

1 **ZONING CODE UPDATE – PHASE I – ARTICLES I & II**

2  
3 **Color Key:**

- 4 • Red: indicates new provision.
- 5 • Blue: indicates substantial revision.

6  
7 **ARTICLE I - General Provisions**

8  
9 **Division 1 – General.**

10  
11 Sec. 16-1-10. - Title.

12 This Chapter is entitled, and may be cited as, the Dillon Land Development Code.

13  
14  
15 Sec. 16-1-20. - Purpose.

16  
17 The purpose of this Chapter is to ensure that future growth and development which occurs in  
18 the Town is in accordance with the wishes of the residents thereof; to identify and secure, for  
19 present and future residents, the beneficial impacts of growth; to identify and avoid the negative  
20 impacts of growth; to ensure that future growth is of the proper type, design and location and  
21 served by a proper range of public services and facilities; and in other respects, to achieve the  
22 goals and implement the policies of the ~~Dillon~~ Comprehensive Plan, as amended from time to  
23 time.

24  
25 Sec. 16-1-30. - Authority; severability.

26  
27 This Chapter is adopted pursuant to the authority granted by the applicable provisions of the  
28 Charter and the Constitution with laws of the State. A determination by a court that any section or  
29 part of this Chapter is illegal or unconstitutional shall have no effect on the enforcement of any  
30 other section or part. Repeal or invalidation of this Chapter or any portion hereof does not  
31 abrogate or annul any permit, any other lawful permit or any easement or covenant hereto.

32  
33 Sec. 16-1-40. -Jurisdiction.

34  
35 This Chapter shall apply to all land, buildings, structures, and uses thereof located within  
36 the corporate boundaries of the Town, unless an exemption is provided by or pursuant to the  
37 terms of this Chapter.

38  
39 Section 16-1-50. -Applicability.

40  
41 No building or structure shall be erected and no existing building or structure shall be  
42 moved, altered, or extended, nor shall any land, building, or structure be used, designed to be

1 used, or intended to be used for any purpose or in any manner other than as provided for in ~~the~~  
2 ~~regulations~~ this Chapter for the zoning district in which such land, building, or structure is located  
3 and with other applicable regulations of the Town.

4  
5 **Section 16-1-60. -Conflict.**

6  
7 a. Public provisions: This Chapter is not intended to interfere with, abrogate or  
8 annul any other ordinance, rule, or regulation, statute or other provision of law. Where any  
9 provision of this Chapter imposes restrictions different from those imposed by any other  
10 ordinance, rule, or regulation or other provision of law, the more restrictive or the higher  
11 standards shall control.

12  
13 b. Private provisions: This Chapter is not intended to abrogate any easement,  
14 covenant, or any other private agreement or restriction, provided that where the provisions of this  
15 Chapter are more restrictive or impose higher standards or regulations than such easement,  
16 covenant or other private agreement or restriction, the requirements of this Chapter shall govern.

17  
18 **16-1-70. -Annexed Territory.**

19  
20 When any territory is brought into the jurisdiction of the Town, by annexation or  
21 otherwise, the Town Council shall designate the zoning district(s) applicable to such territory at  
22 the time of annexation. This provision shall not preclude subsequent rezoning of such property  
23 by amendment.

24  
25 **16-1-80. -Relationship to Comprehensive Plan.**

26  
27 a. The Town Council intends for this Chapter to implement the planning policies in  
28 the Comprehensive Plan, other land use plans and planning documents. While the Town Council  
29 reaffirms its commitment that this Chapter be in conformity with the Comprehensive Plan and  
30 adopted planning policies, the Council hereby expresses its intent that neither this Chapter nor  
31 any amendment to it may be challenged on the basis of any alleged nonconformity with the  
32 Comprehensive Plan or any other planning document.

33  
34 b. Pursuant to Charter § 14-9, no land development by any private or governmental  
35 entity which, in the judgment of the Council, will significantly affect the Town, and no  
36 subdivision of land, zoning change or annexation shall be approved without considering the  
37 effect of such approval on the ~~comprehensive~~ Comprehensive plan ~~Plan~~. The Town Council  
38 hereby declares that only map and text amendments and Level IV developments significantly  
39 affect the Town, and thus only approvals of map and text amendments and Level IV

1 development applications shall require a finding by the Town Council of the effect of the  
2 approval on the ~~comprehensive~~ Comprehensive planPlan.

3  
4 16-1-90. Computation of Time.

Commented [NC1]: ADVISE TOWN ON RESULT

5  
6 Number of days expressed in this Chapter shall be computed pursuant to Section 1-2-20  
7 of this Code.

8  
9 Sec. 16-1-100. -Nature of proceedings.

10  
11 All matters relating to the development of property within the corporate boundaries of the  
12 Town shall be deemed quasi-judicial in nature except proceedings pursuant to Division 3 of  
13 this Article ~~amendments, supplements or changes that are generally applicable in effect, terms~~  
14 ~~or context~~, which shall be deemed legislative in character and not quasi-judicial.

15  
16 Sec. 16-1-110. - General rules of interpretation.

17  
18 When used in this Chapter, certain words shall be interpreted as follows:

- 19  
20 a. the masculine includes the feminine and the neuter genders;  
21  
22 b. words in the present tense include the future tense;  
23  
24 c. words in the singular number include the plural number;  
25  
26 d. the word *shall* is mandatory; and  
27  
28 e. the word *may* is permissive.

29  
30 16-1-120. -Administrative interpretations.

31  
32 a. Subject to subsection (b) and the appeals process set forth in Sction 16-1-130, the  
33 ~~Town Manager or Manager's designee~~ shall have final authority to interpret terms, words and  
34 phrases, or determine the applicability of, the provisions of this Chapter in each of the following  
35 cases:

- 36  
37 1. Where any provision is ambiguous or open to multiple interpretations;  
38  
39 2. Where two or more conflicting provisions purport to apply to a specific  
40 case; and  
41

1                  3.        Where terms, words, and phrases are (i) ambiguous or open to multiple  
2 interpretations and (ii) are not otherwise defined in this Chapter.

3  
4            b.        The Town Manager ~~or Manager's designee's~~ interpretation shall be consistent  
5 with (i) the intent of this Chapter and (ii) with the intent of the subject zone district.

6  
7 **Sec. 16-1-130. –Appeal of administrative interpretation.**

8  
9 An appeal of any administrative interpretation authorized by this Chapter may be submitted to  
10 the ~~Planning and Zoning~~ Commission in writing, and shall be reviewed by the Commission in a  
11 public hearing. The Commission shall defer to the administrative interpretation unless the  
12 applicant proves that such interpretation is (i) not in compliance with section 16-1-120(b) or (ii)  
13 arbitrary and capricious. All decisions of the Planning Commission on appeal of an  
14 administrative interpretation shall be final, and the applicant shall have no further right of appeal.

15  
16 **Division 2 – Definitions.**

17  
18 **Sec. 16-1-200. - Definitions.**

19  
20 As used in this Chapter, the following words shall have the meanings ascribed to them  
21 unless otherwise provided:

22  
23 *Accessory apartment* means a residential unit located within a single-family dwelling, or  
24 within the garage of a single-family dwelling, which is secondary in size and use to the single-  
25 family dwelling, and meets the following criteria:

26  
27 1. The total dwelling area of the unit is no greater than one-third (1/3) of the total  
28 dwelling area of the primary single-family unit.

29  
30 2. The total dwelling area of the unit is no greater in size than nine hundred (900)  
31 square feet.

32  
33 3. Units shall only be utilized for long-term rental purposes, and deed restrictions ~~or~~  
34 ~~convenience~~ shall be recorded indicating the allowed use.

35  
36 Accessory apartments that meet the criteria will be considered as a component of the single-  
37 family unit, while those that do not will be considered as duplex units.

38  
39 *Accessory Structure* means a detached subordinate building located on the same lot as the  
40 principal building, the use of which is incidental to the principal building or use of the lot; such  
41 building shall not be used for living or sleeping quarters in a residential district and shall not  
42 contain plumbing capable of facilitating a bathroom or a kitchen, with the exception of detached  
43 accessory apartments.  
44

**Commented [NC2]:** I'm not sure what this is intended to mean.  
COVENANTS!

1 ADA means the Americans with Disabilities Act, as may be amended from time to time.

2  
3 *Addition* means an extension or increase in floor area or height of a building or structure.

4  
5 *Adult entertainment* means an establishment which contains any exhibition, display or dance  
6 which involves the exposure to view of any portion of the female breast below the top of the  
7 areola, male genitals, female genitals or the pubic hair, anus or cleft of the buttocks of any person  
8 or male genitals in a discernibly turgid state even if completely and opaquely covered.

9  
10 *Alteration* means any change, addition or modification in construction or occupancy.

11  
12 Antenna shall have the meaning assigned to it in Section 16-12-20.

13  
14 *Applicant* means the owner of record of the property which is the subject of an application,  
15 or the duly authorized agent of the owner or the successors in interest. In the absence of the  
16 owner of record or a duly authorized agent, the actual occupants of the development, if any, will  
17 be assumed to be acting jointly and severally as the *applicant* for the purposes of this Chapter.

18  
19 *Artisan's studio* means the combination of a residence and an artisan's workshop which  
20 conforms to the off-street parking requirements for a residential use as contained in this Chapter.

21  
22 *Artisan's workshop* means an establishment for the preparation, display and sale of  
23 individually handcrafted artwork, including jewelry, furniture, sculpture, pottery, paintings,  
24 drawings, photography, leather craft, musical instruments, hand-woven articles and related arts  
25 or crafts items.

26  
27 *Automobile service* means an activity that includes the dispensing of petroleum products and  
28 the service, cleaning or repair of motor vehicles within a fully enclosed building. *Automobile*  
29 *service* shall require that all vehicles left for repair and all exterior storage areas be fully screened  
30 from all adjacent properties, including public rights-of-ways. *Automobile service* does not  
31 include the servicing of vehicles or trucks having more than two (2) axles, or greater in length  
32 than twenty-two (22) feet, nor does it include the display of vehicles or trailers for sale or rental,  
33 nor the storage of towing vehicles or wrecked vehicles in any manner.

34  
35 *Bed and breakfast* means a facility of residential character which provides sleeping  
36 accommodations for hire, for thirty (30) days or less, on a day-to-day basis, with one (1) or more  
37 meals per day included, and a manager who is either an owner or lessee of the property residing  
38 on the premises.

39  
40 *Brewpub* means a restaurant establishment which has an attached brewing operation, which  
41 brewing operation occupies less than ten thousand (10,000) square feet of gross floor area. The  
42 attached brewing operation processes water, malt, hops and yeast into beer or ale by mashing,  
43 cooking and fermenting. The attached brewing operation sells fermented malt beverages through  
44 wholesale and for consumption on premises within the restaurant.

