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Town of Ignacio Land Use Code



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CHAPTER II: Land Use and Development Code

Section 1: General Provisions

1) TITLE and EFFECTIVE DATE

This chapter of the Ignacio Municipal Code shall be officially known as the “Land Use and Development Code,” and is referred to throughout this document as “this Land Use Code.” This Land Use Code shall become effective _____, 2021.

2) AUTHORITY

- a) This Land Use Code is adopted pursuant to the authority contained in the Colorado Revised Statutes (C.R.S.), and the Colorado Constitution, Article XX, Section 6. Local governments are provided broad authority to plan for and regulate the use of land within their jurisdictions, as authorized in Title 29, Article 20, et seq. and Title 31, Article 23, et seq. of the C.R.S., as amended. Additional statutory authority may also exist for specific types of land use regulation.
- b) Whenever a section of the Colorado Revised Statutes that is referred to in this Land Use Code is later amended or superseded, this Land Use Code is deemed amended to refer to the amended section or section that most nearly corresponds to the superseded section.

3) PURPOSE of THIS LAND USE CODE

This Land Use Code is adopted for the purpose of promoting the public health, safety, morals, convenience, order, prosperity, and welfare of the present and future inhabitants of the Town of Ignacio. The intent of this Land Use Code is not to create or establish contradictory or problematic requirements or processes.

4) APPLICABILITY and JURISDICTION

- a) The provisions of this Land Use Code shall apply to all development of land within the municipal boundaries of the Town, unless expressly and specifically exempted or provided otherwise in this Code. No development shall be undertaken without prior and proper approval or authorization pursuant to the terms of this Code. All development shall comply with the applicable terms, conditions, requirements, standards, and procedures established in this Code.
- b) Except as herein provided, no building, structure, or land shall be used and no building or structure or part thereof shall be erected, constructed, reconstructed, altered, repaired, moved or structurally altered except in conformance with the regulations herein specified for the [zone district](#) in which it is located, nor shall a [yard](#), lot, or [open space](#) be reduced in dimensions or area to an amount less than the minimum requirements set forth herein.
- c) This Code establishes procedural and substantive rules for obtaining the necessary approval to develop land and construct buildings and structures. Development

applications will be reviewed for compliance with any adopted [Comprehensive Plan](#) and with all adopted regulations, policies, and other guidelines.

5) CONFLICTING PROVISIONS

- a) CONFLICT WITH OTHER PUBLIC LAWS, ORDINANCES, REGULATIONS, OR PERMITS – This Land Use Code is intended to complement other local, state, and federal regulations that affect land use. This Land Use Code is not intended to revoke or repeal any other public law, ordinance, regulation, or permit. However, where conditions, standards, or requirements imposed by any provision of this Land Use Code are either more restrictive or less restrictive than comparable standards imposed by any other public law, ordinance, or regulation, the provisions that are more restrictive or that impose higher standards or requirements shall govern.
- b) CONFLICT WITH PRIVATE AGREEMENTS – This Land Use Code is not intended to revoke or repeal any [easement](#), covenant, or other private agreement. However, where the regulations of this Land Use Code are more restrictive or impose higher standards or requirements than such easement, covenant, or other private agreement, then the requirements of this Land Use Code shall govern. Nothing in this Land Use Code shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not excuse any failure to comply with this Land Use Code. In no case shall the Town be obligated to enforce the provisions of any easements, [covenants](#), or agreements between private parties.

6) ENFORCEMENT

- a) ENFORCING OFFICIAL – The provisions of this Chapter shall be administered and enforced by the officers or departments designated by the Town Manager. For the purposes of this code, the person assigned shall hereafter be referred to as “Code Administrator” or “Administrator.”
- b) ENFORCEMENT PROCEDURE – All alleged violations of any of the provisions of this Chapter shall be investigated by the Administrator. It is the policy of the Town to work with citizens to obtain compliance in the most neighborly and efficient process possible. If a violation is found to exist it shall be corrected in one or more of the following ways:
 - i. The Administrator will first notify the property owner and any other persons responsible for the violation, in person if possible, and give options for compliance. Should compliance not be obtained, the Administrator will then notify the party in writing and order the necessary correction, complete with a schedule for compliance.
 - ii. The Building Official may issue a stop work order by notice in writing posted on the building or property in or upon which such violation is occurring, as provided by the [Building Code](#) adopted by the Town.
 - iii. Failure to comply with any of the provisions of this Chapter, shall constitute a violation of the Code and subject to citation into the Town Municipal Court.

7) FEES

Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters will be charged to [applicants](#) for permits, [plat](#) approvals, zoning amendments, variances, and other administrative relief. The Town Board will periodically adopt the fee schedule. The fee schedule is available from the Town.

8) SEVERABILITY

If any part, section, subsection, sentence, clause, or phrase of this Code is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the Code. The Town Board hereby declares that it would have passed the Code including each part, section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses, or phrases be declared invalid.

9) COMPUTATION of TIME

In computing a period of days, the first day is excluded and the last day is included. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the Town, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or holiday observed by the Town. References to days are calendar days unless otherwise stated.

10) DECISION-MAKING BODIES

a) TOWN BOARD

The Town Board shall have the Land Use review and decision-making responsibilities listed in [Table 2.2.1](#) and shall exercise their authority in accordance with the terms of this Land Use Code.

b) PLANNING COMMISSION

The Planning Commission is established pursuant to the authority of CRS 31-23-201 et sec. The Planning Commission shall have all powers granted and shall perform all the duties imposed by statutes of the State of Colorado. The Planning Commission shall have the review and decision-making authorities listed in Table 2.2.1, and in addition shall have the following duties and responsibilities:

- i. Develop and recommend to the Town Board new policies, administrative procedures, and other processes or improvements pertaining to land use;
- ii. Conduct studies and recommend to the Town Board, any other new plans, goals, and objectives relating to growth, development, and redevelopment of the Town;
- iii. Perform any other duties assigned by the Town Board.
- iv. Members and Terms of Office
 - (1) The Planning Commission shall consist of five (5) members and two (2) alternate members, who shall be appointed by the Town Board by resolution.

- (2) Members shall be Town residents or property owners within the Town. Preference for appointments will be given to residents and property owner appointments shall not exceed two (2) members. No vote shall pass with a majority of property owner votes, which could be the case with a 3-person quorum and two property owners voting.
- (3) Members of the Commission shall serve terms of four (4) years and until their successors have been appointed. Terms shall be arranged so that the term of at least one (1) member shall expire each year.
- (4) The members of the Planning Commission shall serve in such capacity without compensation.
- (5) The Town Board shall, by resolution, fill vacancies, designate alternate members, and may remove members for cause in accordance with State Statutes. The office of any regular member of the Planning Commission shall be deemed vacant if that member misses three consecutive regular meetings unless the absences are excused by the Chairperson. Vacancies may be filled for the unexpired terms only. Members may be reappointed to successive terms without limitation.

c) **BOARD OF ADJUSTMENT**

The Board of Adjustment is established pursuant to the authority of CRS 31-23-307 et. sec. The Board of Adjustment shall have all powers granted and shall perform all the duties imposed by statutes of the State of Colorado. The Board of Adjustment shall have the review and decision-making authorities listed in Table 2.2.1. The Board of Adjustment conducts proceedings in a quasi-judicial manner.

i. **Members and Terms of Office**

- (1) The Board of Adjustment shall consist of five (5) members and two (2) alternate members, who shall be appointed by the Town Board by resolution.
- (2) Members shall be Town residents or property owners within the Town. Preference for appointments will be given to residents and property owner appointments shall not exceed two (2) members.
- (3) The members of the Board of Adjustments shall serve in such capacity without compensation.
- (4) The Town Board shall, by resolution, fill vacancies, designate alternate members, and may remove members for cause in accordance with State Statutes. The office of any regular member of the Board of Adjustment shall be deemed vacant if that member misses three consecutive regular meetings unless the absences are excused by the Chairperson. Vacancies may be filled for the unexpired terms only. Members may be reappointed to successive terms without limitation.

11) MEETINGS and HEARINGS GENERALLY

This Section shall apply to the Planning Commission and Board of Adjustments established under this Chapter, unless otherwise provided in this Land Use Code:

a) **MEETINGS**

i) **Chairperson and Vice Chairperson**

Annually, at the first regular meeting of the year, the Planning Commission and Board of Adjustments shall elect, by majority vote, from its membership a Chairperson and Vice-Chairperson, with each being eligible for re-election, and each serving a one-year term in such capacity. The Chairperson of each commission or board shall preside at all meetings and [public hearings](#) and shall decide all points of order and procedure. The Vice-Chairperson shall assume the duties of the Chairperson in the absence of the Chairperson and shall act in the capacity of Chairperson of all special committees created by the commission or board. Should the Vice-Chairperson and the Chairperson be absent from a meeting or public hearing, the majority of the commission or board shall appoint a member to be the presiding officer. Any vacancy from the position of Chairperson or Vice-Chairperson shall be filled in the same manner as such positions are established.

ii) **Establishment of Meeting Schedule**

The commission and board shall establish a meeting schedule that meets frequently and regularly. All meetings shall be open to the public, and the agenda for each meeting shall be made available in advance. In lieu of a meeting schedule, the Board of Adjustment must convene a meeting within 45 days of receipt by the Administrator of a completed variance or appeal application.

iii) **Notice of Meetings**

The Town Hall shall be the designated public place for posting meeting notices. A posted meeting agenda may be amended by a majority vote. The agenda of any regular meeting at which a quorum is expected shall be posted no less than 24 hours in advance of the meeting.

iv) **Special Meetings**

Special meetings may be called as necessary by the Chairperson or a majority of the commission or board. The agenda of any special meeting at which a quorum is expected shall be posted no less than 24 hours in advance of the meeting.

b) **SUBCOMMITTEES**

The Planning Commission or Board of Adjustments may establish committees as it deems advisable and assign each committee specific duties or functions. The chairperson of each commission or board may designate the members of each committee and may name the chairperson of each committee. The chairperson may fill vacancies on committees as they are created.

c) **ACTIONS BY MEMBERS**

i) **Quorum**

A quorum for each commission or board shall consist of three-fifths of the regular and alternate members present for the properly noticed meeting. A quorum must

exist before the commission or board can take official action. In cases where a member may be permitted to withdraw from the meeting without being properly excused, that member shall be counted as present for the purpose of a quorum.

ii) **Use of Alternate Members**

An alternate member shall be seated as a voting member when designated by the Chairperson to fill an absence of a regular member. An alternate member shall remain seated as a voting member either for the duration of the meeting, or until the absent member arrives. In the event a regular member arrives late, the alternate member shall remain seated until a new agenda item is taken up. If, in the course of a meeting where an alternate member is seated, a [public hearing](#) is “continued” to a later meeting, that alternate member shall also be seated for the continuation of the public hearing, but not for any other agenda items unless absences of other regular members necessitate. A regular member who was absent from a public hearing that is continued shall remain unseated at the continued public hearing but shall retain his or her seat for all other business conducted at the meeting.

d) **VOTING**

i) **Planning Commission**

All actions taken by the Planning Commission will require a majority vote by a quorum of the Commission. No vote shall pass with a majority of property owner votes, which could be the case with a 3-person quorum and two property owners voting.

ii) **Board of Adjustment**

A concurring vote of four-fifths of the membership is necessary to reverse any order, requirement, decision, or determination by the Administrator, or to decide in favor of any [applicant](#) on any matter that is required to pass under this Land Use Code. All other actions taken by the Board of Adjustment will require a majority vote by a quorum of the Board. No vote shall pass with a majority of property owner votes, which could be the case with a 3-person quorum and two property owners voting.

iii) **Withdrawals from Voting**

- (1) A member of the Planning Commission or Board of Adjustments may be excused from voting on a particular issue only if he or she determines they would have a conflict of interest, or he or she would be violating the State Code of Ethics.
- (2) A member of the Commission or Board may be allowed to withdraw from the remainder of a meeting by receiving a majority vote from the remaining members present. A meeting withdrawal is allowed for any sufficient reason other than the member’s desire to avoid voting on matters to be considered during the meeting. A motion to allow a member to be excused from the remainder of the meeting is proper only if made by or initiated by the member directly affected.

e) **RECORDING OFFICIAL ACTIONS**

The Designated Town Staff shall be responsible for working with the Chairperson and Administrator to ensure all required information requiring official action is provided and retained for proper record keeping. Each commission and board shall act on all of the below items:

- i) Approval of regular and special meeting agendas and minutes; and
- ii) Detail all actions requiring official recommendations or approvals as dictated by this Chapter.

CHAPTER II: Land Use and Development Code

Section 2: Administration

This section outlines the common and specific procedures required for all types of land use review. The Administrator or Planning Commission has the ability to refer any application to the next higher level of decision authority if they deem the project impacts are substantial and necessitate a higher level of review.

1. SUMMARY TABLE OF PROCEDURES

Table 2.2.1 Summary Table of Procedures

R=Review (Review or Recommend) D=Decision (Responsible for Final Decision) H=Public Hearing Required A=Appeal (Decision Appeal Authority)					
PLANNING AND ZONING					
Procedure	Section	Administrator	PC	BOA	Town Board
Comprehensive Plan, Adoption, and Amendments			R - H		D - H
Rezone and Initial Zoning		R	R - H		D - H
Annexation		R	R		D - H
Code Interpretation		D		A - H	
Special Use Permits		D	A - H		
Conditional Use Permits		R	D - H		A
Variances		R	R	D - H	
Site Plan, Major		R	D		A - H
Site Plan, Minor		D	A		
Sign Permit		D	A		
Sign Program		R	D		A - H
Appeals of Administrative Decisions				D - H	

Table 2.2.1 Summary Table of Procedures (continued)

R=Review (Review or Recommend) D=Decision (Responsible for Final Decision) H=Public Hearing Required A=Appeal (Decision Appeal Authority)					
SUBDIVISION					
Minor Subdivision		R-D		A	
Major Subdivision Sketch plan		R	D - H		A
Major Subdivision Prelim. Plat		R	R		D
Major Subdivision Final Plat		D			A
Vacation of ROW		R	R		D - H
Amended Plats/Boundary Adjustments		R	R		D - H
Condominium/Townhouse Plat		R			D - H
Vested Rights					D - H

2) COMMON DEVELOPMENT REVIEW PROCEDURES

a) PRE-APPLICATION CONFERENCE (OPTIONAL)

i) Purpose

The purpose of a pre-application conference is to provide an opportunity for an informal evaluation of the [applicant's](#) proposal and to familiarize the applicant and the Administrator with the applicable provisions of this Land Use Code, any Comprehensive or other applicable Town Plans or Policies, [infrastructure](#) requirements, and any other issues that may affect the applicant's proposal.

ii) Pre-Application Conference

The potential [applicant](#) shall request a pre-application conference with the Administrator and pay the required fees, if any. With the request for a pre-application conference, the applicant shall provide to the Administrator a description of the [character](#), location, and magnitude of the proposed development and any other available supporting materials, such as maps, drawings, or models. It is the applicant's responsibility to provide sufficiently detailed plans and descriptions of the proposal for the Administrator to make informal recommendations regarding the proposed project. At the conference, the applicant, the Administrator or designee, and any other persons the Administrator deems appropriate to attend shall discuss the proposed development and the applicable requirements of this Land Use Code, based on the information provided by the applicant. The informal evaluation and comments provided by the Administrator at the conference are not binding upon the applicant or the Town but are intended to guide the applicant through the application and submittal

process and advise the applicant in advance of issues that may be relevant to the respective board or commission.

b) APPLICATION

i) Application Requirements

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

- (1) The name, mailing address, and telephone numbers of 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.
- (5) Proof of ownership of the property in question and concurrence in the purpose of the application by the owner.
- (6) Legal description of the property in question, to include: survey number, tract number or other recorded identifying parcel number.
- (7) Current zoning classification of the parcel.
- (8) A copy of a certified survey plat may be required or a sketch plan which shows the relative location of existing and proposed improvements, buildings, structures, roads, driveways, parking, ditches, utilities, fences, and other significant features.
- (9) A written description of the nature of the improvement planned, if any.
- (10) Architect or engineer drawings, floor plans, and diagrams as may be required by the Administrator.
- (11) 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.

c) AUTHORITY to FILE APPLICATIONS

Unless otherwise specified in this Land Use Code, applications for review and approval may be initiated by the owner of the property that is the subject of the application, the owner's authorized agent. When an authorized agent files an application under this Land Use Code on behalf of a property owner, the agent shall provide the Town with written, notarized documentation that the owner has authorized the filing.

d) DEVELOPMENT REVIEW FEES

i) Recovery of Costs

Development review fees are established for the purpose of recovering the costs incurred by the Town in processing, reviewing, and recording development

- applications submitted pursuant to this Land Use Code. An applicant shall reimburse the Town for all costs incurred in review of an application, including review fees from consultants acting as staff and fees from review agencies. The development review fees imposed pursuant to this Section shall be paid at the time of submittal of any development application and are non-refundable. All final approvals shall be contingent on the applicant reimbursing the Town any additional required fees within 30 days of a decision.
- ii) **Development Review Fee Schedule**
The Town Board shall establish development review and recording fees. The schedule of fees shall be reviewed annually and shall be adjusted, if necessary, by the Town Board and adopted by resolution.
 - iii) **Fee Waivers**
A waiver of development review fees may be granted by the Town Board upon written request by an applicant. The waiver will only be granted when, in the opinion of the majority of the Town Board, the public benefit and need of the project warrants such a waiver.
- e) **SUBMITTAL REQUIREMENT WAIVER**
The Administrator may waive certain submittal requirements if it is deemed unnecessary for the review of the project and associated development impacts. The Administrator will provide a report detailing the exact waivers and explanation on why they are not necessary, and the report will become part of the application and project file.
- f) **ADDITIONAL INFORMATION**
Additional application-specific information, beyond that specified, may be required by the Administrator, Planning Commission, and/or Town Board, as necessary and appropriate to evaluate fully whether an application complies with the requirements of this Land Use Code.
- g) **INACTIVE FILES**
If an applicant fails to submit required information or request a hearing date within six (6) months from the application date, the file may become void and the re-submittal of a new application and fees may be required. The Administrator may grant extensions of time to this provision, upon a written request by the applicant.
- h) **DETERMINATION OF APPLICATION COMPLETENESS**
The Administrator shall only initiate the review and processing of complete applications. The Administrator will decide application completeness within 15 days of receipt of the application by the Administrator. If the application is determined to be complete, the application shall then be processed according to the procedures set forth in this Land Use Code. If an application is determined to be incomplete, the Administrator shall provide notice to the applicant along with an explanation of the application's deficiencies. No further processing of an incomplete application shall occur until the deficiencies are corrected in a future re-submittal.

- i) An application will be considered complete if it is submitted in the required form, includes all mandatory information, including all supporting materials, and is accompanied by the applicable fee. Information shown must clearly indicate compliance with applicable development standards, or in the case of a request for a variance or modification to certain standards, the degree to which the application will be non-compliant.
 - ii) Any supplemental technical reports and special studies that are submitted following the original application must be received at least 30 days prior to the first hearing to be held on the application. The Town may postpone and reschedule a hearing or approval deadline if such reports and studies are submitted less than 30 days prior to a hearing. Copies of such additional materials shall be delivered to all reviewers who received the original application packet.
- i) **ADMINISTRATOR REVIEWS APPLICATION AND PREPARES STAFF REPORT**
After determining that a development application is complete, the Administrator shall refer the development application to the appropriate board or commission, ensure all required notices are completed, review the development application, and prepare a Staff Report. The Staff Report shall be made available for inspection and copying by the applicant and the public prior to any scheduled public hearing(s) on the application. The Staff Report shall indicate whether, in the opinion of the Administrator, the development application complies with all applicable standards of this Land Use Code.
- j) **NOTICE OF PUBLIC HEARING(S)**
- i) **Content of Notices**
Notice of all [public hearings](#) required under this Land Use Code shall: (1) identify the date, time, and place of the public hearing, (2) if applicable, describe the property involved in the application by street address or by legal description; (3) describe the nature, scope, and purpose of the proposed action; (4) indicate that interested parties may appear at the hearing and speak on the matter; and (5) indicate where additional information on the matter may be obtained.
 - ii) **Summary of Notice Requirements**
Table 2.2.2 lists the notice requirements for all procedures in this Chapter.
 - (1) **Published Notice**
When Table 2.2.2 requires that notice be published, the Town Clerk shall publish notice of a public hearing in a newspaper of general circulation at least 15 days prior to the scheduled hearing date.
 - (2) **Written Notice**
When Table 2.2.2 requires that written notice be provided, such notice shall be mailed by the Town no less than 15 days before the public hearing, by first class United States mail, to the applicant, appellant, or [landowners](#) subject to a land use application, subject property, neighboring property owners whose properties are within 200 feet of the lot that is the subject of the application

or appeal (based on information found in the La Plata County tax records), and any other person who makes a written request for such notice.

(3) Posted Notice

When Table 2.2.2 requires a posted notice, the applicant shall post at least one sign on the lot, [parcel](#), or tract of land, and such sign shall remain on the property for a period of at least 15 days prior to the public hearing. The sign shall be posted in a prominent place, clearly visible from the most heavily traveled [adjacent](#) street or public way. The Administrator may require that additional signs be posted depending on the access and configuration of the property.

(4) Notice to Mineral Estate Owners and Lessees

When Table 2.2.2 requires that notice be provided to mineral estate owners and lessees, the applicant shall provide notice of the application by certified mail, return receipt requested, to all mineral estate owners and lessees on the subject property in accordance with C.R.S. Section 24-65.5-103. Such notice shall be provided not less than 30 days prior to the initial public hearing, or not less than 30 days prior to the final decision if the application does not require a public hearing. It shall be the applicant's responsibility to conduct the necessary research to determine mineral estate owners and lessees on the subject property.

(5) Constructive Notice

Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in notice shall be limited to errors in a legal description or typographical or grammatical errors that do not impede communication of the notice to affected parties. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing shall be correctly conveyed. Failure of a party to receive written notice shall not invalidate subsequent action. If questions arise at the hearing regarding the adequacy of notice, the decision-making body shall make a formal finding as to whether there was substantial compliance with the notice requirements of this Land Use Code.

Table 2.2.2 Notice Requirements

PLANNING AND ZONING		X - Denotes Required Notice			
Procedure	Section	Published	Written	Posted	Mineral
Rezone and Initial Zoning		X	X	X	
Annexations		X	X	X	
Code Interpretation		X			
Special Use Permits		X	X	X	
Conditional Use Permits		X	X	X	
Variances		X	X	X	
Site Plan, Major		X	X	X	
Site Plan, Minor					
SUBDIVISIONS					
Minor Subdivision		X	X	X	X
Major Subdivision Sketch Plan		X	X	X	
Major Subdivision Preliminary Plat		X	X	X	X
Major Subdivision Final Plat					
Vacation of ROW		X	X	X	
Amended Plats/Boundary					
Condominium/Townhouse Plat					
Vested Rights					

k) DECISION AND FINDINGS

i) Approval Criteria

To approve a development application, the respective board, commission, or Administrator shall find that the development application has satisfied and followed the applicable requirements of this section and all the approval criteria required for the applicable development application.

ii) Decision

After consideration of the development application, the Staff Report, comments received from other reviewers (if applicable), and the evidence from the public hearing (if applicable), the decision-maker designated in Table 2.1.1 shall approve, approve with conditions, or deny the application based on the applicable approval criteria. The Administrator shall provide written notification of the decision to the applicant within seven (7) days after the decision.

iii) Conditions of Approval

Unless otherwise specified in this Land Use Code, the respective board or commission may impose such conditions on the approval of the application as may be necessary to reduce or minimize any potential adverse impact upon other property in the area, or to carry out the general purpose and intent of any adopted [Comprehensive Plan](#), other adopted Town plans, and this Land Use Code. In such cases, any conditions attached to approvals shall be directly related to the impacts of the proposed use or development and shall be roughly proportional in both nature and extent to the anticipated impacts of the proposed use or development. No conditions of approval shall be less restrictive than the requirements of this Land Use Code, except where the Land Use Code allows deviations from the express requirements of the Land Use Code.

iv) **Findings**

All decisions shall include at the least the following elements:

- (1) A clear written statement of approval, approval with conditions, or denial, whichever is appropriate; and
- (2) A clear statement of the basis upon which the decision was made, including specific written findings of fact with reference to the relevant standards of this Land Use Code.

v) **Record of Proceedings**

(1) **Recording of Public Hearing**

The respective board or commission conducting the [public hearing](#) shall record the public hearing by any appropriate means. A copy of the public hearing record may be acquired by any person upon application to the Administrator, and payment of a fee to cover the cost of duplication of the record.

