

ORDINANCE NO. 169

AN ORDINANCE AUTHORIZING AND APPROVING AN AMENDMENT TO THE LAND USE CODE OF THE TOWN OF IGNACIO.

WHEREAS, the Town Board has previously approved and adopted the Land Use Code; and

WHEREAS, the Town Board desires to change the quorum requirement to assist the Planning Commission in transacting any business or in making any decisions; and

WHEREAS, the Town Board wishes to amend Section 8-2-1 6.4 of the Land Use Code;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO AS FOLLOWS:

1. Section 8-2-1 6.4 shall be amended to read as follows:

A quorum shall consist of three (3) members. The affirmative vote of two (2) members shall be necessary to transact any business or to make any decision.

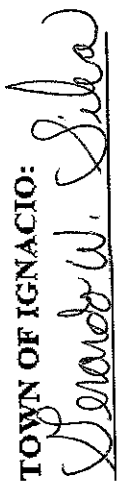
PASSED, APPROVED AND ORDERED PUBLISHED this 13th day of October, 1998.

Attest:



Toyah Clerk

TOWN OF IGNACIO:


Mayor

THE PINE RIVER TIMES
Bayfield, Colorado
STATE OF COLORADO)
COUNTY OF LA PLATA)

I, Ann McCoy, do solemnly swear that I am Publisher of the PINE RIVER TIMES; that the same is a weekly newspaper printed, in whole or in part, and published in the County of La Plata, State of Colorado, and has a general circulation therein; that said newspaper has been published continuously and uninterruptedly in said County of La Plata for a period of more than fifty-two consecutive weeks next prior to the first publication of the annexed legal notice or advertisement, that said newspaper has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879, or any amendments thereof, and that said newspaper is a weekly newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado.

That the annexed legal notice or advertisement was published in the regular and entire issue of every number of said weekly newspaper for the period of one consecutive insertions; and that the first publication of said notice was in the issue of said newspaper dated October 29, A.D. 1998 and that the last publication of said notice was in the issue of said newspaper dated

A.D. 199

[Signature]
Publisher

Subscribed and sworn to before me, a notary public in and for the State of Colorado, this 29th day of October A.D. 1998

[Signature]
Notary Public

My Commission expires 10/2002

ORDINANCE NO. 169
AN ORDINANCE AUTHORIZING AND APPROVING AN AMENDMENT TO THE LAND USE CODE OF THE TOWN OF IGNACIO
WHEREAS, the Town Board has previously approved and adopted the Land Use Code; and
WHEREAS, the Town Board desires to change the zoning requirement to assist the Planning Commission in transacting any business or in making any decisions; and WHEREAS, the Town Board wishes to amend Section 8-2.1.6.A. of the Land Use Code;
NOW THEREFORE, BE IT ORDERED BY THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO AS FOLLOWS:
1. Section 8-2.1.6.A shall be amended to read as follows: A quorum shall consist of three (3) members. The affirmative vote of two (2) members shall be necessary to transact any business or to make any decision.
PASSED, APPROVED AND ORDERED PUBLISHED this 14th day of October, 1998
TOWN OF IGNACIO,
Mayer,
/s/ Gerardo W. Silva
Attest: Gerardo Duran
Published this day October 29, 1998

[Signature]

ORDINANCE NO. _____ 168

AN ORDINANCE OF THE TOWN OF IGNACIO REGARDING WATER UTILITY SERVICES WHICH ADDS SECTION 8-1 THROUGH 8-12 TO THE TOWN CODE OF THE TOWN OF IGNACIO.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO THAT CHAPTER VIII IS ADDED TO THE TOWN CODE OF THE TOWN OF IGNACIO AS FOLLOWS:

**CHAPTER VIII
WATER TAP PERMITS AND CONNECTIONS**

Section 8-1. Compliance with Article.

It is unlawful for any person not authorized by this Article to make any connection with any water pipe or main of the waterworks or for any authorized person to put in any tap or connection contrary to the provisions of this Article.

Section 8-2. Permit.

- A. Required. It is unlawful for any person to tap or make any connection with the pipeline or waterline forming a part of the waterworks without having first obtained a tap permit therefor.
- B. Application. The Public Works Manager shall supervise and administer the issuance of all Applications for water services which shall be a permit to tap the pipes or mains of the waterworks in accordance with the provisions of this Article. All application for permits to tap shall be on a form provided by the Town and shall be in writing to the Town Clerk.
- C. Issuance. All permits to tap, as required by this Article, shall be issued and signed by the Town Clerk and shall set forth the requirements specified in subsection B.
- D. Transfer. Any permit to tap issued under the provisions of this Article shall be for a specific lot or parcel of land and shall not be transferable to any other lot or parcel, unless no actual connection has been made and the lot or parcel has not been sold or transferred and only with specific approval of the Board of Trustees.

Section 8-3. Plant Investment Fee.

Any applicant desiring to take and use water from the water utility of the Town shall pay to the Town through the Town Clerk, a plant investment fee pursuant to the schedule of plant investment fees then in effect pursuant to resolution duly adopted by the Board of Trustees. No water

connection shall be made to the Town water utility until such time as the plant investment fee, material or other connection charges have been paid and a tap permit issued.

Section 8-4. Extension of Existing Service.

All building permit applications shall be reviewed by the Public Works Manager, and a determination shall be made by the Public Works Manager whether any proposed enlargement, addition or expansion of water using facilities can adequately be served by the existing water connection. Such determination shall be made by application of the standards of the American Water Works Association and with consultation with Tribal staff. If the Public Works Manager determines that a larger service is required, the person proposing such expansion shall be required to have the enlarged connection and meter installed at his sole expense. Multiple units may be served by a single enlarged meter only if all the units served are in the same structure. Multiple units on one lot which are not in the same structure shall require an individual meter for each unit. Any extension of service which occurs after July 1, 1998 (whether or not a larger service is required or additional meters are required) shall include the installation of individual shut off valves on each use. Any new meter installation shall be done in accordance with Section 8-2, provided that the person making an expanded tap connection shall pay the then established plant investment fee for that connection, less credit for the existing tap at the current PIF rate. Any determination made by the Public Works Manager hereunder shall be subject to review by the Board of Trustees upon written request by the person seeking review of the decision.

Section 8-5. Assessment of Costs.

All connections to the Town's distribution system shall be metered. Each meter shall be of adequate size determined by the standards of the American Water Works Association. On all connections with the main, the owner of the premises on which the connection is sought shall furnish and pay for the cost of the meter and the installation of the tap and meter and necessary pipe. All necessary trenching and backfilling shall be at the expense of the applicant under the supervision of the Public Works Manager and in accordance with the specifications set forth in this Article and the specifications in the Town's line from the main to the meter, including the meter, and the property owner shall own and maintain the service line from the meter to the premises served; provided, however, that in the event the meter is more than ten (10) feet inside the owner's property line, the Town shall own and maintain the service line from the main to the property line, and the property owner shall own and maintain the service line from the property line to the premises. All work upon service lines shall be supervised by the Public Works Manager.

Section 8-6. Disconnection of Service; Removal of Town Property.

In case any owner of premises on which water is used ceases to use water and desires to disconnect his premises, he shall not be permitted to remove the meter, meter pit or any appurtenances. Such devices are the property of the Town and shall be removed only by the order of the Public Works Manager.

Section 8-7. Water Use - Rates.

- A. Schedule - In Town. The monthly charges to consumers for water within the corporate limits of the Town shall be established by resolution of the Board of Trustees and a copy of such rates shall be available at the Town Hall. Each unit in a multi-unit structure shall be billed monthly for an established minimum monthly charge.
- B. Stand By Fee. The Owner of any property which is connected to the Town's water system by an active tap, but is not currently using water shall be deemed to be an inactive service and shall pay a monthly Readiness to Serve fee in accordance with the fee schedule adopted by the Board of Trustees by Resolution. The Owner of any property may avoid the Readiness to Serve fee by abandoning or otherwise relinquishing the water service tap for that parcel of property. Water service for any relinquished property may be reactivated only upon application for a new connection and payment of the full current Plant Investment fee.

Section 8-8. Bills - Collection.

The Town Clerk shall be responsible for billings for water services, collection of the same and deposit of the proceeds collected to the credit of the water fund of the Town. Statements for all charges shall be rendered monthly to the owner of the property served, provided, however, the Board of Trustees may at any time change the monthly billing cycle, if necessary or desirable. All water charges shall be billed to and shall be the responsibility of the owner of the property being served regardless of whether the property is occupied by the owner or is rented to a third party.

Section 8-9. Penalties.

A late fee of five dollars (\$5.00) shall be added to any account which is not paid when due.

Section 8-10. Delinquent accounts.

In the event that any bill for water use is not paid when due, then the Town Clerk shall issue a notice by regular first class mail which informs the owner of the property that the payment is delinquent and informing the owner that if all amounts due are not paid within ten (10) days, then the water service will be disconnected. The notice shall also state that there will be a twenty-five dollar (\$25.00) charge for reconnection and that failure to pay could result in a lien being placed against the property.

If the premises to which water is supplied is occupied by a tenant, the disconnection notice shall be sent to the owner of the premises by regular first class mail.

If the person to whom such a notice is sent owes amounts for other utilities provided or collected by the Town, the Clerk may include a demand for those amounts in the demand for payment of water bills.

Section 8-11. Discontinuance of Service.

If the notice described in Section 8-10 is sent and full payment is not made by the recipient of such notice within ten (10) days after the mailing of such notice and contact is not made with the Town Clerk concerning disputed billings, the water service for which the billing is made shall be disconnected until the full amount due to the Town is paid, including the twenty-five dollar (\$25.00) reconnection fee.

Nothing herein contained shall be construed as to prevent the Town from using other lawful means of collecting the assessment herein referred to.

Section 8-12. Lien.

Until paid, all rates, fees and other charges provided for in this Article shall constitute a lien pursuant to C.R.S. 31-15-302 on or against the property being served. At the time service is disconnected in accordance with Section 8-11, or at any time thereafter, the Town may notify the owner of the property being served of the Town's intent to file a lien as provided herein. A collection fee of one hundred dollars (\$100.00) shall be added to any account for which a notice of intent to file a lien is given. The Town may, as provided by law, commence foreclosure proceedings on any lot or parcel of property on which a lien has been filed pursuant to this Article. An additional charge for attorney fees in a reasonable amount to be determined by the Court shall be added to the amount due on any account once a complaint in foreclosure of a lien has been filed. In addition, actual costs, such as filing fees and recording costs, shall also be charged to said account. In the event foreclosure proceedings result in judgment, additional attorney fees and expenses may be added as permitted by the court.

Section 8-13. Forfeiture of Plant Investment Fee.


In the event an account remains delinquent for a period in excess of six (6) months, then the Town Clerk shall send notice to the Owner that if all charges are not paid within ten (10) days, the plant investment fee on that property shall be deemed to be forfeited. No service shall be recommenced on a property after such a forfeiture until a new application is approved and the then existing plant investment fee has been paid.

PASSED, APPROVED AND ORDERED PUBLISHED by the Board of Trustees at its regular meeting on the 10th day of November, 1998.

Attest:



Town Clerk


Mayor

ORDINANCE NO. 167

AN ORDINANCE AUTHORIZING AND APPROVING THE SALE OF CERTAIN PROPERTY IN THE TOWN OF IGNACIO.

WHEREAS, the Town of Ignacio owns the real property described on Attachment A, attached hereto and incorporated herein by this reference; and

WHEREAS, Glen A. Walker and Christopher A. Walker (hereinafter Walkers) desire to purchase the above described property for the purpose of constructing a new retail facility in the Town of Ignacio; and

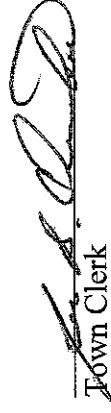
WHEREAS, the terms of the sale are found to be reasonable;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO AS FOLLOWS:

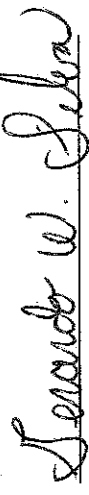
1. The Board of Trustees hereby approves and authorizes the sale of the property described on Attachment A to Walkers on the terms set forth in the Contract for the sale of real property which is attached hereto as Attachment B, and which is incorporated herein by this reference.
2. The Mayor, the Town Manager and the Clerk of the Town are authorized to execute any documents reasonably required to transfer the property to Walkers, including, but not limited to the real estate contract, amendments to the real estate contract, settlement documents, deeds, bills of sale, assignments and declarations.
3. The Board specifically finds that this Ordinance is necessary to complete the pending closing of the above transaction, and that this Ordinance is necessary to the immediate preservation of the public health and welfare, and therefore, this Ordinance shall become effective immediately upon its adoption.

Passed and approved the 11th day of August, 1998.

Attest:


Town Clerk

TOWN OF IGNACIO:


Mayor

ORDINANCE NO. 166

AN ORDINANCE FOR THE REGULATION OF TRAFFIC BY THE TOWN OF IGNACIO, COLORADO; ADOPTING BY REFERENCE THE 1995 EDITION OF THE "MODEL TRAFFIC CODE FOR COLORADO MUNICIPALITIES;" REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO, COLORADO:

Section 1. Adoption. Pursuant to parts 1 and 2 of Article 16 of Title 31, C.R.S., as amended, there is hereby adopted by reference Articles I and II, inclusive, of the 1995 edition of the "Model Traffic Code for Colorado Municipalities," promulgated and published as such by the Colorado Department of Transportation, Staff Traffic and Safety Projects Branch, 4201 East Arkansas Avenue, Denver, Colorado 80222. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the Town. The purpose of this Ordinance and the Code adopted herein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the state and the nation. Three (3) copies of the Model Traffic Code adopted herein are now filed in the office of the Clerk of the Town of Ignacio, Colorado, and may be inspected during regular business hours.

Section 2. Deletions. The 1995 edition of the Model Traffic Code is adopted as if set out at length save and except the following articles and/or sections which are declared to be inapplicable to this municipality and are therefore expressly deleted: None.

Section 3. Additions or Modifications. The said Adopted Code is subject to the following additions or modifications:

Section 1701(1) is amended to read as follows:

It is a misdemeanor traffic offense for any person to violate any provision of this Code. It is the specific intent of the Board of Trustees to make any violation of this Code a criminal offense in accordance with the provisions of C.R.S. 42-4-110.

Section 4. Penalties. The following penalties, herewith set forth in full, shall apply to this Ordinance:

- a) It is unlawful for any person to violate any of the provisions adopted in this Ordinance.
- b) Every person convicted of a violation of any provision adopted in this Ordinance shall be punished by a fine not exceeding one thousand dollars (\$1,000.00), or by imprisonment not exceeding one (1) year, or by both such fine and imprisonment.

Section 5. Application. This Ordinance shall apply to every street, alley, sidewalk area, driveway, park, and to every other public way or public place or public parking area, either within or outside the corporate limits of this municipality, the use of which this municipality has jurisdiction and

authority to regulate. The provisions of Sections 1401, 1402, 1413, and part 16 of the adopted Model Traffic Code, respectively concerning reckless driving, careless driving, eluding a police officer, and accidents and accident reports shall apply not only to public places and ways but also throughout this municipality.

Section 6. Validity. If any part or parts of this Ordinance are for any reason held to be invalid such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid.

Section 7. Repeal. Existing or parts of ordinances covering the same matters as embraced in this Ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this Ordinance.

Section 8. Interpretation. This Ordinance shall be so interpreted and construed as to effectuate its general purpose to conform with the State's uniform system for the regulation of vehicles and traffic. Article and section headings of the Ordinance and adopted Model Traffic Code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any article or section thereof.

Section 9. Certification. The Town Clerk shall certify to the passage of this Ordinance and make not less than three (3) copies of the adopted Code available for inspection by the public during regular business hours.

PASSED BY THE BOARD OF TRUSTEES AFTER PUBLIC HEARING AND SIGNED THIS
__10th__ DAY OF __February__, 1998.

THE TOWN OF IGNACIO, COLORADO:

By: Gerardo W. Silva
Mayor

ATTEST:

By: [Signature]
Town Clerk

ORDINANCE NO. 166

AN ORDINANCE FOR THE REGULATION OF TRAFFIC BY THE TOWN OF IGNACIO, COLORADO; ADOPTING BY REFERENCE THE 1995 EDITION OF THE "MODEL TRAFFIC CODE FOR COLORADO MUNICIPALITIES;" REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO, COLORADO:

Section 1. Adoption. Pursuant to parts 1 and 2 of Article 16 of Title 31, C.R.S., as amended, there is hereby adopted by reference Articles I and II, inclusive, of the 1995 edition of the "Model Traffic Code for Colorado Municipalities," promulgated and published as such by the Colorado Department of Transportation, Staff Traffic and Safety Projects Branch, 4201 East Arkansas Avenue, Denver, Colorado 80222. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the Town. The purpose of this Ordinance and the Code adopted herein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the state and the nation. Three (3) copies of the Model Traffic Code adopted herein are now filed in the office of the Clerk of the Town of Ignacio, Colorado, and may be inspected during regular business hours.

Section 2. Deletions. The 1995 edition of the Model Traffic Code is adopted as if set out at length save and except the following articles and/or sections which are declared to be inapplicable to this municipality and are therefore expressly deleted: None.

Section 3. Additions or Modifications. The said Adopted Code is subject to the following additions or modifications:

Section 1701(1) is amended to read as follows:

It is a misdemeanor traffic offense for any person to violate any provision of this Code. It is the specific intent of the Board of Trustees to make any violation of this Code a criminal offense in accordance with the provisions of C.R.S. 42-4-110.

Section 4. Penalties. The following penalties, herewith set forth in full, shall apply to this Ordinance:

- a) It is unlawful for any person to violate any of the provisions adopted in this Ordinance.
- b) Every person convicted of a violation of any provision adopted in this Ordinance shall be punished by a fine not exceeding one thousand dollars (\$1,000.00), or by imprisonment not exceeding one (1) year, or by both such fine and imprisonment.

Section 5. Application. This Ordinance shall apply to every street, alley, sidewalk area, driveway, park, and to every other public way or public place or public parking area, either within or outside the corporate limits of this municipality, the use of which this municipality has jurisdiction and

authority to regulate. The provisions of Sections 1401, 1402, 1413, and part 16 of the adopted Model Traffic Code, respectively concerning reckless driving, careless driving, eluding a police officer, and accidents and accident reports shall apply not only to public places and ways but also throughout this municipality.

Section 6. Validity. If any part or parts of this Ordinance are for any reason held to be invalid such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid.

Section 7. Repeal. Existing or parts of ordinances covering the same matters as embraced in this Ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this Ordinance.

Section 8. Interpretation. This Ordinance shall be so interpreted and construed as to effectuate its general purpose to conform with the State's uniform system for the regulation of vehicles and traffic. Article and section headings of the Ordinance and adopted Model Traffic Code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any article or section thereof.

Section 9. Certification. The Town Clerk shall certify to the passage of this Ordinance and make not less than three (3) copies of the adopted Code available for inspection by the public during regular business hours.

PASSED BY THE BOARD OF TRUSTEES AFTER PUBLIC HEARING AND SIGNED THIS
13TH DAY OF JANUARY, 1998.

THE TOWN OF IGNACIO, COLORADO:

By: Seando W. Silva
Mayor

ATTEST:

By: [Signature]
Town Clerk

NOTICE OF HEARING

NOTICE is hereby given of a public hearing before the Board of Trustees of the Town of Ignacio, Colorado, at 6:45 p.m. of the 10th day of February 1998, at the Town Hall located at 540 Goddard Avenue, Ignacio, Colorado for the purpose of considering the adoption by reference of the "Model Traffic Code for Colorado Municipalities," 1995 edition, as the Traffic Ordinance of the Town of Ignacio, Colorado.

