area exists for the loading and unloading of such trucks.

3. Any convenience store or similar use requiring deliveries by truck shall demonstrate adequate on-site area exists for the loading and unloading of such trucks.

B. Design and layout

1. Loading and unloading activity shall not be permitted in any public right-of-way. In no case shall loading and unloading activity encroach on or interfere with the public use of streets, sidewalks and lanes by automotive vehicles or pedestrians. Adequate space shall be made available for the unloading and loading of goods, materials, items or stock for delivery and shipping.

2. Where off-street loading facilities are provided, they shall be not less than fifteen (15) feet in width by forty (40) feet in length, with not less than fifteen (15) feet of vertical clearance.

C. Screening

All loading areas shall be screened in accordance with Paragraph 4.3.7.C.

Sec. 4.2. Pedestrian facilities.

4.2.1 Applicability

A. All new development, including new subdivisions and new building construction, shall provide pedestrian facilities and pedestrian access in accordance with the requirements of this Section.

B. Buildings and structures lawfully existing as of the effective date of this Section, may be redeveloped, renovated, repaired or expanded without providing pedestrian facilities in conformance with this Section, provided there is no increase in gross floor area in such building or structure or impervious area on the site.

4.2.2 Types of pedestrian facilities

A. Sidewalks

Any strip or section of concrete or stone a minimum of four (4) feet in width, typically located adjacent to vehicle roadways, intended for use as a walkway for pedestrians.
B. Accessways

Accessways are strips or sections of concrete or stone a minimum of four (4) feet in width, not typically located adjacent to vehicle roadways, which provide pedestrian access to a property. Accessways are located within a dedicated public easement not less than fifteen (15) feet in width.

C. Trails

Trails are part of an alternate transportation system, consisting of strips or sections of asphalt or stone a minimum of four (4) feet in width and not typically located adjacent to vehicle roadways, which provide pedestrian access to and through property. Accessways are located within a dedicated public easement not less than fourteen (14) feet in width.

D. Walkways

Walkways are strips or sections of concrete or stone a minimum of four (4) feet in width internal to a lot, which provide pedestrian access between parking areas and sidewalks, to building entrances.

4.2.3 Sidewalks

Sidewalks shall be placed within the rights-of-way as determined by the Planning Director and as specified below.

A. Sidewalks shall be required on both sides of all arterial and collector streets.

B. Sidewalks shall be required along both sides of local streets and as needed to provide through-pedestrian access to existing or future schools, community facilities, commercial facilities, parks, greenways or streets.

C. The Planning Commission and Town Board may review each plat on its own merit as to whether additional sidewalks will be required based on anticipated pedestrian demand and analysis of surrounding conditions and land uses in the area.

D. Where sidewalks are required, the subdivider shall construct all sidewalks according to one (1) of the following placement alternatives:

1. Sidewalks shall be placed against the back of curb and have a minimum paved width of six (6) feet; or

2. Sidewalks shall be placed such that a minimum five-foot green space is maintained between the back of curb and the inside edge of the sidewalk. Sidewalk paved width shall be a minimum of four (4) feet for this location.

E. Where a combination or variation from the two (2) placement methods described in Subsection D. above is necessary or desired or that an obstruction is located within the paved area, the following criteria must be satisfied.

1. All radii in the transition section must be a minimum of ten (10) feet.

2. All transition sections must be approved by the Planning Director.
F. Walkways, a minimum of four (4) feet wide, must connect the parking areas with each entrance to the building to be served, provide interconnecting paths between the buildings and must provide connections to the sidewalk along the adjacent public streets.

G. In order to provide safe and adequate access on Town sidewalks, all sidewalks, accessways and walkways shall meet minimum clear width requirements around all obstructions, natural or manmade.

H. All sidewalks must be constructed concurrently with the street or, if the street is already constructed, prior to construction of any improvements adjacent to such street.

4.2.4 Accessways

Accessways shall be provided by subdividers in blocks over eight hundred (800) feet in length and at the end of cul-de-sacs that abut an existing or future school, park, greenway, trail, bikeway or street.

4.2.5 Trails

Trails shall be provided by subdividers in accordance with adopted Town plans. Trails may be substituted for sidewalks with the approval of the Planning Commission when it can be shown that accessibility and connection to interior and exterior destinations has been met as thoroughly or better than would a lateral sidewalk.

Sec. 4.3. Landscaping, screening and buffering.

4.3.1 Applicability

Unless specifically exempt, all proposed development shall comply with the provisions of this Section.

A. Buildings, structures and uses lawfully existing as of the effective date of this Section may be redeveloped, renovated or repaired without providing or modifying landscaping, screening and buffering in conformance with this Section, provided there is no change of use, increase in gross floor area in such building or structure or impervious area on the site.

B. The maintenance standards in Paragraph 4.3.8.B shall apply as of the effective date of this Section to all existing development and new construction.

C. Where a building, structure or use existed as of the effective date of this Section and such building or structure is enlarged in gross floor area or impervious area by ten percent (10%) or two thousand (2,000) square feet, whichever is less, landscaping, screenings and buffering as specified in this Section shall be provided.

D. Development in the TC district shall comply with the standards of this Section to the extent practical and as determined by the Planning Director.

4.3.2 Landscape plan required

A landscape plan shall be submitted in conjunction with a required site plan (see Section 7.7). The landscape treatment shall adequately detail the requirements of this Section.
4.3.3 How to use this Section

This Section is divided into the following:

Part 1. Landscaped Areas. See Subsection 4.3.4.
Part 2. Buffers. See Subsection 4.3.5.
Part 4. Screening. See Subsection 4.3.7.

Part 1.
Landscaped Areas

4.3.4 Landscaped areas

All site plans requiring landscaping in accordance with this Section shall have a landscape plan designed to provide landscaping in the following manner.

A. Twenty percent (20%) of the total lot area shall be landscaped.
B. No less than one (1) canopy tree, one (1) understory tree and two (2) shrubs shall be planted for each thousand (1,000) square feet of landscape area required. Trees need to be evenly planted throughout the landscaped area, but may be staggered or clustered as necessary to maximize visual and screening objectives and to meet the needs of the particular species of plants for root space, water, light and air circulation. At the time of planting all canopy trees shall be at least six (6) feet in height, all understory trees shall be at least four (4) feet in height and all shrubs shall be at least one (1) foot in height.
C. Landscape areas may include interior landscaping in parking lots and other vehicular use areas (see Paragraph 4.1.3.C.3.b). However, the district boundary buffer requirements of Paragraph 4.3.5.B.3 below shall be provided completely, as required, in addition to these requirements.

Part 2.
Buffers

4.3.5 Buffers

A. Buffer defined

A buffer is a specified land area, located parallel to and within the outer perimeter of a lot and extending to the lot line, together with the planting and landscaping required on the land. A buffer may also contain or be required to contain a barrier such as a berm or wall where such additional screening is necessary to achieve the desired level of buffering between various land use activities. A buffer is not intended to be commensurate with the term "yard" or "setback."

B. Buffer types
There are five (5) types of required buffers that may occur on any given parcel (for the specific width and plant material for each buffer classification, see Paragraph 4.3.5.C.2).

1. Street buffers
   a. All new development with street frontage shall provide a Class A buffer as described in 4.3.5.C below.
   b. Double frontage lots abutting streets shall provide a Class A buffer along the entire front and rear yard frontages (street yard frontages).

2. Parking buffers
   a. The perimeter of all parking areas and other vehicular use areas with frontage on any portion of an existing public right-of-way shall be screened by either a berm, a continuous landscaped hedge, a decorative masonry wall or any combination thereof.
   b. At the time of installation, such screening shall be at least thirty (30) inches in height. Any vegetative screen shall reach a maximum height of four (4) feet within two (2) years of planting.
   c. A solid wood, treated fence may be substituted for a required buffer along an alley.
   d. A compact hedge may be substituted for any individual shrubs that may be required along a street.

3. District boundary buffers
   a. Required buffers
      Perimeter compatibility is required along the boundaries of all incompatible zoning districts. The following table shall be used to determine the required buffer classification between adjacent districts.
b. Credit for existing plant material

Credit for existing plant material shall be allocated on a one-for-one basis for canopy trees, understory trees or shrubs. The size of material shall not be taken into account, except where such material is below the required minimum planting size.

4. Project boundary buffers

The following project boundary buffers have been established to mitigate the effect of specific types of development on adjacent properties. Where project boundaries coincide with district boundaries the following project boundary buffers shall apply. A project boundary buffer shall not be required along an arterial or collector.

a. Cluster residential subdivision

A buffer shall be required along all project boundaries of a cluster residential subdivision (see 2.6.6.H).

b. Planned unit development

A buffer shall be required along all project boundaries of a planned unit development. (See 2.7.1.H).

c. Manufactured home park

A buffer shall be required along all project boundaries of a manufactured home park (see Paragraph 3.3.9.E).

5. Natural feature buffer

---

**Adjacent Property District**

<table>
<thead>
<tr>
<th>SUBJECT PROPERTY DISTRICT</th>
<th>AR</th>
<th>AFT</th>
<th>ER</th>
<th>LDR</th>
<th>MDR</th>
<th>HDR</th>
<th>MU</th>
<th>HR</th>
<th>TC</th>
<th>CB</th>
<th>LI</th>
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<tbody>
<tr>
<td>AR</td>
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<td>B</td>
<td>B</td>
<td>A</td>
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</tbody>
</table>
A natural feature buffer may be required where specific natural or sensitive environmental features (stream, shoreline, drainage swale, wetland) merit the protection of such feature from the effects of erosion, pollution or other degradation. Natural feature buffers and the requirements thereof will be decided on a case by case basis and approved by the Planning Commission. (See Administrative Handbook on Land Use.)

C. Buffer classifications

1. The following table establishes the specific width and plant material for a variety buffer classifications. The applicant is free to choose from each alternative (1, 2 or 3) in the respective buffer classification. Buffers planted below overhead utility lines shall apply to any of the allowed buffer alternatives, except that understory trees shall replace any canopy trees at a rate of two (2) understory trees per required canopy tree. The plantings below are intentionally over-planted at maturity in order to provide an immediate beneficial impact.

2. As determined by the Planning Director, a wall or berm meeting the standards in Paragraph 4.3.5.H may be substituted in lieu of some of the required shrubs in buffer types A and B. A wall or berm is required in all Type C buffers.

<table>
<thead>
<tr>
<th>Class A Buffer (plants/100 linear feet)</th>
<th>10 feet</th>
<th>15 feet</th>
<th>20 feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alternative 1</td>
<td>2 canopy trees</td>
<td>2 canopy trees</td>
<td>1 canopy tree</td>
</tr>
<tr>
<td>10 feet</td>
<td>2 understory trees</td>
<td>1 understory tree</td>
<td>2 understory trees</td>
</tr>
<tr>
<td>12 shrubs</td>
<td>12 shrubs</td>
<td>10 shrubs</td>
<td>8 shrubs</td>
</tr>
</tbody>
</table>

4-20
### Class B Buffer (plants/per 100 linear feet)

<table>
<thead>
<tr>
<th>Alternative</th>
<th>Depth (feet)</th>
<th>Trees and Shrubs</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>10</td>
<td>2 canopy trees, 3 understory trees, 30 shrubs</td>
</tr>
<tr>
<td>2</td>
<td>15</td>
<td>2 canopy trees, 2 understory trees, 16 shrubs</td>
</tr>
<tr>
<td>3</td>
<td>20</td>
<td>2 canopy trees, 1 understory tree, 12 shrubs</td>
</tr>
</tbody>
</table>

### Class C Buffer (plants/per 100 linear feet)

<table>
<thead>
<tr>
<th>Alternative</th>
<th>Depth (feet)</th>
<th>Elements</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>10</td>
<td>1 wall or berm, 2 canopy trees, 3 understory trees, 12 shrubs</td>
</tr>
<tr>
<td>2</td>
<td>15</td>
<td>1 wall or berm, 2 canopy trees, 2 understory trees, 12 shrubs</td>
</tr>
<tr>
<td>3</td>
<td>20</td>
<td>1 wall or berm, 2 canopy trees, 1 understory tree, 12 shrubs</td>
</tr>
</tbody>
</table>

### D. Location of buffer

1. Buffers shall be located within the outer perimeter of a lot or parcel, parallel to and extending to the lot or parcel boundary line. Buffers shall not be located on any portion of an existing, dedicated or reserved public or private street or right-of-way.

2. Except as provided below, the required buffer shall be provided along the entire frontage abutting the existing, dedicated or reserved public or private street or right-of-way, district boundary or project boundary, as applicable.

3. A buffer may be interrupted in order to provide access (pedestrian or vehicular) to adjacent parcels or public right-of-way.

### E. Design variations

While the buffer depth is normally calculated as parallel to the property line, design variations may be permitted and are calculated on the average depth of the buffer per one
hundred (100) feet or portion of buffer. The minimum depth of the buffer at any one (1) point shall not be less than one-half (½) the required depth of the buffer chosen. Maximum depth for the purposes of installing required landscaping or receiving credit for existing vegetation shall not be more than one and one-half (1⅛) the required depth of the buffer chosen.

F. Plant and structure location within buffer

The placement of required plants and structures shall be the decision of the applicant, except that the following requirements shall be satisfied:

1. Plant materials shall be located so as to achieve the maximum level of protection. Plant material shall meet the buffer requirements every one hundred (100) feet.

2. Canopy trees shall be located no closer than five (5) feet from any structure. Understory trees shall be planted no closer than three (3) feet from any structure.

3. Buffer areas not retained in native habitat shall be seeded or sodded with lawn, established with ground cover or mulched with organic mulch. No turf grass shall be planted under the drip line of trees. Inorganic ground cover shall not exceed twenty percent (20%) of the total required area of the buffer.

G. Planting in easements

1. Any buffer area which contains wet retention ponds or drainage easements must prove to be compatible with storm water management.

2. Trees and shrubs shall be installed a minimum of five (5) feet away from the flow line of a swale.

3. Existing trees may remain in dry retention ponds provided that the natural grade is undisturbed to the tree line, species are planted that are adapted to seasonal flooding and the pond is adequately maintained.

4. Trees may be planted in underground utility easements with the Planning Director's approval, provided the root structure of the proposed tree is not anticipated to extend more than three (3) feet below the ground. Shrubs may be planted, provided they are only within the outer three (3) feet of the easement. Where such trees and shrubs are planted, the property owner shall be responsible for replacement of such required vegetation if maintenance or other utility requirements require their temporary removal.

5. A minimum of five (5) feet, or at least one-half (½) the minimum required buffer width, shall be provided outside of any required easements. The majority of buffer plantings and all structures shall be located outside the easements.

H. Permitted structures in buffer area

1. Walls

Where walls are placed within any required buffer area, they shall meet the following requirements.
a. Walls shall be a minimum of three (3) feet and a maximum of six (6) feet in height.

b. Walls shall be constructed of one (1) or a combination of the following materials: stucco over concrete block, brick, stone, split-faced block or glass block in a structurally safe and attractive condition. Alternative walls (including vinyl, EIFS or other similar systems) may be permitted with the approval of the Planning Director. No walls of exposed concrete block are permitted, whether painted or not.

c. No wall shall be located within any required drainage, utility or similar easement.

d. The applicant shall be required to demonstrate provision for access and maintenance of landscaping and the wall structure at the time of landscape plan approval.

e. Breaks in the wall may be provided for pedestrian connections to adjacent developments.

2. Berms

Where berms are placed within any required buffer area, they shall meet the following requirements.

a. Berms shall have a minimum average height of two and one-half (2½) feet with side slopes of not less than four (4) feet horizontal for each one (1) foot vertical.

b. Slopes in excess of four (4) feet horizontal for each one (1) foot vertical may be permitted if sufficient erosion control methods are taken and deemed by the Planning Director to be maintainable.

3. Fences

a. Fences in accordance with Paragraph 3.7.4.B may be constructed in a required buffer, however, no reduction in buffer width shall be provided based on the provision of a fence.

b. Fences shall be a minimum of three (3) feet and a maximum of six (6) feet in height.

c. Fences shall be constructed of high quality materials, such as treated wood and wrought iron. Chain-link fences shall not be permitted.

d. Breaks in the fence may be provided for pedestrian connections to adjacent developments.

e. Fences shall be maintained in a structurally safe and attractive condition and with finished faces and plantings located towards the adjacent property with at least one (1) upright shrub for every six (6) linear feet of fence length.

f. Any fence constructed in a buffer shall be capable of withstanding a thirty (30) pound per square foot horizontal wind load from any direction.

I. Permitted use of buffer area

A buffer area shall not be used for any principal building or use, accessory building or use, vehicle use area or storage area except as specifically permitted below.
1. A buffer may be used for passive recreation and picnic facilities; and it may contain pedestrian or bike trails, provided that:

   a. Trails may be incorporated provided adequate width (minimum fifteen [15] feet) is added to the required buffer width to accommodate both the trail and the required buffer plantings. Buffers with trails may also count toward the provision of recreation and open space for the development.

   b. No existing plant material shall be eliminated, other than nuisance exotics; and

   c. All other requirements of this Section shall be met.

2. Other appurtenances which require high visibility and easy access, such as fire hydrants, public and emergency telephones, mail boxes and bus shelters or benches, are also permitted in a buffer. No screening of such appurtenances shall be required.

3. A required buffer is encouraged to retain areas of native habitat and may incorporate water resources including stormwater detention or retention facilities. However a minimum ten-foot contiguous width of the buffer shall be preserved as a planting area without stormwater facilities.

J. Ownership of buffers

Buffers may remain in the ownership of the original applicant; they may be subjected to deed restrictions and subsequently be freely conveyed; or they may be transferred to any consenting grantees, such as the Town, a land conservancy or land trust or homeowners’ association. Any such conveyance shall adequately guarantee the protection and maintenance of the buffer in accordance with the provisions of this Section.

K. Alternative compliance

1. The buffer requirements may be modified by the Planning Commission upon a finding that a modification would be consistent with the purpose of this Section and the adopted plans and policies of the Town; that such modification would not adversely affect the land use compatibility or public interest; and that the subject parcel or modified buffer complies with one (1) or more of the following criteria:

   a. The buffer is parallel and adjacent to an existing utility or drainage easement of at least one hundred (100) feet in width;

   b. The buffer is between uses that are to be developed under a common development plan or series of development plans;

   c. The buffer is adjacent to a property that has a joint use agreement with the subject parcel;

   d. The buffer is parallel and adjacent to an existing railroad right-of-way; or

   e. The topography of the parcel is such that buffering would not be effective.

2. Financial hardship due to meeting the requirements of this Section shall not be sufficient justification for alternative compliance.
Part 3.
Street Yard Trees

4.3.6 Street yard trees

A. Street yard trees shall be required along all streets at the rate of one (1) canopy tree per lot or one (1) canopy tree for every forty (40) linear feet (spaced a maximum of fifty [50] feet apart).

B. All street yard trees shall be a minimum of one and one-half (1½) inches in diameter and at least six (6) feet tall at time of planting and shall be planted no less than five (5) feet or more than fifteen (15) feet from the back of the sidewalk. The crown shall be in good balance with the trunk.

C. Credit shall be provided for any existing tree with a minimum diameter of four (4) inches that is preserved within the planting strip at a rate of one (1) preserved tree for two (2) required street yard trees.

D. Double frontage lots abutting a collector street shall provide a Class A buffer along the entire rear yard frontage as well as the street yard frontage.

Part 4.
Screening

4.3.7 Screening

A. Drive-through facilities

Drive-through windows and lanes shall be designed to adhere to the following standards:

1. Drive-through windows and lanes placed between the right-of-way and the associated building shall require landscape plantings installed and maintained along the entire length of the drive-through lane, located between the drive-through lane and the adjacent right-of-way.

2. Such screening shall be a compact evergreen hedge or other type of dense foliage. At the time of installation, such screening shall be at least thirty-six (36) inches in height and shall reach a height of forty-eight (48) inches within two (2) years of planting.

3. No drive-through window shall be permitted on the side of a building adjacent to any residential district.

B. Service areas

1. Trash collection, trash compaction, recycling collection and other similar service areas shall be located on the side or rear of the building and shall be effectively screened from view from residential properties or public rights-of-way.

2. Screening enclosures shall be fully enclosed by opaque walls or fences at least eight (8) feet high with self-closing access doors and shall be constructed of the same materials as the primary building.
3. All service areas shall be limited to the area shown on an approved site plan.

4. All service areas shall be located a minimum of fifty (50) feet away from any residentially-zoned property line.

C. Loading areas

Loading areas shall be subject to the following screening requirements:

1. Provide a minimum one hundred percent (100%) year-round screen of all loading areas visible from residential properties or public rights-of-way.

2. This screen shall consist of berms, walls, fences, plant material or combination totaling eight (8) feet in height at installation or completion of construction. Wall or fence materials shall be compatible with the primary structure.

3. Loading docks not in an LI district shall be located at the side or rear of buildings a minimum of fifty (50) feet away from any residentially-zoned property, unless the loading area is wholly within a closed building.

D. Mechanical equipment

1. All roof, ground and wall-mounted mechanical equipment (e.g., air handling equipment, compressors, duct work, transformers and elevator equipment) shall be screened from view from residential properties or public rights-of-way at ground level of the property line.

2. Roof-mounted mechanical equipment shall be shielded from view on all sides. Screening shall consist of materials consistent with the primary building materials and may include metal screening or louvers which are painted to blend with the primary structure.

3. Wall or ground-mounted equipment screening shall be constructed of:
   a. Planting screens;
   b. Brick, stone, reinforced concrete or other similar masonry materials; or
   c. Redwood, cedar, preservative pressure treated wood or other similar materials.

E. Utilities

Above-ground utilities and appurtenances to underground utilities which require above-ground installation shall be screened by a continuous planting of shrubs, with a minimum mature height equal to that of the utility structure. Required accessways to these utilities are exempt from the screening provisions.

F. Fencing and walls

Fences and walls shall comply with the requirements of 3.7.4.B.
Part 5.
General Landscaping, Screening and Buffering Provisions

4.3.8 General provisions

A. Design, installation and establishment

1. Plant material

   a. Plant material shall be chosen from the lists of recommended plant species maintained by the Planning Director. Plant materials shall be reviewed for suitability with regard to the eventual size and spread, susceptibility to diseases and pests and appropriateness to existing soil, climate and site conditions. Plant materials that vary from this list may be used with the approval of the Planning Commission.

   b. The preferred plant list shall be used to define the species of trees and shrubs deemed to be canopy trees, understory trees and shrubs. The lists may be expanded but are intended to provide guidance in selecting predominately hardy Colorado native species.

   c. Any plant material listed by Mesa County as a noxious weed or invasive species will not be allowed.

2. Cold hardy and drought tolerant plants

   Plantings shall be cold hardy for the specific location where they are to be planted. Trees and shrubs shall be drought tolerant and able to survive on natural rainfall once established with no loss of health.

3. Soils

   Planting areas shall have uncompacted soil that is a minimum of twelve (12) inches deep. Soils shall be appreciably free of gravel, stones, rubble or trash. All compacted soil, contaminated soil or road base fill shall be removed.

4. Irrigation

   Irrigation systems shall be provided to ensure survival of required plantings and planting areas.

5. Issuance of certificate of occupancy

   The Building Official may not issue a permanent certificate of occupancy for an approved site plan or part thereof, until all seeding, trees and plant material have been placed in accordance with the approved site plan and requirements of this Section. A temporary certificate of occupancy may be issued for a period of thirty (30) days under circumstances that would affect the seeding and planting of the site or until the proper planting season is reached to complete the landscaping requirements and may be extended up to ninety (90) days upon request to the Building Official. All yards and areas facing public rights-of-way shall be landscaped (either lawn or xeriscape) within six (6) months of issuance of any certificate of occupancy. Responsibility of compliance with the terms of this Section may be undertaken by the subdivider, a homeowners'
association or lot owner but will be spelled out as a part of the subdivision improvement or development improvement agreement as well as any covenants for the subdivision.

B. Requirements for maintaining planted areas

1. Responsibility

Unless otherwise designated by covenants, the responsibility for maintenance of a planted area shall remain with the owner, his or her successors, heirs, assignees or any consenting grantee. Maintenance is required in order to ensure the proper functioning of a planted area.

a. Maintenance

(i) All plantings shall be maintained in an attractive and healthy condition. Maintenance shall include, but not be limited to, watering, mulching, fertilizing, pest management, mowing, weeding, removal of litter and dead plant material and necessary pruning and trimming.

(ii) Necessary pruning and trimming shall be in accordance with the American National Standards for Tree Care Operations: Tree, Shrub and Other Woody Plant Maintenance – Standard Practices (Pruning).

(iii) Dead or diseased plantings shall be removed. Replacement plantings shall be provided for any required plants which die or are removed for any reason and shall meet all minimum standards and conform to these regulations.

(iv) Natural water courses shall be maintained in a natural condition.

(v) A water source shall be supplied within fifty (50) feet of any planting requiring continuing watering. Where non-native or nondrought tolerant native vegetation is incorporated an irrigation system shall be required. Irrigation systems shall meet the standards of the Town.

(vi) Landscape structural features such as walls, fences, berms or water features shall be maintained in a structurally safe and attractive condition.

(vii) Where other uses exist, including pedestrian, bike or other trails, these uses shall be maintained to provide for their safe use.

b. Failure to maintain

In the event that any owner of a planted area fails to maintain the planted area according to the standards of this Section, the Town shall have the right to recover the cost of enforcement, including reasonable attorney fees. The Town may also, following reasonable notice and a demand that deficiency of maintenance be corrected, enter the planted area to take maintenance action. The cost of such maintenance, including administration fees equal to ten percent (10%) of such costs shall be paid by the party primarily responsible for such maintenance and any unpaid assessments shall become a tax lien on said properties. In such cases the Town shall file a notice of such lien in the office of the Mesa County Clerk and Recorder upon the property affected by such lien and shall certify such unpaid assessments to the
Mesa County Board of County Commissioners and the Mesa County Treasurer for collection, enforcement and remittance in the manner provided by law for the collection, enforcement and remittance of general property taxes, as authorized by Section 31-20-105, C.R.S.

2. Credit for existing plant material
   a. Required planting areas shall incorporate existing natural vegetation to the maximum extent feasible. Prior to disturbance of a required planting area approval shall be obtained from the Town. Where existing vegetation is inadequate to meet the required planting standards, additional plant material shall be required.
   b. The retention of existing, noninvasive non-noxious vegetation shall be maximized within proposed planting areas. Existing native habitat or vegetation located within a planting area that meets the requirements of this Section may be counted, provided such plant material meets the minimum standards of this Section. If the existing vegetation has been credited and is subsequently removed or dies, it shall be replaced with the appropriate planting material.

3. Tree protection during construction
   Existing trees specified on the landscape plan to remain on the site as a function of fulfilling the purpose of this Section shall be protected from vehicular movement and material storage over their root spaces during the following construction. An undisturbed area with a porous surface shall be reserved around a tree, based on dbh of the tree as follows, and with no protective distance less than four (4) feet from the base of the tree.

<table>
<thead>
<tr>
<th>Trunk Diameter</th>
<th>Area Required</th>
<th>Radius</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 – 10 inches</td>
<td>80 sq. ft.</td>
<td>4.5 ft.</td>
</tr>
<tr>
<td>11 – 16 inches</td>
<td>180 sq. ft.</td>
<td>7.5 ft.</td>
</tr>
<tr>
<td>17 – 20 inches</td>
<td>320 sq. ft.</td>
<td>9 ft.</td>
</tr>
<tr>
<td>21 inches plus</td>
<td>340 sq. ft.</td>
<td>9.5 ft.</td>
</tr>
</tbody>
</table>

Sec. 4.4. Outdoor lighting.

4.4.1 Applicability
   A. All new development shall comply with the standards of this Section.

   Buildings, structures and uses lawfully existing as of the effective date of this Section, may be redeveloped, renovated or repaired without modifying outdoor lighting in conformance with this Section, provided there is no change of use, increase in gross floor area in such building or structure or impervious area on the site.

   B. Where a building, structure or use existed as of the effective date of this Section and such building is enlarged in gross floor area or impervious area on the site by ten percent (10%) or two thousand (2,000) square feet, whichever is less, outdoor lighting as specified in this Section shall be provided.
C. Exemption

The following shall be exempt from the outdoor lighting requirements of this Section:

1. Fixtures (luminaries) utilizing incandescent lamps (bulbs) with less than one thousand (1,000) initial lumen output.

   Commentary: A sixty (60) watt incandescent light bulb has an initial lumen output of about one thousand (1,000) lumens. This exemption covers the typical exterior residential light fixture; almost all such fixtures recommend (on the box) use of a maximum sixty (60) watt incandescent bulb.

2. Public recreational playfield lighting; and

3. Lighting with more than one thousand (1000) initial lumen may be allowed with an active or activated motion sensor.

4.4.2 Prohibited light sources

The following light fixtures and sources shall not be used within the Town where the direct light emitted is visible from adjacent areas:

A. Low-pressure sodium and mercury vapor light sources;

B. Cobra-head-type fixtures having dished or drop lenses or refractors which house other than incandescent sources; and

C. Searchlights and other high-intensity narrow-beam fixtures.

4.4.3 Design requirements

Outdoor lighting shall primarily be used to provide safety while secondarily accenting key architectural elements and to emphasize landscape features. Light fixtures shall be designed as an integral design element that complements the design of the project. This may be accomplished through style, material or color. All lighting fixtures designed or placed so as to illuminate any portion of a site shall meet the following requirements:

A. Fixture (luminaire)

   The light source shall be concealed and shall not be visible from any street rights-of-way or adjacent properties. In order to direct light downward and minimize the amount of light spillage into the night sky and onto adjacent properties, all lighting fixtures shall be full cutoff fixtures.
B. Fixture height

Lighting fixtures shall be a maximum of thirty (30) feet in height within parking areas and shall be a maximum of fifteen (15) feet in height within non-vehicular pedestrian areas. All light fixtures located within fifty (50) feet of any residential use or residential property boundary shall not exceed fifteen (15) feet in height.

C. Light source (lamp)

Only incandescent, fluorescent, metal halide or color corrected high-pressure sodium may be used. The same light source type shall be used for the same or similar types of lighting on any one (1) site throughout any development.

D. Mounting

Fixtures shall be mounted in such a manner that the cone of light is contained on-site and does not cross any property line of the site.

E. Limit lighting to periods of activity

The use of sensor technologies, timers or other means to activate lighting during times when it will be needed may be required by the Planning Director to conserve energy, provide safety and promote compatibility between different land uses.

4.4.4 Specific standards

A. Security lighting

1. Building-mounted security light fixtures such as wall packs shall not project above the fascia or roof line of the building and shall be shielded.

2. Security fixtures shall not face a residential property.

3. Security fixtures shall not be substituted for parking area or walkway lighting and shall be restricted to loading, storage, service and similar locations.

B. Accent lighting

Only lighting used to accent architectural features, landscaping, art or that employs a particular historic and thematic style as preferred by the Comprehensive Plan such as Victorian lamp posts, may be directed upward.

C. Canopy area lighting

All development that incorporates a canopy area over fuel sales, automated teller machines or similar installations shall use a recessed lens cover flush with the bottom surface of the canopy that provides a cutoff or shielded light distribution.

D. Tear sheets required

Tear sheets for all lighting fixtures (luminaries) to be installed on site shall be required.

4.4.5 Entrances and exits in nonresidential and multifamily development
All entrances and exits to buildings used for nonresidential purposes and open to the general public, along with all entrances and exits in multifamily residential buildings, shall be adequately lighted to ensure the safety of persons and the security of the building.

**4.4.6 Commercial parking area lighting**

All commercial parking areas shall be required to provide lighting during nighttime hours of operation.

**4.4.7 Excessive illumination**

A. Lighting within any lot that unnecessarily illuminates and interferes with the use or enjoyment of any other lot is prohibited. Lighting unnecessarily illuminates another lot if it clearly exceeds the requirements of this Section or if the standard could reasonably be achieved in a manner that would not interfere with the use or enjoyment of neighboring properties.

B. Lighting shall not be oriented so as to direct glare or excessive illumination onto streets in a manner that may distract or interfere with the vision of drivers on such streets.

C. All lighting, including any exterior floodlights, shall be shielded so that substantially all emitted light falls within the property line of the property from which the light emanates.

D. Illumination using bare illuminated tubing or strings of lights that completely outline or define property lines, sales areas, roofs, doors, windows or similar areas in a manner that is not primarily for safety purposes is prohibited, except for temporary holiday displays.

E. All lighting fixtures used to illuminate an off-street parking area shall be arranged so as to direct or shield the light away from any adjoining residential premises.

F. Lighting used to illuminate commercial sites and parking areas shall be arranged, located or screened to direct light away from any adjoining or abutting residential district or use or any street rights-of-way.

**Sec. 4.5. Building design.**

**4.5.1 Purpose**

The purpose of this Section is to provide interest in design, articulation and human scale to the façade of a building.

**4.5.2 Applicability**

This Section shall apply to the construction, renovation or redevelopment of:

A. Nonresidential structures, outside of the LI district, visible from the public right-of-way with a gross floor area of more than three thousand (3,000) square feet;

B. Multifamily structures; and

C. Residential and nonresidential multibuilding complexes.

**4.5.3 General**
A. Architectural styles and materials for all structures shall be complementary to that of historic structures (fifty [50] years and older) found in the Town.

B. Use of standard, off-the-shelf corporate image architecture is prohibited.

C. Design for buildings within multibuilding complexes shall exhibit a unity of design through the use of similar elements such as rooflines, materials, window arrangement, sign location and details.

4.5.4 Façades

A. All nonresidential street façades may be constructed of the following materials:

1. Masonry including brick, stucco, architectural concrete, hardiplank or similar siding or stone;

2. Wood;

3. Non-corrugated metal (for beams, lintels, trim elements and ornaments); or

4. Glass (no more than eighty percent [80%] of any façade).

B. Asbestos shall be prohibited on all primary façades and mansard roofs.

C. Corrugated metal may compose a maximum of fifty percent (50%) of any façade that faces any public right-of-way.

D. Any side or rear wall facing a street, residential zoning district or public or semipublic area shall consist of the same facing materials as the building front.

4.5.5 Building articulation standards

A. Façades greater than one hundred (100) feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a minimum depth of three percent (3%) of the length of the façade and comprising a minimum of twenty percent (20%) of the length of the façade. No uninterrupted length of any façade shall exceed one hundred (100) horizontal feet.
B. Ground floor façades that face public rights-of-way shall have arcades, display windows, entry areas, awnings or other such features along a minimum of sixty percent (60%) of their horizontal length.

C. No wall section shall extend for a distance greater than three (3) times its height without a change in elevation of a minimum of fifteen percent (15%) of such height. This height change shall continue for a minimum of twenty-five percent (25%) of the length of either adjacent plane.

4.5.6 Blank wall area

A. Blank wall areas on building façades on nonresidential buildings facing a public right-of-way shall extend a maximum of fifteen (15) feet in the vertical direction or thirty (30) feet in the horizontal direction.

Sec. 4.6. Access management.

4.6.1 Access required

A. Except as provided in Paragraph B below, no principal building, structure or use may be erected or established on any lot which does not abut at least thirty (30) feet, twenty-five (25) feet for townhouse lots, on a street constructed to the standards of the Town and dedicated as a public street to the Town or the State.

B. The Planning Director may authorize, in specific situations, the erection or establishment of a principal building, structure or use on a lot not meeting these requirements if it is clear that adequate provision for access for the type and intensity of the use proposed has been or will be provided, and there are special circumstances, such as the rural nature of the lot and area, or in the case of a nonresidential use, that an easement has been recorded guaranteeing accessibility, that make the application of these requirements to the proposed use not feasible or undesirable.

4.6.2 Access to major arterials
A. Whenever a subdivision that involves the creation of one (1) or more new streets borders on or contains an existing or proposed major arterial, no direct driveway access may be provided from lots within the subdivision onto this street.

B. When a lot or development borders on or contains an existing or proposed arterial or collector, driveway access between the lot and the arterial shall be located not closer than one hundred (100) feet to the nearest centerline of any other proposed or existing driveway access along the same side of the thoroughfare.

C. Approval of driveway access between a lot and the thoroughfare at an interval less than those specified above may be granted only by review and recommendation of the Planning Director.

D. The driveway access provisions shall not be applicable to any subdivision lot where:

   1. The effect of such application would be to deprive the lot of reasonable access; or

   2. The size of the parcel being subdivided or lack of frontage on the thoroughfare makes the alternatives above not feasible.

E. No planning clearance permit or certificate of occupancy may be issued until the major arterial access requirements of this Section have been met.

### 4.6.3 Access to minor arterials

All access to minor arterials shall occur in accordance with the following:

A. Provision of a frontage road

   Lots may take direct access onto a frontage road.

B. Provision of cul-de-sacs

   Lots may take indirect access by fronting on cul-de-sacs.

C. Change of lot orientation

   Lots may front on a parallel residential street.

### 4.6.4 Driveways

A. Residential driveways

   Residential driveway access to and from streets shall be constructed in accordance with Town standards and with the specifications as outlined below:

   1. Width of driveway

      The width of a residential driveway serving a single-family residence shall be no less than ten (10) feet. The width of a residential driveway serving more than one (1) residence shall be no less than eighteen (18) feet. No residential driveways shall have a width of more than twenty-four (24) feet at the curb and extending to a point no less than
five (5) feet behind the sidewalk. When two (2) residential driveways coincide along a property line, the maximum width shall not exceed twenty-four (24) feet.

2. Curb radius

Residential driveway approaches shall have minimum curb radius of five (5) feet.

3. Number of driveway access points

The number of residential driveway access points servicing any lawful lot should be limited to one (1) unless otherwise approved by the Planning Director; however, in no instance shall there be more than two (2) residential driveway access points servicing the lot.

4. Location of driveway access points

Residential driveways shall be spaced at least twenty (20) feet from any other driveway on the same lot, but not nearer than three and one-half (3½) feet to any lot line, except where two (2) residential driveways coincide along the same lot line. The minimum corner clearance from the curb line or edge of pavement of intersecting streets shall be at least twenty (20) feet from the point of tangency of the radius curvature or twenty (20) feet from the intersection of right-of-way lines, whichever is greater.

5. Elevation

Driveways shall be graded so that the driveway at the back of the sidewalk or property line is at least as high as the adjacent top of curb. If the site served by the driveway is lower than the road, then the driveway may have a grade break and slope down once the curb elevation is obtained. Driveways and other areas of access to a structure shall be sloped so as to prevent the runoff of surface water into any structure, including garage and carport areas.

B. Nonresidential driveways

1. Number of driveways

a. The number of driveway access points may be restricted where it is necessary for purposes of decreasing traffic congestion or hazards. These restrictions may include required common access points. The Town Attorney shall approve the recordable documents for all required common access points.

b. Outparcels shall take access from within the development, where possible.