(2) **The Record**

The record shall consist of the following, all of which shall be kept by the Town for a length of time prescribed in the Town's adopted records retention schedule:

- (a) All exhibits, including, without limitation, all writings, drawings, maps, charts, graphs, photographs, and other tangible items received or viewed during the proceedings;
- (b) All minutes of the proceedings; and
- (c) If available, a transcript and/or audio or video recording of the proceedings.

vi) **Recording of Decisions**

Once approved, and after the appeal period has expired, the decision shall be filed with the Town Clerk.

l) **AMENDMENTS to PERMITS or OTHER FORMS of APPROVAL**

i) **Minor Amendments**

Unless otherwise specified in this Section, minor amendments to any permit or other form of approval issued by the Administrator, the Planning Commission, or

the Town Board may be approved, approved with conditions, or denied administratively by the Administrator and may be authorized without additional public hearings. Such minor amendments may be authorized by the Administrator if the development approval, as so amended, continues to comply with the standards of this Land Use Code, at least to the extent of its original compliance (so as to preclude any greater deviation from the standards of this Land Use Code by reason of such amendments). Minor amendments shall consist of any of the following:

- (1) Any change to any permit or other form of approval that was originally subject only to administrative review and was approved by the Administrator, provided such change would not have disqualified the original application from administrative review had it been requested at that time; and provided that the minor amendment does not result in an increase of more than ten percent in the amount of square footage of a land use or structure and does not result in a change in the types of uses in the project.
- (2) Any change to any permit or other form of approval that was originally subject to final review by and was approved by the Planning Commission, provided that:
 - (a) The minor amendment does not result in an increase in the approved number of [dwelling units](#);
 - (b) The minor amendment does not result in an increase in the amount of square footage of a non-residential land use or structure;
 - (c) The minor amendment does not result in a change in the housing mix or use mix ratio;
 - (d) The minor amendment does not result in a change in the [character](#) of the development;
 - (e) The minor amendment does not decrease [setbacks](#) or increase height; and
 - (f) In either (1) or (2) above, the Administrator may refer the amendment to the Planning Commission.

ii) **Major Amendments**

Amendments to any permit or other form of approval that are not determined by the Administrator to be minor amendments under Section 2.2(l) shall be deemed major amendments. Major amendments shall be reviewed and processed in the same manner as required for the original application for which the amendment is sought.

m) **LAPSE of APPROVAL**

If applicable, the lapse of approval time frames established in Section 2.3. may be extended only when all the following conditions exist:

- i) The provisions of this Land Use Code must expressly allow the extension;
- ii) An extension request must be filed prior to the applicable lapse-of-approval deadline;

- iii) The extension request must be in writing and include justification; and
 - iv) Unless otherwise noted, authority to grant extensions of time shall rest with the decision-making body that granted the original approval being extended.
- n) **SUBSEQUENT APPLICATIONS**
- Following denial of an application, the respective Board or Commission shall not consider the same or substantially the same application within one year of the date of denial. The respective Board, Commission, or Administrator may waive the one year waiting period if, after review of a written request, shows good cause. The respective Board or Commission must approve this waiver by an affirmative vote of the majority of its members.
- o) **APPEALS**
- i) **Purpose**
- This Section sets forth the process for appealing final decisions made under this Land Use Code. Appeals of land use decisions are available at each step of review and decision-making process. Administrative decisions may be appealed to the Board of Adjustment, except for administrative approvals of minor [site plans](#), [temporary use](#) permits, sign permits, and final [subdivision](#) plats. Decisions of the Planning Commission may be appealed to the Town Board, as further set forth in this Section.
- ii) **Types of Appeals**
- (1) **Appeals from Final Decisions by the Administrator**
- A party-in-interest may appeal a final decision made by the Administrator in administering or interpreting this Code. All such appeals shall be taken to the Board of Adjustment, except that appeals from the Administrators decisions on temporary use permits, minor [site plans](#), sign permits, and final subdivision plats shall be taken to either the Planning Commission or Town Board, as applicable.
- (2) **Appeals from Final Decisions by the Board of Adjustment**
- A party-in-interest may appeal a final decision made by the Board of Adjustment. All such appeals shall be taken to a Colorado court of competent jurisdiction.
- (3) **Appeals from Final Decisions by the Planning Commission**
- A party-in-interest may appeal a final decision made by the Planning Commission to the Town Board.
- (4) **Appeals from Final Decisions by the Town Board**
- A party-in-interest may appeal a final decision made by the Town Board to a Colorado court of competent jurisdiction.
- (5) **Appeals from Enforcement Actions**
- Appeals from issuance of a notice of violation or stop work order shall be taken to a Colorado court of competent jurisdiction.

iii) **Grounds for Appeal**

The permissible grounds for appeal shall be limited to allegations that the Approval Authority committed one (1) or more of the following errors:

(1) Failed to properly interpret and apply relevant provisions of this Code.

(2) Failed to conduct a fair hearing in that:

(a) The Original or Appellate Approval Authority abused its discretion as contained in this Code;

(b) The Original or Appellate Approval Authority substantially ignored its formally established rules of procedure resulting in a denial of procedural due process; or

(c) The Original or Appellate Approval Authority based its decision on evidence which was substantially false or grossly misleading.

iv) **Notice of Appeal**

Appeals shall be made within ten (10) days of the final decision which is the subject of the appeal. All appeals shall be filed in writing with the Town Clerk and shall include the reasons for the appeal.

v) **Burden of Proof**

Any final decisions of the Approval Authority shall be presumed to be correct. The appellant has the burden of proof to show that a preponderance of the evidence introduced before the Approval Authority supports the conclusion that the decision should be overturned.

vi) **Appeal Hearing**

(1) The Administrator shall schedule a [public hearing](#) on the appeal no later than sixty (60) days after the date the appeal was filed with the Town Clerk. The appeal hearing may be extended up to ninety (90) days after the filing of the appeal if agreed to by both the Administrator and the appellant.

(2) Notice of the public hearing shall be published as required for the original decision.

vii) **Appeal Criteria**

The Board of Adjustment or Town Board shall reverse, amend, or remand a decision upon a finding that at least one of the grounds for appeal set forth in Section 2.2.o.iii occurred, and that the final decision being appealed was materially affected thereby.

viii) **Decision**

Following the public hearing, the Board of Adjustment or Town Board may, in whole or in part, affirm, reverse, or amend the decision being appealed based on the appeal criteria set forth in Section 2.2.o.vii herein, and to that end the Board of Adjustment or Town Board shall have all the powers of the Approval Authority. The Board of Adjustment or Town Board may also remand the matter back to the Approval Authority, as deemed appropriate, for further proceedings consistent with the Land Use Code. The final decision shall be stated in writing in the body's minutes as well as in a written order to be delivered to the appellant and shall

include specific findings of fact with specific reference to relevant standards as set forth in this Land Use Code.

(1) **Notification to Applicant**

The Administrator shall provide notification of the final decision to the parties in the appeal within ten (10) days of the decision.

p) **VESTED RIGHTS**

i) **Purpose**

The purpose of this Section is to provide the procedures necessary to implement the provisions of Article 68 of Title 24, C.R.S., as amended.

ii) **Definition**

For purposes of Article 68 of Title 24, C.R.S., a [site specific development plan](#) means a document that complies with all requirements of this Section and consists of one of the following:

(1) A final [subdivision](#) plat approved pursuant to Section 2.3.b.iii.5; or

(2) A site plan approved pursuant to Section 2.3.g.

iii) **Notice and Hearing**

To obtain a [site specific development plan](#), the developer must seek from the Town Board approval of the project at a public hearing conducted at the request of the [landowner](#), which hearing follows the successful approval of the development at all other required stages of the development review process. The public hearing shall be preceded by written notice of such public hearing pursuant to Section 2.3.k. Such notice may, at the Town's option, be combined with the notice required for any other required notice. At such public hearing, interested persons shall have an opportunity to be heard. Failure of the landowner to request such a hearing renders the approval not a "site specific development plan," and no [vested rights](#) shall be deemed to have been created.

iv) **Approval, Effective Date and Amendments**

A [site specific development plan](#) shall be deemed approved upon the effective date of the approved plan. In the event amendments to a site-specific development plan are proposed and approved, the effective date of such amendments, for purposes of duration of a vested property right, shall be the date of the approval of the original site-specific development plan, unless the Town Board specifically finds to the contrary and incorporates such finding in its approval of the amendment. The Town Board may, by agreement with the [developer](#), designate an approval other than the final development plan or final [plat](#) to serve as the site-specific development plan approval for a specific project.

v) **Notice of Approval**

Each map, plat, [site plan](#), or other document constituting a site-specific development plan shall contain the following language: "Approval of this Plan may create a vested property right pursuant to Article 68 of Title 24, C.R.S." Failure of the map, plat, or site plan to contain this statement shall invalidate the creation of the vested property right. In addition, a notice describing the type and intensity

- of use approved, the specific parcel or parcels of property affected, and stating that a vested property right has been created, shall be published once, not more than 14 days after approval of the site-specific development plan, in a newspaper of general circulation within the Town.
- vi) **Duration**
A vested property right approved pursuant to this Section shall last a period of three (3) years, unless otherwise agreed upon by the Town and the applicant.
 - vii) **Payment of Costs**
In addition to any and all other fees and charges imposed by the Town, the applicant for approval of a site-specific development plan shall pay all costs incurred by the Town as a result of the site-specific development plan review, including publication of notices, public hearing, and review costs.
 - viii) **Other Provisions Unaffected**
Approval of a site-specific development plan shall not constitute an exemption from, or waiver of, any other provisions of the Code pertaining to the development and use of property.
 - ix) **Limitations**
Nothing in this Section is intended to create any vested property right, but only to implement the provisions of Article 68 of Title 24, C.R.S. In the event of the repeal of said state law or a judicial determination that said law is invalid or unconstitutional, this Section shall be deemed to be repealed, and the provisions hereof no longer effective.

3) **SPECIFIC PROCEDURES and APPROVAL CRITERIA**

a) **AMENDMENTS to the OFFICIAL ZONING MAP**

- i) **Purpose**
Amendments to the Official [Zoning Map](#) may be made to reflect changes in zoned district boundaries or for creation of new [zone districts](#). Amendments to the zoning map are not intended to relieve hardships, nor to confer special privileges or rights to a person or parcel, but instead to make adjustments to the Official Zoning Map that are necessary in light of changed conditions, public policy, annexations, or that are necessary to advance the general welfare of the Town.
- ii) **Applicability**
Amendments to the Official Zoning Map may be approved by the Town Board following review and recommendation by the Planning Commission.
- iii) **Criteria for General Rezoning**
The Town Board may approve rezoning, and the Planning Commission may recommend approval, if the rezoning meets the following criteria:
 - (1) The rezoning will promote the public health, safety, and general welfare;
 - (2) The rezoning is consistent with any adopted [Comprehensive Plan](#), or other adopted Plan and Policy and the purposes of this Land Use Code;

- (3) The rezoning is consistent with the stated purpose of the proposed zoning district(s);
- (4) Facilities and services (including roads and transportation, water, gas, electricity, police and fire protection, and sewage and waste disposal, as applicable) will be available to serve the subject property while maintaining adequate levels of service to existing development;
- (5) The rezoning is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation, or such impacts will be substantially mitigated; and
- (6) The rezoning is not likely to result in significant adverse impacts upon other property in the vicinity of the subject tract.

iv) **Protests**

Any owner of property affected by a proposed amendment to the Official Zoning Map may protest the amendment pursuant to the statutory requirements of C.R.S. Section 31-23-305.

v) **Approval Actions**

The Town Board shall approve a [zoning map](#) change by ordinance and the Town Clerk shall prepare a new zoning map to reflect the approved changes. The new Official Zoning Map shall contain the date and number of the ordinance amending it, the date the map was amended to reflect each amendment and the initials of the person who checked and approved the change to the map.

b) **SUBDIVISION**

i) **General Provisions**

(1) **Purpose**

The purpose of the [subdivision](#) review procedures is to ensure compliance with the standards and requirements in Section 6, Subdivision Design and Improvement Standards, and encourage quality development consistent with all adopted Town goals, policies, and objectives.

(2) **General Applicability**

The procedures of this Section, and the standards in Section 6, Subdivision Design and Improvements, shall apply to all subdivisions that result in the portioning, dividing, combining, or altering of any lot, parcel, or tract of land, including subdivisions created by an exercise of the power of eminent domain by an agency of the State or Town, unless specifically excluded by state law.

(3) **Subdivision Approval is Prerequisite to Other Approvals**

No building permit or certificate of occupancy may be issued for any building, structure, or improvement located within a subdivision, and no plat for a subdivision may be recorded, until:

- (a) A plan for the subdivision has been approved and all required [dedications](#) of land have been made, and all required improvements have been installed in accordance with the procedures and requirements of this Section; or

- (b) A plan for the subdivision of land has been approved and a subdivision Development Agreement has been executed that provides for future improvements pursuant to standards adopted by the Town.
 - (c) The Town shall not accept or maintain any street and shall not extend or connect any services to any subdivision of land until the plat for the subdivision has been approved and recorded in accordance with the requirements set forth in this Section.
- (4) **Restriction on Sale or Transfer of Subdivided Land Without Approved Plat**

No person shall subdivide, transfer, sell, agree to sell, or negotiate to transfer or sell any land by reference to a metes and bounds description or subdivision [plat](#) before such description or plat has been approved pursuant to this Land Use Code and recorded in the Office of the La Plata County Clerk and Recorder.
- (5) **Acceptance of [Dedications](#)**

All plans, plats, and plat amendments of land laid out in subdivision or building lots, and that include streets, highways, [sidewalks](#), [alleys](#), [open space](#), or other areas intended to be dedicated to a [public use](#), shall be submitted for review and subsequent approval, conditional approval, or denial, unless this Land Use Code authorizes approval through the Minor Subdivision/Plat Amendment process. No plat shall be recorded that does not bear, by endorsement or otherwise, the approval of the Town Board. Execution of the approved final plat in accordance with this Section shall constitute the Town's acceptance of any public [dedication](#).
- (6) **Existing Lots of Record**

No provision of this Section or Section 6 applies to any lot in a subdivision legally created and recorded before the effective date of this Land Use Code.
- ii) **Minor Subdivision/Plat Amendment**
 - (1) **The minor subdivision procedure is allowed for the following:**
 - (a) [Subdivisions](#) creating five (5) or fewer lots, provided that parcels are eligible for minor subdivision only once. Further subdivisions of the original or newly created parcels shall be processed instead as major subdivisions;
 - (b) Subdivisions that create individual town home lots or individual duplex or [single-family attached](#) lots in a [multi-family](#) or planned development that has already been approved by the Town;
 - (c) Consolidation of two or more lots in a previously recorded subdivision plan;
 - (d) Boundary/lot line adjustments or other minor amendments to an approved final plat.
 - (2) **Limitations**
 - (a) There shall be no public [right-of-way dedication](#) or [public improvements](#) allowed with a minor subdivision; provided, however, that the Administrator may determine that such an application may still be processed as a minor subdivision if adequate security is provided to

ensure that the dedication will be received, and/or the public improvements installed.

- (b) The minor subdivision may not involve any modifications or variances to the subdivision design standards in Section 6.
- (c) If a proposed minor subdivision would result in conditions that do not comply with Section 6, or any other provision of the Code, or other conditions of the final plat approval imposed by the Town Board, or results in changes affecting parties other than the applicant, the application shall require review and approval through the major subdivision process.

(3) Approval Criteria – Minor Subdivisions

The Administrator shall approve the minor subdivision application if it meets the following criteria:

- (a) The minor subdivision is consistent with the any adopted [Comprehensive Plan](#) and other adopted Town plans;
- (b) The minor subdivision is consistent with and implements the intent of the specific zoning district in which it is located;
- (c) As applicable, the minor subdivision is consistent with the terms and conditions of any previously approved development plan;
- (d) The minor subdivision complies with all applicable use, development, and design standards set forth in this Land Use Code; and
- (e) Adequate and sufficient public safety, transportation, utility facilities and services, recreation facilities, parks, and schools are available to serve the subject property, while maintaining sufficient levels of service to existing development.

(4) Approval Criteria – Boundary/Lot Line Adjustments or Other Plat Amendments

The Administrator shall approve the plat amendment application if it meets the following criteria:

- (a) The adjustment does not increase the number of lots or parcels or create new lots or parcels;
- (b) The adjustment does not affect a recorded easement without the prior approval of the easement holder;
- (c) Street locations will not be changed;
- (d) The adjustment will not create any nonconformities or increase the degree of nonconformity of any existing structure or use;
- (e) The adjustment shall comply with all other applicable requirements of this Land Use Code and all other applicable regulations and requirements.

(5) Appeal

The applicant can appeal Administrator decisions on minor subdivisions, boundary/lot line adjustments or other plat amendments in accordance with Table 2.1.1. A formal appeal must be submitted in accordance with Section 2.2.o.

(6) Recording

Following the approval of a minor subdivision or plat amendment, the minor subdivision shall be signed by the town's authorized representative. The Town Clerk shall then record the minor subdivision in the office of the County Clerk and Recorder. Minor subdivisions shall be recorded within one (1) year of approval.

iii) **Major Subdivision/Planned Unit Development**

(1) **Applicability**

The major subdivision procedure is required for a proposed division of land when any one or more of the following conditions exist:

- (a) [Dedication](#) of public [right-of-way](#), other public tracts, or [public improvements](#) (unless the Administrator determines it shall be processed as a minor subdivision in accordance with Section 2.3.b.ii;
- (b) The resultant subdivision will produce six or more lots; or
- (c) The subdivision is not otherwise eligible for the minor subdivision process.

(2) **Overview of Procedure**

The major subdivision process consists of three steps:

- (a) Sketch plan, requires approval by the Planning Commission and may be submitted concurrently with the Preliminary Plat
- (b) Preliminary plat requires a recommendation by the Planning Commission and approval by the Town Board.
- (c) Final plat requires approval by the Administrator, unless substantial changes are proposed from the Preliminary Plat, in which case the Final Plat application requires a recommendation by the Planning Commission and approval by the Town Board of Trustees.

(3) **Sketch Plan**

(a) **Purpose**

A sketch plan represents a general land use plan and layout for the area proposed to be included within a subdivision. It allows for an evaluation of a proposed subdivision before detailed planning and engineering work has been undertaken and before substantial expenses have been incurred. Material submitted for a sketch plan may not constitute a complete application for a preliminary plat unless it meets the requirements for a preliminary plat application.

(b) **Approval Criteria**

The Planning Commission shall evaluate the applicant's sketch plan application to determine whether:

- (i) The land use mix within the project conforms to the Zoning District Map and any adopted Comprehensive Plan or Policy.
- (ii) The sketch plan represents a functional system of land use and is consistent with the rationale and criteria set forth in this Code and any adopted Comprehensive Plan or Policy.

- (iii) The utility and transportation design are adequate, given existing and planned capacities of those systems.
- (iv) Negative impacts on [adjacent](#) land uses have been identified and satisfactorily mitigated.
- (v) There is a need or desirability within the community for the applicant's development and the development will help achieve a balance of land use and/or housing types within the Town.
- (vi) The proposed subdivision complies with all applicable use, [density](#), development, and design standards set forth in this Land Use Code that have not otherwise been modified or waived pursuant to this Chapter and that would affect or influence the layout of lots, [blocks](#), and streets. Applicants shall avoid creating lots or patterns of lots in the subdivision that will make compliance with such development and design standards difficult or infeasible.
- (vii) The general layout of lots, roads, driveways, utilities, drainage facilities, and other services within the proposed subdivision is designed to maximize efficient use of the land, avoid hazard areas, protect sensitive natural resources, and otherwise accomplish the purposes and intent of this Land Use Code.

(c) **Lapse of Approval**

Approval or conditional approval of a sketch plan shall be effective for one (1) year unless otherwise expressly approved by the Planning Commission.

(4) **Preliminary Plat**

(a) **Purpose**

The purpose of the preliminary plat is to provide the Town with an overall development plan for the proposed subdivision.

(b) **Procedure**

The common procedures are described in Section 2.2. Specific additions and modifications to the common review procedures are identified below.

(c) **Submittal Timing**

The application must be submitted no more than one (1) year after approval of the sketch plan unless otherwise approved by the Planning Commission.

(d) **Approval Criteria**

The Planning Commission and Town Board shall evaluate the applicant's request based on whether the application is consistent with the approved sketch plan, conforms to the sketch plan approval criteria of this Land Use Code, and incorporates the Planning Commission's recommendations and conditions of approval on the sketch plan.

- (i) The proposed subdivision complies with all applicable use, [density](#), development, and design standards set forth in this Land Use Code that have not otherwise been modified or waived pursuant to this

Chapter and that would affect or influence the layout of lots, [blocks](#), and streets.

- (ii) The general layout of lots, roads, driveways, utilities, drainage facilities, and other services within the proposed subdivision is designed to maximize efficient use of the land, avoid hazard areas, protect sensitive natural resources, and otherwise accomplish the purposes and intent of this Land Use Code.
 - (iii) The applicant has provided evidence that provision has been made for a public water supply system or, if other methods of water supply are proposed, adequate evidence that the water supply is sufficient in terms of quantity, quality, and dependability for the type of subdivision proposed.
 - (iv) The applicant has provided evidence that provision has been made for a public sewage disposal system or, if other methods of sewage disposal are proposed, adequate evidence that such system shall comply with state and local laws and regulations.
 - (v) The applicant has provided evidence that the drainage/stormwater system has been designed to meet all requirements of this code and will not adversely affect downstream properties.
 - (vi) The applicant has provided evidence to show that all areas of the proposed subdivision that may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the [subdivider](#) and that the proposed use of these areas are compatible with such conditions.
 - (vii) The application provides a clear assumption of responsibility for maintaining all roads, [open spaces](#), and other public and common facilities in the subdivision.
 - (viii) As applicable, the proposed phasing for development of the subdivision is rational in terms of available [infrastructure](#) capacity and financing.
 - (ix) The subdivision is consistent with any adopted Town policies and plans, including any adopted comprehensive plan, transportation plan or streets/roadway plan.
- (e) **Lapse of Approval**
- (i) Approval or conditional approval of a preliminary plat shall be effective for one (1) year. The applicant can request an extension and shall submit an application for “Extension of Preliminary Subdivision Plan” prior to preliminary plan approval expiration date. The Town Board shall consider such extension application.
 - (ii) An approved preliminary plat shall lapse and be void if a complete final plat application for the subdivision or a [phase](#) of the subdivision has not been submitted within one (1) year after the preliminary plat

approval date or within an alternate time-frame specified by the Town Board. In the case of partial final plat submission, the approval of the remaining portion of the preliminary plat shall automatically gain an extension of one year, up to a maximum number of years specified by the Town Board at the time of approval of the initial phase.

(5) Final Plat

(a) Purpose

The purpose of the final plat is to complete the subdivision of land consistent with the Town's adopted technical development standards.

(b) Procedure

The common procedures are described in Section 2.3. Specific additions and modifications to the common review procedures are identified below.

(c) Submittal Timing

The application must be submitted no more than one year after approval of the preliminary plat, unless otherwise approved by the Town Board.

d) Administrator's Review and Decision

The Administrator shall review each proposed final plat application based on the applicable approval criteria listed below. All construction plans for subdivision-related [public improvements](#) shall be referred to the Town Engineer for review and approval. Based on the results of those reviews, the Administrator shall act to approve, approve with conditions, or deny the proposed final plat.

e) Final Plats Not in Substantial Compliance with Approved Preliminary Plats

If the final plat is found not to be in substantial compliance with the approved preliminary plat or is submitted more than one (1) year after approval of the preliminary plat, in the Administrator's sole discretion, the Administrator may deny the application or may refer the application to the Planning Commission. The applicant may appeal the denial of a final plat to the Planning Commission in accordance with Section 2.2.p.iii.

f) Approval Criteria

The Administrator shall approve final plats that comply with all the following criteria:

- (i) The final plat conforms to the approved preliminary plat and incorporates all recommended changes, modifications, and conditions attached to the approval of the preliminary plat;
- (ii) The development will substantially comply with all sections of the Code; and
- (iii) All applicable technical standards adopted by the Town have been met.

(g) Post-Approval Actions

Upon approval of the final plat, the applicant shall submit the following documentation to the Administrator:

- (i) Documentation that areas designated as [open space](#) shall be protected by a deed restriction or other appropriate method to ensure that they cannot be subdivided or developed in the future and will remain as open space in perpetuity;
- (ii) Other payments, certificates, affidavits, enforcements, or deductions, as required by the Planning Commission or Town Board.
- (iii) All [public improvements](#) shall be constructed, or adequate financial guarantee shall be demonstrated prior to recordation of the plat.

(h) Recording of Plats

If approved, the Administrator shall request one original Mylar of any final plat ready for signatures as required by the Town to sign and then record. Execution of the approved final plat in accordance with this Section shall constitute the Town's acceptance of any public dedication. The mylar of the final plat shall be recorded by the Town Clerk in the Office of the La Plata County Clerk and Recorder. A signed copy with the reception number shall be retained by the Town. The recording fee shall be paid by the applicant.

(6) Condominium Subdivision and Conversion

(a) Purpose

The purpose of this Section is to ensure that [condominium subdivisions](#) and conversions will comply with the adopted [building code](#), C.R.S. 38-33.3-101 et sec and all applicable provisions of this Land Use Code.

(b) Procedure

- (i) The procedure and standards for review and approval of a condominium subdivision or conversion shall be the same as that specified for subdivisions within this Section 2.3.b. The applicable review procedures (minor or major subdivision) shall be determined by the number of condominium units created.
- (ii) Conversion of an existing building located on a previously subdivided parcel to condominium ownership without a change in type of use, expansion of use, or increase in intensity of use shall be reviewed as a minor subdivision regardless of the number of units or size of the parcel proposed for conversion.
- (iii) Subsequent changes in approved use(s) for an existing condominium subdivision require re-approval through the minor subdivision process in Section 2.3.b.ii.
- (iv) Notwithstanding anything in this Section to the contrary, no requirement for [public improvements](#), [dedication](#) of land to public use, or other subdivision requirement shall be imposed as a condition of approval for a condominium subdivision or common interest community that would not be imposed upon a physically-identical development under a different form of ownership. This provision shall

not be construed to prevent the Town from imposing the review requirements of this Section upon any change of use, expansion of use, increase in intensity of use, or other change in a condominium or common interest community unrelated to its form of ownership.

