

TOWN OF PARACHUTE

Land Use Regulations



ORD. 711-2017
JANUARY 2017

TITLE 15

Land Use Regulations

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Article 1 Purpose and Applicability

15.01.110 Title.

This title shall be known and may be cited and referred to as “PMC Title 15,” or “this title,” or “these regulations.”

15.01.120 Authority.

This title is authorized by CRS §§ 31-15-101, et seq., 31-16-101, et seq., 29-20-101, et seq., 24-67-101 et seq., 24-18-101, et seq., and Colorado Constitution Article XX.

15.01.130 Jurisdiction.

This title shall apply to all land and all land uses within the municipal boundaries of the Town of Parachute, Colorado.

15.01.140 Purpose.

This title is adopted to implement the recommendations of comprehensive plan of the Town of Parachute, Colorado and is designed to lessen congestion in the streets; to secure safety from fire, panic, flood waters, and other damages; to promote health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewer, schools, parks; and to allow Parachute to achieve a higher level of economic prosperity and an improved quality of life. This title is drawn with reasonable consideration, among other things, as to the character of the Town and neighborhoods and other areas of the Town regarding the suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate uses of land throughout the Town.

15.01.150 Interpretation.

This title is divided into separate chapters to address different aspects of these regulations. The headings and section titles are for convenience only and are not intended to be used to interpret or give effect to any of the provisions of these regulations. If any section, subsection, paragraph, clause, phrase or provision of this title shall be adjudged invalid or held to be unconstitutional by a court of competent jurisdiction, the validity of the remainder shall not be affected in whole or in part, other than the provision adjudged to be invalid or unconstitutional. In their application and interpretation the provisions of this title shall be held to be minimum requirements. This title is not intended to repeal, abrogate, annul or in any way impair or interfere with existing provisions of private agreements. Where this title imposes a greater restriction than that imposed by such existing provisions of law, contract, or deed, the provisions of this title shall control.

15.01.160 Effective date; application to developments in progress.

- A. This title is adopted by Ordinance No. 711-2017, and is effective on February 1, 2017.
- B. All land use applications initiated on and after February 1, 2017, shall be reviewed pursuant to the review process and standards set forth in this title, as amended by Ordinance No. 711-2017, and effective on that date. All land use applications submitted for review prior to February 1, 2017, shall be reviewed pursuant to the process and under the criteria set forth in applicable portions of this title in force prior to that date. Such prior regulations are continued in force and effect for that limited purpose only. Upon approval or denial of all such remaining applications, the prior regulations shall

be deemed repealed. In no event shall any resubmission of an application after its rejection or any development application filed after the effective date of these regulations be reviewed under any such prior regulations.

Article 2. Administration and Procedures

15.01.205 Compliance.

- A. All land use activities as defined by this title located within the Town of Parachute (the “Town”) shall be subject to the provisions of these regulations and any other applicable regulations of the Town. Any landowner desiring to establish a land use requiring approval of the Town must obtain such approval prior to the establishment of the land use activity.
- B. Conformity to use regulations. Except as hereinafter provided, no building, structure or property shall hereafter be used, and no building or structure shall be erected and no existing building or structure shall be moved, altered or extended nor shall any land, building or structure be used, designed to be used or intended to be used for any purpose or in any manner other than as provided for among the uses hereinafter listed in the district regulations for the district in which such land, building or structure is located. All buildings or structures must comply in all respects with the provisions of the building code adopted by the Town of Parachute.
- C. Conformity to setback, bulk, site area and height provisions. Except as hereinafter provided, no building or structure shall be erected nor shall any existing building or structure be moved, altered or extended nor shall any open space surrounding any building or structure be encroached upon or reduced in any manner, except in conformity with the building site area, building bulk, building location and height provisions hereinafter provided in the district regulations for the district in which such buildings, structures or open space is located.
- D. Lot area, yard, frontage, open space, and parking restrictions. Except as hereinafter provided, no lot area, yard, frontage, other open space or parking provided about any building for the purpose of complying with provisions of this title shall be considered as providing lot area, yard, frontage, other open space or parking for any other building.

15.01.210 Building permits and licenses.

- A. No site preparation or construction for any building shall be commenced without first obtaining a building permit.
- B. No person may engage in the business of erecting, altering, relocating, or constructing any building or sign without a valid contractor’s and business license.
- C. All buildings and signs shall be constructed in accordance with the requirements of the uniform building and construction codes as adopted by the Town.
- D. Notice of approval of a building permit shall be posted on the subject property by the property owner or representative within twenty-four (24) hours of such approval.

15.01.215 Site plan required.

- A. All applications for a building permit for any permitted or special use, except single-family and duplex residences, shall be accompanied by a site plan prepared and approved in accordance with the provisions of Appendix 1 (Submittal Requirements) before building permits shall be issued.
- B. The Town Manager shall have the authority to specify which criteria of this title shall apply to each site plan application.

- C. The Town Manager shall have the authority to waive the requirement for a site plan upon a determination that such site plan is not necessary.

15.01.220 Land use review procedures.

- A. Except as otherwise specified, any property owner may apply for approval of a land use pursuant to this title. The Planning Commission or Board of Trustees may also initiate rezoning or text amendments. Private persons may not initiate text amendments under this title. This section does not affect citizen rights of initiative under the Colorado Constitution.
- B. Except as otherwise set forth in this title for administrative review by the Town Manager, land use applications are reviewed by both the Town Planning Commission and the Board of Trustees, as shown on the Review Procedures Chart (Table 1.1). The Planning Commission reviews an application and makes a recommendation to the Board of Trustees.
- C. The following chart describes the review process for all land use approvals:

Table 1.1
Review Procedures Chart

Approval Requested	Pre-Application	CR	Referral	Approval				Notes/Code section
				TM	PC	BOT	BOA	
Rezoning	X	X	X		X	H		See PMC 15.02.245
Special use	X	X	X		X	H		See PMC 15.02.210
Major subdivision or resubdivision (preliminary)	X	X	X		X	H		See PMC 15.03.220
Major subdivision or resubdivision (final)	X	X	X			X		See PMC 15.03.220
Condo subdivision / conversion	X	X	X		X	H		See PMC 15.03.220
Modification abandoned subdivision	X	X	X		X	H		See PMC 15.03.320
Minor subdivision	X	X	X	X				See PMC 15.03.230
Plat amendment	X	X		X				See PMC 15.03.240
Site Plan	X	X	X	X				See PMC 15.01.215
Temporary use	X	X		X				See PMC 15.02.225
Eligible telecommunication facility request	X	X		X				See PMC 15.07.350
Floodplain Development permit	X	X		X				See PMC 15.05.240
Sign permit	X	X		X				See PMC 15.06.220
Variance	X	X		X			H	See PMC 15.01.330
Annexation	X	X				H		See PMC 15.07.110
Vested right	X	X				H		See PMC 15.01.270. Publish notice; follow process for underlying approval
Legend: CR: Completeness review BOA: Board of Adjustment BOT: Board of Trustees H: Public hearing required PC: Planning Commission TM: Town Manager X: Meeting or action required								

15.01.225 Public notice requirements.

For all actions of the Town described in this title requiring public hearings (with the exception of the creation of overlay zoning districts under section 15.02.245.D), public notice shall be given conforming to the following requirements. The cost of all notices shall be borne by the applicant.

- A. Notice shall be sent by first class mail to all property owners within two hundred feet (200') of the property in question at least fifteen (15) days in advance of the hearing. The applicant shall provide this notice, along with a signed affidavit it has been satisfied, as part of the hearing record.
- B. Notice of the hearing shall be published by the Town in the Town's official newspaper of record at least fifteen (15) days in advance of the hearing.
- C. Pursuant to § 24-65.5-103, C.R.S., not less than thirty (30) days before the date scheduled for the first public hearing for a development application, the applicant shall provide notice to the owners of the mineral estate. In the case of minor subdivisions, the notice shall be provided not less than thirty (30) days prior to final action by the Town Administrator on the application. Such notice shall be by certified mail, return receipt requested. The applicant shall provide this notice, along with evidence it has been satisfied as part of the hearing record.
- D. Notice shall be posted by the Town on the subject property at least fifteen (15) days in advance of the hearing. The notice shall be posted on a sign with a minimum sign face size of twenty two (22) inches by twenty six (26) inches, and a minimum letter size of one (1) inch.
- E. All notices shall include:
 - 1. statement of the nature of the matter being considered;
 - 2. the time, date and place of the public hearing;
 - 3. the agency or office and phone number where further information may be obtained; and
 - 4. the street address and a legal description of the subject property.

15.01.230 Preapplication conference.

- A. The preapplication conference is an opportunity for an applicant to meet with the Town Manager and any other Town staff or consultants directed to attend by the Town Manager to learn more about application requirements, review standards, and review procedures. The preapplication conference is required, unless waived by the Town Manager.. The preapplication conference does not substitute for any review process required by this title. No land use application can be approved without the appropriate review by the Town Manager, Planning Commission, Board of Trustees, or as otherwise provided by this title.
- B. The applicant shall bring plans and drawings to the preapplication conference in order to adequately present the proposed land use application. Topics that may be discussed at a preapplication conference include the nature of the application, time periods of review, schedules of review

meetings, and other details of the review process. The Town Manager should also explain the intent, purpose, and relevance of any review criteria, policies, and the comprehensive plan.