Copies of the Model Code are on file at the office of the Town Clerk and may be inspected during regular business hours. If enacted as an ordinance of the Town the Model Code will not be published in full, but in accordance with state law, copies will be kept on file and also made available for distribution and sale to the public.

The 1995 "Model Traffic Code for Colorado Municipalities," is published by the Colorado Department of Transportation, Staff Traffic and Safety Projects Branch, 4201 East Arkansas Avenue, Denver, Colorado 80222. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the Town. The purpose of the Ordinance and the Code adopted therein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the state and the nation.

At its next regular meeting following this hearing, the Town Board will consider passage of the adopting Ordinance.

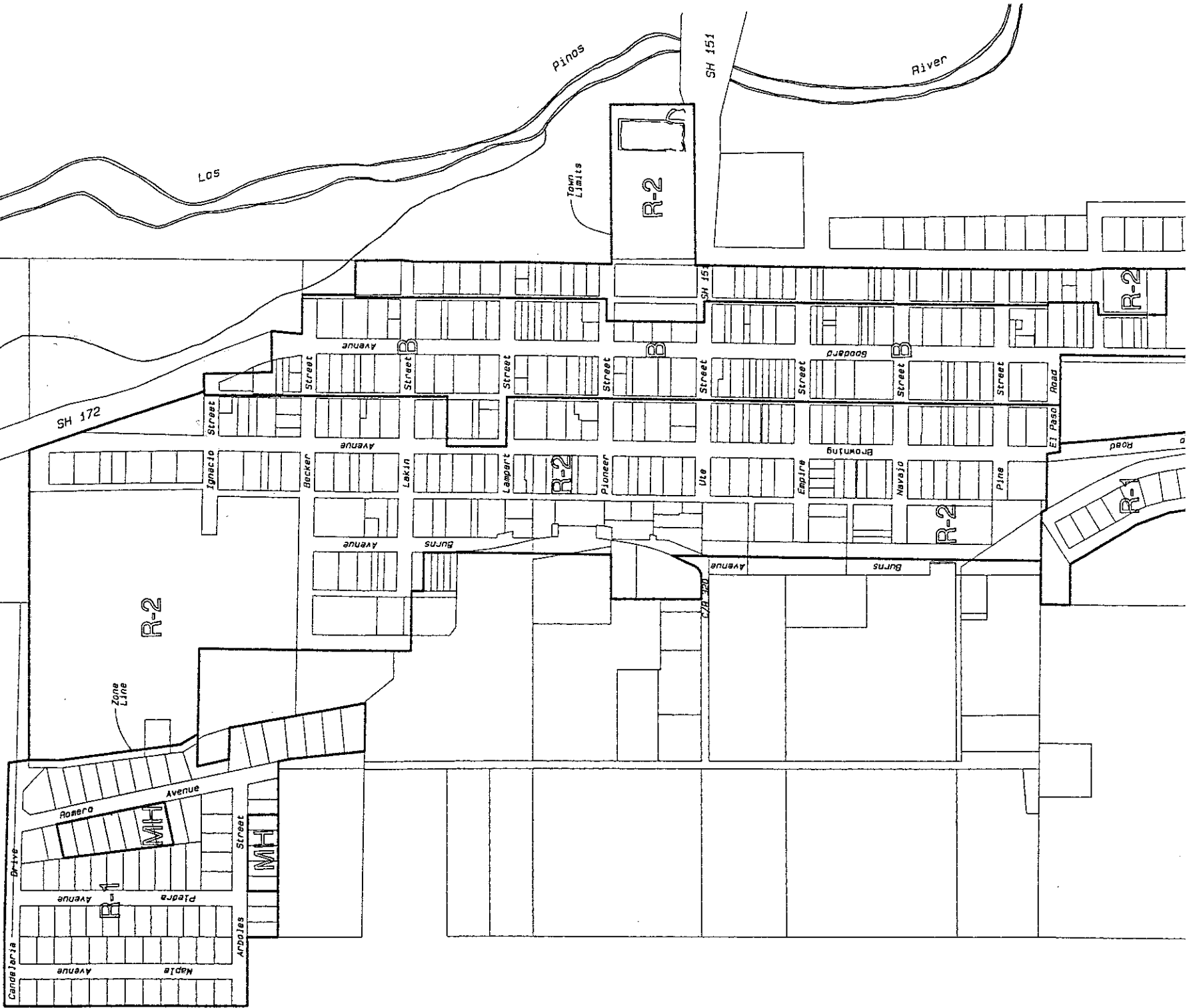
This Notice given and published by the order of the Board of Trustees of said Town of Ignacio.

Dated this 13th day of January 1998.

THE TOWN OF IGNACIO, COLORADO

Published: 1-22-98
1-28-98

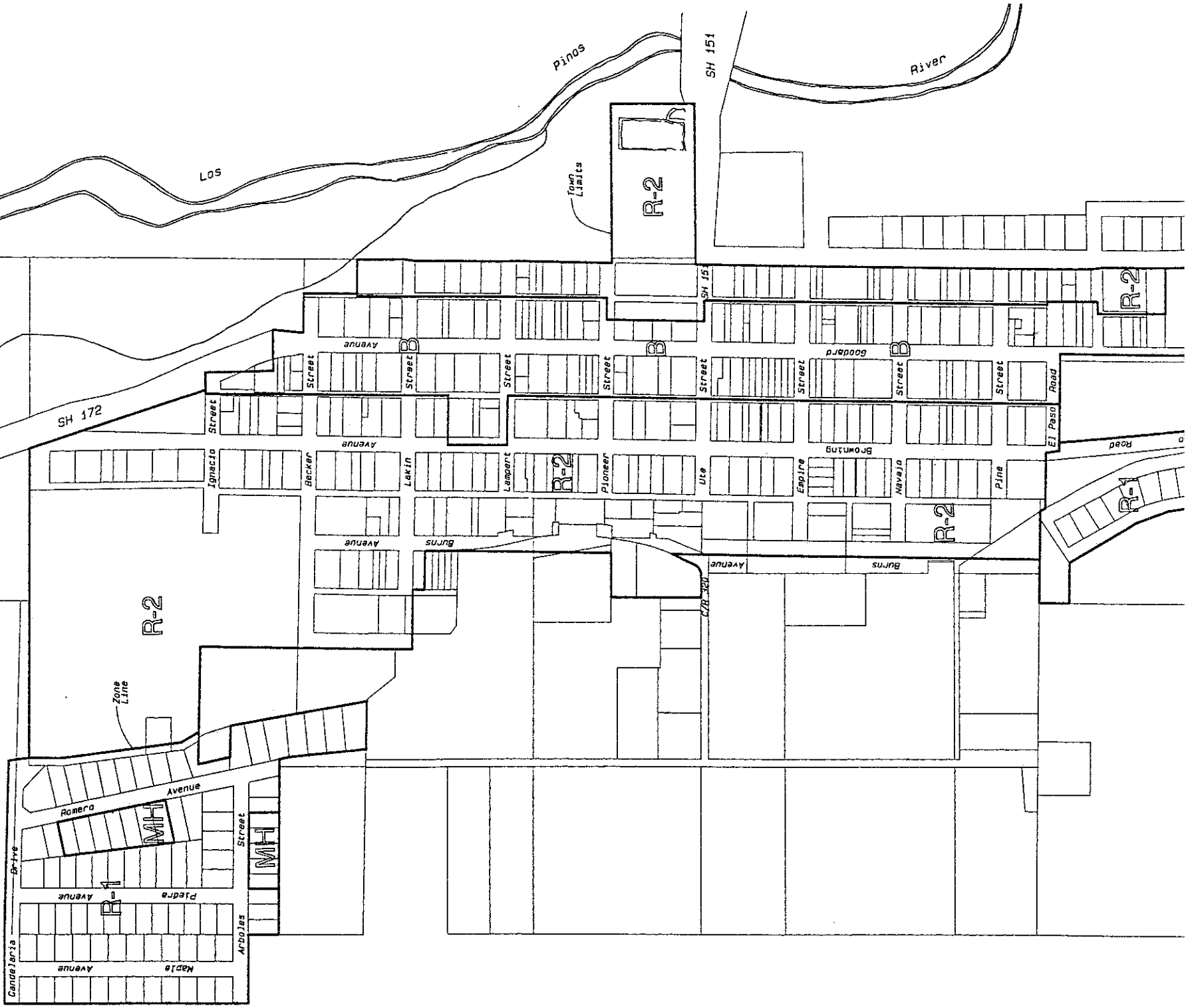
TOWN OF LACIO
ZONING DISTRICTS



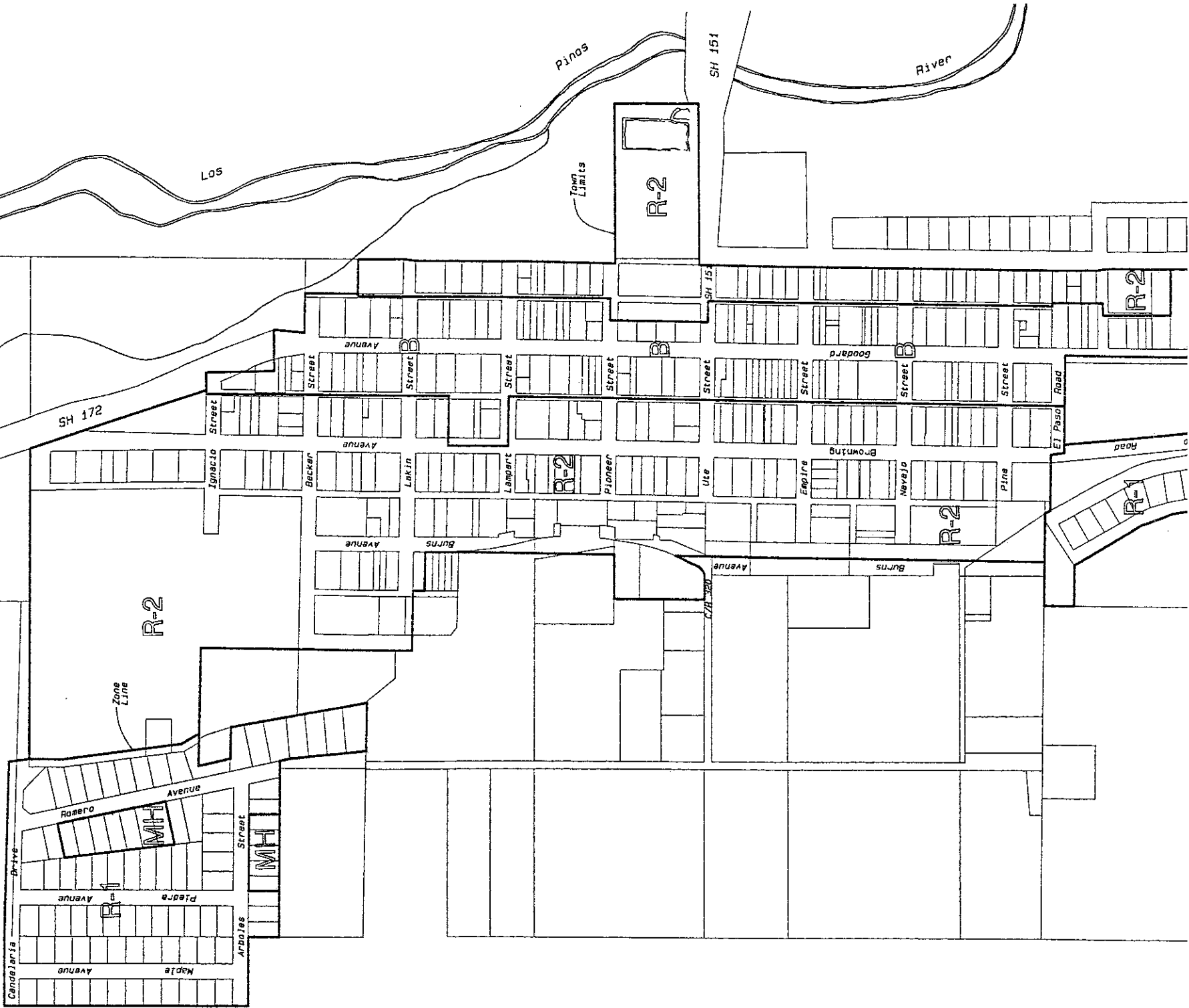
TOWN OF LACIO
ZONING DISTRICTS



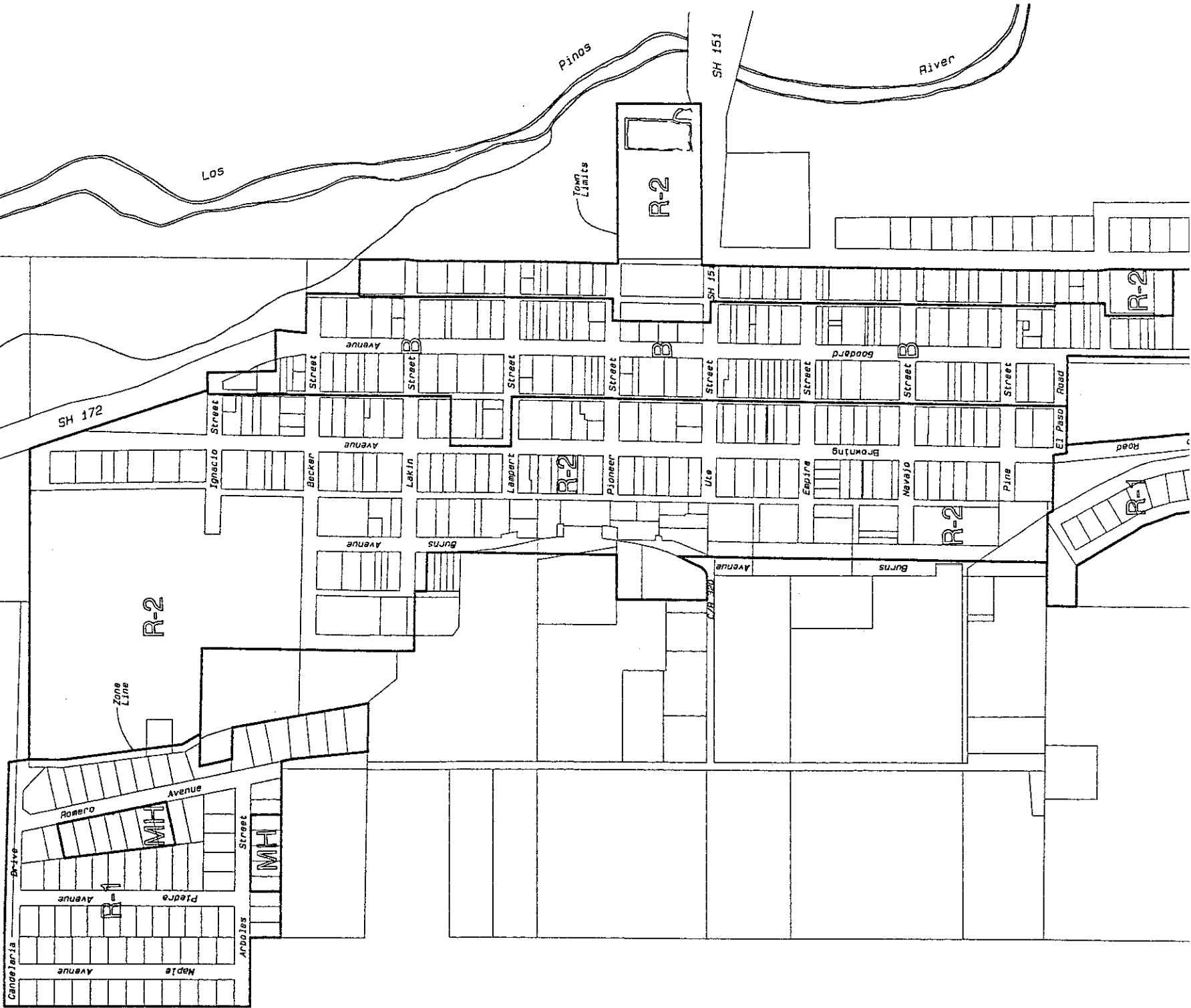
TOWN OF LACIO
ZONING DISTRICTS



TOWN OF LACIO
ZONING DISTRICTS



TOWN OF SAN JACINTO
ZONING DISTRICTS



STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Transportation Safety and Traffic Engineering Branch
4201 East Arkansas Avenue, Room 172
Denver, Colorado 80222
(303) 757-9271 Voice
(303) 757-9219 Fax



June 10, 1998

Hon. Gerardo W. Silva
Mayor, Town of Ignacio
P.O. Box 459
Ignacio, CO 81137

Dear Mayor Silva:

We are pleased to send, for the Town's records, the attached approval by the Colorado Department of Transportation of Ordinance No. 166 dated February 10, 1998.

Thank you for the cooperation given our Department personnel.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Robert K. Sakaguchi', is written over a typed name and title.

ROBERT K. SAKAGUCHI
Branch Manager
Transportation Safety and
Traffic Engineering

RKS:hh
Attach.

cc: Balty Quintana w/attach.
E. Demming/R. Langoni w/attach.
File

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Transportation Safety and Traffic Engineering Branch
4201 East Arkansas Avenue, Room 172
Denver, Colorado 80222
(303) 757-9271 Voice
(303) 757-9219 Fax

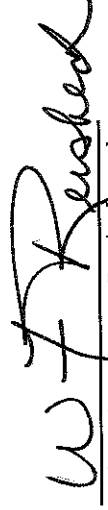


Hon. Gerardo W. Silva
Mayor, Town of Ignacio
Ignacio, CO 81137

Mayor Silva:

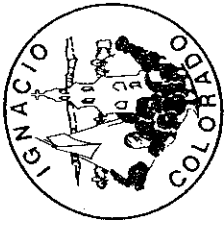
In accordance with article 16 of title 31, Colorado Revised Statutes and section 42-4-110 (1)(b) and (e), C.R.S., Ordinance No. 166, dated February 10, 1998 adopting the 1995 Model Traffic Code, with an amendment, is hereby approved as to all traffic restrictions contained therein, insofar as such traffic restrictions pertain to streets within the City which are part of the State Highway System.

DATED this 10th day of June 1998.


William F. Reisbeck
Chief Engineer

ATTEST:


ROBERT B. MARUSIN
Chief Clerk



TOWN OF IGNACIO

P. O. Box 459 • IGNACIO, COLORADO 81137

Phone: 563-9494

*OPD 16 APR 1998
5 DO*

February 11, 1998

Dick Langoni, Chief Engineer
Colorado Department of Transportation
3803 North Main Avenue
Durango, Colorado 81302

Re: Revised 1995 Model Traffic Code for Ignacio

Dear Mr. Langoni:

After considerable consultations and discussions with the State Highway Patrol and our town Attorney, our Chief of Police Mr. Peter Gonzalez has recommended to the Ignacio Town Board of Trustees that the town should adopt the revised 1995 Model Traffic Code for municipalities in Colorado.

As per the requirements of the rules set forth in the 1995 revised code for the adoption of the new code, we are required to do the following:

1. Publish a Notice of a Hearing of the Town's intention to consider adoption of the code.
2. Adopt an ordinance also in compliance with the rules set forth in the revised code.
3. Publish the adopted ordinance in full in a newspaper of general circulation in the community.
4. Get final approval from the Colorado Department of Transportation prior to putting the ordinance into effect.

On page 107 instruction number 10 of the 1995 revised Model Traffic Code for Municipalities in Colorado, requirement number four above can be found. Please review the enclosed ordinance and please let us know what you determine. We will adopt the ordinance after you advise us that it is okay to proceed. The published hearing was already held and no one showed up to comment. We would like to place the ordinance on the agenda for approval by the board at the March 10, 1998 town board meeting. Thank you for your attention to this request.