(c) Standards for Condominium Conversion

Prior to recording a subdivision plat that would convert an existing development to condominium units, the owner of such property shall meet with the Town Building Official regarding the proposed conversion and shall demonstrate that the project complies with the adopted [building code](#) and the following provisions have been met:

- (i) The structure subject to the proposed condominium conversion shall meet current off-street parking requirements for the underlying [zone district](#) found in Table 5-5-1. Each residential condominium unit shall be considered a separate [dwelling unit](#) for purposes of determining parking compliance.
- (ii) A minimum one-hour fire wall may be required between units as a condition of Town approval of any condominium plat involving a condominium conversion.
- (iii) Owners of properties proposed for condominium conversion shall notify all residential tenants in writing of the conversion at least 90 days prior to termination of any residential tenancy in accordance with § 38-33-112, C.R.S., as amended. Copies of the notice shall be filed with the Town Clerk as proof of notification.

(d) Criteria for Review of Condominium Subdivisions and Conversions

- (i) Condominium subdivisions and conversions shall comply with the review standards applied to subdivisions as specified in Section 2.3.b.iii.4.d.
- (ii) In addition, condominium subdivisions and conversions may be required to evaluate the traffic impacts of the proposed condominium subdivision and any impacts to the [neighborhood](#) must be mitigated. A traffic mitigation plan may be submitted and approved by the Administrator prior to approval of the condominium subdivision.

(e) Condominium Plat Processing

The Town is primarily concerned with land use, pertaining to the suitable design of the development evidenced by the preliminary condominium plat. Additional drawings, declarations, and documentation not subject to Town review are necessary to comply with State condominium laws. At the developer's request, the final condominium plat may be held for recording until other associated documents are also ready for recording or until the applicant can record an "as-built" plat, but no longer than one (1) year.

c) VACATION of RIGHT-OF-WAY and OTHER PUBLIC EASEMENTS

i) Applicability

This Section shall apply to all requests to vacate all rights, interests, or title of the Town in and to any [right-of-way](#) (street, road, [alley](#), or other public way), access easement, or other easement located within the Town. Title to vacated roadways shall vest in accordance with C.R.S. Section 43-2-302, as may be amended.

ii) **Procedure**

The common procedures are described in Section 2.3. Specific additions and modifications to the common review procedures are identified below.

(1) **Planning Commission Hearing, Review, and Recommendation**

The Planning Commission shall conduct a [public hearing](#) and consider the comments and evidence presented at the hearing along with the Administrators recommendations and recommend that the Town Board approve, conditionally approve, or deny the vacation, based on the approval criteria below.

(2) **Town Board Public Hearing, Review, and Decision**

The Town Board shall conduct a public hearing and consider the comments and evidence presented at the hearing along with recommendations from the Planning Commission and the Administrator, and approve, conditionally approve, or deny the vacation, based on the approval criteria below. The Town Board shall have the right to vacate all or a portion of the total area requested for vacation. Rights-of-way or easements may be reserved for the continued use of existing sewer, gas, water, or similar pipelines and [appurtenances](#), for ditches and canals and similar appurtenances, and for electric, telephone, and similar lines and appurtenances.

iii) **Approval Criteria**

The Town Board may approve a [right-of-way](#) or public [easement](#) vacation if it finds that all the following have been met:

- (1) The vacation is consistent with any Comprehensive Plan and other adopted Town policies and plans, including any adopted transportation plan or streets/roadway plan;
- (2) The land to be vacated is no longer necessary for the public use and convenience;
- (3) The vacation will not leave any land-locked parcels; and
- (4) The vacation will not adversely impact the health, safety, and/or welfare of the general community, or reduce the quality of [public facilities](#) or services provided to any parcel of land, including but not limited to police/fire protection, access, and utility service.

iv) **Approval and Recording**

The Town Board shall approve vacations by ordinance and the ordinance shall be recorded in the Office of the La Plata County Clerk and Recorder.

d) **CONDITIONAL USE PERMITS**

i) **Purpose**

This Section provides a discretionary approval process for conditional uses, which is a use that is not guaranteed (or as-right use). The procedure encourages public review and evaluation of a use's operating characteristics and site development features and is intended to ensure that proposed conditional uses will not have an adverse impact on surrounding uses or on the community-at-large. Specific conditional uses allowed in each [zone district](#) are listed in Table 4-1, Table of Allowed Uses.

ii) **Approval Criteria**

The Planning Commission may approve a proposed conditional use that meets all the following criteria:

- (1) The proposed use is consistent with all applicable provisions of this Land Use Code and applicable state and federal regulations;
- (2) The proposed use is consistent with the purpose and intent of the zoning district in which it is located and any applicable use-specific standards of this Land Use Code;
- (3) The proposed use is compatible with [adjacent](#) uses in terms of scale, site design, and operating characteristics such as hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts;
- (4) Any significant adverse impacts anticipated to result from the use will be mitigated or offset to the maximum extent practicable;
- (5) Facilities and services (including sewer, water, gas, electricity, police and fire protection, and roads and transportation, as applicable) will be available to serve the subject property while maintaining adequate levels of service for existing development; and
- (6) Adequate assurances of continuing maintenance have been provided.

iii) **Subsequent Ownership**

Successors and/or assigns of issued conditional use permits may continue the conditional use permit and must abide by all the terms and conditions of the permits, unless otherwise stipulated in the approval process.

(1) **Lapse of Approval**

- (a) A conditional use permit shall lapse and have no further effect one (1) year after its effective date or at such alternate time specified in the approval unless one or more of the following criteria has been met:
 - (i) A building permit has been issued and construction diligently pursued;
 - (ii) A certificate of occupancy has been issued;
 - (iii) The use has been established and in continuous operation; or
 - (iv) The conditional use permit is renewed.
- (b) A conditional use permit shall lapse upon termination of a project or expiration of a building permit.
- (c) A conditional use permit shall lapse if the rights granted by it are discontinued for 180 consecutive days or other period of time as specified in the original approval.

e) **SPECIAL USE PERMITS**

i) **Purpose**

This Section provides a discretionary approval process for special uses, which have unique or widely varying operating characteristics or unusual site development features that are generally considered compatible but may need additional discretion before approval. Specific special uses allowed in each zone district are listed in Table 4-1, Table of Allowed Uses.

ii) **Approval Criteria**

The Administrator may approve a proposed special use or may choose to forward the proposed use to the Planning Commission for review and approval. Below are the criteria that shall be met by all proposed uses:

- (1) The proposed use is consistent with all applicable provisions of this Land Use Code and applicable state and federal regulations;
- (2) The proposed use is consistent with the purpose and intent of the zoning district in which it is located and any applicable use-specific standards of this Land Use Code;
- (3) The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (such as, but not limited to, hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts);
- (4) Any significant adverse impacts anticipated to result from the use will be mitigated or offset to the maximum extent practicable;
- (5) Facilities and services (including sewer, water, gas, electricity, police and fire protection, emergency service and roads and transportation, as applicable) will be available to serve the subject property while maintaining adequate levels of service for existing development; and
- (6) Adequate assurances of continuing maintenance have been provided.

iii) **Subsequent Ownership**

Successors and/or assigns of issued special use permits may continue the special use permit and must abide by all the terms and conditions of the permits, unless otherwise stipulated in the approval process.

(1) **Lapse of Approval**

- (a) A special use permit shall lapse and have no further effect one (1) year after its effective date or at such alternate time specified in the approval unless one or more of the following criteria has been met:
 - (i) A building permit has been issued and construction diligently pursued;
 - (ii) A certificate of occupancy has been issued;
 - (iii) The use has been established and in continuous operation; or
 - (iv) The special use permit is renewed.
- (b) A special use permit shall lapse upon termination of a project or expiration of a building permit.

- (c) A special use permit shall lapse if the rights granted by it are discontinued for 180 consecutive days or other period of time as specified in the original approval.
- f) **SITE PLAN (MINOR)**
- i) **Purpose**
The purpose of the Minor [Site Plan](#) process is to ensure compliance with the development and design standards of this Land Use Code prior to the issuance of a building permit or concurrent with other required permits, and to encourage quality development that is reflective of the goals and objectives of this Land Use Code.
- ii) **Applicability**
Review is required for any development requiring a building permit that does not meet the criteria for a Major Site Plan process.
- iii) **Approval Criteria**
The Administrator will review and approve, or approve with conditions, the site plan and ensure compliance with this Land Use Code. The Administrator will provide necessary guidance to the applicant during the minor site plan review process and work to achieve Land Use Code compliance, however the application may be denied if compliance cannot be achieved.
- g) **SITE PLAN (MAJOR)**
- i) **Purpose**
The purpose of the Major [Site Plan](#) process is to ensure compliance with the development and design standards of this Land Use Code prior to the issuance of a building permit or concurrent with other required permits, and to encourage quality development that is reflective of the goals and objectives of this Land Use Code.
- ii) **Applicability**
Review is required for:
- (1) All new commercial and [mixed use](#) development;
 - (2) All new [multi-family](#) residential development including condominiums, townhomes, and apartments;
 - (3) Any change of use from one primary use classification to another (for example, residential use to commercial use);
 - (4) Any expansion of existing development, not including [single-family](#), that results in an increase to a building footprint of more than 5,000 square feet;
 - (5) All publicly owned and operated buildings.
- iii) **Administrative Review**
The Administrator may review projects that include any expansion of existing development that results in a change to a building footprint of less than 5,000 square feet.
- (1) **Procedure for Administrative Review**

The common procedures are described in Section 2.2. Specific additions and modifications to the common review procedures are identified below.

(a) Administrator's Review and Decision, or Referral to Planning Commission

The Administrator shall review each Administrative Review application based on the approval criteria listed below and shall act to approve, approve with conditions, or deny the application. The Administrator also may refer the decision to the Planning Commission to be processed under the Major Review procedure.

(b) Approval Criteria

The Administrator shall approve an Administrative Review application if all the following criteria are met:

- (i) The site plan complies with all applicable development and design standards set forth in this Land Use Code.
- (ii) The site plan is consistent with any previously approved subdivision plat, planned development, or any other precedent plan or land use approval as applicable; and
- (iii) The site plan is consistent with other adopted Town policies and plans, including any adopted transportation plan or streets/roadway plan.

(c) Lapse of Approval

The site plan shall be effective for a period of three (3) years from the date of approval, unless stated otherwise in such approval. Building permits shall not be issued based on site plans that have an approval date more than three (3) years old.

iv) Procedure for Planning Commission Review

The common procedures are described in Section 2.2. Specific additions and modifications to the common review procedures are identified below.

(1) Planning Commission Review and Decision

The Planning Commission shall consider the application and the recommendation from the Administrator, and approve, conditionally approve, or deny the application, based on the criteria below.

(2) Approval Criteria

The Planning Commission may approve a Major Review application if all the following criteria are met:

- (a) The site plan is consistent with the intent of all adopted Town plans;
- (b) The site plan complies with all applicable development and design standards set forth in this Land Use Code,
- (c) The site plan will not substantially alter the basic [character](#) of the surrounding area or jeopardize the development or redevelopment potential of the area; and
- (d) The site plan is consistent with any previously approved subdivision plat, planned development, or any other precedent plan or land use approval as applicable.

(3) Post Approval

After review and approval by the Planning Commission, the applicant shall submit a revised set of final site plans based on any conditions of approval.

(4) Lapse of Approval

The site plan shall be effective for a period of three (3) years from the date of approval, unless stated otherwise in such approval. Building permits shall not be issued based on site plans that have an approval date more than three years old. For [multi-phased](#) site plans, building permits shall not be issued based on an approval date more than three (3) years from the date of Phase I approval.

h) VARIANCES

i) Purpose

The Board of Adjustment shall hear and decide all requests for a variance from the requirements of this Land Use Code, unless otherwise provided in this Section. The variance process is intended to provide limited relief from the requirements of this Land Use Code in those cases where strict application of a particular requirement will create a practical difficulty or unnecessary hardship prohibiting the use of land in a manner otherwise allowed under this Land Use Code. It is not intended that variances be granted to (1) allow a use in a [zone district](#) where it is not permitted by this Land Use Code; or (2) merely remove inconveniences or financial burdens that the requirements of this Land Use Code may impose on property owners in general. Variances are intended to provide limited relief where the requirements of this Land Use Code render the land difficult or impossible to use due to unique physical attribute of the property or some other factor unique to the property for which the variance is requested. State and/or federal laws or requirements may not be varied by the Town.

ii) Applicability

A variance may be initiated only by the property owner or the designated representative. The application must state with particularity the relief sought and must specify the facts or circumstances that are alleged to show that the application meets the approval criteria below.

iii) Approval Criteria

The Board of Adjustment may approve a variance only upon finding that all the criteria below have been met:

- (1) There are exceptional or extraordinary circumstances 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 improvements in the vicinity.

iv) Lapse of Approval

Within one (1) year from the approval of the variance, the property owner shall have commenced development and/or obtained the necessary permits to fulfill the approved variance. The variance shall be considered null and void if the property owner has not taken any actions.

v) **Variance to Sign Regulations**

When a sign owner seeks a variance from the standards contained in the sign regulations in Section 8.14, such request shall be heard and acted upon by the Planning Commission only after all other administrative procedures required for issuance of a sign permit have been completed. The Planning Commission is authorized to grant a variance when it finds that unique situations require a deviation from the provisions and that the purpose and intent of the sign regulations of Section 8.1 have not been violated. A request for an increase in sign size shall not be subject to the procedures in this subsection but shall be processed as a standard variance as set forth in Section 2.2.h of this Chapter.

CHAPTER II: Land Use and Development Code

Section 3: Zoning Districts

1) ZONING MAP

- a) The boundaries and classifications of defined zoning districts are detailed on a map entitled Town of Ignacio Zoning District Map which shall be revised, updated, or redrafted when Town Board approved changes occur. The official Zoning District Map shall bear the most recent date of revision and has been signed by the Chair of the Planning Commission and the Mayor.
- b) Upon approval of any ordinance annexing and establishing zoning or modifying existing zoning for any property, the prior existing official Zoning District Map shall be amended to reflect the changes denoted in the adopting ordinance. The official Zoning District Map shall contain in table form, the date and number of the ordinance amending it, the date the map was amended to reflect each amendment and the initials of the person who checked and approved the change to the map.
- c) The official Zoning District Map shall be available and on display at the Town Hall during normal business hours and on the Town's website.

2) ZONING DISTRICTS ESTABLISHED

This Section establishes the zoning districts and contains basic information pertaining to the districts, including statements of purpose. Section 4, Use Regulations, and Section 5, Dimensional Standards, identify the uses allowed within the districts and the dimensional standards applying to development in the districts, respectively. Section 6,

Development Standards, identifies any district-specific development standards applying to development in the districts. The following zoning districts are established:

TABLE 3.2.1: ZONING DISTRICTS

District	Abbreviation
Single Family Residential District	R-1
Multi-Family Residential District	R-2
Manufactured Home Residential District	R-3
Mixed Use District	MU
Industrial District	I
Agricultural District	AG
Community/Public District	CP
Planned Unit Development	PUD

3) PURPOSE and INTENT of EACH ZONING DISTRICT

a) SINGLE FAMILY RESIDENTIAL DISTRICT - R1

The intent of this district is to provide an area in which only single-family homes are permitted.

b) MULTI-FAMILY RESIDENTIAL DISTRICT - R2

The intent of this district is to provide an area in which multi-family [dwelling units](#) are permitted as well as single-family homes.

c) MANUFACTURED/MOBILE HOME RESIDENTIAL - R3

The intent of this district is to provide an area where manufactured/[mobile homes](#) are permitted in a subdivision or in a mobile home park. Single-family homes are allowed in this district.

d) MIXED USE DISTRICT - MU

The intent of this district is to provide an area with a mixture of complimentary land uses that includes existing single family residential, retail, offices, commercial and civic uses, which collectively create economic and social vitality.

i) Residential uses are permitted on upper stories and on ground floors when placed behind a commercial use. Other residential uses require a conditional use permit.

ii) Residential uses shall not exceed 30 percent (30%) of the ground floor building area per lot.

e) INDUSTRIAL DISTRICT – I

The intent of this district is to provide an area for [industrial](#) and distribution uses which can be accommodated inside a structure without odor, smoke, or glare.

f) **AGRICULTURAL DISTRICT – AG**

The intent of this district is to provide an area with [agricultural uses](#) excluding feed lots and dairies. Also permitted in this district are single family residential homes on large lots.

g) **COMMUNITY/PUBLIC DISTRICT - CP**

The intent of this district is to provide an area with designated uses for community and [public facilities](#), parks and other venues serving public functions and needs. These include government buildings, nonprofit and quasi-governmental uses, schools, libraries, and parks.

h) **PLANNED UNIT DEVELOPMENT - PUD**

The intent of this district is to provide for flexibility and innovation in the use of land to meet the growing demands of the population by allowing for greater variety in type, design, and layout of buildings and the more efficient use of open space, protection of unique site features, affordable housing or other benefits that the Town determines are in the best interest of the community.

CHAPTER II: Land Use and Development Code

Section 4: Use Regulations

1) **USE CHARTS BY DISTRICT**

The tables below identify common uses and associate allowances. The tables do not identify all uses and the Administrator shall utilize a similar use and allowance for uses not identified in the table.

TABLE 4.1: LAND USE CHART BY DISTRICT

Use Chart by District		Residential Districts			Mixed-Use Districts	Other Districts			Use-Specific Standards
P = Permitted Use C = Conditional Use	S= Special Use A= Permitted as Accessory Blank Cell = Prohibited Use								
Use Category	Use Type	R-1	R-2	R-3	MU	Public	I	AG	
RESIDENTIAL USES									
Household Living	Dwelling, duplex		P		C				
	Dwelling, live/work				P				
	Dwelling, manufactured/modular/mobile home installed on a temporary foundation			P					
	Dwelling, manufactured/modular/mobile home installed on a permanent foundation	P	P	P	C			P	
	Dwelling, multi-family		P		C				
	Dwelling, single-family attached		P	P	C				
	Dwelling, single-family detached	P	P	P	C			P	
	Vacation Rental	S	S	S	P				
	Mobile home park			P					
Group Living	Adult day care	C	C	C				C	
	Assisted living facility	C	C	C				C	
	Group home	C	C	C				C	
	Nursing home	C	C	C				C	

Use Chart by District		Residential Districts			Mixed-Use Districts	Other Districts			Use-Specific Standards
P = Permitted Use C = Conditional Use	S= Special Use A= Permitted as Accessory Blank Cell = Prohibited Use								
COMMERCIAL USES									
Agriculture and Animal-related Services	Animal husbandry							P	
	Apiaries	P	P	P	P	P	P	P	
	Commercial farming, plant husbandry, commercial greenhouse				C		C	P	
	Community garden	P	P	P	P	P	P	P	
	Kennel							P	
	Sale of produce and plants raised on premises	P	P	P	P	P	P	P	
	Veterinary Clinic				P			C	

Use Chart by District		Residential Districts			Mixed-Use Districts		Other Districts			Use-Specific Standards	
P = Permitted Use C = Conditional Use	S = Special Use A = Permitted as Accessory Blank Cell = Prohibited Use										
COMMERCIAL USES											
Retail Sales	Building materials, feed, supply store						P	P	C		
	Convenience store, without fuel						P				
	Handicraft Shops with On-Premises Sales				P		P	P			
	Food and Beverage Production with On-Premises Consumption				P		C	P			
	Grocery store				P						
	Liquor store				P						
	LPG storage or sale - less than 2000 gallons				C			C	C		
	Retail, general				P						
	Wholesale material sales				C			P	P		
Arts	Art gallery with associated retail				P		P				
	Instructional or performing arts studio				P		P				
Parking Lots	Commercial parking lot (surface or structured)				P		P				
Food and Beverage Services	Bar, tavern, or lounge				P						
	Microbrewery, distillery, and/or tasting room				P			P			
	Restaurant				P		P				
	Restaurant, with outdoor dining				P		P				
Funeral Services	All uses		C		P			P			
Lodging Facilities	Bed and breakfast	C	C	C					C		
	Vacation rental	C	C	C	P				C		
	Boardinghouse		C		P				C		
	Hotel/Motel				P			P			
	Hostel				P			P			
Offices, Business, Professional Services	Bank, financial institution				P		P				
	Mail or package delivery service				P		P				
	Printing shop, blueprinting, and copies				P		P				
	Professional, government, or administrative office				P		P				

Use Chart by District		Residential Districts			Mixed-Use Districts		Other Districts		Use-Specific Standards
P = Permitted Use C = Conditional Use	S = Special Use A = Permitted as Accessory Blank Cell = Prohibited Use								
COMMERCIAL USES									
Hemp	Hemp/CBD center				P		C		
	Hemp infused product manufacturer				C				
	Hemp cultivation premises				P				
	Hemp cultivation facility				C		C	P	
	Hemp products manufacturing facility				C				
	Retail hemp/CBD store				P		C		
	Hemp testing facility				C		P		
	Mail or package delivery service				P				
Maintenance and Repair Services	Repair establishment				P		P		
Adult Entertainment	Adult Entertainment Establishments								
Personal Services	Commercial laundry and dry cleaning				P		P		
	Dry cleaning pick-up				P		P		
	Personal service, general				P		P		
	Self-service laundromat				P		P		
Recreation and Entertainment, Indoor	Health club				P	P	P		
	Indoor recreational facility				P	P	P		
	Theater				P	P	P		
Recreation and Entertainment, Outdoor	Campground and RV park				C	C		C	
	Commercial outdoor facility				C	C	C		
Vehicles and Equipment	Automotive fuel sales				C	P	P		
	Automotive parts and accessory sales				P	P	P		
	Automotive repair shop				P	P	P		
	Automotive sales or leasing				P	P	P		
	Auto wash				P		P		
	Equipment sales and leasing				P		P	P	
	Small engine repair				C		P	P	

Use Chart by District		Residential Districts			Mixed-Use Districts	Other Districts			Use-Specific Standards
P = Permitted Use C = Conditional Use	S= Special Use A= Permitted as Accessory Blank Cell = Prohibited Use								
COMMERCIAL USES									
Marijuana	Medical Marijuana Store								
	Retail Marijuana Store								
	Medical Marijuana Production Facility								
	Retail Marijuana Production Facility								
	Medical Marijuana Cultivation Facility								
	Retail Marijuana Cultivation Facility								
	Medical Marijuana Testing Facility								
	Recreation Marijuana Testing Facility								

Use Chart by District		Residential Districts			Mixed-Use Districts	Other Districts			Use-Specific Standards
P = Permitted Use C = Conditional Use	S= Special Use A= Permitted as Accessory Blank Cell = Prohibited Use								
Use Category	Use Type	R-1	R-2	R-3	MU	Public	I	AG	
PUBLIC, INSTITUTIONAL, AND CIVIC USES									
Community and Cultural Facilities	Business Incubator				P	P			
	Civic building				P	P			
	Club or lodge				P	P			
	Community center					P			
	Convention hall					P			
	Police Station/Fire Station				P	P	P	C	
	Library				P	P			
	Museum				P	P			
	Religious use	C	C	C	P	P		C	
Transit Uses	Transit Stop	P	P	P	P	P	P		
	Transit terminal or station		P		P	P	P		
Child Care Facilities	Day care - fewer than seven children	P	P	P	P	P		P	
	Day care - seven children or more	C	C	C	C	P		C	
Health Care Facilities	Hospital				P	P			
	Medical or dental clinic				P	P			
Educational Facilities	School, public or private	C	C			P			
	Vocation School or training center		P		P	P	P		
Parks and Open Space	Park, playground, open space	P	P	P	P	P	P		

Use Chart by District		Residential Districts			Mixed-Use Districts	Other Districts			Use-Specific Standards
P = Permitted Use C = Conditional Use	S= Special Use A= Permitted as Accessory Blank Cell = Prohibited Use								
Use Category	Use Type	R-1	R-2	R-3	MU	Public	I	AG	
INDUSTRIAL USES									
Industrial Services	Asphalt and concrete batch plant operation				C		C		
	Bulk storage of LPG - 2,000 gallons or more						P		
	Contractor construction yard or facility								
	Gravel and mineral extraction and processing				P		P	c	
	Motor or railroad freight depot				C		P		
	Printing and publishing facility				P		C		
Manufacturing and Production	Assembly, fabrication, manufacturing, testing						P		
	Brewery, bottling plant				C		C		
	Food processing plant - over 2500 sf building				C		P		
	Food processing plant - up to 2500 sf building						P		
Storage and Warehousing	Outdoor storage						P	C	
	Self-storage facility (mini storage)						P		
	Shipping, receiving, and distribution facility				C		P		
	Warehousing				C		P		
Waste and Salvage	Automotive salvage yard								
	Construction waste recycling and compacting facility								
	Recycling of metals, paper, plastic or automotive oil								
Utilities	Radio or television tower	C	C	C	C	C	C	C	
	Solar energy production, primary use					C	C	C	
	Substation, receiving station, or switching station	C	C	C	C	C	P	C	
	Water and wastewater treatment facility					C	C	C	
	Water reservoir					C		C	
	Water storage tank	C	C	C	C	C	C	C	

Use Chart by District		Residential Districts			Mixed-Use Districts	Other Districts			Use-Specific Standards
P = Permitted Use C = Conditional Use	S = Special Use A = Permitted as Accessory Blank Cell = Prohibited Use								
Use Category	Use Type	R-1	R-2	R-3	MU	Public	I	AG	
ACCESSORY USES									
	Accessory dwelling unit	S	S	S	P			S	
	Automatic teller machine (ATM)				P	P	P		
	Garage, carport, or utility shed	A	A	A	A	A	A	A	
	Home occupation (commercial)	S	S	S	P		P	S	
	Home occupation, no employees or customers	A	A	A	A		A	A	
	Outdoor storage, accessory storage container	C	C	C	C	C	P	C	
	Solar energy device, accessory use	P	P	P	P	P	P	P	
	Wind energy conversion system (WECS)						C		
	Other accessory uses determined by the Administrator to comply with associated code sections	A	A	A	A	A	A	A	

Use Chart by District		Residential Districts			Mixed-Use Districts	Other Districts			Use-Specific Standards
P = Permitted Use C = Conditional Use	S = Special Use A = Permitted as Accessory Blank Cell = Prohibited Use								
Use Category	Use Type	R-1	R-2	R-3	MU	Public	I	AG	
TEMPORARY USES									
	Mobile vendor		S		S	S	S		
	Regularly operated open-air and/or farmer's market				S	S	S	S	
	Temporary office space and equipment storage				S	S	S		
	Temporary special event	S	S	S	S	S	S	S	
	Tent structure for single-vehicle parking	A	A	A	A		A	A	

2) USE SPECIFIC STANDARDS

a) ACCESSORY DWELLING UNITS (ADUs)

An accessory dwelling unit may be allowed by Special Use Permit in any single-family dwelling, provided the following requirements are met:

- i) The home is conforming to all code requirements including setbacks, density, height, and lot size.
 - ii) Off-Street Parking is provided for both units in compliance with this code.
 - iii) Only one accessory dwelling unit is allowed per lot.
 - iv) The accessory dwelling may not exceed 800 sq. ft.
 - v) The accessory dwelling shall not involve design modifications to the exterior of the principal building that make their presence obvious. Where exterior doors provide direct access to the integrated unit, such doors shall be designed, located, and configured in a manner that is typical for secondary access to a single-family building (e.g., side doors, French doors, etc.). External stairs are not allowed to provide access to a second story ADU. If a building is expanded to accommodate an attached or integrated ADU, the expansion shall be designed in a manner that is comparable to the principal building.
 - vi) Accessory dwelling unit may be located in a detached accessory building or garage provided all the above standards, and the following standards, are met.
 - (1) The accessory building or dwelling unit will, in no case, be located closer to the street than the principal structure, unless incorporated into an existing garage.
 - (2) If a new structure is proposed for the accessory dwelling unit, it will be located in the rear half of the parcel, or above an approved garage structure.
- b) **HOME BUSINESSES**
- i) **Generally**

The use of a dwelling unit for business purposes is allowed pursuant to the standards of this Section. These regulations do not apply to the use of workspaces in live/work units or to a residential structure that has been legally converted to a commercial use.
 - ii) **Requirements and Limitations**

These requirements are intended to protect the residential function and physical character of the [neighborhood](#) in which the use is located, including, but not limited to, the quiet enjoyment of nearby residential property by its occupants.