2. Curb radius

Nonresidential driveway approaches shall have a minimum curb radius of fifteen (15) feet.

3. Emergency access

Emergency access drives shall be a minimum of twenty-four (24) feet in width.

4.6.5 Multiple entrances required
In order to accommodate emergency and service vehicles, the following standards shall apply.

A. Any residential subdivision of greater than fifteen (15) lots shall include at least two (2) access points. The second access may consist of a stub street.

B. Any residential subdivision of greater than forty (40) lots shall include at least two (2) access points. Stub streets shall not be considered part of the two (2) access points. No more than seventy-five (75) certificates of occupancy may be issued within the subdivision until the required secondary access has been constructed or bonded for construction.

C. A waiver pursuant to Paragraph 7.6.7.A.6 of these standards may be allowed by the Town Board during approval of the preliminary subdivision plat only in extreme cases where limited frontage, natural features (slope, topography) or similar circumstances preclude the required connections and there is no substantial impact noted regarding emergency service delivery.

4.6.6 Driveway location

A. Minimum driveway separation from street intersections shall be as follows:

<table>
<thead>
<tr>
<th>Intersecting Street</th>
<th>Freeway</th>
<th>Arterial</th>
<th>Collector</th>
<th>Local</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Major</td>
<td>Minor</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Major Arterial</td>
<td>200'</td>
<td>175'</td>
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<td>100'</td>
</tr>
<tr>
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<td>150'</td>
<td>125'</td>
<td>90'</td>
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<tr>
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<td>60'</td>
</tr>
<tr>
<td>Local</td>
<td>150'</td>
<td>100'</td>
<td>70'</td>
<td>60'</td>
</tr>
</tbody>
</table>

B. Driveways shall be separated from each other as follows:

1. The standards of Paragraph 4.6.6.A shall not apply to the following uses on collector streets: two-family houses (duplexes); multifamily dwellings with a maximum of four (4) units; or townhouses.

2. Driveway separation shall be measured from the center of the driveway to the center of the intersecting street. This shall not be interpreted as prohibiting the use of a shared driveway.

4.6.7 Divided entrances required

Where the Town Board determines it is necessary, a divided entrance shall be required for a subdivision or development. Where a divided entrance is credited as two (2) access points, the divided entrance shall be four (4) travel lanes from the intersection with the public road system to the first intersection within the development.

4.6.8 Nonresidential driveway access to adjacent development

A. Driveway connections to adjacent development shall be provided and clearly identified. All driveway connections shall be constructed and stubbed, and future development of adjacent property shall complete a connection to any existing stub.
B. Access easements may be required to ensure out parcels or adjacent developments have adequate access if ownership patterns change.

C. The Planning Commission or Town Board may waive the requirement for a driveway connection required above in those cases where unusual topography or site conditions would render such an easement of no benefit to adjoining properties.

D. The Planning Commission or Town Board may approve the closure of driveway access in those cases where adjoining parcels are subsequently developed with a residential use.

4.6.9 Shared access

A shared access easement may be required between adjacent lots fronting on arterial and collector streets in order to minimize the total number of access points along those streets and to facilitate traffic flow between lots. The location and dimensions of such easement shall be determined by the Planning Commission and reviewed by the Town Attorney.

4.6.10 Closure or relocation of existing access points

The Planning Commission or Town Board, in conjunction with CDOT, shall have the authority to require the closure or relocation of existing access points where multiple access points to the site are available.

4.6.11 Corner setbacks and intersection visibility (safe sight triangle)

A. No fence, wall, hedge, landscaping, sign or other material or structure that will obstruct vision between a height of three (3) feet and eleven (11) feet shall be erected, placed or maintained within the triangular area formed by an imaginary line starting at the point of intersection of property lines and extending twenty-five (25) feet along street pavement edges from their point of intersection, to a point twenty-five (25) feet from their point of intersection, as shown below.

B. Those legs of the safe sight triangle which extend along a driveway or alley may be reduced to fifteen (15) feet at the discretion of the Planning Director.

C. Visibility triangle requirements may be increased when deemed necessary for traffic safety.

4.6.12 Fire protection

A. Applicability
Fire hydrants and protection facilities shall be installed in all subdivisions, planned developments, manufactured home parks, multifamily developments and nonresidential developments.

B. Fire protection standards

Fire hydrants and protection facilities shall comply with the following standards:

1. Fire flows shall comply with the most recent edition of the International Fire Code.

2. In the case of single-family or duplex residential development, one- or two-story motels, hotels or multifamily dwellings or mobile home parks, hydrants shall be installed at intervals not to exceed five hundred (500) feet with a minimum main size of six (6) inches.

3. In the case of business or industrial development and other developments excluding that described in Paragraph 4.6.12.B.2 above, hydrants shall be installed at intervals not to exceed three hundred (300) feet with a minimum main size of eight (8) inches.

4. In the case of a building which will provide standpipe and/or sprinkler systems, a fire hydrant shall be installed within one hundred fifty (150) feet of the exterior fire department connection with a minimum main of eight (8) inches.

5. In the case of high hazard areas or intense development, spacing of hydrants and sizing of mains shall be determined after computing required fire flows.

6. All fire hydrants shall deliver the required fire flows with a residual pressure of twenty (20) psi.

7. A gridded or looped hydrant supply system shall be used wherever possible. When such is not practical as determined by the Fire Chief, the dead-end line may not exceed one thousand (1,000) feet, and all fire flow standards shall apply.

8. Uniform marking of fire hydrants shall be consistent with the requirements of the Fire Chief.

Sec. 4.7. Floodplain regulations.

4.7.1 General provisions and applicability

A. Purpose

The purpose of this Section is to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life and health;

2. Minimize expenditure of public money for costly flood control projects;

3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;

5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

6. Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such manner as to minimize future flood blight areas;

7. Ensure that potential buyers are notified that property is in a flood area; and

8. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

B. Applicability

This Section shall apply to all areas of special flood hazard within the jurisdiction of the Town. No structure or land shall be located, altered or have its use changed without full compliance with the terms of this Section and other applicable regulations.

C. Findings of fact

1. The flood hazard areas of the Town are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

2. These flood losses are created by the cumulative effect of obstructions in floodplains, which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, flood proofed or otherwise protected from flood damage.

D. Floodplain development permit required

Approval of a floodplain development permit pursuant to the requirements of Section 7.13 shall be required prior to any development, as defined in Section 4.7, to ensure conformance to the provisions and requirements of this Section.

E. Methods of reducing flood losses

In order to accomplish its purposes, this Section uses the following methods:

1. Restrict or prohibit uses that are dangerous to health, safety or property in the times of flood or that cause excessive increases in flood heights or velocities;

2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

3. Control the alteration of natural floodplains, stream channels and natural protective barriers, which are involved in the accommodation of floodwaters;

4. Control filling, grading, dredging and other development which may increase flood damage; and
5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

F. Basis for establishing areas of special flood hazard

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Mesa County, Colorado and Incorporated Areas," dated July 6, 2010, with accompanying flood insurance rate maps (FIRM) and flood boundary-floodway maps and any revision thereto, are adopted by reference and declared to be a part of this Section.

G. Abrogation and greater restrictions

This Section is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where the requirements of this Section and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

H. Interpretation

In the interpretation and application of this Section, all provisions shall be:

1. Considered as minimum requirements;

2. Liberally construed in favor of the Town Board; and

3. Deemed neither to limit nor repeal any other powers granted under State statutes.

I. Warning and disclaimer of liability

The degree of flood protection required by this Section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by manmade or natural causes. This Section does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This Section shall not create liability on the part of the Town or any officer or employee of the Town for any flood damages that result from reliance on this Section or any administrative decision lawfully made under this Section.

J. Duties and responsibilities of the Town per floodplain administration

1. Notify, in riverine situations, adjacent communities and the Colorado Water Conservation Board prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency.

2. When base flood elevation data has not been provided, the Town shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source in order to administer the provisions of this Section.

3. Where base flood elevations are utilized in any Zone A, obtain and maintain records of the lowest floor and flood proofing elevations for new and substantially improved construction.
4. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

5. Require all new and substantially improved residential structures within A1-30, AE and AH Zones to have their lowest floor elevated or flood proofed to or above the base flood elevation.

K. Violations

The failure of a structure or other development to be fully compliant with the standards of this Section shall be a violation of this LDC. A structure or other development without the elevation certificate, other certifications or other evidence of compliance required by this Section and pursuant to the National Flood Insurance Program regulations is presumed to be in violation until such time as that documentation is provided. See also Section 9.1.

L. Floodplain development variance

Variance to the requirements of this Section may be approved pursuant to the requirements of Subsection 7.13.1.

4.7.2 General standards

In all areas of special flood hazard, the following standards are required:

A. Anchoring

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure and capable of resisting the hydrostatic and hydrodynamic loads.

2. All manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces. Specific requirements may be:

   a. Over-the-top ties be provided at each of the four (4) corners of the manufactured home, with two (2) additional ties per side at intermediate locations, with manufactured homes less than fifty (50) feet long requiring one (1) additional tie per side;

   b. Frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points, with manufactured homes less than fifty (50) feet long requiring four (4) additional ties per side;

   c. All components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds; and

   d. Any additions to the manufactured home be similarly anchored.

B. Construction materials and methods
1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage; and

3. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

C. Utilities

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

2. New and replacement sanitary sewer systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge; and

3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

D. Subdivision proposals

1. All subdivision proposals shall be consistent with the need to minimize flood damage;

2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

4. Base flood elevation data shall be provided for subdivision proposals and other proposed developments which contain at least fifty (50) lots or five (5) acres (whichever is less).

4.7.3 Specific standards

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Paragraph 4.7.1.F or Subsection 7.13.1, the following provisions are required:

A. Nonresidential construction

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

1. Be flood proofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water;

2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this Subsection. Such certifications shall be provided to the official as set forth in 6.4.3.C.

B. Openings in enclosures below the lowest floor

For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

1. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided;

2. The bottom of all openings shall be no higher than one (1) foot above grade;

3. Openings may be equipped with screens, louvers or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

C. Manufactured homes

1. Manufactured homes shall be anchored in accordance with Paragraph 4.7.2.A.2.

2. All manufactured homes or those to be substantially improved shall conform to the following requirements:

   a. Require that manufactured homes that are placed or substantially improved on a site: (1) outside of a manufactured home park or subdivision, (2) in an expansion to an existing manufactured home park or subdivision, or (3) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

   b. Require that manufactured homes to be placed or substantially improved on sites in existing manufactured home parks or subdivisions that are not subject to the provisions in Subparagraph 1 above be elevated so that either the lowest floor of the manufactured home is at or above the base flood elevation or the manufactured home chassis is supported by reinforced piers or other foundation elements that are not less than thirty-six (36) inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

D. Recreation vehicles

Require that recreational vehicles either:

1. Be on the site for fewer than one hundred eighty (180) consecutive days;
2. Be fully licensed and ready for highway use; or

3. Meet the permit requirements and elevation and anchoring requirements for resisting wind forces.

4.7.4 Floodways

Located within areas of special flood hazard established in Paragraph 4.7.1.F are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following shall apply:

A. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway, unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachments shall not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

B. If Paragraph 4.7.4.A is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this Section.

Sec. 4.8. Mandatory homeowners' associations.

4.8.1 General

Under the Colorado Common Interest Ownership Act of 1998 (CCIOA), planned residential communities may be required to comply with provisions of CCIOA and therefore, form a mandatory homeowners' association. When a subdivision or development contains any physical facilities, structures, improvements, systems, areas or grounds held in common and necessary or desirable for the welfare of the area or subdivision, or that are of common use or benefit and that are not or cannot be satisfactorily maintained by the Town or another public agency, adequate provision shall be made for the establishment and creation of a mandatory homeowners' association or similar legal entity to assume and be responsible for the continuous and perpetual operation, maintenance and supervision of such facilities, structures, improvements, systems, areas or grounds.

4.8.2 Legal instrument

A. The applicant shall submit a legal instrument:

1. Establishing a plan for the use and permanent maintenance of the common areas and facilities;

2. Demonstrating that the association or similar legal entity is self-perpetuating and adequately funded to accomplish its purposes;

3. Providing the Town and other governmental authorities with written permission for access at any time without liability when on official business; and

4. Permitting the Town to remove obstructions if necessary for emergency vehicle access and assess the cost of removal to the owner of the obstruction.
5. Drafted by a licensed attorney

B. The instrument must be approved as to legal form by the Town Attorney prior to any plat recordation and shall be recorded at the same time as the plat.

4.8.3 Responsibilities

Homeowners' associations or similar legal entities that are responsible for the maintenance and control of open space shall be established in such a manner that:

A. Provision for the establishment of the association or similar entity is made before any lot in the development is sold or any building occupied;

B. The association or similar legal entity has clear legal authority to maintain and exercise control over such open space and facilities; and

C. The association or similar legal entity has the power to compel contributions from residents of the development to cover their proportionate shares of the costs associated with the maintenance and upkeep of such common areas and facilities.

Sec. 4.9. Signs.

4.9.1 Purpose and intent

Signs are herein regulated in the interest of promoting traffic safety, safeguarding the public health, facilitating police and fire protection, preventing adverse community appearance and overcrowding of the land and protecting the character of the area in which they are located. This Section is intended to prevent their over-concentration, improper placement and excessive height, bulk and area in order to maximize sign legibility and effectiveness, while at the same time preserving community scenic, economic and aesthetic values.

4.9.2 Common signage plan

A. When required

A common signage plan shall be provided for all complexes. (See Section 3.2 for more information)

B. Elements of a common signage plan

An application for a common signage plan shall be filed with the Planning Director by utilizing the same form used for other sign permits. In addition, the applicant shall indicate the standards of consistency of all signs on the subject property with regard to:

1. Colors: a maximum of four (4), including white, may be used. Federal and State registered trademarks may be employed in addition to the specified colors, but may not exceed twelve (12) square feet in copy area;

2. Letter/graphics style;

3. Location of each sign;

4. Materials used in sign construction;
5. Maximum dimensions and proportion;
6. Limitation in number of freestanding signs to one (1) per street frontage; and
7. Other restrictions imposed by the applicant.

4.9.3 Sign types

<table>
<thead>
<tr>
<th>Sign Category</th>
<th>Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>• On-Premises Signs</td>
<td>4.9.5.A</td>
</tr>
<tr>
<td>• Wall/Fascia</td>
<td>4.9.5.A.1</td>
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<tr>
<td>• Projecting</td>
<td>4.9.5.A.2</td>
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<td>• Prohibited Signs</td>
<td>4.9.7</td>
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4.9.4 General sign regulations

A. Area computation of individual signs

The area of a sign face (which is also the sign area of a wall sign or other sign with only one [1] face) shall be computed by means of the smallest rectangle that will encompass the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, base, bracing or decorative fence or wall when such fence or wall otherwise meets the regulations of this LDC and is clearly incidental to the display itself. For a single wall, all pieces of information or other graphic representations on that wall shall be measured as though part of one (1) sign, encompassed within one (1) rectangle, which may not exceed the maximum permitted sign area.
B. Area computation of multifaced signs

1. Where the sign faces of a double-faced sign are parallel or the interior angle formed by the faces is sixty (60) degrees or less, only one (1) display face shall be measured in computing sign area. If the two (2) faces of a double-faced sign are of unequal area, the area of the sign shall be the area of the larger face.

2. In all other cases, the areas of all faces of a multifaced sign shall be added together to compute the area of the sign. Sign area of multifaced signs is calculated based on the principle that all sign elements that can be seen at one (1) time or from one (1) vantage point shall be considered in measuring that side of the sign.

C. Sign height computation
The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of: existing grade prior to construction; or newly established grade after construction, exclusive of any filling, berming, mounding or excavating solely for the purpose of locating the sign. In cases where the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the site, whichever is lower.

D. Construction standards

1. All signs shall comply with the appropriate provisions of the current building and electrical codes and this Section.

2. Signs shall be located in such a way that they maintain sufficient horizontal and vertical clearance of all overhead electrical conductors in accordance with electric code specifications, provided that no sign, except governmental signs, shall be installed closer than ten (10) feet horizontally or vertically from any conductor or public utility guy wire.

3. In no way shall a sign hinder or obstruct the visibility of the right-of-way, as defined by Subsection 4.6.11, either at intersections or points of ingress or egress from parking lots.

4.9.5 Specific sign regulations

A. On-premises signs

A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction or other activity that is conducted, sold or offered at the location on which the sign is located.

The total amount of on-premises signage area permitted on any lot shall not exceed one and one-fourth (1¼) times in square feet the amount or length of street frontage. On lots with frontage on more than one (1) street, the longest dimension may be used to calculate the maximum area permitted. When no freestanding sign other than a ground sign or monument sign is proposed, a ten percent (10%) increase in permitted sign area shall be allowed.

1. Wall/fascia sign

An on-premises sign attached flat to or mounted away from but parallel to the building wall, projecting no more than twelve (12) inches from the building wall.

a. Size

The maximum size of a wall/fascia sign shall not exceed the limits established in this Section. Further, no more than twenty-five percent (25%) of the area of any wall may be devoted to signage.

b. Number
More than one (1) wall sign may be erected, provided the total surface area regulation is not exceeded.

c. Setback

Setback requirements do not apply to wall/fascia signs.

d. Height

No sign may extend above parapet walls or above roof lines of buildings without parapet walls.

e. Projection/clearance

No sign may project more than twelve (12) inches from the building wall. All wall signs shall maintain a clear height of eight (8) feet above the ground below, if it projects more than six (6) inches from the building wall to which it is attached.

f. Construction

All wall signs shall be fastened directly to the supporting wall.

g. Illumination

Wall signs may be illuminated either internally or externally, provided that, where internal illumination is utilized, only the face area of the letters or logos may be illuminated and at least sixty percent (60%) of the sign face shall have an opaque background. Lighting directed toward a sign shall be shielded so that it does not shine directly into a public right-of-way or residential building and does not interfere with the safe vision of motorists.

h. Location

(i) Wall signs may be located in all zoning districts so long as no illuminated sign is located in any residential district. Home occupation and home business signs shall be permitted in residential districts in accordance with Paragraph 3.7.4.E and Paragraph 3.7.4.F, respectively.

(ii) Bed and breakfast signs shall be permitted in residential districts in accordance with Subsection 3.5.2.

2. Projecting signs

An on-premises sign fastened directly to a supporting building wall and intersecting the building wall at a right angle.

a. Size

The maximum area of any single side of a projecting sign shall be ten (10) square feet, and such signs shall be limited to two (2) sides.

b. Number
Not more than one (1) projecting sign shall be permitted for each business establishment.

c. Setback

No projecting sign shall project closer than three (3) feet to the curb line.

d. Height

No sign shall extend above parapet walls or above roof lines of buildings without parapet walls and the top of the sign shall not be higher than fifteen (15) feet above the ground.

e. Projection/clearance

No sign shall project more than three (3) feet from the building wall or one-half (½) the width of the sidewalk, whichever is less, provided that no sign shall project closer than three (3) feet to the curb line. All projecting signs shall maintain a clear height of eight (8) feet above the ground below.

f. Construction

All projecting signs shall be fastened directly to the supporting building wall, with the supporting structure physically integrated into the sign. All projecting signs shall intersect the building wall at right angles.

g. Illumination

Projecting signs may be illuminated either internally or externally, provided that where internal illumination is utilized, only the face area of the letters or logos may be illuminated and at least sixty percent (60%) of the sign face shall have an opaque background. Lighting directed toward a sign shall be shielded so that it does not shine directly into a public right-of-way or residential building and does not interfere with the safe vision of motorists.

h. Location

Projecting signs are permitted only in nonresidential zoning districts.

3. Freestanding signs (pole, monument, ground signs)

An on-premises sign that is not directly attached to, erected on or supported by a building or other structure having a principal function other than the support of such sign, but is instead attached to, erected on or supported by some structure such as a pole, frame or other structure that is not itself a part of the building.

These signs are permitted as set forth herein.

a. Size

(i) Pole sign
A freestanding sign attached to the ground by one (1) or more support structures having a ratio of greater than four to one (4:1) sign width to narrowest width of support structure.

The maximum surface area of a single side of a pole sign shall not exceed fifteen hundredths (0.15) square foot per linear foot of street frontage along the street toward which such sign is primarily oriented.

(ii) Monument sign

A freestanding sign no more than eight (8) feet in height and having a ratio of less than four to one (4:1) sign width to narrowest width of support structure. Any sign constructed to the above referenced ratio of support structure to sign width, but in excess of eight (8) feet in height, shall be considered and regulated as a pole sign.

The maximum surface area of a single side of a monument sign shall not exceed two-tenths (0.20) square foot per linear foot of street frontage along the street toward which such sign is primarily oriented.

(iii) Ground sign

A freestanding sign attached to the ground with a clearance of less than eight (8) inches and not exceeding forty-eight (48) inches in height.

The maximum surface area of a single side of a ground sign shall not exceed one-fourth (¼) square foot per linear foot of street frontage along the street toward which such sign is primarily oriented.

b. Number

(i) One (1) freestanding sign shall be allowed on any lot, subject to the criteria herein, provided a pole sign shall only be allowed on a lot which contains one hundred (100) feet or more of frontage on the street to which such sign is to be oriented.

(ii) If a common signage plan is approved by the Planning Director, two (2) freestanding signs may be allowed on a lot or development having a minimum frontage of three hundred (300) feet on each of two (2) adjacent streets or more than six hundred (600) lineal feet of frontage on a single street, but only one (1) may be a pole sign. When a lot or development subject to the terms of an approved common signage plan contains more than one thousand five hundred (1,500) linear feet of frontage on a single street, or has frontage of three hundred (300) feet or more on each of three (3) adjacent streets, a maximum of three (3) freestanding signs may be allowed, but there shall be only one (1) pole sign permitted. When more than one (1) freestanding sign is to be constructed, the total permitted sign area of all signs shall not exceed the standard set forth in this Section and the total amount of freestanding sign area shall not exceed twenty-five hundredths (0.25) square feet per linear foot of frontage on the adjacent street of greatest length.
c. Setback

No portion of any freestanding sign may extend over any public right-of-way, be located within ten (10) feet of any street right-of-way line or be located within fifteen (15) feet of any interior side lot line.

d. Height

No freestanding sign nor any part thereof, including base or apron, supports, supporting structures and trim, may exceed twenty (20) feet in height. Further, no monument sign may exceed eight (8) feet in height and no ground sign may exceed four (4) feet in height.

e. Projection/clearance

All pole signs shall maintain a clear height of eight (8) feet above the ground.

f. Construction

All freestanding signs shall be securely fastened to the ground so that there is virtually no danger that the sign may be moved by wind or other forces of nature and cause injury to persons or property.

g. Illumination

Freestanding signs may be illuminated either internally or externally, provided that where internal illumination is utilized only the face area of the letters or logos may be illuminated and at least sixty percent (60%) of the sign face shall have an opaque background. Lighting directed toward a sign shall be shielded so that it does not shine directly into a public right-of-way or residential building and does not interfere with the safe vision of motorists.

h. Location

Freestanding signs are permitted in nonresidential districts, however, pole signs are not permitted in the TC district.

(i) Home occupation and home business signs shall be permitted in residential districts in accordance with Paragraph 3.7.4.E and Paragraph 3.7.4.F, respectively.

(ii) Bed and breakfast signs shall be permitted in residential districts in accordance with Subsection 3.5.2.

i. Landscaping

Shrubs, flowers or ground cover with a minimum height of eighteen (18) inches and planting bed area equal to one-half (½) of the sign area shall be planted around the entire base of any freestanding sign. The height of the plant materials may be waived for ground signs or monument signs.

j. Electronic message center signs
Electronic message center signs are permitted as freestanding signs only, except they are not allowed in the Town Center (TC) Zone District, and in accordance with Sections 4.9.7.H and 4.9.7.I.

4. Awning, marquee, canopy and hanging signs

A sign which is attached flat to an awning, marquee or canopy or hanging from an awning, marquee or canopy.

a. Size

The maximum area of a single awning or marquee sign shall not exceed seventy-five percent (75%) of the surface area of the face of the awning or marquee to which it is attached. The maximum area of one (1) side of any sign hanging from an awning shall be six (6) square feet.

b. Number

One (1) awning or marquee sign shall be permitted per awning or marquee side that faces a public right-of-way or sidewalk. Where multiple businesses are covered by one (1) awning, one (1) hanging sign is permitted per business premises.

c. Setback

No portion of any awning or marquee sign shall project closer to the curb line than the awning or marquee to which it is attached.

d. Height

Awning and marquee signs shall not extend above the top of the awning or marquee to which they are attached. Hanging signs shall not exceed eighteen (18) inches in height.

e. Projection/clearance

No portion of an awning or marquee sign shall project more than twelve (12) inches from the surface it is attached to. Hanging signs shall maintain a clear height of seven and one-half (7½) feet above the ground.

f. Construction

All awning or marquee signs shall be fastened directly to the awning or marquee so that there is virtually no danger that the sign may be moved by wind or other forces of nature and cause injury to persons or property.

g. Illumination

All awning and marquee signs may be illuminated either internally or externally. Lighting directed toward a sign shall be shielded so that it does not shine directly into a public right-of-way or residential building and does not interfere with the safe vision of motorists.

h. Location
Awning and marquee signs are permitted only in nonresidential zoning districts.

B. Off-premises signs

A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction or other activity that is conducted, sold or offered at a location other than the premises on which the sign is located.

No off-premises sign including outdoor advertising sign, billboard or other advertising media not directly related to the use of the premises on which it is located shall be permitted in any district except after a plan for such sign has been approved by the Planning Commission and the Palisade Board of Trustees pursuant to the variance procedures of Section 7.14.

1. Billboards

a. Size

The maximum area of a single side of a billboard shall not exceed two hundred (200) square feet, with a maximum height of fifteen (15) feet and a maximum width of twenty (20) feet, inclusive of any border and trim, but excluding the base or apron, supports and other structural members. If an advertising message appears on the base or apron, it will not be excluded from the maximum dimensions. Not more than one (1) advertising face is allowed on each side of the display.

b. Spacing

No part of any billboard shall be located less than two thousand (2,000) feet from any part of another billboard. The minimum distance between billboards shall be measured along the nearest edge of the pavement between points directly opposite the sign along each side of the highway and shall apply only to billboards located on the same side of the highway. Billboards shall not be located in such a manner as to obscure or physically interfere with the effectiveness of an official traffic sign, signal or device or obstruct or physically interfere with a driver's view of approaching, merging or intersecting traffic.

c. Setback

Billboards shall be placed at least fifty (50) feet off the state right-of-way.

d. Height

No billboard or part thereof, including base or apron, supports, supporting structures and trim shall exceed twenty-five (25) feet in height, measured from the top of the sign to the ground at the base of the sign or highway grade level, whichever may be higher.

e. Projection/clearance

All billboards shall maintain a clear height of eight (8) feet above the ground at the base of the sign or highway grade level, whichever may be higher.
f. Construction

All billboards shall be constructed in accordance with the current building code and electric code.

g. Illumination

All billboards may be externally illuminated, so long as such lighting is effectively shielded to prevent beams or rays of light from being directed into any portion of the traveled ways of the highway or any public street and is not of such intensity or brilliance as to cause glare or to interfere with any driver's operation of a motor vehicle.

h. Location

Billboards may be permitted in all zoning districts on I-70. All billboards shall be primarily oriented toward the east-bound or west-bound lanes of I-70.

i. Annexation

Billboards located on property that is annexed by the Town shall be allowed for a period of forty-two (42) months from the date of annexation to comply with the provisions of this Section.

2. Directional signs

A wall or freestanding sign which provides direction to uses and activities, within five hundred (500) feet of the sign location.

3. Other off-premises signs

All other types of off-premises signage is prohibited unless specifically addressed below.

C. Other types of signs

1. Temporary signs

A sign that is used in connection with a circumstance, situation or event that is designed, intended or expected to take place or to be completed within a reasonably short or definite period of time after the erection of such a sign.

The signs described in this Section may be erected on a temporary basis only after a permit has been issued by the Planning Director.

a. One (1) on-premises construction project sign, not to exceed twenty (20) square feet in size, may be erected in a residential district, and up to two (2) on-premises construction project signs may be erected in a business, industrial or office and institutional zone, so long as the sum of the areas of one (1) face of these signs does not exceed thirty-two (32) square feet. Construction signs shall not be erected prior to site plan or plat approval or the issuance of a building permit and shall be removed within fifteen (15) days after final inspection and approval of the project.
b. Political signs are permitted in all zoning districts for a period not exceeding thirty (30) days preceding the opening of the polls, and shall be removed within five (5) days of the closing of the polls. With the exception of election days, no political signs shall be placed on public property paid for by public funds or tax money. Signs shall not exceed thirty-two (32) square feet in aggregate area per lot and shall not exceed eight (8) feet in height. No such sign shall be located within or over the public right-of-way. At the polls, any number of political signs may be erected. Such signs shall not be placed more than twenty-four (24) hours preceding the opening of the polls, and shall be removed within twenty-four (24) hours following the closing of the polls.

c. Signs indicating special events, such as a fair, carnival, festival, grand opening, sale or similar non-permanent activity to be conducted within Palisade. Such signs shall not exceed thirty-two (32) square feet in area and may be erected for a period not to exceed thirty (30) days. Such signs shall be removed by the applicant within seven (7) days after the event has taken place, and may be permitted only one (1) time within a twelve-month period.

d. "Yard sale" signs, located off-site from the property where such activity is to occur, shall be permitted outside of public rights-of-way. Such signs may not exceed four (4) square feet in size. Signs shall not be erected more than seven (7) days before the sale date and shall be removed within forty-eight (48) hours of the sale date.

e. Real estate, church or nonprofit organization directional signs may be located off-site; however, such signs may not exceed six (6) square feet and no more than one (1) sign per intersection shall be permitted. Such signs may be erected for a period of three (3) consecutive days and must be removed by the applicant for a period of at least three (3) days before placement in the same location is reestablished.

f. One (1) on-premises easel sign (an upright A-frame structure used for displaying promotional information to the public) shall be permitted; however, such sign may not exceed six (6) square feet per face, must be removed at close of business hours and no more than one (1) sign per business or use.

2. Tract identification signs

An on-premises sign intended to identify a subdivision, church, complex, civic club, fraternal organization or community facility, but carrying no commercial message.

Up to two (2) on-premises permanent subdivision, church, apartment, civic club, fraternal organization or community facility tract identification signs for each street frontage are permitted, but the sum of the areas of one (1) face of these signs shall not exceed forty (40) square feet.

3. Product and information signs

On-premises product or information signs are permitted, so long as the sum of the areas of one (1) face of these signs does not exceed forty-eight (48) square feet and the area of any single sign does not exceed sixteen (16) square feet in size.

4. Mural
An on-premises wall sign depicting, but not limited to artistic renderings of Town history, environment or community life. Such signs may be approved as a conditional use, subject to the provisions of Section 7.8.

5. Community service signs

A welcome sign or a sign incorporating the insignias of more than one (1) civic, governmental and/or nonprofit organization may be permitted. Any such sign shall not exceed one hundred (100) square feet in area nor twenty (20) feet in height. Location within a public right-of-way may only be permitted with written approval of the State or Town. Such sign may be on-premises or off-premises. (Ord. 2011-4 §1)

4.9.6 Exemptions

The following signs shall not be subject to regulation hereunder:

A. Signs not exceeding two (2) square feet in area that only display the property numbers, post office box numbers or the names of the occupants of any premises, may have information on both sides of the two-square-foot sign.

B. Historic signs. A sign that is fifty (50) years or older, or a sign that is particularly unique in character, design or history, or that is part of the historic character of the business or building.

C. Legal signs posted as authorized by law.

D. Signs of governmental units or agencies on public property or public rights-of-way which are erected for the public health, safety and welfare.

E. On-premises signs not exceeding four (4) square feet that direct and guide traffic and parking.

F. Temporary signs pertaining to the lease or sale of the property on which they are located or of any building thereon, provided that such signs do not exceed eight (8) square feet in area per sign and further provided that no more than two (2) such signs are located on any single lot as defined herein.

G. Temporary signs in the AFT district, and then only on a seasonal basis, to advertise the sale of agricultural products. These seasonal signs shall be no larger than eight (8) square feet, nor may the total copy areas be in excess of one hundred fifty (150) square feet, nor shall have a height in excess of that permitted for a freestanding sign. Such signs shall be limited to a total of three (3) signs per AFT zoned lot.

H. Danger, poison, precautionary, safety or signs of similar nature.

I. No trespassing, no hunting or signs of similar nature.

J. Window signs. An on-premise sign attached flat but parallel to the inside of a window shall be exempt provided no more than five (5) such signs per business shall be erected. No more than thirty percent (30%) of any window shall be occupied by such signs.
K. Temporary off-site directional signs for traffic and parking information for festivals, circuses or similar events.

L. Advertising on or incorporated within county-approved transit shelters and benches is permitted as long as the following criteria are met:

1. There is a written agreement between the transit shelter and bench provider and the county and all appropriate permits have been obtained from the county or the Town.

2. A single shelter or bench may be located only at county-designated bus stops on county-designated bus routes, said bus stops and routes within the Town limits having been approved by the Board of Trustees. As routes or stops change, shelters or benches that are no longer on a designated route or bus stop must be removed within thirty (30) days from notice by the county or Town requesting removal. A second bench may be allowed based on ridership data which demonstrates a need.

3. A proposed maintenance schedule shall be included in the written agreement between the bus shelter and bench provider and the county. The permittee shall be responsible for all maintenance of the shelter or bench including general repair, painting, removal of graffiti and maintenance of lawn or landscaping around the shelter or bench area. Failure to properly maintain the shelter or bench and the shelter/bench area is cause for removal.

4. A site plan of the shelter or bench meeting the requirements of this Section shall be submitted to the Planning Director for review and approval prior to construction. Additionally, all requests to locate a shelter or bench on state roads shall be submitted to the Colorado Department of Transportation for review and approval.

5. All shelters and benches shall be located on a concrete pad or equivalent. Each shelter shall be anchored to the pad. Each bench shall be located on the pad so that there is at least two (2) feet in front of the bench.

6. Shelters and benches shall be located in the public right-of-way. In situations where the shelter or bench is required to be located outside the public right-of-way, the county and Town may allow such location, provided written authorization of the owner of the private land has been obtained and any costs associated with obtaining the authorization have been paid.

7. Where curb and gutter are present and the posted speed limit is thirty-five (35) miles per hour or less, the front of the shelter or bench shall be set back a minimum of five (5) feet from the curb. Setback for the shelter may be reduced to three and one-half (3½) feet if approved by the Town and the Planning Director.

8. Where there is no curb and gutter or the posted speed limit is greater than thirty-five (35) miles per hour, the front of the shelter or bench shall be set back a minimum of ten (10) feet from the edge of pavement, unless otherwise approved by the Town and authorized by the Planning Director. In no case shall the setback be less than five (5) feet from the edge of pavement.

9. The shelter or bench shall not be located in a way which impedes pedestrian, bicycle, wheelchair or motor vehicle travel including the limitation of vehicular sight distance.
Vertical supports for the shelter or the front of the bench shall be located no closer than one (1) foot from any sidewalk.

10. A building permit shall be obtained for each shelter. All ADA requirements must be met.

11. A bench may be oriented towards approaching traffic at an angle not to exceed thirty (30) degrees from parallel to the street frontage.

12. Each bench must be located within twenty (20) feet of an approved bus stop. To the greatest extent possible, a bench should not be located within the parkway between the road pavement/curb and sidewalk.

13. Advertising is further restricted to the following:

   a. Shelters and benches with advertising are limited to major collectors, minor arterials and major arterials, specifically, Highway 6 and 24 and Elberta Avenue.

   b. Any shelter or bench with advertising located at an approved bus stop adjacent to or across the street from a residential area must obtain approval as a conditional use under the requirements of Section 7.8.

   c. Advertising on a bus shelter shall be limited to two (2) side panels on the bus shelter, each not more than forty-eight (48) inches wide and seventy-two (72) inches high; the advertising panels may be illuminated by "back lighting" and may have interior lighting on the shelter, neither to be a distraction to drivers or a nuisance to neighbors.

   d. A third advertising panel on a bus shelter may be provided along the rear of the bus shelter for public service messages or other public purposes as specified in the written agreement with the county.

14. The advertising panel on a bench shall be limited to a single face which must be oriented to the street. The sign face shall not exceed twelve (12) square feet in size with a maximum sign height of two (2) feet. The sign shall be nonilluminated and nonreflective.

M. Signs owned by the Town that are directional in purpose giving direction to town sites, both public and private.

4.9.7 Prohibited signs

The following signs are expressly prohibited within all zoning districts:

   A. Roof signs. A sign that is attached to the roof of a building that projects more than twelve (12) inches above the apex of the roof to which it is attached.

   B. Nongovernmental signs erected on public property or public rights-of-way. This does not include temporary signs.

   C. Signs affixed to trees, shrubbery, vines, utility poles and similar objects.

   D. Signs that display any statement, word, character or illustration of an obscene nature.
E. Portable signs, except in the AFT district, and then only on a seasonal basis to advertise the sale of agricultural products.

F. Signs painted on or displayed on vehicles or trailers usually parked in public places primarily for displays, except where provided for in Paragraph E. above. Additionally, any such prohibited sign designed to be portable shall not be permitted to be altered so as to be made permanent.

G. Windblown signs, including banners, pennants, streamers, spinners, blimps, gas balloons and no more than two (2) flags, unless specifically provided for in Paragraph E. above.

H. Signs that are or contain an electronic message center display that includes any illumination or display that is in motion, including video or animation. The mere change of one (1) message to another shall not be considered to be motion. This prohibition does not include scrolling messages with at least one (1) second between messages and the minimum frequency (length of messages) of four (4) seconds.

I. Signs that are or contain an electronic message center display that exposes its message for less than four (4) seconds or changes intensity during display.

J. Any sign which is a copy or imitation of an official sign or which purports to have official status.

K. Off-premises signs, unless specifically provided for in this Section. (Ord. 2011-4 §1)

4.9.8 Removal of obsolete or deteriorated signs

A. Obsolete signs

Signs which identify business establishments no longer in existence, products no longer being sold, services no longer being rendered or events which have already occurred shall be removed by the owner of the premises on which the sign is situated within thirty (30) days of receipt of notification by the Planning Director.

B. Deteriorated signs

Any sign which, together with its supports, braces, anchors and other structural elements, is not maintained in accordance with the provisions of the current building code or which is otherwise determined to be unsound or unsafe shall be removed or brought into compliance with all codes and ordinances within thirty (30) days of notification by the Planning Director.