15.01.235 Application for land use approval.

- A. Complete applications must be submitted, at the point of initiation of the land use review process. A separate application is required for each phase of a subdivision review process. The application shall include all of the items identified in Appendix 1 (Submittal Requirements) for the type of approval sought. Incomplete applications will not be scheduled for review until a determination of completeness under PMC 15.01.240 is issued.
- B. The number of copies of the required application information shall be determined for each application by the Town Manager. All maps and reports shall bear suitable evidence of the professional qualifications of the person responsible for the preparation of the map or report. Engineering information must be certified by a professional engineer licensed in the State of Colorado. All required documents containing land survey descriptions and topographic maps must be certified by a professional land surveyor licensed in the State of Colorado.

15.01.240 Determination of completeness

The Town Manager will review the application for completeness. If the application is incomplete, the applicant will be notified of the information needed to complete the application.

15.01.245 Application referral

Upon a determination that the application is complete, the Town Manager shall refer the application to appropriate external review agencies for comments as shown in the Review Procedures Chart, PMC 15.01.220(C). The Town Manager will maintain a list of review agencies and their current addresses. The external review agencies shall have twenty (20) days from the date of their receipt of the application to return their comments and recommendations to the Town Manager, unless a shorter period is permitted by the Town Manager.

15.01.250 Review procedure.

- A. The purpose of the application review is to give the Town Manager, Planning Commission and the Board of Trustees an opportunity to review all relevant facts of an application in the context of the Town's review standards, policies, and the comprehensive plan. For most applications, the Planning Commission and Board of Trustees review is the only review procedure which is required. The review procedures for each form of land use approval, and the review bodies for each, are as set forth in PMC 15.01.220(C). The Planning Commission and Board of Trustees shall consider all the evidence presented by the applicant and other interested parties, comments of review agencies, recommendations of the Town Manager, and comments from the public.
- B. The Planning Commission shall complete its review and make its recommendation to the Board of Trustees no later than ninety (90) days from the date of the initial Commission meeting or hearing the Planning Commission may recommend approval, conditional approval or denial, indicating particular conditions for approval, and its reasons for a recommendation of denial.
- C. The Board of Trustees shall act upon the application within forty-five (45) days of the date of the Planning Commission action. The Board of Trustees may approve, approve with conditions, or deny an application. Conditions may be imposed on length of permit approval or other aspects of the

activity designed to ensure compatibility with the standards of this title and any policies or other adopted standards of the Town.

- D. For those applications for which the Town Manager has discretion to review and render a decision, the Town Manager shall approve, approve with conditions, or deny the application within thirty (30) days of determination that the application is complete.
 - 1. The Town Manager may approve up to a twenty-five percent (25%) decrease in any required building setback. Any decrease in building setback greater than twenty-five percent (25%) must be referred to the Board of Adjustment for hearing pursuant to PMC 15.01.330.
 - 2. The Board of Trustees may “call up” the application for further review by the Planning Commission and/or Board of Trustees at the next regularly scheduled Planning Commission or Board of Trustees’ meeting following the Town Manager’s decision on an administrative variance.
 - 3. The Town Manager may also, in lieu of taking action, refer an application for any administrative variance or other administrative action to the Planning Commission and/or the Board of Trustees for decision.
- E. For applications for approval of telecommunication facilities, the Town will follow the federally-mandated deadlines for action in PMC 15.07.350.

15.01.255 Record of decision.

The Board of Trustees, Planning Commission, Board of Adjustment, and Town Manager shall maintain a record of their proceedings in the form of minutes, resolutions, ordinances, and memoranda of decision, as appropriate. The record shall include comments of the reviewing agencies as well as the recommendation of the Planning Commission for applications finally decided by the Board of Trustees. The Town Clerk will issue a record of decision indicating the action of the Town, including any conditions of approval of an application. A copy of the record of decision will be maintained in the Town records and a copy provided to the applicant. Changes to the official zoning map will be indicated on the map. In the case of a special use, the record of decision shall be recorded in the real estate section of the records of the Garfield County Clerk and Recorder.

15.01.260 Duration of approval.

- A. Land use approvals shall be valid for the following periods:
 - 1. Preliminary subdivision: 3 years
 - 2. Special use: 1 year
 - 3. Variances and appeals (BOA): 1 year
 - 4. All administrative permits: as provided in the permit
 - 5. Rezoning: No expiration
- B. If, within the listed time period, no required subsequent application has been filed, or authorized use established or building permit or other development action taken the approval shall expire. For good

cause, the granting authority may grant a single extension of the approval for a time period not to exceed the amount of the initial approval's duration.

15.01.265 Recording of ordinances and final plats.

As soon as practical, and in any event, within thirty (30) days of the effective date of approval of the application, the Town Manager shall cause the ordinance of approval of the application or final plat of the subdivision to be recorded in the office of the Garfield County Clerk and Recorder and in such other offices as may be required by law. In addition to the ordinance or final plat, supporting documents such as the subdivision improvements agreement or development improvements agreement and condominium documents may also be recorded if the Board determines that such recording is necessary and appropriate.

15.01.270 Vested property rights.

- A. Purpose. The purpose of this section is to provide the procedures necessary to implement the provisions of Article 68 of Title 24, C.R.S., which article establishes a vested property right to undertake and complete development and use of real property under the terms and conditions of a site specific development plan. Approval of a site specific development plan shall not constitute an exemption from or waiver of any other provisions of this title pertaining to the development and use of property. Nothing in this section is intended to create any vested property right, but only to implement Article 68 of Title 24, C.R.S., as amended. In the event of the repeal of said article or judicial determination that said article is invalid or unconstitutional, this section shall be deemed to be repealed and the provisions hereof no longer effective.
- B. Definitions. Unless modified in Article 4 of this chapter 15.01, the terms used in this section shall have the same meaning as set forth in § 24-68-102, C.R.S.
- C. Governing law.
 - 1. Except as otherwise provided in this subsection, an application for approval of a site specific development plan as well as the approval, conditional approval, or denial of approval of a plan shall be governed only by the duly adopted laws and regulations in effect at the time the application is submitted to the Town. For purposes of this subsection, "laws and regulations" includes any zoning or development law of general applicability adopted by the Town as well as any zoning or development regulations that have previously been adopted for the particular parcel described in the plan and that remain in effect at the time of application for approval of the plan. In the event the application for a site specific development plan requires review and approval in multiple stages, "application" means the original application submitted at the first stage in any process that may culminate in the ultimate approval of a site specific development plan.
 - 2. Notwithstanding subsection (d)(1) of this section, the Town may adopt a new or amended law or regulation when necessary for the immediate preservation of public health and safety and may enforce such law or regulation in relation to applications for site specific development plans pending at the time such law or regulation is adopted.
- D. Alternative creation of vested property rights. If any applicant desires an approval step, other than as defined in subsection (B)(1) of this section, to constitute an approval of a site specific development plan, the applicant must so request at least thirty (30) days prior to the date said approval by the Town Board or Planning Commission, as applicable, is to be considered. Failure to do so renders the approval by the Town Board or Planning Commission, to not constitute an approval of a "site specific

development plan” and no vested property right shall be deemed to have been created by such approval.

E. Conditions for approval of a site specific development plan.

1. The Town may approve a site specific development plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety and welfare, and failure to abide by such terms and conditions may, at the option of the Town Board, after public hearing, result in the forfeiture of vested property rights. This subsection shall be strictly construed. Terms and conditions imposed or agreed upon may include, without limitation:
 - a. Future approvals by the Town not inconsistent with the original approval;
 - b. Approvals by other agencies or other governments;
 - c. Satisfactory inspections;
 - d. Completion of all or certain phases of a project by certain dates;
 - e. Waivers of certain rights;
 - f. Completion and satisfactory review of studies and reports;
 - g. Payment of fees to the Town or other governmental or quasi-governmental agencies as they become due and payable;
 - h. Payment of costs and expenses incurred by the Town relating to the approval;
 - i. Continuing review and supervision of the plan and its implementation and development;
 - j. Obtaining and paying for building permits, water taps and wastewater taps;
 - k. Compliance with other codes and laws, including building codes, of general applicability;
 - l. Construction of improvements or facilities for the use of future inhabitants or the public at large;
 - m. Payment of any applicable impact fees; and
 - n. Dedication of public or park land, common area or open space, with provision for its maintenance; or payment of a fee in lieu thereof.

F. Duration and termination of vested property rights.

1. A property right which has been vested pursuant to this section and Article 68 of Title 24, C.R.S., shall remain vested for a period of three (3) years. This vesting period shall not be extended by any amendments to a site specific development plan unless expressly authorized by the Town.