Sincerely,

Balty Quintana
Town Manager

cc/Town Board

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Transportation Safety and Traffic Engineering Branch
4201 East Arkansas Avenue, Room 172
Denver, Colorado 80222
(303) 757-9271 Voice
(303) 757-9219 Fax

File 881.15

19 *[Signature]*

Balty Quintana
Town Manager
Town of Ignacio
P.O. Box 459
Ignacio, CO 81137

March 3, 1998

RE: Model Traffic Code - Draft of Adopting Ordinance

Dear Mr. Quintana:

We have received a copy of your letter to Dick Langoni dated February 11, 1998 along with the draft adoption ordinance. The draft adoption ordinance is acceptable to CDOT.

In order to give official CDOT approval to the Ignacio Model Traffic Code we would require a verified copy of the Ordinance after its final adoption by the Town Board.

Sincerely,

[Signature]
for Matthew Reay

Branch Manager
Transportation Safety and
Traffic Engineering

MR:hh

cc: Dick Langoni
File





TOWN OF IGNACIO

P. O. Box 459 • IGNACIO, COLORADO 81137

Phone: 563-9494

May 20, 1998

Matthew Reay
Branch Manager
Department of Transportation
402 East Arkansas Avenue, Room 172
Denver, Colorado 80222

Re: Town of Ignacio Model Traffic Code Verification

Dear Mr. Reay:

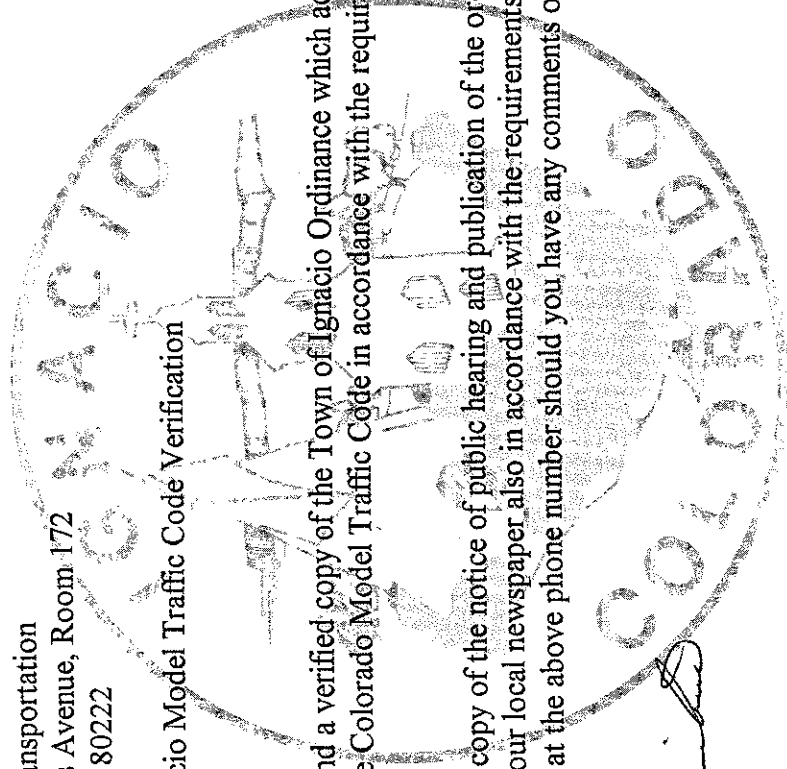
Enclosed please find a verified copy of the Town of Ignacio Ordinance which adopted the 1995 edition of the Colorado Model Traffic Code in accordance with the requirements set forth in the code..

Also enclosed is a copy of the notice of public hearing and publication of the ordinance which were published in our local newspaper also in accordance with the requirements of the code. Please contact me at the above phone number should you have any comments or questions.

Sincerely,

Balty Quintana
Town Manager

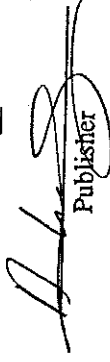
cc/ Dick Langoni, Local CDOT Engineer



THE PINE RIVER TIMES
Bayfield, Colorado
STATE OF COLORADO)
) ss.
COUNTY OF LA PLATA)

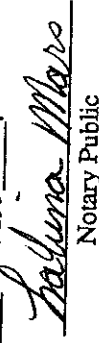
I, Ann McCoy, do solemnly swear that I am Publisher of the PINE RIVER TIMES; that the same is a weekly newspaper printed, in whole or in part, and published in the County of La Plata, State of Colorado, and has a general circulation therein; that said newspaper has been published continuously and uninterruptedly in said County of La Plata for a period of more than fifty-two consecutive weeks next prior to the first publication of the annexed legal notice or advertisement, that said newspaper has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879, or any amendments thereof, and that said newspaper is a weekly newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado.

That the annexed legal notice or advertisement was published in the regular and entire issue of every number of said weekly newspaper for the period of 2 consecutive insertions; and that the first publication of said notice was in the issue of said newspaper dated Jan. 22 A.D. 1998 and that the last publication of said notice was in the issue of said newspaper dated Jan. 29 A.D. 1998.



Publisher

Subscribed and sworn to before me, a notary public in and for the State of Colorado, this 5 of Feb. A.D. 1998.



Notary Public

My Commission
expires 4-6-01

NOTICE OF HEARING

NOTICE is hereby given of a public hearing before the Board of Trustees of the Town of Ignacio, Colorado, at 6:45 p.m. of the 10th day of February, 1998, at the Town Hall located at 540 Goddard Avenue, Ignacio, Colorado for the purpose of considering the adoption by reference of the "Model Traffic Code for Colorado Municipalities," 1995 edition, as the Traffic Ordinance of the Town of Ignacio, Colorado.

Copies of the Model Code are on file at the office of the Town Clerk and may be inspected during regular business hours. If enacted as an ordinance of the Town, the Model Code will not be published in full, but in accordance with state law, copies will be kept on file and also made available for distribution and sale to the public.

The 1995 "Model Traffic Code for Colorado Municipalities" is published by the Colorado Department of Transportation, Staff Traffic and Safety Projects Branch, 4201 East Arkansas Avenue, Denver, Colorado 80222. The subject matter of the Model traffic Code relates primarily to comprehensive traffic control regulations for the town. The purpose of the Ordinance and the Code adopted therein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the state and the nation.

At its next regular meeting following this hearing, the Town Board will consider passage of the adopting Ordinance.

This notice given and published by the order of the Board of Trustees of the Town of Ignacio.

Dated the 13th day of January 1998.
THE TOWN OF IGNACIO, COLORADO
Published January 23, 29, 1998.

THE PINE RIVER TIMES
Bayfield, Colorado
STATE OF COLORADO)
) ss.
COUNTY OF LA PLATA)

I, Ann McCoy, do solemnly swear that I am Publisher of the PINE RIVER TIMES; that the same is a weekly newspaper printed, in whole or in part, and published in the County of La Plata, State of Colorado, and has a general circulation therein; that said newspaper has been published continuously and uninterruptedly in said County of La Plata for a period of more than fifty-two consecutive weeks next prior to the first publication of the annexed legal notice or advertisement, that said newspaper has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879, or any amendments thereof, and that said newspaper is a weekly newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado.

That the annexed legal notice or advertisement was published in the regular and entire issue of every number of said weekly newspaper for the period of one ~~consecutive~~ insertions; and that the ~~first~~ publication of said notice was in the issue of said newspaper dated Feb 19 A.D. 1998 and that the last publication of said notice was in the issue of said newspaper dated March 19 A.D. 1998.

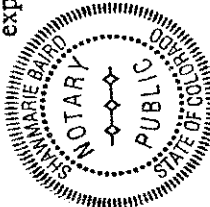
[Signature]
Publisher

Subscribed and sworn to before me, a notary public in and for the State of Colorado, this 28th of March A.D. 1998.

[Signature]
Notary Public

My Commission

expires Jan 23 2002



MY COMMISSION EXPIRES:
JANUARY 23, 2002

AN ORDINANCE FOR THE REGULATION OF TRAFFIC BY THE TOWN OF IGNACIO, COLORADO; ADOPTING BY REFERENCE THE 1995 EDITION OF THE "MODEL TRAFFIC CODE FOR

COLORADO MUNICIPALITIES;" REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO, COLORADO:

Section 1. Adoption. Pursuant to parts 1 and 2 of Article 16 of Title 31, C.R.S., as amended, there is hereby adopted by reference Articles I and II, inclusive, of the 1995 Edition of the "Model Traffic Code for Colorado Municipalities," promulgated and published as such by the Colorado Department of Transportation, Staff Traffic and Safety Projects Branch, 4201 East Arkansas Avenue, Denver, Colorado 80222. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the town. The purpose of this Ordinance and the Code adopted herein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations through the state and the nation. Three (3) copies of the Model Traffic Code adopted herein are now filed in the office of the Clerk of the Town of Ignacio, Colorado, and may be inspected during regular business hours.

Section 2. Deletions. The 1995 edition of the Model Traffic Code is adopted as if set out at length save and except the following articles and/or sections which are declared to be inapplicable to this municipality and are therefore expressly deleted: None.

Section 3. Additions or Modifications. The said Adopted Code is subject to the following additions or modifications:

Section 1701(1) is amended to read as follows:

It is a misdemeanor traffic offense for any person to violate any provision of this Code. It is the specific intent of the Board of Trustees to make any violation of this Code a criminal offense in accordance with the provisions of C.R.S. 42-4-110.

Section 4. Penalties. The following penalties, herewith set forth in full, shall apply to this Ordinance.

a) It is unlawful for any person to violate any of the provisions adopted in this Ordinance.
b) Every person convicted of a violation of any provision adopted in this Ordinance shall be punished by a fine not exceeding one thousand dollars (\$1,000.00), or by imprisonment not exceeding one (1) year, or by both such fine and imprisonment.

Section 5. Application. This Ordinance shall apply to every street, alley, sidewalk area, driveway, park, and to every other public way or public place or public parking area, either within or outside the corporate limits of this municipality, the use of which this municipality has jurisdiction and authority to regulate. The provisions of Sections 1401, 1402, 1412, and part of 16 of the adopted Model Traffic Code, respectively concerning reckless driving, careless driving, including a police officer, and accidents and accident reports shall apply not only to public places and ways but also throughout this municipality.

Section 6. Validity. If any part or parts of this Ordinance are for any reason held to be invalid such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid.

Section 7. Repeal. Existing or parts of ordinances covering the same matters as embraced in this Ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of the Ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this Ordinance.

Section 8. Interpretation. This Ordinance,

State's uniform system for the regulation of cities and traffic. Article and section headings of the Ordinance and adopted Model Traffic Code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any article or section thereof.

Section 9. Certification. The Town Clerk shall certify to the passage of this Ordinance and make not less than three (3) copies of the adopted Code available for inspection by the public during regular business hours.

PASSED BY THE BOARD OF TRUSTEES AFTER PUBLIC HEARING AND SIGNED THIS 10th DAY OF FEBRUARY, 1998.

THE TOWN OF IGNACIO, COLORADO
By /s/ Gerardo W. Silva
Mayor

ATTEST: By /s/ Yolanda T. Duran
Deputy Town Clerk
published February 19, 1998

**ORDINANCE #165
SALES TAX REVENUE REFINANCE &
IMPROVEMENT BONDS**

**(ORIGINAL ORDINANCE IS IN VINYL
BINDER WITH LEGAL PAPERWORK)**

ORDINANCE # 164

An ordinance appropriating additional sums of money to defray expenses in excess of amounts budgeted for the Town of Ignacio, Colorado.

WHEREAS, the Town's General Fund received \$54,812 in unanticipated revenues from franchise tax, building permits, trailer permits, peddler permits, overweight permits, Severance tax, court costs, Memorial Park donations, Camp Courage donations, County road & bridge, and miscellaneous revenues of CIRSA insurance refund not assured at the time of the adoption of the budget, and,

WHEREAS, the Town's Gas fund started the year with a healthy beginning balance of \$220,517 and received \$1,555 in unanticipated revenues from gas reconnect fees, interest income, and miscellaneous income not assured at the time of the adoption of the budget, and,

WHEREAS, the Town's General Fund expenses are expected to be \$124,133 higher than anticipated due to publication of legal notices, office equipment repair & maintenance, police postage, police uniforms, police overtime, police salaries due to hiring an additional officer, \$1,000 transfer to Irrigation Improvement Fund for negative beginning balance, and \$87,820 transfer to Capital Improvement Fund for negative beginning balance, property purchase, Shoshone Addition, not planned at the time of the preparation of the budget, and,

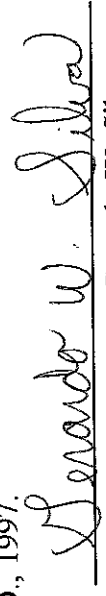
WHEREAS, the Town's Gas Fund expenses are expected to be \$59,783 higher than anticipated due to cost of gas supply for resale not planned at the time of the preparation of the budget.

NOW THEREFORE, be it ordained by the Town board of Trustees of the Town of Ignacio, Colorado:

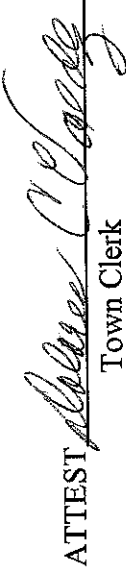
Section 1. That the 1997 appropriation for the General Fund is hereby increased from \$820,889 to \$945,022 for the purpose of publication of legal notices, office equipment repair & maintenance, police postage, police uniforms, police overtime, police salaries, \$1,000 transfer to Irrigation Improvement Fund to cover negative beginning balance, and \$87,820 transfer to Capital Improvement Fund for property purchase and Shoshone Addition expenses. The expenses will be covered by unanticipated revenues and beginning balance.

Section 2. That the 1997 appropriation for the Gas Fund is hereby increased from \$325,978 to \$385,761 for the purpose of gas supply for resale. The expenses will be covered by unanticipated revenues and beginning balance.

ADOPTED, this 19th day of December, A.D., 1997.



Mayor, Gerardo W. Silva



Town Clerk

DATE 12-19-97

ORDINANCE #163

AN ORDINANCE APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES, IN THE AMOUNTS AND FOR THE PURPOSES AS SET FORTH BELOW, FOR THE TOWN OF IGNACIO, COLORADO FOR THE 1998 BUDGET YEAR.

WHEREAS, the Board of Trustees has made provisions for revenues in an amount equal to or greater than the total proposed expenditures as set forth in said budget, and;

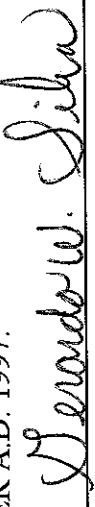
WHEREAS, it is not only required by law, but also necessary to appropriate the revenues provided in the budget to and for the purpose described below, so as not to impair the operation of the Town.


NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO, COLORADO;

Section 1. That the following sums are hereby appropriated from the revenues of each fund, to each fund, for the purpose stated.

GENERAL FUND:	
Current operating expenses:	\$620,620
Transfers:	\$155,085
Total:	\$775,705
CAPITAL IMPROVEMENT FUND:	\$327,380
IRRIGATION SYSTEM IMPROVEMENT FUND:	\$ 10,700
DEBT SERVICE FUND:	\$122,005
WATER FUND:	\$ 98,685
GAS FUND:	
Operating expenses:	\$446,435
CONSERVATION TRUST FUND:	\$ 27,100

ADOPTED THIS 9TH DAY OF DECEMBER A.D. 1997.


Gerardo W. Silva, Mayor

ATTEST: 
Town Clerk

TOWN OF IGNACIO

ZONING

ORDINANCE # 162

AND ZONE

DISTRICT MAP

ORIGINAL

TABLE OF CONTENTS
TOWN OF IGNACIO
ZONING ORDINANCE

8-1	GENERAL PROVISIONS
8-1-1	PURPOSE
8-1-2	TITLE
8-1-3	AUTHORITY FOR ORDINANCE
8-1-4	SEVERABILITY
8-1-5	INTERPRETATION
8-1-6	CONTINUATION OF EXISTING REGULATIONS
8-1-7	EXISTING USES
8-1-8	ORDINANCE MAY BE AMENDED
8-1-9	APPLICABILITY
8-1-10	NEW CONSTRUCTION AND NEW USES
8-1-11	CONFLICTS OF INTEREST
8-1-12	VESTED PROPERTY RIGHTS
8-1-13	VIOLATION
8-1-14	EACH DAY A SEPARATE OFFENSE
8-1-15	COMPLETION OF CONSTRUCTION
8-1-16	TIME LIMITS ON APPLICATIONS
8-1-17	REPEALS
8-2	ADMINISTRATION
8-2-1	PLANNING COMMISSION CREATED
8-2-2	BOARD OF ADJUSTMENT CREATED
8-2-3	RESPONSIBILITY OF TOWN STAFF
8-2-4	RESPONSIBILITY OF TOWN BOARD OF TRUSTEES

8-2-5 RESPONSIBILITY OF PLANNING COMMISSION

8-2-6 RESPONSIBILITY OF THE BOARD OF ADJUSTMENT

8-2-7 FILING WITH TOWN CLERK

8-2-8 OFFICIAL ZONING MAP

8-2-9 INTERPRETATION OF DISTRICT BOUNDARIES

8-2-10 APPEALS

8-2-11 FEES

8-3 REVIEW PROCEDURES FOR PROCESSING OF APPLICATIONS

8-3-1 REVIEW AND APPEAL PROCESS

8-3-2 PARTICIPANTS

8-3-3 PLANNING COMMISSION ACTION ON APPLICATIONS

8-3-4 COMMISSION MAY APPROVE SPECIAL AND PUBLIC USE PERMITS

8-3-5 WHEN GRANTING OF SPECIAL USE PERMITS IS NOT PERMITTED

8-3-6 TOWN BOARD OF TRUSTEES ACTION ON APPLICATIONS

8-3-7 BOARD OF ADJUSTMENT ACTION ON APPLICATIONS

8-3-8 PURPOSE OF VARIANCE

8-3-9 REQUIRED SHOWING FOR VARIANCE

8-3-10 VARIANCE MAY INCLUDE CONDITIONS

8-3-11 PETITIONERS STATEMENT OF JUSTIFICATION

8-3-12 VOIDING OF VARIANCE

8-3-13 REAPPLICATION FOR A VARIANCE

8-4 SUBMITTAL REQUIREMENTS FOR ALL APPLICATIONS UNDER THIS ORDINANCE

8-4-1 APPLICATION REQUIREMENTS

8-5 ZONING DISTRICTS

8-5-1 ESTABLISHMENT OF ZONING DISTRICTS

8-5-2 GENERAL CLASSIFICATION OF USES

8-5-3 PURPOSE AND INTENT OF EACH ZONING DISTRICT

8-5-4 TABLE OF PERMITTED USES

8-5-5 TABLE OF MINIMUM AND MAXIMUM DISTRICT STANDARDS

8-5-6 USES BY RIGHT

8-5-7 ACCESSORY USES AND STRUCTURES

8-5-8 SPECIAL USE

8-5-9 NONCONFORMING USES AND STRUCTURES

8-5-10 STANDARDS FOR ISSUANCE OF PERMITS

8-5-11 IMPOSITION OF PERMIT CONDITIONS

8-6 DEVELOPMENT STANDARDS

8-6-1 REQUIRED OFF-STREET PARKING

8-6-2 WALL, FENCE OR HEDGE MAY BE MAINTAINED

8-6-3 INTERSECTIONS

8-6-4 LOCATION OF ACCESSORY BUILDINGS

8-6-5 AREA REQUIREMENTS DEEMED MET

8-6-6 HOME OCCUPATIONS

8-6-7 STRUCTURES IN EXCESS OF HEIGHT LIMIT PERMITTED

8-6-8 YARD REGULATIONS

8-6-9 YARDS REQUIRED ON CORNER LOTS

8-6-10 THROUGH LOTS TO HAVE TWO FRONT YARDS

8-6-11 FRONT YARDS OF IMPROVED LOTS CONTROL

8-6-12 SET-BACK LINES MEASURED FROM PROPERTY LINES

8-6-13 IRREGULARLY SHAPED LOTS

8-6-14 PERMISSIBLE REDUCTION OF SIDE YARD

8-6-15 PERMISSIBLE COVERAGE OF REQUIRED REAR YARD

8-6-16 STRUCTURES PERMITTED TO INTRUDE INTO REQUIRED YARDS

8-6-17 FRONT YARD REQUIREMENTS DEEMED MET

8-6-18 MODIFICATIONS OF REQUIRED FRONT YARDS

8-6-19 LOTS NOT TO BE REDUCED IN SIZE BELOW MINIMUM
REQUIRED AREA

8-6-20 SEPARATE YARDS REQUIRED

8-6-21 PUBLIC UTILITY LINES

8-6-22 TEMPORARY REAL ESTATE OFFICES

8-6-23 USES IN AREA ANNEXED

8-6-24 MOBILE HOMES PROHIBITED IN BUSINESS DISTRICT

**CHAPTER EIGHT
TOWN OF IGNACIO
ZONING ORDINANCE**

8-1 GENERAL PROVISIONS

8-1-1 PURPOSE

This Ordinance is enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity, and welfare of the present and future inhabitants of the Town of Ignacio.