4.9.9 Maintenance

A. All signs shall be maintained in a state of good repair. The Planning Director is authorized to inspect each sign periodically to determine that it meets the requirements set forth in this Section. Whenever it shall appear to the Planning Director that any sign has been structured or is being maintained in violation of this Section, such sign shall be made to conform with all regulations herein or shall be removed at the expense of the owner within ten (10) days after written verification thereof by the Planning Director.

B. Maintenance responsibilities: to ensure that signs are erected and maintained in a safe and attractive manner, the following maintenance requirements shall apply to all signs visible from any street right-of-way:
1. A sign shall have no more than twenty percent (20%) of its surface area covered with disfigured, cracked, ripped or peeling paint, poster paper or other material for a period of more than thirty (30) successive days.

2. A sign shall not stand with bent or broken sign facing, broken supports, loose appendages or struts more than fifteen percent (15%) from vertical, for a period of more than ten (10) successive days.

3. A sign shall not have weeds, trees, vines or other vegetation growing upon it or obscuring the view of the sign from the street or right-of-way from which it is to be viewed, for a period of more than thirty (30) successive days.

Sec. 4.10. Transportation impact fee.

4.10.1 Purpose

The purpose of this Section is to require that impact-generating development bear a proportionate share of the cost of improvements to the Town's Major Street System; to require that the proportionate share does not exceed the cost of providing such street improvements; and to require that funds collected from impact-generating development are actually used to construct major street system improvements. Likewise, it is acknowledged that certain development normally classified as impact-generating can, due to location and design, substantially offset traffic impacts by maximizing the utility of available infrastructure (infill development) and offering alternatives to vehicle travel (pedestrian-friendly design), both stated goals of the Palisade Comprehensive Plan. It is not the purpose of this Section to collect any money from any impact-generating development in excess of the actual amount necessary to offset demands generated by that development for major street system and regional street system improvements for which the fee is paid.

4.10.2 Findings

A. The protection of the health, safety and general welfare of the citizens of the Town requires that the Town's major street system and regional street system be expanded and improved to meet the demands of new development.

B. Typically, no single development creates enough traffic to warrant construction of off-site street improvements based strictly on a traffic capacity analysis or a required level of service analysis. However, each development incrementally depletes existing capacity and incrementally decreases the level of service. The cumulative impacts from new developments result in unacceptable depletions in capacity and levels of service, thereby requiring the expenditure of capital funds for improvements.

C. An equitable transportation impact fee system enables the Town to impose a proportionate share of the costs of required improvements to its major street system and regional street system on those developments that create the need.

D. The impact fee study sets forth reasonable methodologies and analyses for determining the impacts of various types of development on the Town's major street system and regional street system.

E. The transportation impact fee described in this Section is based on the impact fee study and does not exceed the capital costs required to serve the development that will pay the fees.
F. The types of improvements to the Town's major street system and regional street system considered in the impact fee study will benefit the traffic impact-generating development.

G. The impact fees are calculated in the impact fee study based on a level of service that is lower than the existing level of service for the Town's major street system and regional street system. The level of service is defined as the system-wide ratio of capacity to demand in the major street system and regional street system and the fees are based on a one-to-one ratio.

H. The transportation impact fees, originally adopted at only fifty-three percent (53%) of the full cost calculated in the impact fee study, did not include the entire costs to the Town's major street system and is, therefore, amended.

I. There is both a rational nexus and a rough proportionality between the development impacts created by each type of new development covered by this Article and the transportation impact fee that such development will be required to pay.

J. This Section creates a system by which traffic impact fees paid by traffic impact-generating development will be used to expand the Town's major street system and regional street system, so that the development that pays the fee will receive a corresponding benefit within a reasonable period of time after the fee is paid.

4.10.3 Time of fee obligation and payment

A. On or after the effective date of the adoption of this LDC, no planning clearance shall be approved for any traffic impact-generating development until a transportation impact fee has been assessed pursuant to the terms of this Section.

B. The fee shall be determined and assessed at the time a planning clearance is approved.

C. The impact fee shall be collected from the applicant for a planning clearance for a building permit or other traffic-generating development, such as change of use, by the Planning and Zoning Enforcement Officer before a planning clearance for a building permit is issued, according to the fee schedule in effect at the time the planning clearance is applied for.

D. The developer shall indemnify and hold harmless the Town from all loss or damage which the Town may suffer, including attorneys' fees and litigation expenses, based upon any claim by the planning clearance applicant or others that deferral of the impact fee payment is unenforceable for any reason; and the developer shall be secondarily responsible for the payment of the applicable impact fee.

4.10.4 Exemptions

A. The following shall be exempt from the terms of this Section. An exemption must be claimed at the time of submittal of a development application or planning clearance:

1. Alterations of an existing dwelling unit where no additional dwelling units are created.

2. Replacement of a destroyed, partially-destroyed or moved residential building or structure with a new building or structure of the same use and with the same number of dwelling units.
3. Replacement of destroyed, partially-destroyed or moved nonresidential building or structure with a new building or structure of the same gross floor area and use.

4. Any development for which a completed application was submitted prior to the effective date of this Section.

B. The Planning Director shall determine the validity of any claim for exemption pursuant to the criteria set forth in this Section.

C. In order to promote the economic development of the Town or the public health, safety and general welfare of its residents, the Board of Trustees may agree to pay some or all of the impact fees imposed on a proposed development or redevelopment from other funds of the Town that are not restricted to other uses. Any such decision to pay Impact Fees on behalf of an applicant shall be at the discretion of the Board of Trustees and shall be made pursuant to goals and objectives articulated by the Board of Trustees.

D. The Board of Trustees shall reserve the right to credit developers toward their transportation impact fee obligations in those cases wherein the proposed development can justify a high degree of pedestrian-friendly design, be located in a recommended infill concentration zone, or demonstrate a high degree of complementation with these stated goals of the Palisade Comprehensive Plan.

E. No waivers shall be granted for any required Impact Fees.

4.10.5 Fee determination

A. Every person who applies for a traffic impact-generating development, except those exempted or preparing an independent fee calculation study, shall pay a transportation impact fee in accordance with the Town fee schedule prior to approval of the development or prior to the issuance of a zoning clearance as set forth in Subsection 4.10.3 above. If any credit is due pursuant to Subsection 4.10.9, the amount of such credit shall be deducted from the amount of the fee to be paid.

B. The Town fee schedule will be adopted and updated from time to time by resolution.

C. If the type of traffic impact-generating development for which a site plan or other development application is requested is not specified on the above schedule, the Town Planner shall determine the fee on the basis of the fee applicable to the most nearly comparable type of land use on the fee schedule. The Town Planner shall use the most current edition of the report titled Trip Generation, prepared by the Institute of Transportation Engineers (ITE), or articles or reports appearing in the ITE Journal, as a guide to selecting a comparable type of land use by trip generation rates.

D. In many instances, a particular structure may include auxiliary uses associated with the primary land use. For example, in addition to the actual production of goods, manufacturing facilities usually also have office, warehouse, research and other associated functions. The impact fees generally are assessed based on the primary land use. If the applicant can document that an auxiliary land use accounts for over twenty-five percent (25%) of the gross floor area of the structure and that the auxiliary use is not assumed in the trip generation or other impact data for the primary use, then the impact fees may be assessed based on the individual square footage of the primary and auxiliary land uses.
E. If the type of traffic impact-generating development for which a development application is requested is for a change of land use type or for the expansion, redevelopment or modification of an existing development, the fee shall be based on the net increase in the fee for the new land use type as compared to the previous land use type.

F. In the event that the proposed change of land use type, redevelopment or modification results in a net decrease in the fee for the new use or development as compared to the previous use or development, there shall be no refund of impact fees previously paid.

G. For fees expressed per one thousand (1,000) square feet, the square footage shall be determined according to gross floor area, measured from the outside surface of exterior walls, and excludes unfinished basements and enclosed parking areas. The fees shall be prorated and assessed based on actual floor area, not on the floor area rounded to the nearest one thousand (1,000) square feet.

4.10.6 Independent fee calculation

A. The impact fee may be computed by the use of an independent fee calculation study at the election of the applicant by an experienced and knowledgeable consultant approved by the Town, or upon the request of the Town Planner, for any proposed traffic impact-generating development interpreted as not one of those types listed on the fee schedule or as one that is not comparable to any land use on the fee schedule, and for any proposed traffic impact-generating development for which the Town Planner concludes the nature, timing or location of the proposed development makes it likely to generate impacts costing substantially more to mitigate than the amount of the fee that would be generated by the use of the fee schedule.

B. The preparation of the independent fee calculation study shall be the sole responsibility and cost of the party electing to utilize the study.

C. Any person who requests an independent fee calculation study shall pay an application fee for administrative costs associated with the review and decision on such study.

D. The independent fee calculation study shall be based on the same formulas, level of service standards and unit costs for facilities used in the impact fee study and shall document the methodologies and assumptions used.

E. The impact fee shall be calculated according to the following formula.
Fee = VMT x NET COST/VMT #

Where:

<table>
<thead>
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<th>VMT</th>
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<tr>
<td>% NEW</td>
<td>= Percent of trips that are primary, as opposed to pass-by or diverted-link trips</td>
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<tr>
<td>LENGTH</td>
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<tr>
<td>÷ 2</td>
<td>= Avoids double-counting trips for origin and destination</td>
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NET #

<table>
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<tr>
<th>COST/VMT</th>
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<tbody>
<tr>
<td>COST/VMT</td>
<td>= COST/VMC x VMC/VMT</td>
</tr>
<tr>
<td>COST/VMC</td>
<td>= Average cost to create a new VMC based on historical or planned projects ($306 excluding major structures)</td>
</tr>
<tr>
<td>VMC/VMT</td>
<td>= The system-wide ratio of capacity to demand in the Major Street System (1.0 assumed)</td>
</tr>
<tr>
<td>CREDIT/VMT</td>
<td>= Credit per VMT, based on revenues to be generated by new development ($82)</td>
</tr>
</tbody>
</table>

F. An independent fee calculation study submitted for the purpose of calculating a transportation impact fee may be based on data, information or assumptions from independent sources, provided that:

1. The independent source is an accepted standard source of transportation engineering or planning data; or

2. The independent source is a local study on trip characteristics carried out by a qualified transportation planner or engineer pursuant to an accepted methodology of transportation planning or engineering that has been approved in advance by the Planning Director.

4.10.7 Use of fees

A. A transportation impact fee fund that is distinct from the general fund of the Town is hereby created and the impact fees received pursuant to this Section shall be deposited in an interest bearing account to be known as the Transportation Impact Fee Fund account. All impact fees collected pursuant to this Section shall be accounted for in the manner required by Sections 28-1-801 et seq., C.R.S., and other applicable law.

B. The Transportation Impact Fee Fund account shall contain only those transportation impact fees collected pursuant to this Section plus any interest which may accrue from time to time on such amounts.

C. Monies in the Transportation Impact Fee Fund account shall be considered to be spent in the order collected, on a first-in/first-out basis.

D. The monies in the Transportation Impact Fee Fund account shall be used only for the following:

1. To construct major street system improvements or regional road improvements;
2. To pay debt service, including principal and interest, on any portion of any general obligation bond or revenue bond issued after the effective date of this Section and used to finance major street system improvements. For the purposes of debt service, only fifty percent (50%) of the fees may be obligated;

3. As described in Subsection 4.10.8, Refunds; or

4. As described in Subsection 4.10.9, Credits.

E. The monies in the Transportation Impact Fee Fund account shall not be used for the following:

1. The rehabilitation, reconstruction, replacement or maintenance of existing streets, unless it is an integral part of an improvement that adds capacity to the Town's major street system or regional road projects;

2. Ongoing operational costs; or

3. Debt service for any past general obligation bond or revenue bond issued prior to the effective date of this Section or any portion of any current or future bond issued after the effective date of this Section and not used to finance major street system or regional road improvements.

F. Capital spending decisions shall be guided by the principles, among others, that transportation impact fee funds shall be used to make capacity and safety improvements, but not be used to upgrade existing deficiencies except incidentally in the course of making eligible improvements; transportation impact fee fund expenditures which provide improvements which are near in time and/or distance to the development from which the funds are collected are preferred over expenditures for improvements which are more distant in time and/or distance.

4.10.8 Refunds

A. Any monies in the Transportation Impact Fee Fund that have not been spent or encumbered within ten (10) years after the date on which such fee was paid shall, upon application of the then-current landowner, be returned to the current property owners with interest earned since the date of payment, provided that the landowner submits an application for a refund to the Planning and Zoning Enforcement Officer within one hundred eighty (180) days following expiration of such ten-year period.

B. If an applicant has paid an impact fee required by this Section and the building permit later expires without the possibility of further extension, and the development activity for which the impact fee was imposed did not occur and no impact has resulted, then the applicant who paid such fee shall be entitled to a refund of the fee paid, without interest, except that the Town shall retain one percent (1%) of the fee to offset a portion of the cost of collection and refund. In order to be eligible to receive such refund, the applicant who paid such fee shall be required to submit an application for such refund within thirty (30) days after the expiration of the permit or extension for which the fee was paid.

C. At the time of payment of any impact fee under this Section, the Planning Director shall provide the applicant paying such fee with written notice of those circumstances under
which refunds of such fees will be made. Failure to deliver such written notice shall not invalidate any collection of any impact fee under this Section.

### 4.10.9 Credits

A. General standards.

1. Any person initiating traffic impact-generating development may apply for credit against transportation impact fees otherwise due for payment under the provisions of this Section, for any contribution, dedication, payment or construction for any nondevelopment-related capital street improvements on the Town's major street system. If all conditions and requirements set forth in this Section are met, a credit will be issued.

2. Any person initiating traffic impact-generating development may apply for a credit against transportation impact fees otherwise due, up to but not exceeding the full obligation for fees proposed for payment under the provisions of this Section, for any dedication of land not required by this Code and accepted by the Town, which is not already decreed, declared, proclaimed or otherwise granted to the Town.

3. Credits may only be applied for on expenditures or dedications that have been made following the adoption of this Section.

4. Credits for contributions, dedications, payments or construction for nondevelopment-related capital street improvements on the Town's major street system are transferable within the same development or to another development owned by the owner originally receiving the credit. Any attempt to transfer credits to any person who is not an owner of a development to which the credits are attached will void the credits at the option of the Town. There shall be no transferable credits associated with any dedication of land set out in Paragraph (2) above. Credits are not transferable for credit against any other fees required to be paid or dedications required to be made, including fees and dedications required for other public facilities.

5. To be eligible for credits, any person initiating traffic impact-generating development must enter into an agreement with the Town prior to the issuance of a development application approval if he or she proposes to or is required to construct streets or dedicate right-of-way for nondevelopment-related capital street improvements on the Town's major street system.

6. Only a credit may be issued; in no case shall there be a refund of money.

7. A credit must be used within thirty-six (36) months of the credit agreement.

8. Examples of nondevelopment-related capital street improvements on the Town's major street system eligible for credit against transportation impact fees include, but are not limited to:
   a. Added traffic lanes on public streets;
   b. New traffic signals at existing intersections;
   c. New auxiliary lanes that will serve existing or future public streets; and
d. Bridges, pipes or other structures for crossing canals, streams or drainages that serve existing or future public streets.

To be eligible for transportation impact fee credits, any of the above improvements must be constructed to the Town's design standards for the functional classification of the particular street.

9. Examples of development-related improvements constructed that are not eligible for credit against transportation impact fees are:

a. Installation of a traffic signal at a new intersection created by the construction of a private driveway or private street;

b. New auxiliary lanes serving a private driveway or street;

c. Bridges, pipes or other structures necessary for crossing canals, streams or drainages that facilitate the construction of a private driveway or private street; and

d. Developer's street improvements that are not constructed to the Town's design standards and improvements that primarily serve the applicant's development, such as acceleration/deceleration lanes that provide for access to the particular development.

Improvements not eligible for transportation impact fee credits include, but are not limited to the examples cited above.

10. All nondevelopment-related capital street improvements are eligible for a one hundred percent (100%) credit against transportation impact fees.

a. Credit against fees.

A credit will be in an amount equal to the value of the contribution or payment at the time it is made to the Town; the costs of the street construction at the time of its completion; or the fair market value of the land dedicated for right-of-way at the time of dedication. The procedure for credit reviews will be the following:

(i) The determination of any credit will be undertaken upon the submission of an application for credit agreement, which shall be submitted to the Town Planner.

(ii) The application for a credit agreement shall include the following information:

(1) If the proposed application involves a credit for any contribution or payment, the following documentation must be provided:

   i. A certified copy of the development approval in which the contribution was agreed;

   ii. If payment has been made, proof of payment; or

   iii. If payment has not been made, the proposed method of payment.

(2) If the proposed application for credit agreement involves construction:

   i. The proposed plan of the specific construction prepared and certified by a duly qualified and licensed Colorado engineer or contractor;
ii. Complete engineering drawings and specifications for the suggested improvements. Lane reconstruction, sidewalk construction, medians, landscaping, street lighting and other ancillary components of a capacity-expanding street improvement shall not be considered system improvements when not an integral part of a capacity-expanding improvement; and

iii. The projected costs for the suggested improvement, which must be based on local information for similar improvements, along with the construction timetable for the completion thereof. The estimated cost must include the cost of construction or reconstruction, the cost of all labor and materials, the cost of all lands, property, rights, easements and franchises acquired, costs of plans and specifications, surveys of estimates of costs and of revenues, costs of professional services and all other expenses necessary or incident to determining the feasibility or practicability of such construction or reconstruction.

(3) If the proposed application involves credit for the dedication of land, the Town will evaluate the land value for the purpose of the right-of-way dedication. The right-of-way dedication value amount shall be given to the applicant. For purposes of the credit agreement, the applicant must submit:

i. A drawing and legal description of the land; and

ii. If the applicant disagrees with the right-of-way dedication value amount, the applicant must provide an appraisal for the fair market value of the land at the time of the dedication, prepared by a professional real estate appraiser who is a member of the Member Appraisal Institute (MAI) or who is a member of Senior Residential Appraisers (SRA).

(4) Within ten (10) days of receipt of the proposed application for credit agreement, the Town Planner will determine if the application is complete. If it is determined that the proposed agreement is not complete, the Town Planner will send a written statement to the applicant outlining the deficiencies. The Town Planner will take no further action on the proposed application for credit agreement until all deficiencies have been corrected or otherwise settled.

(5) Once the Town Planner determines the proposed application for credit agreement is complete, it will be reviewed within thirty (30) days. The application for credit agreement may be approved by the Board of Trustees if it complies with the general standards set forth in this Section. With respect to an application for right-of-way dedication credits, if the Town Planner disagrees with the applicant's appraisal, the Town may conduct a second appraisal. Any right-of-way dedication credit agreement shall take into consideration the appraisals conducted. If no agreement can be reached, the Board of Trustees shall determine the amount of the right-of-way dedication credit.

(6) If the application for credit agreement is approved by the Board of Trustees, the agreement shall be signed by the applicant and the Town. It will
specifically outline the contribution, payment, construction or land dedication; the time by which it will be completed, dedicated or paid and any extensions thereof; and the dollar credit the applicant will receive for the contribution, payment, construction or land dedication. For the purposes of this Paragraph, the Town Planner or Mayor is authorized to sign the credit agreement.

(iii) The Town Board of Trustees shall reserve the right to credit developers toward their Transportation Impact Fee obligations in those cases wherein the proposed development can justify a high degree of pedestrian-friendly activity, be located in a designated infill concentration zone, or demonstrate a high degree of complementation with the stated goals of the Palisade Comprehensive Plan.

4.10.10 Developer's street improvements

A. The design and construction of street improvements required to serve a development shall be made in accordance with Articles 4 and 5 of this Code as well as any design standards and specifications adopted by the Town. Examples of such street improvements include, but are not limited to the following:

1. Absent unique needs or characteristics of the development, improvements shall include construction of full asphalt radii consistent with the classification of the future street and necessary drainage improvements, in accordance with Town standards, for each intersection with a perimeter street and/or improvements necessitated if the proposed development creates lots with direct access to the perimeter streets, as determined by the Town Planner. If a traffic study is required and improvements in addition to those set out above are required, the required improvements shall conform to the traffic study.

2. Curb, gutter and sidewalk improvements shall be constructed as part of minimum access improvements when connecting directly to a street with like improvements.

3. Determination of required improvements shall consider pedestrian connections, school bus stops and transit stops in determining what improvements are required.

4. Drainage structures including bridges. The developer shall construct drainage structures and/or bridges associated with the connection of the development to the street system.

5. Traffic studies. Preparation of traffic studies shall be the responsibility of new development as currently set forth in this Code.

6. Utilities. The extension of utilities, including water, wastewater, stormwater improvements, gas, electric, cable, telephone, etc., shall be the responsibility of new development.

B. In addition to the transportation impact fee and required street improvements, a developer must fully construct (or, if current needs do not require construction, then the developer must guarantee for future construction) all internal streets, roads, alleys and future connections in accordance with the development's approved plan.

4.10.11 Miscellaneous provisions
A. The Town Treasurer shall maintain accurate records of the transportation impact fees paid, including the name of the person paying such fees, the project for which the fees were paid, the date of payment of each fee, the amounts received in payment for the fee and any other matters that the Town deems appropriate or necessary for the accurate accounting of such fees. Records shall be available for review by the public during normal business hours and with reasonable advance notice.

B. Upon request by the Board of Trustees, the Planning Director shall present to the Board of Trustees a proposed capital improvements program that shall assign monies from the Transportation Impact Fee Fund to specific projects and related expenses for eligible improvements. The impact fee funds may be combined with other funds of the Town for the purpose of completing specific projects. Any monies, including any accrued interest, not assigned to specific projects within such capital improvements program and not expended pursuant to Subsection 4.10.8, Refunds, or Subsection 4.10.9, Credits, above shall be retained in the same impact fee fund until the next fiscal year.

C. If a transportation impact fee has been calculated and paid based on a mistake or misrepresentation, it shall be recalculated.

1. Any amounts overpaid by an applicant shall be refunded by the Town Treasurer to the applicant within thirty (30) days after the acceptance of the recalculated amount, with interest since the date of such overpayment.

2. Any amounts underpaid by the applicant shall be paid to the Town within thirty (30) days after the acceptance of the recalculated amount, with interest since the date of such underpayment.

3. In the case of an underpayment to the Town, the Planning Director shall not issue any additional zoning clearances, permits or approvals for the project for which the impact fee was previously underpaid until such underpayment is corrected, and if amounts owed to the Town are not paid within such thirty-day period, the Town may also rescind any zoning clearances, permits or approvals issued in reliance on the previous payment of such impact fee.

D. The transportation impact fees and the administrative procedures established by this Section shall be reviewed annually.

E. Payment of a transportation impact fee does not obligate the Town to construct any specific major street system or regional street system improvement.

F. Nothing in this Section shall prohibit the Town from contributing funds, materials or labor for additional improvements to its major street system or regional street system improvement when it is deemed in the public interest to do so.

4.10.12 Appeals

Any determination made by the Town employee charged with the administration of any part of this Section may be appealed to the Board of Trustees within thirty (30) days from the date of the decision to be appealed.

4.10.13 Violation
Furnishing false information on any matter relating to the administration of this Section, including without limitation the furnishing of false information regarding the expected size, use or impacts from a proposed development, shall constitute a violation of this Section and shall result in the process beginning over with the correct information. Any person violating any provisions of this Section or failing to comply with the mandatory requirements of this Section shall be guilty of a municipal offense and shall be punished as set forth in Article 9.

4.10.14 Calculation of time for the purposes of this Section

In computing any period of time prescribed or allowed by this Section, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday or holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday or holiday. When the period of time prescribed or allowed is five (5) days or less, intermediate Saturdays, Sundays and holidays shall be excluded in the computation. As used herein, holiday means any holiday observed by the Town.

Sec. 4.11. Operational performance.

4.11.1 Purpose

The operational performance standards of this Section are intended to protect the health, safety and welfare of the citizens of the Town by regulating potential nuisance features associated with certain land uses.

4.11.2 Applicability

The operational performance standards of this Section shall apply to all uses, buildings and structures within the Town unless otherwise specifically indicated.

4.11.3 Exemptions

The following are exempt from the operational performance standards of this Section:

A. Temporary construction, excavation and grading associated with development for which applicable permits have been issued and with the installation of streets or utilities; and

B. Demolition activities that are necessary and incidental to permitted development on the same lot, on another of several lots being developed at the same time or in public rights-of-way or easement.

4.11.4 Standards

Under this Section, the following standards shall apply:

A. Noise

Sites shall be laid out and uses shall be operated to prevent noise from becoming a nuisance to adjacent single-family and duplex uses and residential district zoned sites.

B. Vibration
All uses shall be operated so that ground vibration is not perceptible outside the lot lines of the site on which the use is located.

C. Smell

All uses shall be operated so that smell is not perceptible outside the lot lines of the site on which the use is located.

D. Fire and explosive hazards

Underground storage tanks for flammable liquids and gases shall be located at least fifty (50) feet from the lot line of lots with residential zoning or that contain a single-family or duplex use. Above ground tanks shall be set back at least one hundred (100) feet from such lot lines, unless the Board of Adjustment determines, based on information provided by the applicant, that a fifty-foot setback will ensure compliance with all applicable State standards. The storage tank setback requirements of this Section shall not apply to tanks that are necessary to single-family or duplex units.

E. Electromagnetic interference

No operations or activities shall be conducted that cause electrical disturbances to be transmitted across lot lines.

F. Usable, livable open space (yards)

1. Required yards

No building used in whole or in part for residential purposes shall be hereafter erected, structurally altered or relocated on a lot so as to reduce the usable livable open space of such lot to less than that thereafter specified by the regulations of the district in which such building is located.

2. Usability of required open space

To be considered usable, livable open space shall be readily accessible and of a size and shape which can be reasonably considered to provide for amenities and the necessities of light, air, play space, yard area, garden, etc., but shall not include parking area and drives.

3. Maintenance and use of yards

Required yards shall be landscaped and kept clean and free from the accumulation of debris and refuse and shall not be used for the storage or display of equipment, products, vehicles or any other material except as may be specifically otherwise permitted under this LDC.

4.11.5 Compliance

Any use existing at the time of the adoption of this LDC that does not comply with one (1) or more of the operational performance standards of this Section shall not be deemed a nonconforming use for the purposes of this LDC.
PALISADE LAND DEVELOPMENT CODE

Article 5
Subdivision and Specific Development Standards

Sec. 5.1 General
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5.1.2 Plat required
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Sec. 5.2 Subdivision design standards
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  5.9.6 Fee fund established; use of fees
  5.9.7 Refund of fees paid
Sec. 5.1. General.

5.1.1 Scope and purpose
This Article shall govern all subdivisions of land within the corporate limits of the Town, all condominiumization of new or existing units and all multi-family and nonresidential development of land within the Town limits. The development of land is a major factor in the process of sound community growth and ultimately becomes a public responsibility in that the streets must be maintained and various public services customary to urban areas must be provided. The welfare of the entire community is thereby affected in many important respects. Therefore, it is to the interest of the public, to the developer and to the future owners, that the subdivisions be conceived, designed and developed in accordance with sound rules and proper minimum standards. It is in the intent of these regulations to encourage the growth of the Town in an orderly manner.

5.1.2 Plat required
The subdivider of a tract of land located within the Town limits; and the developer of multi-family and nonresidential development within the Town limits shall prepare and submit for approval a plat and or site plan of the subdivision in accordance with this Section. This requirement shall not apply to the Town or to other governmental agencies.

5.1.3 Unapproved plat
No Town approvals, including but not limited to building, repair, plumbing or electrical permits, shall be issued by the Town for any structure on a lot in a subdivision for which a final plat has not been approved and filed for record.

5.1.4 No Town maintenance
The Town shall not repair or maintain any streets or public utility services that have not been accepted in writing by the Board of Trustees. The Town shall not repair, maintain, install or provide any streets or public utilities or services in any subdivision for which a final plat has not been approved and filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full.

5.1.5 No utility service
The Town shall not sell or supply water or wastewater services within a subdivision for which a final plat has not been approved and filed for record, nor in which the standards contained herein have not been complied with in full.

Sec. 5.2. Subdivision design standards.

5.2.1 General
A. It is hereby declared to be the policy of the Town to consider the subdivision of land and its subsequent development to be subject to control by the Town pursuant to the Palisade Comprehensive Plan for the orderly, planned, efficient and economical development of the Town.

B. Land shall not be subdivided unless it is of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace and,
land shall not be subdivided until public facilities and improvements exist and provision has been made for necessary improvements such as drainage, water, sanitary sewer and transportation facilities.

C. Existing and proposed public improvements shall conform to the intent of and be properly related to the policies and recommendations of the Palisade Comprehensive Plan. It is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in this LDC, the Palisade Comprehensive Plan and all related sections of the Palisade Municipal Code.

5.2.2 General

A. Suitability of lands

The Town shall not approve the subdivision of land if, from adequate investigations conducted by all public agencies concerned, it has been determined that in the best interest of the public, the site is not suitable for platting and development purposes of the kind proposed. Land subject to flooding and land deemed to be topographically unsuitable shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property or aggravate erosion or flood hazard. Such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or shall not produce unsatisfactory living conditions.

B. Reserved strips and remnants prohibited

There shall be no reserved strips controlling access to a proposed or existing public easement or right-of-way in such a manner that it denies access from adjacent property to said street or easement, except where their control is placed in the Town under condition approved by the Planning Commission and Town Board.

C. Sequence and continuity of improvements

1. Sequence of improvements

   Unless otherwise approved by the Planning Director, improvements shall be installed on the site in the following sequence:

   a. Street grading and installation of water distribution lines, fire hydrants, sanitary sewers, storm sewers, gas, telephone, cable television and electric service lines, with connections for each system extended beyond the curb line to preclude subsequent cutting of pavement;

   b. Street base material;

   c. Curb and gutter and sidewalks; and

   d. Street paving.

2. Continuity of improvements
a. All improvements shall be designed and installed so as to provide for a logical system of utilities, drainage and streets and to create continuity of improvements for the development of adjacent properties.

b. Water distribution lines shall be looped or connected to at least two (2) existing sources whenever possible.

D. Existing structures

The subdivision or resubdivision of a tract or lot shall not be permitted to cause an existing permanent structure to violate the standards of this LDC.

5.2.3 Engineering and construction standards

All required improvements shall be constructed in accordance with the Town's most recent construction standards. Where such standards do not specifically cover a design or construction issue, the Planning Director shall have the authority to enforce other nationally recognized standards. Where a roadway is maintained by CDOT, the roadway and any intersections with such roadway shall be constructed in conformance with the Town's construction standards or CDOT standards and specifications, whichever is more stringent.

5.2.4 Subdivision access

A. Large tracts or parcels

When land is subdivided into larger parcels rather than ordinary building lots, such parcels shall be arranged so as to allow for the opening of future streets and logical further subdivisions. If the Comprehensive Plan recommends major streets to cross the subdivision, the rights-of-way shall be dedicated to the public.

B. Single-family residential lots

1. Single-family residential lots shall derive access from a major street only where otherwise unavoidable.

2. Where a single-family residential lot borders a major street and a minor street, access shall be gained from the minor street only and the final plat shall include a note restricting access to such lots from the collector, arterial or other major street.

3. Where driveway access from a major street may be necessary for several adjoining lots, a combined access drive may be required in order to limit possible traffic hazards.

C. Access requirements

1. Residential subdivisions

   a. Any residential subdivision of greater than thirty (30) lots shall include at least two (2) access points. The second access may consist of stub street.

   b. Any residential subdivision of greater than seventy-five (75) lots shall include at least two (2) access points. Stub streets shall not be considered part of the two (2) access points.
c. No more than seventy-five (75) certificates of occupancy may be issued within the subdivision until the required secondary access has been constructed or bonded for construction.

d. Residential subdivisions of two hundred fifty (250) or more lots shall provide three (3) separate access points. Where three (3) or more access points are required, the Planning Commission may waive the requirement for immediate construction of more than two (2) access points, provided that subdivision phasing and design illustrates the additional required connections. For those subdivisions large enough to require a third access, a stub-out street may be credited as a required access if the two (2) functioning access roads are both connected to a collector road.

2. Nonresidential subdivisions

Nonresidential subdivisions shall have access to an arterial street; provided that the Planning Commission may approve access to a collector street if traffic conditions warrant such access. Nonresidential subdivisions shall not have access to local streets other than local streets which comprise a part of the same nonresidential subdivision.

3. Waiver

A waiver of the standards of this Section pursuant to the provisions of Paragraph 7.6.7.A.6 may be allowed by the Planning Commission in conjunction with the approval of the preliminary subdivision plat only in extreme cases where limited frontage, natural features (slope, topography) or similar circumstances preclude the required connections and there is no substantial impact noted regarding emergency service delivery.

5.2.5 Streets

A. Street layout

1. Adequate streets shall be provided by the subdivider such that the arrangement, character, extent, width and grade of each shall conform to the Comprehensive Plan. The layout of new streets shall be considered in their relation to existing and planned streets, to the public safety and convenience and to their appropriate relationship to the proposed use of the land to be served by such streets.

2. Street layout shall conform as much as possible to topography; to permit efficient drainage and utility systems; to require the minimum number of streets necessary for convenient and safe access to property.

3. Minor streets (collector and local streets) shall be designed so that their use by arterial traffic will be discouraged.

4. Where the plat to be submitted includes only part of the tract owned or intended for development by the subdivider, a tentative plan of a proposed future street system for the unsubdivided portion shall be prepared and submitted by the subdivider with the preliminary plat.

B. Relationship to adjoining street systems
1. The arrangement of streets should provide for the continuance of local, collector or arterial streets between adjacent properties when such continuance is deemed necessary by the Planning Commission for convenient movement of traffic, for effective fire protection, for efficient provision of utilities and where such continuation is in accordance with the Comprehensive Plan.

2. Whenever connections to anticipated or proposed surrounding streets are required by this Section, the rights-of-way shall be extended and the street developed to the property line of the subdivided property at the point where the connection to the anticipated or proposed street is expected. The Planning Director may require temporary turnarounds in accordance with the requirements of Paragraph 5.2.5.F.

3. Whenever a residential subdivision abuts or contains an existing or proposed major street, access to such major street shall be limited by one (1) or more of the following means:
   
a. Reverse frontage may be required with screened planting along the rear property line. Deep lots or other such treatment must be required along with this solution. For corner lots or lots with double or reverse frontage, the Planning Commission shall require that a "limits of access" note be placed on the face of the final plat resulting in no access from collector streets or major streets when a lot may derive its access from a local street.
   
b. A series of cul-de-sacs, U-shaped streets or short loops entered at right angles to parallel street shall be encouraged.

C. Intersections

1. Streets shall be designed to intersect, as nearly possible at right angles (90°) to other streets.

2. No more than two (2) streets shall intersect at any one (1) point unless specifically approved by the Planning Commission.

3. Street corners shall have a minimum radius of twenty-five (25) feet at the curb line. Street intersections involving major streets shall have a minimum street corner radius of thirty (30) feet at the curb line. Alley intersections and abrupt changes in alignment within a block shall have the corners rounded to permit safe vehicular movement in accordance with Paragraph 5.2.5.O and standard engineering practice.

4. The design of intersections with an existing state or federal highway shall be in accordance with CDOT specifications, but in no case shall the standard be less than the applicable specifications and requirements of these regulations or other applicable regulations of the Town.

D. Street jogs

Street jogs with centerlines of less than one hundred fifty (150) feet apart shall be avoided. The Planning Commission shall require that streets be connected in such a manner that a smooth flow of traffic and the elimination of traffic hazards are assured.

E. Half streets
1. Half streets shall be prohibited except where essential to reasonable development of the subdivision in conformity with other requirements of these regulations, and provided that the Planning Director recommends to the Planning Commission that it will be practical to obtain the dedication of the other half of the street right-of-way when the adjoining property is subdivided. Whenever a half street is adjacent to the tract to be subdivided, the other half of the street shall be platted within the tract being subdivided.

2. Where a subdivision borders an existing street or road meeting Town standards and specifications or when the Comprehensive Plan or zoning setback requirement indicate plans for realignment or widening of that street or road which would require use of some of the land in the subdivision, the applicant shall dedicate the additional right-of-way from the centerline. All arterial or section line roads abutting or bordering a proposed subdivision shall be improved to Town standards and specifications. Upon recommendation by the Planning Director, the Planning Commission may require the improvement of an abutting collector or local street or road or any part thereof to Town standards and specifications. Land reserved for any public street purposes shall not be counted in satisfying yard or area requirements of this LDC. Said land shall be dedicated to the municipality in fee simple, as right-of-way, and indicated on an approved final plat.

3. Whenever a subdivision is adjacent to an already existing unpaved street, the subdivider will not be required to pave the entire breadth of said street but only half of the same street adjacent and parallel to said subdivision.

4. Whenever a subdivision contains a half street approved by the Planning Commission, the subdivider will be required to pave the half of the street dedicated.

F. Dead end streets

Temporary dead-end streets shall be permitted up to one thousand (1,000) feet in length subject to the requirements of this Section.

1. Temporary turnarounds shall be required where a temporary dead-end street stub exceeds two hundred (200) feet in length. The developer shall provide a sign at the stub declaring that the particular street shall connect with any future development.

2. Permanent dead-end streets shall terminate in a cul-de-sac.

3. Provisions shall be made for adequate storm drainage structures to prevent water from standing in the end of a cul-de-sac, dead-end streets or stub street.

G. Cul-de-sacs

1. Cul-de-sacs may be permitted only on local streets.

2. No cul-de-sac or permanent dead end street shall exceed five hundred (500) feet in length, measured from the nearest street right-of-way line to the outer curb line of the cul-de-sac. When topography or ownership creates a hardship, the appropriate decision maker(s) may waive the five hundred (500) foot maximum cul-de-sac length, but in no case shall the cul-de-sac length be in excess of one thousand (1,000) feet.
3. A cul-de-sac shall have a turnaround radius of not less than fifty (50) feet at the property line and forty (40) feet at the curb line. The cul-de-sac's terminus shall be no closer than one hundred (100) feet from the right-of-way line to the boundary of adjoining property.

4. A fire hydrant shall be provided at the end of each cul-de-sac in accordance with the requirement of the Fire Protection Ordinance.

H. Frontage road (service road)

Where a parcel of land to be subdivided adjoins an arterial or railroad, the Planning Commission or Town Board may require that such lots be provided access by a frontage road. Reverse frontages with screen planting contained in a nonaccess reservation along the rear property line, deep lots or such other treatment may also be required as may be necessary for adequate protection of residential properties and to afford separation of arterial and local traffic.

I. Private streets

1. All private streets shall be constructed according to the Town's public street construction standards. Unless the recorded plat of a subdivision clearly indicates a street to be private, the recording of such plat shall constitute an offer of dedication of such streets and shall contain the words "dedicate, transfer" or "convey." The Town shall have the discretion to require a public street connection for safety or access purposes.