2. Notwithstanding the provisions of subsection (g)(1) of this section, the Town is authorized to enter into development agreements with landowners providing that property rights shall be vested for a period exceeding three (3) years where warranted in the light of all relevant circumstances including, but not limited to, the size and phasing of the development, economic cycles, and market conditions.
 3. Following approval or conditional approval of a site specific development plan, nothing contained in this section or Article 68 of Title 24, C.R.S., shall exempt such a plan from subsequent reviews and approvals by the Town to insure compliance with the terms and conditions of the original approval, if such further reviews and approvals are not inconsistent with said original approval.
- G. Waiver of vested property rights. An applicant may waive a vested property right by separate agreement, which shall be recorded in the office of the Garfield County Clerk and Recorder. Unless otherwise agreed to by the Town, any landowner requesting annexation to the Town shall waive in writing any preexisting vested property rights as a condition of such annexation.
- H. Payment of costs. In addition to any and all other fees and charges imposed by this title, the applicant for approval of a site specific development plan shall pay all costs incurred by the Town as a result of the site specific development plan review, including publication of notices, public hearing and review costs, when such costs are incurred apart and in addition to costs otherwise incurred by the Town or applicant for a public hearing relative to the subject property.

15.01.275 Fees.

- A. Each application shall be submitted with the fees described at Appendix 3 (Fees) for that application. The Board of Trustees may amend the fees in Appendix 3 from time to time. The fees shall be considered the minimum for each type of application. To the extent the application fees do not provide sufficient funds to pay for outside professional services for the review of the application, the applicant will be charged the actual review costs. All fees shall be due and payable upon submission of the application, and any additional fees will be due and payable at such time as a statement is presented to the applicant.
- B. Recording and filing fees imposed by the Garfield County Clerk and Recorder, and others, as a result of the application shall be due and payable at such time as a statement is presented to the applicant.

15.01.280 Violation and enforcement.

- A. It shall be unlawful for any person to erect, construct, reconstruct, use or alter any building or structure or to use any land in violation of this title. Any person who violates any provisions of this title shall be deemed guilty of a Class B municipal offense as provided in PMC 11.01.030. Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of the provisions of this title are committed, continued or permitted. Nothing contained in this title shall be construed to prevent the Town from pursuing any other remedies it may have.
- B. In case any building or structure is proposed to be erected, constructed, reconstructed, altered, or used or any land is proposed to be used in violation of this title, the Town, in addition to other remedies provided by law, may institute an appropriate action to prevent, enjoin, abate, or remove the violation to prevent the occupancy of the building, structure, or land, or to prevent any illegal act or use.

- C. Whenever necessary to make an inspection to enforce any provision contained within this title or any condition or requirement of a permit or other land use approval issued pursuant to this title, or whenever there is reasonable cause to believe that a violation of this title or any permit or any other land use approval issued pursuant to this title exists in any building or upon any real property within the jurisdiction of the Town, the Town Manager, or his designee, or the Town's Code Enforcement Officer, as designated and provided for in PMC 3.30, or a police officer may, upon presentation of proper credentials, enter such building or real property at all reasonable times to inspect the same or to perform any duty imposed upon him by the Parachute Municipal Code; provided, that if such building or real property is unoccupied, the authorized official shall first make a reasonable effort to locate the owner or other persons who have charge or control of the building or of the real property and request entry. If the entry is refused, or the owner cannot be located, the Town Manager, his authorized designee, or the Code Enforcement Officer, or any peace officer, is expressly authorized to obtain a search warrant from the Parachute Municipal Code pursuant to Rule 241(b)(2) of the Colorado Municipal Court Rules of Procedure in order to conduct and complete the inspection.

Article 3. Board of Adjustment

15.01.310 Membership

The Planning Commission shall sit as the Board of Adjustment.

15.01.320 Powers and duties.

Upon appeal, the Board of Adjustment shall have the following powers:

- A. To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or refusal made by an administrative official or agency based on or made in the enforcement of this title;
- B. To hear and decide appeals wherein there is a question regarding the interpretation of the official zoning map or a question regarding the interpretation of the zoning provisions of this title; and
- C. To hear and decide appeals for variances to the strict application of the zone district regulations of this title.

15.01.330 Appeal procedures and variance applications.

- A. Appeals may be taken by any person aggrieved by inability to obtain a building permit, or by the decision of any administrative officer or agency based upon or made in the course of the administration or enforcement of the provisions of this title. Appeals may also be taken by an officer, department, board or bureau of the Town affected by the grant or refusal of a building permit or by other decision of an administrative officer or agency based on or made in the course of the administration of this title.
- B. Appeals of administrative decisions. Appeals must be made in writing and filed with the Town Manager within fourteen (14) days following the action or decision from which the appeal is taken. In the event the fourteenth day falls on a Saturday, Sunday or holiday, the next regular business day of the Town shall be deemed the fourteenth day. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed, that by reason of facts stated in the certificate, a stay, in the opinion of the officer, would cause imminent peril to life and property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or a court of record on application, on notice to the officer from whom the appeal is taken and due cause shown.
- C. Review. Once the Town Manager has made a determination that a variance or administrative appeal application is complete pursuant to PMC 15.01.240, it will be scheduled for the next available meeting of the Board of Adjustment. The application shall include all of those items identified in Appendix 1 (Submittal Requirements).

15.01.340 Review criteria.

- A. Appeals of administrative decision. The Board of Adjustment's scope of review regarding an appeal of an administrative decision shall be limited to determining whether the decision by the administrative officer was in accordance with the intent and requirements of this title. Accordingly, the Board of Adjustment will affirm or reverse the decision of the administrative officer.

- B. Application for a variance. A variance is not a property right. The Board of Adjustment may grant a variance to an applicant only if the applicant establishes that the applicant will suffer undue hardship from strict application of these regulations because of the characteristics of the site. The applicant must also demonstrate that the granting of the variance will not conflict with the intent of these regulations.
- C. Variance review criteria. Where by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of enactment of this title, or by reason of exceptional topographic condition or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any zone district or special development regulation enacted under this title would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owners of such property, the Board of Adjustment may authorize a variance from strict application of these regulations so as to relieve such difficulties or hardship. In considering a variance application, the Board of Adjustment shall consider the degree to which:
 - 1. Such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the comprehensive plan or this title;
 - 2. There are exceptional conditions creating an undue hardship, applicable only to the property involved or the intended use thereof, which do not apply generally to the other land areas or uses within the same zone district, and such exceptional conditions or undue hardship was not created by the action or inaction of the applicant or appellant or owner of the property;
 - 3. The granting of the variance will not be detrimental to the public health, safety or welfare;
 - 4. The applicant and the owner of the property can reasonably use the property without a variance;
 - 5. The variance will not be injurious to, or reduce the value of, the adjacent properties or improvements; and
 - 6. The variance will be the minimum necessary to alleviate such practical difficulties or undue hardship upon the owner of the property.

15.01.350 Board of Adjustment decision.

- A. The Board of Adjustment shall complete its review and make its decision at the conclusion of the public hearing. Failure of a motion to approve an appeal or a variance shall conclusively be considered a denial of the same. The majority vote of a quorum of the members of the Board of Adjustment shall be required for a decision of the Board of Adjustment for all matters.
- B. In granting a variance, the Board of Adjustment may impose conditions deemed necessary to protect affected property owners and to preserve the intent of this title. Such conditions may include, but are not limited to:
 - 1. Limitation on duration of the variance (expiration).
 - 2. Making the variance personal to the applicant rather than running with the land.
 - 3. Granting a lesser variance than requested.

Article 4. Definitions

15.01.410 Rules of construction.

For the purposes of this title, any words and phrases set forth in this section shall have the meanings respectively ascribed to them herein. In addition, whenever appropriate with the context:

- A. Words used in the present tense include the future tense.
- B. Words used in the singular number include the plural and words used in the plural number include the singular.
- C. The word “shall” is always mandatory and never discretionary.
- D. The word “may” is optional and discretionary.
- E. The word “lot” includes the word “plot”, “tract”, or “parcel.”
- F. The word “building” shall include the word “structure”. A building or structure includes any part thereof.
- G. The word “used” shall include arranged, designed, constructed, altered, converted, rented, leased or intended to be used.
- H. The word “person” includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.

15.01.420 Word and terms.

The words and phrases used in this title, unless otherwise defined within a specific Chapter, shall have the meanings defined below:

“Alley” means a public right-of-way providing only secondary access to the rear or side of a property and not intended for general travel.

“Building” means any permanent structure built for the shelter or enclosure of persons, animals, chattels, or property of any kind.

“Building Inspector” means an official appointed by the Board or Town Manager to administer the building code; such official may be contracted from outside the Town government.

“Comprehensive plan” means the Comprehensive Plan as adopted by the Town, and which includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

“Condominium” means a building consisting of individual air-space units together with interests in common elements appurtenant to such units which are or can be separately owned or purchased.

“Day, working or business” shall mean and be counted as each day that the Town transacts Town business, which shall not include weekend days (Saturday and Sunday), national and State holidays as officially recognized and those other special days for closure of Town offices as declared by the Town Board of Trustees.

“Developer” means a person commencing a land development activity which generates traffic and which requires development approval.

“Development approval” means the approval of any final subdivision plat; agreement by the Town to permit the construction of a building spanning existing lots; a lot line adjustment; or any special use after the effective date of the ordinance codified in this chapter.

“Dwelling” means a building or portion thereof used for residential occupancy.