1 *Building height* means the height of a building as measured from the highest point of the  
2 building (~~USGS~~) vertically, to an elevation (~~USGS~~) that represents the median elevation of the  
3 site, within the proposed building footprint, prior to construction. A sunken area within the  
4 building footprint that does not exceed fifty percent (50%) of the square footage of the building  
5 footprint shall not be utilized to determine building height. Where a sunken area equal to less  
6 than fifty percent (50%) of the building footprint exists, the Town shall determine building  
7 height utilizing an elevation that represents the elevation of the site if the sunken area did not  
8 exist. For the purposes of determining building height, chimneys, mechanical equipment,  
9 nonhabitable architectural elements and roof vents shall be allowed to exceed the allowed  
10 building height by eight (8) feet. The median elevation shall be determined by adding the site  
11 (~~USGS~~) elevation of the building footprint at the lowest point of the foundation, with that at the  
12 highest point of the foundation, and dividing by two (2). That point shall be used as the base  
13 elevation from which to determine the allowed building height for the proposed project.

14  
15 *Change of use* means to modify the utilization of a parcel or structure from its historic or  
16 current use to a new and/or different use.

17  
18 *Charter* means the Town of Dillon Home Rule Charter, as may be amended from time to  
19 time.

20  
21 *Child care center* means a facility other than a school which is maintained for the care of  
22 four (4) or more children under the age of sixteen (16) not related to the owner, operator or  
23 manager thereof.

24  
25 *Child care facility* means a commercial establishment for daily care or instruction of  
26 children.

27  
28 *Church* means any institution that people regularly attend to participate in or hold religious  
29 services, meetings and other activities. The term *church* shall not carry a secular connotation and  
30 shall include buildings in which the religious services of any denomination are held.

31  
32 *Classification* means a particular class that a development is placed in for review under the  
33 provisions of this ~~Code~~Chapter. In those instances where a development does not fall under one  
34 (1) of the four (4) classifications, the Town Manager shall place the application in its most  
35 appropriate classification.

36  
37 *Clinic* means an establishment operated and conducted by one (1) or more doctors, dentists  
38 or veterinarians.

39  
40 *Commercial structure* means a building or structure designed for retail and/or small-scale  
41 wholesale trade. The term encompasses, but is not limited to, stores, markets, shopping centers,  
42 stalls, arcades, and shops.

43  
44 *Commercial vehicle* means a vehicle used for the transportation of persons or freight,  
45 licensed or defined as a commercial vehicle by the code of the State, including trucks with a

Commented [NC3]: Added in response to PC comment that term undefined.

1 gross vehicle weight of five thousand (5,000) kg or greater or a bus with seating capacity greater  
2 than nine (9) persons.

3  
4 *Commission or Planning Commission* means the Planning and Zoning Commission of the  
5 Town of Dillon.

6  
7 *Comprehensive Plan* means the overall long-range plan for the future development of the  
8 Town which includes goals and policies, future land use, transportation and community facilities  
9 plans, as might be adopted and amended from time to time by the Town and in compliance with  
10 the Charter and C.R.S. 31-23-206, as amended. The *Comprehensive Plan* may also be called the  
11 Dillon Comprehensive Plan or the Dillon Master Plan.

12  
13 *Concept plan* means an informal site plan and narrative defining a proposed project designed  
14 for review by the Town Manager and/or the Development Review Committee or to be used as an  
15 initial review vessel for large projects.

16  
17 *Conditional use* means an activity, development or use generally similar to other uses  
18 permitted within a zoning district, which because of the manner in which the proposed use could  
19 be developed, may not be appropriate; a) in all situations, or b) without the imposition of special  
20 conditions required to ensure compatibility with existing and potential land uses within the  
21 vicinity.

22  
23 *Condominium* means a multi-unit structure in which units may be individually owned by the  
24 sale of the air space contained within the unit and a divided interest in the common elements.

25  
26 *Correction or adjustment* means a proposed change to an approved development permit that  
27 a) qualifies as neither a major nor minor change, and b) is to correct a clerical or scrivener's  
28 error, to make a technical change, or to make a de minimis adjustment.

29  
30 *Consent calendar* means a document presented to the Town Council by the Town Manager  
31 listing decisions made by the Commission.

32  
33 *Council or Town Council* means the Town of Dillon, Colorado, Town Council, including the  
34 Mayor, unless otherwise provided.

35  
36 *Development* means any activity:

- 37  
38 a. Enumerated in Section 16-2-30;  
39  
40 b. Requiring a grading or building permit;  
41  
42 c. Involving a change in the use or intensity of use on the land or improvements  
43 thereon, or the enlargement, reconstruction or renovation of improvements; or  
44  
45 d. Involving the demolition of improvements.  
46

1        *Development agreement* means a legal document executed between the developer and the  
2 Town, subsequent to application approval and development permit issuance, but prior to issuance  
3 of a building permit for the development, obligating the developer to construct public  
4 improvements within and adjacent to the proposed development related to or necessitated by the  
5 impacts of the development. A development agreement is not a building permit.

6  
7        *Development permit* means a permit issued by the Town after approval of a development  
8 indicating approval and any conditions that may be required as a component of the approval.

9  
10        *Development Review Committee* means a committee consisting of the Town Manager, the  
11 Town Engineer, the Town Public Works Director, the Town Planner and any referral agency  
12 members the Town Manager deems appropriate to participate.

13  
14        *Dormitory* means a structure in which individual sleeping spaces are rented to individual  
15 tenants on a short-term basis with necessary support facilities (bathroom, kitchen, etc.) being  
16 provided in common.

17  
18        *Drive-in or drive-through facility* means any use which conducts a portion of its business  
19 with persons remaining in their automobiles.

20  
21        *Duplex* means a residential structure **not meeting the definition of an accessory apartment**  
22 **and** containing two (2) attached dwelling units, which may be located on one (1) parcel of land  
23 or two (2) parcels of land.

24  
25        **DURA means the Town of Dillon Urban Renewal Authority.**

26  
27        *Dwelling unit* means any structure or part thereof designed to be occupied as living quarters  
28 for any period of time.

29  
30        *Earth-disturbing activity* means the mechanical removal of rock, natural soil, fill and/or any  
31 combination thereof; placement or stockpiling of fill; or clearing of trees and vegetation for the  
32 purpose of constructing roads, site improvements or structures.

33  
34        *Entertainment use* means a use which is intended to provide for the entertainment and/or  
35 recreation of people such as indoor or outdoor recreational facilities, cultural facilities such as  
36 museums, or activities such as bowling alleys, game parlors or theaters.

37  
38        *Family* means any number of people living and cooking together within a dwelling unit as a  
39 single independent housekeeping unit, but shall not include a group of more than five (5)  
40 individuals not related by blood, marriage or adoption or pursuant to legal guardianship.

41  
42        *Floor area* means the area included within the surrounding exterior walls (excluding the  
43 exterior wall itself) of a building or portion thereof, exclusive of vent shafts and courts, and  
44 including all areas of the building designed as living area that have a floor-to-ceiling height of  
45 seven (7) feet or more. For projects where the floor area of a building or portion thereof is not



1 normally provided within surrounding walls, the floor area shall be the usable area under the  
2 vertical portions of the roof (warehouses, lumber storage, etc.).

3  
4 *Fully screened* means screening through the use of fencing, building elements or  
5 landscaping that provides an opaque screen to a minimum of six (6) feet in height adequate to  
6 block the view of a particular use or structure from adjacent properties and public rights-of-way.

7  
8 *Grading permit* means a permit required pursuant to Chapter 11, Article III, of this Code.

9  
10 *Gross dwelling area* means the floor area included within the surrounding exterior walls  
11 (including the exterior wall itself) of a building or portion thereof, utilized as a dwelling area of  
12 the building, including closets, bathrooms, living rooms, etc., excluding those areas of the  
13 building that are not designed as living area, have a floor-to-ceiling height of less than seven (7)  
14 feet, and have no windows.

15  
16 *Group home* means a residential facility which provides shelter, supervision, care and/or  
17 rehabilitation for three (3) or more individuals. This may include, but is not limited to, nursing  
18 homes, rest homes and orphanages, as well as family care facilities.

19  
20 *Home occupation* means an incidental use of a dwelling unit for gainful employment of one  
21 (1) or more of the residents living in the dwelling unit.

22  
23 *Hotel/motel* means an establishment that provides temporary lodging in guest rooms and in  
24 which meals, entertainment and various personal services for the public may or may not be  
25 provided.

26  
27 *Hotel/motel suite* means an establishment similar in nature to a hotel or motel with the  
28 exception that more than twenty-five percent (25%) of the units are suites, which means they  
29 provide a separate bedroom from the main unit.

30  
31 *Industrial use or structure* means a use or structure used for storage, processing and/or  
32 shipping of agricultural or timber products; mineral extraction; and production, fabrication,  
33 assembly, auto body repair shops or storage of products.

34  
35 *Land owner* means any owner of a legal or equitable interest in real property, including  
36 heirs, successors and assigns of such ownership interest.

37  
38 *Landscaping* means any combination of materials such as trees, shrubs, vines, ground cover,  
39 flowers or turf, and may include natural features such as fountains, reflective pools, art work,  
40 screen walls, fences, street furniture, decks and ornamental concrete or stone work.

41  
42 *Landscaping maintenance* includes the regular irrigation, weeding, fertilization, mowing,  
43 trash cleanup and pruning of all landscaping; the treatment or repair of all diseased, insect-  
44 ridden, broken or vandalized landscaping; and the replacement of dead or irreparable  
45 landscaping with substantially similar materials.

46

1        *Licensed engineer* means an engineer licensed to practice in the State.  
2

3        *Lot* means a single parcel of land, all boundaries of which are shown and described on a map  
4 of record, and the location of which is referenced on such map of record to at least one (1)  
5 permanent monument.  
6

7        *Lot (land) area* means the square footage of land contained within a lot or parcel, exclusive  
8 of any public rights-of-ways or other parcels dedicated to or owned by a public entity.  
9

10       *Lot line, front* means the property line dividing a lot from a street right-of-way or private  
11 access.  
12

13       *Lot line, rear* means the property line parallel and opposite to the front lot line; where no  
14 property line exists parallel to the front lot line, a line parallel to the front lot line which bisects  
15 the boundary of a lot and has a minimum length of ten (10) feet shall constitute the rear lot line.  
16

17       *Lot line, side* means any property line of a lot other than a front or rear lot line.  
18

19       *Lot line, street side* means a side lot line, that abuts a public street right-of-way.  
20

21       *Major Change* means a proposed change to an approved development permit that results in  
22 any one or more of the following:  
23

- 24        a.        A change the general character of the development or the proposed density;
- 25        b.        A change the boundaries of the permitted development;
- 26        c.        A change in any use, such as residential to commercial;
- 27        d.        A significant change to the location or amount of land devoted to a specific land  
28 use; or
- 29        e.        A relaxing of dimensional standards or other specific requirements established by  
30 the Planning and Zoning Commission or Town Council as a condition of approval.  
31

32  
33  
34       *Marina* means a facility used for the purpose of boating, including but not limited to docks,  
35 storage, offices, restaurants and retail shops.  
36

37  
38       *Mass model* means a scale model of the proposed building, or development, indicating the  
39 general design of the building, including building heights, building dimensions, wall and roof  
40 planes, and general architectural character.  
41

42  
43       *Massage parlor* means an establishment or place primarily in the business of providing  
44 massage services, but not licensed pursuant to the Colorado Massage Parlor Code (Article 48.5  
45 of Title 12, C.R.S.).  
46

1 *Minor change* means a proposed change to an approved development permit that does not  
2 qualify as a *correction or adjustment* and does not:

- 3
- 4 a. Change the general character of the development or the proposed density;
- 5
- 6 b. Change the boundaries of the permitted development;
- 7
- 8 c. Change any use, such as residential to commercial;
- 9
- 10 d. Significantly change the location or amount of land devoted to a specific land use;
- 11 or
- 12 e. Relax dimensional standards or other specific requirements established by the  
13 Planning and Zoning Commission or Town Council as a condition of approval.
- 14

15 *Mixed use* means a development which incorporates any combination of commercial,  
16 residential or industrial uses within a building or project.