8-1-2 TITLE

The title of this Zoning Ordinance is "Town of Ignacio Zoning Ordinance" and may be so cited and pleaded. The short form "Ordinance" used herein refers in all instances to the aforesaid Ignacio Zoning Ordinance unless the context clearly indicates the contrary.

8-1-3 AUTHORITY FOR ORDINANCE

The Town of Ignacio Zoning Ordinance is authorized by the provisions of Article 23 of Title 31 of the Colorado Revised Statutes, as amended, and applies to all of the land within the Town of Ignacio.

8-1-4 SEVERABILITY

If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance is not affected thereby.

8-1-5 INTERPRETATION

Whenever provisions of this Ordinance are found to be inconsistent with any other regulation, the more restrictive standard shall control. The provisions of this Ordinance are minimum requirements that do not preclude imposition of more restrictive standards by agreement or by law.

8-1-6 CONTINUATION OF EXISTING REGULATIONS

The provisions of this Ordinance, insofar as they are substantially the same as existing Ordinances relating to the same subject matter, shall be construed as restatements and continuation of and not as new enactments.

8-1-7 EXISTING USES

The existing use or uses of all buildings, improvements and premises not in conformity with the standards or requirements of the zoning district in which they are located, in accordance with the provisions of this Ordinance, and which uses are legal, or for which permits or variances were granted under previous Ordinances, may continue as NON-CONFORMING USES as hereinafter defined, and subject to the provisions regulating such uses.

8-1-8 ORDINANCE MAY BE AMENDED

This Ordinance may be amended whenever public necessity, convenience and general welfare require.

8-1-9 APPLICABILITY

The provisions of this Ordinance are applicable not only to persons, firms, agencies and organizations, but also to all public agencies and organizations to the full extent that they may now or hereafter be enforceable in connection with the activities of any such public agency or organization.

8-1-10 NEW CONSTRUCTION AND NEW USES

All new construction, building, improvements, alterations, enlargements, or building movement undertaken after the effective date of this Ordinance; and all new uses or occupancy of premises within the Town shall conform with the requirements, character, and conditions as to use, height, area, parking and yard requirements laid down for each of the several zones as described in the following sections of this Ordinance. It shall be unlawful for any person to erect, construct, establish, occupy, alter, enlarge, or use, or to cause or permit to be executed, constructed, established, moved into, altered, enlarged or used, any building, structure, improvement or use of premises located in any zoning district described in this Ordinance contrary to the provisions of this Ordinance.

8-1-11 CONFLICTS OF INTEREST

Where any provision of the Colorado Revised Statutes, or of this regulation, requires an official action by a person who is also directly affected by the substance of such action or, in any other circumstance where a conflict of interest might reasonably exist. If needed, official action shall be performed by some other person duly qualified therefore and designated to so act by the Town Board of Trustees.

8-1-12 VESTED PROPERTY RIGHTS

Approval of a zoning or rezoning application, a subdivision, a permitted use or an improvement permit shall not establish a vested property right unless and until final approval thereof has been granted by the Town Board of Trustees or by the designated official allowed to grant such permit under the terms of this Ordinance.

8-1-13 VIOLATION

It shall be unlawful for any person, firm, or corporation, whether as principal, agent, employee, or otherwise, to violate or cause the violation of any of the provisions of this Ordinance and, upon conviction thereof, may be punished by a fine of not more than one thousand dollars (\$1000.00), or by imprisonment in the county jail for a term not exceeding ninety (90) days.

8-1-14 EACH DAY A SEPARATE OFFENSE

Each day during any portion of which any violation of this Ordinance is committed or continued by such person, firm, or corporation, shall constitute a separate offense and shall be punishable as provided herein.

8-1-15 COMPLETION OF CONSTRUCTION

Nothing herein contained shall require any change in plans, construction, or designated use of a building or structure for which a valid building permit has heretofore been issued and upon which actual construction has begun at the effective date of this Ordinance, or any amendment thereof, provided that such construction and/or proposed use of such building is not on said date in violation of any other Ordinance or law and further provided that such building or structure is completed within one year of such date. Construction is hereby defined to be the actual placing of construction materials in their permanent position fastened in a permanent manner, except that where a basement is being excavated such excavating shall be deemed to be actual construction, or where demolition or removal of an existing structure has been begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction.

8-1-16 TIME LIMITS ON APPLICATIONS

Under this Ordinance the Town shall establish time limits for all permits. The time limit for starting work after issuance of a permit is six months.

8-1-17 REPEALS

All Ordinances or portions of Ordinances in conflict with this Ordinance are hereby repealed.

8-2 ADMINISTRATION

In order to carry out the provisions of this Ordinance, a Planning Commission and a Board of Adjustment are created and administrative duties are delegated to the Town Board of Trustees, the Planning Commission and Town Staff.

8-2-1 PLANNING COMMISSION CREATED**1. Establishment**

The Town of Ignacio Planning Commission, hereinafter referred to as the Planning Commission or the Commission, is hereby established.

2. Membership

The Commission shall consist of five (5) qualified electors of the Town. These five shall be appointed by the Town Board of Trustees. The Town Board shall also appoint two (2) qualified electors of the Town to serve as alternate members of the Planning Commission. One or both alternate members shall sit on the Planning Commission in the absence of one or more regular members. In no case shall the Planning Commission consist of more than five (5) members for a formal Planning Commission meeting.

3. Term

Members of the Commission shall serve terms of four years and until their successors have been appointed. Terms shall be arranged so that the term of at least one member shall expire each year. The members of the first commission shall draw lots to establish each member's term.

4. Appointments

After investigating the interests and qualifications of the applicants, the Town Board shall appoint one or more of the applicants. The appointment shall be subject to ratification by majority vote of the Town Board.

5. Vacancies

A vacancy shall occur when a term is completed, when a member ceases to be a qualified elector or when a member resigns. Vacancies in mid-term shall be filled only for the unexpired portion of the term. Members may be reappointed if otherwise qualified.

6. Rules

- .1 The Commission shall elect from its appointed membership a Chairperson and a Vice Chairperson during the month of February each year. The Commission may have such other officers and committees as it deems appropriate.
- .2 The Commission shall establish a regular meeting time and place. It shall meet at least once each month.
- .3 The Commission shall post an agenda of its regular meetings at the Town Hall at least five days prior to the meeting. This will be in addition to any specific notice for individual items required by applicable statute, resolution or regulation.
- .4 A quorum shall consist of four (4) members. The affirmative vote of three (3) members shall be necessary to transact any business or to make any decision.
- .5 Any Commission member missing two consecutive regular meetings may be dismissed from the Commission by an affirmative vote of three (3) members.
- .6 The Commission may make other rules for the conduct of its business as it deems appropriate. The Commission shall also keep a record of its resolutions, transactions, findings and determinations which record shall be a public record.

7. Duties/Powers

The Commission shall function as and shall have all of the powers granted to the Planning Commission in Parts 2 and 3 of Title 31, Article 23, CRS 1973, as amended.

8-2-2 BOARD OF ADJUSTMENT CREATED**1. Creation**

A Board of Adjustment is hereby created which shall consist of five members appointed by the Town Board of Trustees, each to be appointed for a three year term. One member of the Board of Adjustment shall also be a member of the Planning Commission. One other member of the Board of Adjustment may also serve on the Planning Commission. The Town Board shall also appoint two alternate members who will sit on the Board of Adjustment in the absence of one or more regular members.

2. Duties and Powers

The Board of Adjustment shall be empowered and required to:

- .1 Meet at the request of the chairperson, by petition of at least three of the members, by request of the designated official or order of the Town Board of Trustees.
- .2 Permit the public to attend and to be heard at all of its meetings.
- .3 Make decisions on the formal granting of adjustments, variances or exceptions to requirements of this zoning Ordinance, and any other duties imposed by the Town Board.
- .4 Publish notice of, or cause to be published, at the expense of the applicants, in a local newspaper of general circulation. A hearing is to be conducted for every adjustment, variance or exception applied for under this Ordinance.
- .5 Notify the applicant, owner involved, the designated official, the Town Board of Trustees and the Planning Commission in writing of all decisions made, resolutions passed, hearings scheduled, or recommendations made.
- .6 Interpret this Ordinance including any uncertainty as to boundary location or meaning of words, so long as this interpretation is not contrary to the purpose and intent of this Ordinance.
- .7 Act only upon applications which state, in writing and accompanied by sufficient maps, diagrams and notations, what provision of this Ordinance is involved, what relief is being sought, and the grounds upon which such application is made.

- .8 Hear and decide appeals from and review any order, requirement, decision or determination made by any administrative official charged with the enforcement of any item under this Ordinance.
- .9 Act only upon matters which are not the granting of a use for a parcel of land or structure.

3. Decisions

The Board of Adjustment will study applications, hear evidence and testimony and make final decisions based on such information and can be appealed only to district court. Such appeal may be taken by any interested party, or by an official, department, Planning Commission or Town Board of Trustees in accordance with state law.

4. Vote Necessary

The concurring vote of four members of the Board of Adjustment will be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant any matter upon which it is required to pass under this Ordinance or to effect any variation in this Ordinance.

5. Administrative Review

To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the administrative officials in the enforcement of this Ordinance and may revise, affirm or modify any administrative action relative thereto. The concurring vote of four (4) members of the Board of Adjustment is necessary to reverse any order, requirement, decision or determination of any such administrative official or to decide in favor of the applicant any matter upon which it is required to pass under this Ordinance or effect any variation of this Ordinance.

8-2-3 RESPONSIBILITY OF TOWN STAFF

All departments, officials and public employees of the Town of Ignacio, vested with the authority to issue permits, shall conform to the provisions of this Ordinance and shall not issue permits, certificates or licenses for uses, buildings or premises in conflict with the provisions of this Ordinance. Any such permit, certificate or license issued in conflict with the provisions of this Ordinance shall be null and void. It shall be the duty of the Town Manager, or a duly authorized representative, to enforce the provisions of this Ordinance.

8-2-4 RESPONSIBILITY OF TOWN BOARD OF TRUSTEES

The Town Board of Trustees in addition to all other powers and duties has responsibility to hold required public hearings in a timely manner and to render final decisions on matters relating to the zoning and subdividing of land.

8-2-5 RESPONSIBILITIES OF PLANNING COMMISSION

In addition to all other powers and duties of the Planning Commission it shall have the following responsibility:

- .1 Planning Review - to review, study and recommend approval or denial to the Town Board of Trustees on matters of planning and all applications dealing with zoning, rezoning, annexation and subdivisions.
- .2 Special Use Permits - to hear and recommend to the Town Board of Trustees on such special and public use permits as the Planning Commission is specifically authorized by the terms of this Ordinance.
- .3 Establish Own Rules - The Planning Commission may establish its own rules for the conduct of public hearings. The person acting as Chairperson of the Planning Commission is hereby empowered to administer oaths to any person testifying at a hearing before the Planning Commission.

8-2-6 RESPONSIBILITY OF THE BOARD OF ADJUSTMENT

The Board of Adjustment shall hear all applications for variances and appeals presented to it for review, hold a public hearing and take appropriate action.

8-2-7 FILING WITH TOWN CLERK

Upon the adoption of any regulation pursuant to this Ordinance, or maps showing a subdivision or vacation plat, zoning district, or a development plan, a certified copy of the same shall be filed in the Office of the Town Clerk, not later than 24 hours after the amendment becomes effective, which copies are available for public inspection.

All amendments to and changes in the Official Zoning Map shall be drawn at the end of each fiscal year upon a copy of the Official Zoning Map. No changes shall be made upon the Official Zoning Map that have not been enacted by the Town Board of Trustees of the Town of Ignacio.

8-2-8 OFFICIAL ZONING MAP

Zoning districts established by this Ordinance are bounded and defined as shown on the Official Zoning Map of the Town of Ignacio, which, together with all explanatory materials contained thereon, are hereby made a part of this Ordinance.

Copies of the official zoning map shall be available to the public for a fee established by the Town.

8-2-9 INTERPRETATION OF DISTRICT BOUNDARIES

The following rules are to be used to determine the precise location of any zone district boundary shown on the Official Zoning Map of the Town of Ignacio:

- .1 Boundaries shown as following or approximately following the Town limits are construed as following such limits.
- .2 Boundaries shown as following or approximately following streets and roads are construed to follow the centerline of such streets and roads.
- .3 Boundary lines which follow or approximately follow platted lot lines, or other property lines as shown on tax maps are construed as following such lines.
- .4 Boundaries shown as following or approximately following section lines, half-section lines, or quarter-section lines are construed as following such lines.
- .5 Boundaries shown as separated from, and parallel or approximately parallel to, any of the features listed in paragraphs .1 through .4 above are construed to be parallel to such features and at such distances therefrom as are shown on the map.
- .6 If the zoning districts which apply to a specific property cannot be determined by an applicant, the zoning official shall make the determination on a case by case basis. The applicant shall provide all information needed to make the determination, such as a property survey and proof of ownership. If the zoning official is unable to make such determination or has a conflict of interest, the Planning Commission shall make the determination.

8-2-10 APPEALS

The decision of the designated official in the processing of an application for any permit, or the issuance of an improvement or use permit, or the inspection of premises, or the issuance of a Stop Work Order or the issuance of a Certificate of Occupancy, or the failure to issue any such permit, order or certificate may be appealed by the applicant, the applicant's agent or any other individual or party to the following authorities:

- .1 If the appeal involves a question relating to Town regulations or requirements other than this zoning ordinance, a hearing shall be held by the Town Board of Trustees.
- .2 If the appeal involves a question relating to a zoning variance or any other provision of this Ordinance, the appeal is directed to the Board of Adjustment.

8-2-11 FEES

Fees charged for applications under this Ordinance shall be established by the Town Board of Trustees under separate Ordinance after review by the Planning Commission. The fees may be changed from time to time by the Town Board of Trustees for reasons such as the cost of processing applications.

8-3 REVIEW PROCEDURES FOR PROCESSING OF APPLICATIONS

8-3-1 REVIEW AND APPEAL PROCESS

The establishment of this Review Process is to guarantee a uniform means by which the Town Board of Trustees, its duly constituted Planning Commission and the Board of Adjustment may review, study, accept or reject requests for zoning, rezoning, special use review, approval of subdivision sketch plan, subdivision preliminary plat and subdivision final plat.

8-3-2

PARTICIPANTS

The processes of this Ordinance shall be administered, exercised and enforced by the administrative official or officials given specific duties and responsibility by the various sections of this Ordinance. The Planning Commission and the Town Board of Trustees shall review applications and make recommendations and decisions to carry out the intent of this Ordinance:

- .1 Parties who are required to participate in the Review Process of this Ordinance are:
 - (1) Those who propose a text change, a zoning map change, a subdivision, or a special use approval.
 - (2) Those applicants requesting a variance or wishing to appeal any subject covered by this Ordinance.
- .2 Parties who may participate in the Review Process of this Ordinance are:
 - (1) Those who wish to seek clarification or interpretation of this Ordinance as it may relate to specific plans.
 - (2) Those who wish to present plans for information, comment or action from the Planning Commission, when not otherwise required to appear by this Ordinance.

8-3-3

PLANNING COMMISSION ACTION ON APPLICATIONS

All applications which require review and action by the Planning Commission shall be processed using the following procedures:

- .1 Upon receipt of a valid application the staff shall investigate the facts bearing upon the application and issue a report stating the staffs findings and recommendations.
- .2 The application shall be set for the Planning Commission agenda or a public hearing not less than 15 days nor more than 40 days from the time of filing of the application.
- .3 Notice of time and place of a public hearing shall be given in such manner as may be directed by the Commission. Notice of the public hearing shall be mailed to the owners, as shown by the records of the County Assessor, of lots or land within the area proposed to be changed by a zoning regulation and within 100 feet, excluding public right-of-way, of the area of the

proposed change. The Planning Commission shall conduct a duly advertised public hearing, public notice of which shall be given by publication of a notice of such hearing at least once in a newspaper having a general circulation in the Town, such notice to be published not less than fifteen (15) days prior to the hearing.

.4 A hearing is held on the advertised date. All pertinent information is entered into the record and when the Commission believes that all information needed to make a decision has been received, the hearing is closed.

Hearings may be continued. If for any reason, testimony on any matter set for public hearing cannot be completed on the days set for such hearings, the Commissioner presiding at such public hearings may, before the adjournment or recess thereof, publicly announce the time and place to, and at which, said hearing shall be continued and no further notice shall be required.

.5 The Planning Commission shall announce its findings by formal resolution not more than ten (10) days following the conclusion of the final hearing on any application and said resolution shall recite, among other things, the facts and reasons which, in the opinion of the Commission, make the approval or denial of the application necessary to carry out the general purposes of this Ordinance, and shall recommend to the Town Board of Trustees approval or denial of the application. The Planning Commission shall notify the applicant by forwarding a copy of said resolution. The said resolution together with the complete file in the case shall be sent to the Town Board of Trustees.

.6 A summary of all pertinent testimony offered at public hearings in connection with an application filed pursuant to provisions of this Ordinance, and the names and addresses of persons testifying at all public hearings before the Planning Commission may be recorded and made a part of the permanent files of the case.

8-3-4 COMMISSION MAY APPROVE SPECIAL AND PUBLIC USE PERMITS

Permits for uses specifically listed as special uses in this Ordinance, and for other uses which the Planning Commission finds it impractical or impossible to classify specifically as to usage, may be recommended by the Planning Commission to be granted by the Town Board of Trustees under the procedures stated in this Ordinance.

8-3-5 WHEN GRANTING OF SPECIAL USE PERMITS IS NOT PERMITTED

The Planning Commission shall not recommend the approval or granting of any Special Use Permit for any use which:

- .1 Is specifically permitted by the provision of this Ordinance in a zone which is less restrictive than the zone in which the property on which the permit requested is located.
- .2 Can, under provisions of this Ordinance, be specifically classified as a residential, commercial or industrial use.