2. The recorded plat of any subdivision that includes a private street shall clearly state that such street is a private street.

3. All private streets shall be maintained by a designated responsible party in accordance with Section 4.7.

4. Where private streets are later made public through dedication to the Town, such streets shall be brought up to public construction and maintenance standards, prior to their acceptance by the Town.

J. Major streets

1. Major streets include all principal arterials, minor arterials, major collectors and minor collector streets within the Town according to the Comprehensive Plan.

2. Where a subdivision encompasses a major street as shown on the Comprehensive Plan, provisions must be made for the uninterrupted extension of such streets as shown on said Plan. In certain cases the Town may have constructed a street through the area to be subdivided, in which case the subdivider shall develop the necessary street intersections at his or her expense, in accordance with the requirements of this Section.

3. Where a subdivision contains a major street that requires a street facility that is more costly than is required to serve the future occupants of the subdivision, the subdivider shall be required to pay only the portion of the cost of the arterial street that would equal the cost of any improvements required to serve only the subdivision, as determined by the Town Board.

K. Street classification
Street classification shall be as follows, with principal arterial being the highest classification and alley being the lowest.

1. Principal arterial

A multilane facility for traffic movement with a minimum number of at-grade intersections, which serves as the principal network for high volumes of traffic. Residences should not front on a principal arterial.

2. Minor arterial

A multilane facility for traffic movement and for giving access to abutting property in accordance with the access management provision of Section 4.6, which provides connections between local and collector streets and the principal arterials and freeways, and which provides movement of relatively large volumes of traffic for short distances within the community. Residences fronting on a minor arterial are discouraged.

3. Major collector

A street located within neighborhood or other integrated use area which collects and distributes traffic from local streets or other minor streets and connects with arterial streets or community or neighborhood facilities.

4. Minor collector

A street which serves as a connector street between local streets, cul-de-sacs and major and minor arterials.

5. Local

A street which collects and distributes traffic between parcels of land and collector or arterial streets, with the principal purpose to provide access to abutting property.

6. Alley (lane)

A local street with a single lane providing service access along rear or side property lines of lots which are also served by one (1) of the other listed street types.

L. Street names

1. Street names shall not be used which will duplicate or be confused with the names of existing streets in the Town or county. Street name shall be subject to the approval of the appropriate decision maker.

2. Streets that are obviously in alignment with other already existing streets shall bear the names or numbers of all existing streets.

M. Street numbers

Street numbers shall be established by the Fire Chief.

N. Street signs and traffic control devices
1. All pavement marking, signs and other traffic control devices needed for new subdivisions shall be installed by the developer at his expense, subject to location approval by the Planning Director. All traffic control devices required by this Section shall be in conformance with the Uniform Traffic Code.

2. All street signs shall be installed, at the expense of the subdivider, at each intersection within the subdivision and shall conform to the requirements of Manual Uniform Traffic Control Devices and the Model Traffic Code, as appropriate. Street signs shall be supplied and installed by the developer and approved by the Public Works Department.

O. Alleys

1. Alleys shall be provided in all districts, except that upon review, the decision making authority may waive this requirement where other definite and assured provision is made for service access, such as adequate off-street loading, unloading and parking facilities consistent with and adequate for the uses proposed. (See also Section 4.1)

2. Placing utilities under paved alleys should be avoided in commercial or industrial areas which contain utility lines.

3. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be designed and constructed in such a manner as to permit safe and convenient vehicular movement.

4. When alley intersections are unavoidable, as in "T," "L" or "H" alley configurations, easements shall be established to ensure compliance with the corner setback and safe sight triangle requirements of Subsection 4.6.11.

5. Dead-end alleys shall be avoided, but where unavoidable, shall be provided with adequate turnaround facilities at the dead-end, as determined by the Planning Director.

5.2.6 Traffic impact analysis

Where the Planning Director or the Planning Commission deems it necessary, a traffic impact analysis shall be provided by a qualified, professional traffic engineer.

5.2.7 Lots and blocks

A. General

The arrangement of lots and blocks shall be such that there will be no foreseeable difficulties for reasons of topography or other conditions, in securing a building permit. All building lots shall be arranged to comply with the Comprehensive Plan, this LDC and current building codes.

B. Lots

1. Access

All lots must have access in accordance with access management standards of Section 4.6 and have frontage on a street constructed to the standards of this LDC.
a. Except as provided in Paragraph 4.6.1.B above, no principal building, structure or use may be erected or established on any lot which does not abut at least thirty (30) feet, twenty-five (25) feet for townhouse lots, on a street constructed to the standards of the Town and dedicated to the public (Town or county) or approved as a private street pursuant to the provisions of Subsection I.

b. The Planning Director may authorize, in specific situations, the erection or establishment of a principal building, structure or use on a lot not meeting these requirements if it is clear that adequate provision for access for the type and intensity of use proposed has been or will be provided and there are special circumstances, such as the rural nature of the lot and area, or in the case of a nonresidential use, that an easement has been recorded guaranteeing accessibility, that make the application of these requirements to the proposed use not feasible or undesirable.

2. Lot configuration and dimensions
   a. Width, depth and area

   Lots shall have a width, depth and area of not less than that required by this LDC. Lots, tracts and parcels created for a particular commercial or industrial use shall have sufficient area and dimensions to provide for off-street parking and loading facilities as required by this LDC for the type of use and development proposed.

   b. Lot lines

   Side lot lines shall be at right angles to street line or radial to curving street lines except in townhouse developments abutting a curvilinear right-of-way.

   c. Safe sight triangle

   Corner lots shall comply with the corner setback and safe sight triangle requirements of Subsection 4.6.11. Said triangle shall be protected by easement dedicated to the Town.

   d. Drainage

   All drainage improvements shall comply with the most recent version of the Mesa County Storm Water Management Manual.

   (i) Each lot, site and block within a plat or subdivision shall be adequately drained, as prescribed by these regulations and all other ordinances and regulations.

   (ii) Lots shall be laid out so as to provide positive drainage away from all buildings. Individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.

   (iii) No lot or site within a plat or subdivision shall derive sole access to a public street through a regulatory floodway unless such access shall be designed to remain open under base flow or one-hundred-year floodplain conditions.

3. Double frontage (through lots)
Double frontage residential lots are prohibited, except as follows:

a. Residential lots may not have frontage on two (2) nonintersecting local or collector streets, unless access is taken from the street with the lower classification in accordance with Paragraph 5.2.5.K.

b. Residential lots adjacent to both an arterial street and a local street must have frontage on the local street. Vehicular access to these lots may be from the local street only. Nonresidential lots with double frontage must have offset access points to inhibit cut-through traffic.

c. Where rear of lot abuts an arterial street, a sight-proof screening shall be provided and shall not be less than six (6) feet in height. There shall be no access to the rear or side portion of any lot abutting such street.

4. Undivided lots

Where a block is to be developed and retained under single ownership it is not required that the block be subdivided into lots; however, the block must meet all requirements of these regulations and other applicable regulations for lots and blocks including lot sizes and dimensions. All lots proposed for commercial or industrial use shall abut upon a dedicated street and shall be of appropriate size and arrangement to provide for adequate off-street parking and loading facilities based on the intended use. No individual parcel shall be created for a particular commercial or industrial use that has an area, width or depth that is less than is required for the permitted use under the applicable provisions of this LDC.

5. Numbering

Lots shall be numbered consecutively within each block, phase or plat and from block to block in a uniform manner.

C. Blocks

1. General

The lengths, widths and shapes of blocks shall be determined with due regard for the following:

a. Provision of adequate building sites suitable to the special needs of the use type contemplated;

b. Zoning requirements as to lot sizes and dimensions;

c. Need for convenient access, circulation, control and safety of street traffic; and

d. Topographic limitations.

2. Configuration
Blocks generally shall be platted to provide two (2) tiers of lots with a utility easement or alley between them, with proper regard for drainage channels, wooded areas and other topographical features lending themselves to attractive treatment.

3. Length
   a. Blocks for residential use shall not be longer than five hundred (500) feet measured along the centerline of the block. Wherever practical, blocks along primary and minor arterial streets shall be not less than one thousand (1,000) feet.
   b. A waiver of the standards of this Subsection pursuant to the provisions of Paragraph 7.6.7.A.6 may be allowed provided that where a block exceeds six hundred (600) feet in length, the Planning Commission may require a pedestrian accessway if deemed necessary to provide circulation or access to schools, playgrounds, shopping centers, transportation or other community facilities (See Subsection 4.2.4).

D. Width and depth
   1. Blocks used for residential purposes shall be of sufficient width to allow for two (2) tiers of lots of appropriate depth but shall not be less than two hundred twenty (220) feet in width except where otherwise required to separate residential development from through traffic. Other exceptions to the prescribed block width shall be permitted for blocks adjacent to major streets, railroads or waterways. Such exceptions are allowed provided other applicable provisions of these regulations are adhered to.
   2. Blocks intended for business and industrial use should be a width and depth suitable for the intended use, without allowance for off-street parking and loading facilities.

E. Numbering
   Blocks shall be numbered consecutively within the overall plat or sections of an overall plat as recorded.

5.2.8 Building envelopes
   A. Building envelope lines shall be provided on the plat for lots in residential subdivisions.
   B. Where accessways are provided or required, a side yard building envelope line shall be provided on the plat not less than ten (10) feet back of the accessway right-of-way line on the side of a lot abutting a mid-block accessway.
   C. Platted building envelope lines shown on an approved final plat that are more restrictive than the setback requirements of this LDC shall represent the mandatory setback line.

5.2.9 Monuments
   Permanent reference monuments shall be installed for all sites proposed for development.
   A. At least one (1) corner of a development shall be designated by course and distance from a readily discernible reference marker such as a U.S. Government marker, section corner or quarter-section corner.
B. At least two (2) reasonably permanent markers shall be installed within each development. Additional monuments shall be installed if so directed by the Planning Director or the Planning Commission.

C. Reasonably permanent markers shall be consistent in size and materials and shall be set in accordance with Mesa County's current standards.

D. A durable cap bearing the registration number of the professional land surveyor responsible for the establishment of the monument shall be affixed securely to the top of each monument.

E. A bench mark, based on USGS or NGS datums shall be established and shown on the site plan. An assumed datum will not be allowed.

5.2.10 Water supply

A. Connect to Town system

All development occurring within the Town shall be connected to the Town's water supply system unless otherwise approved by Planning Director.

B. Water lines

The developer shall provide adequate service lines and stubs to each lot such that street and sidewalk cuts will not be required in order to connect the proposed buildings with the water mains. The tap of the water main shall be made by the Town or be accomplished under Town supervision, in conformance with all applicable Town standards, including the Town's construction standards.

5.2.11 Sanitary sewer

A. Connect to Town system

All developments occurring within the Town shall be connected to the Town's sewage disposal system.

B. Sewage collection lines

The developer shall provide adequate service lines and stubs to each lot in such a manner that street and sidewalk cuts will not be required in order to connect the proposed buildings with the sanitary sewer mains. The actual tap of the sewer main shall be made under close Town supervision, in conformance with all applicable Town standards, including the Town's construction standards.

5.2.12 Underground utilities

All franchised utilities shall be installed beneath the surface of the ground unless it is determined by the Planning and Zoning Enforcement Officer or the Planning Commission, depending on which is responsible for the review of the site plan, that soil, topographical or any other compelling conditions make underground installation of such utility lines unreasonable and impractical. Underground installation of bulk electric power supply lines such as transmission and primary distribution feeder lines may not be required.
5.2.13 Drainage

All drainage improvements shall be designed and constructed consistent with the latest issue of the Stormwater Management Manual adopted by Mesa County.

5.2.14 Street lighting

The subdivider shall be responsible for the installation and cost of street lighting in all subdivisions in accordance with the requirements of this Section.

A. Prior to installation of street lighting, a street lighting design plan shall be approved by the Planning Director, including determination of the location and number of street lights. Streetlights shall be located so as to be of general benefit to the surrounding neighborhood. The developer shall be required to provide and install ornamental metal standard and high pressure sodium vapor lamps on public streets in subdivisions within the Town limits.

B. The type of equipment, method of installation and location of the wiring and light poles shall meet the minimum standards and requirements of the electric company from which electricity is to be purchased and the requirements of Section 4.4.

Sec. 5.3. Responsibility for payment of installation costs.

5.3.1 Required improvements

Required improvements shall include: streets, street signs and traffic control devices, pedestrian facilities, easements and utilities, water system, sanitary sewer, storm sewers and drainage, public areas and open space and street lighting.

5.3.2 Payment for required improvements

The subdivider is responsible for payment of all costs of materials and installation of required improvements (infrastructure and public improvements needed to serve the development), unless otherwise provided, in accordance with the requirements of this LDC, the Town's engineering and construction specifications, and with the specific plans and specifications for such improvements approved by the appropriate Town, county, state or federal agencies.

5.3.3 Town participation provisions

The cost of utilities, streets, storm sewers and other improvements that are required by the Town to be larger than would normally be needed to serve the proposed addition may be cost-shared between the developer and the Town at the discretion of the Town Board.

5.3.4 Recapture agreement

Where practical, the Town may wish to enter into a recapture agreement with a developer and/or other property owners wherein terms and conditions may be specified under which part of the cost of improvements may be recoverable from subsequent development which makes use of the improvements. See the Administrative Handbook on Land Use.

Sec. 5.4. Assurance for completion of required improvements.

5.4.1 General
A. Improvements may be installed only in accordance with the subdivision or development improvement agreements and final plat that has been approved or approved on condition, as required by this LDC. Said improvements must be in accordance with construction plans approved by the decision-making body.

B. The applicant shall build and pay for all costs of temporary improvements required by the decision-making body and shall warranty and maintain same for the period specified in Section 5.7.

C. All required improvements shall be made by the applicant, at his/her expense, without reimbursement by the Town or an improvement district therein, except where approved by the Town Board.

D. Approval shall be deemed to have expired for subdivisions for which no assurances for completion have been posted and improvements have not been completed within the period specified by the provisions of these regulations. In those cases where a performance bond or other instrument has been required and improvements have not been completed within the terms of said performance bond or other instrument, the Town Board may declare the bond to be in default and require that all the improvements be installed.

E. For details and requirements of subdivision and development improvement agreements see the Administrative Handbook on Land Use.

5.4.2 Time limit for completion of improvements

A. The period within which required improvements must be completed shall be specified by the decision-making body in approving the final plat and shall be incorporated in the bond or other instrument and shall not in any event exceed three (3) years from date of final approval of the plat or surety bond whichever is later.

B. The decision-making body may, upon application of the subdivider and upon proof of hardship, approve an extension of the completion date set forth in such bond or other instrument for a maximum period of one (1) additional year. Such extension shall be granted no more than two (2) times. Each application for extension shall be accompanied by an updated estimate of construction cost prepared by a professional engineer.

5.4.3 Engineering inspection and repairs

A. Engineering inspection of required improvements shall be provided by the Town. The subdivider shall be responsible for inspection fees (See Paragraph 7.2.3B). If the Planning Director finds, upon final inspection that any required improvements have not been constructed in accordance with the Town's construction standards or the agreements set forth in the subdivision or development improvement agreements, the subdivider shall be responsible for making repairs and completing the improvement as required.

B. The Town Board shall not accept dedications of required improvements, nor release, nor reduce a performance bond, letter of credit or escrow account until the Planning Director has submitted a certificate stating that all requirements or the corresponding portion of the required improvements have been satisfactorily completed.
C. The Planning Director may establish additional requirements and procedures as necessary to ensure the proper installation and inspection of required improvements.

5.4.4 Improvement assurance alternatives

The Town will make a determination as to which of the following methods will be used to ensure completion of any improvement agreements:

A. Build first

Prior to recording the final plat or issuance of building permits, the subdivider shall complete, in accordance with the approved construction plans, all improvements required in these regulations specified in the final plat and/or planned unit development control document, and when required, shall dedicate same to the Town in accordance with these regulations. The final plat shall be held by the Planning Director and signed by the Town Board only after satisfactory completion and acceptance of the required improvements. When this method is used for assurance of completion, no lot shall be transferred or conveyed to any third party until the Town has accepted the required improvements and the final plat has been recorded.

B. Subdivision improvements agreement

In lieu of completion of all improvements prior to final plat recording, the Town Board may, at its discretion, enter into a subdivision improvements agreement with the subdivider, whereby the subdivider shall guarantee to complete all required improvements as may be specified and approved by the Town Board. To secure this agreement the subdivider shall provide, subject to the approval of the Town Board, a financial guarantee as provided in 5.4.5 below.

5.4.5 Financial guarantees

If the subdivider decides or elects to file security in lieu of completing construction prior to final plat approval, he or she may utilize one (1) of the following methods of posting security. If the subdivider elects to file security, the plat shall not be approved unless the subdivider has done one (1) of the following:

A. Surety performance bonds

The subdivider shall file a surety bond with the Town, as set forth herein the amount of one hundred ten percent (110%) of the estimated construction costs of the required improvements. A professional engineer shall furnish estimates of the costs of all required improvements and utilities to the Planning Director who shall review the estimates in order to determine the adequacy of the bond for ensuring the construction of the required facility. All dedications, easements and improvements relative to the final plat and to the surety bond shall be brought before the Town Board for their acceptance. Upon such acceptance the Town Clerk shall file the final plat in the office of the County Clerk and Recorder.

B. Escrow account

The subdivider shall deposit in cash or other instrument readily convertible into cash the face value, either with the Town or in escrow with a bank or savings and loan institution.
The use of an instrument other than cash shall be subject to approval of the Town Board. The amount of the deposit shall be one hundred ten percent (110%) of the full amount of the cost of the required improvements, cost estimated by a professional engineer and approved by the Planning Director. In the case of any escrow account, the subdivider shall file with the Town Board an agreement between the financial institution and himself, approved by an attorney, guaranteeing the following:

1. That the funds of said escrow account shall be held in trust until such time that the Town's inspector or engineer may sign a release form for said funds. Escrow funds may not be used or pledged by the subdivider as security in any other matter during that period; and

2. That in the case of a failure on the part of the subdivider to complete said improvements, the financial institution shall immediately make the funds in said account available to the Town for use in the completion of those improvements.

C. Irrevocable letter of credit

Subject to the approval of the Town Board, the subdivider shall provide a letter of credit from a bank or other reputable institution or individual. This letter shall be submitted to the Town Board and shall certify the following:

1. That the creditor does guarantee funds equivalent of one hundred ten percent (110%) of the full amount as estimated by professional engineer and approved by the Planning Director;

2. That, in case of failure on the part of the subdivider to complete the specified improvement within the required time period, the creditor shall pay to the Town or its designee immediately and without further action, such funds as are necessary to finance the completion of those improvements, up to the limit of the credit stated in the letter; and

3. The letter of credit may not be withdrawn or reduced in amount, until approved by the Town Board according to provisions of this article.

5.4.6 Issuance of certificate of occupancy

Where a surety bond or other instrument is required for a subdivision, no planning clearance for construction of any building in that subdivision or any approved phase, shall be issued prior to the completion of the improvement and dedication and acceptance of the same by the Town Board.

Sec. 5.5. Dedication of improvements.

Improvements proposed to be accepted by the Town shall proceed as follows:

5.5.1 Letter from developer

A letter from the developer shall be submitted to the Planning Director describing the location of said improvement projects and the construction costs. A certified copy of as-built plans executed by the developer's engineer shall be attached and said letter shall contain a request for acceptance for operation and maintenance of the improvement by the Town.

5.5.2 Letter from developer's engineer
A letter from the developer's design engineer shall be submitted to the Planning Director certifying that the construction of any improvements was performed in full compliance with the Planning Director-approved plans and specifications.

5.5.3 Materials testing report

A materials testing laboratory report for each test performed on material incorporated in the construction shall be submitted to the Planning Director.

5.5.4 Maintenance bond

A maintenance bond from the developer's contractor benefiting the Town as specified in Section 5.7.

5.5.5 Approval of construction

After completion of construction of the improvement and after a determination by the Planning Director that all said improvements (streets, sewer, sidewalk, etc.) meet all requirements of this LDC and the Town's construction standards, the dedicator shall present to the Town Board, in a form specified by the Administrative Handbook on Land Use, a formal dedication of the improvement.

Sec. 5.6. Acceptance and release of financial guarantee.

Upon receipt of a recommendation from the Planning Director, the Town Board may approve the dedication and releases of financial guarantees for required improvements in accordance with the requirements of this Section. The Planning Director may establish additional submission requirements and procedures for the release of financial guarantee.

5.6.1 Periodic releases

A. As public improvements are made, an applicant may apply to the Planning Director for release of part or all of the collateral deposited with the Town Board. Upon inspection and approval, the Town Board shall release collateral.

B. If the Town Board, upon recommendation of the Planning Director, determines that any of the required improvements are not constructed in substantial compliance with specifications, the Planning Director shall furnish the applicant a list of specifications and shall be entitled to withhold collateral sufficient to insure substantial compliance.

C. If the Town Board determines, upon recommendation of the Planning Director, that the applicant will not construct any or all of the improvements in accordance with all of the specifications, the Town Board may withdraw and employ, from the deposit of collateral, such funds as may be necessary to construct the improvements in accordance with the approved specifications.

5.6.2 Collateral release procedure

A. Collateral release requests shall be complete at least fourteen (14) days prior to any desired release date; and must show or include all of the following:

1. Dollar amount of commitment guarantee;
2. Improvements completed, including dollar value;

3. Improvements not completed, including dollar value;

4. Amount of previous releases;

5. Amount of commitment guarantee requested released;

6. Release or waivers of mechanics' liens of all parties who have furnished work, services or materials for the improvements;

7. Certification by the design engineer that the improvements have been completed according to approved standards and specifications; and

8. Reasonable fees to cover the cost of administration and inspections.

B. Upon receipt of the application, the Planning Director shall promptly refer the application to the Town Engineer. The Town Engineer shall inspect the required improvements, both those completed and those uncompleted, at his earliest convenience. If the Town Engineer determines from the inspection that the required improvements shown on the application have been completed as provided herein, the Town Engineer shall so advise the Planning Director and the Town Board shall release that portion of the collateral supporting the commitment guarantee relative to the completed improvements.

C. All collateral releases shall be made in writing signed by the Planning Director. Such releases shall be made in all cases as soon as practical, following the submission of a complete request, as described above.

D. The Town may release one hundred fifteen percent (115%) of the amount of the collateral for the required improvements completed to date, less one hundred twenty-five percent (125%) of the costs of the required improvements not completed; thus retaining ten percent (10%) of the amount of the collateral for the required improvements completed to date as identified by the approved cost estimate, pending satisfaction of the warranty bond requirements of Section 5.7. Alternatively, the amount to be released may be one hundred twenty-five percent (125%) of the amount of the collateral for the required improvements completed to date, upon submission of a warranty bond in accordance with the requirements of Section 5.7.

5.6.3 Final plat and as-built plans required

A. The final plat required shall be prepared by a professional surveyor. The as-built construction plans for improvements required by this LDC shall be prepared by a professional engineer and shall conform to the Town's construction standards.

B. As-built plans and specifications for all improvements shall be filed with the Planning Director in hard copy with copies as specified by the Planning Director and digital format, if required by the Planning Director, prior to final inspection or acceptance by the Town of any improvement installed by the subdivider and prior to the release of any performance documents and guarantees. Digital information, when required, shall be provided in format compatible with the Town GIS and as specified by the Planning Director.
C. The as-built plans shall indicate the location, dimensions, materials and other information required by the Planning Director. The plans shall further illustrate that the layout of the line and grade of all improvements are in accordance with construction plans for the subdivision and that said improvements are ready for dedication to the Town.

D. Evidence as may be required by the Planning Director shall be submitted demonstrating that all improvements are free and clear of any and all liens and encumbrances.

5.6.4 Final acceptance and release

Subject to the requirements of Subsection 5.6.3 and Section 5.7, the subdivider shall request, in writing, the final inspection of completed improvements and release of any remaining guarantee.

A. Upon receipt of this request, the Planning Director shall approve in writing all improvements in accordance with approved plans and specifications; and the Town Board may approve the release of any remaining guarantee.

B. The Town Board, upon finding that the construction of the improvement is in compliance with this LDC and the Town's construction standards, shall accept dedications as provided by this Code.

Sec. 5.7. Warranty.

A. The subdivider shall warrant or guarantee that all materials and workmanship in connection with the improvements required under this LDC are free of defects. Maintenance bonds, letter of credit or escrow funds for the respective improvements running from the time of acceptance shall be filed in the following amounts and for the designated time periods and include but are not limited to:

1. Streets: one hundred percent (100%) for eighteen (18) months.

2. Water, sewer and storm sewer: one hundred percent (100%) for eighteen (18) months.

3. Parking facilities, landscaping, lighting: one hundred percent (100%) for eighteen (18) months.

B. Maintenance of sidewalks constructed by the developer as part of the subdivision improvements shall be the responsibility of the developer and are one hundred percent (100%) under warranty for eighteen (18) months.

C. The subdivider or developer, if using construction contractors for furnishing the materials or installing the improvements required under this LDC, shall require that all contracts include such a guarantee. If the subdivider fails to perform the necessary work to correct defects during the guarantee period, the Town will make necessary repairs and bill the subdivider for the total cost of the repair work.

Sec. 5.8. School land dedication.

5.8.1 Purpose

A. Every subdivision, planned development and mobile or manufactured home park which is proposed to contain residential units and which increases the number of permitted residential dwelling units over and above that approved as of the effective date of this
Section shall be required to dedicate land for school purposes, based on the increased number of approved dwelling units, if the Mesa County School District No. 51 ("School District") determines that such development includes within it "suitable school lands" which are necessary for implementing a school plan. If such subdivision does not contain "suitable school lands," the fee required under Subsection 5.8.3 shall be paid in lieu of a school land dedication, based upon the increased number of approved residential dwelling units. The provisions of this Section and Subsection 5.8.3 shall be the exclusive standards for the dedication of "suitable school lands" and imposition of fees in lieu thereof as prescribed by Subsection 5.8.3, and in the event of any conflict between such provisions and any other provision contained in this Section, the requirements of this Section and Subsection 5.8.3 shall control.

B. In the event a dedication of land for school purposes is required under this Section, such dedication shall be made by the developer at or before the time of approval of the subdivision final plat or PUD final development plan or other applicable development plan. No such approval shall be granted until good and sufficient title to the "suitable school lands" to be dedicated under this Section, free and clear of all liens and encumbrances whatsoever, except for current general property taxes and patent reservations, is conveyed or dedicated to and accepted by the School District.

5.8.2 Amount

The amount of "suitable school lands" which may be required to be dedicated under this Section shall be roughly proportional to the additional real property required by the school district for expansion of existing school facilities and construction of new school facilities to accommodate enrollment growth from the proposed residential subdivision and the future inhabitants thereof. Such rough proportionality shall be deemed to be met by the following formula:

\[
\text{Number of dwelling units in the proposed residential development} \times \text{student generation fee factor of twenty-three thousandths} \times 0.023 = \text{number of acres of suitable school lands required.}
\]

The student generation fee factor is based upon a study conducted by Mesa County School District No. 51 and referenced in the intergovernmental agreement between Mesa County School District No. 51 and the Town and may be modified from time to time in the manner provided in Paragraph 5.8.3.F.3 below.

5.8.3 Fee in lieu of school land dedication

A. When required. Except for developments where a school land dedication is required in accordance with Subsection 5.8.1 above or is permitted under Subsection D. below or an exemption under Subsection C. applies, all proposed subdivisions, planned unit developments and mobile or manufactured home parks containing residential dwelling units, and which increase the number of approved dwelling units over and above the number approved as of the effective date of this Section, shall pay fees in lieu of school land dedication (SLD fee) in an amount per unit based upon the increased number of dwelling units set forth in Subsection F. hereof. SLD fees shall be collected by the Town for the exclusive use and benefit of the School District and shall be expended by such school district solely to acquire real property or an interest in real property reasonably needed for development or expansion of school sites and facilities or to reimburse the
school district for sums expended to acquire such property or interests. Revenues derived from such fees shall be used only for such purposes.

B. Payment of SLD fee

1. No final plat for a subdivision or final development plan for a PUD or other development plan containing residential units shall be approved until and unless the applicable SLD fee in effect at the time such approval is applied for has been paid as required by this Section based on the increased number of approved dwelling units. No SLD fee shall be required or collected under this Section with respect to any subdivision for which an application has been filed as of the effective date of this Section.

2. In the sole discretion of the Board of Trustees, the Town may elect to approve a final plat or PUD final development plan or other development plan subject to payment of required SLD fees due under this Section pursuant to a deferred payment plan. Provided, however, any deferred payment plan shall provide for a performance guarantee such as a performance bond, irrevocable letter of credit or escrow fund approved by the Board of Trustees, to assure payment of such fees.

3. Any plan for payment of SLD Fees on a deferred basis in accordance with Paragraph B.2 above shall be documented in a written deferred payment plan referenced on the recorded final plat or final development plan. Such deferred payment plan shall contain, at a minimum, the following:

   a. The legal description of the real property subject to the deferred payment plan.
   b. A detailed statement of the SLD fees owed pursuant to the condition of approval of the final plat of the subdivision or final development plan of the PUD or other final development plan which remain unpaid.
   c. The agreement of the owner/developer to pay all SLD fees owed with respect to such real property upon the sale of such property or upon application for a planning clearance for a building permit for one (1) or more dwelling units to be constructed on such property, whichever first occurs.
   d. A description of the performance guarantee assuring that such fees shall be paid when due and owing.
   e. The notarized signature of the record owners of the property or their duly authorized agents.
   f. The notarized signature of the Planning Director or his designee, indicating approval of the deferred payment plan.

C. Exemptions

The following shall be exempted from dedication of school lands or payment of the SLD fee:

1. Subdivisions or other developments containing only nonresidential buildings, other structures or nonresidential mobile homes;
2. Subdivisions or other developments containing only nursing homes, adult foster care facilities or specialized group care facilities; and

3. Approved residential developments that are subject to recorded covenants restricting the age of the residents of dwelling units contained within such developments in such a manner that the dwelling units may be classified as "housing for older persons" pursuant to the Federal Fair Housing Amendments Act of 1988.

D. Credits

1. An applicant for subdivision or other development approval who owns other "suitable school lands" within the same school district may offer to convey such lands to the district in exchange for credit against all or a portion of the SLD fees otherwise due or to become due. The offer must be in writing, specifically request credit against fees in lieu of school land dedication and set forth the amount of credit requested. If the Town and the school district accept such offer, the credit shall be in the amount of the value of the "suitable school lands" conveyed, as determined by written agreement between the Town, the school district and the developer.

2. Credit against SLD fees otherwise due or to become due will not be provided until good and sufficient title to the property offered under this Subsection is conveyed to and accepted by the school district in which the development is located. Upon such conveyance, the school district and the Town shall provide the developer with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit and a description of the project or development to which the credit shall be applied.

3. Credits shall not be transferable from one project or development to another.

E. Refund of fees paid

1. Any SLD fee which has not been expended by a school district within five (5) years of the date of collection shall be refunded, with all accumulated interest, if any, to the person or entity which paid the fee. Prior to such refund, such amount shall be reduced by an amount equal to three percent (3%) of the principal amount to be refunded, for the costs incurred by the Town in the refund of such fee. The Town shall give written notice by first class mail to the person or entity which paid the fee at the last known address as contained in the records of the Town or Mesa County Clerk and Recorder. If such person or entity does not file a written claim for such refund with the Town within ninety (90) days of the mailing of such notice, such refund shall be forfeited and shall be retained and used for the purposes set forth in Paragraph 5.8.3.A.

2. The Board of Trustees may, upon the school district's request, extend the five (5) year period of time specified in Paragraph 1. above upon a showing that such extension is reasonably necessary in order for the school district to complete or close a purchase transaction entered into in writing by the district prior to expiration of such period or to give the district an opportunity to exercise a purchase option it acquired prior to expiration of such period. Such request shall be made at a public hearing of the Board of Trustees. In no event shall any extension of time exceed one (1) additional five-year period.
F. SLD fees—establishment and application

1. SLD fees shall be collected and held in trust for the use and benefit of the school district pursuant to Subsection 5.8.4. Such fees shall be expended by the school district to acquire additional real property for expansion of existing school facilities and construction of new school facilities necessitated by new residential development in the school district or to reimburse the school district for sums expended to acquire such property. The amount of the SLD fee shall be based on a methodology which takes into account the student generation rates of new residential development, the quantity of land required to build new school facilities on a per pupil basis and the anticipated cost of acquiring suitable school lands in the school district to expand existing school facilities and construct new school facilities to accommodate new residential development without decreasing current levels of educational services.

2. At the time SLD fees are initially adopted and annually thereafter, the Board of Trustees shall determine the average cost per acre of "suitable school lands," after a public hearing. The Town shall give the school district sixty (60) days prior written notice of the hearing. Such hearing shall consider the school district's long range capital improvement plans and any other evidence, comments or recommendations submitted by the school district and the public in making such determination.

3. The SLD fee shall then be set, by resolution of the Board of Trustees, in accordance with the following formula:

\[
\text{Cost per acre of suitable school lands within the school district} \times \text{student generation fee factor of twenty-three hundredths} (.023) = \text{SLD fee per dwelling unit.}
\]

[For example, if the average cost of "suitable school lands" is fifteen thousand dollars ($15,000) per acre, the SLD fee per dwelling unit would be fifteen thousand dollars ($15,000) times (x) twenty-three thousandths (.023) or three hundred forty-five dollars ($345).]

The student generation fee factor may also be modified at the hearing, provided that either the school district gives notice to the Board of Trustees that it requests such a modification at least thirty (30) days prior to the hearing, or the Board of Trustees adopts a motion providing for consideration of a modification of said fee factor and its hearing notice to the school district pursuant to this Subsection so states. Said hearing shall consider the school district's school facilities plan currently in place, the methodology and data supporting the proposed modification and any evidence, comments or recommendations submitted by the County Community Development Department, the Town's Planning Department, the school district and interested members of the public.

5.8.4 School Land Dedication Fee Trust Fund

A. Creation

A School Land Dedication Trust Fund ("SLD Trust Fund") shall be established for the benefit of the school district. All SLD fees collected by the Town, pursuant to this Article, for approved residential dwelling units in the Town and within the boundaries of the school district shall be deposited in the SLD Trust Fund. Such SLD Trust Fund shall be governed
by the provisions of this Article, as supplemented by the terms of the intergovernmental agreement entered into between the Town and the school district. Such agreement shall substantially comply with the requirements of this Section and shall include, but need not be limited to provisions regarding the following:

1. Maintenance and management of the SLD Trust Fund as a separate interest-bearing account in accordance with Sections 24-75-601 to 605, C.R.S., apart from all other funds of the Town, the funds in which are held in trust for the use and benefit of the school district;

2. The powers and fiduciary obligations of one (1) or more trustees named in the agreement with respect to the management of the SLD Trust Fund;

3. The retention of a specified portion of the SLD fees collected by the Town for the reasonable costs incurred by the Town in the collection of said fees;

4. An accounting system to ensure that SLD fees are expended for the provision of new or expanded school sites benefiting the school district for which such fees are paid;

5. An annual audit of the SLD fees collected and disbursed, with said audit to be in accordance with generally accepted accounting standards for governmental entities;

6. A periodic update of the school district's school facilities plan;

7. An agreement by the school district to submit an annual report to the Town describing the school district's expenditure of SLD fees during the preceding fiscal year;

8. An agreement by the school district to furnish, when requested by the Town, an accounting from the chief financial officer of the district concerning the expenditure of the SLD fees paid to the school district; and

9. An annual review by the Town of the matters set forth in the report described in Paragraph 5.8.3.F above.

Any intergovernmental agreement entered into pursuant to this Subsection may contain terms permitting an SLD Trust Fund to be managed by one (1) or more trustees in combination with other SLD Trust Funds established under provisions of comparable school site fee resolutions or ordinances adopted by the county or other municipalities within the county.

B. Ownership

The school district shall be beneficial owner of the funds in its SLD Trust Fund, but the signature of the chief financial officer of the school district or his or her designee and the signature of the Planning Director or his or her designee shall be required for the withdrawal of monies from such fund.

C. Earmarking and expenditure of SLD fees

1. All SLD fees collected by the Town shall be properly identified and promptly deposited in the SLD Fee Trust Fund and shall not be withdrawn for any purpose except as
authorized in accordance with this Section and any applicable intergovernmental agreement.

2. Each SLD fee collected by the Town pursuant to this Section shall be earmarked for the school district and shall be expended only for the purposes set forth in this Section. Any changes to School District boundaries that would affect the expenditure of fees in lieu of land dedication must be reviewed by the Board of Trustees prior to the implementation of such changes. Such fees shall not be used to pay general obligation bonds or to compensate for costs incurred by the school district for costs incurred to upgrade existing educational facilities, unless such fees are expended for the purpose of increasing the site or land area for such existing facilities for the benefit of the school district.

3. Upon the written request of the School District or its authorized representative, the Board of Trustees or its authorized designee shall promptly notify the Board of Education of the amount of fees in lieu of dedication received and deposited in the SLD Trust Fund for its benefit and the amount of interest earned thereon, as of the end of the month immediately preceding the month in which the request was made. Upon receipt of such notice, the school district may file with the Board of Trustees a request for disbursement to such district of all or part of the fees and interest accumulated in its SLD Trust Fund for purposes authorized by this Section.

4. Such request for disbursement shall be in writing, set forth the amount of funds needed and contain a brief description of the purposes for which the funds will be used.

5. Such request shall be heard at a regular meeting of the Board of Trustees held within thirty (30) days after it is filed, at which time the school district, through its authorized representative, shall demonstrate to the Board of Trustees a need for the moneys requested to expend for purposes authorized by this Section. Such demonstration shall be deemed sufficient if it is shown that the request is in furtherance of an existing capital improvement or site acquisition plan duly adopted by the Board of Education and has been included and relied upon in its budget for the fiscal year in which the moneys are to be expended. Upon the Board of Trustees' approval, which shall not be unreasonably withheld, the requested funds shall be transferred to the school district's Capital Projects Fund.

Sec. 5.9. Open space requirement or fee in lieu.

5.9.1 Purpose

The Board of Trustees declares it is the policy of the Town that dedications of real property for public parks, open space, recreation and other municipal purposes and/or exactions in the form of monetary payments shall be required in those instances where the Board of Trustees determines that a proposed subdivision: (1) will create the need for new public park, open space, recreation or other municipal facilities; or (2) will result in increased use of existing public park, open space, recreation or other municipal facilities in such a manner as to require the expansion or eventual replacement thereof. In those instances, this Section shall be applied to provide a method whereby such dedication or fee in lieu thereof shall be quantified to assure that a fair and equitable proportionality is established between the cost of the improvements or facilities, which are attributable to the proposed subdivision (and which are therefore the responsibility of the developer), and the overall public cost of the provision of such improvements or facilities. In
interpreting and implementing the provisions of this Section, the Board of Trustees shall give due weight to the needs of the general public, and especially the residents of the subdivision proposed, so as not to burden disproportionately the general public and existing residents with costs or expenses to provide public park, open space, recreation or other municipal facilities and improvements or services, the need for which are generated by the proposed new development.