17  
18 *Modification* means any change in the scope, character or nature of plans, specifications,  
19 etc., of any development which has been reviewed and adopted by the Town.

20  
21 *Multi-family dwelling, structure or complex* means a residential structure or group of  
22 structures containing three (3) or more attached dwelling units.

23  
24 *Nonconforming building* means an existing building that does not conform to the location or  
25 bulk requirements of this Chapter for the district in which such nonconforming building is  
26 located, either at the effective date of the initial ordinance codified herein or as a result of  
27 subsequent amendments which may be incorporated into this Chapter.

28  
29 *Nonconforming use* means any legally existing use, whether within a building or other  
30 structure, or on a tract of land which does not conform to the use regulations of this Chapter for  
31 the district in which such nonconforming use is located, either at the effective date of the initial  
32 ordinance codified herein or as a result of subsequent amendments which may be incorporated  
33 into this Chapter.

34  
35 *Office* means a room, studio, suite or building in which a person transacts his or her business  
36 or carries on a stated occupation, including but not limited to accounting, correspondence,  
37 telephone answering, research, editing, administration or analysis; or the conduct of a business  
38 by salesmen, sales representatives or professionals such as engineers, architects, planners, land  
39 surveyors, lawyers, real estate brokers, insurance agents, doctors, dentists or the like.

40  
41 *Open space* means an exterior space located within the physical boundaries of a project  
42 which: 1) is usable for recreational purposes; 2) provides for natural or man-made landscaping  
43 areas; or 3) provides for the protection of natural resources such as stream channels, steep slopes  
44 or other natural areas; or is an outdoor area designated for public or private gathering or  
45 enjoyment, as approved by the Town Manager ~~or Manager's designee~~.

1 *Open space, private* means a usable open space adjoining and directly accessible to a  
2 dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests.

3  
4 *Open space, public* means any owned by the Town and used for recreational use, open  
5 space, or green belt area and accessible to the general public.

6  
7 *Pawnbroker* means a person, partnership, limited liability company, or corporation regularly  
8 engaged in the business in a pawnshop of making contracts for purchase or purchase transactions  
9 in the course of business; or lending or advancing money or other things for profit on the pledge  
10 and possession of personal property, or other valuable things, other than securities or written or  
11 printed evidences of indebtedness; or, who deals in the purchasing of personal property or other  
12 valuable things on condition of selling the same back to the seller at a stipulated price. The term  
13 does not include Secondhand Dealers as defined in and regulated by C.R.S. Section 18-13-114  
14 through C.R.S. Section 18-13-118.

15  
16 *Pawnshop* means any business that loans money on deposit of personal property or deals in  
17 the purchase or possession of personal property on condition of selling the same back again to  
18 the pledgor or depositor, or loans or advances money on personal property by taking chattel  
19 mortgage security thereon, and takes or receives such personal property. A Pawnshop is an  
20 establishment wherein the business of a Pawnbroker is conducted. A Pawnshop shall not be  
21 deemed a retail sales establishment except for the purposes of determining off-street parking  
22 requirements, water and sewer rates (EQR's), and signage requirements.

23  
24 *Person* means a natural person or a partnership, joint venture, corporation, association,  
25 organization or public agency.

26  
27 *Personal service establishment* means any building or use wherein the primary occupation is  
28 the repair, care of, maintenance or customizing of wearing apparel, articles of adornment or other  
29 personal properties that are worn or carried about the person or are a physical component of the  
30 person. It may also include financial institutions such as banks. For the purpose of this Chapter,  
31 *personal service establishments* shall include, but not be limited to barber shops, beauty parlors,  
32 pet grooming establishments, laundering, cleaning and other garment service businesses, shoe  
33 cleaning or repair shops, but not including offices of physicians, dentists or veterinarians.

34  
35 *Planned unit development* means a development by a single owner or a group of owners  
36 acting jointly, involving a related group of residences or businesses and associated uses, planned  
37 as a single entity and therefore susceptible to development and regulation as one (1) complex  
38 land use unit rather than as a mere aggregation of individual buildings located on separate lots.

39  
40 *Public hearing* means a public ~~meeting or~~ hearing before either the Planning ~~and Zoning~~  
41 Commission or the Town Council which allows for public participation, and which is noticed as  
42 required in this Chapter.

43  
44 *Public parlor* means any area set aside by the Town for recreational use, open space or  
45 green belt areas, excluding officially designated trail corridors.

1        *Recreational use* means a structure or area designated and/or developed for human  
2 enjoyment, interaction, diversion or amenity. This includes, but shall not be limited to parks;  
3 playgrounds; play fields; and areas or structures associated with skiing, sledding, picnicking,  
4 equestrian activities, hiking, sightseeing, fishing, boating, swimming and other active  
5 recreational endeavors.

6  
7        *Referral agencies* means those public or private agencies whose official responsibility or  
8 scope of concern is affected by a particular development proposal, which may include such  
9 entities as the staff and administration of the Town, the County, the State, the United States,  
10 utility companies, special districts, Summit Historical Society, citizens associations and other  
11 similar associations.

12  
13        *Repair* means the reconstruction or renewal of any part of an existing building for the  
14 purpose of its maintenance.

15  
16        *Remodel* means work to improve upon or transform the existing design and layout of a unit  
17 or multiple units of a structure, without an addition.

18  
19        *Residential use* refers to the use of a structure as living quarters. The following constitute  
20 various types of residential uses within the Town:

- 21            a. Accessory apartments.
- 22            b. Bed and breakfasts.
- 23            c. Condominiums.
- 24            d. Dormitories.
- 25            e. Duplexes.
- 26            f. Multi-family dwelling units.
- 27            g. Single-family dwelling units.
- 28            h. Time-shared (interval ownership) units.
- 29            i. Townhouses.

30  
31  
32        *Residential zoning district* means those zoning districts defined as Residential Estate Zone  
33 (RE), Residential Low Density Zone (RL), Residential Medium Density Zone (RM) and  
34 Residential High Density Zone (RH) in Article III of this Chapter and in accordance with the  
35 Town Zoning Map.

36  
37  
38        *Restaurant, outdoor seating* means an outdoor seating area provided in conjunction with a  
39 restaurant or eating establishment. Any portion of a seating area that is covered, either in whole  
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46

1 or in part, by any permanent structure, other than the restaurant's roof overhang not exceeding  
2 two (2) feet in width, shall not be considered outdoor seating for the purposes of this Chapter,  
3 but shall be considered as part of the restaurant itself.

4  
5 *Retail marijuana stores* has the same meaning as in the Colorado Retail Marijuana Code.

6  
7 *Retail store* means any building or use wherein the primary occupation is the sale of  
8 merchandise for use or consumption by the immediate purchaser. This shall include the rental of  
9 small appliances and equipment, but does not include a vehicle rental establishment.

10  
11 *School* means a facility that provides a curriculum of elementary or secondary academic  
12 instruction, including kindergartens, elementary schools, middle schools, junior high schools and  
13 high schools.

14  
15 *Shed means an accessory structure used for used as a storage space, a shelter for animals, or*  
16 *a workshop.*

17  
18 *Short-term rental shall have the meaning assigned to it in Section 6-11-20 of this Code.*

19  
20 *Single-family dwelling units* means a residential structure containing one (1) single, detached  
21 dwelling unit on one (1) parcel of land.

22  
23 *Site specific development plan* means a Level ~~II, III, or IV~~, ~~III or II~~ development plan which  
24 has been approved or conditionally approved by the Town Council, Planning ~~and Zoning~~  
25 Commission or Development Review Committee, depending upon which body has authorization.

26  
27 *Site work* means the disruption of any parcel of land for activities such as landscaping,  
28 grubbing, grading or utility work.

29  
30 *Solar Panel means a panel designed to absorb the sun's rays as a source of energy for*  
31 *generating electricity or heating.*

32  
33 *Street* means a strip of land intended for vehicular use and providing the principal means of  
34 access to a property.

35  
36 *Structural modification means construction work done to modify an existing structure that*  
37 *involves the repair, modification, removal or addition of one or more load bearing elements of*  
38 *the structure. A load bearing element is typically a wall, post or foundation that supports a*  
39 *structural load.*

40  
41 *Summer seasonal parking lot* means an off-street parking facility which is limited to use as a  
42 parking facility for vehicles from April 1 through November 30 of each year. A summer seasonal  
43 parking lot may be used for snow storage and trailer and boat storage as approved by the Town  
44 Manager.

45  
46 *Telecommunication tower* has the meaning assigned to “tower” in Section 16-12-20.

1        *Temporary construction trailer* means a trailer placed on a construction site during the  
2 construction of a permanent project.

3  
4        *Temporary structure* means a structure other than a vendor cart or construction trailer that is  
5 not intended as a permanent structure intended to be utilized for a specified period of time not  
6 less than four (4) days, nor more than two (2) years, that is not intended as a permanent structure  
7 and does not provide a permanent foundation and underground utilities.

8  
9        *Tenant finish* means a remodel of an existing structure, without an addition, to accommodate  
10 a new business or tenant.

11  
12        *Time-shared (interval ownership) unit* means a residential unit which is owned by more than  
13 one (1) person with the ownership interest divided by specific periods of time.

14  
15        *Town Center* means the area zoned as Core Area Retail (CA) Zone and is synonymous with  
16 "Town Core."

17  
18        *Townhouse* means a multi-family structure in which individual units are owned by separate  
19 persons, including an undivided fee simple ownership in the land upon which the unit sits.

20  
21        *Town Manager* means the Town Manager of the Town or ~~his or her authorized agent~~the  
22 Town Manager's designee.

23  
24        *Use* means the physical improvements, human activity and efforts thereof on a site or parcel  
25 of land.

26  
27        *Vacant or undeveloped lot* means a lot which contains no permitted or conditional use or  
28 structure as allowed within a specific zoning district. The development of an accessory structure  
29 or use on a lot (such as a driveway or garage), independent of or prior to the development of a  
30 permitted or conditional use, does not constitute development for the purposes of this definition,  
31 and such lot shall still be considered to be vacant or undeveloped.

32  
33        *Variance* means a departure from the requirements of this Chapter relating to the coverage,  
34 setback, height, lot size or other development standards and regulations of the applicable zoning  
35 district, but not involving the actual use.

36  
37        *Vehicle* means any device by which people or property is transported upon a roadway, such  
38 as automobiles, motorcycles, trucks, trailers, recreational vehicles, boats and other heavy rolling  
39 stock.