8-3-6 TOWN BOARD OF TRUSTEES ACTION ON APPLICATIONS

All applications which require action by the Town Board of Trustees shall be processed using the following procedure:

- .1 Upon receipt of a recommendation from the Planning Commission, the Town shall set for the Town Board of Trustees agenda or a public hearing not less than 15 days nor more than 40 days from the time of the Planning Commission action.
- .2 A hearing is held on the advertised date. All pertinent information is entered into the record, when the Town Board of Trustees believes that all information needed to make a decision has been received the hearing is closed. Hearings may be continued. If for any reason, testimony on any matter set for public hearing cannot be completed on the days set for such hearings, the Mayor may, before the adjournment or recess thereof, publicly announce the time and place to, and at which, said hearing shall be continued and no further notice shall be required.
- .3 The Town Board of Trustees shall announce its findings by formal resolution not more than ten (10) days following the conclusion of the final hearing on any application or appeal and said resolution shall recite, among other things, the facts and reasons which, in the opinion of the Town Board of Trustees, make the approval or denial of the application necessary to carry out the general purposes of this Ordinance.

Within seven (7) days from the date of such action, the Town Board of Trustees shall notify the applicant by forwarding a copy of said resolution.

- .4 The decision of the Town Board of Trustees shall be final and conclusive; provided, however, that in cases where the Planning Commission's action has been a denial of a special use permit, the Town Board of Trustees shall not grant a special use permit nor eliminate or modify any condition imposed by the Planning Commission except upon order of the Board of Trustees passed by not less than three-fourths (3/4) of all members thereof.

8-3-7 BOARD OF ADJUSTMENT ACTION ON APPLICATIONS

All applications which require action by the Board of Adjustment shall be processed using the following procedure:

- .1 Upon receipt of an application, the Board of Adjustment shall set a public hearing date, not less than 15 days nor more than 40 days from the receipt of the application.
- .2 A hearing is held on the advertised date. All pertinent information is entered into the record, when the Board of Adjustment believes that all information needed to make a decision has been received the hearing is closed.

Hearings may be continued. If for any reason, testimony on any matter set for public hearing cannot be completed on the days set for such hearings, the chairperson may, before the adjournment or recess thereof, publicly announce the time and place to, and at which, said hearing shall be continued and no further notice shall be required.
- .3 The Board of Adjustment shall announce its findings by formal resolution not more than ten (10) days following the conclusion of the final hearing on any application and said resolution shall recite, among other things, the facts and reasons which, in the opinion of the Board of Adjustment, make the approval or denial of the application necessary to carry out the general purposes of this Ordinance.

Within seven (7) days from the date of such action, the Board of Adjustment shall notify the applicant by forwarding a copy of said resolution.
- .4 The decision of the Board of Adjustment shall be final and conclusive.

- .5 A summary of all pertinent testimony offered at public hearings in connection with an application filed and the names and addresses of persons testifying shall be recorded and made a part of the permanent files of the case.

8-3-8 PURPOSE OF VARIANCE

The sole purpose of any variance shall be the modification of the specific regulations of this Ordinance and shall be for the purpose of assuring that no property, because of unique circumstances applicable to it, shall be deprived of any privileges commonly enjoyed by other properties in the same vicinity and zone.

8-3-9 REQUIRED SHOWING FOR VARIANCE

Before any variance may be granted, it shall be shown:

- .1 That there are exceptional or extraordinary circumstance or conditions applicable to the property.
- .2 That such a variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone, and denied to the property in question.
- .3 That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity.

8-3-10 VARIANCE MAY INCLUDE CONDITIONS

Variances may be granted upon such conditions and limitations and for such periods of time as the Board of Adjustment shall deem to be reasonable and necessary or advisable under the circumstances so that the objective of this Ordinance shall be achieved.

8-3-11 PETITIONERS STATEMENT OF JUSTIFICATION

Each application for a variance shall be accompanied by a written statement of facts by the petitioner, showing why, in the opinion of the petitioner, the granting of said variance is necessary.

8-3-12 VOIDING OF VARIANCE

Each variance recommended and granted under the provision of this Ordinance shall become null and void unless:

- .1 The construction or use of said variance shall have been commenced within six (6) months after the granting of said variance and pursued diligently to completion.
- .2 All conditions under which said variance was granted are complied with in their entirety.

8-3-13 REAPPLICATION FOR A VARIANCE

No reapplication for a variance which has been denied shall be filed earlier than six (6) months after the date of such denial unless special authority to do so has been granted by the Planning Commission or by the Town Board of Trustees. Any reapplication shall be considered a new request.

8-4 SUBMITTAL REQUIREMENTS FOR ALL APPLICATIONS UNDER THIS ORDINANCE

8-4-1 APPLICATION REQUIREMENTS

A uniform application is utilized for every process under this Ordinance. However, additional information is required at each level of a multi-level application such as a subdivision. Each and every application under this Ordinance shall include, or be accompanied by, the following information:

- .1 The name, mailing address, street and telephone numbers of:
 - (1) The applicant for the permit.
 - (2) The owner of the property upon which the improvement or use is to take place.
 - (3) Any agents authorized to act on behalf of the owner or the applicant.
 - (4) Any contractor retained or to be retained to accomplish any portion of the improvement.
- .2 Proof of ownership of the property in question and concurrence in the purpose of the application by the owner.
- .3 Legal description of the property in question, to include:
 - (1) Survey number, tract number or other recorded identifying number of the parcel.
- .4 Current zoning classification of the parcel.
- .5 A copy of a certified survey plat may be required or a plan upon which the applicant shall provide by sketch. If a certified sketch is not provided, the applicant must submit a sketch plan which is signed by all adjacent property owners and which may be verified by the Town.

- (1) The relative location of existing and proposed improvements, buildings, structures, roads, driveways, parking, ditches, utilities, fences, and other significant features.
- .6 A written description of the nature of the improvement planned if any.
- .7 Architect's drawings or engineer's drawings, floor plans and diagrams as may be required by the Uniform Building Ordinance and related Ordinances as adopted.
- .8 Proof that a request for a driveway permit has been submitted to the Colorado Department of Highways, if a new access road or driveway to the property intersects with a state highway.

8-5 ZONING DISTRICTS

8-5-1 ESTABLISHMENT OF ZONING DISTRICTS

The Town of Ignacio, State of Colorado, is hereby divided into zoning districts of such number and character as are necessary to achieve compatibility of uses within each district, to implement the Town of Ignacio Comprehensive Plan and related official plans and the Official Zoning Map of the Town of Ignacio, and to serve the other purposes of this Ordinance.

Except as provided in this chapter, no building shall be erected, reconstructed, or structurally altered, nor shall any building or land be used for any purpose other than is specifically permitted in the same zone in which such building is located.

8-5-2 GENERAL CLASSIFICATION OF USES

Uses not enumerated are included within a general use description. The rule is that unless a use is specifically listed it is included in the use term with a more general meaning. The official responsible for administration of this Ordinance shall determine the appropriate classification of a use not listed. Appeal may be made to the Planning Commission. An administrative decision related to a use may be appealed and is reviewed using the same procedure as those for an amendment to the text of this Ordinance.

8-5--3 PURPOSE AND INTENT OF EACH ZONING DISTRICT

1. Single Family Residential District R1
The intent of this district is to provide an area in which only single family homes are permitted.
2. Multi-Family Residential District R2
The intent of this district is to provide an area in which apartment units are permitted as well as single family homes.
3. Mobile Home Residential District R3
The intent of this district is to provide an area where mobile homes are permitted in a subdivision or in a mobile home park. Single family homes are also permitted.
4. Business District B1
The intent of this district is to provide an area where all retail and commercial uses are permitted.
5. Industrial District I1
The intent of this district is to provide an area for industry and distribution uses which can be accommodated inside a structure without odor, smoke or glare.
6. Agricultural District A
The intent of this district is to provide an area with agricultural uses except for feed lots and dairies. Also permitted in this district are residential homes on large lots.

8-5-4 TABLE OF PERMITTED USES

DISTRICT
Single Family Residential (R-1)Use by Right

Single family dwelling, church, school, park and recreation facility, utility distribution system facility.

Accessory Use Permitted (Permit Required)

Garage, storage building, home occupation.

Special Use Permitted

Home occupation with non-occupant employees.

Multi-Family Residential (R-2)

Use by Right

Multi-family dwelling, single family dwelling, church, school, park and recreation facility, utility distribution system facility.

Accessory Use Permitted (Permit Required)

Garage, storage building, home occupation.

Special Use Permitted

Mini-storage facility. Mobile home as principal use. Mobile home as accessory use. Parking lot. Home occupation with non-occupant employees.

Mobile Home Residential (MH)

Use by Right

Mobile home, single family dwelling, mobile home park, church, school, park and recreation facility, utility distribution system facility.

Accessory Use Permitted (Permit Required)

Garage, storage building, home occupation

Special Use Permitted

None.

DISTRICT
Business (B)

Use by Right

Any establishment where goods are offered for retail sale, professional or personal services performed, items repaired or serviced, financial institution, office, and other enterprises of a similar nature. Utility distribution system facility.

Accessory Use Permitted (Permit Required)

Garage, storage building.

Special Use Permitted

Light industrial use. Accessory dwelling unit.

Industrial (I)

Use by Right

All processes involving manufacturing, fabrication, assembly, wholesaling and storage of any product, produce, item etc. Any utility production or distribution facility.

Accessory Use Permitted (Permit Required)

Garage, storage building.

Special Use Permitted

Retail business. Accessory dwelling unit.

Agricultural (A)

Use by Right

All agricultural uses except feed lots and dairies. Single family dwelling.

Accessory Use Permitted (Permit Required)

Garage, storage building, barn, pen, shed.

Special Use Permitted

Sale of agricultural products produced on premises.

8-5-5 TABLE OF MINIMUM AND MAXIMUM DISTRICT STANDARDS

Type of Minimum Standard	ZONE DISTRICTS					A
	R-1	R-2	MH	B	I	
Minimum land area for each lot	6000 sf	6000 sf	6000 sf	6000 sf	6000 sf	2 ac
Minimum land area for each dwelling unit	6000 sf	3000 sf	4000 sf	2000 sf	6000 sf	2 ac
Minimum width	60'	50'	50'	50'	60'	150'
Minimum depth	100'	100'	100'	100'	100'	150'
Minimum front yard setback	20'	20'	20'	20'	10'	25'
Minimum rear yard setback	20'	20'	20'	15'	20'	100'
Minimum side yard setback	6'	5'	5'	5'	6'	25'
Minimum street frontage for each lot	60'	50'	50'	50'	60'	150'
Minimum parking spaces per dwelling	2	2	2	2	2	2
Minimum open space required	50%	40%	40%	30%	20%	90%
MAXIMUM STANDARD						
Maximum height	24'	24'	24'	24'	24'	24'
Maximum lot coverage by structure	30%	30%	30%	40%	60%	10%

8-5-6 USES BY RIGHT

The uses permitted in each zoning district correspond to the characteristics of that district. The uses are intended to be consistent with, and do the least possible harm to, the particular environment of the district. Any use not specifically permitted in any zoning district is prohibited unless a rezoning application is submitted and approved in accordance with this Ordinance.

8-5-7 ACCESSORY USES AND STRUCTURES

Accessory uses and structures are permitted in all zoning districts. Accessory uses and structures may be subject to other sections of this or other regulations.

8-5-8 SPECIAL USE

Each zone district allows certain special uses which are listed in this Ordinance. A request for a special use must be submitted and approved by the Town in the same manner as a rezoning request.

The review by the Town will include special attention to insuring that the use and the design of the use are compatible with adjacent uses. The Town may impose conditions in the approval of any special request.

8-5-9 NONCONFORMING USES AND STRUCTURES

The lawful use of any building or structure or the lawful use of any land, as existing and lawful at the time of adoption of this Ordinance, or, in the case of an amendment to this Ordinance, at the time of such amendment, may be continued, subject to the limitations set forth in the following paragraphs. Dwellings which exist at the time of passage of this Ordinance which are located in an area designated for future residential use are conforming uses. The following provisions of this Ordinance shall apply to buildings, structures, land and uses which are now non-conforming and those which hereafter become non-conforming due to any reclassification of zones or land under this Ordinance:

- .1 EXPANSION OR ENLARGEMENT: The expansion or enlargement of a nonconforming structure shall be considered a structural alteration and shall be required to conform with the provisions of this Ordinance.

A nonconforming activity may be extended throughout any part of a structure which was arranged or designed for such activity at the time of enactment of this Ordinance.

.2 REPAIRS AND MAINTENANCE: The following changes or alterations may be made to a nonconforming structure or to a conforming structure housing a nonconforming use:

Maintenance repairs that are needed to maintain the good condition of a structure, except that if a structure has been officially condemned, it may not be restored under this provision.

Any structural alteration that would reduce the degree of nonconformance or change the use to a conforming use.

The addition of a solar energy device to such structure.

.3 RESTORATION OR REPLACEMENT: If a structure having a nonconforming use is destroyed or damaged in any manner, to the extent that the cost of restoration to its condition before the occurrence exceeds fifty (50) percent of the cost of reconstructing the entire structure, it may be restored only if any future use housed within the structure complies with the requirements of this Ordinance.

If a nonconforming structure is destroyed or damaged in any manner to the extent that the cost of restoration to its condition before the occurrence exceeds seventy-five (75) percent of the cost of reconstructing the entire structure, the structure may be restored only if it complies with the requirements of this Ordinance.

Where a conforming structure devoted to a nonconforming use is damaged less than fifty (50) percent of the cost of reconstructing the entire structure; or where a nonconforming structure is damaged less than seventy-five (75) percent of the cost of reconstructing the entire structure, either may be repaired or restored, provided any such repair or restoration is started within twelve (12) months and completed within eighteen (18) months from the date of partial destruction.

The cost of land or any factors other than the cost of the structure are excluded in the determination of cost of restoration for any structure or activity devoted to nonconforming use.

.4 DISCONTINUANCE: Whenever a nonconforming use has been discontinued for a period of six (6) months, it shall not thereafter be re-established, and any future use shall be in conformance with the provisions of this Ordinance.

- .5 **NONCONFORMING LOTS:** Nonconforming lots of record at the time of passage of this Ordinance may be built upon providing that all other relevant district requirements are met.
- .6 **CHANGE IN NONCONFORMING USE:** A nonconforming use of a structure or lot may not be changed to another nonconforming use. A nonconforming use of a structure or lot may be changed to a conforming use.

8-5-10 STANDARDS FOR ISSUANCE OF PERMITS

A permit shall be issued by the Town when the Town finds that the applicant has sustained the burden of proof that the proposed development, activity or use including best management practices, if any, does not present or create an adverse effect on the community. Such a permit shall be denied when the Town determines that the applicant has not sustained such burden of proof.

8-5-11 IMPOSITION OF PERMIT CONDITIONS

The Town may prescribe any conditions it deems necessary upon issuing an improvement or use permit. Such conditions may also be imposed in order to mitigate any adverse impact and may be enforced by requiring the applicant to post a bond, cash, or acceptable letter of credit sufficient to assure that mitigation shall occur within a specified time period.

Permits for construction shall be issued only on the basis of the approved plan. Any changes in the approved final plan shall be submitted for review.

8-6 DEVELOPMENT STANDARDS**8-6-1 REQUIRED OFF-STREET PARKING**

1. Every land area, building, or portion of building, hereafter erected, maintained or used for any purpose shall be provided with permanently maintained parking space as provided in this section, and such parking space shall be made permanently available and be permanently maintained for parking purposes.
 - .1 Existing business structures located on parcels of land within a business district may receive credit for required parking for qualified curbside parking. To qualify, the parking space must be on street frontage adjacent to the lot on which the business is located, must be 20 feet in length and meet all on street parking requirements.
2. Parking Spaces Required. The number of off-street parking spaces required shall be no less than as set forth in the following:

USE

PARKING SPACES
REQUIRED

Hotels, motels, lodges, rooming houses, fraternities and sororities	1 for each sleeping unit or dwelling unit
Banks, business or professional offices	1 for each 400 square feet of gross floor area
Bowling alleys	4 for each alley
Churches and accessory uses	1 for each 6 seats, or if there are no fixed seats, then 1 for each 100 square feet of floor space used for assembly purposes
Dwellings and duplexes	2 for each dwelling unit
Apartments	2 for each dwelling unit
Establishments for the sale and consumption on the premises of food and beverages	1 for each 100 square feet of gross floor area
Having less than 4000 square feet of floor area	
Having 4000 or more square feet of floor area	40 plus 1 for each 40 square feet of gross floor area in excess of 4000 square feet
Furniture and appliance stores, hardware stores, household equipment, service shops, clothing or shoe repair, personal service shops	1 for each 600 square feet of gross floor area
Hospitals	1 for each bed
Libraries	1 for each 250 square feet of gross floor area
Manufacturing uses	1 for each 800 square feet of gross floor area
Medical and dental clinics and medical professional offices	1 for each 150 square feet of gross floor area
Mortuaries	1 for each 50 square feet of floor area of assembly rooms used for services

Motor vehicle, machinery sales or wholesale stores	1 for each 1000 square feet of gross floor area
Offices not providing customer service on the premises	1 for each 400 square feet of gross floor area
Retail stores except as otherwise specified herein	1 for each 300 square feet of gross floor area up to 5000 square feet; then 1 for each 200 square feet of all gross floor area exceeding 5000 square feet
Sanitariums, nursing homes	1 for each 3 beds
High Schools	1 for each employee plus 1 for every 5 students
Schools, Other	1 for each employee
Sport field without bleachers	1 for each 2 players
Stadium, sports arenas, auditoriums and other places of public assembly and clubs and lodges having no sleeping quarters	1 for each 5 seats or 1 for each 100 square feet of gross floor area used for assembly without fixed seats
Swimming pools	1 for each 10 persons based on the capacity load (pool area under 5 feet in depth divided by 30 persons equals capacity load)

The agricultural district permits the parking of all vehicles used in agricultural activities carried out on the same parcel.

3. Parking Requirements for Uses Not Specified. Where the parking requirements for a use are not specifically defined herein, the parking requirements for such use shall be determined by the Planning Commission and such determination shall be based upon the requirements for the most comparable use specified herein.
4. Parking Provisions May Be Waived by Commission. The Planning Commission may, by resolution, waive or modify the provisions as herein set forth establishing required parking areas for uses such as electrical power generating plants, yards, or other uses of a similar or like nature occupied by a very limited number of persons.

5. General Requirements. The following general requirements shall apply:

.1 Size and Access.

Each off-street parking space shall have an area of not less than one hundred eighty (180) square feet exclusive of drives or aisles, and a width of not less than nine (9) feet. Each space shall be provided with ingress and egress.

.2 Location.

In the event permanently maintained off-street parking facilities on a non-contiguous parcel are to be provided by private parties, said facilities shall be located as hereinafter specified. Where a distance is specified, such distance shall be the walking distance measured from the nearest point of the parking facility to the nearest point of the building that such facility is required to serve:

(1) For all dwellings parking facilities shall be located on the same or a contiguous lot or building site.

(2) For uses other than those specified above, not over two hundred (200) feet from the building being served.

.3 Mixed Occupancies in a Building.

In the case of mixed uses in a building or on a lot, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use except as hereinafter specified for joint use.

.4 Joint Use.

The Planning Commission, may, upon application authorize the joint use of parking facilities by the following uses or activities under the conditions specified herein:

(1) Up to fifty percent (50%) of the parking facilities required by this section for a use considered to be primarily a daytime use may be provided by the parking facilities of a use considered to be

reciprocal parking area shall be subject to conditions set forth in paragraph (2) below.

(2) Conditions required for joint use:

The building or use for which application is being made for authority to utilize the existing off-street parking facilities provided by another building or use shall be located within one hundred fifty (150) feet of such parking facility.