5.9.2 Authority to impose dedication or fee requirements

A. Pursuant to the provisions of applicable law, authority is hereby specifically granted to the Board of Trustees, upon the recommendations of the Planning Commission, following a public hearing before the Planning Commission and the Board of Trustees, in conjunction with any requested subdivision approval to impose public land dedication requirements or the payment of fees in lieu thereof for public park, open space, recreation or other municipal purposes.

B. The Board of Trustees, in its discretion, shall accept or reject any proposed dedication of land to the Town prior to final approval of a proposed subdivision. Any land dedicated to the Town shall be free and clear of all liens and encumbrances.

5.9.3 Criteria for requiring dedications or payment of fees in lieu thereof

A dedication of land or payment of a fee in lieu thereof for public park, open space, recreation or other municipal purposes shall be required of a developer requesting subdivision approval upon a finding by the Board of Trustees following a public hearing and following the recommendation of the Planning Commission of the following:

A. That a legitimate, identifiable public purpose is served by the required dedication or payment of a fee in lieu thereof;

B. That the Town is acting within its power to provide the improvements or facilities for which the dedication or fee in lieu thereof is required, either directly or through such dedication/fee process, for the benefit of the residents of the community;

C. That, but for the proposed subdivision or the proposed subdivision in conjunction with other subdivisions, actual or proposed, the Town would not currently be considering providing or expanding public park, open space, recreation or other municipal improvements or facilities (i.e., existing facilities and services are adequate to service the existing population);

D. That the proposed subdivision and the projected use of public park, open space, recreation and other municipal facilities and improvements generated by such subdivision are a contributing cause to the need for new or expanded public park, open space, recreation or other municipal improvements and facilities;

E. That the Town would be legally justified in declining to approve the proposed subdivision unless the land dedication or payment of a fee in lieu thereof was imposed because of the negative effect of the proposed subdivision on the Town's public parks, open space, recreation and other municipal facilities and improvements;
F. That the Town, acting within its lawful authority, requires all developers similarly situated to provide similar, in both quantity and quality, or roughly similar land dedications, or to pay the same or roughly the same fees in lieu thereof;

G. That the land dedication or fee in lieu thereof will serve the proposed subdivision directly, notwithstanding the fact that certain public parks, open space, recreation or other municipal facilities and improvements may also provide a general benefit to all residents of the community including residents of the proposed subdivision, which shall not constitute a valid ground for failing to impose a land dedication or fee requirement; and

H. That the land dedication or fee in lieu thereof is required to and does address needs for capital facilities brought about by the proposed subdivision, which needs are not addressed by any other requirement of this Chapter.

5.9.4 Alternative methods for determining the extent of land dedication or fee in lieu thereof

A. Upon a determination by the Board of Trustees pursuant to the provisions of this Section that a dedication of land or payment of a fee in lieu thereof may lawfully be required, the extent of such dedication or fee shall be determined using whichever of the following methods is selected by the applicant for subdivision approval:

1. For subdivisions of two (2) acres or more, ten percent (10%) of the total gross area shall be dedicated for public park, open space, recreation or other municipal purposes. Dedicated park, open space and recreation land and public sites shall not include sites for technical, private or public schools, sites for service organizations which are not open to the general public and sites unsuitable for public use due to steep slopes, rock formations, adverse topography, utility easements or other features which may be harmful to health and safety.

2. A minimum of eighty percent (80%) of land dedicated shall have a slope of ten percent (10%) or less and shall lend itself to utilization for municipal and public recreation purposes, including but not limited to the following: playing fields, playgrounds, tennis courts, picnic sites, trails, boating areas, public buildings and offices. However, up to a fifty-percent credit towards the dedication requirement may be granted by the Board of Trustees for land having slopes of greater than ten percent (10%).

3. The Town, in its sole discretion, may elect to use the land dedication for any park, recreation, municipal or open space function which it deems necessary. Such use shall be compatible with surrounding uses.

4. The Town may require the applicant to pay a fee in lieu of land dedication or to dedicate other property owned by the applicant for use as a public park, open space land or other recreation or municipal purpose. The decision to permit the payment of a fee in lieu of land dedication shall be made by the Board of Trustees, in its sole discretion. Said fee shall equal one thousand dollars ($1,000) per new lot created in the proposed subdivision.

5. The standards and formulas contained in this Subsection A. shall be applicable to all applicants for new subdivisions unless the applicant requests the Town to implement the provisions of Subsections B. or C. of this Section. If an applicant for subdivision
approval voluntarily accepts the standards or formulas set forth in this Subsection A. by proceeding to a hearing before the Planning Commission and/or Board of Trustees, the applicant shall be deemed to have waived any rights under Subsection B. or C. below and shall be conclusively presumed to have accepted the general standards or formulas set forth in this Subsection.

B. An applicant for a subdivision approval may request that an individualized study or report be made by the Town relating solely to its proposed subdivision in order to determine whether or not a land dedication or fee in lieu thereof should be required and, if so, to determine the extent thereof. Such study or report shall be individualized to the applicant's property or proposed development, should fairly and accurately delineate the need for additional public park, recreation, open space or other municipal facilities which will be generated by the applicant's proposed subdivision, and shall include consideration of the following criteria:

1. Whether additional public park, open space, recreation or municipal land or facilities would be required but for the applicant's proposed subdivision.

2. Whether, and to what extent, it is reasonably likely that other subdivisions or residents thereof will utilize the public facilities or improvements in question.

3. Whether existing public park, open space, recreation and municipal facilities can adequately serve the proposed subdivision without the additional expense to construct, expand or improve such public facilities.

C. The conclusions of such study or report shall contain a recommendation as to the nature of the dedication(s) or fee(s) in lieu thereof to be required and the extent or amount thereof. In determining any such extent or amount of a dedication or fee to be required of an applicant, a proportion shall be established between the total cost of providing or expanding such necessary public facilities on the one hand, and the amount or extent of such total cost which is attributable to or is caused or generated by, the proposed subdivision, on the other hand. The extent of the dedication or amount of the fee due from the applicant must bear roughly the same proportion to the total cost of providing the public park, open space, recreation or other municipal facilities in question as the need for such facilities generated by the applicant's proposed subdivision bears to the general population's need for or use of such facilities.

D. The applicant shall request such an individualized study or report at a preapplication conference prior to submittal of a subdivision concept plan and shall pay to the Town a fee established by the Board of Trustees to secure a portion of the Town's preparation, review and supervision expenses. In addition, at such time, the applicant shall also submit to the Town a deposit in an amount established by the Town Planner equal to the estimated costs the Town will incur for any necessary engineering, consultant and planning services to be performed by persons not employed on a full-time basis by the Town or by Town staff. The required fee and deposit shall be tendered to the Town Clerk, and no public hearing on the subdivision application shall be held unless the fee and deposit are paid in full. Unless a request for an individualized study or report is made at the time provided herein, such rights shall be deemed to be waived by the subdivision applicant.
E. Prior to the approval and recording of the subdivision final plan, the applicant shall pay to the Town the actual cost to the Town for any engineering, consultant or planning services provided under the direction of the Town necessary to conduct the individualized study or report.

F. The applicant may agree with the provisions of such study or report, in which case the same shall be submitted to the Planning Commission and the Board of Trustees as a joint finding and recommendation. However, if the applicant disagrees with all or any part of the Town's report, the applicant may, at its sole expense, submit a written report detailing the applicant's findings with regard to the criteria set forth in this Section and shall submit the same to the Planning Commission and the Board of Trustees. The Planning Commission and the Board of Trustees shall consider such reports at all required public hearings, and the Board of Trustees shall ultimately determine what dedications or fees in lieu thereof, if any, are required and, if so, the extent or amount of such dedications or fees. The decision of the Board of Trustees shall be final, subject to the applicant's right to appeal to the Mesa County District Court.

G. A subdivision applicant may prepare or cause to be prepared, at his or her sole cost and expense, a study or report as described above. Said report shall be in writing and, upon the submission of such study or report, the applicant shall pay a fee established by the Board of Trustees to compensate the Town for the review time and cost of the Town's staff in reviewing said study or report. In the event that the Town needs to obtain engineering, consultant or planning services by a person who is not a regular employee of the Town to conduct such review, the applicant shall pay the costs for such services in the manner set forth above. The Town staff shall review such study or report and shall comment thereon in writing to the Planning Commission and the Board of Trustees. Any disagreement by the Town's staff with any of the findings or conclusions of such study or report shall be delivered to the applicant in question. In the event of disagreement between the Town's staff and the applicant as to what dedications or fees in lieu thereof should be required, the Board of Trustees shall determine what dedications or fees, if any, are required and, if so, the extent or amount of such dedications or fees. The decision of the Board of Trustees shall be final, subject only to the right of the applicant to appeal the same to the Mesa County District Court.

H. The Town, through the Town Planner or Town Engineer, retains the right to require preparation and submittal of an individualized report or study as a condition of review of a proposed subdivision, with said report paid for solely by the applicant.

I. Any land dedication required pursuant to the terms of this Section shall be made concurrently with the recording of the subdivision final plan, unless otherwise determined by the Board of Trustees. Any required payment of fees in lieu of land dedication shall be paid prior to the recording of the subdivision final plan.

5.9.5 Basis of determination

In deciding whether to impose a land dedication or fee in lieu thereof requirement and the extent of such dedication or fee, the Planning Commission and the Board of Trustees shall consider the criteria set forth in Subsection 5.9.3 and shall be guided by the overriding principle that a fee or public land dedication requirement is unfair, disproportionate and unconstitutional if it imposes a burden on an applicant which in equity and fairness should be borne by the public in general.
However, a land dedication or fee in lieu thereof will be required in compliance with all existing constitutional requirements when the failure of the applicant to provide the land dedication or fee in lieu thereof would fail to remedy impacts to the Town, other local governments or the general public created or exacerbated by the applicant's proposed subdivision to such an extent that the Board of Trustees would be justified in denying approval of the proposed subdivision.

5.9.6 Fee fund established; use of fees

A. All fees in lieu of land dedication collected pursuant to this Section shall be deposited in a fund created by the Town and shall be used solely for the purposes for which they were collected. All fees collected pursuant to this Section shall be accounted for in the manner required by Section 29-1-801, et seq., C.R.S., and other applicable law.

B. Fees collected pursuant to this Section shall be used to acquire additional real property for public park, open space, recreation or other municipal purposes or for purposes of acquiring or improving capital facilities, as defined in Section 29-20-104.5, C.R.S., related to the purposes for which such funds were collected. A capital facility includes planning, preliminary engineering, engineering design studies, land surveys, final engineering, permitting and the construction and installation of all the necessary features for the facilities. Funds collected from fees in lieu of land dedications shall not be used for periodic or routine maintenance of Town or other government facilities.

C. If fees in lieu of land dedication are assessed to address large-scale impacts that are borne by the Town or by the public in general, such fees shall be considered as directly benefiting the proposed subdivision even if such fees are used to partially fund the mitigation of impacts to the community as a whole.

D. In the event that bonds or similar debt instruments are issued for the advanced provision of capital facilities for which fees may be expended, such fees may be used to pay debt service on such bonds or similar debt instruments.

E. The Board of Trustees may, by an affirmative vote of at least three-fourths (¾) of all members of the Board of Trustees, waive, suspend or alter all or some of the land dedication requirement or fees in lieu thereof imposed by this Section, upon finding that such waiver or suspension is necessary to promote the economic development of the Town or the public health, safety and general welfare of its residents. Any resolution adopted by the Board of Trustees providing for the waiver, suspension or altering of land dedication or fee requirements shall contain specific findings of fact supporting the waiver, suspension or alteration. In addition, in order to promote the economic development of the Town or the public health, safety and general welfare of its residents, the Town may agree to pay some or all of the fees imposed on a proposed subdivision from other funds of the Town that are not restricted to other uses. Any such decision to pay fees on behalf of a subdivision applicant shall be at the sole discretion of the Board of Trustees by majority vote, and shall be made pursuant to the goals and objectives articulated by the Board of Trustees.

F. Moneys in the fee account shall be considered to be spent in the order collected, on a first in/first out basis.

5.9.7 Refund of fees paid
A. If a subdivision approval expires without commencement of construction or development, the developer shall be entitled to a refund, without interest, of fees paid as a condition for issuance of the approval, unless otherwise agreed by the Town and the developer, except that the Town shall retain one percent (1%) of the fee to offset a portion of the cost of collection and refund. The developer must submit an application requesting a refund to the Town Planner within thirty (30) days following expiration of the subdivision approval granted.

B. Unless otherwise provided in this Section, any funds not expended or encumbered by the end of the calendar quarter immediately following ten (10) years from the date the fees in lieu of land dedication were paid shall, upon application of the then-current landowner, be returned to such landowner with interest at the legal rate, provided that the landowner submits an application for a refund to the Town Planner within one hundred eighty (180) days following expiration of such ten-year period.
PALISADE LAND DEVELOPMENT CODE

Article 6
Review and Decision-Making Bodies

Sec. 6.1 Board of Trustees (Town Board)
  6.1.1 Election and composition
  6.1.2 Powers and duties

Sec. 6.2 Planning and Zoning Commission (Planning Commission)
  6.2.1 Establishment and composition
  6.2.2 Powers and duties

Sec. 6.3 Board of Adjustment
  6.3.1 Establishment
  6.3.2 Powers and duties

Sec. 6.4 Planning Director
  6.4.1 Designation
  6.4.2 Delegation of authority
  6.4.3 Powers and duties
Sec. 6.1. **Board of Trustees (Town Board).**

6.1.1 **Election and composition**

The Town Board is elected and composed pursuant to Chapter 2, Article II of this Code and Colorado Revised Statutes.

6.1.2 **Powers and duties**

In execution of the provisions of this LDC, the Town Board shall have the following powers and duties.

A. General authority

The Town Board may exercise powers as may be described elsewhere in this LDC and as permitted by Colorado Revised Statutes.

B. Powers and duties

In execution of the provisions of this LDC, the Town Board shall be responsible for final action regarding the following:

1. Text amendments (Section 7.3);
2. Rezoning (Section 7.4);
3. Planned unit development (Section 7.5);
4. Appeals of final decisions on administrative plats (Subsection 7.6.6);
5. Preliminary plat (Paragraph 7.6.7.A);
6. Final plat (Paragraph 7.6.7.B);
7. Conditional use (Section 7.8);
8. Floodplain development permit variances (Subsection 7.13.7);
9. Written interpretation (Section 7.12); and
10. Performance action (Section 7.19).

Sec. 6.2. **Planning and Zoning Commission (Planning Commission).**

6.2.1 **Establishment and composition**

The Planning Commission is established and composed pursuant to Chapter 2, Article IX of this Code and Colorado Revised Statutes.

6.2.2 **Powers and duties**

In execution of the provisions of this LDC, the Planning Commission shall have the following powers and duties.

A. General authority
The Planning Commission may exercise powers as may be described elsewhere in this LDC, as permitted by Colorado Revised Statutes and as directed by the Town Board.

B. Review authority

The Planning Commission shall make recommendations regarding the following:

1. Text amendments (Section 7.3);
2. Rezoning (Section 7.4);
3. Planned unit development (Section 7.5);
4. Preliminary plat (Paragraph 7.6.7.A);
5. Conditional use (Section 7.8); and
6. Performance action (Section 7.19).

C. Final action authority

1. Major site plan (Subsection 7.7.10); and
2. Design variance (Section 7.17).

Sec. 6.3. Board of Adjustment.

6.3.1 Establishment

The Board of Adjustment is established by Chapter 2, Article X of this Code and Colorado Revised Statutes. The Town Board shall be the Board of Adjustment unless and until the Town Board appoints a separate board.

6.3.2 Powers and duties

In execution of the provisions of this LDC, the Board of Adjustment shall have the following powers and duties.

A. General authority

The Board of Adjustment may exercise powers as may be described elsewhere in this LDC and as permitted by Colorado Revised Statutes.

B. Final authority

The Board of Adjustment shall be responsible for final action regarding the following:

1. Variance (Section 7.14); and
2. Administrative appeal (Section 7.16).

Sec. 6.4. Planning Director.

6.4.1 Designation
The Planning Director shall administer certain provisions of this LDC as may be required below.

6.4.2 Delegation of authority

The Planning Director may designate any staff member to represent the Planning Director in any function assigned by this LDC but may choose to exercise authority over any final action for which he/she has been assigned decision maker status.

6.4.3 Powers and duties

In execution of the provisions of this LDC, the Planning Director shall have the following powers and duties.

A. General authority

The Planning Director shall:

1. Enforce this LDC;
2. Maintain an up-to-date zoning map, including all amendments directly adopted by the Town Board; and
3. Exercise additional powers as may be described elsewhere in this LDC.

B. Review authority

The Planning Director shall make recommendations regarding the following:

1. Text amendments (Section 7.3);
2. Rezoning (Section 7.4);
3. Planned unit development review (Section 7.5);
4. Preliminary plat review (Paragraph 7.6.7.A);
5. Major site plan review (Section 7.7);
6. Conditional use review (Section 7.8);
7. Written interpretation (Section 7.12);
8. Floodplain development permit variances (Subsection 7.13.7);
9. Variance (Section 7.14); and

C. Final authority

1. The Planning Director shall be responsible for final action regarding the following:
   a. Administrative plat review (Subsection 7.6.6);
   b. Minor site plan review (Section 7.7);
c. Planning clearance permit (Section 7.9);
d. Temporary use permit (Section 7.10);
e. Sign permit (Section 7.11);
f. Floodplain development permit (Section 7.13); and
g. Administrative adjustment (Section 7.15).

2. At the option of the Planning Director, additional review may be undertaken by the Planning Commission and/or Town Board prior to taking final action on any of the above procedures.

D. Floodplain development permits and administration

Additional duties of the Planning Director related to floodplain administration shall include, but not be limited to:

1. Permit review

   a. Review all development permits to determine that the permit requirements of this Article have been satisfied;

   b. Review all development permits to determine that all necessary permits have been obtained from federal, state or local governmental agencies from which prior approval is required;

   c. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Paragraph 4.7.4.A are adhered to.

2. Use of other base flood data

   When base flood elevation data has not been provided in accordance with Paragraph 4.7.1.F, the Planning Director shall obtain, review and reasonably utilize any base flood elevation and floodway data available from any federal, state or other source, as criteria for requiring that new construction, substantial improvements or other development in Zone A are administered in accordance with Subsection 4.7.3, Specific Standards.

3. Information to be obtained and maintained

   a. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures and whether or not the structure contains a basement;

   b. For all new or substantially improved floodproofed structures: verify and record the actual elevation (in relation to mean sea level) to which the structure has been floodproofed, and maintain the floodproofing certifications required in Paragraph 7.13.2C; and

   c. Maintain for public inspection all records pertaining to the provisions of this Article.
4. Alteration of watercourses
   
   a. Notify adjacent communities and the Colorado Water Conservation Board prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency; and
   
   b. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

5. Interpretation of FIRM boundaries

   Make interpretations where needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation, as provided in Subsection 7.13.7.
PALISADE LAND DEVELOPMENT CODE

Article 7
Administration and Procedures

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</table>

<Public hearing required>
*Vesting of property rights through site specific development plan pursuant to Section 24-68-102(4)(a), C.R.S.

Sec. 7.2. Common review procedures.

7.2.1 Conformity with Land Development Code

Every official and employee of the Town vested with the duty or authority to issue a permit or certificate shall not issue a permit or certificate for any use, building or purpose that conflicts with any provision of this LDC.

7.2.2 Pre-application conference

A. Before submitting an application for development approval, each applicant may schedule a pre-application conference with the Planning Director to discuss the procedures, standards and regulations required for development approval in accordance with this LDC.

B. A pre-application conference with the Planning Director shall be required for the following:
1. Rezoning (Section 7.4);
2. Planned unit development (Section 7.5);
3. Subdivision (Section 7.6);
4. Site plan (Section 7.7);
5. Conditional use (Section 7.8); and
6. Performance action (Section 7.19).

7.2.3 Application requirements

A. Form and content

Applications required under this LDC shall be submitted in a form and in such numbers as required by the Planning Director and identified in the Administrative Handbook for Land Use, along with any requested information. At a minimum, each application shall include the following:

1. A letter of intent describing the proposed development and identifying the information submitted in support of the application;
2. Acknowledge compliance (steps taken to comply) with applicable LDC requirements;
3. Identify the scale, density (residential) and/or intensity (nonresidential) of the proposed development; and
4. A map which clearly indicates the property boundaries of the proposed development.

B. Fees

1. All applications and associated fees shall be filed with the Planning Director.
2. Filing fees shall be established from time to time by resolution of the Town Board to defray the actual cost of processing the application.
3. Fees may include but are not limited to: attorney fees, engineering review fees, recording fees, inspection fees, consulting fees and administrative costs.
4. Filing fees are not refundable.

C. Applications sufficient for processing

1. All applications shall be sufficient for processing before the Planning Director is required to review the application.
2. An application shall be sufficient for processing when it contains all of the information necessary to decide whether or not the development as proposed will comply with all of the requirements of this LDC.
3. It is recognized that each application is unique and therefore more or less information may be required according to the needs of the particular case. The applicant may rely on
the recommendations of the appropriate department as to whether more or less information should be submitted.

4. Once the application has been determined sufficient for processing, copies of the application shall be referred by the Planning Director to the appropriate reviewing entities.

5. The Planning Director may require an applicant to present evidence of authority to submit the application.

D. Staff consultation after application submitted

1. Upon receipt of an application sufficient for processing, the Planning Director shall review the application and confer with the applicant to ensure an understanding of the applicable requirements of this LDC; that the applicant has submitted all of the information they intend to submit and that the application represents precisely and completely what the applicant proposes to do.

2. Once the applicant indicates that the application is as complete as the applicant intends to make it, the application shall be placed on the agenda of the appropriate review board in accordance with standard procedures as set forth in the Administrative Handbook on Land Use. However, if the Planning Director believes the application is incomplete, a recommendation to deny the application on that basis shall be provided to the appropriate reviewing entity.

E. Concurrent applications

1. If approved by the Planning Director, applications for development approvals may be filed and reviewed concurrently. Any application that also requires a variance shall not be eligible for final approval until the variance has been granted.

2. Applications submitted concurrently are subject to approval of all other related applications; denial or disapproval of any concurrently submitted application shall stop consideration of any related applications until the denied or disapproved application is resolved.

7.2.4 Notice and public hearing

A. Summary of notice required

1. Notice shall be required for applications for approval as shown in the table below.
2. Public notice requirements

a. Published notice

The Town Clerk shall publish notice of public hearing in a newspaper of general
circulation in the Town. The notice shall be published no less than fourteen (14)
days in advance of the public hearing.

b. Posted notice (sign)

For review procedures requiring posted notice, the applicant shall post a sign on the
subject property no less than fourteen (14) days in advance of the first scheduled
public hearing. The sign shall be a minimum of four (4) feet in height. The sign
shall be a minimum of six (6) square feet and shall have a white background with
black letters at least two (2) inches in height and be in conformance with the
following:

(i) Corner lots or properties that include over three hundred (300) feet of frontage on
a single public right-of-way shall require two (2) signs meeting the specifications
above. The sign shall be updated by the applicant if there is a continuance or
delay in the public hearing dates.

(ii) If the applicant is the Town and the application involves multiple contiguous
properties, a separate sign shall not be required on each property. In such case,
the number of signs, location and duration of posting shall be specifically
authorized by the Town Board.

c. Mailed notice

<table>
<thead>
<tr>
<th>Action</th>
<th>Published</th>
<th>Mailed</th>
<th>Posted</th>
<th>Reference</th>
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<td>X</td>
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<td>Performance action</td>
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<td>Sec. 7.19</td>
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</table>

* Where rezoning action involves numerous parcels or regions of the Town,
mailed notice is not required.
(i) Upon confirmation of the posting of public notice signs as described in b. above, the Town Clerk shall mail notice to all owners of property within a three hundred-foot radius of the exterior boundary of the subject property at least fourteen (14) days before the scheduled public hearing.

(ii) Applicants may be required to provide a certified list of property owners within a three hundred-foot radius of the exterior boundary of the subject property.

3. Content of notice

The notice listed above shall contain the following specific information.

a. Published notice

A published or mailed notice shall provide at least the following:

(i) Date, time and place of the public hearing;

(ii) Who will conduct the public hearing;

(iii) Map of the area to be affected, which indicates street names or numbers, streams or other significant landmarks in said area;

(iv) Address of the subject property (if available);

(v) Type of action;

(vi) Where a rezoning is proposed, the current and proposed districts;

(vii) Phone number to contact the Town; and

(viii) Statement that interested parties may appear at the public hearing.

b. Posted notice (sign)

Required posted notices shall indicate the following:

(i) Date, time and place of the public hearing;

(ii) Who will conduct the public hearing;

(iii) Type of action;

(iv) Where a rezoning is proposed, the current and proposed districts; and

(v) A phone number to contact the Town.

c. Mailed notice

Required mailed notices shall indicate the following:

(i) Information listed in a. above; and

(ii) The legal description of the property and street address or approximate location in the Town;
4. Constructive notice

Minor defects in notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements.

5. Major activity notice

Pursuant to Section 31-23-225, C.R.S., when a subdivision or commercial or industrial activity is proposed which will cover five (5) or more acres of land, the Planning Director shall send notice to the State Geologist and the Mesa County Board of Commissioners of the proposal prior to approval of any zoning change, subdivision or issuance of a planning clearance for a building permit associated with such a proposed activity.

6. Mineral estate notice

Pursuant to Section 24-65.5-103, C.R.S., notice to mineral estate owners, in addition to other notices described in this Subsection, not less than thirty (30) days before the date scheduled for the first public hearing on an application for a preliminary plan for a subdivision, a planned development control document, an application for a conditional use permit where such application is in anticipation of new surface development, the applicant shall provide notice to mineral estate owners, as defined in Section 24-65.5-102(5), C.R.S. The notice shall contain all of the information required by Section 24-65.5-103, C.R.S., and shall be sent by first class mail. Proof of the giving of such notice shall be submitted by the applicant to the Planning Director prior to commencement of the applicable public hearing. Such notice is not required for applications for boundary adjustments, applications for platting of an additional single lot or applications for lot site plans.

B. Required hearings

A public hearing shall be required for development review as shown in the table below.
## Required Hearings

<table>
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</table>

### 7.2.5 Decisions

Unless specifically provided elsewhere, all decisions on land use changes, including rezonings, shall require an affirmative vote. Tie votes shall be considered denials of any requested change.

### 7.2.6 Notice of decision

Within fourteen (14) days after a decision is made, a copy of the decision shall be sent to the applicant and filed with the Planning Director, where it shall be available for public inspection during regular office hours.

### 7.2.7 Withdrawal of application

A. An applicant may withdraw an application at any time by filing a statement of withdrawal with the Planning Director.

B. The statement of withdrawal shall be signed by all persons who signed the application, or in the event of death or incompetence, by the estate's lawful personal representative.

C. The Planning Director may withdraw applications due to failure of the applicant to submit required information within ninety (90) days of the initial request.

D. An applicant may postpone a scheduled public hearing once per application for up to ninety (90) days after the date the first public hearing was scheduled to occur, after which the Planning Director may withdraw the application.
Sec. 7.3. **Text amendment.**

7.3.1 **Applicability**

A. Amendments to the text of this LDC shall be made in accordance with the provisions of this Section.

B. The Town Board shall consider amendments to the text of this LDC, as may be required from time to time.

7.3.2 **Initiation of amendment**

A request to amend the text of this LDC may be initiated by the Town Board, Board of Adjustment, Planning Commission, Planning Director or the general public.

7.3.3 **Application requirements**

Applications for a text amendment shall be submitted in accordance with Subsection 7.2.3, Application Requirements, and the Administrative Handbook on Land Use.

7.3.4 **Notice and public hearings**

The Town shall hold all required public hearings and give notice in accordance with Subsection 7.2.4, Notice and public hearings.

7.3.5 **Action by Planning Director**

A. The Planning Director shall draft the appropriate amendment and prepare a staff report that reviews the proposed text amendment request.

B. Following completion of review by staff, the Planning Director shall forward the completed request and any related materials to the Planning Commission for a recommendation.

7.3.6 **Action by Planning Commission**
A. The Planning Commission shall make a recommendation on the application to the Town Board. If the Planning Commission fails to make a recommendation, the Town Board may process the request without a recommendation.

B. Following Planning Commission review, the Planning Director shall forward the completed request and any related materials, including the Planning Commission recommendation (if applicable), to the Town Board for final action.

7.3.7 Action by Town Board

A. Before taking action on a text amendment, the Town Board shall consider the recommendations of the Planning Commission and Planning Director.

B. The Town Board may approve the amendment, deny the amendment or send the amendment back to the Planning Commission for additional consideration.

7.3.8 Approval criteria

A. In evaluating any proposed amendment of the text of this LDC, the Planning Commission and the Town Board shall consider the following:

1. The extent to which the proposed text amendment is consistent with the remainder of the LDC, including, specifically, any purpose and intent statements;

2. The amendment must not adversely affect the public health, safety or general welfare;

3. The amendment is necessary because of changed or changing social values, new planning concepts or other social or economic conditions in the areas affected;

4. Whether or not the proposed text amendment revises the LDC to comply with state or federal statutes or case law; and

5. Whether or not the proposed text is found to be consistent with the Town's adopted comprehensive plan.

B. In deciding whether to adopt a proposed text amendment to this LDC, the central issue before the Town Board is whether the proposed amendment advances the public health, safety or welfare and is consistent with the adopted plans and policies of the Town and the specific intent of this LDC.

7.3.9 Time lapse between similar applications

Text applications heard and decided by the Town Board will not again be set down for public hearing within six (6) months of the date of the decision by the Town Board; applications may not be resubmitted within six (6) months after the date of such decision by the Town Board.

Sec. 7.4. Rezoning (Zoning Map amendment).

7.4.1 Applicability

A. Amendments to the Zoning Map shall be made in accordance with the provisions of this Section.
B. The Town Board shall consider and make final decision on amendments to the Zoning Map.

C. Rezoning should correspond with the boundary lines of existing platted lots or parcels. Where the boundaries of a rezoning request stop short of an exterior property line, it must be possible to subdivide and develop that portion of the property outside the proposed rezoning boundary in accordance with the existing zoning and other requirements of this LDC.

D. All zoning requirements shall be met within the boundaries of the area being rezoned. If all of the requirements cannot be met on the site being rezoned, prior to advertisement of the public hearing, the rezoning shall be expanded to include all property necessary to meet zoning requirements.

7.4.2 Initiation of amendment

A. A request for a rezoning may be initiated by the Town Board, the Planning Commission or the Planning Director.

B. An owner of land within the jurisdiction of the Town (or a duly authorized agent or representative) may petition the Town Board for a rezoning.

7.4.3 Pre-application conference

All applicants petitioning for a rezoning shall schedule a pre-application conference with the Planning Director in accordance with Subsection 7.2.2.

7.4.4 Application requirements

All applications for a rezoning shall be submitted in accordance with Subsection 7.2.3, Application requirements.

7.4.5 Notice and public hearings
The Town shall hold all required public hearings and give notice in accordance with Section 7.2.4, Notice and public hearings.

7.4.6 Action by Planning Director

A. The Planning Director shall prepare a staff report that reviews the rezoning request in light of the adopted plans and policies of the Town and the requirements of this LDC.

B. Following completion of review by staff, the Planning Director shall forward the completed request and any related materials to the Planning Commission.

7.4.7 Action by Planning Commission

A. The Planning Commission shall make a recommendation on the application to the Town Board. The Planning Commission’s recommendation shall include a written statement to the Town Board describing whether its recommendation is consistent with the adopted plans and policies of the Town. If the Planning Commission fails to make a recommendation, the Town Board may process the request without a recommendation.

B. Following Planning Commission review, the Planning Director shall forward the completed rezoning request and any related materials, including the Planning Commission recommendation (if applicable), to the Town Board for final action.

7.4.8 Action by Town Board

A. Before taking action on a rezoning, the Town Board shall consider the recommendations of the Planning Commission and Planning Director.

B. The Town Board may approve the rezoning, deny the rezoning or send the rezoning back to the Planning Director for additional consideration.

C. Concurrently with adopting, denying or remanding any rezoning, the Town Board shall adopt a statement describing whether its action is consistent with the adopted plans and policies of the Town and explaining why the Town Board considers the action taken to be reasonable and in the public interest.

7.4.9 Approval criteria

No rezoning may be approved by the Town Board unless all of the following criteria are satisfied:

A. Consistency with the adopted plans and policies of the Town;

B. Suitability of the subject property for uses permitted by the current versus the proposed district;

C. Whether the proposed change tends to improve the balance of uses or meets a specific demand in the Town;

D. The capacity of adequate public facilities and services including schools, roads, recreation facilities, wastewater treatment and water supply facilities and stormwater drainage facilities for the proposed use;

E. It has been determined that the legal purposes for which zoning exists are not contravened;
F. It has been determined that there will be no adverse effect upon adjoining property owners unless such effect can be justified by the overwhelming public good or welfare; and

G. It has been determined that no one (1) property owner or small group of property owners will benefit materially from the change to the detriment of the general public.

7.4.10 Modification of application

An applicant in a zoning matter may reduce the geographic scope and/or propose a district of lower density or intensity from that requested in the application by filing a statement of modification with the Planning Director.

7.4.11 Time lapse between similar applications

A. In the event of a withdrawal of an application prior to action by the Town Board, no application may be filed requesting the same rezone contained in the withdrawn application prior to the expiration of a minimum period of six (6) months from the withdrawal of the application.

B. No subsequent application requesting the same zoning category for any parcel contained in an application which has expired may be filed prior to the expiration of a minimum period of six (6) months from the expiration. Applications for rezoning of the same property in a different zoning classification may, however, be submitted.

C. The Town Board, by a three-fourths (¾) majority vote, may waive the time-lapse requirements of this Section if the Town Board deems it to be in the public interest to do so.

7.4.12 Protest procedure

Pursuant to Section 31-23-305, C.R.S., whenever zoning regulations, restrictions and boundaries are to be amended, supplemented, changed, modified or repealed, a protest against changes in regulations or restrictions or changes in the zone district applicable to particular land may be filed with the Town Clerk at least twenty-four (24) hours prior to the governing body's vote on the change, and when such protest is signed by the owners of twenty percent (20%) or more of the area of land which is subject to the proposed change or twenty percent (20%) or more of the area of land extending a radius of one hundred (100) feet from the land which is subject to the proposed change, disregarding intervening public streets and alleys, such change shall not become effective except by the favorable vote of two-thirds (2/3) of all members of the Town Board.

Sec. 7.5. Planned development.

7.5.1 Applicability

Planned developments, including review of PUD and PUDO developments, shall occur in accordance with the provisions of this Section. All requirements shall be met within the boundaries of the area being rezoned to PUD or PUDO. Additionally, all planned developments shall be found to be in conformance with Article 67 of Title 24, C.R.S., the Planned Unit Development Act of 1972.

7.5.2 Initiation of amendment
An owner of land within the jurisdiction of the Town (or a duly authorized agent or representative) may petition the Town Board for designation as a Planned Development.

7.5.3 Pre-application conference

All applicants petitioning for a planned development rezoning shall schedule a pre-application conference with the Planning Director in accordance with Subsection 7.2.2. During the pre-application phase, a developer may request an audience before the Planning Commission to review a concept plan or sketch plan in order to further refine his or her intentions. (See the Administrative Handbook on Land Use.)

7.5.4 Application requirements

A. Concurrent with a request for planned development rezoning, an applicant shall submit a planned development control document to govern the development and maintenance of the land within the planned unit development. The control document shall be prepared by a professionally certified landscape architect, engineer, attorney, planner or architect.

B. All applications for planned development rezoning shall be submitted in accordance with Subsection 7.2.3, Application requirements, and the Administrative Handbook on Land Use.

Commentary: A planned development control document which meets the requirements for submittal of a preliminary plat may be approved as the planned development control document for the development and the preliminary plat concurrently.

7.5.5 Notice and public hearings

The Town shall hold all required public hearings and give notice in accordance with Subsection 7.2.4, Notice and public hearings.

7.5.6 Action by Planning Director

A. Upon submission of a completed application, the Planning Director shall review the control document for consistency with the requirements of this LDC as well as conformance with the Town's adopted comprehensive plan.

B. Other referral agencies and officials as the Planning Director may deem necessary and desirable, shall be given an opportunity to review the application.

C. Upon completion of the technical review, the Planning Director may meet with the applicant to discuss any changes in development design.

D. The Planning Director shall prepare a staff report that reviews the application in light of the adopted plans and policies of the Town and the requirements of this LDC. The report, control document and any related application materials shall be forwarded to the Planning Commission.

7.5.7 Action by Planning Commission

A. The Planning Commission shall make a recommendation on the application to the Town Board. The Planning Commission's recommendation shall include a written statement to
the Town Board describing whether its recommendation is consistent with the adopted plans and policies of the Town. If the Planning Commission fails to make a recommendation, the Town Board may process the request without a recommendation.

B. Following Planning Commission review, the Planning Director shall forward the completed planned development request and any related materials, including the Planning Commission recommendation (if applicable), to the Town Board for final action.

7.5.8 Action by Town Board

A. Before taking action on a planned development rezoning, the Town Board shall consider the recommendations of the Planning Commission and the Planning Director.

B. The Town Board may approve, deny or send the planned development rezone request back to the Planning Director for additional consideration.

C. Concurrently with adopting, denying or remanding any planned development rezoning, the Town Board shall adopt a statement describing whether its action is consistent with the adopted plans and policies of the Town and explaining why the Town Board considers the action taken to be reasonable and in the public interest.

D. A planned development control document which meets the requirements for submittal of a preliminary plat may be approved as both the planned development control document for the development and the preliminary plat concurrently.

7.5.9 Planned development approval criteria

No planned development rezone may be approved by the Town Board unless all of the following criteria are satisfied:

A. Consistency with the adopted plans of the Town;
B. General conformance with the Town's adopted comprehensive plan;

C. Suitability of the subject property for uses permitted by the current versus the proposed district;

D. Whether the proposed change tends to improve the balance of uses or meets a specific demand in the Town;

E. The capacity of adequate public facilities and services including schools, roads, recreation facilities wastewater treatment and water supply facilities and stormwater drainage facilities for the proposed use;

F. It has been determined that the legal purposes for which zoning exists are not contravened;

G. It has been determined that there will be no adverse effect upon adjoining property owners unless such effect can be justified by the overwhelming public good or welfare; and

H. It has been determined that no one (1) property owner or small group of property owners will benefit materially from the change to the detriment of the general public.