 - (1) **Physical Features and Building [Character](#)**. The following are not allowed:
 - (a) The posting or installation of signs larger than 1 sq. ft. to advertise the business.
 - (b) Modifications to the principal building that alter its residential character.
 - (c) Construction of [accessory buildings](#) or structures that alter the residential character of the lot.
 - (d) New, separate entrances to the building that provide access only to the area used for the business.
 - (e) [Outdoor storage](#) of business merchandise or equipment that would not normally be stored on a residential property.

- (f) Outdoor displays or business merchandise or equipment.
- (2) **Limitations on Business Operations.** The following are not allowed:
 - (a) Solicitation, advertising, or promotion of the business in a manner that generates commercial traffic, either vehicular or pedestrian, that is inconsistent with the residential character of the [neighborhood](#).
 - (b) Parking demands that are inconsistent with the residential use of the neighborhood.
 - (c) Use of areas outside of the principal or [accessory buildings](#) for business purposes, except parking.
 - (d) Business use of a garage in a manner that reduces available parking on the lot to less than that required by this code.
 - (e) Pick-up or delivery of products or machinery by commercial vehicles or heavy trucks other than parcel pick-up and delivery services.
 - (f) Production of noise, vibration, light, dust, odor, fumes, smoke, or other comparable effects that are detectable outside the dwelling unit.
 - (g) Storage of hazardous, combustible, or volatile materials in amounts that are greater than typically stored for home use.
 - (h) Storage of motor fuels in amounts that are greater than typically stored for home use. Storage of more than five gallons of gasoline or diesel fuel on site, or storage of more than 15 gallons of biodiesel on site, shall be presumed to be in violation of this requirement if related to a home-based business.
 - (i) No vehicles associated with the business, other than a personal vehicle (car, pickup, or van) shall be stored at the home location.
 - (j) No vehicles associated with the business may be parked on residential streets.
 - (k) Professional services, instruction, or counseling to more than one person at one time unless it meets Section 2.4.1.
- (3) **Employees**
 - (a) A business use of the home may employ any resident of the dwelling unit, plus one (1) additional employee who does not reside in the dwelling unit.
 - (b) Employees who work off-site shall not regularly gather at the dwelling unit for transportation to off-site locations.
- (4) **Small Groups**
 - (a) Professional services, instruction, or counseling to small groups of up to four (4) persons may be allowed if the following are met:
 - (i) The total number of small groups' gatherings shall not exceed two (2) times per week.
 - (ii) The small groups shall not be scheduled on the same day of the week.
- (5) **Building and Fire Code Compliance**

The principal building within which the home business is located shall comply with all applicable building and fire codes, as amended from time to time.

iii) **Business License Required**

The use of a dwelling unit for business purposes requires a business license from the Town.

iv) **Continuation of Established Business Use of the Home**

Any lawful business use of the home which is operating on the effective date, which has a current, valid business license, shall be permitted to continue notwithstanding the provisions of this Section; provided, however, that such use is not expanded or modified in a manner that creates a greater impact on the [neighborhood](#). Future expansions or modification of the principal building or use or change in the business license shall thereafter comply with all applicable provisions of this code.

v) **Home Businesses Use Requiring a Conditional Use Permit**

The intent of these regulations is to minimize impact on residential neighborhoods while allowing Town residents to establish and grow new businesses from their homes. Should one or more of the above standards be exceeded by any proposed home business, the business may seek a conditional use permit in accordance with Section 2.3.d. The applicant must demonstrate that the home business can be operated in a manner that preserves the residential character of the existing dwelling and neighborhood. In all cases, the business owner/operator must reside in the dwelling.

c) **VACATION RENTALS**

Vacation rental homes may be allowed with the issuance of a special use permit in the AG, R-1, R-2, and R-3 zones.

i) **Purpose**

The provisions of this subsection are necessary to prevent unreasonable burdens on services and impacts on residential neighborhoods posed by vacation rental homes. Special regulation of these uses is necessary to ensure that they will be compatible with surrounding residential uses and will not act to harm and alter the neighborhoods in which they are located. Maintenance of Ignacio's existing residential neighborhoods is essential to its continued economic strength. It is the intent of this subsection to minimize the impact of vacation rentals on adjacent residences, and to minimize the impact of the commercial character of vacation rentals.

ii) **Occupancy**

- (1) A dwelling unit for which a vacation rental home use is approved may alternatively be used as a full-time residence for the owner or a lessee. However, during vacation rental tenancies, the building shall not be used for any other purpose (e.g., [home occupation](#) or temporary event).
- (2) The Administrator shall specify the maximum number of occupants allowed in each individual vacation rental. The maximum number of occupants allowed in a vacation rental home shall not exceed the lesser of:
 - (a) Three (3) persons per parking space; or

- (b) Two (2) persons, plus two (2) persons per bedroom.
- iii) **Appearance and Visibility**

The vacation rental home use shall not change the residential character of the outside of a dwelling unit, either by the use of colors, materials, signage, lighting, or by the construction of accessory structures or garages that are visible off-site and not of the same architectural character as the residence. Vacation rental homes shall not emit noise, glare, flashing lights, vibrations, or odors not commonly experienced in residential areas.
- iv) **Parking**
 - (1) All parking associated with a vacation rental home shall be entirely on the same lot as the vacation rental home (e.g., in the garage or driveway).
 - (2) Vacation rental homes with three (3) or more bedrooms may reduce the required parking by one space as long as the following conditions are met:
 - (a) The number of vehicles allowed by the occupants of the vacation rental home is restricted to the number of spaces provided.
 - (b) All advertising for the vacation rental home will clearly display the restriction in the number of vehicles allowed.
- v) **Local Contact Person / Property Manager**
 - (1) A designated property manager, who may be the owner of the vacation rental home or the owner's agent, shall reside in Ignacio or La Plata County.
 - (2) The property manager shall be available 24 hours per day to ensure that the property is maintained and operated as required by this Code, including but not limited to:
 - (a) Ensuring that the number of tenants does not exceed the limitations of subsection above.
 - (b) Ensuring that the number of vehicles parked by tenants does not exceed the number of parking spaces on the lot; and
 - (c) Ensuring that tenants do not violate noise restrictions.
 - (3) The name, address, and telephone number(s) of the property manager shall be submitted to the Administrator. Any change in the local contact person's address or telephone number(s) shall be promptly furnished.
 - (4) If the local contact person is unavailable or fails to respond to a call from a tenant or the Administrator, then the police department will be contacted. The police will attempt to contact the property manager at the phone numbers on file. If the police are unable to contact the property manager, the owner shall be subject to the applicable penalties set out in Section 2.1.6.
- vi) **Facilities.** All bedrooms must have a [floor area](#) of at least 70 sf.
- vii) **Outdoor Storage.** Storage of [recreational vehicles](#), motorcycles, snowmobiles, boats, jet skis, vehicles such as modified jeeps that may not be legally operated on public streets, and other similar vehicles, machines, or recreational devices, is allowed on off-street paved parking surfaces on the same lot as the vacation rental home, in the same manner as allowed for other dwelling units in the same

- zone. These items may not be stored within the public [right-of-way](#). If there is not enough legal on-site parking for the storage or parking of recreational vehicles, the rental tenants or owner must provide alternative arrangements for their storage. The determination of what constitutes a vehicle or device, as described above, shall be determined by the Administrator.
- viii) **Trash and Recycling.** All vacation rental homes must have trash containers and curbside recycling containers on site in a convenient and discrete location.
- ix) **Fire Extinguishers.** A fire extinguisher that is in good working order shall be maintained at all times on the premises of all vacation rental homes.
- x) **Required Notices**
- (1) The following notices shall be posted in a conspicuous location inside the rental unit:
- (a) A copy of the vacation rental home permit;
- (b) The name, address, and telephone number(s) of the property manager;
- (c) The location of the fire extinguisher; and
- (d) Information on the trash and curbside recycling programs including:
- (i) Pickup schedules;
- (ii) A notice that trash and recycling containers must not be stored outside or placed at the curb (or in the [alley](#)), except between 6:00 AM and 6:00 PM on the day of scheduled trash or recycling pickup.
- (2) The vacation rental home permit number is required to be clearly displayed on all advertisements and listings of the unit including online advertisements.
- xi) **Non-Transferability.** Vacation rental home special use permits shall be granted solely to the Applicant and shall not be transferable to any other person or legal entity. The use shall be terminated automatically upon the sale or change of ownership of the property for which a special use permit has been issued.
- xii) **Relationship to Other Ordinances**
- (1) Each vacation rental home, including those in existence on the effective date of this code, shall obtain a sales tax license, business license, and fulfill all stipulations of this subsection.
- (2) The owner of the vacation rental home shall apply for licenses within 60 days of the effective date of this code.
- (3) If the business license has not been requested within the time frames set forth in this subsection, then fines and penalties may apply.
- (4) Vacation rental homes must meet the standards of the Town's adopted residential building codes, as amended from time to time.
- (5) Vacation rental homes are subject to the same safety and health inspections that apply to other licensed places of accommodation.
- d) **OCCUPYING RECREATIONAL VEHICLES**
- No [recreational vehicle](#) shall be occupied or used for overnight accommodations for more than seven (7) consecutive days, and a total of 21 days per year unless located in an approved recreational vehicle park. No overnight parking of recreational

vehicles for the purpose of overnight accommodations shall occur on Goddard Avenue.

e) **RECREATIONAL VEHICLE PARK and CAMPGROUND STANDARDS**

[Recreational vehicle parks](#) and campgrounds shall conform to the following standards.

i) **Maximum [density](#)**

- (1) Recreational vehicle parks, 15 spaces per acre (gross).
- (2) Camp sites, 30 sites per acre (gross).

ii) **Setbacks**

- (1) Along perimeter.
- (2) Abutting public right-of-way, twenty-five feet (25');
- (3) Abutting state or federal highway, city arterial, fifty feet (50');
- (4) Abutting exterior boundaries other than the above, fifteen feet (15');
- (5) Minimum distance between recreational vehicles, sixteen feet (16');
- (6) Minimum distance from lot line (dividing spaces) eight feet (8');
- (7) Recreational vehicles or other camping units must be parked so as not to obstruct roadways or [walkways](#) and must be parked on a designated site or space.

iii) **Circulation**

- (1) All access roads shall meet Town road standards.
- (2) One-way interior roads shall have a minimum width of twenty feet (20').
- (3) Two-way interior roads shall have a minimum width of thirty-two feet (32'), twenty-four feet (24') of which shall be paved.
- (4) Access roads to each camp unit space shall be provided.
- (5) Walkways shall be provided when necessary to assure safe pedestrian circulation.
- (6) Major walkways and roadways shall be lighted at night to assure safe access.

iv) **Parking**

- (1) Number of spaces - one (1) space per camping unit.
- (2) Size of spaces - 10 feet by 20 feet (minimum).

v) **Open space allocation**

- (1) All [recreational vehicle parks](#) or campgrounds shall have a minimum of twenty percent (20%) of the gross area which is landscaped and left as open space.

vi) **Service buildings**

- (1) A minimum of one (1) [service building](#) adequately equipped with flush toilets, lavatories, showers, and laundry facilities is required. This must meet the minimum state health department standards.
- (2) Service buildings shall be well lighted and well ventilated (with screened openings) at all times.
- (3) Service buildings shall be subject to approval by the state health department.

vii) **Sewage disposal**

The San Juan Basin Health Unit and the Colorado Department of Health must approve any public and private system prior to development and such system shall not function to create a nuisance or health hazard.

viii) **Refuse disposal**

- (1) Type of containers: fly-tight, water-tight, rodent-proof.
- (2) There shall be common refuse collection points adequate to serve all the users of the park or campground.

ix) **Electric**

A minimum of 110 volts or 100/220 volts shall be provided by an electrical outlet to each recreational vehicle site. Installations shall comply with all state and local and electrical regulations. All utilities, except major power transmission lines, shall be underground.

f) **MOBILE HOME DEFINITION AND ALLOWANCES**

Mobile homes by definitions are structures that can be mobile and are constructed before 1972. Mobile homes that are occupied, set to Town standards, and connected to Town utilities prior to the adoption of this code are permitted and considered non-conforming structure. Replacement of allowed mobile homes is not permissible by this code.

g) **MANUFACTURED HOME DEFINITION AND ALLOWANCES**

Manufactured homes by definitions are structures that are constructed to HUD standards adopted in 1972. Manufactured homes that are occupied, set to Town standards, and connected to Town utilities prior to the adoption of this code are permitted. Manufactured homes placed following the adoption of this code must be in accordance with this code and are 20 years old or less from the date of installation.

h) **MANUFACTURED HOME PARK STANDARDS**

The restrictions, requirements and standards as set forth in this Code shall not apply to any mobile home parks established prior to the adoption of this Code or prior to September 1, 1983. A new manufactured home park permit may be issued if the following requirements are met:

- i) The proposed location shall follow this Code and all applicable Town rules and regulations.
- ii) All utilities providing service to the manufactured home park shall be in accordance with Town rules and regulations.
- iii) The manufactured home park shall conform to the following standards:
 - (1) Setbacks: Along perimeter (all to be landscaped)

(a) Abutting public right-of-way	25 feet
(b) Abutting state or federal highway, city arterial	50 feet
(c) Abutting exterior boundaries other than above	15 feet
 - (2) Separation between manufactured homes (enclosed additions shall be considered part of the manufactured home):

(a) Minimum distance between homes	10 feet
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- (b) Minimum distance if parked end-to-end 20 feet
- (c) Minimum distance from lot line 8 feet
- (3) Manufactured homes must be parked so as not to obstruct access, roadways or walkways and must be parked on a designated manufactured home space. All manufactured home spaces and accessory buildings must abut an interior roadway.
- (4) Minimum manufactured home space: 4,000 square feet. The dimensions of the space shall be such that the width is at least 1/3 the depth. Space requirements exclude guest parking, allocated open space, and similar features.
- (5) Access and Circulation:
 - (a) Access and roads to manufactured home parks shall meet Town standards.
 - (b) Internal roadways of 24 feet minimum width shall be provided to each manufactured home space and shall be paved if the manufactured home park has more than five (5) spaces.
 - (c) Walkways shall use hard surfaces and provide safe pedestrian circulation.
 - (d) All roadways and walkways shall be well lighted at night with dark sky compliant lighting.
- (6) Parking (A combination of off- and on-street parking may be allowed):
 - (a) Off-Street
 - (i) Two (2) parking spaces minimum per manufactured home site.
 - (ii) Parking space sizes shall be a minimum of 10 feet x 20 feet.
 - (b) On-Street (May be permitted in place of off-street parking by widening the roadways.)
 - (i) Two (2) parking spaces minimum per manufactured home.
 - (ii) Parking space size must equal the minimum area required for an equal number of off-street spaces.
- (7) Storage areas: (Excluding space beneath mobile homes)
 - (a) Outdoor, surfaced area for boats, boat trailers, camping units, and horse trailers; 50 sq. ft./mobile home space shall be provided within the park.
 - (b) Enclosed personal storage area: 50 sq. ft./mobile home space shall be provided either individual or in common, within the park.
 - (c) Storage areas shall be lighted as necessary to permit night use.
- (8) Five percent (5%) of the twenty-five percent (25%) open space of the gross mobile home park area is required for common contiguous recreation space. The area allocated shall not include roadways, storage areas, mobile home spaces, setbacks, required parking spaces, and other similar features.
- (9) Drainage conditions shall be such that downstream users do not experience detrimental runoff.

- (10) Mobile home parks must be equipped with adequate working fire extinguishing equipment as specifically required by the local fire prevention authority or to satisfy fire regulations.
 - (11) The San Juan Basin Health Unit and Colorado Department of Health must approve any public and private system prior to development and such system shall not function to create a nuisance or health hazard.
 - (12) Refuse Disposal:
 - (a) Type of containers: fly-tight, water-tight, animal- and rodent-proof.
 - (b) There shall be common refuse collection points adequate to serve all mobile home users.
 - (13) A minimum of 110 volts or 100/220 volts shall be provided by electrical outlet to each mobile home space. Installation shall comply with all state and local electrical regulations.
 - (14) All utilities, except major power transmission lines (outlet supplying a minimum of 100 volts or 100/220 volts) shall be underground unless specifically exempted by the Town.
 - (15) Twenty-five percent (25%) of the gross mobile home park area shall be open space. Landscaping and/or some other type of screening shall be provided around the perimeter or mobile home parks, sufficient to act as a buffer between adjacent uses (including public streets) and the mobile home park. When necessary, other methods of screening may be required to provide sufficient noise and visual buffers. Of the twenty-five percent (25%) open space, five percent (5%) shall be a contiguous open space.
- i) **STORAGE USES**
- i) In single family zones storage is allowed in a garage, enclosed shed, or behind a visual barrier, such as a fence, not a tarp, so storage items are screened from public view.
 - ii) Shipping or Storage containers.
 - (1) Business district restrictions:
 - (a) Placement must comply with any applicable design code requirements.
 - (b) Shipping containers on a permanent foundation become a building addition and must meet all other codes for its purpose and the design codes.
 - (c) Conditional Use permits are required for shipping container storage use provided that the use complies with Section 2.2. 3(d).
 - (2) Residential districts restrictions
 - (a) Conditional Use permits are required, and placement must meet all setback and other code requirements. Screening, painting, or other mitigation measures may be required to mitigate impacts on neighboring properties.

CHAPTER II: Land Use and Development Code

Section 5: Dimensional Requirements

1) TABLE of DIMENSIONAL STANDARDS

All primary and accessory structures are subject to the dimensional standards set forth in table 5.1.1. These general standards may be further limited or modified by other applicable sections of this Land Use Code. General rules for measurement and exceptions are in Section 2.5.2.

TABLE 5.1.1: DIMENSIONAL STANDARDS

Type of Minimum	R-1	R-2	R-3 (MH)	B/MU	I	A
Minimum Land	6,000 sf	5,000 sf	6,000 sf	6,000 sf	6,000 sf	2 ac
Minimum Width	60'	50'	50'	50'	60'	150'
Minimum Depth	100'	100'	100'	100'	100'	150'
Minimum Front Yard Setback (depth to garage face)	20'	20'	20'	0'	10'	25'
Minimum Front Setback (depth to structure except garage)	15'	15'	15'	0'	10'	20'
Minimum Rear Yard Setback (5' in Candelaria Addition and Heights Second Addition)	10'	10'	10'	10'	10'	100'
Minimum Side Yard Setback	5'	5'	5'	0'	5'	25'
Minimum Street Frontage Per Lot	60'	50'	50'	50'	60'	150'
Minimum Parking Spaces Per Dwelling	2	2	2	n/a	2	2
Minimum Distance (between multiple units on single lot or parcel where permitted)	10'	10'	10'	n/a	n/a	10'
Maximum Height	30'	30'	30'	35'	35'	30'
Maximum Lot Coverage by Structures	50%	50%	50%	90%	60%	10%
Minimum Landscaped Area	10%	10%	10%	10%	5%	n/a

2) DENSITY/LOT SIZE

a) UNIT DENSITY

Unit density is the number of units allowed for each gross acre of land and is determined by dividing the number of units on a site by the gross acreage of the site, including dedicated rights-of-way. In the determination of the number of units to be allowed on a specific parcel of land, a fractional unit equal to or greater than one-half of a unit shall be rounded up to equal a full unit.

i) Units Allowed

The number of dwelling units allowed on a site is based on the presumption that all other applicable standards of this Land Use Code shall be met.

ii) Minimum Lot Dimensions

Any lot that is created, developed, used, or occupied shall meet the minimum lot size and frontage requirements in Table 5.1.1 for the zoning district in which it is located, except as otherwise established in this Land Use Code for particular uses. New lots shall also meet the development standards set forth in Section 2.6.3.c, Lots and Blocks. 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) It is not the result of a division of land in violation of any State land law or Town Ordinance.

iii) Number of Principal Buildings or Uses Per Lot

- (1) Only one (1) main building for single-family or duplex use, with permitted [accessory buildings](#), may be located upon a lot or unplatted tract. Every dwelling shall face or front upon and have legal means of access to a street or officially approved place.
- (2) Where a lot or tract of land is used for multiple-family, [mixed use](#), commercial, or [industrial](#) purposes, more than one (1) main building may be located upon the lot but only when such buildings conform to all requirements of this Land Use Code applicable to the uses and district, and when all main buildings face upon a street or otherwise approved place.
- (3) Lots located in agricultural zoned districts may exhibit a density no greater than one (1) residential unit per lot. Accessory buildings may be permitted.
- (4) R-3 zoning districts allow for densities greater than (1) one unit per lot. The dimensions of such lots are subject to the Mobile Home Park Standards outlined in Section 2.4.1.

3) SETBACKS

Except as provided in this Land Use Code, every required front, side, and rear setback space shall be open and unobstructed from the ground to the sky.

a) SETBACKS on CORNER LOTS

A corner lot abutting upon two (2) streets in a residential zone shall have a minimum [setback](#) of ten (10) feet from the side lot line [adjacent](#) to the side street to all buildings.

b) SETBACKS MEASURED from PROPERTY LINES

Verification of boundaries is the responsibility of the owner. 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.

c) IRREGULARLY SHAPED LOTS

- i) In the case of lots having more than four (4) 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.
- ii) In the case of a triangular shaped lot, the rear lot line shall be considered as a straight line fifteen feet (15) in length which:
 - (1) Is parallel to the front lot line or its chord; and
 - (2) Intersect the two (2) side lot lines at points most distant from the front lot line.

d) 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.

e) STRUCTURES PERMITTED to INTRUDE INTO REQUIRED YARD SETBACK AREA

The following structures may intrude into any required yard which is five (5) feet 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:

- i) [Cornices](#), [eaves](#), [vigas](#), sills, buttresses, or other similar architectural features – one and one-half feet (1½).
- ii) Fireplace structures not wider than eight (8) feet measured in the general direction of the wall of which it is part – one and one-half feet (1½).
- iii) Open stairways, balconies, and fire escapes – one and one-half feet (1½).
- iv) Uncovered porches and platforms which do not extend above the floor level of the first floor – one and one-half (1½) feet into required side and rear yards and six feet (6) into required front yards.
- v) Permanent planters not exceeding forty-two inches in height – one and one-half feet (1½).
- vi) Portable sheds or small storage units 120 sq. ft. or less in size and not on a permanent foundation are allowed to encroach on rear and side [setbacks](#). They may not be located in the front setback or create snow shed, drainage or other issues for neighbors.
- vii) Little free libraries, other similar free boxes, and [temporary uses](#) such as lemonade stands are permitted in the front setback area as long as they do not obstruct the public right of way.

f) 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 percent (50%) or more of the lots within the same block or zone.

g) **SEPARATE YARDS**

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.