40  
41        *Vehicle rental establishment* means any use of property primarily for the rental of vehicles  
42 such as automobiles, motorcycles, trucks, trailers, recreational vehicles, boats and other heavy  
43 rolling stock, and wherein vehicles are stored.

44  
45        *Wholesale trade class 1* shall be limited to brewpubs, artisan's workshops, artisan's studios  
46 and those wholesale trade establishments which manufacture, repair or assemble apparel,

1 furniture, home furnishings, skis, snowboards, kayaks, canoes, sails, tents, backpacks, sleeping  
2 bags and other nonmotorized recreational equipment for indoor or outdoor use. This class shall  
3 also include wholesale trade establishments which produce ingestible items, such as food,  
4 beverages and alcoholic beverages. Allowable uses as production of ingestible items would  
5 include bakeries, confectioners and catering.

6  
7 *Wholesale trade class 2* shall include all wholesale trade establishments that are not  
8 specifically identified under wholesale trade class 1.

9  
10 *Wholesale trade establishment* means any building wherein the primary occupation is the  
11 sale of merchandise for resale.

12  
13 *Wood-burning appliance* means any appliance, including fireplaces, wood stoves, wood  
14 furnaces, etc., that utilizes the burning of wood for heating, cooking or other similar purposes.

15  
16 *Yard* means an open space on a lot, unoccupied by any structure, and located on the same lot  
17 with the building or use which it serves.

18  
19 *Yard, front* means a yard extending between the side lot lines across the full width of the lot  
20 and lying between the front lot line and any portion of any structure on the lot. In those instances  
21 where a lot abuts two (2) streets, such as a corner lot or a double frontage lot, the Town Manager  
22 shall designate which yard constitutes the front yard based on the existing development patterns  
23 within the neighborhood.

24  
25 *Yard, interior side* means a yard extending between the front and rear lot lines along the full  
26 width of the lot and lying between the rear lot line and any portion of any structure on the lot.

27  
28 *Yard, rear* means a yard extending between the side lot lines across the full width of the lot  
29 and lying between the rear lot line and any portion of any structure on the lot.

30  
31 *Yard, street side* means a yard extending between the front and rear lot lines along the full  
32 length of the lot and lying between the side lot line that abuts a public way and any portion of  
33 any structure on the lot.

34  
35 **Division 3 – Text and Map Amendments.**

36  
37 Sec. 16-1-300. - Amendments.

38  
39 a. Procedure. Amendments to this Chapter shall be in accordance with the Charter,  
40 state law and all other applicable Town ordinances and shall require the following action:

41  
42 1. Study and recommendation concerning the proposed amendment by the  
43 Planning ~~and Zoning~~ Commission following a public hearing.

44



1           2.       Completion of a public hearing before the Town Council after at least  
2 fifteen (15) days' notice of the time and place of such hearing shall have been given by at least  
3 one (1) publication in a newspaper of general circulation within the Town.

4  
5           b.       Text changes. The Town may from time to time initiate or hear requests to amend  
6 the text of this Chapter, subject to the above procedures. The applicant shall be charged a fee to  
7 cover the costs of advertising and processing the amendment.

8  
9           c.       Map changes. For proposed amendments to the zoning district map of the Town,  
10 the Town Clerk shall send a written notice of said hearing at least fifteen (15) days prior to the  
11 hearing date to the property owners within the area requesting rezoning and to the owners of  
12 property adjacent to the area proposed for rezoning. The applicant shall be responsible for  
13 submitting correct names and addresses of these owners of record. Failure to mail such notice to  
14 every property owner due to clerical omissions shall not affect the validity of any hearing or  
15 determination of the Town Council. The applicant will be charged a fee to cover the costs of  
16 advertising and processing the zone change request.

17  
18           d.       Burden of proof. ~~The burden of proof shall be on the applicant to prove that the~~  
19 ~~application for map or text amendment meets the evaluation criteria set forth in subsection (e).~~  
20 ~~The applicant's burden is heightened when the request would result in a substantial departure~~  
21 ~~from present land use patterns.~~

22  
23           ~~d. — Evaluation criteria. A request to amend this Chapter, including both text and map,~~  
24 ~~shall be subject to the evaluation criteria set forth in subsection (e).~~

25  
26           e.       Applications for text and map amendments shall be granted only if the following  
27 criteria, to the extent applicable, have been met:

28  
29           1.       Granting the request is in the public interest; ~~the greater the departure from~~  
30 ~~present land use patterns, the greater the burden of the applicant.~~

31  
32           2.       The public interest is best served by granting the application at the time of  
33 the hearing.

34  
35           3.       The proposed action substantially accords with the applicable goals and  
36 policies of the Comprehensive Plan or other applicable, duly-adopted goals and policies of the  
37 Planning Commission and Town Council.

38  
39           4.       There has been a change in the neighborhood or community or a mistake  
40 in the planning or zoning of the land, such that it would be inconsistent with the applicable goals

**Commented [NC4]:** A PUD request triggers the requirement of map amendment pursuant to section 16-5-130(e)(4), which states:

(4) Revisions to the Zoning District Map. An approved PUD development plan shall be recorded on the Official Town Zoning Map filed in the Planning Department as soon as practicable after the PUD becomes effective.

This section, thus, triggers a longer notice period for PUDs.

The PUD statutes do not require map amendments for PUDs. Does the Town have any interest in the practice of amending the zoning map each time a PUD is approved?

**Commented [NC5]:** Added term "duly adopted" in response to PC comment that standard too vague.

This would give the PC and TC the ability to consider plans such as the Marina Master Plan ,Walkability Study, and Parking Study.

1 and policies of the ~~comprehensive-Comprehensive plan-Plan~~ or other applicable, duly-adopted  
2 goals and policies of the Planning Commission and Town Council to develop the property as  
3 presently zoned or in accordance with existing zoning regulations.

4  
5 f. Compliance. The Town Council may attach conditions to any amendment if such  
6 conditions are found necessary to insure compliance with the intent and purpose of this Chapter.

7  
8 g. Pursuant to Charter § 14-9, no zoning change shall be approved without  
9 considering the effect of such approval on the ~~comprehensive-Comprehensive plan-Plan~~.

10 **ARTICLE II – Development Permit Process.**

11 **Division 1 – Permit Application.**

12  
13 **Sec. 16-2-10. - Permits required.**

14  
15 It is unlawful for any person to undertake, conduct or use, or cause to be undertaken,  
16 conducted or used, any development without having first complied with the provisions of this  
17 Chapter and having obtained approval and a development permit from the Town.

18  
19 **Sec. 16-2-20. -Preapplication Conference.**

20  
21 a. Unless waived in writing by the Town Manager, the applicant shall meet with the  
22 Town Planner prior to submission of a development application. The Town Planner may invite  
23 ~~other~~-pertinent staff and outside reviewing agencies to attend the preapplication conference.

24  
25        b. The purpose of this conference is to acquaint the Town with the applicant's  
26 intentions and to acquaint the applicant with the substantive and procedural requirements of this  
27 Chapter and other applicable standards and requirements.

28  
29 c. The applicant shall be prepared to discuss the proposed application at the  
30 preapplication conference. The applicant shall be encouraged to provide a concept plan and/or  
31 a drawing of the proposed development, building, topographical maps and other information  
32 pertinent to the proposed development. Such drawings and materials should be provided to the  
33 Town Planner a minimum of seven (7) days prior to the preapplication conference.

34  
35 d. Following the preapplication conference, the Town Planner shall classify the  
36 request as either a Level I, II, III or IV Development application. Any request not clearly  
37 included in one of the classifications set forth in Section 16-2-30 shall be classified by the Town

1 Manager. ~~The classification shall be based upon the nature, size, and location of the proposed~~  
2 ~~development; the apparent impacts of the proposed development; and other relevant factors.~~

3  
4 **Sec. 16-2-30. –Development Level Classifications.**

5  
6 a. Level I: The following development types shall be considered Level I  
7 developments:

8  
9 1. ~~Temporary structure.~~

**Commented [NC6]:** Now addressed in Article IV.

10  
11 21. ~~Remodel of Residential remodel a residential building containing a single~~  
12 ~~dwelling unit which does not include an addition to the footprint of the structure.~~

**Commented [NC7]:** Newly-added definition of remodel does not expressly does not include additions to the building footprint.

13  
14 32. Home occupations.

15  
16 43. Tenant finish or ~~non-residential~~ remodel of one (1) unit in a ~~commercial~~  
17 ~~office, and/or industrial structure without addition.~~

**Commented [NC8]:** Suggestion was to use “non-residential” building; but, that would technically include sheds and storage buildings.

Added terms “commercial structure” and “industrial structure” to definitions.

18  
19 54. ~~Residential deck-Deck~~ for a single family home or duplex.

20  
21 65. Roof or siding replacement without ~~structural modifications.~~

**Commented [NC9]:** See newly-added definition.

22  
23 76. Hot tub or swimming pool at a single family home or duplex.

24  
25 87. Fence.

26  
27 98. ~~Shed or accessory structure~~ with a footprint less than or equal to two  
28 hundred (200) square feet.

**Commented [NC10]:** See newly-added definition of “accessory structure”

29  
30 109. Window or door replacement without structural modifications.

31  
32 1110. ~~Solar panel~~ mounted on roof.

**Commented [NC11]:** See newly-added definition for solar panel

33  
34 b. Level II: The following development activities shall be considered Level II  
35 developments:

36  
37 1. ~~Shed or Accessory-accessory~~ structure greater than two hundred (200)  
38 square feet in an ~~area zoned~~ residential ~~zoned area~~.

39  
40 2. Roof or siding replacement with structural modifications.

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- 3. Antennae replacement on an approved telecommunication tower.
- 4. Addition of one or more antennae(s) to an approved telecommunication tower.
- 5. ~~Residential remodels~~ Remodels of residential buildings containing greater than one (1) dwelling unit (e.g., ~~renovation-remodel~~ of a condominium building).
- 6. ~~Addition to a Any~~ residential building ~~remodel which includes an addition.~~
- 7. New single-family ~~structure~~ residential building.
- 8. New duplex.
- 9. Window or door replacement with structural modifications.
- 10. Replacement of existing hot tub and/or swimming pool associated with any commercial, office, industrial, or multi-family residential building.
- 11. Replacement of outdoor patio or deck on commercial, office, industrial, or multi-family residential building.

c. Level III: The following development activities shall be considered Level III developments:

- 1. New multi-family residential building or condominium.
- 2. New hotel or motel building.
- 3. New commercial, office, and/or industrial building.
- 4. New mixed-use building.
- 45. New bed and breakfast or boarding houses.
- 56. Minor PUD amendment.
- 6. ~~Conditional use permit.~~

**Commented [NC12]:** Suggestion was to use "non-residential" building; but, that would technically include sheds and storage buildings.  
Added terms "commercial structure" and "industrial structure" to definitions.

**Commented [NC13]:** Potential Equal Dignity Issue: PUD must be approved by ordinance. Due to doctrine of equal dignity, it might be that any amendment must be approved by same.  
We can clear up consistency by requiring only resolution of TC for approval of PUD.