The applicant shall show that there is no substantial conflict in the principal operating hours of the buildings or uses for which the joint use of an off-street parking facility is proposed.

Parties participating in the joint use of an off-street parking facility shall evidence agreement for such joint use by a proper legal instrument approved by the Town Attorney as to form and content. Such instrument when approved as conforming to the provisions of this Ordinance, shall be recorded in the office of the County Clerk and copies thereof filed with the Town Clerk and the Planning Commission.

6. Required Improvement and Maintenance of Parking Area. Every lot used as a public or private parking area shall be developed and maintained in the following manner:

.1 Minimum Design Standards: Off-street parking areas shall be so designed as to conform to the following minimum requirements:

(1) Parking stalls shall be not less than 9' by 20'.

(2) Aisles for circulation shall be:

For parallel parking - 12 feet wide

For 30 and 45 parking - 15 feet wide

For 60 parking - 18 feet wide

For 90 parking - 24 feet wide

(3) Ingress to and from required off-street parking areas shall be so designed as to eliminate any necessity of backing from said parking area into any public right-of-way.

- (4) Circulation aisles within required off-street parking areas shall be so designed as to eliminate any necessity of vehicles entering a public right-of-way when passing from one aisle to another.
- (5) In the case of required off-street parking areas on interior lots having access to but one public right-of-way and having such narrow width as to permit only one aisle for both ingress and egress, said aisle shall be made not less than eighteen (18) feet in width and shall be terminated on the side of the parking area furthest from the ingress-egress point by a turning area having a minimum radius of twenty (20) feet.
- (6) Single direction entrances and exits shall have a minimum width of fourteen (14) feet and combined entrances-exits shall have a minimum width of twenty-six (26) feet.
- (7) All entrances, exists and parking stalls shall be clearly marked, and directional marking showing permissible traffic flow shall be placed in all aisles.

.2 Surfacing: Off-street parking areas shall be paved or otherwise surfaced and maintained so as to eliminate dust or mud and shall be so graded and drained as to dispose of all surface water. In no case shall such drainage be allowed across sidewalks. Surface material shall be approved by the Town.

In addition to requirements .1 and .2 above, every parking lot, either public or private, having a capacity of five or more vehicles shall be developed and maintained as follows:

.3 Border, Barricades, Screening and Landscaping:

- (1) Every parking area that is not separated by a fence from any street or alley property line upon which it abuts, shall be provided with a suitable concrete curb or timber barrier not less than six (6) inches in height, located not less than two (2) feet from such street or alley property lines and such curb or barrier shall be securely installed and maintained; provided no such curb or barrier shall be required across any driveway or entrance to such parking area.
- (2) Every parking area abutting property located in one of the R zones shall be separated from such property by a solid wall, view-obscuring fence or

compact evergreen hedge six (6) feet in height measured from the grade of the finished surface of such parking lot closest to the contiguous R zone property, provided that along a required front yard fence, wall, or hedge shall not exceed forty-eight (48) inches in height. No such wall, fence, or hedge shall be provided where the elevation of that portion of the parking area immediately adjacent to an R zone is six (6) feet or more below the elevation of such R zone property along the common property line.

(3) Any lights provided to illuminate any public parking area, semi-public area, or car sales area, permitted by this Ordinance shall be so arranged as to reflect the light away from any premise upon which a dwelling unit is located.

8-6-2 WALL, FENCE OR HEDGE MAY BE MAINTAINED

No fence, wall, or hedge shall be permitted which exceeds the following height limits above the existing ground level:

- .1 Between an abutting front or side street and the minimum distance the nearest main building is required to set back from such street forty-two inches (42).
- .2 Elsewhere: six feet (6).
- .3 Fences or structures over eight feet (8) in height, to enclose a tennis court or other game area within the rear half of the lot, shall be composed of wire mesh or steel mesh, capable of admitting ninety percent (90) of light as measured on a reputable light meter. Such fences shall be permitted to extend to the rear and side lines of the lot if, after investigation by the Planning Commission, it is the opinion of the Commission that such an enclosure shall not constitute a nuisance to abutting property. Said Commission opinion shall be in written form and shall be made a part of the Commission's Official Records.
- .4 No obstruction between three (3) and eight (8) feet above the street level shall be placed or maintained within a triangular area bounded by the street property lines of the corner lot and a line connecting the points twenty-five (25) feet distant from the intersection of the property lines of such lot.

8-6-3**INTERSECTIONS**

Intersections shall be designed with adequate corner sight distance. Corner sight distance is defined as measured from a point on the centerline of the right-hand travel lane of the minor road at least fifteen (15) feet from the edge of a major road pavement and measured from a height of three and three-fourths (3 3/4) feet on the minor road to a height of object of four and one-half (4 1/2) feet on the centerline of the travel lanes of a major road. The corner sight distance for local and collector streets shall be a minimum of two hundred (200) feet. On arterial streets, corner site distance shall be three hundred fifty (350) feet. In addition to the corner sight distance requirement, no fence, wall, entrance, hedge, shrub planting, tree or other sight obstruction greater than two and one-half (2 1/2) feet above the pavement elevation shall be located within the triangular area formed by curblines and a line connecting them at points thirty-five (35) feet from their point of intersection.

8-6-4**LOCATION OF ACCESSORY BUILDINGS**

Detached accessory buildings in any zone shall conform to the following regulations as to their location on the lot or building site:

- .1 They may be constructed anywhere the main building would be permitted.
- .2 They shall not be closer than ten feet (10) to the main building or to any other accessory building, except that private garages and carports may be closer to the main building than ten feet (10) if adjoined to the main building by an enclosed walkway or an open breezeway.
- .3 They may be constructed in a required rear yard provided they occupy no more than forty percent (40%) of the required rear yard area.

8-6-5**AREA REQUIREMENTS DEEMED MET**

Any lot or building site shall be deemed to meet the minimum area requirements of the zone in which it is located when:

- .1 It existed as an entire lot, or as an entire parcel, for which either a deed was of record in the office of the County Clerk or a bona fide contract of sale was in full force and effect prior to the effective date of this Ordinance.
- .2 The owner thereof owns no adjoining land, and

covered by a building or group of buildings, or when two (2) or more such lots are used as a single building site, such lots shall constitute a single building site and the yard spaces as required by this Ordinance shall then not apply to such common boundary line.

8-6-9 YARDS REQUIRED ON CORNER LOTS

In any residential zone, as defined in this Ordinance, in case of a corner lot abutting upon two (2) streets, all buildings shall have a minimum setback of ten (10) feet from the side lot line adjacent to the side street.

8-6-10 THROUGH LOTS TO HAVE TWO FRONT YARDS

A through lot shall maintain a front yard adjacent to each street upon which it fronts.

8-6-11 FRONT YARDS OF IMPROVED LOTS CONTROL

The depth of front yards on unimproved lots in any block where all existing main buildings have front yards with a depth greater than required by the provisions of this Ordinance for the particular zone shall be not less than the minimum depth of such existing front yards, but need not be more than ten (10) feet in excess of that required by said provisions in any case. Buildings which are totally confined to the rear half of the lot shall not be considered in interpreting and applying the provisions of this section.

8-6-12 SET-BACK LINES MEASURED FROM PROPERTY LINES

In all zones which require front, side, and/or rear yards, the required depth of said yards shall be measured from the property line along a line perpendicular to the property line.

8-6-13 IRREGULARLY SHAPED LOTS

In the case of lots having more than four lot lines or lots which vary considerably from a rectilinear or trapezoidal shape, the rear lot line shall be considered as the line most nearly opposite from and parallel with the street line on which the lot abuts. In the case of a triangular or gore-shaped lots, the rear lot line shall be considered as a straight line fifteen feet (15) in length which, (a) is parallel to the front lot line or its chord and (b) intersect the two side lot lines at points most distant from the front lot line.

8-6-14 PERMISSIBLE REDUCTION OF SIDE YARD

On lots less than sixty feet (60) in width and of record prior to the effective date of the Ordinance, the required side yard may be

- .3 It is not the result of a division of land in violation of any State land law or Town Ordinance.

8-6-6 HOME OCCUPATIONS

Home occupations are permitted, provided the following conditions are complied with:

- .1 No person outside the immediate family occupying the premises shall be employed. If any other person is employed, a special use review is required.
- .2 No stock in trade shall be displayed on the premises and only products resulting from the home occupation may be sold from the premises.
- .3 All activities shall be conducted entirely within the dwelling.
- .4 There shall be no external evidence of the activity such as commercial vehicles, outside storage of stock or materials; and no noise, odor, dust, fumes, or other nuisances shall be emitted from the premises.
- .5 One and only one (1) unlighted sign not to exceed one (1) square foot in area and containing only the name of the business and address of the occupant of the premises.
- .6 Accessory uses customarily incidental to the uses listed above are permitted.

8-6-7 STRUCTURES IN EXCESS OF HEIGHT LIMIT PERMITTED

Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, sky lights, towers, church steeples, roof signs, flagpoles, chimneys, smoke stacks, silos, water tanks, windmills, windbreaks, wireless masts, or other similar structures may be erected above the height limits established for the various zones in which such structures are located, provided, however, that no structure in excess of the allowable building height shall be used for sleeping or eating quarters, nor shall such structures exceeding the allowable building height be allowed for the purpose of providing additional floor space.

8-6-8 YARD REGULATIONS

Except as provided in this article, every required front, side, and rear yard shall be open and unobstructed from the ground to the sky, provided, however, that when the common boundary line separating two (2) or more contiguous lots is covered or partially

covered by a building or group of buildings, or when two (2) or more such lots are used as a single building site, such lots shall constitute a single building site and the yard spaces as required by this Ordinance shall then not apply to such common boundary line.

8-6-9 YARDS REQUIRED ON CORNER LOTS

In any residential zone, as defined in this Ordinance, in case of a corner lot abutting upon two (2) streets, all buildings shall have a minimum setback of ten (10) feet from the side lot line adjacent to the side street.

8-6-10 THROUGH LOTS TO HAVE TWO FRONT YARDS

A through lot shall maintain a front yard adjacent to each street upon which it fronts.

8-6-11 FRONT YARDS OF IMPROVED LOTS CONTROL

The depth of front yards on unimproved lots in any block where all existing main buildings have front yards with a depth greater than required by the provisions of this Ordinance for the particular zone shall be not less than the minimum depth of such existing front yards, but need not be more than ten (10) feet in excess of that required by said provisions in any case. Buildings which are totally confined to the rear half of the lot shall not be considered in interpreting and applying the provisions of this section.

8-6-12 SET-BACK LINES MEASURED FROM PROPERTY LINES

In all zones which require front, side, and/or rear yards, the required depth of said yards shall be measured from the property line along a line perpendicular to the property line.

8-6-13 IRREGULARLY SHAPED LOTS

In the case of lots having more than four lot lines or lots which vary considerably from a rectilinear or trapezoidal shape, the rear lot line shall be considered as the line most nearly opposite from and parallel with the street line on which the lot abuts. In the case of a triangular or gore-shaped lots, the rear lot line shall be considered as a straight line fifteen feet (15) in length which, (a) is parallel to the front lot line or its chord and (b) intersect the two side lot lines at points most distant from the front lot line.

8-6-14 PERMISSIBLE REDUCTION OF SIDE YARD

On lots less than sixty feet (60) in width and of record prior to the effective date of the Ordinance, the required side yard may be

reduced one and one-half inches (1 1/2) for each foot such lot is less than sixty feet (60) provided that in no case shall the width of the side yard be reduced to less than five feet (5).

8-6-15 PERMISSIBLE COVERAGE OF REQUIRED REAR YARD

Accessory buildings, canopies or roofs in any combination in a required rear yard shall in no case occupy more than forty percent (40%) of the required rear yard area.

8-6-16 STRUCTURES PERMITTED TO INTRUDE INTO REQUIRED YARDS

The following structures may intrude into any required yard which is five feet (5) or greater in width or depth, provided however, that no such structure shall intrude into the required yard a distance greater than is permitted in this section:

- .1 Cornices, eaves, belt courses, sills, buttresses, or other similar architectural features -- one and one-half feet (1 1/2).
- .2 Fireplace structures not wider than eight (8) feet measured in the general direction of the wall of which it is part -- two feet (2).
- .3 Open stairways, balconies, and fire escapes -- two and one-half feet (2 1/2).
- .4 Uncovered porches and platforms which do not extend above the floor level of the first floor -- two and one-half (2 1/2) feet into required side and rear yards and six feet (6) into required front yards.
- .5 Planting boxes or masonry planters not exceeding forty-two inches in height -- two feet (2).
- .6 Guard railings for safety protection around depressed ramps -- two and one-half feet (2 1/2).

8-6-17 FRONT YARD REQUIREMENTS DEEMED MET

Any front yard requirement shall be deemed to be met when the depth of the front yard provided at least equals the average of that established by existing buildings which occupy fifty (50%) percent or more of the lots within the same block or zone.

8-6-18 MODIFICATIONS OF REQUIRED FRONT YARDS

The depth of required front yards may be modified on unimproved lots intervening between lots having non-conforming front yards of a depth less than required by this Ordinance. Such modification shall permit the unimproved lot to have a front yard depth equal to

the average depth of the front yards on the two adjacent lots, provided, however, that no such modification shall permit a front yard depth of less than fifteen feet (15).

**8-6-19 LOTS NOT TO BE REDUCED IN SIZE BELOW MINIMUM
 REQUIRED AREA**

No lot shall be reduced in size so that the area thereof is less than the minimum required area for a lot in the zone in which such lot is located except when such reduction results from partial acquisition for public use or where a lot or building site is devoted exclusively to public buildings and uses, and said lot or building site is owned by a town, and/or county, or other political subdivision or by a public utility company, and no living quarters are located on such lot or building site. A special use permit may be issued authorizing a reduction in the minimum required area for such lot or building site to be used for utility purposes.

The provisions for front, rear, and side yards, for height and area, and for off-street parking facilities applicable to the particular zone in which any use specified in this article is proposed to be located shall prevail, unless in the special use permit authorizing such use specific exemptions are made with respect thereto.

8-6-20 SEPARATE YARDS REQUIRED

Except as provided in this Ordinance, no yard or other open space provided about any building or structure for the purpose of complying with these regulations shall be considered as providing a yard or open space for any other building or structure on the same property or on contiguous properties.

8-6-21 PUBLIC UTILITY LINES

The provisions of this Ordinance shall not be construed to limit or interfere with the installation, maintenance and operation of any public utility lines providing water, sewage disposal, electric, gas, telephone, or telegraph services to the public, provided such lines are installed, maintained, and/or operated in accordance with all other applicable laws.

8-6-22 TEMPORARY REAL ESTATE OFFICES

One, and only one, residential structure within any new subdivision may be used as a combined temporary real estate office and model home, provided that such residential structure shall be completely restored to its originally intended residential character not later than twelve (12) months following the date of the resolution by the Town Board of Trustees accepting the final layout of the subdivision in which said structure is located.

8-6-23

USES IN AREA ANNEXED

In every case where property becomes a part of the Town of Ignacio by annexation, the property will be zoned in conformance to the adopted Comprehensive Plan at the time of annexation.


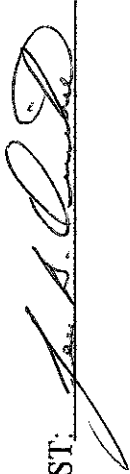
8-6-24

MOBILE HOMES PROHIBITED IN BUSINESS DISTRICT

Mobile home structures are prohibited from being located on all lots in the business district. Modular structures placed on a foundation and meeting all requirements of the building code for commercial structures are permitted providing the requirements of this code are met.

PASSED, APPROVED AND ORDERED PUBLISHED this 12 th day of August, 1997.

ATTEST:



Mayor, Gerardo W. Silva

LAND USE PLAN
FOR THE TOWN OF
IGNACIO, COLORADO

Submitted by

TGM Planning
and
Vandegrift & Associates Inc.

January 6, 1994

IGNACIO LAND USE PLAN

SUMMARY

A land use plan is used as a basis for a zoning ordinance as well as a document to plan public services and facilities.

The plan proposes that the developed areas remain in usage similar to current uses and that vacant lots when developed would be the same usage as adjacent uses.

The bluff running north and south through town and the river bottom land would be designated open space and eventually contain a trail system.

The plan forecasts expansion of the town to the west. The western expansion would include residential housing and an industrial park. It is hoped that the industrial park development would be done in conjunction with the Southern Ute Indian Tribe.

The plan encourages citizens to fix up a properties. It will promote the concept that harmonious with the character of existing planting of trees and landscaping would also be approved.

16	5/10/84								
----	---------	--	--	--	--	--	--	--	--

Table of Contents

	<u>Page</u>
1.0 Preface	1
2.0 Introduction	1
3.0 Goals and Objectives	1
4.0 Existing Conditions	7
4.1 Land Use	7
4.1.1 Land Use Inventory	7
4.1.2 Land Use Classification	7
4.1.3 Existing Land Use and Future Trends	8
4.2 Population and Employment	9
4.3 Housing	9
4.4 Streets and Traffic Circulation	10
4.5 Community Facilities	11
4.6 Utilities	11
4.6.1 Water Supply	11
4.6.2 Sewer System	11
4.6.3 Natural Gas Distribution System	12
4.6.4 Electrical, Telephone and Cable Television Systems	12
5.0 Plan	12
5.1 Land Use Element	13
5.2 Housing Element	13

5.3	Streets and Traffic Circulation Element	14
6.0	Implementation	14
6.1	Implementation of Land Use Element	15
6.2	Implementation of Housing Element	15
6.3	Implementation of Streets and Traffic Circulation Element	15

LAND USE PLAN FOR THE TOWN OF IGNACIO, COLORADO

1.0 PREFACE.

The purpose of this plan is to aid long-range development in the Town of Ignacio. It sets down for both public and private interests what should be done. It is a reference book for the future.

2.0 INTRODUCTION

This land use plan for the Town of Ignacio was prepared by a professional planning firm at the request of the Ignacio Town Board which advised the consultant during preparation of the plan. This document is to assist Town government in its decision-making process. Use of a plan enables the Town government to track and determine needs in land use, population, housing and transportation. The plan can be used as the basis for estimating and forecasting future community needs.

The planning process is conducted with the help of elected and appointed officials and the public. A plan is effectively implemented by the acceptance and support of the community. The format of this plan is designed to specifically encourage continued community participation by allowing for easy revision of the planning data, and any other element of the plan, as new information becomes available or as new objectives become apparent.

Information was obtained from various sources including personal communication, and Town, La Plata County, and Southern Ute Indian Tribe documents.

3.0 GOALS AND OBJECTIVES

In the traditional planning process, goals and objectives are formulated while information is gathered for the plan. Once these goals and objectives are agreed upon, policies are added to carry out the plan. Alternative plans and ways to accomplish the plans are then considered. Finally, the best plan for a town is selected and details added. The last step of the process is to develop an implementation program.

Goals, objectives and policy options were developed after meeting with the Town Planning Committee and interested citizens to identify issues and concerns. The scope of this "visioning" process was broad. Some of the goals, objectives and policy options described below are beyond the scope of a land use plan but are included in case the plan is updated to include other elements normally included in a comprehensive plan. This plan specifically addresses land use, housing and transportation elements.

A goal is a general, ideal statement of what a community would like to be in the future. Six major goals are the basis of this plan. All of those goals are inherently related to land use. These goals concern:

1. Economic opportunity
2. Housing
3. Roads and traffic circulation
4. Utilities
5. Esthetics
6. Small town atmosphere

Each goal is followed by objectives. An objective is a realistic and achievable statement of the community's intentions. An objective sets out what is proposed to be accomplished.