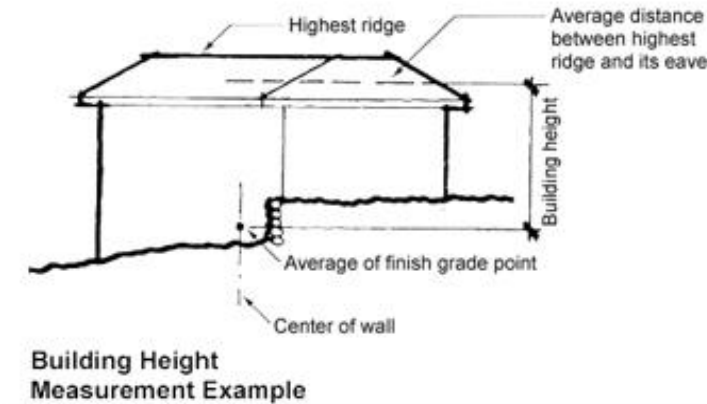
h) **PUBLIC UTILITY LINES**

This Land Use Code is not intended to limit or interfere with the installation, maintenance and operation of any [public utility](#) lines providing water, irrigation, sewage disposal, electric, gas, telephone, internet or cable services to the public, provided such lines are installed, maintained, and/or operated in accordance with all other applicable laws.

4) **BUILDING HEIGHT**

No building shall be erected or altered that will exceed the height limit for the respective zoning district, unless otherwise provided for below or elsewhere in this Land Use Code.

- a) The following building elements and [appurtenances](#) may exceed the height limits, but only to the minimum degree necessary to achieve compliance with applicable [building codes](#), or if not regulated by building codes, to provide for appropriate function:
 - i) Chimneys, vents, attic fans, cupola vents, plumbing vents, solar panels, and light collection domes for daylighting systems.
- b) The following may extend up to 10 feet above the height plane, provided that, collectively, they do not occupy more than 10 percent of the area of the roof (measured horizontally):
 - i) Non-habitable towers, spires, belfries, and domes;
 - ii) Screened mechanical equipment;
 - iii) Green roof vegetation;
 - iv) Roof access, elevator, and stair towers; and
 - v) Clock towers or other similar structures.
- c) Barns and silos with AG zoning are not subject to building height limits, provided that the buildings are set back at least one foot for each two feet of building height.



5) OFF-STREET PARKING

Off-street parking shall be provided in compliance with Section 2.5.5 of this Land Use Code and applicable provisions of the Ignacio Construction Standards, whenever any building is erected, altered, remodeled, enlarged, converted, or with any change of use within the building or any portion thereof.

a) Required Parking

The number of off-street parking spaces required shall be based on the particular use or occupancy within the building(s) and shall not be less than the quantities set forth in Table 5.5.1. Uses not specifically identified in table 5.5.1 shall be classified within the USE group which most nearly resembles the actual use.

TABLE 5.5.1: PARKING REQUIREMENTS

USE	NUMBER OF PARKING SPACES REQUIRED
ASSEMBLY	1 per 200 square feet of gross floor area
BUSINESS/OFFICE	1 per 600 square feet of gross floor area
MEDICAL OFFICE	1 per 300 square feet of gross floor area
EDUCATIONAL	1 per faculty member, 1 per full time employee, 1 per 3.5 seats in assembly rooms
FACTORY and INDUSTRIAL	1 per 800 square feet of gross floor area
INSTITUTIONAL	1 per 3 beds
MERCANTILE	1 per 400 square feet of gross floor area
RESIDENTIAL-Single-family	2 per dwelling unit
RESIDENTIAL- Multi-family	1 bedroom/studio – 1 per dwelling unit 2 bedrooms and up – 1.5 per dwelling unit
WAREHOUSE	1 per 800 square feet of gross floor are
GYM/HEALTH CLUB	1 per 400 square feet of gross floor area
HOTEL/MOTEL	1 per sleeping room, 1 per full time employee

- i) Each business shall be divided into the specific uses/occupancy type (as described in the building code) and associated [gross square footage](#) within the occupied space.
- ii) Cross reference with Table 5.5.1 for required parking spaces for each specific use. Add the required number of parking spaces together resulting in the total required parking for the business. See below example for parking space calculation:

Example: John's Barbeque occupies 3,000 gross square feet of the floor. The 3,000 square feet comprises: 1,000 sq. ft. of dining area (assembly occupancy), 1,000 sq. ft. storage area (warehouse/storage occupancy), and 1,000 sq. ft. of kitchen/office/dishwashing areas (business occupancy). Assembly occupancy requires 1:200 equating to 5 parking spaces; warehouse/storage occupancy requires 1:800 equating to 1.25 parking spaces; and the business occupancy requires 1:600 equating to 1.66 parking spaces. Total parking required is 8 parking spaces.

b) Location of Lot

The required parking spaces shall be provided on the same lot as the associated use, or on a shared lot not more than 500 feet away from the main entry point into the building as measured from the nearest point of the parking facility.

c) Accessible Spaces

Accessible parking spaces and passenger loading zones shall be provided and constructed in accordance with the Town's building code requirements and with ANSI 117.1.

d) Parking Facility Design

Parking facilities shall be designed in accordance with the following requirements:

i) Stall Width.

Each parking stall shall have a minimum width of nine (9) feet.

(1) Exceptions:

- (a) Compact parking stalls shall be permitted to be eight (8) feet wide.
- (b) Parallel parking stalls shall be permitted to be eight (8) feet wide.
- (c) Accessible parking spaces shall be designed in accordance with ANSI 117.1.

ii) Stall Length

Each parking stall shall have a minimum length of twenty (20) feet.

(1) Exceptions:

- (a) Compact parking stalls shall be permitted to be eighteen (18) feet in length.
- (b) Parallel parking stalls shall be a minimum of twenty-two (22) feet in length.

iii) [Driveway](#) Width

Every parking facility shall be provided with one or more access driveways, the width of which shall be the following:

- (1) Private driveways shall be at least ten (10) feet wide.

- (2) Commercial driveways and drive lanes:
 - (a) Minimum of fourteen (14) feet driveway for one-way enter/exit.
 - (b) Minimum of twenty-four (24) feet driveway for two-way enter/exit.
 - (c) For parallel parking - 12 feet wide drive lane.
 - (d) For 30 and 45 angled parking - 15 feet wide drive lane.
 - (e) For 60 angled parking - 18 feet wide drive lane.
 - (f) For 90 angled parking - 24 feet wide drive lane.
- iv) **Driveway and Ramp Slopes**

The maximum slope of any driveway or ramp shall not exceed 12 percent.
- v) **Stall Access**

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. Each required stall shall be individually and easily accessed.
- vi) **Compact-to-standard Stall Ratio**

The maximum percentage of compact stalls to standard stalls in any parking area shall not exceed 50 percent (50%). Compact spaces shall be marked for compact cars.
- vii) **Screening**

A 3-foot-high screening buffer at the public way shall be provided for all parking areas of five or more parking spaces.
- viii) **Striping**

All parking stalls shall be striped.

(1) Exception: A private garage or parking area for the exclusive use of a single-family dwelling.
- ix) **Lighting**

All lights illuminating a parking area shall be “dark sky compliant” and designed and located to direct light downward and away from any street and adjacent property.
- x) **Surfacing**

[Off-street parking areas](#) shall be paved or otherwise surfaced and maintained to eliminate dust and/or mud from being transferred onto adjacent roadways. Proper drainage is required to convey all surface water into proper drainage channels or containment facilities as required by the Town. The Town shall approve surface material. Driveways shall be offset from the [property line](#) by (3) three feet to allow for adequate drainage and snow storage unless waived by the Administrator.
- xi) **Wheel or Bumper Guards**

In commercial or [multi-family](#) developments, wheel or bumper guards shall be located so that no part of a vehicle extends beyond a parking area boundary line and intrudes on a pedestrian way, or contacts any wall, fence, or planting. A vehicular overhang may, however, intrude into a private pedestrian way located

on the perimeter of a [parking lot](#) if the pedestrian way is not less than six (6) feet in width.

xii) **Joint Use**

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.

(1) The Planning Commission may, upon application, authorize the joint use of parking facilities for the following uses or activities:

- (a) Fifty percent (50%) of the parking facilities required by this Section may be facilities of a use considered to be a night-time or off-peak use provided such reciprocal parking area shall be subject to conditions set forth below.
- (b) Conditions required for joint use:
 - (i) Parties participating in the joint use of an off-street parking facility shall provide signed agreements for such joint use and included shared maintenance provisions.
 - (ii) The applicant(s) shall show that there is no substantial conflict in the proposed uses of the off-street parking facility.

6) LANDSCAPING REQUIREMENTS

a) **INTENT**

It is the intent of these regulations to provide minimum requirements for landscaping of new development. While the requirements are minimal, developers and owners are strongly encouraged to provide landscaping to provide an attractive street frontage, preserve existing mature vegetation whenever possible, to use water conservation techniques, plant native species and soften the appearance of development with landscape features. The Town provides landscape guidelines to assist owners and developers in improving their properties.

b) **GENERAL PROVISIONS**

All land development applications shall be accompanied by an appropriate landscape plan. Building permit applications for individual single-family residences will not require landscape plans. However, all [landscaping](#) within the community shall comply with the intent of these regulations.

c) **PLANT MATERIALS**

- i) The minimum planting sizes on all required landscaping shall be two (2) inch [caliper](#) deciduous trees, one and one-half (1½) inch caliper ornamental trees, six (6) foot tall evergreen trees and five (5) gallon shrubs.
- ii) Plant materials shall be chosen from native species. No invasive or noxious plants shall be used.

d) **IRRIGATION**

All required landscaping shall be irrigated as required for plant establishment and maintenance. Irrigation shall be appropriate to the type and scope of the improvements.

- i) Use of non-treated water for irrigation is encouraged if available.
 - ii) Temporary irrigation may be used to establish native grasses and vegetation.
- e) **GUARANTEE OF INSTALLATION**
Required landscape improvements shall be installed prior to issuance of a Certificate of Occupancy (C.O.) for all improvements. If weather conditions prevent installation, the developer shall either post a financial guarantee for the improvements or receive a temporary Certificate of Occupancy. The guarantee shall be released upon completion of the installation of the landscaping and the issuance of a Certificate of Occupancy.
- f) **MAINTENANCE**
To provide for the ongoing health and appearance of landscape improvements, all landscaping shall be maintained and replaced by the landowner/occupant as necessary. All property owners/occupants shall be responsible for maintenance of landscaping within the portion of the public right-of-way between the back of the curb or street pavement and the adjacent property.

7) LANDSCAPING DESIGN STANDARDS

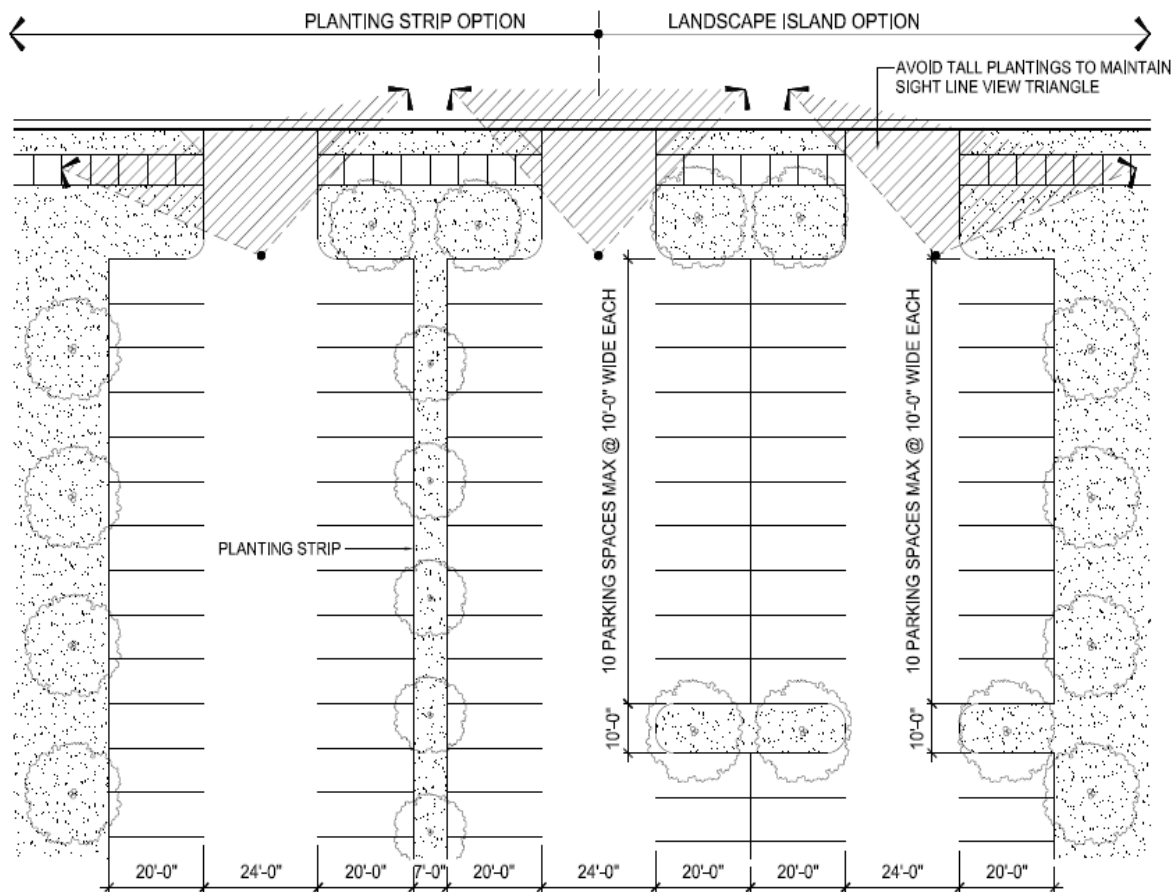
- a) **MULTI-FAMILY and MIXED-USE RESIDENTIAL LANDSCAPING STANDARDS**
 - i) In addition to right-of-way landscaping, the developer or assigns shall provide:
 - (1) Site trees – a minimum of one (1) tree per one thousand (1,000) square feet of landscaped area, distributed on the site.
 - (2) Shrubs – a minimum of one (1) shrub per one hundred fifty (150) square feet of landscaped area. Group shrubs and distribute throughout the site. Trees may be substituted for up to one-half ($\frac{1}{2}$) of the required shrubs at the rate of one (1) tree for ten (10) shrubs.
 - (3) Groundcover – irrigated turf maintained to appropriate standards for active recreation in areas that will function for active recreation. Where appropriate, use native grass for areas that will not function as active recreation areas. Native grass must be weed free and maintained at a maximum height of eight (8) inches. There shall be a minimum of seventy-five percent (75%) live materials between the front of the house and the curb unless approved otherwise by the Town.
- b) **COMMERCIAL/MIXED USE and INDUSTRIAL LANDSCAPING STANDARDS**
 - i) Landscape improvements shall be designed to enhance the overall appearance of the development and integrate the project with adjacent land uses and into the surrounding neighborhood. All improvements shall consider the people who will use the site, travel through or by the site and adjacent land uses. A minimum of ten (10) percent of the site (gross) shall be landscaped area.
 - ii) The developer or assigns shall provide:
 - (1) Site Trees – plant a minimum of one (1) tree per one thousand (1,000) square feet of landscaped area, distributed on the site.
 - (2) Shrubs – plant a minimum of one (1) shrub per one hundred fifty (150) square feet of landscaped area. Group shrubs and distribute throughout the site. Trees may be substituted for up to one-half ($\frac{1}{2}$) of the required shrubs at the rate of one (1) tree for ten (10) shrubs.

- (3) Groundcover – establish irrigated grass turf maintained to appropriate standards for active recreation in areas that will function for active recreation. Where appropriate, use native grass for areas that will not function as active recreation areas. Native grass must be weed free and maintained at a maximum height of eight (8) inches.
- (4) Screen Load Areas – screen loading areas (including vehicle being loaded), service and storage areas visible from the public right-of-way or adjacent property with an opaque screen that is an integral part of the building architecture or by landscaping. Chain link fencing with slats, tires or used building materials are not acceptable screening materials. Screening must be approved by the Administrator.
- (5) Compatibility – [integrate](#) activities on the subject property with adjacent land uses by utilizing a combination of landscaping, building orientation and appropriate architectural elements.
- iii) The building owner or occupant shall maintain the yard and landscaping within the adjacent road right-of-way.

8) COMMERCIAL LANDSCAPING DESIGN STANDARDS

Downtown landscaping is intended to provide an attractive environment for people to walk and shop. The developer shall provide:

- a) **STREETSCAPE** – a combination of window boxes, awnings, planters, trees, benches, etc. as appropriate to enhance building entries and the streetscape.
- b) **PARKING LOT LANDSCAPING STANDARDS** – [Parking lot](#) landscaping is intended to break up large expanses of pavement, create shade, buffer views of parking lots from adjacent streets and projects and enhance the appearance of each project.
 - i) **Applicability**
All parking lots with ten (10) spaces or more shall be subject to these requirements.
 - ii) The developer or assigns shall provide:
 - (1) **Site trees**
A minimum of one (1) tree per ten (10) parkingspaces. Group trees together in islands which are a minimum of ten (10) feet wide. Use the landscaping to break up large expanses of pavement and to create a tree canopy for summer shade. See the below diagram:
 - (2) **Shrubs**
A minimum of one (1) shrub per one hundred fifty (150) square feet of landscaped area. Group plantings in landscape islands.
 - (3) **Groundcover**
Limit areas of irrigated turf. Grass is discouraged in areas less than ten (10) feet wide. Install a grass buffer (native grass where possible) around the perimeter to filter runoff and improve water quality.
 - (4) **Provide a mechanism for long-term maintenance of landscaping**
All landscaping within and adjacent to parking lots shall be owned and maintained by the landowner or occupant.



CHAPTER II: Land Use and Development Code

Section 6: Subdivision Design and Improvements Standards

1) GENERAL

The provisions of this Section shall apply to all development of land within the Town of Ignacio. No development shall commence without prior and proper approval or authorization pursuant to the terms of this Land Use Code. This Section establishes procedural and substantive rules for obtaining the necessary approval to develop land and construct buildings and structures. Development applications will be reviewed for compliance with any adopted Comprehensive Plan and with adopted regulations, policies, and other guidelines.

2) PURPOSE

The requirements contained in this Section shall be the minimum requirements enacted to promote the health, safety, and general welfare of the Town of Ignacio. To these ends, such regulations are intended to assure efficient circulation, adequate improvements, sufficient [open space](#) and basic order in subdivision design by providing for the proper arrangement of lots and blocks, new and existing streets, utilities, emergency access, pedestrian movement and recreation, lighting (natural and artificial) and air movement.

3) SUBDIVISION DESIGN

a) **APPLICABILITY**

All subdivisions (major, minor, [condominium](#), and plat amendments) shall comply with all applicable provisions in this Land Use Code. Subdivisions shall be designed per all applicable standards unless a standard is modified or varied pursuant to this Land Use Code. No minor modification or variance may be granted for areas of special flood hazard or geologic hazard, nor shall a minor modification or variance be granted for utility construction specifications. To the extent not already addressed in other provisions of this Land Use Code, the additional design criteria in this Section shall apply to all subdivisions.

b) **GENERAL DESIGNS STANDARDS**

i) **Compliance with Zoning Requirements**

The general layout of lots, roads, driveways, utilities, drainage facilities, and other services within all proposed subdivisions shall be designed to maximize efficient use of the land, avoid hazard areas, protect sensitive natural resources, and otherwise accomplish the purposes and intent of this Land Use Code and of the zone district in which the subdivision is located. Applicants shall refer to the general development standards in Section 5 and shall apply them in the layout of the subdivision to avoid creating lots or patterns of lots that will make compliance with such development standards difficult or infeasible.

ii) **Suitability for Subdivision**

Land subject to hazardous conditions such as floods, mud flows, rock falls, or shallow water table, shall be identified and shall not be subdivided until the hazards have been mitigated or will be mitigated by the subdivision and construction plans.

iii) **Minimal Standards**

The design standards in this Section are minimum standards. The Town may impose more restrictive standards when it finds that they are necessary to conform the design of a proposed subdivision to sound engineering or design standards or other standards in this Land Use Code.

c) **LOTS and BLOCK**

Lot size, width, depth, shape, and orientation and minimum building [setback](#) lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated and shall facilitate the placement of buildings with sufficient access, outdoor space, privacy, and view.

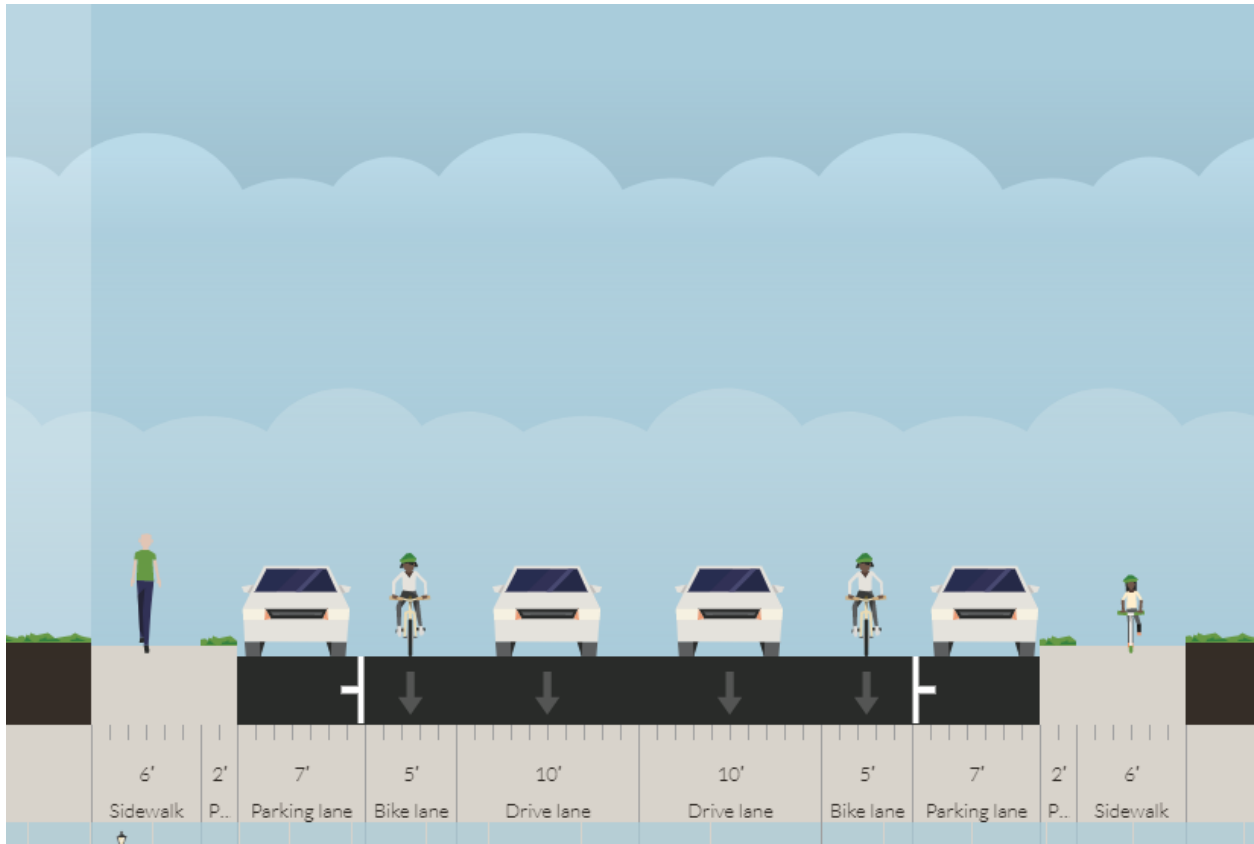
- (1) Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for off-street parking and loading areas required by the type of use and development contemplated.
 - (2) Corner lots for residential use shall have extra width to accommodate the required building setback line on both street frontages.
 - (3) Each lot shall be provided with satisfactory access to a public street.
- d) **ARRANGEMENTS of STREETS**
- i) The arrangement, extent, width, type, and location of all streets shall be considered in their relation to existing or planned streets, to topographic conditions, to public convenience and safety and in their appropriate relation to the proposed use of land to be served.
 - ii) Local streets shall be arranged so their use by through traffic will be discouraged.
 - iii) Streets shall be extended to the boundaries of the property, except where such extension is prevented by topography or other physical conditions or where the connection of streets with existing or probable future streets is deemed unnecessary for the advantageous development of adjacent properties.
 - iv) Where future extension of a street is anticipated, a temporary turnaround having a minimum outside diameter of 90 feet shall be provided.
- e) **CUL-DE-SACS, DEAD-ENDS, and TURNAROUNDS**
- i) The maximum allowable length of [cul-de-sac](#) streets in single-family residential and multi-family residential developments shall be 600 feet per the Model Traffic Code and the International Fire Code requires special approval over 750 feet.
 - ii) Cul-de-sac streets shall be provided with circular turnarounds having a minimum outside right-of-way diameter of 106 feet and a minimum pavement of 90 feet.
- f) **INTERSECTIONS**
- i) Streets shall intersect as nearly as possible at right angles. Intersecting street center lines shall be within 20 degrees of the perpendicular for a distance extending at least 100 feet in each direction from a street intersection.
 - ii) Right-angle street intersections shall be rounded with a minimum radius of 20 feet at all intersections of streets.
 - iii) If an intersection occurs at an angle other than a right angle, it shall be rounded with a curve of a radius acceptable to the Town Engineer.
- g) **RIGHT-OF-WAY, PAVEMENT, and SIDEWALK WIDTHS**