“Dwelling, multiple-family” means a building containing three (3) or more dwelling units.

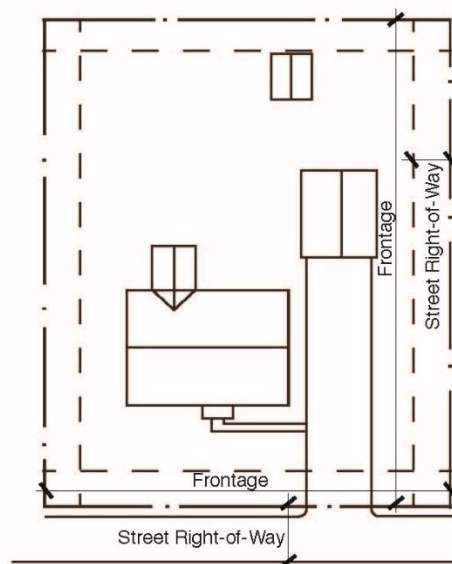
“Dwelling, single-family” means a building containing only one (1) dwelling unit.

“Dwelling, two (2) family” means a building containing two (2) dwelling units.

“Dwelling unit” means one (1) or more rooms in a dwelling occupied by one (1) family living independently of any other family.

“Floor area” means the area on each floor of a building included within the surrounding exterior walls.

“Frontage” means the length of the property line along a public street or right-of-way.



“Land development activity generating traffic” means any change in land use or any construction of buildings or structures, or any change in the use of a structure that attracts or produces vehicular trips.

“Landscaping” means the finishing and adornment of unpaved yard areas. Materials and treatment generally include naturally growing elements such as grass, trees, shrubs and flowers. This treatment may also include the use of logs, rocks, fountains, water features and contouring of the earth.

“Lot” means a plot or parcel of land or assemblage of contiguous parcels of land as established by survey, plat, or deed, which may be occupied by a building or group of buildings in accordance with this title.

“Occupancy” means the portions of a building or premises owned, leased, rented or otherwise occupied for a given use.

“Official Zoning Map” means the zoning map as adopted by the Town, graphically identifying the location of zoning districts.

“Owner” means a person recorded as such on official records. For the purposes of these regulations, the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the administrator, e.g., a sign leased from a sign company.

“Parapet” means the extension of a false front or wall above a roofline.

“Person” means an individual or group of individuals, association, partnership, corporation, firm, company or a private or public agency.

“Rezoning” means an amendment to the official zoning map consisting of a change in the classification of land from one (1) zone district to another.

“Site plan” means a detailed development plan for a property, which generally permits an evaluation of the intended use, and such design elements as circulation, parking and access; open space and landscaping; building location and configuration; grading and drainage; setbacks and screening; public improvements; and other elements, which determine if the proposal has been planned consistently with the intent of this title.

“Site specific development plan” means a plan that has been submitted to the Town by a landowner or such landowner’s representative describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property, which plan shall create a vested property right. The following shall be considered site specific development plans:

1. Special use pursuant to PMC 15.02.210.
2. Final subdivision plat pursuant to PMC 15.03.260, including major subdivisions, minor subdivisions, resubdivisions, and division of property into condominium or townhouse units.
3. The final approval step, irrespective of the name or designation of such approval, which occurs prior to building permit application. The following are specifically excluded from, and shall not constitute, a site specific development plan: variances issued by the Board of Adjustment, sketch plans, preliminary plans, business licenses, floodway or floodplain permits, franchises, temporary use permits, any comprehensive plan element, creation of improvement districts, zoning or rezoning, final architectural plans, or final construction drawings and related documents specifying materials and methods for construction of improvements.

“Street” means a public right-of-way either dedicated or established by usage, other than an alley, which provides primary access to adjacent property.

“Street, arterial” means those streets which serve to move medium to high traffic volume through and between major residential, commercial or industrial areas within the Town and as further defined in the public works manual.

“Street, collector” means those streets with low to medium traffic volume, whose purpose is to provide access to residential areas and to channel traffic from residential or commercial areas to arterial streets and as further defined in the public works manual.

“Street, local” means those streets with low volume, low speed traffic which is intended to provide access to adjacent residential or commercial lots and as further defined in the public works manual.

“Structure” means any manmade object which is affixed to the ground by use of footings, foundations, posts or pillars. This definition shall include, but not be limited to, signs, buildings and fences.

“Town” means the Town of Parachute, Colorado.

“Town Manager” means the Town Manager or designee.

“Use, by right” means a use allowed in a particular zone district when listed thereunder with no further conditions or approval required other than the general terms and stipulations of these regulations;

“Use, special” means uses allowed only by permit of the Town, which permit may be granted or denied. If granted, certain conditions and performance standards may be imposed and must be complied with by the permittee. Formerly known as a special review use.

“Vested property right” means the right to undertake and complete development and use of property under the terms and conditions of a site specific development plan.

15.01.430 Other definitions.

Other definitions are found in various Chapters of this title. Such other definitions further define relevant terms necessary for the enforcement of these regulations. The rules of construction prescribed in PMC 15.01.410 apply to all definitions in these regulations.

Article 5. Appendices

15.01.510 Appendices

The following appendices are hereby adopted as a part of this title:

- Appendix 1: Submittal Requirements
- Appendix 2: Plat Certificates
- Appendix 3: Fee Schedule
- Appendix 4: Development Improvements Agreement
- Appendix 5: Cost Reimbursement Agreement

The Appendices may be amended from time to time by the Board of Trustees. Such amendments shall be effective upon such adoption, and shall be physically incorporated into the PMC.

Chapter 15.02 ZONING

Sections:

<i>Article 1</i>	<i>Zoning Districts</i>
15.02.105	Official Zoning Map
15.02.110	Zone district boundaries
15.02.115	Establishment of zone districts
15.02.120	RA- Rural Agricultural Zone District
15.02.125	LDR- Low Density Residential Zone District
15.02.130	MDR- Mid Density Residential Zone District
15.02.135	HDR- High Density Residential Zone District
15.02.140	OTC- Old Town Center Zone District
15.02.145	NC- Neighborhood Commercial Zone District
15.02.150	HT- Highway Tourist Zone District
15.02.155	SC- Service Commercial Zone District
15.02.160	LI- Limited Industrial Zone District
15.02.165	GI- General Industrial Zone District
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15.02.175	Additional yard requirements
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 <i>Article 2</i>	 <i>District Uses</i>
15.02.205	Permitted uses
15.02.210	Special uses
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15.02.245	Rezoning
 <i>Article 3</i>	 <i>Overlay Zoning Districts and Existing PUD's</i>
15.02.310	Existing Planned Unit Developments (PUD's)
15.02.320	Creation and amendment of overlay zoning districts
15.02.330	Old Town Overlay District
15.02.340	Mixed Use Overlay District
 <i>Article 4</i>	 <i>Definitions</i>
15.02.410	Words and terms

Article 1

Zoning Districts

15.02.105 Official Zoning Map

The location and boundaries of the zone districts established by the ordinance codified herein are shown on the official zoning map of the Town of Parachute, Colorado, which is incorporated into this title. The zoning map, together with all data shown thereon and all amendments thereto is, by reference, made a part of this title.

- A. The zoning map shall be identified by the signature of the Mayor, attested by the Town Clerk, and bearing the seal of the Town of Parachute and the date of adoption.
- B. Changes in the boundary of any zone district shall be made only by ordinance. Such changes shall be recorded on the zoning map within thirty (30) days of the effective date of the amending ordinance with an entry on the zoning map giving the number of the amending ordinance and the date.

15.02.110 Zone district boundaries

Except where otherwise indicated, zone district boundaries shall follow municipal corporation limits, section lines, 1/4 section lines, 1/2 section lines, platted lot lines, and center lines of streets, alleys, roads, highways, channelized waterways, or extensions thereof.

- A. For non-subdivided property or where a zone district boundary divides a lot or parcel, the location of such boundary, unless indicated by dimension, shall be determined by the scale of the zoning map.
- B. Where a zone district boundary coincides with a right-of-way line and the right-of-way is abandoned, the zone district boundary shall then follow the centerline of the former right-of-way.
- C. Land which is not indicated as being in any zone district shall be considered to be included in the most restricted adjacent zone district even when such district is separated from the land in question by a public road, railroad, or utility right-of-way.
- D. The Town Manager shall have the authority to review, interpret, and determine any boundary disputes pursuant to this section.

15.02.115 Establishment of zone districts

To carry out the provisions of this title and the comprehensive plan, the Town is divided into zone districts. The purposes of dividing the Town into zone districts are: to recognize that certain areas of the Town are in various stages of development; to preserve the character of certain neighborhoods in the Town; and to establish appropriate land uses in existing and newly annexed areas of the Town. The Town is divided into the following zone districts:

- A. RA – Rural Agricultural District.
- B. LDR – Low Density Residential District.

- C. MDR – Medium Density Residential District.
- D. HDR – High Density Residential District.
- E. OTC – Old Town Center District.
- F. NC – Neighborhood Commercial District.
- G. HT – Highway Tourist District.
- H. SC – Service Commercial District.
- I. LI – Limited Industrial District.
- K. GI – General Industrial District.
- J. P – Public District.