**Commented [NC14]:** Removed from Level III because of different criteria for approval. Will still require a public hearing in front of PC due to edits to conditional use division.

1  
2 ~~7.~~ Accessory dwelling unit.  
3

4 8. Outside patio or deck associated with any commercial, office, industrial,  
5 or multi-family residential building.  
6

7 9. Accessory structure greater than two hundred (200) square feet in a non-  
8 residential zoned area.  
9

10 10. ~~Non-residential remodel with~~Addition to footprint addition~~a commercial,~~  
11 office, and/or industrial building.  
12

13 11. New hot tub or swimming pool associated with any commercial, office,  
14 industrial, or multi-family residential building.  
15

16 12. Freestanding solar panel.  
17

18 13. Major change to a Level III development permit.  
19

20 14. Minor change to an approved Level IV development permit.  
21

22 d. Level IV: The following development activities shall be considered Level IV  
23 developments:  
24

25 1. PUD.  
26

27 2. Major PUD amendment.  
28

29 3. Major change to a Level IV development permit.  
30

31 4. ~~Multi-family Residential-residential~~ uses in the Mixed Use (MU) Zone.  
32

33 5. ~~Telecommunication tower.~~  
34

35 Sec. 16-2-40. - Development Application Submittal.  
36

37 No development permit may be issued by the Town until an application has been  
38 submitted utilizing the processes set forth in this Article.  
39

40 Sec. 16-2-50. -Authority to File Applications.

1  
2 a. Unless otherwise specified in this ~~CodeChapter~~, applications for review and  
3 approval may be initiated by:

- 4  
5 1. Any person or entity meeting the definition of applicant as defined in this  
6 Chapter;  
7  
8 2. The Town Council;  
9  
10 3. ~~The Town of Dillon Urban Renewal Authority~~DURA; or  
11  
12 4. Other entities that have rights provided by law.

13  
14 b. When an authorized agent files an application under this Chapter on behalf of a  
15 property owner, the agent shall provide the Town with written documentation that the owner has  
16 duly authorized the filing of the application.

17  
18 c. Where a development application directly affects the property interests of the  
19 occupants of an existing development, the applicant shall provide the Town with written  
20 documentation that such affected occupants have duly authorized the filing of the application.

21  
22 d. When the Town Council or ~~the Town of Dillon Urban Renewal Authority~~DURA  
23 initiates action under this ~~CodeChapter~~, it does so without influencing the approval or denial of  
24 the application. ~~Notwithstanding any provisions in this Chapter to the contrary, unless exempted~~  
25 ~~from the application of the provisions of this Chapter by utilizing the procedures set forth in state~~  
26 ~~statute, all applications of the Town Council or DURA shall be reviewed by the Planning~~  
27 ~~Commission in accordance with procedures and approval criteria established herein for Level III~~  
28 ~~development applications. Town Council and ~~Town of Dillon Urban Renewal Authority~~DURA~~  
29 ~~applications for Planned Unit Developments may be approved by resolution of the Planning~~  
30 ~~Commission and shall not require ordinance approval.~~

Commented [NC15]: For consideration. Could also go through typical process.

31  
32 Sec. 16-2-60. -Proof of Ownership.

33  
34 ~~Prior to a determination of completeness in accordance with Division 2 of this Article, or~~  
35 ~~at any time thereafter, the Town Manager may require documentation establishing proof of~~  
36 ~~ownership of the property proposed for development, and showing any encumbrances to title~~  
37 ~~thereto. Proof of ownership in the form of a copy of the property deed and copy of title~~  
38 ~~commitment dated within 30 days of submitting the application to the Town.~~

39  
40 Sec. 16-2-70. -Form of Application.

1  
2 Applications and submission materials required under this Chapter shall be submitted in a  
3 form and in such a number as required by the Town Manager ~~or Town Manager's designee~~.

4  
5 **Sec. 16-2-80. -Consolidated Development Applications and Review.**

6  
7 Multiple development activities or requests for the same site to be developed, ~~including~~  
8 ~~an application to subdivide the subject property pursuant to Chapter 17,~~ may be consolidated into  
9 one application for submittal and review depending upon the complexity of the proposal, as may  
10 be permitted or required by the Town Manager ~~or Town Manager's designee~~ at the discretion of  
11 Town Manager ~~or Town Manager's designee~~. Consolidated applications shall be reviewed in  
12 accordance with the level of review (Level I, II, III, or IV) applicable to the activity or request  
13 requiring the highest level of review pursuant to this Chapter.

**Commented [NC16]:** I think we disentangle subdivision; but, we still would allow applications to be processed concurrently, where appropriate, without stating as much.

14  
15 **Sec. 16-2-90. -Level I Specific Application Requirements.**

16  
17 Applicants for Level I development permits shall file a short description of the proposal  
18 and application materials needed to adequately describe the proposal, including but not limited  
19 to floor plans, building elevations, site plans and other similar plans.

20  
21 **Sec. 16-2-100. -Level II, III and IV Specific Application Requirements.**

22  
23 Unless waived in writing by the Town Engineer, applications for Level II, III, and IV  
24 development permits shall supply the following drawings and materials to the Town. For Level  
25 III and IV applications, such drawings and materials shall be provided no later than ~~thirty one~~  
26 ~~(31)forty-two (42)~~ calendar days preceding the scheduled Planning and Zoning Commission  
27 hearing. All of the following documents and materials shall be submitted electronically as PDFs  
28 or in other electronic formats as approved by the Town Engineer. The Town Manager may also  
29 require any Required-required plans and maps shall also be submitted ~~on 24" x 36" paper (1~~  
30 ~~set)as hard copies.~~

31  
32 a. Site plan map indicating the general site design of the project, including all existing  
33 and proposed improvements. The site plan map shall provide adequate detail to evaluate the  
34 preliminary landscaping; circulation; parking; snow stacking; location of all buildings and their  
35 entrances, uses and heights; walls; fences; loading points; refuse, recycling, and grease  
36 containers; location of all public rights-of-way; accessible routes as required under the ADA; all  
37 existing and proposed easements; drainage facilities; finished grade elevations; dimension lines  
38 where appropriate; and direction of storm water runoff flows; and other items related to the  
39 project as directed by the Town Manager. The site plan map shall be drawn at a scale of 1" = 20'

1 ~~or 1" = 10' for sites of ten thousand (10,000) square feet or less~~ include dimensions at an  
2 identified scale, and shall depict the property corners and all permanent survey monuments.

3  
4 b. Existing features map depicting the existing topography of the site at ~~two~~ one- (1)  
5 foot intervals, significant natural features and vegetation, names of adjacent subdivisions and the  
6 footprint of any existing structures or improvements located on the site.

7  
8 c. Floor plans.

9  
10 d. Building elevations at an identified scale ~~of 1/4" = 1' or 1/8" = 1'~~ indicating the  
11 general architectural character of the building with heights referenced to USGS datum.

12  
13 e. A general description or sampling of the building materials proposed for the  
14 development.

15  
16 f. A vicinity map, which may be included on the overall site plan.

17  
18 g. An application on a form provided by the Town, signed by the property owner or  
19 agent having power of attorney.

20  
21 h. Proof of ownership in the form of a copy of the property deed and copy of title  
22 commitment dated within 30 days of submitting the application to the Town; provided, however,  
23 that, such form of proof of ownership is not required for Level II applications.

24  
25  
26 i. A list of property owners whose property lies within three hundred (300) feet of  
27 the subject property and their last known address as shown on the most current County  
28 Assessor's records and addressed and stamped (with first-class mail) envelopes for each property  
29 owner on the list; provided, however, that, such list is not required for Level II applications,  
30 except on appeal of a decision of the Development Review Committee to the Planning  
31 Commission.

32  
33 j. Completed Certification of Notice to Mineral Estate Holders in accordance with  
34 Section 24-65.5-103, C.R.S., on forms provided by the Town; provided, however, that, such  
35 certification is not required for Level II applications.

36  
37  
38 Sec. 16-2-110. -Additional Information.

**Commented [NC17]:** I've prepared a form for this that I will provide to the Town.

On further reading of the statute, the certification is only required for large development projects utilizing PUDs that would change or create lot lines, or authorize conditional uses (with some additional nuances).

So, the Town Engineer may waive this requirement on a case-by-case basis if the statute doesn't require it. (It would never be required under the statutes for the applications the Town has defined as level II.)



1 Additional application-specific information may be required by the Town Manager ~~or~~  
2 ~~Town Manager's designee~~, Public Works Director, Planning ~~and Zoning~~ Commission and/or  
3 Town Council, as necessary and appropriate to evaluate fully whether an application complies  
4 with the requirements of this ~~Code~~Chapter.

5  
6 16-2-120. –Application fee.

7  
8 Application fees are hereby established for the purpose of recovering the costs incurred  
9 by the Town for internal staff time in processing and reviewing development applications and  
10 related documents and materials, in noticing required public hearings, and in recording approved  
11 applications and other documents. Such fees shall be set by resolution or ordinance of the Town  
12 Council. The application fee shall be paid by the applicant prior to or simultaneously with the  
13 filing of the application with the Town.

14  
15 Sec. 16-2-130. –Cost and Funds Deposit Agreement.

16  
17 a. At the time of submittal of any development application, or at such earlier time as  
18 the Town begins to incur consultant review fees related to the proposed project, an applicant for  
19 a Level II, III, or IV development permit shall enter into a cost and funds deposit agreement with  
20 the Town to pay all costs actually incurred by the Town in review of the development proposal  
21 prior to application, the application, application documents and materials, and required  
22 agreements, unless such requirement has been waived in writing by the Town Manager ~~or~~  
23 ~~Manager's designee~~. Such costs shall include, but not be limited to, attorneys' fees, review fees  
24 from consultants acting as staff, recording fees, and other fees from review, but shall not include  
25 costs incurred by the Town for internal staff review. Such cost and funds deposit agreement shall  
26 be accompanied by a deposit paid by the applicant, which shall be based on the estimated costs  
27 of review fees applicable to the project. Such estimated costs shall be set forth in an exhibit to  
28 the cost and funds deposit agreement. The estimated cost exhibit shall be reviewed annually and  
29 estimated costs shall be adjusted, if necessary, by the Town Manager ~~or Town Manager's~~  
30 ~~designee~~ on the basis of actual expenses incurred by the Town to reflect the effects of inflation  
31 and other changes in costs.

32  
33 b. Depleted Funds. If deposited funds are depleted prior to completion of review of the  
34 application, application documents and materials, and any required agreements, the applicant  
35 shall promptly deposit additional monies with the Town in a mutually agreeable amount. If such  
36 additional monies are not deposited when necessary, application review, including but not  
37 limited to the scheduling of public hearings, will be suspended until such time as the additional  
38 monies are deposited. Additionally, if a negative balance exists at any time and additional funds  
39 are not deposited within fifteen (15) days after written notice from the Town, then a five percent

1 (5%) penalty shall be added to such balance and such balance shall bear interest at the rate of one  
2 and one-half percent (1.5%) per month.