TABLE 6.3: Minimum ROW Widths by Street Type

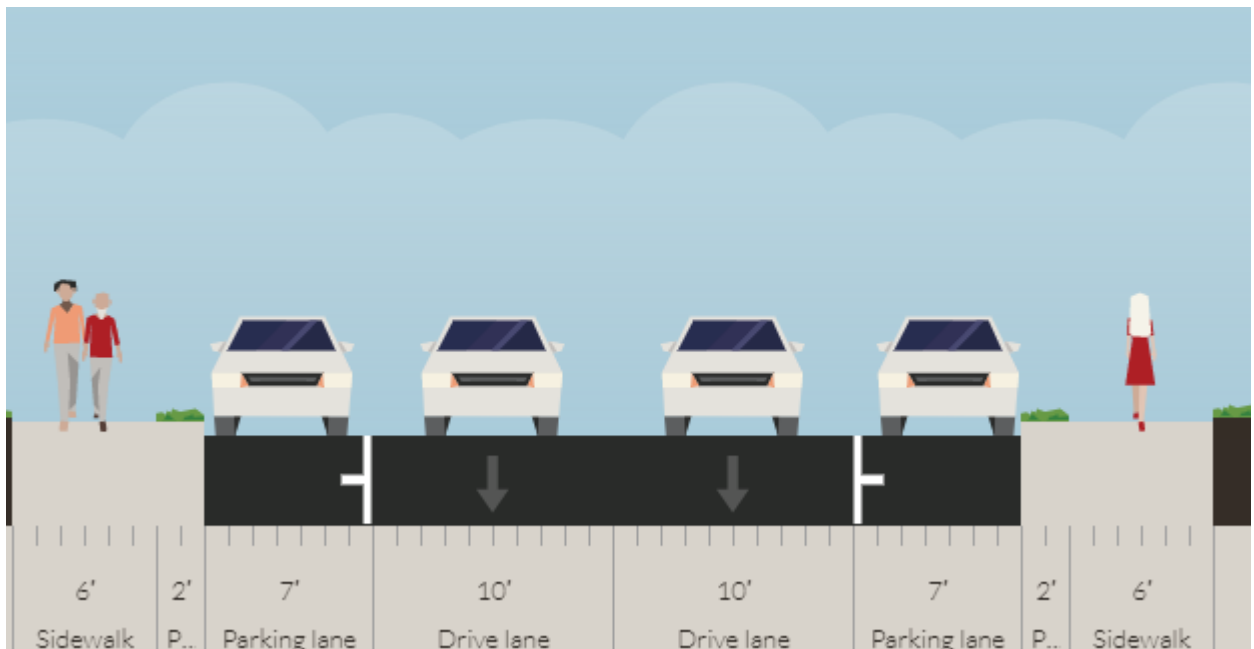
Type	Right-of-Way	Travel* F/F
Collector	60'	40'
Local**	50'	34'
Alley	25'	20'

* Measured from flow line of gutter to flow line of gutter.

** Local streets without alleys shall utilize collector street criteria.



Collector Street Example



Local Street Example

h) **VERTICAL ALIGNMENT**

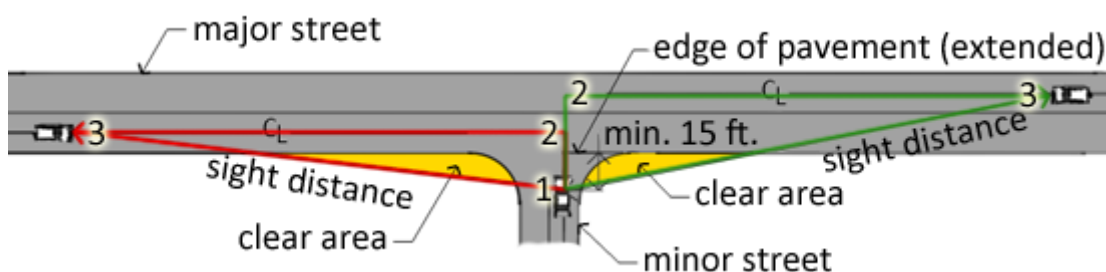
- i) No vertical [grade](#) shall be less than five-tenths percent (0.5%) to facilitate adequate drainage. Vertical curves excepted.
- ii) Maximum percent of street grade:
 - (1) [Alleys](#), ten percent (10%)
 - (2) Local Streets, eight percent (8%)
 - (3) Collector streets, seven percent (7%)
 - (4) Arterial streets, five percent (5%)
 - (5) Where a horizontal curve occurs on a grade of over five percent (5%), the maximum allowable percent of grade on the curve shall be reduced by five-tenths percent (0.5%) for each 50 feet that the curve radius is less than 400 feet.

i) **VISIBILITY REQUIREMENTS**

Corner Sight Distance: Generally, intersections shall be designed and maintained with adequate corner sight distance, pursuant to this Section. No obstructions shall be constructed, placed, or installed in the area where the horizontal clear area defined in Subsection, ii below, and the vertical clear area defined in Subsection iii, below, overlap (pedestrians, bicyclists, and operating motor vehicles are not obstructions).

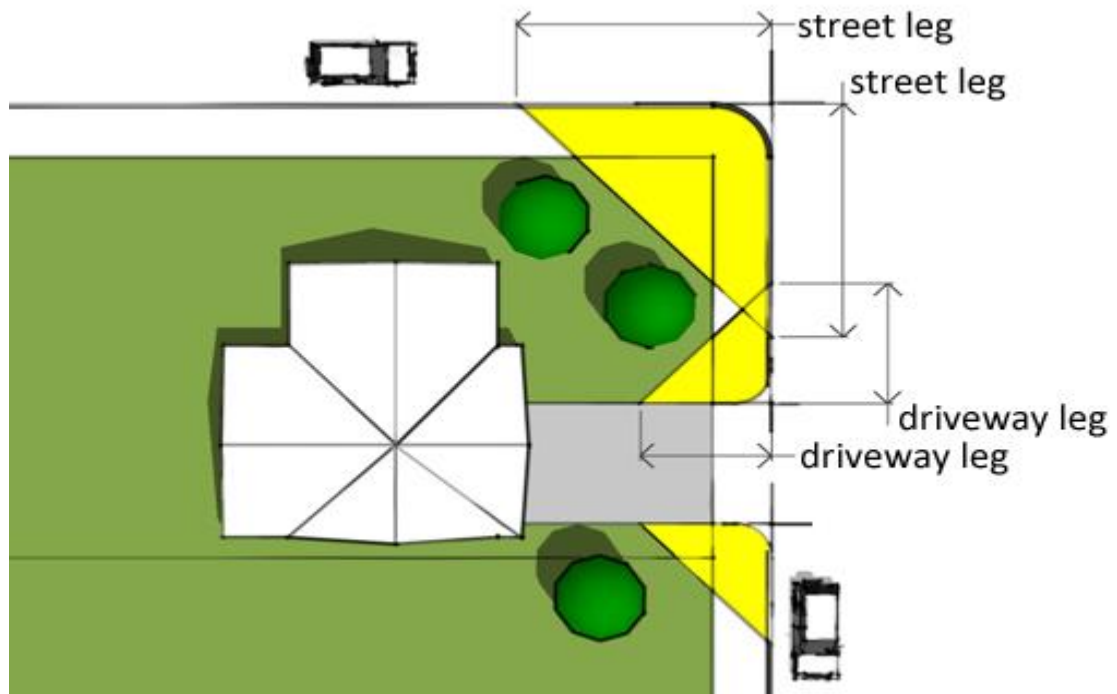
- i) Clear Areas. Clear areas are required at each corner of street intersections, with the following dimensions:
- ii) Horizontal Clear Area. Right triangles are defined in the horizontal plane by the following points detailed in the below diagram, Illustrative Horizontal Clear Area:
 - (1) Point 1 is on the centerline of the right-hand travel lane of the lower classification street, 15 feet back from the extension of the face of the curb of the major street.
 - (2) Point 2 is on the centerline of the nearest travel lane (one in each travel direction) of the intersecting major street.
 - (3) Point 3 is on the centerline of the nearest travel lane (one in each travel direction) of the intersecting major street, the required sight distance from Point 1.

Illustrative Horizontal Clear Area



- iii) Vertical Clear Area. Within the horizontal plane defined by Subsection ii, above, a clear area must be maintained from a height of 3.75 feet on the local street to a height of 4.5 feet on the centerline of the travel lanes of the major street.
- j) **SIGHT DISTANCES**
 - i) Generally, sight distances (measured from Point 1 to Point 3) shall be as follows:
 - (1) Local and Collector Streets: 200 ft.
 - (2) Arterial Streets: 350 ft.
 - (3) Engineering Discretion. The Town may require greater sight distances where necessary to ensure safety given topography and/or street curvature.
- k) **VISIBILITY TRIANGLES FOR MINOR STREETS AND DRIVEWAYS**
 - i) Generally, in addition to any corner sight distance required by Section i, Corner Sight Distance, visibility triangles are required at street intersections and intersections of streets and driveways, as provided in this Section.
 - ii) Obstructions. Visibility triangles shall be maintained free of visual obstructions, including structures and vegetation, from a height of 30 inches to a height of seven (7) feet above the centerlines of the abutting intersecting streets. The Town Engineer may waive this requirement if it is determined that:
 - (1) The requirement would result in the destruction of a healthy, mature, non-invasive tree, either by removal or by pruning that would result in structural harm to the tree, and the marginal impact of the removal or pruning of the tree on public safety is slight and may be addressed through other means, such as signage; or
 - (2) The encroachment into the sight triangle is by a healthy, mature, non-invasive tree; is slight; and results in a de minimis impact on public safety.
 - iii) Visibility Triangle Dimensions. The legs of visibility triangles are measured from the point of intersection of lines that extend along the face of the curb at street intersections and driveway-street intersections. The measurements are detailed below and illustrated in the below diagram, Illustrative Horizontal Clear Area:
 - (1) All Street Intersections (shown as "street leg" in Figure): 35 ft.
 - (2) Driveways or Alleys and Local Streets (shown as "driveway leg" in Figure): 18 ft.
 - (3) Driveways and Collector Streets: 23 ft. (both "driveway leg" and "street leg")
 - (4) Driveways and Arterial Streets: 28 ft. (both "driveway leg" and "street leg")
 - (5) Exceptions: Visibility triangles may be modified in cases where:
 - (a) Engineering standards indicate that a greater clear area is necessary, as determined by the Town Engineer; or
 - (b) The clear area does not contribute to the safe operation of the street, intersection, or driveway.

Visibility Triangle Measurement



l) **STREET NAMES**

Names of new streets shall not duplicate names of existing streets provided that new streets which are extensions of, or which are in alignment with existing streets shall bear the names of such streets.

m) **STREET LIGHTS**

Street lighting and associated underground street lighting supply circuits shall be installed. The minimum requirement shall be 2,500 lumen lamps at a maximum spacing of 400 feet, with lighting at each intersection. The street lighting plan specifying the number, line and approximate location of street lights must be included on the final construction plans. All lighting shall be dark sky compliant.

n) **SIDEWALKS**

Sidewalks shall be provided where necessary or appropriate for the safety and convenience of pedestrians. Width of sidewalks shall be as specified in the Development Standards for Public Improvements. Sidewalks shall be durably constructed with all-weather surfacing and maintained for the use contemplated. Sidewalks shall be designed to discourage parking conflicts.

o) **UTILITY EASEMENTS**

Utility easements shall be provided on at least one lot line or as otherwise determined by the Town or associated utility. Easements shall be a minimum of 10 feet in total width and usually five (5) feet on either side of the lot line.

CHAPTER II: Land Use and Development Code

Section 7: Commercial Design Standards

1) GENERAL

The organization and association between individual buildings help to define and create the Town's identity and has direct impacts on the levels of pedestrian and vehicular activity, as well as economic vitality. When architectural features (i.e., entrance location and spacing, window lines, signage, and other architectural elements) of commercial buildings are proportionally balanced, the [streetscape](#) becomes more inviting for human interaction. Building facades can impact visual continuity, cohesiveness, legibility, and aesthetic pride. The design of the facade can encourage shopping, increase a sense of security and safety, and generate pedestrian interaction. In [Mixed Use](#) zoned areas, where commercial and residential buildings exist, thoughtful consideration of scale, detailing, and material finishes, is necessary for achieving the desired streetscape setting and character.

2) PURPOSE

The objectives of these standards are to preserve business and property values, encourage new business start-up, and create a pedestrian friendly [Downtown](#) by defining architectural styles and design standards that promote a harmonious, coordinated streetscape within the Mixed Use District. Community residents are proud of their Southwest heritage and wish to promote excellent and harmonious design with new construction and significant remodels. While not required, the following styles shall be considered:

3) BUILDING STANDARDS APPLICABLE TO ALL STRUCTURES IN DOWNTOWN OVERLAY DISTRICT

The following standards are applicable to all new and remodeled structures regardless of Architectural Style:

- a) All new buildings to be constructed in the Mixed Use District shall be erected on a [permanent foundation](#) system as approved by the Administrator.
- b) Building massing and proportions shall be sensitive to the [human scale](#). New or remodeled structures shall design areas of building/human interaction, i.e., near ground level on large buildings, along street facades, entryways, etc. with sensitivity to building elements and human proportions.
- c) Allowed exterior finish materials for all new and remodeled commercial buildings:
 - i) Cementitious Stucco
 - ii) Synthetic Stucco
 - iii) [Adobe](#) or Adobe brick
 - iv) Earth Plaster
 - v) Stone (real or cultured drystack, fieldstone, or river rock)

NOTE: Aluminum, vinyl siding, mirrored glass, exposed concrete block or concrete are prohibited exterior finish materials unless an applicant requested design deviation is approved by the Planning Commission.

4) BUILDING DETAILS

- a) Window and door space combined shall not exceed 40 percent (40%) of any publicly viewable [elevation](#).
- b) Doors on street fronting elevations of buildings and structures are recommended to have divided lights not exceeding 30 inches in any dimension. Snap-in or applied [mullions](#) are permitted.

5) BUILDING SCALE and MASSING

Design consideration of building scale and massing help to establish the unique character and define the setting for the Mixed Use District. Smaller-scale buildings, or buildings perceived to be of a smaller scale, are more likely to create the atmosphere of a pedestrian friendly [streetscape](#). Human-scaled buildings generally feel more comfortable and can create an experience that enhances the marketability and social interaction necessary for the success of commercial businesses. Buildings, and their associated architectural elements, should convey a sense of [human scale](#) and create a reinforcing relationship with the [sidewalk](#), street, and pedestrians.

The height and scale of infill development and [alterations](#) to existing structures within the Mixed Use District should relate to and complement existing neighboring structures. New and remodeled structures should provide storefront windows, doors, entries, transoms, [awnings](#), [cornice](#) treatments, and other architectural features designed to complement existing and surrounding structures.

Buildings that extend greater than 50 feet along the street-side(s) shall utilize appropriate techniques to break-up the plane of the continuous building line. For example, these techniques may include, but are not limited to architectural elements, i.e., windows, doorways, staggered walls, [pilasters](#), change in materials, etc.

6) SETBACKS

Newly constructed buildings in the Mixed Use District, shall be encouraged to construct up to the [property line](#) with allowance for minimal [setback](#) at intervals appropriate to the scale, proportions, and design of the new structure. Niches or pockets for seating are encouraged for long expansive wall frontage. Refer to Section 2.5.3 for setback requirements.

7) ARCHITECTURAL STYLES and BUILDING ELEMENTS

The following design standards are based on local and regional vernacular architecture applicable to building construction and remodeling. It is desired that all new construction and exterior remodeling, incorporate one, or a mix, of the architectural styles and

building elements outlined below into the design submitted to the Town Planning Commission for approval:

a) **NAME: TERRITORIAL SOUTHWEST**

i) Characteristics:

- (1) Appearance of stucco, earth plaster or [adobe](#) exterior walls.
- (2) Square [parapets](#).
- (3) Framed windows, Victorian style.
- (4) Brick or decorative coping or parapet trim.
- (5) Square beam supports, instead of round.

b) **NAME: PUEBLO**

i) Characteristics:

- (1) Appearance of stucco, adobe, or earth plaster on exterior walls.
- (2) Rounded parapets.
- (3) Windows and doors inset a minimum of two (2) inches, plaster covers the frame of the windows, located within three (3) feet from the corner of the building, unless within an enclosed porch.
- (4) Edges and corners shall be rounded.
- (5) Primary [elevation](#)s shall be flat, varied by inset portals, projecting portals, projecting [vigas](#) or rafter tails, scuppers, flying buttresses and wooden lintels, and/or architraves and [cornices](#).
- (6) Vertical posts are round.
- (7) Carved ornamentation.
- (8) Flat or slightly pitched roofs concealed behind parapets.

c) **NAME: MISSION STYLE**

i) Characteristics:

- (1) Simple, smooth stucco or plaster siding.
- (2) Broad, overhanging [eaves](#)
- (3) Exposed rafters
- (4) Hipped or [gabled](#) tile roof
- (5) Roof [parapets](#)
- (6) Large square pillars
- (7) Twisted columns
- (8) Arched entry and windows
- (9) Covered walkways or arcades
- (10) Round or quatrefoil window
- (11) Restrained decorative elements consisting of tile, iron, and wood

d) **NAME: IGNACIO**

i) Characteristics:

- (1) Adaptations of local existing built architectural elements.

8) **SCREENING WALLS, FENCES, and LANDSCAPING**

Screening walls shall be predominantly constructed of the same materials and in the same style as the building. Styles may be approved if they are complementary to the building's style. Chain link and wire fencing is not acceptable for street facing fences. The height of the wall or fence shall not obscure the building facade on street-side(s).

Generally, this would be considered as *no higher* than five (5) feet as measured from the bottom visible portion. All fences must follow Town code with intersections requiring special considerations.

- a) The appearance of the wall shall change every 50 feet by six to eight inches (6-8 inches) to avoid an uninteresting plane.
- b) Landscaping on top of, or over a wall is encouraged.
- c) Landscaping may be used as an alternative to a wall where a barrier or mitigation is required. The owner of the property shall be responsible to maintain installed landscaping in a manner that conforms to the purpose for which it was approved. As an example, a hedge may serve as a barrier but must not grow taller than six (6) feet, which is the highest fence height allowed by Town code.

9) SCREENING of EQUIPMENT and APPURTENANCES

Equipment and appurtenances should be architecturally screened or integrated into the structure, color, and design of the building. Equipment includes but is not limited to: Mechanical, electrical, telephone, satellite dish, solar and other energy-collecting equipment, chimneys, flues, vents, and skylights. Glare from any equipment must not cause a safety hazard to drivers passing by the building.

10) MURALS and SIGNS

Murals and Signs are governed by Section 8.

11) EXTERIOR LIGHTING

All exterior lighting shall utilize dark sky compliant light fixtures and shall be designed to direct light downward. Lighting is not permitted to spill beyond the project [property lines](#) more than one (1) foot candle within 12 inches of the property line. Light fixture specifications and/or photometric studies may be required.

12) EXTERIOR BUILDING COLORS

Exterior building colors shall be limited to a palette of southwest colors and as approved by the Planning Commission. Earth tones with a non-glossy finish and a relatively smooth texture are recommended. Building trim may be of complementary accent colors and glossy.

13) PARKING

Parking shall be provided behind or along-side all newly constructed or remodeled commercial buildings. Parking in front of the building is strongly discouraged but the applicant may request a design deviation approved by the Planning Commission.

Exception: Existing, non-conforming buildings shall construct walls or fences as described in Section 7.8.

14) MINIMUM MAINTENANCE REQUIREMENTS

All properties shall be regularly and properly maintained by the property owner or other persons who may have legal custody and/or control of the property. Maintenance is necessary to prevent decay and deterioration and to keep the property free from structural defects.

15) DESIGN DEVIATIONS

A design deviation to the standards in this Section must meet the following additional requirements:

- a) The deviation will not damage the character of the district as outlined within these regulations, including their intent, which is to preserve property and business values through harmonious outward appearance.
- b) The deviation will strengthen the unique character of the town by providing a full range of design options that are appropriate to the Mixed Use District and fulfill the land use goals.
- c) The deviation is unique to special conditions and circumstances that are peculiar to the land or property involved and are not motivated by economic considerations.

CHAPTER II: Land Use and Development Code

Section 8: Signs

1) PURPOSE and INTENT

- a) **PURPOSE** – These sign regulations and procedures have been developed to ensure the safety, welfare, and convenience of all Ignacio residents. The Town recognizes the value of signs as a means of providing the public with necessary information. Signs can help advertise for events, provide wayfinding, and identify businesses. Too little signage can be detrimental to serving the public, while too much signage can result in hazardous or confusing conditions. The purpose of this sign code is to provide a balance for signage in the Town and encourage signs of a high utility and aesthetically pleasing variety.
- b) **INTENT** - The intent of these sign regulations is to provide proper control of signs that is in accordance with the First Amendment guarantee of free speech. It is not the intent of these regulations to regulate signs based on their content. Rather, these regulations will provide a framework for signs that is narrowly tailored to serve compelling government interests.
 - i) The Town has a compelling interest to regulate signs to ensure public safety and wellbeing. Signs that cause hazardous traffic conditions, or signs that communicate certain types of speech that are not constitutionally protected, or signs that contribute to blight or degrade the aesthetic or historic character of the Town, are signs that may negatively impact public safety and wellbeing and will therefore be regulated by this code.

- ii) In general, these regulations will apply to the:
 - (a) Size of signs
 - (b) The location of signs
 - (c) The building material of signs
 - (d) The lighting of signs
 - (e) The portability of signs
 - (f) The total number of signs
 - (g) The time restrictions of signs

2) **PROCESS**

a) **COMPLIANCE (Businesses)**

Compliance of new signs will be reviewed at the time of a new or annual renewal of the business license. Business owners that have non-permitted signs will be required to provide information on sign(s) prior to the approval of the business license. The Administrator will review all signs for compliance with this Code. A sign is categorized as non-conforming if not approved by Administrator and has been erected for over one (1) year without the proper permitting from the Town on the sign characteristics and permit requirements.

b) **APPROVAL of NEW SIGNAGE**

All new signs must obtain approval in accordance with this Section and will be reviewed and approved by the Administrator. Denied sign requests may be appealed to the Planning Commission by detailing the appeal in writing and providing a copy of the appeal to the Administrator one (1) week in advance of the next Planning Commission meeting.

c) **APPROVAL of TEMPORARY SIGNAGE**

- i) Temporary signage is any type of signage which is not permanently affixed or erected and, unless stated elsewhere in this code, may not be located upon the same property for more than 7 days out of 30.
- ii) Special event signage and hunting season signage may be displayed for the duration of the event season and two weeks prior. It does not require approval so long as it meets the requirements of this Section.

d) **SIGN APPLICATION**

Sign applications shall be provided by the Administrator and will include the following information:

- i) Owner of the proposed sign and contact information.
- ii) Proposed location for the sign.
- iii) Type of sign (for example, freestanding, mural, affixed, etc.).
- iv) Type of lighting (for example, internal, external, none, etc.).
- v) Size of sign(s) and size of frontage.
- vi) An accurate illustration, rendering or photograph of the proposed signage that includes fabrication and material details, colors, lettering, and art elements.

Engineered sign details prepared by a licensed engineer may be required by the Administrator.

vii) Incomplete information may delay your sign approval.

e) **SIGN MAINTENANCE**

- i) An existing sign that is being significantly altered or moved or voluntarily replaced shall be considered as a new sign and requires Administrator review and approval.
- ii) Signage must be maintained. Burned out lights on illuminated signs shall be replaced promptly. Existing signs shall be repaired to maintain a professional appearance and do not require a new sign permit.

3) **PERMITTED SIGNAGE** – The below table identifies permitted signs in specific zoning districts and denotes sign area allowances.