7.5.10 Planned development control document approval criteria

The planned development review shall include and the applicant shall be responsible for successfully addressing the following:

A. Compliance with Section 2.7, Planned development districts standards, and all other applicable requirements of this LDC;

B. Uses to be allowed in a planned unit development;

C. Conformance of the proposal with the stated purpose of the requested planned development district;

D. Compatibility of the proposed development with the adjacent community;

E. The quality of design intended for each component of the project and the ability of the overall development plan to ensure a unified, cohesive environment at full build-out;

F. Compatible relationships between each component of the overall project;

G. Self-sufficiency of each phase of the overall project;

H. Documentation that the proposed infrastructure improvements accommodate the additional impacts caused by the development or documentation to assure that the development, as proposed, will not overtax the existing public infrastructure systems;

I. The fiscal impact of the proposal and the proposed financing of required improvements;

J. The success of the proposal in providing adequate pedestrian and bicycle links within the development and with the adjacent community; and

K. The effectiveness with which the proposal protects and preserves the ecologically sensitive areas within the development.
7.5.11 Action after approval

A. Upon approval of a planned development rezoning by the Town Board and on recordation of the approved planned development control document, the district is deemed established. All documents (including the approved planned development control document) shall be an integral part of the approved proposal.

B. The approved planned development and associated planned development control document shall run with the land and shall be binding on the original applicant as well as any successors, assigns and heirs. The approved planned development control document shall be recorded in the office of the County Clerk and Recorder and the Zoning Map shall be amended.

C. Approval of a planned development rezoning and associated planned development control document does not constitute site plan approval or subdivision approval (if the property is to be further subdivided), except where the planned development control document meets the requirements for and is approved as a preliminary plat.

D. Property to be further subdivided shall obtain approval in accordance with Section 7.6, Subdivision review. Where a preliminary plat has been approved, the applicant may move forward to provide construction plans and a final plat.

E. Property not to be further subdivided shall obtain site plan approval as set forth in Section 7.7, Site plan review.

7.5.12 Time lapse between similar applications

A. In the event of a withdrawal of an application prior to action by the Town Board, no application may be filed requesting the same planned development contained in the withdrawn application prior to the expiration of a minimum period of six (6) months from the withdrawal of the application.

B. No subsequent application requesting a planned development for any parcel contained in an application which has expired may be made prior to the expiration of a minimum period of six (6) months from the date of expiration.

C. The Town Board, by a majority vote, may waive the time-lapse requirements of this Section if the Town Board deems it to be in the public interest to do so.

7.5.13 Approved planned development control document modifications

A. When authority to do so is clearly spelled out in any adopting ordinance or resolution for a planned development control document, amendments to said document, if minor in scope, may be approved administratively by the Planning Director. Minor changes shall include up to ten percent (10%) modifications to the original mixture of uses (so long as the minimum and maximum stated are maintained), minor adjustments to phasing (as long as the quantity of phases remains) and the realignment of internal roadways. Minor changes to the sign, lighting and landscape requirements may also be approved administratively by the Planning Director.
B. Major modifications shall require resubmittal to the Town Board. These shall include the addition of land modifications to the originally approved mixture of uses in excess of ten percent (10%), a change in the number of phases within the development and the addition or deletion of main vehicular entrances serving the development or their relocation. Major modifications shall also include any proposed revisions that are deemed by the Planning Director to be inconsistent with the adopted plans and policies of the Town.

Sec. 7.6. Subdivision review.

7.6.1 Applicability

Subdivision approval shall be required before any of the following activities occur:

A. The division of land (for any purpose) into two (2) or more parcels;

B. Development on a parcel not previously subdivided;

C. Development that involves the construction of any public improvements that are to be dedicated to the Town;

D. The development of any condominium buildings or creation of condominium arrangement within any existing structure; or

E. The realignment or elimination of existing lot lines.

7.6.2 Actions exempt from subdivision requirements

Those activities which the State of Colorado has exempted from the definition of subdivision shall be exempt from these regulations.

7.6.3 Unlawful to final plat without Town Board approval

It shall be unlawful to offer and cause to be recorded any plan, plat or replat of land within the Town limits of Palisade at the Mesa County Courthouse unless the same bears the endorsement and approval of the Town Board.

7.6.4 Types of subdivision

A. Administrative plat

An administrative plat is any minor division of three (3) lots or less that does not require dedication of rights-of-way, easements or new streets. Administrative plats may be used to allow minor adjustments and corrections to be made to lot lines, to combine lots, or to otherwise replat land where no public dedication is required.

B. Major subdivision

Any subdivision of land that does not fit the definition of an administrative plat.

7.6.5 Pre-application conference

A. All applicants seeking subdivision approval shall schedule a pre-application conference with the Planning Director in accordance with Subsection 7.2.2.
B. At the time of the pre-application conference, applicants shall submit a concept plan or sketch plan for review by the Planning Director. This plan should, in simple sketch form, show the proposed layout of streets, lots and other features in relation to existing conditions. During the pre-application phase, a developer may request an audience before the Planning Commission to review a concept plan or sketch plan in order to further refine his or her intentions. (See the Administrative Handbook on Land Use.)

C. The Planning Director shall make a determination as to which approval process authorized by this Section can be used. The Planning Director may require the applicant to submit whatever supplemental information is necessary to make this determination. (See Subsection 7.6.4 above for types of subdivision approval processes.)

D. When a subdivision is to be developed in stages, a subdivision phasing document shall be submitted for the entire development and a preliminary plat shall be submitted for each individual stage. A final plat is submitted for individual stages as each stage is developed. Each new stage shall be developed adjacent to an earlier stage.

7.6.6 Administrative plat review

Editor's Note: "Administrative plat review" may be used for creation of up to three (3) lots where no dedication of rights-of-way, easements or new streets are required. The key distinction between an administrative plat and a major plat is not the number of lots, but rather the fact that there are no dedications, improvements or guarantees needed, so the process can reasonably be shortened and delegated to staff.

A. Applicability

The procedure for approval of an administrative plat is intended to simplify processing of routine small subdivisions and replats with due regard to protection of the public interest. Administrative plats may be used to allow minor adjustments and corrections to be made to lot lines, to combine lots, or to otherwise replat land where no public dedication is required. The difference between the administrative and major subdivision processes is that administrative plats do not require preliminary plat review. An administrative plat may be used to create new lots only one (1) time on any parcel. Thereafter, additional divisions of such parcel shall be subject to the major subdivision procedure of this Section.

B. Application requirements

All applications for administrative plat review shall be submitted in accordance with Subsection 7.2.3, Application requirements.

C. Notice and public hearings

The Town shall hold all required public hearings and give notice in accordance with Subsection 7.2.4, Notice and public hearings.
D. Action by Planning Director

1. Upon submission of a completed application, the Planning Director shall review the plat for consistency with the requirements of this LDC. The Planning Director shall determine whether the plat conforms to the standards of an administrative plat.

2. Other referral agencies and officials shall be given an opportunity to review the application when the Planning Director may deem it necessary and desirable.

3. If the administrative plat is determined not to be in conformance with the requirements for an administrative plat, the applicant may proceed with preliminary plat review.

E. Action following approval

Upon administrative plat approval, the action will be taken before the Board of Trustees for passage of a resolution or ordinance, usually as an element within the consent agenda. Upon acceptance, the applicant may submit a final plat application pursuant to the requirements of Paragraph 7.6.7.B.

F. Continuing validity of administrative plats

Within twelve (12) months of the date of approval of the administrative plat, the applicant shall submit application for final plat review; otherwise the administrative plat shall be null and void.

G. Administrative plat approval criteria

Administrative plats shall be approved only when the following conditions are found to be met:

1. Consistency with the adopted plans and policies of the Town;

2. The plat complies with the standards of Article 5, Subdivision standards, and any other applicable requirements of this LDC;
3. The plat indicates that all subject lots will have frontage on existing approved streets;

4. New or residual parcels conform to the requirements of this LDC and other applicable regulations;

5. No new streets are required or are likely to be required for access to interior property;

6. No drainage or utility easements will be required to serve interior property;

7. No extension of public sewerage or water lines will be required;

8. The proposed subdivision will not adversely affect permissible development of the remainder of the parcel or of adjoining property; and

9. No waivers from Article 5, Subdivision standards, have been requested.

7.6.7 Major subdivisions

Major subdivision shall occur in two (2) stages, beginning with review of a preliminary plat, followed by review of a final plat.

A. Preliminary plat review

Commentary: Where PUD or PUDO development involve the creation of lots, subdivision review is also required. The two (2) reviews may occur concurrently – See also Paragraph 7.2.3.E.

1. Applicability

A preliminary plat shall be required for all subdivisions that do not meet the definition of an administrative plat as set forth in Paragraph 7.6.4.A. above.

2. Application requirements

a. All applications for preliminary plat review shall be submitted in accordance with Subsection 7.2.3, Application requirements, and the Administrative Handbook on Land Use.

b. All applications shall be accompanied by a certificate of design, signed by the professional engineer preparing the plat stating that they have, to the best of their ability, designed the subdivision in accordance with the requirements of Article 5, Subdivision standards; and other applicable requirements of this LDC.

c. An application for a waiver from any of the provisions of Article 5, Subdivision standards, shall be submitted in writing by the applicant at the time the preliminary plat is filed. The application shall state the grounds for the waiver and all the facts relied upon by the applicant. (See Paragraph 7.6.7.A.6.)
3. Notice and public hearings

The Town shall hold all required public hearings and give notice in accordance with Subsection 7.2.4, Notice and public hearings.

4. Action by Planning Director

   a. Upon submission of a completed application, the Planning Director shall review the preliminary plat for consistency with the requirements of this LDC.

   b. Other referral agencies and officials as the Planning Director may deem necessary and desirable shall be given an opportunity to review the application.

   c. The Planning Director shall prepare a report that reviews the application in light of comments provided by referral agencies and officials, the adopted plans of the Town and the requirements of this LDC. The report, preliminary plat and any related application materials shall be forwarded to the Planning Commission.

5. Action by Planning Commission

   a. A public hearing shall be held after due notice has been given to the applicant and the general public. Parties shall be given the opportunity to present evidence, cross-examine other parties, inspect any documentation and offer evidence or testimony in rebuttal.

   b. The Planning Commission shall review and make a recommendation to the Town Board on the preliminary plat within ninety (90) days of the required submittal date, unless additional time is agreed to by the subdivider.

6. Waivers

   a. Whereby affirmative vote of three-fourths (¾) of its membership, the Planning Commission finds that extraordinary hardships or practical difficulties may result
from strict compliance with Article 5, Subdivision standards, and the intent of this LDC may be served to a greater extent by an alternative proposal, a waiver may be granted. A waiver shall not have the effect of nullifying the intent and purpose of this LDC, and the Planning Commission shall not grant a waiver unless the Planning Commission makes findings based upon the evidence presented in each case that:

(i) The granting of the waiver will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located;

(ii) The conditions upon which the request for a waiver are based are unique to the property for which the waiver is sought and are not generally applicable to other property;

(iii) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of this LDC are enforced; and

(iv) The purpose of the waiver is not based primarily upon financial consideration.

b. In granting a waiver, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of this LDC.

7. Action by Town Board

a. The preliminary plat shall be referred to the Town Board for final action after action is taken by the Planning Commission.

b. Findings of fact shall be made by the Town Board that are based on evidence or testimony presented at the meeting. Such evidence or testimony must be relevant, material and competent.

c. No final action shall be deemed to have been given by the Town Board on the preliminary plat until the Town Board's written decision on the preliminary plat is delivered to the applicant by the Town.

d. The Town Board may approve the preliminary plat, deny the preliminary plat or send the preliminary plat back to the Planning Commission for additional consideration.

e. If the Town Board should disapprove the preliminary plat, the reasons for such action shall be given to the applicant.

8. Action following approval

a. Upon preliminary plat approval, the applicant may initiate proceedings to begin site work and installation of improvements. Any applicant wishing to exercise this right does so completely at his or her own risk. The Town shall be held harmless from any costs or damages in the event the applicant does not ultimately receive final plat approval. Additionally, the applicant will be required to provide the Town with a performance guarantee such as a bond or letter of credit to cover the costs of
reclamation in the event the applicant does not receive final plat approval. Prior to constructing any necessary public improvements, a complete set of construction drawings shall be submitted to and approved by the Town Engineer. All work shall be performed in compliance with the requirements of Article 5, Subdivision standards, and other applicable regulations of the Town and the state.

b. Approval of a preliminary plat does not constitute approval of the final plat. Application for approval of the final (record) plat will be considered only after the requirements for final plat approval as specified in Paragraph 7.6.7.B below have been fulfilled and after all other specified conditions have been met.

9. Findings of fact required

No preliminary plat may be approved by the Town Board unless all of the following findings are made concerning the subdivision:

   a. Consistency with the adopted plans of the Town.
   b. The subdivision meets all required specifications of Article 5, Subdivision standards, and other applicable requirements of this LDC.
   c. The subdivision will not be detrimental to the use or orderly development of other properties in the surrounding area and will not violate the character of existing standards for development of properties in the surrounding area.
   d. The subdivision design will provide for the distribution of traffic in a manner that will avoid or mitigate congestion within the immediate area, will provide for the unified and orderly use of or extension of public infrastructure and will not materially endanger the environment, public health, safety or the general welfare.

10. Continuing validity of preliminary plats

   a. Within twelve (12) months of the date of approval of the preliminary plat, the applicant shall submit a final plat for at least one (1) section of the subdivision; otherwise the preliminary plat shall be null and void unless the Planning Commission agrees to an extension of time. A formal request for extension and reasons thereof must be submitted prior to the one (1) year deadline date. Extensions may be granted for a period of one (1) year and may not be granted more than two (2) times.

   b. All sections of an approved preliminary plat must be submitted for final plat approval within three (3) years of preliminary plat approval for a preliminary plat unless approval for extension beyond three (3) years has been granted by the Town Board.

B. Final plat

   1. Applicability

      A final plat shall be required for all subdivision of land in the Town.

   2. Application requirements
All applications for final plat review shall be submitted in accordance with Subsection 7.2.3, Application requirements, and the Administrative Handbook on Land Use. Final plat applications shall include final construction plans for all required improvements, signed and sealed by a professional engineer, licensed to practice in the State of Colorado.

3. Action by Planning Director
   a. Upon submission of a completed application, the Planning Director shall review the final plat for consistency with the approved administrative plat or approved preliminary plat, as applicable and the requirements of this LDC.
   b. Other referral agencies and officials as the Planning Director may deem necessary and desirable shall be given an opportunity to review the final plat.
   c. Upon completion of the technical review, the Planning Director may submit the final plat to the Town Board or send the plat back to the applicant for modification.
   d. If the final plat is disapproved by the Planning Director, the reasons for such disapproval shall be stated in writing, specifying the provisions of this LDC with which the final plat does not comply.

4. Action by Town Board
   a. Before taking action on the final plat, the Town Board shall consider the recommendations of the Planning Director.
   b. The Town Board may approve the request, deny the request or send the request back to the Planning Director for additional consideration.

5. Final plat approval criteria
   Final plats shall be approved when the following conditions exist:
   a. Consistency with the adopted plans and policies of the Town;
b. The plat substantially complies with the approved administrative plat or preliminary plat, as applicable;

Commentary: Final plats must be substantially consistent with the approved administrative plat or preliminary plat. Changes which may be considered to be substantial include but are not limited to changes in lot dimensions; changes resulting in higher density; change in circulation network; change in drainage patterns; change in relationship between uses of land; and change in land use, in general.

c. The plat complies with the standards of Article 5, Subdivision standards, and the other applicable requirements of this LDC;

d. New and residual parcels will conform to the requirements of this LDC and other applicable regulations;

e. All necessary right-of-way has been offered for reservation or dedication; and

f. All necessary drainage easements have been provided.

6. Endorsements on plats

All plats received by the Town must be completed in accordance with the Administrative Handbook on Land Use and shall contain, at least, the following information:

a. Administrative plats

All administrative plats shall contain the following certificates:

(i) Certificate of ownership;

(ii) Certificate of survey by professional surveyor, signed, sealed and acknowledged;

(iii) Certificate of Planning Director approval;

(iv) Certificate of Town Board approval;

(v) Title certificate;

(vi) Reference to any separate instruments, including restrictive covenants, filed in the office of the County Clerk and Recorder which directly affects the land being subdivided.

b. Final plats

All major subdivision final plats shall contain the following certificates:

(i) Certificate of ownership and dedication;

(ii) Certificate of survey by professional surveyor, signed, sealed and acknowledged;

(iii) Certificate for release of mortgage for any part dedicated to the public, signed and acknowledged;

(iv) Certificate of Planning Commission approval;
(v) Certificate of Town Board plat approval and acceptance of rights-of-way, easements and public land dedication;

(vi) Title certificate;

(vii) Reference to any separate instruments, including restrictive covenants, filed in the office of the County Clerk and Recorder which directly affects the land being subdivided.

7. Action after approval

a. No plat or other land subdivision instrument shall be recorded in the office of the County Clerk and Recorder until it shall have been approved by the Planning Director as required.

b. After the final approval of the plat and, the affixing of all required signatures, the Town Clerk shall file one (1) contact reproducible cloth tracing or Mylar with the County Clerk and Recorder. The subdivider shall also provide the Planning Director with three (3) white background prints and one (1) contact reproducible Mylar as well as any electronic copies as spelled out by the Administrative Handbook on Land Use. The subdivider shall pay all required County recording fees.

c. The Town Clerk shall record the approved final plat in the office of the County Clerk and Recorder for recording within sixty (60) days after the date of approval. The Planning Director, upon receipt of a written request, may extend this date an additional thirty (30) days, if the request is received prior to the original expiration date and the final plat meets all applicable provisions of this LDC.

d. Although clear indication of any dedications shall be noted on the plat, the approval of a final plat shall not be deemed to constitute or affect the acceptance by the Town of the dedication of any street or other ground, public utility line or other public facility shown. The Town Board may, by resolution, accept any dedication made to the public of lands or facilities for streets, parks, public utility lines or other public purposes when the lands or facilities are located within the Town.

C. Dedication and improvements

1. In the development of any subdivision, the applicant shall be required to dedicate any additional right-of-way necessary to the width required by the Town for streets adjoining the property, to install curbs and gutters and pave all streets adjoining the property to Town standards and to install sidewalks in accordance with the policies and requirements of Article 5, Subdivision standards.

2. The applicant shall bear the costs of the installation of all on-site improvements as required by this LDC, including provision for surface drainage, pavement, landscaping and utilities. Any applicant required to install or construct off-site improvements pursuant to this Section may, with the approval as a condition of subdivision approval and upon a determination by the Planning Director that such improvements are not necessary or desirable at the time but will be needed in the future, make a payment in lieu of such improvements or part thereof plus any funds in amount sufficient to address inflation. The amount of any such payment shall be an amount estimated by the Town to
be the actual and total installation and construction costs of such improvements. The amount paid for a given improvement shall be considered total and complete payment for the improvements considered and will preclude any further assessment of the property in the event that the Town elects to install such improvements at a later date.

D. Guarantees of improvements

Guarantee of improvements shall be made in accordance with Subsection 5.4.5.

E. Inspections of required improvements

Inspections of improvements shall be made in accordance with Subsection 5.4.3.

7.6.8 Approved plat modifications

A. Minor modifications

1. Preliminary plat

   Minor revisions to an approved preliminary plat may be approved by the Planning Director if the revisions are within the scope and intent of the original approval. Such revisions may include but not be limited to:

   a. Reducing the lot count;
   b. Modifying phase lines; or
   c. Minor adjustments to lot or street locations.

2. Final plat

   A final plat may be rerecorded to:

   a. Revise or correct dimensions;
   b. Change street names;
   c. Add, delete or modify easements or private covenants;
   d. Change subdivision name; or
   e. Other minor modifications that are within the scope and intent of the original approval subject to approval of the Planning Director.

3. Procedures

   a. Preliminary plat

      (i) When minor revisions are proposed to an approved preliminary plat, the applicant shall submit a written request to the Planning Director delineating the revisions and requesting authorization for administrative revision.
(ii) The Planning Director shall notify the applicant whether the proposed revision qualifies for minor modification and the basis for the determination. If approved, the final plat may be submitted in accordance with the revisions.

(iii) The Planning Director shall distribute copies of the revised plat to the appropriate agencies.

b. Final plat

(i) When minor revisions are proposed to an approved final plat, the applicant shall submit a written request to the Planning Director delineating the revisions and requesting authorization for administrative revision.

(ii) If the plat has been recorded, the applicant shall submit the recorded plat with a statement describing the revisions made and title block for the Planning Director signature and date of signing.

(iii) If the ownership of the subdivision has changed or if any lots have been sold since the previous recording, an owner's and notary's certificates shall be provided on the plat for each current owner.

(iv) In addition to the letter and the revised final plat, the applicant shall submit the required fees to the Planning Director for processing and rerecording the revised plat.

(v) The Planning Director shall distribute copies of the recorded final plat to the appropriate agencies.

B. Major modifications

Proposed modifications to an approved preliminary plat or final plat not considered minor revisions shall be submitted and processed as new applications in accordance with the provisions of this Section.

Sec. 7.7. Site plan.

7.7.1 Applicability

A. All proposed development, except for single-family detached and zero lot line dwelling units on individual lots, shall be subject to the site plan review process.

B. Conditional uses (Section 7.8) require site plan review.

C. Temporary uses may require site plan review (see Section 7.10, Temporary use permit).

7.7.2 Site plan types

There are two (2) types of site plans with differing levels of approval required for each. The criteria for establishing which type of site plan and the corresponding level of approval for each are indicated below.

A. Minor site plans
1. Applicability
   
a. The following shall be reviewed as a minor site plan:
      
      (i) Parking lot expansions where there is no increase in excess of five percent (5%) of floor area of the principal structure;
      
      (ii) Accessory uses in commercial districts involving structures less than five hundred (500) square feet; and
      
      (iii) Amenity facilities, park and open area uses in approved subdivisions.
   
b. Projects listed below shall also be reviewed as a minor site plan provided they do not require modification of the standards established in this LDC other than those which the Planning Director may modify administratively; and do not involve the issuance of a conditional use permit.
      
      (i) Developments of up to one thousand (1,000) square feet of building for nonresidential uses; and
      
      (ii) Expansion of an existing conforming structure or expansion of a previously approved site plan by five percent (5%) in floor area or number of units.

2. Approval authority
   
The Planning Director shall be responsible for approving a minor site plan.

B. Major site plans
   
1. Applicability
      
      Any development requiring site plan review not listed in Paragraph A. above as a minor site plan shall be considered a major site plan.
   
2. Approval authority
      
      The Planning Commission shall be responsible for approving all major site plans, including site plans associated with an approved planned unit development control document (see Subsection 7.7.6 below) and conditional use permits (see Section 7.8).

7.7.3 Pre-application conference
   
A. All applicants seeking site plan approval shall schedule a pre-application conference with the Planning Director, in accordance with Subsection 7.2.2.
   
B. The Planning Director shall make a determination as to which approval process authorized by this Section can be used. The Planning Director may require the applicant to submit whatever supplemental information is necessary to make this determination.

7.7.4 Application Requirements
   
An application for site plan approval shall be submitted in accordance with Subsection 7.2.3, Application requirements.
7.7.5 Minor site plan

A. Application requirements

An application for minor site plan approval shall be submitted in accordance with Subsection 7.2.3, Application requirements, and the Administrative Handbook on Land Use.

B. Action by Planning Director

1. Upon submission of a completed application, the Planning Director shall review the minor site plan for consistency with the requirements of this LDC.

2. Other referral agencies and officials as the Planning Director may deem necessary and desirable shall be given an opportunity to review the application.

3. After technical review, the Planning Director shall determine whether the minor site plan conforms to the requirements of this LDC.

C. Modifications to approved minor site plans

The Planning Director shall have authority to grant modifications to approved minor site plans in accordance with the provisions of this Section or refer the modification to the Planning Commission if deemed necessary.

7.7.6 Dedication and improvements

A. In the development of any property for which a site plan is required in this Section, the applicant shall be required to dedicate any additional right-of-way necessary to the width required by the Town for streets adjoining the property, to install curbs and gutters and pave all streets adjoining the property to Town standards and to install sidewalks in accordance with the policies and requirements of Article 5, Subdivision standards.

B. The applicant shall bear the costs of the installation of all on and off-site improvements as required by this LDC, including provision for surface drainage, pavement, landscaping and utilities.
7.7.7 Guarantees of improvements

A. Prior to the approval of any site plan, the applicant shall submit a cost estimate and time schedule for installation of each phase of the site improvements.

B. The Town shall require a bond guaranteeing required on-site and off-site improvements. This bond shall be in the amount determined by the Planning Director. This bond shall be in cash, certified check or be made by a bonding/insurance company authorized to do business in Colorado.

C. As each phase of improvements is installed and inspected by the Town, the bond amount shall be reduced by the costs of the installed improvements.

D. In the event that the applicant wishes to occupy any building or any portion of any building prior to the completion of the required site improvements, the bond guaranteeing improvements shall be retained by the Town until the remaining required improvements are completed.

7.7.8 Inspections of required improvements

Inspections of site improvements shall be made in accordance with Subsection 5.4.3.

7.7.9 Appeals

An appeal from any final decision by the Planning Director shall be made within five (5) working days of the final decision in accordance with Section 7.16, Administrative appeals.

7.7.10 Major site plan

A. Application requirements

An application for major site plan approval shall be submitted in accordance with Subsection 7.2.3, Application requirements, and the Administrative Handbook on Land Use.

B. Action by Planning Director

1. Upon submission of a completed application, the Planning Director shall review the major site plan for consistency with the requirements of this LDC.

2. Other referral agencies and officials as the Planning Director may deem necessary and desirable shall be given an opportunity to review the application.

3. Upon completion of the technical review, the Planning Director shall prepare a report that reviews the application in light of comments, the adopted plans and policies of the Town and the general requirements of this LDC. The report, site plan and any related application materials shall be forwarded to the Planning Commission.

C. Action by Planning Commission

1. After considering the Planning Director's comments, the Planning Commission shall approve or disapprove the major site plan or send the site plan back to the Planning Director for additional consideration.
2. Major site plans requiring revisions shall be returned to the Planning Commission within ninety (90) days or the application shall be considered withdrawn. One (1) extension period may be granted by the Planning Commission.

3. Following the public hearing the Planning Commission shall provide a 'finding of facts' pursuant to the Colorado Vested Property Rights Law.

7.7.11 Modifications to approved major site plans

A. Minor deviations

If a proposed amendment to a major site plan represents only a minor deviation from the approved site plan, the applicant shall file a written application for such amendment with the Planning Director who shall act upon such application within ten (10) days of its receipt. Minor deviations shall include, but are not limited to the following:

1. A less than five percent (5%) increase or any decrease in the floor area or number of units, provided that the district maximums of the subject property for which a minor site plan has been submitted are not exceeded;

2. A less than ten percent (10%) decrease in parking spaces, open space or livability space;

3. The minor repositioning of any structure or landscape screen in any direction from the location shown on the site plan unless deemed by the Planning Director to significantly alter the approved plan.

B. Substantial deviations

If a proposed amendment to a site plan deviates substantially from the approved site plan, the approved site plan shall be amended in accordance with the procedure and standards which governed its approval. Such substantial deviations include the following:
1. A five percent (5%) or greater increase in floor area or number of units;

2. A ten percent (10%) or greater decrease in parking spaces, open space or livability space;

3. The relocation of any structure, dedicated street, easement or landscape screen in any direction from the location shown on the major site plan.

7.7.12 Approval criteria

In approving a site plan, the Planning Director or the Planning Commission as applicable, shall consider the following:

A. Consistency with the adopted plans;

B. Compliance with all applicable requirements of this LDC and the Town's adopted comprehensive plan;

C. Site design and development intensity is appropriate for and tailored to the unique natural characteristics of the site, such as significant wooded areas, wetlands and floodplains;

D. For nonresidential and multifamily projects, the site plan displays the location of trash handling, recycling, grease bins and other waste-related facilities employed in the normal operation of the use;

E. Adequacy and location of parking areas and pedestrian and vehicular access points;

F. Compliance with site construction specifications;

G. Adequacy of stormwater facilities, water supply, sanitary sewer service, fire protection, street signs and street lighting as evidenced by conformance with department standards, specifications and guidelines;

H. That the application will not substantially injure the value of adjoining or abutting property and will not be detrimental to the use or development of adjacent properties or other neighborhood uses;

I. Compliance with requirements for easements or dedications;

J. Compliance with any applicable subdivision improvements;

K. If applicable, compliance with the approved planned unit development control document;

L. Building design and materials uphold and promote high quality development in the Town and are compatible with other uses in the surrounding neighborhood; and

M. Compliance with landscaping and general design requirements of Article 4.

7.7.13 Period of validity

An approved site plan shall expire three (3) years from the date of approval unless the proposed development is pursued as set forth below:

A. A complete building permit application has been submitted and remains valid;
B. Where more than one (1) building is to be built, the applicant may submit a series of building permit applications. The first application shall be submitted within one (1) year from the date that site plan approval is granted. Each subsequent application shall be submitted within one hundred eighty (180) days from the date of issuance of a certificate of occupancy for the previous building; or

C. If no building permit is required, a certificate of occupancy has been issued.

7.7.14 Building permit/certificate of occupancy

No building permit or certificate of occupancy shall be issued until the required site plan of the proposed use or development has been approved by the appropriate Town officials.

7.7.15 Dedication and improvements

A. In the development of any property for which a site plan is required in this Section, the applicant shall be required to dedicate any additional right-of-way necessary to the width required by the Town for streets adjoining the property, to install curbs and gutters and pave all streets adjoining the property to Town standards and to install sidewalks in accordance with the policies and requirements of Article 5, Subdivision Standards.

B. The applicant shall bear the costs of the installation of all on and off-site improvements as required by this LDC, including provision for surface drainage, pavement, landscaping and utilities.

7.7.16 Guarantees of improvements

A. Prior to the approval of any site plan, the applicant shall submit a cost estimate and time schedule for installation of each phase of the site improvements.

B. The Town shall require a bond, a letter of credit or escrow guaranteeing required on-site and off-site improvements. This bond shall be in the amount determined by the Planning Director. This bond shall be in cash, certified check or be made by a bonding/insurance company authorized to do business in Colorado.

C. As each phase of improvements is installed and inspected by the Town, the bond amount shall be reduced by the costs of the installed improvements.

D. In the event that the applicant wishes to occupy any building or any portion of any building prior to the completion of the required site improvements, the bond guaranteeing improvements shall be retained by the Town until the remaining required improvements are completed.

7.7.17 Inspections of required improvements

Inspections of site improvements shall be made in accordance with Subsection 5.4.3.

Sec. 7.8 Conditional use.

7.8.1 Applicability
A conditional use is a use that may or may not be appropriate depending on the location and the conditions imposed upon the approval of the use that are designed to reasonably mitigate any adverse impacts upon surrounding properties. Conditional uses may be approved for the uses indicated in the use regulations of the zoning district of the property for which the conditional use permit is requested. A pre-existing use that is permitted as a conditional use pursuant to this LDC shall be deemed to have already received conditional use approval. Provided, however, that any change or expansion of a conditional use, whether pre-existing or otherwise, shall require a new conditional use permit pursuant to the terms of this Section.

A. Conditional uses within each base zoning district are uses that may be appropriate in a particular district, but because of the increased potential for incompatibility with adjacent uses requires individual review by the Town Board.

B. A conditional use permit shall be required for all conditional uses as set forth in the Permitted Use Table (see Subsection 2.5.1). A development comprised of uses regulated by separate rows on the table shall be reviewed using the most restrictive process from among the proposed uses. (See also 3.1.7)

Commentary: If a proposed development includes a gas station, library and a restaurant, including outparcels, and one (1) of those uses is only permitted as a conditional use in the district, then the entire development requires conditional use review.

C. Where a use requiring an approval as a conditional use lies on a separate legal lot, only the building containing the use and its separate lot shall be subject to conditional use review, not the entire project. However, where the separate legal lot is an outparcel, the application shall describe the relationship of the outparcel to the remaining site.

Commentary: For example, where a use in the CB district (requiring a conditional use permit) is an outparcel within a larger retail development, the conditional use review shall apply to the outparcel only—not the entire development. However, where a conditional use is proposed in a building that contains a variety of other uses, the entire building and its associated parcel of land shall require conditional use review.

7.8.2 Pre-application conference

All applicants seeking conditional use approval shall schedule a pre-application conference with the Planning Director, in accordance with Subsection 7.2.2.

7.8.3 Application requirements

A. Unless otherwise approved by the Planning Director, concurrent with a request for a conditional use permit, an applicant shall submit a site plan for review and approval.

B. An application for a conditional use permit shall be submitted in accordance with Subsection 7.2.3, Application requirements, and the Administrative Handbook on Land Use.

7.8.4 Notice and public hearings

The Town shall hold all required public hearings and give notice in accordance with Subsection 7.2.4, Notice and public hearings.
7.8.5 **Action by Planning Director**

A. Upon submission of a completed application, the Planning Director shall review the application for consistency with the requirements of this LDC.

B. Other referral agencies and officials as the Planning Director or the Planning Commission may deem necessary and desirable shall be given an opportunity to review the application.

C. Upon completion of the technical review, the Planning Director shall prepare a report that reviews the application in light of the adopted plans and policies of the Town and the requirements of this LDC. The report, site plan and any related application materials shall be forwarded to the Planning Commission.

7.8.6 **Action by Planning Commission**

A. After considering the Planning Director's comments, the Planning Commission shall recommend approval or disapproval of the site plan or send the site plan back to the Planning Director for additional consideration.

B. Site plans requiring revisions shall be returned to the Planning Commission within ninety (90) days or the application shall be considered withdrawn. One (1) extension period may be granted by the Planning Commission.

7.8.7 **Action by Town Board**

A. Before taking action on the conditional use request, the Town Board shall consider the recommendations of the Planning Director and the Planning Commission.

B. The Town Board may approve the request, deny the request or send the request back to the Planning Commission for additional consideration.

C. Where a site plan is required, approval of the conditional use permit by the Town Board shall be considered site plan approval.
7.8.8 Findings of fact required

No conditional use permit shall be approved unless the following findings are made concerning the application:

A. That the application will not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted and approved.

B. That the application meets all required specifications and conforms to the standards and practices of sound land use planning and other applicable regulations.

C. That the application will not substantially injure the value of adjoining or abutting property and will not be detrimental to the use or development of adjacent properties or other neighborhood uses.

D. That the application will not adversely affect the adopted plans and policies of the Town or violate the character of existing standards for development of the adjacent properties.

E. That the conditional use permit will apply only to the applicant and is nontransferrable to future landowners.

7.8.9 Additional conditions

A. In granting approval of a conditional use permit, the Town Board may impose reasonable conditions which serve to assure that the required findings are upheld. Such conditions may include, but are not limited to right-of-way or easement dedication; recreation, open space or buffer provision; limitation in scale, intensity or hours of operation; and other reasonable restrictions.

B. Any additional condition approved by the Town Board shall become a part of the permit and be of equal importance in the responsibility of the applicant or subsequent assigns to adhere to its terms.

7.8.10 Modifications to approved conditional use permit

A. Minor deviations

The Planning Director is authorized to approve minor deviations to a conditional use permit, if such change is not contrary to the approving action of the Town Board, but shall not have the authority to approve substantial deviations as set forth below.

B. Substantial deviations

1. Any deviation requiring evidentiary support in addition to that presented at a public hearing on applications for the original permit shall constitute a substantial deviation. Before making a determination as to whether a proposed action is a minor deviation or a substantial deviation, the Planning Director shall review the record of the proceedings on the original application. Substantial deviations shall include the following:

   a. A change in the boundaries of the approved site;

   b. A change from the approved use;
c. An increase of five percent (5%) or more in the approved floor area, unless proposed addition is five hundred (500) square feet of floor area or less, whether such addition is proposed at one (1) time or over an extended period of time;

d. An increase of five percent (5%) or more in the number of approved parking spaces, unless the proposed addition is ten (10) or fewer spaces, whether such addition is proposed at one (1) time or over an extended period of time;

e. Substantial change in the location of principal or accessory structures;

f. Structural alterations significantly affecting the basic size, form; style, ornamentation and appearance of principal or accessory structures as shown on the approved site plan;

g. Substantial changes in pedestrian or vehicular access or circulation; and

h. Substantial change in the amount or location of landscape screens.

2. If a proposed amendment deviates substantially from the approved conditional use permit, the approved conditional use permit shall be amended in accordance with the procedure and standards which governed its approval.

7.8.11 Effect of decision

A. If the Town Board votes to deny an application, there may be no subsequent application for the same or similar use submitted by any party for any part of the subject property until twelve (12) months have elapsed from the date of denial. If the Town Board votes to approve an application, the permit shall be recorded in the office of the County Clerk and Recorder.

B. The conditional use permit and additional conditions, if applicable, shall run with the land and shall be binding on the original applicant as well as any successors, assigns and heirs.

7.8.12 Period of validity

A. An approved conditional use permit shall expire three (3) years from the date of approval unless the proposed development is pursued as set forth below:

1. A complete building permit application has been submitted and remains valid;

2. Where more than one (1) building is to be built, the applicant may submit a series of building permit applications. The first application shall be submitted within twelve (12) months from the date approval was granted. Each subsequent application shall be submitted within one hundred eighty (180) days from the date of issuance of a certificate of occupancy for the previous building; or

3. If no building permit is required, a certificate of occupancy has been issued.

B. Once the appropriate permit has been issued, the conditional use permit shall remain in force unless the use, construction or activity ceases for a period of twelve (12) consecutive months. In such instance, following an appropriately noticed public hearing, the conditional use permit shall become void. If a conditional use is determined by the
Planning Director to be void, such determination shall be transmitted in writing to the applicant.

7.8.13 Building permit/certificate of occupancy

No building permit or certificate of occupancy shall be issued until the required site plan of the proposed use or development has been approved by the Town Board.

7.8.14 Revocation of a conditional use permit

The Planning Director, following an appropriately noticed public hearing, may revoke a conditional use permit if it is determined that:

A. The applicant has misrepresented any material fact on his or her application or supporting materials;

B. The conditional use fails or ceases to comply with applicable standards, conditions or criteria for issuance of a permit;

C. The operation of the conditional use violates any statute, law, ordinance or regulation; and/or

D. The operation of the conditional use constitutes a nuisance or poses a real or potential threat to the health, safety or welfare of the public.

7.8.15 Coordination with variance

Applications for variance may be submitted concurrently with a request for a conditional use permit. The conditional use permit request shall be considered first (including any site plan) and where it is denied, the variance request shall be null and void.