3  
4 c. Refund. The Town shall refund any monies deposited by the applicant pursuant to a  
5 cost and funds deposit agreement and remaining after payment of the actual costs incurred by the  
6 Town, ~~upon the occurrence of one of the following events:~~

7  
8 ~~1. Completion of application and required agreement review and recording of~~  
9 ~~final documents;~~

10 \_\_\_\_\_  
11 ~~2. Written withdrawal of the application by the applicant; or~~

12 \_\_\_\_\_  
13 ~~3. The voiding of the application for inactivity pursuant to Section 16-2-140.~~

14  
15 d. Outstanding Fees and Costs. No new applications shall be accepted by the Town  
16 ~~from an applicant~~ until all previous fees and costs associated with ~~an~~ ~~that~~ applicant are paid in  
17 full ~~by the applicant.~~

18  
19 Sec. 16-2-140. -Inactive Files.

20  
21 If an applicant fails to submit required information for a period of more than six (6) months from  
22 the initial request, the application shall become void and the resubmittal of a new application and  
23 deposit shall be required. The Town Manager ~~or Town Manager's designee~~ may grant no more  
24 than two (2) extensions of time to this provision, of no more than six (6) months each, upon a  
25 written request by the applicant.

26  
27 **Division 2 – Completeness Review.**

28  
29 Sec. 16-2-150. -Determination of Application Completeness.

30  
31 Within fourteen (14) calendar days after receipt of the application and application fee, the  
32 Town Manager ~~or Town Manager's designee~~ shall determine whether the application is complete  
33 and ready for review.

34  
35 a. If the application is determined to be complete, the application shall then be  
36 processed according to the procedures set forth in this Chapter. An application will be considered  
37 complete if it is submitted in the required form, includes all mandatory information and  
38 supporting materials specified in the Chapter, including the fully-executed cost and funds deposit  
39 agreement ~~and, and is accompanied by the~~ applicable deposit, unless ~~not required or~~ waived in  
40 writing by the Town Manager ~~or Manager's designee~~ in accordance with Section 16-2-130(a).  
41 The determination of completeness shall not be based upon the perceived merits of the

1 development proposal. The determination shall be made by the Town Manager ~~or Town~~  
2 ~~Manager's designee~~.

3  
4 b. If an application is determined to be incomplete, the Town Manager ~~or Town~~  
5 ~~Manager's designee~~ shall provide written notice to the applicant along with an explanation of the  
6 application's deficiencies. No further processing of an incomplete application shall occur until  
7 the deficiencies are corrected in a future resubmittal.

8  
9 c. If any false or misleading information is submitted or supplied by an applicant on  
10 an application, that application will be deemed incomplete.

11  
12 d. **No substantive review shall occur and no public hearings shall be scheduled on an**  
13 **application until the application has been deemed complete in accordance with this Section.**

14  
15 Sec. 16-2-160. -Referral and Review.

16  
17 a. The Town Planner shall refer the application to referral agencies to review the  
18 project for compliance with applicable agency requirements and with applicable requirements of  
19 this Chapter and other applicable Town regulations, standards, and ordinances.

20  
21 1. The Town Planner will determine the appropriate referral agencies to  
22 which to refer the application based on the impacts of the proposed use, the scale and complexity  
23 of the proposed development, the service providers for the project, and the location of the  
24 project. **Such referral agencies include but are not limited to architectural consultants, utility**  
25 **providers, the Colorado Department of Transportation, applicable fire districts and other special**  
26 **districts.**

27  
28 2. The referral agencies shall have twenty (20) calendar days to return their  
29 comments to the Town Planner. During the twenty (20) day period, Town staff shall provide  
30 ~~immediate~~ timely feedback to the applicant concerning comments received from the referral  
31 agencies and shall inform the agencies of any changes the applicant has made to the project that  
32 pertain to them.

33  
34 3. The Town Planner may request a meeting with the applicant and referral  
35 agencies that may be affected by the application or request.

36  
37 b. **Any comments from the referral agencies may be made part of the hearing record**  
38 **of the Planning Commission or Town Council on request of the applicant or at the discretion of**  
39 **the Town Manager ~~or Manager's designee~~.**

40  
41 **Division 3 – Substantive Review of Level I Applications.**

1 Sec. 16-2-170. –Procedure.  
2

3 a. Once a completed Level I application and all accompanying materials have been  
4 submitted, the Town Manager ~~or his or her designee~~ shall review the proposal and, within seven  
5 (7) calendar days, approve it with or without conditions or deny it. In addition, the Town  
6 Manager ~~or designee~~ shall have the right within the same seven-day period to reclassify any  
7 Level I application as a Level II application and process it accordingly.  
8

9 b. The Town Manager ~~or his or her designee~~ shall then indicate the decision on the  
10 application and return it to the applicant.  
11

12 ~~c. All decisions shall be forwarded to the Planning and Zoning Commission for its~~  
13 ~~information only.~~

Commented [NC18]: To be provided in project updates.

14  
15 ~~c.~~ If the decision was for approval, with or without conditions, a development permit  
16 will be issued and shall be signed by the applicant. The applicant may proceed with the project  
17 after obtaining any and all necessary construction or building permits.  
18

19 Sec. 16-2-180. –Approval Criteria.  
20

21 Prior to approving an application for a Level I Development Permit, the Town Manager  
22 ~~or Manager's designee~~ shall find that the application substantially complies with all applicable  
23 requirements of this Chapter, and applicable Town regulations, standards, and ordinances.  
24

25 Sec. 16-2-190. -Appeal.  
26

27 a. A decision of the Town Manager ~~or his or her designee~~ regarding a Level I  
28 application may be appealed in accordance with Division 9 of this Article ~~by the applicant in~~  
29 ~~writing to the Development Review Committee within five (5) calendar days after the Town~~  
30 ~~Manager or his or her designee has rendered his or her decision by filing written notice with the~~  
31 ~~Town Manager. If no appeal is filed within the five day period, the decision shall be final. If~~  
32 ~~appealed, the appeal shall be in writing and the applicant shall be responsible for paying any~~  
33 ~~additional fees required for Level II projects over and above those already paid for review of a~~  
34 ~~Level I application.~~  
35

36 ~~b. If a written appeal is timely filed, the application shall automatically become a~~  
37 ~~Level II development permit application and shall be reviewed under the process established for~~  
38 ~~Level II applications. The applicant shall be responsible for paying any additional fees required~~  
39 ~~for Level II projects over and above those already paid for review of a Level I application.~~  
40

1 **Division 4 – Substantive Review of Level II Applications.**

2  
3 Sec. 16-2-200. -Procedure and Review Criteria.

4  
5 Once a completed Level II application and all accompanying materials have been  
6 submitted, The Development Review Committee shall have twenty (20) calendar days to return  
7 its comments and decision to the applicant. The decision shall be based on the following  
8 considerations

9  
10 a. If the proposed development is in substantial compliance with all applicable  
11 requirements of this Chapter, and applicable Town regulations, standards, and ordinances, and if  
12 all other required approvals for the development application were issued and remain valid and  
13 effective, the Development Review Committee may approve the application. In addition, the  
14 Development Review Committee may attach conditions which are reasonable and necessary and  
15 relate to impacts created by the proposal.

16  
17 b. If the proposed development is not in substantial compliance with all applicable  
18 requirements of this Chapter, and applicable Town regulations, standards, and ordinances, the  
19 Development Review Committee may deny the application.

20  
21 c. The Development Review Committee may also continue the project review for up  
22 to fourteen (14) calendar days for good cause, or to allow additional information and materials to  
23 be submitted that will allow for a comprehensive review. In the event a project is continued, the  
24 applicant shall submit any additional materials he or she wishes the Town to consider at least  
25 five (5) calendar days prior to the continued review, unless otherwise specified by the Town.

26  
27 ~~d. All decisions shall be forwarded to the Planning and Zoning Commission for its~~  
28 ~~information only.~~

**Commented [NC19]:** Per PC instruction, to be provided in project updates.

29  
30 Sec. 16-2-210. –Appeal.

31  
32 a. A decision of the Development Review Committee DRC regarding a Level II  
33 application may be appealed by the applicant pursuant to Division 9 of this Article. to the  
34 Planning and Zoning Commission. Applications for appeal shall be made in writing to the Town  
35 Clerk within five (5) days after the Commission has rendered its decision, or the decision of the  
36 DRC shall be deemed final.

37  
38 ~~b. If a written appeal is timely filed, the application shall automatically become a~~  
39 ~~Level III development permit application and shall be reviewed under the process established for~~

1 ~~Level III applications. The applicant shall be responsible for paying any additional fees required~~  
2 ~~for Level III projects over and above those already paid for review of a Level II application.~~

3  
4 **Division 5 – Substantive Review of Level III Applications.**

5  
6 Sec. 16-2-220. ~~Public hearing~~Substantive review process.

7  
8 a. All Level III applications shall be required to be submitted to the Planning ~~and~~  
9 ~~Zoning~~ Commission for review at a minimum of one (1) public hearing.

10  
11 b. All public hearings shall be noticed in accordance with Division 7 of this Article,  
12 and conducted in accordance with Division 8 of this Article.

13  
14 c. The first public hearing shall be held not more than forty-five (45) calendar days  
15 from the date an application is deemed complete.

16  
17 d. Prior to the first public hearing of the ~~planning~~Planning commission~~Commission,~~  
18 Town staff shall deliver to the applicant and Commission, its written report on the application,  
19 including their conclusion on whether the proposed development substantially complies with all  
20 other applicable requirements of this Chapter and other applicable Town regulations, standards,  
21 and ordinances, which shall be made a part of the hearing record.

22  
23 e. Following any public hearing, the Planning ~~and Zoning~~ Commission shall render  
24 a decision to approve, approve with conditions, deny, or continue a Level III Development  
25 Permit based on the approval criteria set forth in Section 16-2-~~520~~510; except that, the Planning  
26 Commission shall not be required to render a decision where the approval or denial of a separate  
27 application at the same public meeting has rendered a decision on the subject application moot.  
28 Any conditions must be reasonably related to impacts created by the proposal. Any continuance  
29 shall be for no longer than thirty-five (35) days.

30  
31 ~~f. The Planning and Zoning Commission shall have thirty five (35) calendar days~~  
32 ~~after the conclusion of the public hearing to render its decision.~~

33  
34 ~~16-2-510. Burden of Proof, Exceptions.~~

35  
36 ~~In all hearings and decisions, the burden shall be on the applicant to prove that the~~  
37 ~~proposed development complies with the provisions of this Chapter, with the exception that the~~  
38 ~~appropriate decision making body shall consider the recommendations contained in the staff~~  
39 ~~report and presentation.~~

Commented [NC20]: Move to Division 8

1 Sec. 16-2-230. –Approval Criteria.

2  
3 a. Prior to making a decision on a Level III Development Permit, the Planning and  
4 Zoning Commission shall require a finding that the applicant and evidence presented to the  
5 reviewing body established the following by competent and sufficient evidence:

6  
7 1. All other required approvals for the development application were issued  
8 and remain valid and effective.

9  
10 2. The proposed development substantially complies with all applicable  
11 requirements of this Code, and applicable Town regulations, standards, and ordinances.