Policies are statements telling how objectives can be achieved. They should be used on an almost daily basis by public officials and staff in their decision making. A policy or program may relate to more than one objective.

The goals and objectives listed below are derived from comments at the public meeting held on July 15, 1993, the "Visions of the Town of Ignacio" (November, 1987), and the observations of the consultants after touring the community.

Policy options related to the goals and objectives were presented to stimulate discussion among the Town Board, the Planning Committee and the public. Some policies complement each other. Other policies present a clear choice.

Economic Opportunity

Goal: Maintain a strong, diverse economic and employment base in Ignacio.

Objective A: Coordinate with the Southern Ute Indian Tribe to develop an industrial park near the Town of Ignacio.

Objective B: Establish zoning districts where commercial uses are permitted.

Policy Options:

1. Designate Goddard Avenue and perpendicular streets (Becker, Lakin, Pioneer, etc.) between Goddard and alleys west of Goddard and east of Goddard as a Commercial District.
2. In addition to the Commercial District described in No. 1 above, allow small scale commercial uses in residential neighborhoods provided that they meet performance standards designed to ensure that such uses are compatible with surrounding residences.
3. Limit commercial uses in residential areas to home occupations only.
4. Designate non-commercial uses along Goddard Avenue as non-conforming uses. Exceptions: Public uses such as Town Hall and the Post Office.
5. Designate all mobile homes (used for either residences or businesses) along Goddard Avenue as non-conforming structures.
6. Designate Goddard Avenue and perpendicular streets (as in No. 1 above) as a Mixed Use District. (This would allow residential uses, particularly multi-family, to co-locate with businesses. For example, a two-story building could have apartments on the second floor and commercial establishments on the first floor.)

Objective C: Provide incentives for new businesses to locate in Ignacio.

Policy Options:

1. Waive tap fees for new commercial construction.
2. Offer reduced gas rates for a specified period (one year for example) Note: This could be applied selectively to certain businesses that are desired but do not exist in Ignacio, such as a pharmacy.

Housing

Goal: Provide affordable housing units to meet the needs of a growing population.

Objective A: Increase the supply of owner occupied and rental units.

Policy Options:

1. Create a residential zone that allows two-family dwellings. Such dwellings could be condominiums (owner-occupied) or rental units.
2. Allow two-family units as a matter of right in all residential zones.

3. Create a zone for multi-family dwellings. (Could be condominiums and/or rental units.)
4. Create a mixed use zone that allows multi-family dwellings (see Economic Opportunity, Objective B, Policy 6).

Objective B: Develop a policy(ies) concerning manufactured housing (i.e. mobile homes) that balances the need to provide affordable housing with the need to preserve and enhance the architectural character of the Town.

Policy Options:

1. Enforce the existing ordinance (Section 2-7-2) which allows only one mobile home on any one lot, tract or parcel of land, except in a licensed mobile home park.
2. Establish a minimum size lot standard.
3. Amend the existing ordinance to require design standards for new manufactured housing, such as: sloping roofs; attach the unit to a permanent foundation; and minimum size (720 sq. ft., for example).
4. Designate existing mobile homes that do not meet design standards established by No. 2 above as non-conforming uses.
5. Prohibit manufactured housing in the Goddard Avenue Commercial District.

Roads and Traffic Circulation

Goal: Create a quality street system that eliminates traffic congestion and parking problems.

Objective A: Reduce traffic congestion and parking problems near the post office.

Policy Options:

1. Coordinate with the Postal Service to acquire a convenient parking lot.
2. Coordinate with the Postal Service to relocate the post office to a larger site.

Objective B: Redesign certain intersections so that large trucks can turn safely.

Objective C: Improve/upgrade the condition of some streets. (Note: Some streets have curbs and gutters and the pavement is in good condition. Other streets have deteriorating asphalt or gravel surfaces and no curb and gutter.)

Policy Options:

1. Upgrade all streets which provide frontage to residences and commercial uses so that they are paved and have curbs, gutters and sidewalks. (Note: The unnamed alley west of Browning Avenue provides frontage for many residences.)
2. Status quo - make necessary repairs (such as filling potholes) but don't spend money to upgrade these streets. Low traffic volume may not warrant the capital expense required for upgrading.

Public Utilities

Goal: Improve all utility services.

Objective A: Improve the operation and maintenance of sewer service.

Policy Options:

1. Dissolve the Ignacio Sanitation District and replace it with a system operated by the Town.
2. Dissolve the Ignacio Sanitation District and replace it with a system owned and operated by the Southern Ute Indian Tribe.
3. Status quo - retain the Ignacio Sanitation District but work to improve its management and performance.

Objective B: Improve gas service.

1. Acquire additional sources of gas.
2. Status quo but work to ensure adequate supply from existing source.

Esthetics

Goal: Improve the physical appearance of the Town for the benefit of the citizens and visitors.

Objective A: Develop and enact a sign code.

Policy Options:

1. Prohibit all flashing or moving signs.
2. Establish maximum sizes and heights for signs.
3. Develop standards for sign design and color schemes.

Objective B: Improve the Town's greenscape.

Policy Options:

1. Implement the streetscape plan that has already been completed for the Town.
2. Establish a Goddard Avenue improvement district to fund the purchase and installation of trees at specified intervals.
3. Create entry way parks.

Small Town Atmosphere

Goal: Preserve and enhance the positive values associated with living in a small town, such as neighborliness and a strong sense of community.

Objective A: Encourage, preserve and enhance community-oriented organizations and facilities, such as churches and service organizations.

Policy Options:

1. Do nothing. Community already has a small town atmosphere.
2. Require a special use permit which would allow for a case-by-case review to insure that impacts on a neighborhood from a church or social organization are not disruptive to the neighborhood.

Objective B: Develop programs and/or facilities for teenagers.

Policy Options:

1. No action - it could be argued that social organizations should do this.
2. Make provisions in the zoning ordinance for teen centers or similar facilities.
3. Provide funding for teen facilities.

Objective C: Develop a public relations program to assert the Town's positive characteristics to enhance its image within the region.

4.0 EXISTING CONDITIONS

4.1 Land Use

4.1.1 Land Use Inventory

A land use inventory was undertaken to determine the spatial arrangement and type of existing land uses. The inventory was conducted from an automobile; all roads and streets in the planning area were traversed at least once. All structures and parcels of land are assigned codes according to a rural land use classification system, which is a hybrid of a system used throughout the states of New Mexico and Colorado.

The maps used in the inventory were supplied by the Town. Uses were coded on the maps during the field inventory. The information was spotted checked and questionable areas were verified by field checks and review of maps based on aerial photos.

4.1.2 Land Use Classification

Residential housing units are classified as single family, multiple family or mobile homes. All structures with only one dwelling unit are categorized as single family. Those structures which contain two or more dwelling units are classified as multiple family. Mobile homes that are with or without a foundation are classified as mobile homes. No specific assessment of housing or structural condition was performed.

Commercial uses are categorized as commercial or heavy commercial/industrial. Commercial incorporates all personal services such as beauty shops and laundromats. Also included are retail businesses that create a low traffic volume.

Heavy commercial/industrial incorporates all uses that deal with extraction of minerals, manufacturing and wholesaling of products and includes the more intensive uses with open storage, such as construction contractors' yards and bulk storage.

The category of office includes all administrative, business and professional services, along with finance, real estate and insurance operations.

The school/church category includes all cultural, religious, educational, medical, correctional, and protective facilities. Also included are civic organizations and cemeteries.

Parks and recreation includes all sporting facilities, open space, parks and low-impact land uses such as protected areas.

The category of vacant land includes land not otherwise classified.

4.1.3 Existing Land Use and Future Trends

The land use inventory is depicted on a Town base map in existence at the start of the study. No distinction in land use inside or outside the Town limits is made in this plan as all uses have a direct effect on the community. The area for which the land use inventory was undertaken is believed to be the area that most directly affects the community and yet affords a practical limit on the area inventoried. Some of the land included in the inventory is part of the Southern Ute Indian Reservation.

The land use pattern within and adjacent to the Town of Ignacio includes a commercial area along Goddard Avenue, extending about half a block to the east and west. The predominant land use within and adjacent to the Town limits is residential. Much of the housing stock is fairly old with the exception of Candelaria and El Paso subdivisions on the mesa west of the core area, and Southern Ute Tribal housing on Shoshone Avenue just east of the Town limits.

A fairly large area is occupied by four schools and several churches. Other major uses within the planning area include the Sky Ute Downs east of the corporate limits, and the Sky Ute Casino and the Southern Ute Tribal Headquarters north of Town.

Most of the area west of the corporate limits is in agricultural use. Much of this land is not part of the Southern Ute Indian Reservation and is the most likely area in which the Town can expand.

As the Southern Ute Indian Tribe continues to develop its natural and economic resources, such as coal bed methane and casino gambling, growth pressures are likely to occur within and adjacent to the Town. New commercial enterprises will probably be established to cater to the expected influx of tourists. The Goddard Avenue corridor is best suited for most of this growth. As land and housing costs spiral upward in other parts of La Plata County, the demand for affordable housing is expected to affect the Ignacio housing market. In addition, new employment

opportunities associated with development of Southern Ute Indian Tribe resources is also likely to create a demand for more housing.

4.2 Population and Employment

The population of the Town of Ignacio, according to the 1990 census, was 720, a 7.9% increase over 1980 (667) and 17.5% more than 1970 (613). There were 260 households in 1990, which is an average of 2.77 persons per household. This average is slightly higher than the averages for La Plata County (2.56) and the City of Durango (2.35), but slightly lower than average household size for the Town of Bayfield (2.94).

Ignacio provides itself as a multi-generational tri-ethnic community. The 1990 census indicated that 46% of the Town's population are of Hispanic origin, 15% are American Indian, and 39% are non-Hispanic white and other. The 1990 census indicated a relatively young population, with 35% under 18, compared to 25% for La Plata County. Individuals aged 18-64 comprised 54% of the total and those 65 and over made up 11% of the population. Ignacio's median age in 1990 was 28.6 years, compared to 31.9 for La Plata County, 30.0 for the Town of Bayfield, and 29.0 for the City of Durango.

The 1990 per capita income for Ignacio was substantially lower than other parts of La Plata County: \$6,524 for Ignacio, \$12,163 for La Plata County, \$9,148 for Bayfield, and \$11,477 for Durango. Nearly 34% of Ignacio's population had income below the poverty level, compared to 15.7% for La Plata County. The unemployment rate for Ignacio in 1990 was 11.9%, compared to 6.1% for La Plata County. Direct and indirect employment opportunities resulting from casino gambling on the Southern Ute Indian Reservation may help to increase income and lower the unemployment rate.

4.3 Housing

The number of housing units in Ignacio has increased from 196 in 1970 to 272 in 1980 to 309 in 1990. The percentage increase from 1970 to 1990 (58%) is significantly greater than the rate of population increase (17.5%) during this 20-year period, indicating a trend toward smaller household size. About 31% of the units were built before 1940; 45% were constructed between 1940 and 1979; and 14% were built from 1980 to 1990. According to the 1990 census, there were 171 single family units. Twenty units were structures containing two-to-four units and eight units were located in one multi-family structure. There were 110 mobile homes.

According to the 1990 census, 49 units, or nearly 16%, were vacant. Based on recent interviews with town officials, it appears that the vacancy rate is much lower in 1993. The 1990 median value for owner-occupied units was \$41,800, significantly lower than La Plata County (\$85,100), Durango (\$81,600) and Bayfield (\$57,900). The 1990 median rent for rental units was \$238, compared to \$354 for La Plata County, \$374 for Durango, and \$302 for Bayfield.

4.4 Streets and Traffic Circulation

The major thoroughfares in the Town of Ignacio are Goddard Avenue (Colorado Highway 172), which runs north/south, and Ute Street (Colorado Highway 151), which extends east from the intersection with Goddard Avenue. Traffic counts taken in 1991 were as follows:

-	Highway 172	
·	At intersection with Highway 151:	5200
·	At intersection with Browning Avenue:	4900
·	At Southern Ute Tribal Center:	2000
-	Highway 151	
·	At intersection with Highway 172:	2550
·	At County Road 334:	870

According to the Colorado Department of Transportation, traffic volume on these roads increases by about 3% each year. However, the recent opening of the Sky Ute Casino may result in larger increases.

In addition to the two thoroughfares, about one half of the streets have good pavement with curbs. These streets include Browning Avenue, which runs North/south for the entire length of the town, one block west of Goddard Avenue. Most of the east/west streets between Goddard and Browning Avenues (west) and Goddard and Shoshone Avenues (east) are in good condition, as are the Candelaria Subdivision streets. Most of the other streets within the Town limits have deteriorating asphalt or are gravel without curbs, particularly streets between Browning and Burns Avenues. Of special concern is the alley between the avenues which provides direct access to numerous residences.

Many of the street signs are missing from their posts and potholes are frequent on streets with deteriorating asphalt or gravel surfaces.

The following traffic circulation problems exist:

- Parking is inadequate near the Post Office which is located on Goddard Avenue and does not have a parking lot.

- The intersection of Goddard Avenue and Ute Street (State Highways 172 and 151) does not have sufficient turning radius to allow large trucks to turn safely.

4.5 Community Facilities

Community facilities within the planning area include: The Ignacio Town Hall and Community Room; Shoshone Park; a U.S. Post Office; several churches; public schools, including a high school, middle school, intermediate school and elementary school; BIA and Tribal headquarters buildings about one mile north of Town; a public library; a fire station; and a health clinic serving Native Americans. Facilities which attract and serve a larger population from southwest Colorado and the northern New Mexico include the Sky Ute Downs and Sky Ute Casino.

4.6 Utilities

Utilities which most directly affect the growth potential of the Ignacio area are water supply and sewage treatment systems.

4.6.1 Water Supply

The Town of Ignacio is part of a larger service area which is supplied with potable water by the Southern Ute Utilities Division. Water is withdrawn from Los Pinos River and transported to a 1.4 mgd treatment plant. Average daily use is about .5 mgd. Treatment includes chlorination and fluoridation. Treated water is stored in one 200,000 gallon and two 150,000 gallon tanks. Another 200,000 gallon tank will be constructed in the near future. The distribution system consists of 17 miles of pipe, with 540 metered taps in the service area.

Within the Town limits, there are about 240 metered taps, and, in a recent year, average use was about 120 gallons per person per day. A peak typically occurs during the summer when irrigation occurs. However, the summer usage is likely to decline significantly since a small irrigation system has been constructed to supply homes with irrigation water.

In conclusion, water treatment and storage capacity substantially exceed current use. The water supply system is not a constraint on future growth.

4.6.2 Sewer System

The Town of Ignacio is served by a central collection and treatment system administered by the Ignacio Sanitation District. A joint maintenance,

operation, and capital construction arrangement exists between the District and the Southern Ute Indian Tribe.

The sewage system consists of 38,800 lineal feet of collection line, a pump station located at the treatment plant to lift wastewater into the treatment lagoon, and a 6.33 million gallon capacity treatment plant with a design flow of 400,000 gallons per day. Effluent is discharged into Rock Creek, a tributary of the Los Pinos River.

The treatment plant is currently utilized to about 70% of its capacity. The existence of large amounts of ground water infiltration within the system sometimes causes it to approach capacity. Without improvements, the sewage system will be a constraint on future growth. The Southern Ute Indian Tribe has funded a sewer study which is currently underway. The study design recommendations will include needed improvements to the system and design to accommodate growth likely to occur during the next 20 years. Therefore, it is assumed that the sewage system will not be a constraint on future growth.

4.6.3 Gas Distribution System

The Town has purchased natural gas from El Paso Gas Company since the 1950's but this year plans to buy gas from the Enron Gas Market. The distribution system to the Town gate valve is owned by El Paso. The Town owns the distribution lines within the corporate limits and functions as the gas utility for residents.

The Town is exploring ways to better utilize the natural gas deposits in the area and to develop agreements with local producers so that the cost of gas service can be reduced.

4.6.4 Electrical, Telephone and Cable Television Systems

La Plata Electric Association provides electricity. USWest currently provides telephone service but may sell the franchise to Pacific Telecommunications, Inc., which may result in one-party service for rural areas within the Ignacio exchange at an earlier date. Rural Route Video provides 30 channel cable television service.

5.0 PLAN

This plan is primarily a land use plan, with housing and street elements. It is not a full comprehensive plan with other elements typically included in such a plan.

5.1 Land Use Element

The proposed future land use pattern is depicted on the land use plan map. The plan map encompasses the area that affects the Town of Ignacio or is affected by the Town. The planning area shown on the map encompasses the corporate limits and extends about a mile to the north, south and west. Much of the land outside the corporate limits is part of the Southern Ute Indian Reservation. However, a significant tract of land to the west is privately owned and is an area in which the Town can grow.

Major features of the land use plan include:

- The business core along Goddard Avenue within the Town limits and an area to the north centering on the Sky Ute Casino
- Existing residential areas, including the more recently constructed Candelaria Subdivision on the mesa west of Town
- Future residential areas, generally west of Town but east of Rock Creek. Some of this residential land is located on the Reservation.
- An industrial park located west of Rock Creek, one half of which would be located on the Reservation. Another industrial area is depicted about a mile south of Town. It is proposed that the industrial park be developed by both the Town of Ignacio and the Southern Ute Indian Tribe for mutual benefit of both entities.
- Green belts along Los Pinos River, Rock Creek and the bluff just west of Town that runs north/south through the planning area.
- The residential area adjacent to the Goddard Avenue business district should be preserved to maintain its residential character, although home occupations could be allowed.

5.2 Housing Element

General areas for residential development are discussed above and depicted on the land use map. Specific features of the housing element include:

- Mobile homes should not be permitted on developed residential lots unless they meet setback requirements specified in the zoning ordinance (*i.e.* no mobile homes in backyards of lots with existing residences).

- As a means to provide affordable housing, manufactured housing (mobile homes) is allowed in the existing developed area by special use permit.
- Undeveloped residential areas should include a single family only residential district.
- The Town should purchase 80 acres west of the Candelaria subdivision and designate the area for housing. Approximately ten acres should be reserved for a mobile home park or subdivision to expand affordable housing opportunities. The Town should set aside some portion of the remaining 70 acres for affordable, site-built housing. Two methods of accomplishing this are:
 - Sell lots designated for affordable housing at a low price and place deed restrictions on the property to ensure that it remains affordable for future owners; or
 - Establish a land trust for affordable lots. The Town would own the land but allow individuals to build their own houses. As above, deed restrictions would govern the sale of such homes. The absence of land costs would contribute to affordability by lowering the total cost.

5.3 Street and Traffic Circulation Element

As part of its capital improvement program, the Town should pave streets that now have surfaces of deteriorating asphalt or gravel.

Additional right-of-way should be acquired on the east corners of Ute Street and Goddard Avenue and the intersection should be widened.

The town should coordinate with the Post Office to acquire land for a parking lot near the existing facility.

New arterial roads are needed to provide access to land west of Town. Tentative locations for these roads are shown on the land use plan map.

6.0 IMPLEMENTATION

This Land Use Plan provides a framework for guiding future growth of the Town of Ignacio. Implementation strategies and techniques are needed to ensure that day-to-day decisions related to growth and development are consistent with the Plan. Existing and proposed strategies and techniques are discussed below.

6.1 Implementation of the Land Use Element

The zoning ordinance text and map, which were developed as part of this planning effort, set forth the framework for controlling the use, intensity and location of various land uses. They should be updated periodically, especially if the Town annexes additional land.

The zoning ordinance also specifies how it should be administered. It establishes a Planning Commission to review special permit uses and to make changes to the Plan, zoning ordinance and other implementation documents. The ordinance also sets up a Board of Adjustment to act on requests for variances.