15.02.120 RA- Rural Agricultural Zone District

- A. The Rural Agricultural Zone District is intended to provide areas that are most suitable for agricultural and agriculture-related purposes due to location, soil quality, existing land use and the availability of irrigation water. Other rural, non-agricultural uses such as large lot single-family residences that do not require water and/or sewer service may also be appropriate in the RA zone district.
- B. Land uses are permitted as shown in the Schedule of Uses in PMC 15.02.230.
- C. Lot and building requirements shall be as shown in Table 2.1.

**Table 2.1
Rural Agricultural District Standards**

Standard	RA – Rural Agricultural District
Minimum Lot Area	10 acres
Minimum Lot Width	75 feet
Maximum Lot Coverage	10 %
Minimum Front Setback	25 feet
Minimum Side Setback	20 feet
Minimum Rear Setback	20 feet
Minimum Setback from Streams and Rivers	25 feet from the normal high water line
Minimum Setback from Shared Driveway	20 feet from the edge of the driveway easement

Maximum Height	35 feet
Maximum Dwelling Units Per Acre	0.10

15.02.125 LDR- Low Density Residential Zone District

- A. The Low Density Residential Zone District is intended to provide for single family residential uses as a transition between rural agricultural areas and higher density residential development.
- B. Land uses are permitted as shown in the Schedule of Uses in PMC 15.02.230.
- C. Lot and building requirements shall be as shown in Table 2.2.

**Table 2.2
Low Density Residential District Standards**

Standard	LDR- Low Density Residential District
Minimum Lot Area	.25 acres/single family dwelling; 9000 sq. ft./attached dwelling unit
Minimum Lot Width	75 feet
Maximum Lot Coverage	50 %
Minimum Front Setback	20 feet
Minimum Side Setback	10 feet or ½ the height of the building, whichever is greater
Minimum Rear Setback	20 feet
Minimum Setback from Streams and Rivers	25 feet from the normal high water line
Minimum Setback from Shared Driveway	20 feet from the edge of the driveway easement
Maximum Height	35 feet
Maximum Dwelling Units Per Acre	4.0

15.02.130 MDR- Medium Density Residential Zone District

- A. The Medium Density Residential Zone District is intended to accommodate a wide variety of residential housing types, including traditional single-family homes, patio homes, paired homes, townhouses and lower density apartment units.
- B. Land uses are permitted as shown in the Schedule of Uses in PMC 15.02.230.

C. Lot and building requirements shall be as shown in Table 2.3.

Table 2.3
Medium Density Residential District Standards

Standard	MDR- Medium Density Residential District
Minimum Lot Area	5,000 sq. ft. per one-family dwelling, 5,500 sq. ft. for corner lots; 7,500 sq. ft. per two-family dwelling unit; A minimum total lot area of 7,500 sq. ft. for the first two townhouses and 1,800 square feet for each additional dwelling unit; 10,000 square feet for multiple-family dwellings and nonresidential uses
Minimum Lot Width	50 feet for single-family detached dwelling and two-family dwellings; 25 feet per dwelling unit for townhouse units, provided there are more than two attached townhouses in the building; 75 feet for all other multiple-family dwellings
Maximum Lot Coverage	50 %
Minimum Front Setback	20 feet
Minimum Side Setback	8 feet or ½ the height of the building, whichever is greater
Minimum Rear Setback	10 feet
Minimum Setback from Streams and Rivers	25 feet from the normal high water line
Minimum Setback from Shared Driveway	20 feet from the edge of the driveway easement
Maximum Height (Principal Structure)	35 feet
Maximum Dwelling Units Per Acre	6.0

15.02.135 HDR- High Density Residential Zone District

- A. The High Density Residential Zone District is intended to accommodate all housing types, including higher density townhouses and apartment units.
- B. Land uses are permitted as shown in the Schedule of Uses in PMC 15.02.230.
- C. Lot and building requirements shall be as shown in Table 2.4.

Table 2.4
High Density Residential District Standards

Standard	HDR- High Density Residential District
Minimum Lot Area	5,000 sq. ft. per one-family dwelling, 5,500 sq. ft. for corner lots; 7,500 sq. ft. per two-family dwelling unit; A minimum total lot area of 7,500 sq. ft. for the first two townhouses and 1,800 square feet for each additional dwelling unit; 10,000 square feet for multiple-family dwellings and nonresidential uses
Minimum Lot Width	50 feet for single-family detached dwelling and two-family dwellings; 20 feet per dwelling unit for townhouse units, provided there are more than 3 attached townhouses in the building; 75 feet for multiple-family dwellings
Maximum Lot Coverage	65 %
Minimum Front Setback	20 feet
Minimum Side Setback	8 feet or ½ the height of the building, whichever is greater
Minimum Rear Setback	10 feet
Minimum Setback from Streams and Rivers	25 feet from the normal high water line
Minimum Setback from Shared Driveway	20 feet from the edge of the driveway easement
Maximum Height	50 feet
Maximum Dwelling Units Per Acre	25.0

15.02.140 OTC- Old Town Center Zone District

- A. The Old Town Center Zone District is intended to provide community and tourist commercial uses in the First Street area. The OTC District offers opportunities for attractive street and pedestrian areas designed to attract visitors from the highway-oriented tourist area. The OTC District also provides a unique office setting for smaller establishments.
- B. Land uses are permitted as shown in the Schedule of Uses in PMC 15.02.230.
- C. Lot and building requirements shall be as shown in Table 2.5.

Table 2.5
Old Town Center District Standards

Standard	OTC- Old Town Center District
Minimum Lot Area	5,000 sq. ft.
Maximum Lot Coverage	90 %
Minimum Front Setback	Zero feet measured from the right-of-way or the back of the sidewalk, whichever is greater
Minimum Side Setback	0 feet
Minimum Rear Setback	5 feet
Minimum Setback from Streams and Rivers	25 feet from the normal high water line
Maximum Height	35 feet

15.02.145 NC- Neighborhood Commercial Zone District

- A. The Neighborhood Commercial Zone District is intended to provide distinct residential neighborhoods with convenience retail and personal service establishments.
- B. Land uses are permitted as shown in the Schedule of Uses in PMC 15.02.230.
- C. Lot and building requirements shall be as shown in Table 2.6.

Table 2.6
Neighborhood Commercial District Standards

Standard	NC- Neighborhood Commercial District
Minimum Lot Area	6,000 sq. ft.
Maximum Lot Coverage	75 %
Minimum Front Setback	20 feet
Minimum Side Setback	10 feet
Minimum Rear Setback	10 feet
Minimum Setback from Streams and Rivers	25 feet from the normal high water line
Maximum Height	25 feet

15.02.150 HT- Highway Tourist Zone District

- A. The Highway Tourist Zone District is intended to provide areas for highway and nonresident oriented uses in accessible locations near the highway entrances to the Town.
- B. Land uses are permitted as shown in the Schedule of Uses in PMC 15.02.230.
- C. Lot and building requirements shall be as shown in Table 2.7.

Table 2.7
Highway Tourist District Standards

Standard	HT- Highway Tourist District
Minimum Lot Area	10,000 sq. ft.
Maximum Lot Coverage	75 %
Minimum Front Setback	20 feet
Minimum Side Setback	10 feet
Minimum Rear Setback	10 feet
Minimum Setback from Streams and Rivers	25 feet from the normal high water line
Maximum Height	40 feet

15.02.155 SC- Service Commercial Zone District

- A. The Service Commercial Zone District is intended to provide areas for wholesale and service commercial uses located near major highway intersections.
- B. Land uses are permitted as shown in the Schedule of Uses in PMC 15.02.230.
- C. Lot and building requirements shall be as shown in Table 2.8.

Table 2.8
Service Commercial District Standards

Standard	SC- Service Commercial District
Minimum Lot Area	6,000 sq. ft.
Maximum Lot Coverage	75 %
Minimum Front Setback	20 feet
Minimum Side Setback	10 feet

Minimum Rear Setback	10 feet
Minimum Setback from Streams and Rivers	25 feet from the normal high water line
Maximum Height	50 feet

15.02.160 LI- Limited Industrial Zone District

- A. The LI Limited Industrial Zone District is intended to provide sites for moderate to low-intensity industrial uses, commercial services and light manufacturing. The regulation of uses and standards of development set forth in the LI District are those deemed necessary to provide the proper environment for the efficient and desirable use of this type of industrial land, and to provide the proper safeguards to protect nearby residential, commercial, and public uses.
- B. Land uses are permitted as shown in the Schedule of Uses in PMC 15.02.230.
- C. Lot and building requirements shall be as shown in Table 2.9.