12  
13 ~~b. All decisions of the Planning Commission shall be made solely on the information~~  
14 ~~entered into the public hearing record.~~

Commented [NC21]: Moved to Division 8

15  
16 Sec. 16-2-240. -Appeal.

17  
18 a. A decision of the ~~Planning and Zoning Commission~~ regarding a Level III  
19 application may be appealed by the applicant ~~pursuant to Division 9 of this Article, to the Town~~  
20 ~~Council. Applications for appeal shall be made in writing to the Town Clerk within five (5) days~~  
21 ~~after the Commission has rendered its decision, or the decision of the Commission shall be~~  
22 ~~deemed final.~~

23  
24 ~~b. If a written appeal is timely filed with the Town Clerk, the application shall~~  
25 ~~automatically continue to be processed as a Level IV development permit application and shall~~  
26 ~~be reviewed under the process established for Level IV applications, except that the application~~  
27 ~~shall not be required to be reviewed again by the Planning Commission in a public hearing. The~~  
28 ~~decision of the Planning and Zoning Commission shall be stayed until ruled on by the Town~~  
29 ~~Council. The applicant shall be responsible for paying any additional fees required for Level IV~~  
30 ~~projects over and above those already paid for review of a Level III application.~~

31  
32 **Division 6 – Substantive Review of Level IV Applications.**

33  
34 Sec. 16-2-250. ~~Public hearing~~Substantive review process.

35  
36 a. All Level IV applications shall be required to be reviewed by the Planning ~~and~~  
37 ~~Zoning~~ Commission and Town Council at a minimum of one (1) public hearing each for  
38 compliance with the standards, regulations, and provisions set forth in this Chapter.

39

1 b. The first public hearing of the ~~planning-Planning commission-Commission~~ shall  
2 be held not more than forty-five (45) calendar days from the date an application is deemed  
3 complete.

4  
5 c. Prior to the first public hearing of the ~~planning-Planning commission-Commission~~,  
6 Town staff shall deliver to the applicant and Commission, its written report on the application,  
7 including their conclusion on whether the proposed development substantially complies with all  
8 other applicable requirements of this Chapter and other applicable Town regulations, standards,  
9 and ordinances, which shall be made part of both the ~~planning-Planning commission~~  
10 ~~Commission~~ and Town Council hearing records.

11  
12 d. The Town Council hold a public hearing on the application at which it shall  
13 review the Planning ~~and Zoning~~-Commission's recommendations within forty-five (45) calendar  
14 days of receipt of the recommendation.

15  
16 e. All public hearings shall be noticed in accordance with Division 7 of this Article,  
17 ~~and conducted in accordance with Division 8 of this Article.~~

18  
19 Sec. 16-2-260. -Review and Recommendation by Planning ~~and Zoning~~-Commission.

20  
21 a. Following the Planning Commission's review of the Level IV development  
22 application in a public hearing, the Planning Commission shall either continue the application, or  
23 provide a recommendation to the Town Council to approve, approve with conditions, or deny the  
24 application based on the approval criteria set forth in ~~Section 16-2-640~~~~Division 8 of this Article~~.  
25 Any conditions must be reasonably related to impacts created by the proposal. Any continuance  
26 shall be for no longer than thirty-five (35) days.

27  
28 ~~b. The Planning and Zoning Commission shall have thirty five (35) calendar days~~  
29 ~~after the conclusion of the public hearing to make a recommendation to the Town Council~~  
30 ~~concerning the application.~~

31  
32 ~~c. All recommendations of the Planning Commission shall be made solely on the~~  
33 ~~information entered into the public hearing record.~~

34  
35 Sec. 16-2-270. -Review and action by Town Council.

36  
37 a. Following the Town Council's review of the Level IV development application in  
38 a public hearing, the Town Council shall continue the application or render a final decision to  
39 approve, approve with conditions, or deny the application based on the approval criteria set forth  
40 in ~~Section 16-2-240~~~~Division 8 of this Article~~. Any conditions must be reasonably related to

Commented [NC22]: Moved to Division 8



1 impacts created by the proposal. Any continuance shall be for no longer than thirty-five (35)  
2 days.

3  
4 ~~b. The Town Council shall have thirty five (35) calendar days after the conclusion of  
5 the public hearing to render its decision.~~

6  
7 ~~eb. Pursuant to Charter § 14-9 and Section 16-1-80 of this Chapter, no Level IV  
8 application shall be approved without a finding by the Town Council considering the effect of  
9 such approval on the comprehensive Comprehensive planPlan.~~

10  
11 ~~16-2-630. Burden of Proof, Exceptions.~~

Commented [NC23]: Moved to Division 8

12  
13 ~~In all hearings and decisions, the burden shall be on the applicant to prove that the  
14 proposed development complies with the provisions of this Chapter, with the exception that the  
15 appropriate decision-making body shall consider the recommendations contained in the staff  
16 report and presentation.~~

17  
18 Sec. 16-2-280. –Approval Criteria.

19  
20 a. Prior to making a recommendation or a decision on a Level IV development  
21 application, the Planning and Zoning Commission and Town Council, respectively, shall require  
22 a finding that the applicant and evidence presented to the reviewing body established the  
23 following by competent and sufficient evidence:

24  
25 1. All required approvals for the development application were issued and  
26 remain valid and effective.

27  
28 2. The proposed development substantially complies with all other applicable  
29 requirements of this Code and other applicable Town regulations, standards, and ordinances.

30  
31 ~~b. All recommendations and decisions of the Planning Commission and the Town  
32 Council shall be made solely on the information entered into the public hearing record.~~

Commented [NC24]: Moved to Division 8

33  
34 Sec. 16-2-290. –Appeal.

35  
36 ~~A decision of the Town Council regarding a Level IV application may be appealed by the  
37 applicant pursuant to Division 9 of this Article. The Town Council's final decision is reviewable  
38 pursuant to Rule 106 of the Colorado Rules of Civil Procedure, or as otherwise provided by state  
39 or federal law.~~

40

1 **Division 7 – Public Hearing Noticing Requirements.**

2  
3 Section 16-2-300. –Required Notice.

4  
5 a. **Except as provided in Article I, Division 3, At at** least seven (7) but not more than  
6 fourteen (14) calendar days prior to any public hearing pursuant to this Chapter, the Town shall:

**Commented [NC25]:** Language added because PH on map and text amendments require 15 days' notice.

7  
8 1. Mail notice to the property owners within three hundred (300) feet **of the**  
9 **outside boundaries of the property;**

10  
11 2. Place a notice in a newspaper of general circulation in the community; and

12  
13 3. Post a notice of the hearing in the Town Hall and on the property subject  
14 to the application.

15  
16 b. Notice by mail shall also be given to County Assessor registered homeowners'  
17 associations **within the three hundred (300) feet of the outside boundaries of the property** and  
18 such additional persons as the Town Manager ~~or Town Manager's designee~~ may designate.

19  
20 c. Posted notice on the subject property shall be posted by the applicant along the  
21 public street rights-of-way bordering the property or as otherwise directed by the Town Manager  
22 ~~or Town Manager's designee~~. Before the public hearing, the applicant shall submit to the Town  
23 Manager ~~or Town Manager's designee~~ a notarized affidavit, signed by the person who did the  
24 posting or the person who caused the posting to be done, that notice was posted and maintained  
25 as required herein. The applicant is responsible for ensuring that the posted notice remains in  
26 place, in legible condition until the public hearing is concluded, and for removal of said posted  
27 notice within two (2) days after the public hearing is concluded.

28  
29 d. **Subsection (a) notwithstanding, it is the applicant's responsibility to ensure the**  
30 **hearing record reflects that notice was posted, published, and mailed as required pursuant to this**  
31 **section.**

32  
33 Section 16-2-310. -Contents of notices.

34  
35 a. Unless otherwise required by this ~~Code~~Chapter, notice of all public hearings as  
36 required herein shall:

37  
38 1. Identify the date, time and place of the public hearing;  
39

1                   2. If applicable, describe the property involved by street address or by legal  
2 description and nearest cross streets;

3  
4                   3. Describe the nature, scope and purpose of the proposed action;

5  
6                   4. Indicate that interested parties may appear at the hearing and speak on the  
7 matter; and

8  
9                   5. Indicate where additional information on the matter may be obtained.

10  
11                  b. Mailed notices shall include mention of an upcoming Town Council public  
12 hearing (when applicable) and the opportunity to be informed of the date of upcoming public  
13 hearings on the project.

14  
15 Section 16-2-320. –Defects.

16  
17                  Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant  
18 to the notice if a bona fide attempt has been made to comply with applicable notice requirements.  
19 Minor defects in a notice shall be limited to errors in legal description or typographical or  
20 grammatical errors that do not impede communication of the notice to affected parties. Failure of  
21 a party to receive written notice shall not invalidate subsequent action. In all cases, however, the  
22 requirements for the timing of the notice and for specifying the time, date and place of a hearing  
23 shall be strictly construed. If questions arise at the hearing regarding the adequacy of notice, the  
24 decision-making body shall make a formal finding as to whether there was substantial  
25 compliance with the notice requirements of this ~~Code~~Chapter. When the records of the Town  
26 document the publications, mailing and posting of notices as required herein, it shall be  
27 conclusively presumed that the notice of a public hearing was given as required herein.

28  
29 **Division 8 – Public Hearing Process.**

30  
31 **Sec. 16-2-330. – Applicability.**

32  
33                  The provisions of this Division 8 shall apply whenever a public hearing is required  
34 pursuant to the provisions of this Chapter.

35  
36 **16-2-340. -Burden of Proof.**

37  
38                  The burden at public hearing shall be on the applicant to prove that the application  
39 complies with the provisions of this Chapter.

1 16-2-350. –Hearing Record.

2  
3 a. The hearing record shall include, without limitation, all materials and testimony  
4 provided by the applicant, all testimony from the public concerning the application, and the  
5 recommendations contained in the staff report and presentation.

6  
7 b. All recommendations or decisions following public hearings shall be made solely  
8 on the information entered into the public hearing record.

9  
10 Division 9 – Appeals.

11  
12 Sec. 16-2-360.- Appeals.

13  
14 a. Except as provided in subsection (b), all decisions pursuant to this Chapter are  
15 reviewable on appeal in accordance with this Division.

16  
17 b. The following are not reviewable on appeal under this Division:

- 18  
19 1. Administrative interpretations pursuant to Section 16-1-120;  
20  
21 2. Recommendations by the Planning Commission;  
22  
23 3. Decisions regarding variance requests pursuant to Article X of this  
24 Chapter; and  
25  
26 4. Decisions regarding text or map amendments pursuant to Article I,  
27 Division 3.

28  
29 Sec. 16-2-370.- Applications for appeal; fee.

30  
31 Applications for appeal shall meet the following requirements, or the applicant’s right of  
32 appeal shall be deemed waived and the decision deemed final:

33  
34 a. The application for appeal shall be made in writing to the Town Clerk within five  
35 (5) days after a decision pursuant to this Chapter.

36  
37 b. The application for appeal shall be accompanied by a fee set by resolution or  
38 ordinance of the Town Council to reimburse the Town for review of the application.