TABLE 8.1: SIGN STANDARDS

Type of Sign	Sign Area Allowances R-1, R-2, R-3 (MH)	Sign Area Allowances MU, I, A
Business Sign (includes projecting, freestanding, pole, and monument)	N/A	0.5 ft. x Building Frontage (in feet) 50 sq. ft. Maximum Sign Area per Individual Sign
Residential Neighborhood Identification Sign	24 sq. ft.	24 sq. ft.
Bulletin Board	N/A	16 sq. ft.
Home Occupation	6 sq. ft.	6 sq. ft.
Window Sign	N/A	Not to Exceed 30% of Window Area
Real Estate Signs	6 sq. ft.	6 sq. ft.
Vacancy/No Vacancy	N/A	6 sq. ft.
Construction Signs	6 sq. ft.	6 sq. ft.
No Trespassing/No Hunting/No Parking/Etc.	2 sq. ft.	2 sq. ft.
Building Identification Sign	N/A	6 sq. ft.
Yard Sale	6 sq. ft.	6 sq. ft.
Sign Height	5 ft.	24 ft. (not to extend above roofline for building mounted)
Aggregate Area of all Signs per Parcel	6 sq. ft.	2 ft. x Property Frontage (in feet) 200 sq. ft. Maximum Aggregate Area

4) PROHIBITED SIGNAGE

a) **THE FOLLOWING SIGNS and ELEMENTS of SIGNS are PROHIBITED:**

- i) Signs which are of a size, location, content, coloring, or manner of illumination which may be confused with, or construed as, a traffic-control device.
- ii) Signs that advertise unlawful activity.
- iii) Signs that block the public right-of-way or other traffic control signs or signals.
- iv) Any off-site signs.
- v) Signs or elements of signs which have animation effects that flash, blink, change color, or move in ways that may create hazardous traffic conditions (time and temperature signs and signs for national, state, tribal and religious holidays may be exempt). Specific regulations for electronic message center signs and digital display signs are explained in Section 8.7.
- vi) Temporary signage that has exceeded the timeframes permitted by this Code, or more than three (3) days beyond the dates of the event which it promoted.
- vii) Signage for a business or occupation that no longer exists. Historic or Artistic signs may be exempt, see Section 8.13.
- viii) Signs or elements which are animated by moving parts, or which feature unsecured materials or illumination.
- ix) Signs that are placed on public property or on public rights-of-way.

b) **PROHIBITED SIGNS NOTICE**

The property owner or subject business displaying prohibited signage shall be given 30 days-notice in writing via certified USPS mail to rectify the deficiency. After 45 days, the sign will be removed at the owners' expense, plus a citation may be issued and fines assessed by the Municipal Court.

5) NON-CONFORMING SIGNAGE

Non-conforming signs are those that were lawful at the time erected but no longer meet this code. Non-conforming signs must be brought into conformance when:

- a) There is a change in ownership of the business.
- b) There is a change in the business name.
- c) Sign changes occur that are compliant with this code and reduce the level of non-conformance.
- d) The sign is destroyed by accident or event, or damaged beyond 50 percent (50%) of the value required to restore the condition of the sign.
- e) In the event a sign is damaged by vandalism the sign may be replaced, repainted, or otherwise restored to its previous condition.

6) SIGN MEASUREMENT

- a) **CLASSIFICATIONS** - Freestanding and [projecting signs](#) are measured on one face only. [Awnings](#) with signing are measured as projecting signs on the sides of the awnings and wall signs on the front of the awning. V-shaped signs with an angle

greater than 30 degrees between the two faces are measured as two signs. Signs on a canopy are all wall signs.

- b) **SIGN AREA** - Sign area is the entire surface area of a sign and includes non-structural or decorative trim. It does not include structural non-decorative trim or support. In the case of an [awning](#) sign, the sign size is calculated by measuring the dimensions of a rectangle enclosing the signage. When a mural includes identification of an establishment, product, or service, that part of the mural shall be considered as a sign, and the size will be calculated by measuring the affected area.
- c) **AGGREGATE SIGN SIZE CALCULATION:**
 - i) Frontage is defined as the distance from one corner of a property to the next corner along a public street. The [alley](#) frontage may be considered for aggregate area calculations only if there is an established and code compliant access from the rear of the building and approved signage is displayed on the rear of the building.
 - ii) Total signage area allowed for a property is computed by multiplying the property frontage by two (2) square feet thus establishing a total allowable square footage area for all signs, however the maximum aggregate sign area is 200 square feet. This includes free standing, wall signs, and permitted art.
 - iii) An individual sign on any frontage may not exceed 50 square feet.
 - iv) [Shopping centers](#) or office buildings containing multiple tenants or uses requiring signage shall adhere to the Master Sign Program in see Section 8.12.
- d) **INDIVIDUAL SIGN SIZE in the BUSINESS ZONE**
 - i) Projecting or business sign: Projecting sign area is calculated by multiplying the building frontage by 0.5 feet to determine the maximum area for any one sign, however the maximum sign area shall not exceed 50 square feet. Building frontages less than 25 feet may have a projecting sign measuring up to 12 square feet.
 - ii) Bulletin board: May not exceed 16 square feet.
- e) **INDIVIDUAL SIGN SIZE in RESIDENTIAL ZONES**
 - i) Individual signs are permitted up to a total of six (6) square feet on a single property in a Residential Zone.
 - ii) Residence or [Home occupation](#) sign: Any sign for a home occupation is permitted up to a maximum of six (6) square feet.
 - iii) Residential neighborhood identification signs, such as a subdivision, multi-family complex, or manufactured home park shall be limited to 24 square feet at each entrance.

7) SIGN PLACEMENT

- a) **MEASUREMENT of [FREESTANDING SIGNS](#)** - Freestanding signs may measure up to 24 feet to the top of the sign. Freestanding signs in residential zones may measure up to five (5) feet to the top of the sign and must be of the monument variety, as

opposed to the pole type. Pole signs and monument signs are both considered free standing signs by this code.

- b) **BUILDING MOUNTED SIGNS** - No sign may extend above the roofline of any building. [Projecting signs](#) in the Goddard Business District may be approved by the Administrator if they meet other parts of this sign code.
- c) **WINDOW SIGNS** - Window signs are places within an individual window casement and must not cover more than 30 percent (30%) of any window.
- d) **GROUND CLEARANCE** - Freestanding or projecting building mounted signs must maintain 8.5 feet of clearance from their overhang to the ground.
- e) **HOME OCCUPATION SIGNS** - These signs shall be wall mounted only.
- f) **STREET CLEARANCE** - Permitted signs may not extend over streets or alleys.

8) **SIGN ILLUMINATION**

- a) **WITHIN RESIDENTIAL ZONES** - All internally illuminated signs must have an opaque background when lit.
- b) **WITHIN BUSINESS ZONES** - Internally illuminated signs under 100 square feet size must have a background that is darker than the copy. Signs 100 square feet or larger must have an opaque background.
- c) **MENU SIGNS** - Menu signs for drive-in or [drive-through restaurants](#) may have dark letters on a light background if designed and installed so as not to be read from the public right-of-way or attract attention to the business.
- d) **LIGHT DEFLECTION** - All sign illumination must be designed to minimize light from emitting skyward or off-site. External lighting must be designed such that the light is shining down, not up. Spotlights may include deflectors to meet this requirement.
- e) **ELECTRONIC MESSAGE CENTER SIGNS (EMCS)** - See Section 8.9 below.

9) **ELECTRONIC MESSAGE CENTER SIGNS AND DIGITAL DISPLAYS**

- a) **GENERALLY** - On-site permanent signs that feature digital displays that can illuminate advertisements, time and temperature, and messages are permissible on properties zoned MU, CP, and I. EMCS and digital displays that constitute a traffic hazard or are a detriment to traffic safety by reason of their animation, illumination, or brightness are prohibited.
- b) **DESIGN:**
 - i) **ILLUMINATION** - A single message or a message segment must have a static display time of at least two (2) seconds with all segments of the total message to be displayed within 10 seconds. A one-segment message may remain static on the display or message center with no duration limit. Displays shall not appear to flash, undulate, pulse, or portray explosions, fireworks, flashes of light, blinking, chasing lights, bounce, rotate, spin or twist.
 - ii) **HOURS OF OPERATION** - All digital signage may be illuminated during business hours only. Businesses operating 24 hours a day are not required to turn off their

signs. Digital signage on institutional property is exempt from these time constraints.

- iii) **BRIGHTNESS** – Illuminated electronic message center signs shall not operate at a luminance over 0.1-foot candles above ambient conditions.
- iv) **SENSORS** - All electronic message center signs shall include a sensor or other device that automatically determines the ambient illumination and is programmed to automatically dim according to ambient light conditions.
- v) **SIGN MALFUNCTION** – All digital signage is required to contain a default design to freeze the sign message in a static position of acceptable brightness if a malfunction occurs.
- c) **PUBLIC SERVICE ANNOUNCEMENTS** – Owners of electronic message center signs and digital displays are required to coordinate with local authorities to display emergency information to the travelling public when deemed appropriate. This includes, but is not limited to, Amber Alerts, Silver Alerts, and weather or other emergency information.

10) CONSTRUCTION DETAILS

- a) **CONSTRUCTION and INSTALLATION** - Signs and associated supports may be constructed from different types of materials including wood, plastics, metal and ceramics. Construction and installation must be of a professional nature, free from public hazards and aesthetically pleasing. Mounting, supports and lighting must meet all applicable building and electrical codes.
- b) **ENGINEERED PLANS** – The Administrator may require engineer developed and stamped plans if the sign has unique or detailed construction and/or installation requirements.

11) MURALS

Murals, designed for decorative and artistic value, must be approved by the Planning Commission. Murals do not count towards the total permitted signage or sign size except as stated otherwise in this Land Use Code.

12) MASTER SIGN PROGRAM

The purpose of the Master Sign Program (MSP) is to define design standards and criteria for all signs to be placed within a building or development that has multiple signs. An MSP ensures that signs have a consistent design theme that coordinates colors, materials, graphics, and textures. An MSP can also define signs for tenants within the development area.

- a) An MSP shall specify the number, size, and location of all signs to be included in the MSP. The materials, illumination method and style, and the graphic standards must also be defined in the MSP.

- b) The Administrator will assist the applicant with the development of the MSP and enforce all conditions and requirements associate with an approved MSP. The Planning Commission will review and approved an MSP.
- c) All minor amendments to an approved MSP must be submitted to the Administrator for review and approval.
- d) All major amendments to an approved Master Sign Program must be submitted to the Planning Commission for review and approval.

13) SIGN EXEMPTIONS

The following signs do not require a permit and are not in sign area calculations:

- a) Public Signs: A sign of non-commercial nature and in the public interest, erected by a public officer in the performance of duty.
- b) Temporary political signs displayed for no more than 90 days before the election and five (5) days after the election results are certified.
- c) Except where specifically prohibited, banners, pennants, streamers, sale flags and posters displayed for no more than seven (7) days out of 30.
- d) One (1) Grand Opening banner per street frontage which may be displayed for 14 days total.
- e) Real Estate signs not exceeding six (6) square feet and five (5) feet in height.
- f) Apartments and motels may have one vacancy/no vacancy sign up to four (4) square feet. If lighted, lighting must meet requirements contained in this Code.
- g) Construction signs up to six (6) square feet and only one (1) per job site.
- h) No Trespassing, No Hunting/Fishing, No Parking, etc. type signs up to two (2) square feet.
- i) Governmental flags (i.e., U.S., Colorado, Southern Ute) flown in accordance with flag protocol. Only one (1) flag for each designation is allowed per frontage or building.
- j) A building sign indicating the building name, dates of erection, etc., which is an integral part of the building and permanently affixed to the building and does not exceed six (6) square feet.
- k) The changeable lettering on permitted changeable copy signs, (if such speech is constitutionally protected and not at odds with public safety or wellbeing).
- l) Yard or Garage Sale sign placed on premises that does not exceed 10 square feet nor extend higher than three (3) feet and must not be displayed for more than 14 days annually or three (3) days in a row.
- m) Temporary window sign meeting other requirements of this ordinance.
- n) Sign painted or attached directly to a vehicle that is routinely used as transportation by the business.
- o) Signs required by this Land Use Code.
- p) Signage required by government regulation or laws (i.e., Handicapped Accessible signs).

14) SIGN REGULATION VARIANCES

When a sign owner seeks a variance from the requirements contained in this Section, such request shall be heard and acted upon by the Planning Commission only after all other administrative procedures required for issuance of a sign permit have been completed. The Planning Commission is authorized to grant a variance when it finds that unique situations allow a deviation from the requirements and that the purpose and intent of the sign regulations have not been violated. A request for an increase in sign size shall not be subject to the procedures in this subsection but shall be processed as a standard variance as set forth in Section 2.3.h of this Code.

CHAPTER II: Land Use and Development Code

Section 9: Nonconformities

1) NON-CONFORMING 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 Land Use Code, or, in the case of an amendment to this Land Use Code, 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 are conforming uses. The following provisions of this Land Use Code 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 Land Use Code:

- a) **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 Land Use Code. A nonconforming use may be extended throughout any part of a structure, which was arranged or designed for such activity at the time of enactment of this Land Use Code.
- b) **REPAIRS AND MAINTENANCE:** The following changes or [alterations](#) may be made to a nonconforming structure or to a conforming structure with a [nonconforming use](#):
 - i) Maintenance repairs that are needed to maintain the structure, except that if a structure has been officially condemned, it may not be restored under this provision.
 - ii) Any structural [alteration](#) that would reduce the degree of nonconformance or change the use to a conforming use.
 - iii) The addition of a solar energy device to such structure.
- c) **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 percent (50%) 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 Land Use Code. Where a

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

- d) **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 Land Use Code.
- e) **NONCONFORMING LOTS:** Nonconforming lots of record at the time of passage of this Land Use Code may be built upon providing that all other relevant requirements are met.
- f) **NON-CONFORMING USES:** A non-conforming use of a structure or lot may not be changed to another nonconforming use. A nonconforming use of a structure or lot may only be changed if the element of non-conformance is reduced and approved by the Administrator or other applicable requirements in this Land Use Code.

CHAPTER II: Land Use and Development Code

Section 10: Impact Fees (Reserved)

CHAPTER II: Land Use and Development Code

Section 11: Floodplain and Stormwater Criteria (Reserved)

CHAPTER II: Land Use and Development Code

Section 12: Annexation

1) ANNEXATION PURPOSE

The purpose of this Section is to define the annexation process for annexation of land into the Town in accordance with the Colorado Municipal Annexation Act of 1965, as amended, and this Land Use Code.

a) RESPONSIBILITIES of APPLICANT

In addition to other duties imposed upon all applicants by this Code and the Colorado Municipal Annexation Act of 1965, all applicants shall have the following responsibilities:

- i) The applicant is responsible for having a representative at all meetings where the request is reviewed. Failure to have a representative present will be cause to have the item withdrawn from the agenda of that meeting.
- b) The applicant shall consult with the Administrator to discuss any special conditions pertaining to the annexation and to obtain an annexation petition.

2) ANNEXATION PROCESS

- a) At least 15 days prior to the presentation of any annexation petition to the Town Board, the applicant shall submit to the Town an annexation petition, the annexation fee as set forth on the Town's Fee Schedule, an annexation map and plan, and all required supportive information defined by the Administrator.
- b) The Administrator shall review all documents submitted for completeness and accuracy. If all documents are complete and accurate, the Administrator shall submit the annexation petition to the Town Clerk.
- c) The Town Clerk shall present the annexation petition and a resolution initiating annexation proceedings to the Town Board, which shall establish a date for a public hearing. Upon the establishment of a public hearing date, the Town Clerk shall give appropriate public notice in accordance with the Colorado Municipal Annexation Act of 1965, as amended. The Administrator shall forward copies of the annexation petition and the resolution initiating the annexation procedure by certified mail to the Clerk of the Board of County Commissioners and to the County Attorney. Copies of the annexation petition and the resolution initiating the annexation procedure shall also be sent by certified mail to any school district or special district having territory within the annexed area. These copies shall be sent at least 25 days prior to the public hearing.
- d) Upon acceptance of the annexation petition by the Town Board, the Administrator shall furnish to the entities listed below copies of the annexation map and plan. The Administrator may also submit copies of the annexation map and plan to additional interested entities or agencies as deemed necessary. All notified entities shall be

advised of the scheduled hearing date and details that define the date in which any objections to the annexation map and plan must be submitted to the Town in writing.

- i) Telephone companies
 - ii) Franchise utility companies
 - iii) Town Engineer
 - iv) Fire Department
 - v) Town Public Works Water and Sewer Department
 - vi) State Highway Department
- e) The Planning Commission shall review the annexation map and plan, and zoning request at a public hearing and shall submit a written recommendation to the Town Board following their review.
- f) **ANNEXATION MAP.** All annexation maps shall have an engineer's scale (minimum scale to be one inch represents 100 feet) and shall be on a reproducible medium with outer dimensions of 24 inches by 36 inches. The annexation map shall contain the following information:
- i) The date of preparation, the scale and a symbol designating true north.
 - ii) The name of the annexation.
 - iii) The names, addresses and phone numbers of the applicant and the firm or person responsible for preparing the annexation map.
 - iv) The legal description.
 - v) Distinction of the boundary that is contiguous to the Town and the length of the same.
 - vi) Lot and block numbers if the area is already platted.
 - vii) Existing and proposed easements and rights-of-way.
 - viii) Existing and requested zoning and acreage of each requested zone.
 - ix) Ownership of all parcels within and adjacent to the annexation.
 - x) Appropriate certification blocks as directed by the Administrator.
- g) **ANNEXATION PLAN.** All annexation plans shall have an engineer's scale (minimum scale to be one inch represents 100 feet) and shall be on a reproducible medium with outer dimensions of 24 inches by 36 inches. The annexation plan shall contain the following information:
- i) The date or preparation, the scale and a symbol designating true north.
 - ii) The name or the annexation.
 - iii) The names, addresses and phone numbers of the applicant and the firm or person responsible for preparing the annexation plan.
 - iv) Existing and proposed easements and rights-of-way.
 - v) Existing and proposed block numbers and lot numbers with dimensions.
 - vi) Proposed gross and net lot density.
 - vii) Existing watercourses with adequate casements for flood control.
 - viii) Designation of all public sites to be reserved and dedicated.
 - ix) Existing two-foot contours.
 - x) Appropriate certification blocks as directed by the Administrator.

- xi) Supporting Information: The following supportive information shall be submitted with the annexation map and plan:
 - a) Soils description and limitation.
 - b) Preliminary utility plan.
 - c) Mailing addresses of all property owners within 300 feet of the annexation.
 - d) Affidavits concerning the amount and historical use of all water rights owned.
 - e) Vicinity map with a radius of one and one-half miles, at a minimum scale of one inch represents 2,000 feet.
 - f) Statement of community need for the proposed annexation and zoning.
 - g) For all annexations more than ten (10) acres, the applicant shall obtain from the school district governing the area to be annexed a statement of the effect of the annexation upon the school district, including an estimate of the number of students generated by the proposed annexation and the capital construction required to educate such students.

3) ANNEXATION IMPACT REPORT

- a) For all annexations more than ten (10) acres, the Town shall require the applicant to prepare an impact report regarding the proposed annexation not less than 25 days before the date of the annexation hearing. One copy of the impact report shall be filed with the Board of County Commissioners within five days thereafter. The preparation and filing of the annexation impact report may be waived upon approval of the Board of County Commissioners.
- b) The annexation impact report shall include the following:
 - i) A map or maps of the Town and adjacent territory showing the following information:
 - (1) The present and proposed boundaries of the Town in the vicinity of the proposed annexation.
 - (2) The present streets, major trunk water lines, sewer interceptors and outfalls, other utility lines and ditches and the proposed extension of such streets and utility lines in the vicinity of the proposed annexation.
 - (3) The existing and proposed land use pattern in the areas to be annexed.
- c) A copy of any draft or final annexation agreement, if available.
- d) A statement of the Town's plans for extending or providing for municipal services within the area to be annexed.
- e) A statement of the Town's plans for the financing of municipal services to be extended into the area to be annexed.
- f) A statement identifying all existing districts within the area to be annexed.
A statement of the effect of the annexation upon the school district governing the area to be annexed, as more fully set forth above.

4) ANNEXATION AGREEMENT

The Town and the annexation petitioner shall complete a detailed annexation agreement that stipulates all agreements. The Town will use an annexation agreement template which will guide the discussion and define specific criteria. The final annexation agreement becomes an exhibit in the annexation ordinance defined in Section 12.5.

5) ANNEXATION ORDINANCE

Upon the submission of documentation in accordance with this Section and upon compliance with the notice and hearing requirements as set forth in the Colorado Municipal Annexation Act of 1965, as amended, the Town Board may consider the approval of an ordinance annexing the subject property to the Town. In the event the Board of Trustees considers and disapproves such ordinance, a similar request may not be heard for a period of one (1) year from the date of denial.

6) FINAL SUBMISSION and FILING

In the event the Town Board approves an annexation ordinance, the annexation petitioner shall submit to the Administrator two Mylar of the final annexation map and plan within ten days of the effective date of the annexation ordinance. Additionally, a signed annexation agreement shall be submitted to the Administrator. The adopting ordinance, annexation map and plan and the annexation agreement are then recorded by the Town Clerk in the La Plata County Clerk and Records office.

CHAPTER II: Land Use and Development Code

Section 13: Definitions

- 1) **Accessory building** means a subordinate building or structure, the use of which is customarily incidental to that of the main building or to the main use of the land, which is located on the same lot (or on a contiguous lot in the same ownership) with the main building or use. Accessory buildings are only permitted when they are incidental or accessory to an existing and permitted principal or conditional use.
- 2) **Accessory dwelling** means an apartment integrated within a single-family dwelling, or located in a detached accessory building, such as carriage houses or agricultural-type outbuildings, located on the same lot as single-family dwellings. Accessory dwellings shall be limited to eight hundred (800) square feet in floor area. There shall not be more than one (1) accessory dwelling located on a lot in addition to the single-family dwelling.
- 3) **Accessory use** means a subordinate use, clearly incidental and related to the main structure, building, or use of land, and located on the same lot (or on a contiguous lot in the same ownership) as that of the main structure, building, or use.

- 4) **Adjacent** means meeting or touching at some point or separated from a lot or parcel by one of the following: a street, alley, or other right-of-way, lake, stream, or open space.
- 5) **Adjacent property owner** is an owner of record of any estate, right or interest in real property abutting and within three hundred (300) feet of the subject property.
- 6) **Administrator** is the officer or department designated by the Town Manager for the enforcement of this Chapter.
- 7) **Adobe** means dried block or coursing of dirt, clay, cement-modified earth, or other natural materials.
- 8) **Agricultural activity** shall mean farming, including plowing, tillage, cropping, utilization of best management practices, seeding, cultivating, or harvesting for the production of food and fiber products (except commercial logging and timber harvesting operations); the grazing or raising of livestock (except in feedlots); aquaculture; sod production; orchards; Christmas tree plantations; nurseries; and the cultivation of products as part of a recognized commercial enterprise.
- 9) **Agricultural land** means land that is being used for agricultural activities.
- 10) **Alley** means a minor or secondary way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.
- 11) **Alteration** means any change/addition to a building, structure, site, object, or landscape that modifies its features. Such changes include the removal of parts or features and reconstruction.
- 12) **Applicant** is the owner of land, the owner's authorized representative, or the optionee of the land, as well as mineral owners and lessees.
- 13) **Appurtenances** are the visible, functional, or ornamental objects accessory to and part of a building.
- 14) **Arcade** is a series of arches supported on piers or columns.
- 15) **Awning** means a roof-like cover of canvas or other material extending in front of a doorway or window, or over a deck, to provide protection from the sun or rain.
- 16) **Awning sign** means a wall sign which is painted, stitched, sewn, or stained onto the exterior of an awning.
- 17) **Block** means a unit of land, or a group of lots, bounded by streets or by a combination of streets and public lands, or other rights-of-way other than an alley, waterways, or any barrier to the continuity of development, or land which is designated as a block on any recorded subdivision tract.
- 18) **Board of Trustees (Board)** means the governing board of the Town.
- 19) **Building** means any permanent structure built for the shelter or enclosure of persons, animals, chattels, or property of any kind, which is governed by the following characteristics:
 - i) Is permanently affixed to the land.
 - ii) Has one (1) or more floors and a roof.
- 20) **Building code** means the set of Town adopted building codes that must be followed in the construction and remodeling of buildings and structures.