**Table 2.9
Limited Industrial District Standards**

Standard	LI- Limited Industrial District
Minimum Lot Area	6,000 sq. ft.
Minimum Lot Width	60 feet; 160 feet when adjacent to a residential zoning district, school, or park
Minimum Lot Depth	100 feet; 200 feet when adjacent to a residential zoning district, school, or park
Maximum Lot Coverage	80 %
Minimum Front Setback	25 feet
Minimum Side Setback	10 feet; 100 feet when adjacent to a residential zoning district
Minimum Rear Setback	10 feet; 100 feet when adjacent to a residential zoning district
Minimum Setback from Streams and Rivers	25 feet from the normal high water line
Minimum Setback from Residential District	50 feet
Maximum Height	40 feet

15.02.165 GI- General Industrial Zone District

- A. The GI General Industrial Zone District is intended to provide sites for the full range of manufacturing, industrial processing, resource and energy production/service and distribution. The purpose of the GI District is to preserve the lands of the Town appropriate for heavy industrial uses, to protect these lands from intrusion by dwellings and inharmonious commercial uses, to promote uniform and orderly industrial development, to protect property values, to foster an efficient and aesthetically pleasing industrial zone, to attract and encourage the location of desirable industrial plants, to provide an industrial environment which will be conducive to good employee relations and pride on the part of all citizens of the community, and to provide proper safeguards and appropriate transition for surrounding land uses.
- B. Land uses are permitted as shown in the Schedule of Uses in PMC 15.02.230.
- C. Lot and building requirements shall be as shown in Table 2.10.

**Table 2.10
General Industrial District Standards**

Standard	GI- General Industrial District
Minimum Lot Area	10,000 sq. ft.
Minimum Lot Width	60 feet; 160 feet when adjacent to a residential zoning district, school, or park
Minimum Lot Depth	100 feet; 200 feet when adjacent to a residential zoning district, school, or park
Maximum Lot Coverage	80 %
Minimum Front Setback	25 feet
Minimum Side Setback	10 feet; 100 feet when adjacent to a residential zoning district
Minimum Rear Setback	10 feet; 100 feet when adjacent to a residential zoning district
Minimum Setback from Streams and Rivers	25 feet from the normal high water line
Minimum Setback from Residential District	50 feet
Maximum Height	40 feet

15.02.170 P- Public Zone District

- A. The Public Zone District is intended to accommodate public facilities and parks and to recognize lands owned by federal, State or local government agencies.

- B. Land uses are permitted as shown in the Schedule of Uses in PMC 15.02.230.
- C. Lot and building requirements shall be as shown in Table 2.11.

Table 2.11
Public Zone District Standards

Standard	P- Public Zone District
Maximum Lot Coverage	75 %
Minimum Front Setback	20 feet
Minimum Side Setback	20 feet
Minimum Rear Setback	20 feet
Minimum Setback from Streams and Rivers	25 feet from the normal high water line
Maximum Height	35 feet

15.02.175 Additional yard requirements

- A. On double frontage lots or lots extending from one street to another paralleling street, both streets shall be considered front streets for purposes of calculating front yard setbacks.
- B. On lots bordered on two (2) or more sides by streets, the required front yard setback shall be observed along all streets.
- C. Where an industrial zone district fronts, sides, or rears on any arterial street, or a local street which is a boundary with a residential zone, the twenty feet (20') nearest the street shall be landscaped and maintained. The remainder may be used for parking.
- D. Where a lot in a business, commercial or industrial zone district shares a common side lot line with a lot in a residential district, the required side yard setback of the residential district shall be observed along the common lot line in the commercial or industrial district.
- E. Where the side yard of a lot in a business, commercial or industrial district is an extension of the front yard of a lot in an adjacent residential district, a side yard setback equal to one-half (1/2) the required front yard setback of the residential district shall be observed by the lot in the commercial district.
- F. For purposes of setback calculations, a two-family dwelling shall be constructed as one (1) building occupying one (1) lot.
- G. On a vacant lot bordered on two (2) sides by previously constructed buildings which do not meet the required front yard setback for the district, the required front yard setback for the vacant lot shall be established as the averaged front yard setback of the two (2) adjacent buildings. Where a vacant lot is bordered on only one (1) side by a previously constructed building which does not meet the required front yard setback for the district, the required front yard setback for the vacant lot shall be established as the averaged front yard setback of the adjacent building and the minimum front yard setback for the district.

H. Every part of a required yard shall be unobstructed by a building from ground level to the sky except for projections of architectural features as follows:

1. Cornices, sills and ornamental features may project twelve inches (12") into a yard;
2. Roof eaves may project eighteen inches (18") into a yard;
3. Uncovered porches, slabs and patios, walks, steps, fences, hedges, and walls are not restricted when less than forty-two inches (42") above ground level;
4. Fire escapes and individual balconies not used as passageways may project eighteen inches (18") into any required side yard, or four feet (4') into any required front or rear yard;
5. Solar collection devices and equipment may project eighteen inches (18") into a yard.

15.02.180 Additional height requirements

- A. All heights shall be measured vertically from undisturbed grade.
- B. Height limitations of this regulation shall not apply to stacks, vents, antennas, cooling towers, elevator bulkheads, solar panels, tanks, stairways, skylights, steeples, smoke stacks, flagpoles, chimneys, wireless and television masts, ventilating fans or similar mechanical appurtenances which extend no more than ten feet (10') above the permitted height.
- C. No limitation shall apply to monuments, cupolas, domes, towers, spires and similar non-inhabitable structural appurtenances for public or semipublic buildings.

Article 2

District Uses

15.02.205 Permitted Uses

Those uses designated as permitted in the zone district provisions are allowed as a matter of right and without special authorization.

15.02.210 Special Uses

- A. Uses designated as special uses are contingent uses which may or may not be appropriate in a particular location depending on the nature of the proposed use, its relationship to surrounding land uses and its impact on traffic capacities, potential environmental effects, compatibility with the neighborhood, and conformance with the comprehensive plan. It is the intent of these regulations to provide a review of special uses so that the community is assured that any proposed special uses are suitable for the proposed location and are compatible with the surrounding land uses.
- B. An application for a special use shall be subject to the review procedures noted in PMC 15.01.220 and all other requirements of this title.
- C. In considering an application for a special use, the Planning Commission and Board of Trustees shall consider:
 - 1. The compatibility of the use with adjacent uses and adjacent zone districts, as applicable, including the use's potential traffic generation, noise, lighting, parking requirements, and general deleterious effects on such adjacent uses and properties;
 - 2. Conformance with the comprehensive plan; and
 - 3. The applicant's history of zoning compliance within the Town.
- D. The Board of Trustees may impose conditions on a special use approval designed to lessen the adverse impacts, if any, of the special use, to protect the health, safety and welfare of Town residents, and to ensure compliance with all other applicable provisions of this title.
- E. A special use approval may be revoked by the Board of Trustees for failure to comply with any the terms and conditions attached to such approval. Prior to revocation, the applicant shall be notified, in writing, of the Board's consideration of the revocation at least ten (10) days prior to such consideration. Such notice may be personally served, mailed to the applicant's last known address by First Class U.S. Mail, or conspicuously posted on the property upon which the use is located. If notice is posted, such notice shall remain conspicuously posted on the property for at least five (5) of the ten (10) days preceding the Board's consideration. When the Board of Trustees considers the revocation, the applicant may appear, present evidence on his own behalf and cross-examine any witnesses who testify in favor of revocation. If the special use approval is revoked, the Board of Trustees shall issue written notice of revocation within ten (10) days of the completion of its consideration thereof. Such notice may be served personally upon the applicant or mailed to his last known address by First Class U.S. Mail.

F. At the time of approval, the Board of Trustees may, in its discretion, specify that the length of the special use approval is one of the terms provided below. In the absence of any specific findings or orders of Board of Trustees concerning the length of an approved special use, the special use approval shall be deemed to be non-transferable and personal to the applicant. A special use approval may:

1. Be personal to the original applicant,
2. Run with the original location for which the permit is approved, or
3. Be otherwise transferable, upon such terms and conditions specified by the Board of Trustees.

15.02.215 Principal Uses

The primary use of a lot is referred to as a principal use which may be a land use or a structure. Only one (1) principal use per lot is allowed except where a mix of residential and nonresidential uses may be permitted in a specified zone district.

15.02.220 Accessory Uses and Structures

A. Accessory uses must be located on the same lot as the principal use. Accessory uses shall comply with all requirements for the principal use, except where specifically modified by this section, and shall also comply with the following limitations:

1. An accessory use shall be operated and maintained under the same ownership as the permitted use.
2. An accessory use shall include only those structures or structural features consistent with the permitted use, subject to additional provisions for individual accessory uses specified within this title.
3. Home occupations may be permitted as an accessory use where allowed by zoning district, subject to the provisions of PMC 15.07.315.
4. The renting of rooms may be permitted in all residential districts as an accessory use provided the total number of unrelated persons, including roomers, in any one dwelling unit shall not exceed four (4) persons.
5. A greenhouse may be maintained in a residential district as an accessory use only if there are no sales from the premises.
6. A swimming pool may be permitted in any zoning district as an accessory use. No swimming pool shall be located in any required front or side yard abutting a street, and no closer than ten (10) feet from any dwelling or property line. The surface area of the pool structure, excluding decking, may not exceed ten percent (10%) of the area of the rear yard.