39  
40 c. The application shall specify the grounds for appeal.

**Commented [NC26]:** Would require establishment of a new fee.

1 d. If not already provided by the applicant, the application for appeal shall be  
2 accompanied with a list of property owners whose property lies within three hundred (300) feet  
3 of the subject property and their last known address as shown on the most current County  
4 Assessor's records and addressed and stamped (with first-class mail) envelopes for each property  
5 owner on the list.

6  
7 Sec. 16-2-380.- Reviewer on appeal.

8  
9 If an application for appeal is filed with the Town Clerk in accordance with Section 16-2-  
10 370, the appeal shall be reviewed as follows:

11  
12 1. If the application is to appeal a decision by the Town Manager or Development  
13 Review Committee, the application shall be reviewed by the Planning Commission in a public  
14 hearing which shall be noticed in accordance with Division 7 of this Article, and conducted in  
15 accordance with Division 8 of this Article.

16  
17 2. If the application is to appeal a decision by the Planning Commission, the  
18 application shall be reviewed by the Town Council in a public hearing, which shall be noticed in  
19 accordance with Division 7 of this Article, and conducted in accordance with Division 8 of this  
20 Article.

21  
22 3. Applications to appeal decisions by the Town Council are reviewable pursuant to  
23 Rule 106 of the Colorado Rules of Civil Procedure, or as otherwise provided by state or federal  
24 law.

25  
26 Sec. 16-2-390.- Decisions on appeal made to applicant in writing; final.

27  
28 The reviewer on appeal shall affirm, reverse, reverse wholly or partly, or modify the  
29 decision appealed. All decisions on appeal shall be made to the applicant in writing, which  
30 written decision shall be added to and become part of the record of the proceeding. All decisions  
31 on appeal shall be final, and the applicant shall have no further right of appeal under this  
32 Chapter.

33  
34 Division 10 – Conditions of approval.

35  
36 Sec. 16-2-400. - Conditions.

37  
38 a. When authorized by this ~~Chapter~~Article, the Town may place conditions upon the  
39 approval of an application, which are reasonably related to impacts created by the proposal, or  
40 which the Town deems necessary and proper to ensure that the project will be developed in the

**Commented [NC27]:** Due process requires that before a person may be deprived of a use of his/her property, s/he must be afforded a hearing.

1 manner indicated in the application and in accordance with the standards and criteria established  
2 within this Chapter and other applicable Town regulations and adopted codes. Said conditions  
3 shall be listed within a development permit or development agreement which shall be signed by  
4 the applicant and the Town prior to the issuance of a building permit.

5  
6 b. The conditions may consist of one (1) or more of, but are not limited to, the  
7 following:

8  
9 1. Development schedule. The conditions may place a reasonable time limit  
10 on any activities associated with the proposed development, or any portion thereof, to prevent  
11 speculation in permits, to enable new application or revisions to come forward for unfeasible  
12 developments, or to implement other land use policies of the Town.

13  
14 2. Use. The conditions may restrict the future use of the proposed  
15 development to that indicated in the application and other similar uses.

16  
17 3. Dedications. The conditions may require conveyances of title or easements  
18 to the Town, public utilities or the homeowner's association for purposes related to the public  
19 health, safety and welfare, which may include, but not be limited to, land and/or easements for  
20 parks, utilities, pedestrian paths, bikeways, schools, roads, transportation and other similar uses.  
21 The Town may also require construction of all facilities to public standards and the dedication of  
22 public facilities necessary to serve the development.

23  
24 4. Homeowner's association. The conditions may require that if a  
25 homeowner's association or merchant's association is necessary or desirable to hold and maintain  
26 common property, it be created prior to issuance of a building permit.

27  
28 5. Construction guarantees. The conditions may require the depositing of  
29 certified funds, in an amount to be determined by the Town, with the Town Clerk, the  
30 establishment of an escrow fund, the depositing of an irrevocable letter of credit, the posting of a  
31 bond or other surety, or collateral (which may provide for partial release) to ensure that all  
32 construction features required by this Chapter or the Code and conditions of approval are in fact  
33 constructed as represented and approved.

34  
35 6. Indemnification; covenants. The conditions may require the recording of  
36 covenants and/or deed restrictions on the subject property or the indemnification of the Town in  
37 certain instances.

1           7.     Public improvements. The conditions may require the installation of  
2 public improvements or participation in assessment districts for the installation of public  
3 improvements within, adjacent or contributing to the project.

4  
5           8.     Additional plans. The conditions may require that additional plans or  
6 engineered revisions to site, drainage or utility plans be submitted to the Town and approved  
7 prior to issuance of building permits or issuance of a certificate of occupancy, whichever is  
8 applicable.

9  
10 **Division 11 – Permit Issuance, Duration and Revocation.**

11  
12 Sec. 16-2-410. Permit issuance.

13  
14           Once the decision of the Town has been finalized, the Town shall transmit by regular  
15 mail the final decision to the applicant and, if the application is approved, shall issue a  
16 development permit with or without conditions. The development permit shall not be valid until  
17 the applicant has signed it, indicating agreement with any and all conditions, and returns the  
18 permit to the Town.

19  
20 Sec. 16-2-420. - Relation to other Code provisions.

21  
22           A permit issued pursuant to this Chapter does not release the applicant from compliance  
23 with the provisions of this Chapter, the Code, the building, fire, electrical, solar, mechanical,  
24 plumbing and energy codes, or any other codes as adopted by the Town and amended from time  
25 to time.

26  
27 Sec. 16-2-430. - Other permits.

28  
29           After approval and issuance of a development permit, and prior to construction, the  
30 applicant shall be responsible for obtaining all ~~necessary~~ permits required pursuant to local, state,  
31 ~~and federal law, including building permits, electrical permits, access permits and other~~  
32 ~~applicable permits.~~

33  
34 Sec. 16-2-440. - Duration of development permits.

35  
36           a.     Development approvals and permits issued by the Town pursuant to this Chapter  
37 are valid for the following time periods:

38

<i>Level of Development</i>	<i>Duration of Permit</i>
I	6 months

II	1 year
III	2 years
IV	2 years

b. The term of a Level II, III or IV development permit shall commence on the date of approval of the permit by the Town Council, Planning ~~and Zoning~~ Commission or Development Review Committee, depending upon which body has final jurisdiction. The term of a Level I permit and a grading permit shall commence on the date of issuance of such permit by staff.

c. Levels III and IV permits may be extended by the Planning Commission for a period not to exceed one (1) year upon review ~~and approval~~ of a written request for extension by the permit holder to the Planning and Zoning Commission prior to the expiration date of ~~said the~~ permit. Requests for extension shall be processed utilizing the Level III process.

Sec. 16-2-460. - Revocation of permits.

A permit may be revoked at any time for violation of the permit or any condition thereof by a motion of the Planning ~~and Zoning~~ Commission at a hearing, and after written notice to the applicant at least seven (7) days in advance of the hearing.

**Division 12 – Development Agreement.**

Sec. 16-2-470. - Development Agreement.

a. Except as provided in subsection (b), subsequent to application approval, but prior to issuance of a building permit for the development, the developer shall either install all required improvements or enter into an agreement with the Town which shall obligate the developer to install and construct all public improvements within and adjacent to the proposed development as are reasonably related to or necessitated by the impacts of the development. In those instances where the developer is not the property owner, the property owner or owners shall either be co-signors to the agreement or shall provide alternative agreements allowing the Town to enter onto the property for the purposes of inspection of or completion of public improvements in the case the developer fails to complete all required improvements. If the developer chooses to enter into an agreement, the agreement shall specify the following at a minimum:

1. A description of all public improvements required.
2. An estimate of the cost of installing all public improvements.



1                   3.     The timing of public improvements in relation to the development of the  
2 project.

3  
4                   4.     A description of all private improvements required by this Chapter,  
5 conditions of approval or other pertinent Town regulations.

6  
7                   5.     A performance guarantee that the improvements will be installed in  
8 accordance with the approved plans.

9  
10                  b.     A development agreement shall not be required under the following  
11 circumstances:

12                   1.     For Level I developments;

13  
14                   2.     For Level II or III applications when waived in writing by the Town  
15 Manager ~~or Manger's designee~~; or

16  
17                   3.     When the applicant has entered into a subdivision improvements  
18 agreement with the Town pursuant to Section 17-2-250(b).

19  
20 **Division 13 – Changes to Approved Development Permits.**

21  
22 Sec. 16-2-480. –Form of proposals.

23  
24                  Proposals for changes to approved development permits shall be made in writing to the  
25 Town Manager on forms provided by the Town.

26  
27 Sec. 16-2-490. –Review of corrections or adjustments.

28  
29                  Proposed corrections or adjustments to approved development permits shall be processed  
30 as a Level I application, unless the Town Manager ~~or Manager's designee~~ determines the  
31 proposed correction or adjustment is of such nature to merit Development Review  
32 Committee~~DRC~~ review, in which case the application shall be processed as a Level II  
33 application.

34  
35 Sec. 16-2-500. -Proposed changes to approved Level I or Level II development permits.

36  
37                  At the discretion of the Town Manager ~~or his/her designee~~, a proposed change to an  
38 approved Level I or Level II development permit, whether minor or major, may be processed as  
39 either a Level I or Level II development application.



1                   1.     Be compatible with the surrounding uses and community  
2 facilities.

3  
4                   2.     Not be detrimental to or constitute a danger to the health,  
5 safety and welfare of the citizens of the Town.

6  
7                   3.     Conform in all other aspects to the applicable zoning  
8 regulations and standards, except as specifically modified for the temporary use  
9 during the time it is permitted.

10  
11                   4.     Conform in all aspects to applicable building and fire safety  
12 regulations and standards adopted by the Town.

13  
14                   5.     Leave the site, following the temporary use, in a state that  
15 is capable of being restored to a satisfactory condition.

16                   e.     The temporary use shall be compatible with the zone district in  
17 which it is located.

18  
19                   f.     No temporary structure may be used for human habitation.

20  
21                   g.     A temporary use permit may be approved by the Town Manager  
22 for a period not to exceed one hundred and eighty (180) days.

23  
24                   h.     Once an application for a temporary use permit has been deemed  
25 complete by the Town Manager, it shall be routed to Town staff and referral  
26 agencies for review and comment as determined appropriate by the Town  
27 Manager. The Town Manager may order inspections by the fire authority and  
28 building department, as applicable, and may condition any temporary use permit  
29 to ensure compliance with applicable building and fire safety regulations.

30  
31                   i.     The applicant has the burden of demonstrating that the parking  
32 needs of the use are adequately accommodated.

33  
34                   j.     Hard-surface all-weather ingress and egress, as approved by the  
35 Town Engineer, shall be provided.

36  
37                   k.     The temporary use shall provide adequate trash containers, and all  
38 trash, rubbish and waste shall be completely contained on the site and removed  
39 daily.

40  
41                   l.     Any signage provided in connection with the temporary use shall  
42 comply with the sign provisions of this Chapter.

43  
44                   m.     Reasonable conditions or modifications may be imposed upon the  
45 granting of a temporary use permit not inconsistent with this Chapter.  
46