7.8.16 Coordination with rezoning

An application for a conditional use permit may be reviewed concurrently with a rezoning application. However, a decision by the Town Board shall be rendered first for any rezoning and then subsequently for any conditional use permit.

Sec. 7.9. Planning clearance.

7.9.1 Applicability

A. It shall be unlawful to begin moving, constructing, altering, grading or clearing, demolition or repairing, except ordinary repairs, of any building, fence, wall or other structure on a site including an accessory structure, until the Planning Director has issued a planning clearance for such work.

B. It shall be unlawful to change the type of use of land, to change the type of use or type of occupancy of any building or to extend any use or any lot on which there is a nonconforming use, until the Planning Director has issued a planning clearance for such intended use, including a determination that the proposed use, in all respects, conforms to the provisions of this LDC.
C. It shall be unlawful to undertake any land-disturbing activity until the Planning Director has issued a planning clearance permit for such work.

D. No planning clearance is required for permitted temporary uses (see Section 7.10).

7.9.2 Timing of application

In all cases where a building permit is required, application for a planning clearance shall be made concurrently with the application for a building permit. In all other cases, application shall be made before initiating any of the activities that trigger compliance with this Section.

7.9.3 Application requirements

All applications for a planning clearance shall be submitted in accordance with Subsection 7.2.3, Application requirements, and the Administrative Handbook on Land Use. Such applications must include a plot plan or site map which shows the applicant's property boundaries and the proposed location of the proposed building, fence, wall or other structure.

7.9.4 Action by Planning Director

A. If the proposed application is in conformity with the provisions of this LDC, the Planning Director shall issue a planning clearance, provided that all of the following conditions shall apply:

1. Issuance of a planning clearance shall in no case be construed as waiving any provisions of this LDC;

2. The Planning Director shall not grant any exceptions to the actual meaning of any clause, standards or regulation contained in this LDC to any person making application to excavate, construct, move, alter or use buildings, structures or land;
3. The Planning Director shall issue a planning clearance when the imposed conditions of this LDC are complied with by the applicant regardless of whether the use of the clearance would violate contractual or other arrangements (including, but not limited to private covenants) among private parties; and

4. The planning clearance shall include a determination that plans, specifications and the intended use of such structure and land do, in all respects, conform to the provisions of this LDC. Prior to the issuance of a planning clearance, the Planning Director shall consult with other applicable departments, as necessary.

B. At the option of the Planning Director, the planning clearance may be referred to the Town Board for final action.

C. If the proposed application is not in conformity with the provisions of this LDC, the Planning Director shall not issue the planning clearance and shall provide in writing the cause of such disapproval to the applicant.

7.9.5 Dedication and improvements

A. In the development of any property for which a planning clearance is required in this Section, the applicant may be required to dedicate any additional right-of-way necessary to the width required by the Town for streets adjoining the property, to install curbs and gutters and pave all streets adjoining the property to Town standards and to install sidewalks in accordance with the policies and requirements of Article 5, Subdivision standards.

B. The applicant shall bear the costs of the installation of all on and off-site improvements as required by this LDC, including provision for surface drainage, pavement, landscaping and utilities.

7.9.6 Guarantees of improvements

A. Prior to the approval of any planning clearance, the applicant shall submit a cost estimate and time schedule for installation of each phase of the site improvements.

B. The Town shall require a bond guaranteeing required on-site and off-site improvements. This bond shall be in the amount determined by the Planning Director. This bond shall be in cash, certified check or be made by a bonding/insurance company authorized to do business in Colorado.

C. As each phase of improvements is installed and inspected by the Town, the bond amount shall be reduced by the costs of the installed improvements.

D. In the event that the applicant wishes to occupy any building or any portion of any building prior to the completion of the required site improvements, the bond guaranteeing improvements shall be retained by the Town until the remaining required improvements are completed.

7.9.7 Inspections of required improvements

Inspections of site improvements shall be made in accordance with Subsection 5.4.3.
7.9.8 Expiration

Once a planning clearance permit has been issued, all activities pursuant to such permit shall be commenced within six (6) months. If the proposed moving, constructing, altering, repairing or use of land, as set forth in an application for a planning clearance permit, is discontinued for a period of one (1) year or more, the planning clearance permit shall lapse and be of no further force and effect.

7.9.9 Appeal

Final action on a planning clearance permit may be appealed to the Board of Adjustment in accordance with Section 7.16, Administrative appeals.

Sec. 7.10. Temporary use review.

7.10.1 Applicability

Temporary uses occurring on property outside of the public right-of-way, including those operating for less than thirty (30) days within a one-year time period, shall obtain a temporary use permit from the Planning Director that outlines conditions of operations to protect the public, health, safety and welfare subject to the standards of Section 3.8, Temporary use standards.

7.10.2 Application requirements

An application for a temporary use permit shall be submitted in accordance with Subsection 7.2.3, Application requirements. The Planning Director may require that a temporary use application include an application for site plan review pursuant to Section 7.7.

7.10.3 Action by Planning Director

A. After receiving a complete application, the Planning Director shall have up to thirty (30) days to review the application. Other referral agencies and officials as the Planning Director may deem necessary and desirable shall be given an opportunity to review the application.
B. After technical review, the Planning Director shall determine whether the site plan conforms to the requirements of this LDC and approve or disapprove the site plan or refer the site plan to the Town Board for final action.

7.10.4 Approval criteria

In approving a temporary use permit, the Planning Director or the Board of Trustees as applicable, shall approve the issuance of a temporary use permit subject to the following:

A. No lighting or electrical service shall be provided without an electrical permit and no temporary use structure shall be erected without a building permit;

B. No temporary use structure shall block fire lanes or pedestrian or vehicular access;

C. The site of the temporary use shall be cleared of all debris at the end of the temporary use. All temporary structures shall be cleared from the site within five (5) days after the use is terminated;

D. Written permission of the property owner for the temporary use shall be provided;

E. Adequate parking and traffic control measures shall be provided; and required parking for other uses shall remain available;

F. Adequate provisions for trash disposal and sanitary facilities shall be provided; and

G. When appropriate, adequate provisions for crowd control shall be provided.

7.10.5 Revocation of a temporary use permit

A temporary use permit shall be revoked, following an appropriately noticed public hearing, if the Board of Trustees finds that the terms of the permit have been violated or that there is a hazard to the public health, safety and welfare.

7.10.6 Appeal

Final action on a temporary use permit may be appealed to the Board of Adjustment in accordance with Section 7.16, Administrative appeals.

Sec. 7.11. Sign permit.

7.11.1 Applicability

No sign, including permanent, temporary, portable and sandwich signs, may be erected, located or altered in any manner until a sign permit, and building permit if necessary, has been secured from the Planning Director. Change of copy on a legally constructed sign shall not require a permit.

Commentary: A common signage plan may be required before a sign permit can be issued (see Section 4.9).

7.11.2 Application requirements

An application for sign permit shall be submitted in accordance with Subsection 7.2.3, Application requirements, and the Administrative Handbook on Land Use.
7.11.3 Action by Planning Director

A. After receiving a complete application, the Planning Director shall have up to thirty (30) days to review the application. Other referral agencies and officials as the Planning Director may deem necessary and desirable shall be given an opportunity to review the application.

B. After technical review, the Planning Director shall approve the sign permit, provided the sign meets all requirements of this LDC and all other applicable electrical and Building Code requirements; or refer the sign permit to the Town Board for final action.

7.11.4 Approval criteria

In approving a sign permit, the Planning Director or the Board of Trustees as applicable shall consider the sign standards of Section 4.9.

7.11.5 Maintenance of permanent signs

It shall be a continuing responsibility of the applicant and or owner of the sign to assure that the sign is erected and maintained in a condition so as not to be a hazard to the safety of the public and of property.

7.11.6 Revocation of a sign permit

A. Sign permit shall be revoked, following an appropriately noticed public hearing, if a sign is found to be in violation of the requirements of this LDC or other applicable electrical and Building Code requirements.

B. The sign permit shall be null and void if sign installation is not completed within six (6) months or the signs are not in conformance with the approved application.

7.11.7 Appeal

Final action on a sign permit may be appealed to the Board of Adjustment in accordance with Section 7.16, Administrative appeals.
Sec. 7.12. Written interpretation.

7.12.1 Applicability

When uncertainty exists, the Town Board, after consultation with the Planning Director, Town Attorney and other involved staff, shall be authorized to make all interpretations concerning the provisions of this LDC.

7.12.2 Application requirements

An application for a written interpretation shall be submitted in accordance with Subsection 7.2.3, Application requirements.

7.12.3 Action by Planning Director

A. The Planning Director shall review and evaluate the request in light of the text of this LDC, the Zoning Map, the adopted plans and policies of the Town and any other relevant information.

B. Following completion of the technical review period, the Planning Director shall prepare a draft interpretation in light of the adopted plans and policies of the Town, the requirements of this LDC and any other relevant information. The draft interpretation shall be forwarded to the Town Board for final action.

7.12.4 Action by Town Board

A. Before taking action on the written interpretation, the Town Board shall consider the recommendations of the Planning Director.

B. The Town Board may approve or modify the interpretation or send the interpretation back to the Planning Director for additional consideration.

C. Upon approval by the Town Board, the interpretation shall be provided to the applicant in writing.

7.12.5 Official record
The Town Clerk shall maintain an official record of all interpretations. The record of interpretations shall be available for public inspection during normal business hours.

Sec. 7.13. Floodplain development permits.

7.13.1 Applicability

A floodplain development permit is required prior to any land disturbance, as defined in Section 10.2 and before construction or development begins within any area of special flood hazard established in Paragraph 4.7.1.F within the Town limits to ensure conformance to the stormwater quality provisions and other applicable requirements of this LDC.

7.13.2 Application requirements

An application for an administrative adjustment shall be submitted in accordance with Subsection 7.2.3, Application requirements. Application for a development permit shall be made on forms furnished by the Planning Director and may include, but not be limited to plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

A. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;

B. Elevation in relation to mean sea level to which any structure has been floodproofed;

C. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Paragraph 4.7.3.A; and

D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

7.13.3 Action by Planning Director
A. After receiving a complete application, the Planning Director shall have up to thirty (30) days to review the application.

B. Other referral agencies and officials as the Planning Director or the Planning Commission may deem necessary and desirable shall be given an opportunity to review the application.

C. After technical review, the Planning Director shall determine whether the site plan conforms to the requirements of this LDC and approve or disapprove the floodplain development permit or refer the permit to the Town Board for final action.

7.13.4 Criteria for approval

A. Approval or denial of a floodplain development permit by the Planning Director shall be based on the requirements of Section 4.7 and the following relevant factors:

1. The danger to life and property due to flooding or erosion damage.

2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

3. The danger that materials may be swept onto other lands to the injury of others.

4. The compatibility of the proposed use with existing and anticipated development.

5. The safety of access to the property in times of flood for ordinary and emergency vehicles.

6. The costs of providing governmental services during and after flood conditions, including maintenance and repair of streets and bridges and public utilities and facilities such as sanitary sewer, gas, electrical and water systems.

7. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.

8. The necessity to the facility of a waterfront location, where applicable.

9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

10. The relationship of the proposed use to the comprehensive plan for the area.

B. The applicant must ensure that the application for a floodplain development permit was prepared or reviewed and approved by a licensed professional engineer prior to submission to the Town and that the application meets the requirements of Subsection 7.13.2.

C. A floodplain development permit is conditional upon issuance of all applicable related permits required from the U.S. Environmental Protection Agency or any other State or federal agency.

7.13.5 Expiration

A floodplain development permit shall expire twelve (12) months after the date that the permit was issued.
7.13.6 Appeals

An appeal from any final decision by the Planning Director or request for variance shall be made within five (5) working days of the final decision in accordance with Section 7.16, Administrative appeals.

7.13.7 Floodplain development permit variances (appeal)

A. Applicability

The Town Board shall hear and render judgment on a variance (appeal) only when it is alleged there is an error in any requirement, decision or determination made by the Floodplain Administrator in the enforcement or administration of Section 7.13 as follows:

1. Variances may be approved for new construction, for substantial improvements and for other development necessary for the conduct of a functional dependent use provided the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

2. Variances may be approved for new construction and substantial improvements to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors of Paragraph 7.13.7.C and the danger to life have been fully considered. As the lot size increases beyond one-half (½) acre, the technical justification required for issuing the variance increases.

B. Review process

1. Initiation
Initiation of a floodplain development permit variance may be made upon application of a property owner or their designated agent.

2. Application and completeness determination

The Administrator is responsible for checking that a complete application has been submitted, with all material necessary for the Town Board to render an informed decision.

3. Staff review

The Administrator shall review the application, consider any applicable criteria for approval and prepare a report to the Town Board. A copy of the staff report shall be mailed to the applicant at least five (5) days prior to the public hearing on the application. The Planning Director's report may include a recommendation for final action.

4. Town Board final action

a. The Town Board shall review the application in a regular public meeting and may take final action on the proposed floodplain development permit variances. The Town Board may attach such conditions to the granting of variances as it deems necessary to further the purpose for floodplain development permit regulations as stated in Paragraph 7.13.7.D.

b. The floodplain development permit variance shall become effective upon approval by the Town Board.

C. Criteria for approval

1. Floodplain development permit variances shall only be issued upon:

   a. A showing of good and sufficient cause;

   b. Determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;

   c. Determination that failure to grant the variance would result in exceptional hardship to the applicant;

   d. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances;

   e. Variances shall not be approved within any designated floodway if any increase in flood levels during the base flood discharge would result;

   f. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result;

   g. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the
structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure;

h. Variances may be issued by the Town for new construction, for substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

(i) The criteria outlined in Subsections a. through g. of this Section are met; and

(ii) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

2. Exception

Floodplain development permit variances may be issued for reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places; without regard to the criteria for approval of Paragraph 7.13.7.C.1.a. through e. above.

D. Conditions of approval

In approving a floodplain development permit variance, the Town Board may establish conditions of approval as necessary to ensure compliance with the criteria for approval of Paragraph 7.13.7.C.

E. Action following approval

Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

F. Expiration

A floodplain development permit variance shall expire twelve (12) months after the date that the permit was issued.

G. Appeal

Any person aggrieved by the decision of the Town Board may appeal such decision in the courts of competent jurisdiction.


7.14.1 Applicability

A. The Board of Adjustment is authorized to grant variances from the dimensional standards found in Section 2.6, Base district standards, and the off-street parking and loading standards of this LDC, unless a variance is specifically prohibited for a particular requirement. The granting of a variance shall not be contrary to the public interest or the purposes of this LDC where, owing to special conditions, a literal enforcement of the
provisions of this LDC would result in unnecessary physical (not economic) hardship to the property owner.

B. It is the intent of this delegation of power to the Board that no variance shall be granted which is a use variance and has the practical effect of rezoning property to a higher intensity of use than the district in which the property is located.

7.14.2 Application requirements

An application for a variance shall be submitted and reviewed in accordance with Subsection 7.2.3, Application requirements, and the Administrative Handbook on Land Use.

7.14.3 Deadline for submission of application

An appeal of an administrative decision shall be filed with the Board of Adjustment within thirty (30) days of receipt of the decision.

7.14.4 Notice and public hearings

The Town shall hold all required public hearings and give notice in accordance with Subsection 7.2.4, Notice and public hearings.

7.14.5 Burden of proof

The applicant seeking the variance shall have the burden of presenting evidence sufficient to allow the Board of Adjustment to reach the conclusions set forth below as well as the burden of persuasion on those issues.

7.14.6 Action by Planning Director
The Planning Director shall provide the Board of Adjustment with a copy of the application and all relevant materials pertaining to the request.

7.14.7 Action by Board of Adjustment

A. The Board of Adjustment may approve the request, deny the request or continue the request.

B. Each decision shall be accompanied by a finding of fact that specifies the reason for the decision.

C. In approving the variance, the Board of Adjustment may prescribe reasonable and appropriate conditions which will ensure that the use will be compatible with adjacent properties and will not alter the character of the neighborhood.

D. Conditions may be imposed by the Board of Adjustment regarding the location, character and other features of the proposed building or use as may be deemed by the Board of Adjustment to protect property values and general welfare of the neighborhood. Nonconformance with such conditions and safeguards, when part of the terms under which the variance is granted, shall be deemed a violation of this LDC.

7.14.8 Effect of appeal

A. A variance request shall stay all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal has been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by the District Court on application on notice to the officer from whom the appeal is taken and on due cause shown.

B. A variance request shall not stop action lawfully approved (including construction activities authorized by a building permit); only actions presumed in violation of this LDC are stayed.

7.14.9 Findings of fact

No variance shall be approved by the Board of Adjustment unless all of the following findings are made.

A. There are exceptional conditions pertaining to the particular piece of property in question because of its shape, size or topography that are not applicable to other lands or structures in the same district, or there is a peculiar characteristic of an establishment which makes the parking and/or loading requirements of this LDC unrealistic.

B. Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located.

C. A literal interpretation of the provisions of this LDC would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.
D. The requested variance will be in harmony with the purpose and intent of this LDC and will not be injurious to the neighborhood or to the general welfare.

E. The special circumstances are not the result of the actions of the applicant.

F. The variance requested is the minimum variance that will make possible the legal use of the land, building or structure.

G. The variance is not a request to permit a use which is not a permitted or conditional use in the district involved.

Sec. 7.15. Administrative adjustment.

7.15.1 Applicability

Pursuant to the requirements of this Section, the Planning Director may authorize adjustment of the numerical standards of this LDC by up to ten percent (10%) of the applicable standards as set forth in all other portions of this LDC. However, the provisions of this Section may not be used to increase allowable density.

Editor's Note: This is a new procedure, designed to limit the number of applications needing a variance.

7.15.2 Application requirements

An application for an administrative adjustment shall be submitted in accordance with Subsection 7.2.3, Application requirements.

7.15.3 Action by Planning Director

A. After receiving a complete application, the Planning Director shall have up to thirty (30) days to review the application.

B. Other referral agencies and officials as the Planning Director may deem necessary and desirable shall be given an opportunity to review the application.
C. After technical review, the Planning Director shall approve or disapprove the administrative adjustment or refer the adjustment to the Town Board for final action.

7.15.4 Administrative adjustment criteria

To approve an application for an administrative adjustment, the Planning Director or the Board of Trustees as applicable, shall consider mitigation measures offered in support of the adjustment and the following criteria:

A. Granting the adjustment will ensure the same general level of land use compatibility as the otherwise applicable standards;

B. Granting the adjustment will not materially and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed development because of inadequate buffering, screening, setbacks and other land use considerations;

C. Granting the adjustment will be generally consistent with the purposes and intent of this LDC; and

D. Granting the adjustment will be based on the physical constraints and land use specifics, rather than on economic hardship of the applicant.

Commentary: In making the decision to approve or disapprove administrative adjustments, the Planning Director may consider any special efforts by the applicant to promote compatibility with neighboring properties, such as the installation of additional walls or fences, additional landscaping or other site design trade-offs.

7.15.5 Appeals

An appeal from any final decision by the Planning Director shall be made within five (5) working days of the final decision in accordance with Section 7.16, Administrative appeals.

Sec. 7.16. Administrative appeals.

7.16.1 Applicability

An appeal by any person aggrieved by a final order, interpretation or decision of the Planning Director or other administrator or decision-making body of this LDC in regard to the provisions of this LDC may be taken to the Board of Adjustment as defined in Chapter 2 of the Palisade Municipal Code.

7.16.2 Application requirements

A. An appeal of an administrative decision shall be taken by filing a written notice of appeal specifying the grounds for the appeal with the Planning Director and the Board of Adjustment.

B. An application for appeal of an administrative decision shall be submitted in accordance with Subsection 7.2.3, Application requirements.

C. A notice of appeal of an administrative decision shall be considered filed when a complete application is delivered to the Planning Director. The date and time of filing shall be entered on the notice.
7.16.3 Deadline for submission of application

An appeal of an administrative decision shall be filed with the Board of Adjustment within thirty (30) days of receipt of the decision.

7.16.4 Notice and public hearings

The Town shall hold all required public hearings and give notice in accordance with Subsection 7.2.4, Notice and Public Hearings.

7.16.5 Burden of proof

The applicant seeking the administrative appeal shall have the burden of presenting evidence sufficient to allow the Board of Adjustment to reach the conclusions set forth below as well as the burden of persuasion on those issues.

7.16.6 Action by Planning Director

The Planning Director or designee shall transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

7.16.7 Action by Board of Adjustment

A. The Board of Adjustment may reverse or affirm (wholly or partly) or may modify the order, requirement, decision or determination appealed from and shall make any order, requirement, decision or determination that in its opinion ought to be made in the case before it. To this end, the Board of Adjustment shall have all the powers of the officer from whom the appeal is taken.
B. A motion to reverse, affirm or modify the order, requirement, decision or determination appealed from shall include, insofar as practicable, a statement of the specific reasons or findings of fact that support the motion.

C. If a motion to reverse or modify is not made or fails to receive the four-fifths (4/5) of members eligible to vote, then appeal shall be denied.

D. Any motion to overturn a decision shall state the reasons or findings of fact that support the motion.

E. Pursuant to Section 31-23-307(4), C.R.S., the Board of Adjustment may vary or modify the application of the regulations in this LDC for the purpose of considering access to sunlight for solar energy devices.

7.16.8 Effect of appeal

A. An appeal shall stay all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal has been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by the District Court on application, on notice to the officer from whom the appeal is taken and on due cause shown.

B. An appeal shall not stop action lawfully approved (including construction activities authorized by a building permit); only actions presumed in violation of this LDC are stayed.

7.16.9 Findings of fact

Every decision of the Board of Adjustment shall be accompanied by written findings of fact specifying the reason for the decision. These findings shall be filed in the office of the Planning Director within ten (10) days after the date of the final action.

Sec. 7.17. Design variance.

7.17.1 Applicability

Pursuant to the requirements of this Section, the Planning Commission may authorize the creation, usage and modification of architectural, design, material and aesthetic elements not specifically addressed within the requirements of this LDC.

7.17.2 Application requirements

An application for a design variance shall be submitted in accordance with Subsection 7.2.3, Application requirements, and the Administrative Handbook on Land Use.

7.17.3 Action by Planning Director

A. After receiving a complete application, the Planning Director shall have up to thirty (30) days to review the application.
B. Other referral agencies and officials as the Planning Director may deem necessary and desirable shall be given an opportunity to review the application.

C. After technical review, the Planning Director shall send the application to the Planning Commission for final action.

7.17.4 Design variance criteria

To approve an application for a design variance, the Planning Director or the Planning Commission as applicable, shall consider mitigation measures offered in support of the adjustment and the following criteria:

A. Granting the design variance will ensure the same general level of land use compatibility as the otherwise applicable standards;

B. Granting the design variance will not materially and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed development because of inadequate buffering, screening, setbacks and other land use considerations;

C. Granting the design variance will be generally consistent with the purposes and intent of this LDC; and

D. Granting the design variance will be based on the physical constraints and land use specifics, rather than on economic hardship of the applicant.

Commentary: In making the decision to approve or disapprove a design variance, the Planning Commission may consider any special efforts by the applicant to promote compatibility with neighboring properties, such as the installation of additional walls or fences, additional landscaping or other site design trade-offs.

7.17.5 Appeals

An appeal from any final decision by the Planning Commission shall be made within five (5) working days of the final decision in accordance with Section 7.16, Administrative appeals.

Sec. 7.18. Appeals to court.

A. An appeal from any action, decision, ruling, judgment or order of the Board of Adjustment may be taken by any person or persons, jointly or severally aggrieved or any taxpayer or any officer, department, commission or board of the Town to the District Court in the county.

B. The appeal shall be taken by filing a notice of appeal with the Town Clerk and with the Clerk of the Board of Adjustment within thirty (30) days of the decision by the Board. Day one (1) begins the first day following the Board's decision. The notice shall specify the grounds for the appeal.

C. Upon filing the notice of appeal, the Board of Adjustment shall forthwith transmit to the Court Clerk the original or certified copies of all papers constituting the record in the case, together with the order, decision or filing of the Board.

D. An appeal to the District Court from the Board of Adjustment stays all proceedings in furtherance of the action appealed from, unless the Chairman of the Board, from which the
appeal is taken, certified to the Court Clerk, after the notice of appeal has been filed, that by reasons of facts stated in the certificate a stay would, in his opinion, cause imminent peril of life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by District Court upon application or notice to the Planning Director in charge of the enforcement of the terms and provisions of the Code, upon notice to the Chairman of the Board from which appeal is taken and upon due cause being shown.

Sec. 7.19. Performance action.

7.19.1 Applicability

A. The Board of Trustees is authorized to grant a performance action which may permit otherwise nonpermitted land uses as listed in Subsection 2.5.1. The granting of a performance action shall only occur where it can be found that the proposed development may, due to its specifically proposed performance measures have the effect of furthering or complementing the goals of the Palisade Comprehensive Plan and the Land Development Code.

B. It is the intent of this delegation of power to the Board that no performance action shall be granted which does not have the practical effect of better serving the public health, safety and welfare of the district in which the property is located.

7.19.2 Application requirements

An application for a performance action shall be submitted and reviewed in accordance with Subsection 7.2.3, Application requirements, and the Administrative Handbook on Land Use.

7.19.3 Notice and public hearings

The Town shall hold all required public hearings and give notice in accordance with Subsection 7.2.4, Notice and public hearings.

7.19.4 Burden of proof
The applicant seeking the performance action shall have the burden of presenting evidence sufficient to allow the Board of Trustees to reach the conclusions set forth below as well as the burden of persuasion on those issues.

7.19.5 Action by Planning Director

A. Upon submission of a completed application, the Planning Director shall review the application for consistency with the requirements of this LDC.

B. Other referral agencies and officials as the Planning Director or the Planning Commission may deem necessary and desirable shall be given an opportunity to review the application.

C. Upon completion of the technical review, the Planning Director shall prepare a report that reviews the application in light of the adopted plans and policies of the Town and the requirements of this LDC. The report, site plan and any related application materials shall be forwarded to the Planning Commission.

7.19.6 Action by Planning Commission

A. After considering the Planning Director's comments, the Planning Commission shall recommend approval or disapproval of the site plan or send the site plan back to the Planning Director for additional consideration.

B. Site plans requiring revisions shall be returned to the Planning Commission within ninety (90) days or the application shall be considered withdrawn. One (1) extension period may be granted by the Planning Commission.

7.19.7 Action by Town Board

A. Before taking action on the performance action request, the Town Board shall consider the recommendations of the Planning Director and the Planning Commission.

B. The Town Board may approve the request, deny the request or send the request back to the Planning Commission for additional consideration.

C. Where a site plan is required, approval of the performance action permit by the Town Board shall be considered site plan approval.

D. Each decision shall be accompanied by a finding of fact that specifies the reason for the decision.

E. In approving the performance action, the Board of Trustees may prescribe reasonable and appropriate conditions which will ensure that the use will be compatible with adjacent properties and will not alter the character of the neighborhood.

F. Conditions may be imposed by the Board of Trustees regarding the proposed performance measures or use as may be deemed by the Board of Trustees to protect property values and general welfare of the neighborhood. Nonconformance with such conditions and safeguards, when part of the terms under which the performance action is granted, shall be deemed a violation of this LDC.

7.19.8 Effect of appeal
A. A performance action request shall stay all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal has been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by the District Court on application, on notice to the officer from whom the appeal is taken and on due cause shown.

B. A performance action request shall not stop action lawfully approved (including construction activities authorized by a building permit); only actions presumed in violation of this LDC are stayed.

7.19.9 Findings of fact

No performance action shall be approved by the Board of Trustees unless all of the following findings are made.

A. The proposed performance action contains no proposed land use which is specifically exempt from performance action eligibility. (See 7.19.9 below)

B. The proposed performance action would be located only within the land use zones within which performance action is permitted, namely, TC, MU, LI, CB and HR.

C. The proposed performance action applicant can show detailed performance measures, the implementation of which would have the net effect of furthering or complementing the goals of the Palisade Comprehensive Plan and the Land Development Code. (See 7.19.10 below.)

7.19.10 Land uses exempt from performance action eligibility

Land uses exempt from performance action eligibility shall include but not be limited to: heavy manufacturing, sexually oriented business, gravel pits.

7.19.11 Performance measures

Performance measures include but are not limited to:

- Public seating
- Access/ transportation (bike/ pedestrian/ parking)
- Connectivity of the built environment
- Landscaping
- Environmental preservation (LEED standards, green energy, etc.)
- Art
- Historic preservation and/or accentuation
- Housing availability
Open space
Public recreational facilities
Significant view sheds
Integration of public shade structures
Architectural features
Extension of public sidewalk 'off-site'
Traffic calming features
Agricultural land conservation
Habitat conservation

For consideration as a *performance measure* the applicant must show how provision of such measures exceeds the required provision of such measure under normal circumstances.
PALISADE LAND DEVELOPMENT CODE

Article 8
Nonconformities

Sec. 8.1 Intent

Sec. 8.2 Nonconforming status
  8.2.1 General
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Sec. 8.3 Nonconforming uses
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Sec. 8.6 Nonconforming lots of record
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  8.6.2 Conforming lots shall not be made nonconforming

Sec. 8.7 Nonconforming signs
  8.7.1 Authority to continue
  8.7.2 Enlargement or revision
  8.7.3 Discontinuance
Sec. 8.1. Intent.

It is the intent of this LDC to permit nonconformities to continue until they are removed, or to incrementally bring them into conformance but not to encourage their survival. Such uses are hereby declared to be incompatible with permitted uses in the underlying district. It is further the intent of this LDC that nonconformities not be enlarged, expanded or extended, nor be used as justification for the addition of other structures or uses, except as may be specifically allowed in this Article. (Ord. 2011-11 §1)

Sec. 8.2. Nonconforming status.

8.2.1 General

The use of land, use of a structure or a structure itself shall be deemed to have nonconforming status when each of the following conditions are satisfied:

A. The use, site or structure does not conform to the regulations prescribed in the district in which such use, site or structure is located and was in existence and lawfully constructed, located and operating prior to, and at the time of, the event that made such use or structure nonconforming.

B. The event that made such use, site or structure nonconforming was one (1) of the following: boundary adjustment of the Town, adoption of this LDC or a previous zoning ordinance, or amendment of this LDC.

C. The nonconforming use or the use occupying the nonconforming structure or site has been operating since the time that the use or structure first became nonconforming without abandonment, as abandonment is defined in Section 8.2.2 of this LDC. (Ord. 2011-11 §1)

8.2.2 Abandonment

Whenever a nonconforming use or a conforming use in a nonconforming structure or a conforming use on a nonconforming site is abandoned, all nonconforming rights shall cease and the use of the premises shall henceforth conform to this LDC. Abandonment shall involve the actual act of discontinuance regardless of the intent of the user or owner to discontinue a nonconforming operation. Any nonconforming use that is discontinued for or that remains vacant for a period of twelve (12) months shall be considered to have been abandoned. Any nonconforming use that is moved from the premises shall be considered to have been abandoned. (Ord. 2011-11 §1)

8.2.3 Burden of proof

The burden of establishing that a nonconforming use, structure or site lawfully exists under this LDC shall, in all cases, be the owner's and not the Town's. (Ord. 2011-11 §1)

Sec. 8.3. Nonconforming uses.

8.3.1 Authority to continue

Nonconforming uses may continue in accordance with the provisions of this Article. (Ord. 2011-11 §1)
8.3.2 Extensions

A nonconforming use shall not be extended or enlarged. This limitation shall be construed so as to prevent:

A. Enlargement of a nonconforming use by extension of the area of the structure which it occupies, by extension of the structure itself or by extension of the site occupied by the nonconforming use; or

B. Occupancy of additional land area by the nonconforming use. (Ord. 2011-11 §1)

8.3.3 Relocation

A structure containing a nonconforming use shall not be moved to another location unless it shall thereafter conform to the provisions of the district into which it is moved. (Ord. 2011-11 §1)

8.3.4 Change in use

No use shall be changed to a conforming use until the Director has determined that the requirements of the zone district will be met. If a nonconforming use is changed to a conforming use for any period of time, it may not thereafter be changed back to any nonconforming use. (Ord. 2011-11 §1)

8.3.5 Discontinuance

If a nonconforming use is discontinued for a period of twelve (12) consecutive months or eighteen (18) accumulative months during any three-year period, then such use may not be reestablished or resumed, and any subsequent use must conform to the provisions of this LDC. (Ord. 2011-11 §1)

Sec. 8.4. Nonconforming structures.

8.4.1 Authority to continue

Nonconforming structures, nonconforming due solely to failure to meet the dimensional standards or performance standards pertaining to a structure and the criteria of the underlying zone may be used for any purpose permitted in the zone, as long as the use is in accordance with the provisions of this Section. (Ord. 2011-11 §1)

8.4.2 Maintenance and reconstruction

A. Normal maintenance

Normal maintenance, repairs and alterations may be performed to permit continuation of a nonconforming structure provided that no expansion of the nonconformity occurs. The cost of the maintenance, repairs or alterations shall be shown on the approved planning clearance for building permit application, and the current fair market value of the existing structure shall be based on improvement value as determined by the Mesa County Assessor or an appraisal performed by a certified general appraiser licensed to do business in the State utilizing the "cost" approach. This appraisal shall be performed at the applicant's expense. The Mesa County Assessor's appraisal used must be the most recent appraisal for the property. All the percentages shall be considered accumulative.
1. Maintenance, restoration or remodeling projects that cost twenty-five percent (25%) or less of the current fair market value of the structure shall not require any correction to the existing nonconforming parking, landscaping, screening/buffering or required off-site public improvements other than what may be required by fire and building codes.

2. Maintenance, restoration or remodeling projects that cost more than twenty-five percent (25%), but less than seventy-five percent (75%), of the current fair market value of the structure shall require a corresponding percentage increase in compliance with the landscaping and screening/buffering requirements of this LDC until the site achieves one hundred percent (100%) compliance.

3. Maintenance, restoration or remodeling projects that cost seventy-six percent (76%) or greater of the current fair market value of the structure shall require one hundred percent (100%) compliance with requirements of this LDC, including construction of all required off-site public improvements.

4. Maintenance, restoration or remodeling projects that require an increase in landscaping shall have up to twelve (12) months after the issuance of a certificate of occupancy (or other final inspection) to install the required landscaping and related improvements. A development improvements agreement with financial security shall be required for the cost of all landscaping materials and improvements, including the irrigation system.

5. Properties that are physically constrained from complying with these provisions shall comply to the maximum extent possible as determined by the Planning Director using the following criteria:
   a. Is the general intent of the requirement being met by the applicant, such as landscaping along the site frontage, even if some of it is in the right-of-way?
   b. Are there other upgrades, amenities or public benefits being provided, such as upgrades to building façade, relocating landscaping on site, increasing plant sizes and/or plant densities, public art, etc.?
   c. Will the proposed deviation result in a safe, efficient condition?
   d. What other alternatives have been considered that would meet the current standards?

B. Reconstruction

If a nonconforming structure is damaged by fire or other cause to the extent of more than fifty percent (50%) of its replacement cost, as determined by the Planning Director, it shall only be reconstructed in compliance with the provisions of this LDC.

C. Change of use

Changes of use located in nonconforming structures that necessitate an increase in the number of parking spaces shall be required to provide the difference between the required parking for the prior use and that required for the proposed use in accordance with this LDC. Where this calculation results in the addition of less than five (5) spaces, no additional spaces shall be required. Any additional parking area shall comply with all
8.4.3 Extensions

A nonconforming structure shall not be extended by an enlargement or expansion that increases its nonconformity.

A. Permitted extensions

A nonconforming structure may be extended or altered in a manner that does not increase its nonconformity.

B. Americans with Disabilities Act

An extension to a nonconforming structure may be permitted by the Planning Director to comply with the provisions of the Americans with Disabilities Act (ADA), provided that it is demonstrated that the only way to comply with the Act would be through an extension which increases the structure's nonconformity and that the extension is the minimum necessary to comply with the Act. (Ord. 2011-11 §1)

8.4.4 Relocation

A nonconforming structure shall not be moved to another location unless it shall thereafter conform to the provisions of the district into which it is moved. (Ord. 2011-11 §1)

Sec. 8.5. Nonconforming sites.

8.5.1 Authority to continue

A parcel of land that is nonconforming due solely to failure to meet the parking, landscaping or screening/buffering standards or required off-site public improvements may be used for any purposes permitted in the zone so long as the use is in conformance with the provisions of this Section.

8.5.2 Maintenance and expansion

A. Normal maintenance

Normal maintenance and repair may be performed provided that no expansion of the nonconformity occurs, unless the expansion occurs in conformance of this Section.

B. Expansion

1. Redevelopment or expansion which results in a sixty-five percent (65%) or greater increase of the gross square footage of the existing structure, outdoor operations/storage/display, paving or parking areas or combination of these requires the entire property to meet all of the landscaping, screening/buffering and off-site public improvements requirements of this LDC.
2. Redevelopment or expansion which would result in less that sixty-five percent (65%) increase of the gross square footage of the existing structure, outdoor operations/storage/display, paving or parking areas shall require a corresponding percentage increase in compliance for landscaping, screening/buffering and off-site public improvements requirements of this LDC until the site achieves one hundred percent (100%) compliance.

3. Redevelopment or expansion that necessitates an increase in the number of parking spaces shall be required to provide fifty percent (50%) of the required parking spaces for the additional floor area in accordance with this LDC. The additional parking area shall comply with all associated landscaping and drainage requirements of this LDC.

4. The conversion of nonconforming commercial and/or residential structures and sites to condominiums shall not require that the site be brought into compliance with parking, lighting and landscaping requirements of this LDC.

5. Properties that are physically constrained from complying with these provisions shall comply to the maximum extent practicable as determined by the Planning Director using the following criteria:
   a. Is the general intent of the requirement being met by the applicant, such as landscaping along the site frontage, even if some of it is in the right-of-way?
   b. Are there other upgrades, amenities or public benefits being provided, such as upgrades to building façade, relocating landscaping on site, increasing plant sizes and/or planting density, public art, etc.?
   c. Will the proposed deviation result in a safe, efficient condition?
   d. What other alternatives have been considered that would meet the current standards?

C. Changes of use

Changes of use on nonconforming sites that necessitate an increase in the number of parking spaces shall be required to provide the difference between the required parking for the prior use and that required for the proposed use in accordance with this LDC. Where this calculation results in the addition of less than five (5) spaces, no additional spaces shall be required. Any additional parking area shall comply with all associated landscaping and drainage requirements of this LDC. New outdoor operations/storage/display uses require that the entire lot or parcel meet all requirements of this LDC. (Ord. 2011-11 §1)

Sec. 8.6. Nonconforming lots of record.