B. Accessory structures shall comply with the following limitations:

1. No part of any accessory structure shall be located closer than ten (10) feet to any principal structure. If a garage is located closer than ten (10) feet to the main building, the garage shall be regarded as a part of the main building for the purposes of determining side and rear yards.
2. Accessory structures shall not be located in the front yard of a principal structure.
3. Accessory structures may be built in a required rear yard but such accessory building shall not occupy more than thirty percent (30%) of the area of a required rear yard and shall not be nearer than two (2) feet to any side or rear lot line; except that when a garage is entered from an alley at right angles, it shall not be located closer than ten (10) feet to the alley line. Accessory structures on corner lots shall be setback from each street a distance not less than that required for the principal structure.
4. No accessory structure shall be built upon a lot until the construction of the main building has been actually commenced.
5. Accessory structures used for dwelling purposes are subject to the Accessory Dwelling Unit (ADU) standards in PMC 15.07.310.
6. Cargo containers may be used as an accessory structure for storage purposes only. Semi-truck trailers are not considered cargo containers for purposes of this section.
7. Minor and commonplace accessory structures such as public utility installations, mail boxes, lamp posts, bird baths and structures of a like nature are permitted in any required front, side or rear yard without the issuance of any permit.

15.02.225 Temporary Uses

Temporary uses are permitted in the following zone districts, with the associated restrictions:

<i>Temporary Use</i>	<i>Zone Districts Permitted</i>	<i>Period</i>
Circuses, carnivals, concerts, festivals, other special events, and associated uses, e.g., camping	OTC – Old Town Center District HT – Highway Tourist District SC – Service Commercial District P – Public District	Not to exceed three (3) days, and provided that any permits required by law are obtained
Contractor's office/temporary construction uses, with or without outdoor storage	All	Time to be specified; must be concurrent with Building Permit; must be terminated within thirty (30) days of issuance of project Certificate of Occupancy for all types of construction.
Temporary real estate sales office	RA – Rural Agricultural District LDR – Low Density Residential District MDR – Medium Density Residential District HDR – High Density Residential District	Not to exceed twelve months

<i>Temporary Use</i>	<i>Zone Districts Permitted</i>	<i>Period</i>
Flea markets, farmers and artisans markets, and farm-life activities and entertainments	RA – Rural Agricultural District OTC – Old Town Center District NC – Neighborhood Commercial District HT – Highway Tourist District SC – Service Commercial District P – Public District	Not to exceed one (1) event per week during a single continuous six (6) month time period in any calendar year and provided that any permits required by law are obtained.

15.02.230 Schedule of Uses

Land Use	RA	LDR	MDR	HDR	OTC	NC	HT	SC	LI	GI	P
AGRICULTURAL USE											
Agricultural uses including crops, grazing, ranching	P										
Greenhouse and /or nursery without retail sales	P							P	S	S	
Greenhouse and/or nursery with retail sales	S							P	S	S	
Landscape business including equipment sales/rental, landscape & hardscape materials	S							S	P	P	
Poultry hatcheries, fish hatcheries, commercial ranching and dairy farms or animals raised or kept for profit or production	P								S	S	
Riding academies and stables	P	S						S	S	S	S
Rodeo grounds	S										S
Soil amendmets packaging and processing such as peat moss, top soil and composted manure; but excluding raw manure or chemical fertilizers	S								P	P	
ANIMAL SERVICES											
Animal boarding (kennels) and training	P								S	S	P
Animal hospital, large; without outside kennels	S							S	P	S	
Animal hospital, small; without outside kennels	P							P	P	P	
Outside Kennels in association with animal hospital or veterinary use	S							S	S	S	
Veterinary offices or clinics; without outside kennels	P				S	S	S	P	P	P	
COMMERCIAL / RETAIL USES											
Medical Marijuana Optional Premises Cultivation Operation								S	S	S	
Medical Marijuana Infused Products Manufacturer					P	P	P	P	P	P	

Land Use	RA	LDR	MDR	HDR	OTC	NC	HT	SC	LI	GI	P
Medical Marijuana Testing Facility					P	P	P	P	P	P	
Outdoor retail display and sales					P	S	P	P	P	P	
Outfitter/guide business	S				S		S	S	P	S	
Pawnshops					P		P	P	P		
Personal service establishments, other<5000 square feet					P	P	P	P	P	S	
Personal service establishments, other 5000-25000 square feet					S	S	P	P	S	S	
Personal service establishments, other >25000 square feet							P	P	S	S	
Rental services					S		S	S	P	P	
Repair, furniture and major household appliance					S	S	P	P	P	P	
Repair, Small equipment, Appliances					P	S	P	P	P	P	
Retail business, other <5000 square feet					P	P	P	P	S	S	
Retail business, other 5000-25000 square feet					S	S	P	P	S	S	
Retail business, other >25000 square feet							P	P	S	S	
Retail firewood storage and sales								S	P	P	
Retail marijuana cultivation facility (see PMC 15.07.335)								S	S	S	
Retail marijuana product manufacturing facility (see PMC 15.07.335)					P	P	P	P	P	P	
Retail marijuana store					P	P	P	P	P	P	
Retail marijuana testing facility					P	P	P	P	P	P	
Sexually oriented business									S	S	
Wholesale retail sales in conjunction with wholesaling								S	P	P	
COMMUNITY SERVICES											
Assembly hall or exhibition facilities					S	S	P	P	S		P
Clubs and lodges, fraternal organizations					P	S	P	P	S		
Cultural facilities	S				P	S	P	P			P
Events center	S				S		P	P	P		P
INDUSTRIAL USES											
Auction house or yard							S	S	P	P	
Building materials and services							S	S	P	P	
Commercial trash business without trash storage or trash transfer operations									P	P	
Concrete products production									P	P	
Contractor shops							S	S	P	P	
Contractor yards									P	P	

Land Use	RA	LDR	MDR	HDR	OTC	NC	HT	SC	LI	GI	P
Dry cleaning - large scale non-retail								S	P	P	
Food and beverage processing								S	P	P	
Frozen food lockers							S	S	P	P	
General machine shops							S	S	P	P	
Light trade and technical uses					S	S	S	S	P	P	
Manufacturing, fabrication and assembly operations or industrial uses								S	P	P	
Meat processing plant									P	P	
Mixed industrial uses and multiple uses in the same building or on the same lot									S	S	
Natural Gas or Oil Extraction Support Facilities	S						S	S	P	P	S
Natural gas production and warehousing							S	S	P	P	S
Oil/petroleum product production, warehousing and storage							S	S	P	P	S
Open sales yards								S	P	P	
Paint and body shops								S	P	P	
Primary manufacturing, assembly, finishing or fabrication								S	P	P	
Publishing facility					S		P	P	P	P	
Refining or initial processing of basic raw materials									S	P	
Refuse collection and recycling facilities, including trash transfer stations and operations									S	P	
Salvage operations									S	S	
Sand and gravel, stone, and mineral extraction and processing (see PMC 15.07.345)									S	S	
Sand and gravel, stone, mineral - extraction and processing - excluding asphalt production (see PMC 15.07.345)	S								S	S	
Secondary manufacturing, assembly, finishing or fabrication								S	P	P	
Warehousing and distribution									P	P	
Wholesale establishments								S	P	P	
LABORATORY, RESEARCH AND DEVELOPMENT											
General research and development					S		S	P	P	P	
Laboratory: medical, dental, optical, scientific					P		P	P	P	S	

Land Use	RA	LDR	MDR	HDR	OTC	NC	HT	SC	LI	GI	P
MEDICAL FACILITIES											
Medical, dental or other health-related offices					P	S	P	P	S		
Hospital					S		P	P	P		P
MOTOR VEHICLE-RELATED SALES AND SERVICE OPERATIONS											
Ambulance service					S	S	P	P	P	P	S
Automobile rentals							P	P	P	P	
Automobile washing facility							P	P	P	P	
Equipment sales and service with associated outdoor storage							S	S	P	P	
Limited equipment rental					S	S	P	P	P	P	
Major vehicle/equipment repair							S	S	P	P	
Motor vehicle dealer/sales, new and/or used							P	P	P	P	
Recreational vehicle sales and service							S	P	P	P	
Service stations (see PMC 15.07.340)						S	P	P	P	P	
Truck stops							S	S	P	P	
Truck washes							S	S	P	P	
Vehicle repair							S	S	P	P	
Vehicle fueling facilities with minor repair							S	S	P	P	
Vehicle or automobile wrecking yard									S	P	
Vehicle storage									P	P	
Vehicle towing services and associated outdoor storage									P	P	
Vehicle/equipment sales and rentals					S		S	P	P	P	
OFFICE AND FINANCIAL SERVICES											
Administrative and executive; business and professional; and general offices					P	P	P	P	P	P	
Financial services no drive-in facilities					P	P	P	P	P		
Financial services with drive-in facilities						S	P	P	P		
Offices - business or professional					P	P	P	P	P	P	
OTHER USES											
Cemetery	S	S	S	S							S
Day care center, adult or child	S	S	S	S	S	S	S	P			
Day care home (see PMC 15.07.315)	P	P	P	P							
Funeral homes and mortuaries					P		P	P	P		
Government facilities with or without associated operations	S	S	S	S	P	P	P	P	P	P	P