The Town already has subdivision regulations and a building code which are consistent with the plan and require only minor amendments. The mobile home ordinance, however, should be amended so that it agrees with the zoning ordinance.

The Town should develop an annexation policy to establish conditions and timing for annexing land. It is recommended that land which will receive central water and sewer service shall be targeted for annexation. The Town should strongly consider annexing 80 acres just west of the corporate limits.

6.2 Implementation of the Housing Element

The zoning ordinance should be amended as soon as new land is annexed. If the plan is followed, most of the land will be in residential use. Residential districts (R-1, R-2 or MH) should be designated based on the Town's preference for a particular housing mix, market conditions, and its commitment to provide affordable housing.

If the Town purchases the 80 acres referred to above, the Town should exercise one or more of the options discussed in Section 5.2 to ensure that affordable housing will be built.

6.3 Implementation of the Streets and Traffic Circulation Element

The following actions should occur:

- Coordinate with the Post Office to acquire land for a parking lot for Post Office patrons. The parking lot should be located near the Post Office between Goddard Avenue and the alley to the east or west. Access should be from one of the side streets, not directly off Goddard Avenue.

The Town should coordinate with the Colorado Department of Transportation to widen the intersection at Highways 172 and 151. This may involve acquiring additional right-of-way. Given that the property on the northeast corner of Goddard Avenue and Ute Street (a former service station/used car lot) is currently not in use, an excellent opportunity exists to purchase land for more right-of-way.

The Town should include in its capital improvement program a budget for paving and curbing streets which currently have deteriorating asphalt or gravel surfaces. A high priority should be the gravel-surfaced alley between Browning and Burns Avenues that provides the only access to numerous residences. This alley should be upgraded to a street.

As the land to the west of the existing corporate limits becomes developed, the Town should coordinate with La Plata County and the Southern Ute Indian Tribe to draw up a detailed street and traffic circulation plan to serve this area.

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

A L T A C O M M I T M E N T

SCHEDULE A

Our Order # DU24561-3

For Information Only
ADDRESS UNKNOWN
IGNACIO, CO 81137

- Charges -		
ALTA Owner Policy	\$1,024.00	(REISSUE RATE)
Alta Lender Policy	\$60.00	
Tax Report	\$15.00	
- - TOTAL - -	\$1,099.00	

*** THIS IS NOT AN INVOICE, BUT AN ESTIMATE OF FEES. WHEN REFERRING TO THIS ORDER, PLEASE REFERENCE OUR ORDER NO. DU24561-3 ***

1. Effective Date: July 02, 1997 at 5:00 P.M.
2. Policies to be issued, and proposed Insured:
"ALTA" Owner's Policy 10-17-92 \$545,000.00
Proposed Insured:
BBC DEVELOPERS, LLC
"ALTA" Loan Policy 10-17-92 \$450,000.00

Proposed Insured:

THE BURNS NATIONAL BANK OF DURANGO

3. The estate or interest in the land described or referred to in this Commitment and covered herein is:
A Fee Simple
4. Title to the estate or interest covered herein is at the effective date hereof vested in:
THE TOWN OF IGNACIO, COLORADO, A COLORADO STATUTORY MUNICIPALITY

5. The land referred to in this Commitment is described as follows:

A PARCEL OF LAND BEING A PORTION OF SHOSHONE TRACT A ADDITION TO THE TOWN OF IGNACIO, ACCORDING TO THE PLAT THEREOF FILED DECEMBER 26, 1996, IN THE OFFICE OF THE LA PLATA COUNTY CLERK AND RECORDER UNDER RECEPTION NO. 719503, LOCATED IN THE NE1/4NW1/4 OF SECTION 17, TOWNSHIP 33 NORTH, RANGE 7 WEST, N.M.P.M., TOWN OF IGNACIO, COUNTY OF LA PLATA, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SHOSHONE TRACT A ADDITION TO THE TOWN OF IGNACIO, MONUMENTED BY A 2" ALUMINUM CAP ON A #5 REBAR, STAMPED "ANIMAS SURVEYING & MAPPING PLS 28265";
THENCE SOUTH 88 DEGREES 56 MINUTES 56 SECONDS EAST, ALONG THE NORTHERLY LINE OF SAID SHOSHONE TRACT A ADDITION TO THE TOWN OF IGNACIO, A DISTANCE OF 140.00 FEET;
THENCE SOUTH 02 DEGREES 13 MINUTES 52 SECONDS WEST, A DISTANCE OF 292.89 FEET;
THENCE NORTH 88 DEGREES 56 MINUTES 56 SECONDS WEST, A DISTANCE OF 140.03 FEET TO THE EASTERLY RIGHT OF WAY LINE OF GODDARD AVENUE;
THENCE NORTH 02 DEGREES 14 MINUTES 13 SECONDS EAST, ALONG SAID EASTERLY RIGHT OF WAY LINE OF GODDARD AVENUE, A DISTANCE OF 292.89 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THAT PORTION NOT CONTAINED IN INSTRUMENT RECORDED AUGUST 8, 1996 UNDER RECEPTION NO. 711815.

===

A L T A C O M M I T M E N T

SCHEDULE B-1

(Requirements) Our Order # DU24561-3

The following are the requirements to be complied with:

1. Payment to or for the account of the grantors or mortgagors of the full consideration for the estate or interest to be insured.
2. Proper instrument(s) creating the estate or interest to be insured must be executed and duly filed for record, to-wit:
3. A COPY OF THE ARTICLES OF ORGANIZATION FOR BBC DEVELOPERS, LLC STAMPED BY THE SECRETARY OF STATE MUST BE FURNISHED TO LAND TITLE GUARANTEE COMPANY.
4. RECORD AN ORDINANCE AUTHORIZING THE SALE OF SUBJECT PROPERTY. SAID ORDINANCE SHOULD BE AUTHORIZED THROUGH A REGULAR OR SPECIAL MEETING OF THE GOVERNING BODY OF THE TOWN OF IGNACIO.
5. WARRANTY DEED FROM THE TOWN OF IGNACIO, COLORADO, A COLORADO STATUTORY MUNICIPALITY TO BBC DEVELOPERS, LLC CONVEYING SUBJECT PROPERTY.
6. DEED OF TRUST FROM BBC DEVELOPERS, LLC TO THE PUBLIC TRUSTEE OF LA PLATA COUNTY FOR THE USE OF THE BURNS NATIONAL BANK OF DURANGO TO SECURE THE SUM OF \$450,000.00.

NOTE: Item # 6 of Schedule B-1 (of your previous commitment) has been modified or deleted.

===

NOTE: EFFECTIVE SEPTEMBER 1, 1997, CRS 30-10-406 REQUIRES THAT ALL DOCUMENTS RECEIVED FOR RECORDING OR FILING IN THE CLERK AND RECORDER'S OFFICE SHALL CONTAIN A TOP MARGIN OF AT LEAST ONE INCH AND A LEFT, RIGHT AND BOTTOM MARGIN OF AT LEAST ONE-HALF OF AN INCH. THE CLERK AND RECORDER MAY REFUSE TO RECORD OR FILE ANY DOCUMENT THAT DOES NOT CONFORM, EXCEPT THAT, THE REQUIREMENT FOR THE TOP MARGIN SHALL NOT APPLY TO DOCUMENTS USING FORMS ON WHICH SPACE IS PROVIDED FOR RECORDING OR FILING INFORMATION AT THE TOP MARGIN OF THE DOCUMENT.

===

A L T A C O M M I T M E N T

SCHEDULE B-2

(Exceptions) . Our Order # DU24561-3

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

1. Standard Exceptions 1 through 5 printed on the cover sheet.
6. Taxes and assessments not yet due or payable and special assessments not yet certified to the Treasurer's office.
7. Any unpaid taxes or assessments against said land.
8. Liens for unpaid water and sewer charges, if any.

NOTE: UPON RECEIPT OF A LETTER FROM THE CITY OF IGNACIO CONFIRMING WATER AND SEWER CHARGES ARE PAID THROUGH THE DAY OF CLOSING, THE ABOVE EXCEPTION WILL BE DELETED FROM THE FINAL TITLE POLICY.

9. DITCH AND WATER RIGHTS, CLAIMS OR TITLE TO SAME.
10. ALL EXISTING ROADS, HIGHWAYS, PIPELINES, UTILITIES AND RIGHTS OF WAY AND EASEMENTS THEREFORE.
11. ALL OIL, GAS, COAL AND OTHER MINERALS AND INTERESTS THEREIN, AND EASEMENTS WITH RESPECT THERETO.
12. RESERVATION OF RIGHT OF WAY FOR ANY DITCHES OR CANALS CONSTRUCTED BY THE AUTHORITY OF THE UNITED STATES, AS RESERVED IN WARRANTY DEED FROM CHARLES SHOSHONE TO HANS ASPAAS RECORDED SEPTEMBER 20, 1920 IN BOOK 131 AT PAGE 48.
13. OIL AND GAS LEASE BETWEEN FIDEL HERRERA AND AMALIA HERRERA, LESSOR, AND STANOLIND OIL AND GAS COMPANY, LESSEE, RECORDED November 02, 1945 IN BOOK 253 AT PAGE 328, AND CORRECTION OIL AND GAS LEASE RECORDED APRIL 18, 1946 IN BOOK 257 AT PAGE 242, AND ANY AND ALL ASSIGNMENTS THEREOF OR INTERESTS THEREIN. (PRIMARY TERM: 10 YEARS)
14. ANY TAX, ASSESSMENT, FEES OR CHARGES, BY REASON OF THE INCLUSION OF THE SUBJECT PROPERTY IN THE IGNACIO SANITATION DISTRICT.
15. THE EFFECT OF THE ANNEXATION OF SUBJECT PROPERTY TO THE TOWN OF IGNACIO AS EVIDENCED BY ORDINANCE NO. 157 RECORDED FEBRUARY 21, 1997 UNDER RECEPTION NO. 722407.

NOTE: PENDING SUCH TIME AS THE IMPROVEMENTS CONTEMPLATED UPON INSURED PREMISES SHALL BE COMMENCED, LIABILITY UNDER THIS POLICY IS LIMITED TO THE PURCHASE PRICE FOR THE LAND; BUT AS AND WHEN THE ERECTION OF SUCH IMPROVEMENTS SHALL BE COMMENCED, LIABILITY HEREUNDER SHALL INCREASE AS THE IMPROVEMENTS PROGRESS, IN THE AMOUNT OF COST THEREOF, UP TO THE FACE AMOUNT OF THIS POLICY.

DISCLOSURE STATEMENT

Required by Senate Bill 91-14

- A) The subject real property may be located in a special taxing district.
 - B) A Certificate of Taxes Due listing each taxing jurisdiction may be obtained from the County Treasurer or the County Treasurer's authorized agent.
 - C) The information regarding special districts and the boundaries of such districts may be obtained from the Board of County Commissioners, the County Clerk and Recorder, or the County Assessor.
- Required by Senate Bill 92-143
- A) A Certificate of Taxes Due listing each taxing jurisdiction shall be obtained from the County Treasurer or the County Treasurer's authorized agent.

ORDINANCE NO. 161

AN ORDINANCE AUTHORIZING AND APPROVING THE SALE OF CERTAIN PROPERTY IN THE TOWN OF IGNACIO FOR THE PURPOSES OF THE CONSTRUCTION OF A POST OFFICE.

WHEREAS, the Town of Ignacio owns the real property described on Attachment A, attached hereto and incorporated herein by this reference; and

WHEREAS, the United States Postal Service desires to construct a new Post Office facility in the Town of Ignacio; and

WHEREAS, the Town desires to cooperate with the Postal Service to make a Post Office facility available to the citizens of the Town of Ignacio; and

WHEREAS, the sales price of the property is found to be reasonable;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO AS FOLLOWS:

1. The Board of Trustees hereby approves and authorizes the sale of the property described on Attachment A to BBC Developers, L.L.C. on the terms set forth in the Contract for the sale of real property which is attached hereto as Attachment B, and which is incorporated herein by this reference.
2. The Mayor and the Clerk of the Town are authorized to execute any documents reasonably required to transfer the property to BBC Developers, L.L.C., including, but not limited to the real estate contract, settlement documents, deeds, bills of sale, assignments and declarations.

Passed and approved the 10th day of June, 1997.

TOWN OF IGNACIO:


Mayor

Attest:


Town Clerk

LAND TITLE GUARANTEE COMPANY

C U S T O M E R D I S T R I B U T I O N

July 08, 1997

Our Order No.: DU24561-3

Property Address:

ADDRESS UNKNOWN IGNACIO, CO 81137

____ BURNS NATIONAL BANK
1199 MAIN AVENUE
DURANGO, CO 81301
Attn: MIKE
970 247-5151

Copies: 1

____ TOWN OF IGNACIO
P.O. BOX 459
IGNACIO, CO 81137
Attn: BALTY

Copies: 1

____ DIRK NELSON
PINE RIVER PLAZA
BAYFIELD, CO 81122
Attn:
970 884-9561

Copies: 1

____ LAND TITLE GUARANTEE -
COMMERCIAL
3033 E. 1ST AVE # 600
DENVER, CO 80206
Attn: LARRY
303 321-1880

Copies: 1

____ LAND TITLE GUARANTEE
6041 SYRACUSE WAY
SUITE 100
ENGLEWOOD, CO 80111
Attn: CATHY MURTHA

Copies: 1

____ BBC DESIGN BUILDERS
14 INVERNESS DRIVE EAST
BUILDING H, UNIT 120
ENGLEWOOD, CO 80111-5625
Attn: LARRY

Copies: 1

____ LAND TITLE GUARANTEE -
COMMERCIAL
3033 E. 1ST AVE # 600
DENVER, CO 80206
Attn: LISA VISCO
303 321-1880

Copies: 1

____ MICHAEL L. BIEDA
16508 EAST PRENTICE PLACE
AURORA, CO 80015
Attn:

Copies: 1

YOUR LAND TITLE GUARANTEE COMPANY CONTACTS

July 08, 1997

Our Order No.: DU24561-3

Buyer/Borrower:

BBC DEVELOPERS, LLC

Seller/Owner:

THE TOWN OF IGNACIO, COLORADO, A COLORADO
STATUTORY MUNICIPALITY

Property Address:

ADDRESS UNKNOWN IGNACIO, CO 81137

If you have any inquiries or require further assistance, please
contact one of the numbers listed below:

For Closing Assistance:

KATHERINE E. CHAPMAN
1211 MAIN AVENUE
DURANGO, CO 81301
Phone: 970 247-5860
Fax: 970 247-9089

For Title Assistance:

DURANGO OFFICE
1211 MAIN AVENUE
DURANGO, CO 81301
Phone: 970 247-5860
Fax: 970 247-9089

NOTE: ONCE AN ORIGINAL COMMITMENT HAS BEEN ISSUED, ANY SUBSEQUENT
CHANGES WILL BE EMPHASIZED BY UNDERLINING.

THANK YOU FOR YOUR ORDER!

Commitment To Insure

ALTA Commitment 1970 Rev.



OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, a Minnesota corporation, herein called the Company, for a valuable consideration, hereby commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest covered hereby in the land described or referred to in Schedule A, upon payment of the premiums and charges therefor; all subject to the provisions of Schedule A and B and to the Conditions and Stipulations hereof.

This Commitment shall be effective only when the identity of the proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A hereof by the Company, either at the time of the issuance of this Commitment or by subsequent endorsement.

This Commitment is preliminary to the issuance of such policy or policies of title insurance and all liability and obligations hereunder shall cease and terminate six months after the effective date hereof or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue such policy or policies is not the fault of the Company.

CONDITIONS AND STIPULATIONS

1. The term "mortgage", when used herein, shall include deed of trust, trust deed, or other security instrument.
2. If the proposed Insured has or acquires actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure of the proposed Insured to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions and Stipulations.

3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions and the Conditions and Stipulations and the Exclusions from Coverage of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and made a part of this Commitment except as expressly modified herein.

4. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.

STANDARD EXCEPTIONS

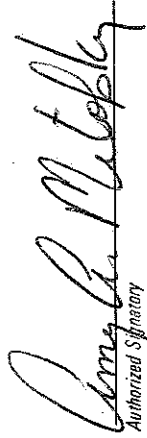
In addition to the matters contained in the Conditions and Stipulations and Exclusions from Coverage above referred to, this Commitment is also subject to the following:

1. Rights or claims of parties in possession not shown by the public records.
2. Easements, or claims of easements, not shown by the public records.
3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, and any facts which a correct survey and inspection of the premises would disclose and which are not shown by the public records.
4. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Defects, liens, encumbrances, adverse claims or other matters, if any, created first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.

IN WITNESS WHEREOF, Old Republic National Title Insurance Company has caused its corporate name and seal to be hereunto affixed by its duly authorized officers on the date shown in Schedule A, to be valid when countersigned by a validating officer or other authorized signatory.

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

A Stock Company
400 Second Avenue South, Minneapolis, Minnesota 55401
(612) 371-1111


Authorized Signatory

By


President

Attest

Secretary

ORDINANCE # 160

An ordinance appropriating additional sums of money to defray expenses in excess of amounts budgeted for the Town of Ignacio, Colorado.

WHEREAS, the Town's General Fund received \$122,329 in unanticipated revenues from franchise tax, building permits, trailer permits, peddler permits, overweight permits, DCJ DARE Grant, Cops Universal Grant, Severance tax, basketball rec fees, court fines, Memorial Park donations, Camp Courage donations, County road & bridge, and miscellaneous revenues of bond reserve income, CIRSA insurance refund, CIRSA surplus, and Candelaria Heights impact fees not assured at the time of the adoption of the budget, and,

WHEREAS, the Town's Capital Improvement Fund received \$136,567 in transfer from other funds which was not assured at the time of the adoption of the budget, and,

WHEREAS, the Town's Gas fund received \$23,850 in miscellaneous income from Rock Creek infrastructure installation not assured at the time of the adoption of the budget, and,

WHEREAS, the Town's General Fund expenses are expected to be \$89,136 higher than anticipated due to contract work, admin. vehicle repair and maintenance, contributions to institutions, \$108,144 transfer to Capital Improvement Fund for property purchase, police overtime, police operating supplies, and fuel for police vehicles not planned at the time of the preparation of the budget, and,

WHEREAS, the Town's Capital Improvement Program expenses are expected to be \$184,481 higher than anticipated due to property purchase and purchase of an additional police car not planned at the time of the preparation of the budget, and,

WHEREAS, the Town's Gas Fund expenses are expected to be \$126,642 higher than anticipated due to gas repair & maintenance supplies, gas contract work, and \$110,162 transfer to Capital Improvement Fund for property purchase which was not planned at the time of the preparation of the budget.

NOW THEREFORE, be it ordained by the Town board of Trustees of the Town of Ignacio, Colorado:

Section 1. That the 1996 appropriation for the General Fund is hereby increased from \$750,948 to \$840,084 for the purpose of vehicle repair, contributions to institutions, transfer to Capital Improvement Fund for property purchase, police overtime, police operating supplies, and fuel for police vehicles.

Section 2. That the 1996 appropriation for the Capital Improvement Fund is hereby increased from \$195,654 to \$380,135 for the purpose of property purchase and purchase of an additional police vehicle. The expenses will be covered by unanticipated revenues and beginning balance.

Section 3. That the 1996 appropriation for the Gas Fund is hereby increased from \$371,058 to \$497,700 for the purpose of gas repair & maintenance supplies, gas contract work, and \$110,162 transfer to Capital Improvement Fund for property purchase. The expenses will be covered by unanticipated revenues and beginning balance.

ADOPTED, this 10th day of December, A.D., 1996.

Gerardo W. Silva
Mayor, Gerardo W. Silva

ATTEST Roberta C. Chelley
Town Clerk

DATE 12-10-96