- 21) **Building height** is measured from the average of finished grade at the center of all walls of the building to the top of the parapet or highest roof beam (whichever is higher) on a flat or shed roof, to the top of the parapet or deck level (whichever is higher) of a mansard roof, or the average distance between the highest ridge and its eave of a gable, hip, or gambrel roof.
- 22) **Caliper** means the American Association of Nurserymen standard for trunk measurement of nursery stock, as measured at six (6) inches above the ground for trees up to and including four-inch caliper size, and as measured at twelve (12) inches above the ground for larger sizes.
- 23) **Character** means those attributes, qualities and features that make up and distinguish a development project and give such project a sense of purpose, function, definition, and uniqueness.
- 24) **Clinic** means a building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.
- 25) **Compatibility** means the characteristics of different uses or activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include height, scale, mass, and bulk of structures. Other characteristics include pedestrian or vehicular traffic, circulation, access, and parking impacts. Other important characteristics that affect compatibility are landscaping, lighting, noise, odor, and architecture. Compatibility does not mean "the same as." Rather, compatibility refers to the sensitivity of development proposals in maintaining the character of existing development.
- 26) **Comprehensive Plan** means the plan, which was adopted by the Planning Commission and Board of Trustees in accordance with C.R.S. § 31-23-206, to guide the future growth, protection, and development of the Town, affording adequate facilities for housing, transportation, comfort, convenience, public health, safety and general welfare of its population.
- 27) **Condominium** means a single dwelling unit in a multiple unit structure, which is separately owned, and which may be combined with an undivided interest in the common areas and facilities of the property.
- 28) **Cornice** means a continuous, molded projection that crowns a wall or other construction, or divides it horizontally for compositional purposes.
- 29) **Cottage Industries** means an industry with a manufacturing connotation that produces goods that have export quality and are shipped to be further sold off-premises.
- 30) **Covenants** means a private written agreement outlining regulations specific to a development. As private restrictions, the Town does not enforce them. In the event of conflict between the covenants and this Code, this Code controls.
- 31) **Cul-de-sac** means a local street with only one outlet and having the other end for the reversal of traffic movement.
- 32) **Dark Sky Compliant** is a term used for exterior lighting used on homes, buildings and on light fixtures, and requires the orientation of all light downward and confined on the

site or premises where the light is located. Shielding can be used on lighting to meet the confinement requirements.

- 33) **Dedication** means any grant by the owner of a right to use land for the public in general, involving a transfer of property rights, and an acceptance of the dedicated property by the appropriate public agency.
- 34) **Density** means the overall average number of dwelling units located on the gross or net residential acreage (as applicable) contained within the development and calculated on a per-acre basis. Gross density is calculated by dividing the total number of units by the total acreage. Net density is calculated by dividing the [total number of units] by the [total acreage minus all publicly dedicated land].
- 35) **Developer** means any person, partnership, joint venture, limited liability company, association or corporation who participates as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale, or lease of a development.
- i) ***Development*** shall also include:
1. Any construction, placement, reconstruction, alteration of the size, or material change in the external appearance of a structure on land;
 2. Any change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on a tract of land or a material increase in the intensity and impacts of the development;
 3. Any change in use of land or a structure;
 4. Any alteration of a shore or bank of a river, stream, lake, pond, reservoir or wetland;
 5. The commencement of drilling oil or gas wells, mining, stockpiling of fill materials, filling or excavation on a parcel of land;
 6. The demolition of a structure;
 7. The clearing of land as an adjunct of construction;
 8. The deposit of refuse, solid or liquid waste, or fill on a parcel of land;
 9. The installation of landscaping within the public right-of-way, when installed in connection with the development of adjacent property; and
 10. The construction of a roadway through or adjoining an area that qualifies for protection as a wildlife or natural area.
- ii) ***Development*** shall *not* include:
1. Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way;
 2. Work by any public utility for the purpose of inspecting, repairing, renewing or constructing, on established rights-of-way, any mains, pipes, cables, utility tunnels, power lines, towers, poles, or the like; provided, however, that this exemption shall not include work by a public entity in constructing or enlarging mass transit or fixed guide way mass transit depots or terminals or any similar traffic-generating activity;

3. The maintenance, renewal, improvement, or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure;
 4. The use of any land for an agricultural activity (refer to 1.15.A.10);
 5. A change in the ownership or form of ownership of any parcel or structure; or
 6. The creation or termination of rights of access, easements, covenants concerning development of land, or other rights in land.
- 36) **Downtown** means the original business district of Town. The boundary of downtown may change as Town continues to grow.
 - 37) **Driveway** means a constructed vehicular access serving one (1) or more properties and abutting a public or private road.
 - 38) **Dwelling, multi-family** means a dwelling containing three (3) or more dwelling units, not including hotels, motels, fraternity houses and sorority houses and similar group accommodations.
 - 39) **Dwelling, single-family** means a building designed exclusively for occupancy by one (1) family, but not including mobile home, otherwise provided herein.
 - 40) **Dwelling, single-family attached** means a residential building containing dwelling units, each of which has primary ground floor access to the outside and which are attached to each other by party walls without openings. The term is intended primarily for such dwelling types as townhouses and duplexes.
 - 41) **Dwelling, two-family** means a building occupied by two (2) families living independently of each other.
 - 42) **Dwelling unit** means one (1) or more rooms and a single kitchen and at least one (1) bathroom, designed, occupied, or intended for occupancy as separate quarters for the exclusive use of a single family for living, cooking, and sanitary purposes, located in a single-family, two-family or multi-family dwelling or mixed-use building.
 - 43) **Easement** means a right to land generally established in a real estate deed or on a recorded plat to permit the use of land by the public, a corporation, or persons for specified uses.
 - 44) **Eave** means the overhanging lower edge of a roof.
 - 45) **Elevation** means the external vertical plane of a building. Elevations are considered different if they have different roof lines, building materials, details, color, and overall stylistic expression.
 - 46) **Employees** means the total number of persons to be employed in a building during normal periods of use.
 - 47) **Environmentally sensitive areas** means aquifer recharge areas, significant wildlife habitat and migration corridors, unique vegetation and critical plant communities, and ridge lines.
 - 48) **Façade** means the face of a building, especially the principal front that is oriented towards a street or open space.
 - 49) **FEMA** means Federal Emergency Management Agency.
 - 50) **FHA** means Federal Housing Administration.

- 51) **Floodplain or flood hazard area** means areas which have been designated by the Board of Trustees, the Colorado Water Conservation Board or FEMA as susceptible to flooding.
- 52) **Floodway** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.
- 53) **Floor area**, also called **gross floor area**, means the total square footage of the building measured along the outside walls of the building and including each floor level, but not including open balconies, garages or other enclosed automobile parking areas and basement storage areas, and not including one-half ($\frac{1}{2}$) of all storage and display areas for durable goods.
- 54) **Floor Area Ratio (FAR)** means the amount of gross floor area of all principal buildings on a lot or block, as the case may be, divided by the total area of such lot, or the block size, respectively, on which such buildings are located. For mixed-use blocks, the residential square footage shall be added to the commercial development for a total block FAR.
- 55) **Footprint**, also called **ground level footprint**, means the outline of the total area which is covered by a building's perimeter at ground level.
- 56) **Freestanding sign** means a sign which is supported by one (1) or more columns, uprights, poles, or braces extended from the ground, or which is erected on the ground and shall also include a monument sign and pole signs but does not include a sign attached to a structure.
- 57) **Functional open space** means open space which is large enough to serve a practical purpose such as recreation, wildlife habitat or preservation of areas of agricultural, archeologic, or historical significance and shall exclude areas used for off-street parking, off-street loading, service driveways and setbacks from oil and gas wells or their appurtenances, or other hazards to the public.
- 58) **Gable** means the triangular portion of wall enclosing the end of a pitched roof from cornice or eaves to ridge.
- 59) **Grade** means:
- i) The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line, when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.
 - ii) The degree of rise or descent of a sloping surface.
- 60) **Grade, finished** means the final elevation of the ground surface after development.
- 61) **Grade, natural** means the elevation of the ground surface in its natural state before man-made alterations.
- 62) **Gross square footage (GSF)** means the total floor area designed for occupancy and use, including basements, mezzanines, stairways, and upper floors, if any, expressed in square feet and measured from the centerline of joint partitions and from outside wall faces.

- 63) **Handicraft Shops** means a shop that has a retail component that provides custom crafted goods and/or services for sale directly to the customer, and includes fine arts and artisan crafted uses such as specialty stonemasonry, woodworking, pottery, and ceramics. Shops may have on-premises consumption and occasional classes are allowed.
- 64) **Home occupation** means an occupation or business activity which results in a product or service and is conducted in whole or in part in a dwelling unit and is subordinate to the residential use of the dwelling unit.
- 65) **Homeowners' association** means the association set up to enforce the covenants and maintain all common areas and buildings for a development. Also known as "Owners Association."
- 66) **Human scale (pedestrian scale)** means the proportional relationship between the dimensions of a building or building element, street, outdoor space or streetscape element and the average dimensions of the human body, considering the perceptions and walking speed of a typical pedestrian.
- 67) **Industrial, heavy** means uses engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involved hazardous conditions. Heavy industrial shall also mean those uses engaged in the operation, parking and maintenance of vehicles, cleaning of equipment or work processes involving solvents, solid waste or sanitary waste transfer stations, recycling establishments, and transport terminals (truck terminals, public works yard, container storage).
- 68) **Industrial, light** means uses engaged in the manufacturing, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, or distribution of such products. Further, light industrial shall mean uses such as the manufacture of electronic instruments, preparation of food products, pharmaceutical manufacturing, research and scientific laboratories or the like. Light industrial shall not include uses such as mining and extracting industries, petrochemical industries, rubber refining, primary metal, or related industries.
- 69) **Infrastructure** means those man-made structures which serve the common needs of the population, such as: potable water systems; wastewater disposal systems; solid waste disposal sites or retention areas; storm drainage systems; electric, gas or other utilities; bridges; roadways; bicycle paths or trails; pedestrian sidewalks, paths, or trails; and transit stops.
- 70) **Integrate** means to combine or coordinate separate elements (such as housing, recreation, jobs, and shopping), to provide a harmonious, interrelated whole; organized or structured so that constituent parts function cooperatively.
- 71) **Landowner** means any owner of a legal or equitable interest in real property, and includes the heirs, successors, and assign of such ownership interests.

- 72) **Landscaping** means any combination of living plants such as trees, shrubs, plants, vegetative ground cover or turf grasses, and may include structural features such as walkways, fences, benches, works of art, reflective pools, fountains, or the like. Landscaping shall also include irrigation systems, mulches, topsoil use, soil preparation, revegetation, or the preservation, protection, and replacement of existing trees.
- 73) **Live/Work** means a residential dwelling unit that is part of a mixed-use building situated either above or below commercial uses, or a building or portion of a building that combines a dwelling unit with an integrated workspace that is principally used by one or more of the residents of the dwelling unit. The workspace is secondary or accessory to the primary residential use.
- 74) **Lot** means a designated parcel, tract or area of land established by plat or subdivision of at least a sufficient size to meet minimum requirements for use, street frontage coverage and area, and to provide required yards and other open spaces in the zoning district in which the lot is located, and which has direct access onto a public or private street.
- 75) **Lot depth** means the average distance between the front lot line and the rear lot line.
- 76) **Lot, double frontage** means lots which front on one (1) public street and back on another.
- 77) **Lot, flag** means a lot so shaped and designed that the main building site area is set back from the street on which it fronts and includes an access strip connecting the main building site with the frontage street.
- 78) **Lot line, front** means the property line dividing a lot from a street. On a corner lot only one (1) street line shall be considered as a front line, and the shorter street frontage shall be considered the front line.
- 79) **Lot line, rear** means the line opposite the front lot line.
- 80) **Lot, reverse corner** means a corner lot having its side street line substantially a continuation of the front lot line of the first lot to its rear.
- 81) **Lot line, side** means any lot lines other than the front lot line or rear lot line.
- 82) **Lot size** means the total horizontal area within the lot lines of a lot, synonymous with area of lot.
- 83) **Lot width** means the distance parallel to the front lot line, measured at the front building setback line. Lot width on a curving front lot line means the distance parallel to the tangent of the front lot line at the building setback line. The lot width and the lot frontage may have different lengths on an irregularly shaped lot as they are measured at different points on the lot.
- 84) **Manufactured home** means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities, and which has certification required by the United States Secretary of Housing and Urban Development and was constructed in compliance with the requirements of 42 U.S.C. § 5401, et seq., *Manufactured Home Construction and Safety Standards*, and the regulations of

the Department of Housing and Urban Development that are promulgated thereunder. The phrase "manufactured home" does not include a recreational vehicle, nor does it include a mobile home.

- 85) **Mixed use** shall mean the development of a lot tract or parcel of land, building or structure with two (2) or more different uses including but not limited to residential, office, retail, public uses, personal service or entertainment uses, designed, planned and constructed as a unit.
- 86) **Mixed use building** means a building designed, planned, and constructed as a unit, used partially for residential use and partly for commercial uses including, but not limited to, office, retail, public uses, personal service or entertainment uses.
- 87) **Mixed use dwelling unit** means the dwelling unit in a mixed use building. For purposes of calculating residential density, each dwelling unit shall count as one-half ($\frac{1}{2}$) dwelling unit.
- 88) **Mobile Home** means structure designed to be transported after fabrication and exceeding eight (8) feet in body width or thirty-two (32) feet in body length. Such a structure is built on a chassis and retains the chassis on which it was built, whether such structure is placed on a permanent foundation. Such a structure is suitable for human habitation on a year-round basis when provided with the required plumbing, heating, and electrical facilities. Mobile homes are different from manufactured homes in that they were either constructed before the adoption of 42 U.S.C. § 5401, et seq., *Manufactured Home Construction and Safety Standards*, or are otherwise not in compliance with said federal law and its implementing regulations. The phrase "mobile home" does not include "recreational vehicle."
- 89) **Modular Home** means a form of housing that is constructed off-site and built to adopted or accepted local and state building codes. Modular homes are transported from construction facilities to the site in sections or in completed assemblies.
- 90) **Mullion** means a slender vertical member dividing the opening for a pair of double doors, sometimes removable to permit the passage of large objects, or also, a vertical member between the lights of a window.
- 91) **Municipality** means an incorporated city or town.
- 92) **Muntin** means a rabbeted member for holding the edges of windowpanes within a sash.
- 93) **Neighborhood** means a geographical area, the focus of which are residential uses, but also may include a mixture of activities that people need to live. A neighborhood may include a diversity of housing types, schools, parks, shopping, and jobs (frequently service-type), and a civic component.
- 94) **Nonconforming use** means a use that does not conform to the use regulations of this Code, but that was lawfully established under the regulations in force at the time the use was established and has been in regular use since that time.
- 95) **Off-street parking area** means all off-street areas and spaces designed, used, required, or intended to be used for the parking, storage, maintenance, service, repair, display or operation of motor vehicles, including driveways or access ways in and to such areas,

but not including any outdoor storage area used principally as a “recreational vehicle, boat or truck storage” use, storage areas for landscaping and other bulk items or public streets and rights-of-way.

- 96) **Oil or gas well** means a well, the principal production of which at the mouth of the well is oil or gas.
- 97) **Open space** means any land or water area with its surface open to the sky, which serves specific uses of providing park and recreation opportunities, conserving natural areas and environmental resources, structuring urban development form, and protecting areas of agricultural, archeologic, or historical significance. Open space shall not be considered synonymous with vacant or unused land but serves important urban functions. Usable open space shall exclude areas used for off- street parking, off-street loading, service driveways and setbacks from oil and gas wells and their appurtenances, or other hazards to the public.
- 98) **Outdoor storage** means the keeping, in an unroofed area, of any equipment, goods, junk, material, merchandise or vehicles in the same place for more than twenty-four (24) hours. Containers and semitrailers may not be used for residential, or storage uses except on construction sites.
- 99) **Parapet** means a low, protective wall at the edge of a terrace, balcony, or roof, especially that part of an exterior wall, fire wall, or party wall that rises above the roof.
- 100) **Parcel** means a tract or plot of land.
- 101) **Park** means an area open to the public and reserved for recreational, educational, or scenic purposes.
- 102) **Parking lot** means off-street parking area or vehicular use area.
- 103) **Party-in-interest** means the property owner, applicant, or an adjacent landowner regarding the purposes of an appeal of a land use decision.
- 104) **Permanent foundation** means a foundation that is constructed of durable materials (i.e., concrete, mortared masonry, or treated wood) and is site-built. Permanent foundations shall have attachment points to anchor and stabilize a mobile, manufactured, modular or site-built home, and transfer all loads to the under-lying soil or rock. Permanent foundations for mobile or manufactured homes shall be constructed in accordance with the US Department of Housing and Urban Development guide for manufactured housing. Permanent foundations for modular or site-built homes shall be constructed to adopted or accepted local and state building codes.
- 105) **Phase** means a portion of property that is being platted and engineered for development at the same time.
- 106) **Pilaster** means a rectangular support or pier treated architecturally as a column, with a base shaft and capital.
- 107) **Plan** means the map(s) and supporting documentation for a development which includes but is not limited to, lots, blocks, easements, rights-of-way, pedestrian ways, park and school sites, open space areas, and conservation areas in accordance with the requirements of this Code.

- 108) **Planned Unit Development (PUD)** means a project of a single owner or a group of owners acting jointly, involving a related group of residences, businesses, or industries and associated uses. Planned as a single entity, the project is subject to development and regulations as one (1) land-use unit rather than as an aggregation of individual buildings located on separate lots. The planned unit development includes usable, functional open space for the mutual benefit of the entire tract; and is designed to provide variety and diversity through the variation of normal zoning and subdivision standards so that maximum long-range benefits can be gained, and the unique features of the development or site preserved and enhanced while still being in harmony with the surrounding neighborhood. Approval of a planned unit development does not eliminate the requirements of subdividing and recording a plat.
- 109) **Plat** means a map of certain described land prepared in accordance with the requirements of this Code, and C.R.S. § 38-51-106 as an instrument for recording of real estate interests with the County Clerk and Recorder.
- 110) **Proof of ownership** means ownership as specified in a current title insurance commitment or policy, or certification of title, issued by a title insurance company licensed by the state of Colorado.
- 111) **Property** means all real property subject to land use regulation by the Town.
- 112) **Property line** means the boundary of any lot, parcel, or tract as the same is described in the conveyance of such property to the owner; and does not include the streets or alleys upon which the said lot, parcel or tract abuts.
- 113) **Public facilities** mean those constructed facilities, including but not limited to, transportation systems or facilities, water systems or facilities, wastewater systems or facilities, storm drainage systems or facilities, fire, police and emergency systems or facilities, electric, gas, telecommunication utilities or facilities, and publicly owned buildings or facilities.
- 114) **Public hearing** means a meeting called by a public body for which public notice has been given and which is held in a place at which the public may attend to hear issues and to express their opinions.
- 115) **Public improvement** means any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree lawn, landscaped open space, off-street parking area, lot improvement or other facility which benefits the public.
- 116) **Public open space** means an open space area conveyed or otherwise dedicated to the municipality, state or county or other public body for recreational or conservation uses. Public open spaces are to be unencumbered by oil and gas wells, their appurtenances, or other hazards to the public.
- 117) **Public school** means a free, tax supported school that is controlled and operated by the Ignacio School District.
- 118) **Public use** means uses which are owned by and operated for the public by the Town, County, state, or federal governments or by school districts.
- 119) **Public utility** means a common carrier supplying electricity, wire telephone service, natural gas, water, wastewater or storm water service or similar public services, but

shall not include railroads or other forms of rail mass transit or depots or terminals supporting the same, or wireless telecommunication facilities.

- 120) **Pueblo Style** means stucco walls with rounded parapets, usually with roofs and vigas extending through the exterior.
- 121) **Recreational vehicle (RV)** means a vehicular type of unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted or drawn by another vehicle. The following shall be considered a recreational vehicle:
1. Camping trailer or tent trailer means a folding structure, constructed of canvas, plastic, or similar water repellent material, designed to be mounted on wheels and designed for travel and recreation.
 2. Motorized camper, motor home, recreational conversion van or bus means a recreational vehicle consisting of a portable, temporary dwelling to be used for travel, recreation and vacation uses, and constructed as an integral part of a self-propelled vehicle.
 3. Pick-up camper means a vehicle designed to be mounted on or loaded into a pick-up truck chassis for use as a temporary dwelling for travel and recreation.
 4. Tent means a portable or temporary cover or shelter, with or without side panels, which is supported by poles and is made of canvas, plastic, or similar materials.
 5. Travel trailer means a towed vehicle designed as a temporary dwelling for travel and recreation.
 6. Travel trailer, self-contained means a trailer which can operate independently of connections to sewer, water, and electric systems. It contains a water-flushed toilet, lavatory, shower or bath and kitchen sink, all of which are connected to water storage and sewage holding tanks located within the trailer.
- 122) **Recreational vehicle park** means a parcel of land specifically developed for locating only recreational vehicles on lots on a short-term basis.
- 123) **Restaurant, drive-through** means any establishment in which the principal business is the sale of foods and beverages to the customer in a ready-to-consume state and in which the design or principal method of operation of all or any portion of the business is to allow food or beverages to be served directly to the customer in a motor vehicle without the need for the customer to exit the motor vehicle.
- 124) **Restaurant, standard** means any establishment in which the principal business is the sale of food and beverages to customers in a ready-to-consume state; where fermented malt beverages, and/or malt, special malt or vinous and spirituous liquors may be produced on the premises as an accessory use; and where the design or principal method of operation includes one (1) or both of the following characteristics:
1. Customers are served their food and/or beverages by a restaurant employee at the same table or counter at which the items are consumed; or
 2. Customers order food and/or beverages at a designated location and the food or beverages are consumed within the restaurant building.

- 125) **Right-of-way** means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main or for another special use. The usage of the term “right-of-way” for land platting purposes shall mean that every right-of-way established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains or any other use involving maintenance by a public agency shall be dedicated to public use on the plat on which such right-of-way is established.
- 126) **Service building** means a structure housing toilet, lavatory, bath, laundry, service sink and other such sanitary facilities as may be required.
- 127) **Setback** means the required unoccupied open space between the nearest projection of a structure and the property line of the lot on which the structure is located.
- 128) **Setback, front yard** means the distance a building or structure must be placed from
- 129) **Setback, rear yard** means the distance a building or structure must be placed from the rear lot line.
- 130) **Setback, side yard** means the distance a building or structure must be placed from the side lot line.
- 131) **Shopping center** means a group of retail and service establishments located in a complex which is planned, developed, owned, or managed as a unit, with off-street parking provided on the property.
- 132) **Sidewalk** means the hard surface path within the street right-of-way for use by pedestrians and/or bicyclists.
- 133) **Sight distance triangle** means the area at the four corners of an intersection that is to be kept free of shrubs, ground covers, berms, fences, structures, or other materials or items greater than thirty (30) inches in height. Trees shall not be planted in the triangular area. The size of the sight distance triangles is determined as follows:
1. At the intersection of any two streets or where a street intersects with an alley, a triangle measuring thirty (30) feet along each curb or edge of roadway from their point of intersection, the third side being a diagonal line connecting the first two.
 2. At the intersection of a driveway or private access and a street, a triangle measuring fifteen (15) feet in length along the edge of the driveway and along the curb or edge of roadway from their point of intersection, the third side being a diagonal line connecting the first two.
- 134) **Sign, projecting** means any sign supported by a building wall and projecting therefrom.
- 135) **Sign, wall** means any sign painted on, incorporated in, or affixed to the building wall, or any sign consisting of cut-out letters or devices affixed to the building wall with no background defined on the building wall.
- 136) **Sign, window** is a sign that is painted on, applied, or attached to a window or that can be read through the window from the public right-of-way.
- 137) **Site plan** means a scale drawing of a lot, showing the actual measurements, the size and location of any existing or proposed buildings, the location of the lot in relation to

abutting streets, and other details such as parking areas, access points, landscaped area, building areas, setbacks from lot lines, building heights, floor areas, densities, utility locations and easements.

- 138) **Site specific development plan** means the final plat of a subdivision or Final Development Plan of a PUD (Planned Unit Development) when approved by the Board of Trustees pursuant to Chapter 2 Section 6 of this Code.
- 139) **Streetscape** means the distinguishing character of a particular street, within the public right-of-way, including paved materials, and the adjacent space extending along both sides of a street including landscaping, sidewalks, medians, lighting, street furniture, and signage.
- 140) **Subdivider or developer** means any person, partnership, joint venture, limited liability company, association or corporation who participates as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale, or lease of a development.
- 141) **Subdivision** means the platting of a lot or the division of a lot, tract, or parcel of land into two (2) or more lots, plots, or sites.
- 142) **Temporary use** means a prospective use intended for limited duration, is to be in a zoning district not permitting such use and shall not include continuing a nonconforming use or building.
- 143) **Vacation home** means a dwelling unit that is rented for the purpose of lodging for terms of not less than one (1) day and not more than 29 days.
- 144) **Vegetation** means plants growing in a place, including, but not limited to trees, shrubs, vines, grasses, and groundcover.
- 145) **Vested property right** means the right to undertake and complete the development and use of property under the terms and conditions of a site-specific development plan.
- 146) **Victorian-style window moldings** means the portal usually has square beam supports rather than viga supports.
- 147) **Vigas** means logs used for ceiling support or appearing as ceiling support. A rafter or roof beam, especially a trimmed and peeled tree trunk whose end projects from an outside adobe wall.
- 148) **Walkway** means:
1. A right-of-way dedicated to public use that is not within a street right-of-way, to facilitate pedestrian access through a subdivision block by means of a hard surface path.
 2. Any portion of a parking area restricted to the exclusive use of pedestrian travel.
- 149) **Yard** means that portion of the open area on a lot extending open and unobstructed from the ground upward from a lot line for a depth or width specified by the regulations for the zone district in which the lot is located.
- 150) **Zone district** means a zone district of the Town as established in Article 3 of this Code, unless the term is used in a context that clearly indicates that the term is meant to include both the zone district(s) of the Town and the zone district(s) of an adjoining governmental jurisdiction. Also referred to as “zoning district.”

- 151) **Zoning map** means the official zoning map adopted by the Town by ordinance, as amended.