8.6.1 Authority to utilize for permitted housing type

A. Any permitted housing type and customary accessory buildings and structures may be developed on a lot of record which is nonconforming as to minimum lot area, provided that it can be located on the lot so that all other dimensional standards are met, or a variance from said dimensional standards is obtained pursuant to Section 7.14, Variance, and provided that the development complies with all other applicable standards of this LDC.
B. If two (2) or more adjoining and vacant lots of record are in one (1) ownership when this
LDC is adopted, or at any time after the adoption of this LDC, and such lots individually
do not meet the dimensional requirements of this LDC for the district in which such lots
are located, then such group of lots shall be considered as a single lot and therefore the
provisions of Paragraph A above do not apply. (Ord. 2011-11 §1)

8.6.2 Conforming lots shall not be made nonconforming

No lot of record that is conforming as to minimum lot size or minimum lot frontage as of the
effective date of this LDC may be reduced in size or subdivided in such a way that it creates a
nonconforming lot or causes any structure or use to become nonconforming.

A. Lot reduction shall not increase nonconformity

No lot of record that is nonconforming as to minimum lot area as of the effective date of
this LDC may be reduced in size in such a way that its nonconformity would increase, or
that causes the nonconformity of any use to increase.

B. Nonconforming lots shall not be subdivided

No lot of record that is nonconforming as to minimum lot area as of the effective date of
this LDC may be subdivided. (Ord. 2011-11 §1)

Sec. 8.7. Nonconforming signs.

8.7.1 Authority to continue

Any sign in existence on the effective date of this LDC which does not conform with any
provisions of the LDC shall be allowed to remain and to be maintained in good repair, so long as
the sign is used in conjunction with an existing business. (Ord. 2011-11 §1)

8.7.2 Enlargement or revision

No nonconforming sign shall be erected, replaced or otherwise modified in such a way as to
increase its nonconformity. Reasonable repair and maintenance of nonconforming signs,
including the change of an advertising message, is permitted, provided that a nonconforming sign
which is damaged or deteriorated to the extent of fifty percent (50%) or more of its value shall not
be replaced unless it conforms to all provisions of this Article. (Ord. 2011-11 §1)

8.7.3 Discontinuance

In the event a nonconforming sign refers to a business which ceases to exist, or if the
nonconforming sign is taken out of service for any period of time as a result of either an
intentional act of the owner (other than for maintenance), an unintentional act of another or an act
of God, the replacement sign shall be constructed in conformance with the provisions of this LDC.
(Ord. 2011-11 §1)
PALISADE LAND DEVELOPMENT CODE

Article 9
Violations, Penalties and Enforcement

Sec. 9.1 Enforcement by Planning Director
9.1.1 Premises occupied
9.1.2 Premises unoccupied

Sec. 9.2 Enforcement procedures

Sec. 9.3 Penalties for violation
9.3.1 Municipal offenses
9.3.2 Each day a separate offense
9.3.3 Each lot a separate offense
9.3.4 Remedies for violations

Sec. 9.4 Discontinuance of use violation
9.4.1 Removal of buildings
9.4.2 Stoppage of illegal development
9.4.3 Enjoin illegal transfers
9.4.4 Other actions
Sec. 9.1. Enforcement by Planning Director.

The Planning Director shall have the authority to enforce this Code. Under the powers of this Article, the Planning Director shall have the authority to enter onto property within the Town limits to inspect or to investigate suspected violations of this Code.

9.1.1 Premises occupied

If the building or premises upon which the suspected violation is located is occupied, the Planning Director shall present proper identification and request access. If access is denied, pursuant to Rule 241 of the Colorado Municipal Court Rules of Procedure, the Municipal Court may issue a search warrant for the inspection of private premises by an authorized public inspector upon showing that the premises is located within the municipality, the inspection is required or authorized by ordinance, is in the interest of public safety and that the owner or occupant has refused entry to the public inspector.

9.1.2 Premises unoccupied

If the building or premises upon which the suspected violation is located is unoccupied, the Planning Director shall make reasonable efforts to locate persons having charge of the premises. If entry is refused, pursuant to Rule 241 of the Colorado Municipal Court Rules of Procedure, the Municipal Court may issue a search warrant for the inspection of private premises by an authorized public inspector upon showing that the premises is located within the municipality, the inspection is required or authorized by ordinance and is in the interest of public safety.

Sec. 9.2. Enforcement procedures.

A. The Town may enforce the requirements of the Code by withholding the appropriate development permits. It is unlawful to erect, construct, reconstruct, alter or change the use of any building or other structure without approval of a development permit and a building permit. The Town may not issue a development permit unless the plans of and for the proposed erection, construction, reconstruction, alteration or use fully conforms to the provisions of this Code.

B. Any person aggrieved by a violation or apparent violation of the provisions of this Code may file a written complaint with the Planning Director, who shall investigate such complaint and take the appropriate action to have the violation penalized or removed if such violation is found to exist. When it is determined that there has been a violation of any provision of the Code, the Planning Director shall serve written legal notice of violation in the following manner:

1. Determine and include a list of violations; refer to the Section(s) of the Code violated;

2. Specify a time for compliance with relevant Code provisions twenty-one (21) days from the service of the notice; and

3. Serve the notice on the owner, occupant, operator, lessee, agent or other responsible party in person, provided that such notice and requirement shall be deemed to be properly served on such responsible party if a copy thereof is delivered to, posted on or sent by registered or certified mail to his/her last known mailing address, residence or place of business.
Sec. 9.3. Penalties for violation.

9.3.1 Municipal offenses
Violation of the provisions of this Code or any order issued by the Planning Director shall constitute a municipal offense. Upon conviction, the municipal offense shall be punishable by a fine of up to three hundred dollars ($300) or imprisonment for a period of up to ninety (90) days or both such fine and imprisonment for each offense.

9.3.2 Each day a separate offense
Each day that a violation continues to exist shall be considered a separate offense.

9.3.3 Each lot a separate offense
Each lot or parcel offered for sale, agreed to be sold, sold or transferred in violation of the provisions of this Code shall be considered a separate and distinct offense.

9.3.4 Remedies for violations
Whenever the Planning Director shall find a violation of any of the provisions of this Code, he shall be authorized to order the following remedies.

Sec. 9.4. Discontinuance of use violation.
The Planning Director may order any use of land, buildings or structures which violates the provisions of this Code to be discontinued or abated. The Planning Director shall order the immediate repair or removal of hazardous conditions, including hazardous signs. If a use, sign or structure poses an immediate threat to life, property or the environment, the Planning Director may take whatever actions necessary to have it removed. All remedies provided for in this Section are cumulative, are not exclusive and shall be in addition to any other remedies provided by law.

9.4.1 Removal of buildings
The Planning Director may order any buildings, structures or additions, alterations or structural additions thereto which violate the provisions of this Code to be removed. Any sign placed upon or over Town property or a public right-of-way without a sign permit approved pursuant to the provision of Section 7.11 may be impounded as evidence.

9.4.2 Stoppage of illegal development
The Planning Director may order any development activities being accomplished which violate the provisions of this Code to be stopped.

9.4.3 Enjoin illegal transfers
The Planning Director may notify the Town Attorney, who may enjoin, by action for injunction brought in any court of competent jurisdiction, any offer to sell, agreement to sell, sale or transfer of any subdivided property before a final plat has been approved by the Town and recorded or filed in the office of the County Clerk and Recorder.

9.4.4 Other actions
The Planning Director may order such other actions to be taken as are necessary and as are authorized by this Code, by statute or by law to ensure compliance with or to abate violation of, the provisions of this Code.
PALISADE LAND DEVELOPMENT CODE

Article 10
Definitions

Sec. 10.1   Word usage
Sec. 10.2   Defined terms
Sec. 10.1. Word usage.

A. For the purpose of these regulations, certain numbers, abbreviations, terms and words used herein shall be used, interpreted and defined as set forth in this LDC.

B. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word herein means in these regulations; the word regulations means these regulations.

C. A person includes a corporation, a partnership and an incorporated association of persons such as a club; shall and will are always mandatory; a building includes a structure; a building or structure includes any part thereof; used or occupied as applied to any land or building shall be construed to include the words intended, arranged or designed to be used or occupied.

D. Words not herein defined shall conform to standard American-English usage.

E. Examples and lists shall not be considered to be all-inclusive unless the content clearly states to the contrary.

Sec. 10.2. Defined terms.

Abutting means the property directly touches another piece of property.

Accessory building, structure or use means a detached building, structure or use on the same lot with or of a nature customarily incidental or subordinate to and of a character related to the principal use or structure. See Section 3.7.

Accessway. See Section 4.2.

Administrative Handbook on Land Use means a procedural document, periodically revised by resolution, which spells out required application materials, time frames, review agencies, etc.

Adult care home means an assisted living residence in which the housing management provides twenty-four-hour scheduled and unscheduled personal care services to residents, either directly or, for scheduled needs, through formal written agreement with licensed home care or hospice agencies. Some licensed adult care homes provide supervision to persons with cognitive impairments whose decisions, if made independently, may jeopardize the safety or well-being of themselves or others and therefore require supervision.

Agriculture means the use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture and animal and poultry husbandry, and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the principal use. The operation of commercial feed pens, sales yards and auction yards for horses, cattle or hogs is deemed an industrial and not an agricultural use.

Alley means a single lane that provides alternative vehicular and service access. See Paragraph 5.2.5.K.

Allowed use means use which is allowed in a district, subject to all of the restrictions applicable to that district and all of the standards of this Code.
Alteration means any change, addition or modification in construction or occupancy of an existing structure or sign; any change, grading or construction within a regulated floodplain.

Amusement center means any indoor place that contains three (3) or more amusement devices of any description, including but not limited to pinball games, billiards, computer amusement (video games) and/or games of chance for the public amusement, patronage and recreation.

Antenna means a system of electrical conductors that transmit or receive electromagnetic waves or radio frequency or other wireless signals. Such shall include, but not be limited to radio, television, cellular, paging, personal telecommunications services (PCS), microwave telecommunications and services not licensed by the FCC, but not expressly exempt from the Town's building and permitting authority.

Applicant means the owner of land proposed to be subdivided or his legal authorized representative.

Approval authority means the Town Board, Board of Adjustment or other board or official designated by ordinance or this LDC as being authorized to grant the specific zoning or land use permit or approval.

Area of special flood hazard means the land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

Arterial, primary. See Paragraph 5.2.5.K.

Arterial, secondary. See Paragraph 5.2.5.K.

As-built plans means a set of detailed plans and document specifying how required public improvements were actually constructed.

Assisted living center means any group housing and services program for two (2) or more unrelated adults, by whatever name it is called, that makes available, at a minimum, one (1) meal a day and housekeeping services and provides personal care services directly or through a formal written agreement with one (1) or more licensed home care or hospice agencies.

Base flood means the flood has a one percent (1%) chance being equaled or exceeded in any given year.

Basement means a story partly or wholly underground.

Bed and breakfast means a building containing one (1) or more guest rooms for an overnight stay which are rented at a daily rate.

Bedroom means a room in a dwelling unit that is marketed and designed for sleeping, or otherwise has the potential to function primarily for sleeping.

Berm means a man-made landform, typically built as a planted earth mound, located so as to separate differing land uses; screen structures, parking area, or yards from view; or to provide sound relief from a nearby road or use.
Best management practices means a structural or nonstructural management-based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals.

Bicycle lane means that portion of a roadway set aside and designated for the use of bicycles.

Bicycle path means a paved facility that physically separates bicycle riders from motor vehicle traffic.

Billboard (including poster and panel types) means a nonaccessory sign or sign structure upon which advertising may be posted, painted or affixed and which is primarily designed for the rental or lease of the sign space for advertising not related to the use of the property upon which the sign is located.

Block means a parcel of land, intended to be used for purposes, which is entirely surrounded by public streets or highways, railroad rights-of-way, public walks, public green strips, rural land or drainage channels, boundaries of a municipality or a combination thereof.

Boarding house means a building, other than a hotel/motel or bed and breakfast, containing not more than nine (9) guest rooms. At least one (1) meal is provided to guests. Individual guest rooms may not contain kitchens.

Breezeway means a covered area that connects two (2) buildings.

Buffer. See Subsection 4.3.5.

Building means any structure having a roof supported by columns or walls that is used or intended to be used for the shelter or enclosure of persons, animals or property.

Building coverage. See Section 2.3.

Building line or setback line means a line or designating the area outside of which buildings may be erected, except as otherwise provided by this LDC.

Building, main or principal, means a building in which is conducted the principal use of the lot on which it is situated. In any residential district, any dwelling is deemed to be a main building on the lot on which it is situated.

Building official means the designated official responsible for enforcement of building codes and the supervision of building inspections in the Town.

Building separation. See Section 3.2.

Caliper means the diameter of plant material, measured at six (6) inches above grade for calipers of up to four (4) inches and twelve (12) inches above grade for larger calipers.

Carport means a permanent roofed structure that is permanently open on at least two (2) sides and designated for or occupied by "private" passenger vehicles.

Cemetery means a place used or to be used and dedicated or designated for interments of human remains or pet animal remains.

Certificate of survey means an instrument prepared by a registered surveyor licensed to practice in the State of Colorado describing the location and boundaries of a tract or parcel of land.
Chief of Police means the Chief of Police of the Town.

Child care means a program or arrangement where three (3) or more children less than thirteen (13) years old, who do not reside where the care is provided, receive care on a regular basis of at least once per week for more than four (4) hours but less than twenty-four (24) hours per day from persons other than their guardians or full-time custodians, or from persons not related to them by birth, marriage or adoption.

Child care center means an arrangement where, at any one (1) time, there are nine (9) or more preschool-age children or nine (9) or more school-age children receiving child care.

Child care home means a child care arrangement located in a residence where, at any one (1) time, more than two (2) children, but less than nine (9) children, receive child care.

City means the Town of Palisade, Colorado.

City engineer means the licensed engineer designated by the Town Board to furnish engineering assistance for administration of these regulations.

Club, civic means an organization of persons for specific purposes or for the promulgation of sports, arts, literature, politics or the like, but not operated for profit, excluding churches, synagogues or other houses of worship.

Club, private means any establishment that is organized and operated solely for a social, recreational, patriotic or fraternal purpose that is not open to the general public, but is open only to the members of the organization and their bona fide guests. The definition of private club does not include adult oriented businesses as defined in this Section.

Cluster residential subdivision. See Subsection 2.6.4.

Common interest community means real estate described in a declaration with respect to which a person, by virtue of such person's ownership of a unit, is obligated to pay for real estate taxes, insurance premiums, maintenance or improvement of other real estate described in a declaration.

Comprehensive Plan, the Town means the long-range comprehensive physical development plan for the Town as adopted by the Town Board to provide long-range development policies for the area subject to urbanization in the foreseeable future and which includes, among other things, the plan for land use, land subdivision circulation transportation and community facilities.

Conditional use or permit. See Section 7.8.

Construction means on-site erection, fabrication, installation, alteration, demolition or removal of any structure, facility or addition thereto, including all related activities, including, but not restricted to, clearing of land, earthmoving, blasting and landscaping.

Construction plan means maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of these regulations.

Conventional residential subdivision. See Subsection 2.6.4.

County means Mesa County, Colorado.
County Clerk and Recorder means the Mesa County Clerk and Recorder.

Covenant means a private legal restriction on the use of land contained in the deed to the property or otherwise formally recorded.

Crematorium means a building used for the cremation of human remains.

Cul-de-sac means a local street having one (1) end open to vehicular traffic and having one (1) closed and terminated by a turnaround.

Debt service means principal, interest and any fees associated with obtaining financing and servicing any debt.

Density. See Section 2.3.

Design variance. See Section 7.17.

Developer. See definition of subdivider.

Development means the subdivision of land into two (2) or more parcels, the construction or reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill, land disturbance; and any use or extension of the use of land; any activity which requires a development application under this LDC, including but not limited to: zoning clearance permit, rezoning, planned unit development review, conditional use permit review, major or minor subdivision plat review or site plan review.

Development application means any application for development under this LDC, including but not limited to: planning clearance permit, rezoning, planned unit development review, conditional use permit review, major or minor subdivision plat review or site plan review.

District, base. See Subsection 2.2.1.

District, planned. See Subsection 2.2.2.

District, special purpose. See Subsection 2.2.2.

Driveway means a private roadway located on a parcel or lot used for vehicle access.

Duct system means all ducts, duct fittings, plenums and fans assembled to form a continuous passageway for the distribution of air.

Duplex dwelling means a building arranged to be occupied by two (2) or more families.

 Dwelling, accessory. See Subsection 3.7.4.

 Dwelling unit means a building or portion thereof, providing complete and permanent living facilities for one (1) household and includes the following (see also Subsection 2.5.1):

- Alley-loaded house.
- Multi-family dwelling.
- Single-family detached.
Townhouse.

Two-family house.

Upper-story residential.

Zero lot line house.

_Easement_ a grant of one (1) or more of the property rights by the owner to, or for the use by, the public, a corporation or another person or entity.

_Existing manufactured home park or subdivision_ means a manufactured home park for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) are completed before the effective date of the ordinance codified in this Section.

_Expansion to existing manufactured home park or subdivision_ means preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets and either final site grading or to the pouring of concrete pads).

_Family_ means one (1) or more persons related by blood or marriage, including adopted children or a group of not to exceed five (5) persons (excluding domestic servants) not all related by blood or marriage, occupying premises and living as a single nonprofit housekeeping unit, as distinguished from a group occupying a boardinghouse or lodging house, hotel, club or similar dwelling for group use. A family is deemed to include domestic servants employed by the family.

_Fence_ means any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

_Final plat._ See Paragraph 7.6.7.B.

_Fire Chief_ means the Fire Chief of the Town.

_Flood or flooding_ means a temporary rise in the level of water which results in inundation of areas not ordinarily covered by water from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source.

_Flood hazard area_ means the land area adjoining a floodway which is not reasonably required to carry and discharge the floodwater of the one-hundred-year frequency flood but which would be inundated by the floodwater or the one-hundred-year frequency flood based on full urbanization of the watershed.

_Flood Insurance Rate Map (FIRM)_ means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones.

_Flood insurance study_ means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the flood boundary, floodway map and the water surface elevation of the base flood.
Flood – one-hundred-year frequency means a flood having an average frequency of occurrence once in one hundred (100) years although the flood may occur in any year, based on statistical analyses of rainfall and run-off characteristics in the general region of the watershed, as determined by the Director, or as determined by the U.S. Army Corps of Engineers and confirmed by the Director or as determined by a professional engineer and certified by the Director.

Floodplain means any land susceptible to being inundated by water from any source (see definition of Flooding).

Floodplain development permit. See Section 7.13.

Flood proofing means the combination of any structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

Floodway regulatory means the channel of a river or water course and portions of the adjoining flood that must be reserved in order to discharge the flood without cumulatively increasing the water elevation more than one (1) foot.

Floor area. See Section 2.3.

Freeway. See Paragraph 5.2.5K.

Frontage means the dimension of a property that is adjacent to a street.

Frontage road. See Paragraph 5.2.5.H.

Funeral home means a building used for the preparation of the deceased for burial and display of the deceased before burial or cremation. A funeral home, as defined in this LDC, includes a funeral chapel.

Gas station with convenience retail means a building used for the sale of gasoline products that also offers for sale prepackaged food items and tangible consumer goods, primarily for self-service by the consumer. Hot beverages, fountain-type beverage and pastries may be included in the food items offered for sale, but food items that are prepared or individually proportioned on the premises shall be prohibited.

Governing body means the Board of Trustees of the Town.

Ground cover means any natural vegetative growth or other material which renders the soil surface stable against accelerated erosion.

Group home. See Subsection 3.3.5.

Guest room means a room or suite used as living accommodations for one (1) or more paying visitors.

Health department means the Mesa County Department of Health.

Height. See Section 2.3.
Home business. See Paragraph 3.7.4.F.

Home occupation. See Paragraph 3.7.4.E.

Homeowners' association means an incorporated nonprofit organization operating under recorded covenants for the purpose of maintaining any physical facilities, structures, improvements, systems, areas or grounds held in common.

Hospital means an institution providing human health services primarily for in-patient medical and surgical care for the physically or mentally sick and injured and including related support facilities such as laboratories, out-patient departments, staff offices, food services and gift shop.

Hotel/motel means a building containing one (1) or more guest rooms for overnight guests and containing registration facilities, on-site management, cleaning services and combined utilities.

Household means one (1) or more persons occupying a single dwelling unit.

Impact fee means the transportation impact fee.

Impact Fee Study means the Impact Fee Study prepared for the Town by Duncan & Associates in September, 2002, or a subsequent similar report.

Impervious surface. See Section 2.3.

Infill development means development upon land within the Town limits previously occupied by an impact-generating use or structure, or within a recommended infill concentration zone as described in the Comprehensive Plan.

Intensity means the degree to which land is used; refers to levels of concentration or activity in uses.

Junk means a dilapidated scrap of abandoned metal, paper, building materials and equipment, bottles, glass, appliances, furniture, beds and bedding, rags, rubber, motor vehicles or parts thereof.

Junk yard means the use of more than six hundred (600) square feet of any lot or parcel for outdoor storage and/or sale of waste paper, rags, scrap metal or other junk, including the storage of automobiles or other vehicles or dismantling of such vehicles or machinery or parts thereof.

Kennel means an establishment for the keeping or breeding of dogs for profit or having four (4) dogs or more on any premises.

Land-disturbing activity means any use of land in residential, industrial, educational, institutional or commercial development, highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation. Sedimentation occurs whenever solid particulate matter, mineral or organic is transported by water, air, gravity or ice from the site of its origin and is deposited elsewhere.

Land surveyor, registered means a professional land surveyor license, registered in the State of Colorado.

Landfill means a disposal facility or part of a disposal facility where solid waste is placed in or on land. This term does not include composting facilities.

Landscape plan. See Section 4.3.
Landscaping means any live plant material such as trees, shrubs, ground cover and grass used in spaces void of any impervious material or building structures, areas left in their natural state or areas where mulch is used as a ground cover.

Livestock means all animals kept or raised on a farm, except however, that necessary working animals and pets are not included.

Loading and unloading area means a completely off-street space on the same lot for the loading or unloading of freight carriers with ingress and egress to a street or alley (see Subsection 4.1.5).

Lot. See Paragraph 2.3.7.A.

Lot, building means a Town-approved lot that conforms to the requirements of this LDC.

Lot, corner means a lot located at the intersection of two (2) or more abutting streets.

Lot, double frontage means a lot having a frontage on two (2) nonintersecting streets, as distinguished from a corner lot.

Lot, flag means an irregularly shaped lot which has an appendage or extension which does not meet lot width requirements of the district at the street.

Lot frontage means that dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

Lot, interior means a lot other than a corner lot and bounded by a street on only one (1) side.

Lot line adjustment means a relocation of the lot lines of two (2) or more lots included on a plat which is filed of record, for the purpose of making necessary adjustments to building sites.

Lot lines means the lines bounding a lot.

Lot of record means a lot which is a part of an approved plat or metes and bounds subdivision, the map of which has been recorded in the office of the County Clerk and Recorder.

Lowest floor means the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements Section 4.7.

Major street system means all principal arterials, minor arterials, major collectors and minor collector streets within the Town.

Major street system improvements means improvements that expand the capacity of the major street system, including but not limited to, the construction of new streets, the widening of existing streets, intersection improvements, facilities to provide for safe turning movements for vehicles and installation of traffic signals and other traffic control devices.

Major subdivision. See Section 7.6.

Manufactured home means a structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet
or more in length, or, when erected on-site, is three hundred twenty (320) or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning and electrical systems. **Manufactured home** includes any structure that meets all of the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of HUD and complies with the standards established under the Manufactured Home Act. The term does not include a recreational vehicle.

**Manufactured home park** means any plat of ground upon which two (2) or more manufactured homes, occupied for dwelling purposes, are located, regardless of whether a charge is made for such accommodations. A manufactured home park also includes a recreation vehicle park.

**Manufactured home space** means a plot of land within a manufactured home park designed for the accommodation of one (1) manufactured home and not located on a manufactured home sales lot.

**Manufactured home subdivision** means a subdivision designed and intended for residential use where residence is in a manufactured home exclusively and manufactured home lots are sold for occupancy.

**Metes and bounds** means a system of describing and identifying land by measures (metes) and direction (bounds) from an identifiable point of reference such as a monument or other marker.

**Minor subdivision.** See Section 7.6.

**Mobile home** means a portable manufactured housing unit built before June 15, 1976 designed for transportation on its own chassis and placement on a temporary or semi-permanent foundation having a measurement of over thirty-two (32) feet in length and over eight (8) feet in width.

**Mobile home park** means any plat of ground upon which two (2) or more mobile homes, occupied for dwelling purposes, are located, regardless of whether a charge is made for such accommodations.

**Mobile home space** means a plot of land within a mobile home park designed for the accommodation of one (1) mobile or manufactured home and not located on a mobile or manufactured home sales lot.

**Mobile home subdivision** means a subdivision designed and intended for residential use where residence is in a mobile home exclusively and mobile home lots are sold for occupancy.

**Modular home.** See manufactured home.

**Multifamily dwelling** means a building arranged to be occupied by three (3) or more families. This term shall include apartments and upper-story residential dwelling units.

**Museum** means an establishment for the display of art or historic or science objects.

**New construction** means structures for which the start of construction commenced on or after the effective date of the original ordinance codified in this Section and includes any subsequent improvements to such structures.

**New manufactured home park or subdivision** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either
final site grading or the pouring of concrete pads) is completed on or after the effective date of these floodplain management regulations.

*Nonconforming lot of record.* See Article 8.

*Nonconforming structure.* See Article 8.

*Nonconforming use.* See Article 8.

*Nonconformity.* See Article 8.

*Nondevelopment-related capital street improvements* means those major street system improvements which are of benefit to the general public and not required as a reasonable street improvement for the development.

*Nursing home* means a facility, however named, which is advertised, announced or maintained for the express or implied purpose of providing nursing or convalescent care for three (3) or more persons unrelated to the licensee. A nursing home is a home for chronic or convalescent patients, who, on admission, are not as a rule, acutely ill and who do not usually require special facilities such as an operating room, X-ray facilities, laboratory facilities and obstetrical facilities. A nursing home provides care for persons who have remedial ailments or other ailments, for which medical and nursing care are indicated; who, however, are not sick enough to require general hospital care. Nursing care is their primary need, but they will require continuing medical supervision.

*Office* means a room, group of rooms or building whose primary use is the conduct of a business, professional service or governmental activity of a nonretail nature; including administration, record keeping, clerical work and similar functions. This definition is not meant to include manufacturing, processing, repair or storage of materials or products.

*Off-site improvements* means any utility, paving, grading, drainage, structure or modification of topography which is or will be located on property not within the boundary of the property to be developed.

*Outparcel* means individual retail sites in a retail center that, when combined, are less than the square footage of the attached retail spaces which form the majority of the square footage of the center.

*Owner* means any person having charge of any real property according to the records held by the County Clerk and Recorder.

*Parcel.* See Paragraph 2.3.7.B.

*Park* means an area open to the general public and reserved for recreational, educational or scenic purposes.

*Parking lot* means an area not within a building, where motor vehicles may be stored for the purpose of temporary, daily or overnight off-street parking. See Section 4.1).

*Parking space* means a designated off-street area designed to accommodate the parking of one (1) vehicle. (See Section 4.1.)

*Pedestrian-friendly design* means a commercial development which can demonstrate a high capacity to encourage pedestrian and bicycle traffic to, from and an interconnectivity with adjacent land uses.
Place of worship means a building primarily used by a nonprofit organization for organized religious services and supporting uses.

Planning Director means the Town employee primarily responsible for administering the provisions of this LDC, or his or her designee.

Preliminary plat. See Paragraph 7.6.7.A.

Professional engineer means an engineer licensed and registered in the State of Colorado.

Professional surveyor means a surveyor licensed and registered in the State of Colorado.

Public facility means a building or area owned or used by any department or branch of the Town, the State of Colorado or the federal government.

Public improvement means any improvement consisting of drainage, water, sanitary sewer, parkway, sidewalks, pedestrian way, trees, lawn, off-street parking area, lot improvement or other facility which the local government may ultimately assume responsibility for maintenance and operation, or may affect an improvement for which local government responsibility is established.

Public sewer means any sewerage system serving ten (10) or more customers.

Public street means a dedicated and accepted public right-of-way for vehicular traffic.

Public use means any area building or structure held and/or controlled exclusively for public purposes by department or branch of any government, without reference to the ownership of the building or structure.

Public utility means a business or service which is in the business of regularly supplying the public with some commodity or service which is of public consequence and need, such as electricity, gas, water, sewage disposal, transportation or communications.

Public water supply means any water supply furnishing potable water to ten (10) or more customers.

Radio or television studio means a building used for radio (audio) or television (visual) recording and production.

Recreation and open space. See Subsection 2.6.7.

Recreational club, private means any indoor recreational establishment that is not open to the general public, but is open only to the members of the organization and their bona fide guests, including but not limited to a country club, golf, swimming or tennis club.

Recreational vehicle (RV) park means land used or intended to be used, let or rented for occupancy by vacationing transient campers traveling by automobile or otherwise, or for occupancy by tents or other movable or temporary sleeping quarters of any kind, together with automobile parking spaces and incidental utility structures and facilities required and provided in connection with the use. This definition shall not include trailer sales lots where unoccupied trailers are parked for inspection and sale.

Required yard. See Setback.
Reserve strip means a narrow, linear strip of property, usually separating a parcel of land and a roadway or easement that is characterized by limited depth which will not support development and which will prevent access to the roadway or easement from the land adjacent to the reserve strip.

Restaurant means an establishment whose primary purpose is serving meals to patrons.

Rezoning. See Section 7.4.

Right-of-way, private means a strip of land in private ownership to be occupied or intended to be occupied by a street, accessway, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main or for another conditional use. The usage of the term rights-of-way for land platting purposes shall mean that every right-of-way hereafter established and shown on the final plat as private rights-of-way shall be maintained by the property owners abutting the rights-of-way.

Rights-of-way means an area or strip of land, either public or private, on which an irrevocable right-of-passage has been recorded for the use of vehicles or pedestrians or both.

Rights-of-way line means a boundary or dividing line between a lot, tract or parcel of land and a contiguous street. Also known as "property line." Also it is a line between private and public ownership.

Rights-of-way, public means a strip of land dedicated to the public, in fee simple or by easement, to be occupied or intended to be occupied by a street, accessway, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main or for another conditional use. The usage of the term right-of-way for land platting purposes shall mean that every right-of-way hereafter established and shown on the final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions of areas of such lots or parcels.

Roadway means the improved or unimproved portion of a street intended for the accommodation of vehicular traffic.

Roof line means the top edge of the roof or the top edge of the parapet, whichever forms the top line of the building silhouette, but not including equipment structures.

School, public or private means a public or private institution offering a curriculum of education authorized by the State of Colorado giving regular instruction at the primary or secondary level or a school for the mentally or physically handicapped. Included in this definition are preschool programs. However, this definition does not include day care facilities, individual instruction or classes in a specialized subject.

School, trade or business means an institution offering instruction beyond high school level with a course of study in vocational, technical or other special subjects.

Screening means the method by which a view of one (1) site from another abutting site is shielded, concealed or hidden. Screening techniques include fences, walls, hedges, berms or other features.

Self-storage facility means a building or group of buildings consisting of individual, self-contained units leased to individuals, organizations or businesses for self-service storage of personal property.

Service area is the Town.
Setback means a required yard. See Section 2.3.

Sexually oriented business means adult entertainment businesses which shall be those listed herein, as defined:

a. Adult bookstore means an establishment having as a significant portion of its stock in trade books, films, magazines and other periodicals which are distinguished or characterized by an emphasis on depicting or describing sexual conduct or specific anatomical areas.

b. Adult mini motion picture theater means an enclosed building with a capacity of less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on depicting or describing sexual conduct or specific anatomical areas.

c. Adult motel means a motel wherein material is presented which is distinguished or characterized by an emphasis on depicting or describing sexual conduct or specific anatomical areas.

d. Adult motion picture arcade means any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one (1) time and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing sexual conduct or specific anatomical areas.

e. Adult motion picture theater means an enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on depicting or describing sexual conduct or specific anatomical areas.

f. Cabaret means a nightclub, theater or other establishment which features live performances by topless and/or bottomless dancers, "go-go" dancers, exotic dancers, strippers or similar entertainers, where such performances are distinguished or characterized by an emphasis on depicting or describing sexual conduct or specific anatomical areas.

g. Massage parlor means any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments or any other treatment or manipulation of the human body occurs as part of or in connection with sexual conduct, or where any person providing such treatment, manipulation or service related thereto exposes specific anatomical areas.

h. Model studio means any establishment or business which provides, as a substantial or significant part of its business, the service or modeling of adults distinguished or characterized by emphasis on depicting sexual conduct or specific anatomical areas by means of photography, painting, sketching, drawing or sculpture by persons paying any form of consideration or gratuity.

i. Sexual encounter center means any business, agency or person who, for any form of consideration or gratuity, provides a place where three (3) or more persons, not all members of the same family, may congregate, assemble or associate for the purpose of engaging in sexual conduct or exposing specific anatomical areas.

Sidewalk. See Section 4.2.
**Sign** means any device or visual communicator that is used for the purpose of bringing the subject thereof to the attention of the public. (See Section 4.9 for individual sign types.)

**Sign permit.** See Section 7.11.

**Signs** means any device or visual communicator that is used for the purpose of bringing the subject thereof to the attention of the public. (See Section 4.9 for individual sign types.)

**Silviculture** means a branch of agriculture dealing with forests.

**Site.** See Paragraph 2.3.7.C.

**Site map** means a required submission element for various land use actions. For specific requirements, see the Administrative Handbook on Land Use.

**Site plan** means a plan prepared to scale, showing accurately and with complete dimensions, the boundaries of the site and the location of all buildings, streets, uses and principal site development features proposed for a specific parcel of land. (See Section 7.7.)

**Site plan review.** See Section 7.7.

**Site-specific development** plan means a plan of land development submitted to the Town pursuant to Title 24, Article 68, C.R.S., for purpose of obtaining one (1) of the following zoning or land use permits or approvals: subdivision plat, zoning clearance permit, conditional use permit, conditional use permit or variance; provided, notwithstanding the foregoing that neither a variance, a plat nor any other document that fails to describe with reasonable certainty that type and intensity of use for a specified parcel or parcels of property shall constitute a site-specific development plan.

**Start of construction** means substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Street** means a dedicated and accepted public right-of-way for vehicular traffic and pedestrian use. Includes the following street classifications. (See also Subsection 5.2.5):

- Major arterial.
- Minor arterial.
- Major collector.
- Minor collector.
Local street.

Alley.

*Street, arterial* means any street designated on the comprehensive plan as an arterial, primary arterial, secondary arterial, major street, etc.

*Street, collector.* See Paragraph 5.2.5.K.

*Street, cul-de-sac.* See Paragraph 5.2.5.G.

*Street, half.* See Paragraph 5.2.5.E.

*Street, local.* See Paragraph 5.2.5.K.

*Street, major.* See Paragraph 5.2.5.K.

*Street, minor.* See Paragraph 5.2.5.K.

*Street, public* means any county road dedicated to the public annexed to the Town or any street or road dedicated to the Town for public purposes.

*Street stub* means a temporary dead-end street designated to provide future connection with adjoining un-subdivided areas.

*Structure* means anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having permanent location on the ground (not including sidewalks/driveways and similar improvements areas). This includes but is not limited to advertising signs, billboards, antennas, wind generators, fence, poster panels and buildings.

*Subdivider* means any person, firm, partnership, corporation or other entity, acting as a unit, subdividing or proposing to subdivide land as herein defined.

*Subdivision* means any parcel of land which is to be used for condominiums, multi-family dwellings or any other multiple-dwelling units, unless such land was previously subdivided and the filing accompanying such subdivision complied with municipal regulations applicable to subdivisions of substantially the same density, or the division of a lot, tract or parcel of land into two (2) or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale or of building development. It includes resubdivision and when appropriate to the context, relates to the process of subdivideing or to the land or territory subdivided. It includes mobile home subdivisions which is a parcel of land intended to be used exclusively for and occupied solely by mobile homes and within which the homes and the land are owned by occupants.

*Subdivision improvements agreement* means one (1) or more security arrangements which may be accepted by the Town to guarantee the construction of such public improvements as are required by the subdivision regulations within the subdivision and shall include collateral, such as but not limited to performance or property bonds, private or public escrow agreements, loan commitments, assignments of receivables, liens on property, deposit of certified funds or other similar surety agreements.
Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

b. Any alteration of an historic structure; provided, that the alteration will not preclude the structure's continued designation as an historic structure.

Temporary use or permit. See Section 7.10.

Town means the Town of Palisade, Colorado.

Town Board means the governing or legislative authority of the Town.

Traffic impact-generating development means any land development designed or intended to permit a use of the land that will increase the number of vehicle miles of travel.

Urban area means all that part of the incorporated area of the Town which is designated on the Palisade Comprehensive Plan for urbanization.


Vehicle miles of capacity (VMC) means the product of the maximum number of vehicles that can be accommodated on a street or roadway during a weekday and the length of the roadway in miles.

Vehicle miles of travel (VMT) means the product of the number of vehicles traveling during a week day and the distance in miles that those vehicles travel.

Veterinary animal hospital means a building used for the care and treatment of small animals, including household pets.

Violation means the failure of a structure or other development to be fully compliant with the community's flood plain management or land use regulations. A structure or other development without the elevation certificate, other certifications or other evidence of compliance required in Section 4 of the LDC is presumed to be in violation until such time as that documentation is provided.


Wireless telecommunications facility includes telecommunications tower and telecommunications site and personal wireless facility. A structure, facility or location designed or intended to be used as or used to support antennas or other transmitting or receiving devices. This includes without limit, towers of all types and kinds and structures that employ camouflage technology, including, but not limited to structures such as a multi-story building, church steeple, silo, water tower, sign or other structures that can be used to mitigate the visual impact of an antenna or the functional equivalent of
such, including all related facilities such as cabling, equipment shelters and other structures associated with the site. It is a structure and facility intended for transmitting and/or receiving radio, television, cellular, paging, 911, personal telecommunications services, commercial satellite services, microwave services and services not licensed by the FCC, but not expressly exempt from the Town's siting, building and permitting authority, excluding those used exclusively for the Town's fire or police departments or exclusively for private, noncommercial radio and television reception and private citizen's bands, amateur radio and other similar noncommercial telecommunications where the height of the facility is below the height limits set forth in this LDC.

Written interpretation. See Section 7.12.

Yard. See Section 2.3.

Yard depth. See Section 2.3.

Yard, front. See Section 2.3.

Yard, interior side. See Section 2.3.

Yard, rear. See Section 2.3.

Yard, side. See Section 2.3.

Yard width. See Section 2.3.
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