Land Use	RA	LDR	MDR	HDR	OTC	NC	HT	SC	LI	GI	P
Public assembly - indoor	S				P	S	P	P	P		P
Zoos, arboretum, botanical gardens	S					S	P	P	P		S
RECREATION OR AMUSEMENT FACILITIES, PRIVATE OR PUBLIC											
Events / Indoor Recreation Center	S				S	S	S	S	S		
Golf course	S										S
Indoor recreation facilities	S				S		P	P	P	P	P
Outdoor recreation, not including ballparks	S				S		S	S	S	S	P
Outdoor recreation (ballparks, etc.)	S										P
Overnight campground (see PMC 15.07.330)	S						S	S	S		S
Parks	P	P	P	P	P	P	P	P			P
Public recreation facilities with supporting accessory uses such as sports shops, snack shops, restaurants and equipment rental	S				S	S	P	P	P	P	S
RELIGIOUS INSTITUTIONS											
Religious assembly and worship	P	P	P	P	P	P	P	P	P	P	P
RESIDENTIAL											
Accessory Dwelling Unit (ADU)	S	S	S	S							
Assisted living facility					S	S	S	P			
Bed and Breakfast accommodations	S	S	S	S	P	P	P	P			
Dwelling unit accessory to a permitted business use	S				S	P	P	P	P	S	
Employee housing provided employees are in the employ of property owner	S			S	S	P	P	P	P	P	S
Group homes for handicapped or disabled persons (see PMC 15.07.320)	P	P	P	P	S	S		S	S	S	
Group homes for persons 60 years of age and older		S	S	S		S	S	S			
Home occupations (see PMC 15.07.315)	P	P	P	P		P					
Hotels and motels							P	P			
Mobile home parks (see PMC 15.07.325)			S	S							
Mobile homes			S	S							
Multiple-family dwelling and townhouses			P	P	S	S	S	S			
Nursing home			S	S	S	S					
One-family dwelling (Single-family dwelling)	P	P	P	P	S	S		S	S	S	
Rooming, lodging or boarding houses			S	P	S	S	S	S			
Two-family dwelling		S	P	P	S	S		S			

Land Use	RA	LDR	MDR	HDR	OTC	NC	HT	SC	LI	GI	P
RESTAURANT FOOD SERVICE											
Bar, tavern, nightclub					P		P	P	S		
Brewery w/ tap room					P		P	P	P		
Eating and/or drinking establishments excluding fast food restaurants					P	S	P	P	P		
Fast food w/o drive thru					P	P	P	P	P		
Fast food with drive-thru					S	S	P	P	P		
Food truck					S		P	P			
Other food retail (delicatessen, retail bakery, specialty food market)					P	P	P	P	P	S	
SCHOOLS											
Educational facilities	S	S	S	S	S	S	S	S	S		P
Elementary and secondary education school	S	S	S	S	S	S	S	S			P
Instructional services, studies	S				P	P	P	P	P	P	
Postsecondary colleges, universities and technical schools	S	S	S	S	S	S	S	S	S	S	P
Private business, trade and vocational school	S	S	S	S	S	S	S	S	S	S	S
Schools - private	S	S	S	S	S	S	S	S	S	S	
Schools of special instruction	S	S	S	S	S	S	S	S	S	S	P
STORAGE											
Indoor storage	P					S	P	P	P	P	P
Outdoor storage - Unscreened	S					S	S	S	P	P	S
Outdoor storage - Screened	P					S	P	P	P	P	P
Personal storage units (Mini-storage)						S		S	P	P	
TRANSPORTATION FACILITIES											
Heliports/helistops	S							S	S	S	S
Passenger terminal					S		S	S	P	S	S
Private automobile parking lots or parking garages as a principal use					S		S	S	P	P	S
Public automobile park 'n' ride lots	S						S	S	P	S	P

Land Use	RA	LDR	MDR	HDR	OTC	NC	HT	SC	LI	GI	P
UTILITIES AND TELECOMMUNICATIONS FACILITIES											
Above Ground electric transmission lines 110 kV or more	S	S	S	S	S	S	S	S	S	S	S
Electric substations	S								S	S	S
Public utilities, major	S								P	P	P
Public utilities, minor	P	P	P	P	P	P	P	P	P	P	P
Public utility facilities - above ground	S	S	S	S	S	S	S	S	S	S	S
Public utility facilities - underground	P	P	P	P	P	P	P	P	P	P	P
Telecommunication facilities, including towers	S	S	S	S	S	S	S	S	S	S	S
Eligible telecommunication facilities request (see PMC 15.07.350)	P	P	P	P	P	P	P	P	P	P	P

15.02.235 Unlisted Uses

- A. Uses not listed in a zone district are prohibited except that such uses may be approved by the Town Manager provided such uses are found to be similar to a permitted use.
- B. Any person aggrieved by a decision of the Town Manager pursuant to this section may appeal that decision to the Planning Commission.

15.02.240 Nonconforming uses and structures

- A. Intent. Within the zone districts established in this title as amended, there exist lots, structures and uses of land and structures, which were lawfully established before this title was adopted or amended, but which would be prohibited, regulated or restricted under the terms of this title as amended. It is the intent of these regulations to permit such nonconformities to continue until they are destroyed or removed, but not to allow them to be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same zone district.
- B. Where at the time of the passage of these land use regulations, or amendments thereof, lawful uses of land exist which would not be permitted by the regulations imposed by this title, the use may be continued so long as it remains otherwise lawful, provided:
 1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this title;
 2. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption of this title;
 3. If any such nonconforming use of land ceases for any reason for a period of one (1) year, any subsequent use of such land shall conform to the regulations specified by this title for the zone district in which such land is located; and
 4. No additional structure not conforming to the requirements of this title shall be erected in connection with such nonconforming use of land.

- C. A nonconforming use shall not be changed to a use of a lower or less restrictive classification, but such nonconforming use may be changed to another use of the same or higher classification as further specified in subsection (G) of this section.
- D. Nonconforming Structures. Where a lawful structure at the effective date of the adoption or amendment of these regulations that could not be built under the terms of this title by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
1. No such nonconforming structure may be enlarged or altered in any way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
 2. Should such nonconforming structures or nonconforming portion of a structure be destroyed or partially destroyed in excess of fifty percent (50%) of its replacement value by any means and shall not have been repaired or replaced within one (1) year from the date of loss, it shall not be reconstructed except in conformance with the provisions of this title.
 3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the zone district in which it is located after being moved.
- E. Repairs and Maintenance.
1. On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing to an extent not exceeding ten percent (10%) of the current replacement cost of the nonconforming structure as the case may be; provided, that the cubic content existing when it became nonconforming shall not be increased.
 2. If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the zone district in which it is located.
- F. Nonconforming Lots of Record. Where, at the effective date of the adoption of these regulations or amendments hereto, a lot of record located in a RA, LDR, MDR, or HDR zone district was in separate ownership and cannot meet the minimum requirements for area or width, a single-family dwelling and customary accessory buildings may be erected on any single lot of record provided such lot is in separate ownership and not of continuous frontage with other lots in the same ownership.
- G. Priority of Use Classification. Whenever in this article reference is made to a higher (or more restrictive) classification and lower (or less restrictive) classification of uses in providing that a nonconforming use may be converted to a higher but not lower classification, uses shall be considered higher or lower according to the following sequence (highest to lowest); agricultural, residential, public, office, accommodations, commercial, light industrial and heavy industrial.

15.02.245 Rezoning.

- A. The Town may, from time to time, amend the boundaries of any zone district by following the procedures in the section.
- B. The Board of Trustees may not determine that the zoning map should be amended (rezoning of property) unless the rezoning is consistent with the goals and policies of the comprehensive plan and promotes the general welfare of the community. If a proposed rezoning is inconsistent with the comprehensive plan, the request may only be approved if the applicant demonstrates that the requested rezone is justified because of changed or changing conditions in the particular area, in the Town in general or that the rezoning is necessary to correct a manifest error in the existing zone classification.
 - 1. Rezoning of individual property may be initiated by the Town, by citizen petition or by application filed by the landowner.
 - 2. Requests for rezoning initiated by the Board of Trustees, Planning Commission or Town staff will be prepared as a draft ordinance by the Town Attorney and Town staff and shall be reviewed and considered by the Planning Commission and presented to the Board of Trustees at a public hearing. In this instance, the Town shall be considered to be the applicant.
 - 3. To initiate a rezoning of private property, the petitioner must be the owner of the affected property or a citizen of the Town who has submitted the application with a petition signed by owners of a majority of the land affected by the request. In this instance, the person submitting the application shall be considered to be the applicant.
- C. The Planning Commission and Board of Trustees may consider the following evaluation criteria for the analysis of rezoning applications:
 - 1. The compatibility of the rezoning proposal with the surrounding zone districts and land uses in the vicinity of the site of the rezoning including the characteristics of the existing neighborhood, the applicable area and bulk requirements, and the suitability of the site for development in terms of on-site characteristics;
 - 2. The impacts of the rezoning upon expected traffic generation and road safety, availability of on-site and off-site parking and the availability of adequate utility services and street access to the site;
 - 3. The impacts of the land uses of the proposed rezoning upon expected environmental quality including air and water quality; and
 - 4. The community need for the proposed rezoning and the relationship of the proposed rezoning to the goal of overall community balance.
 - 5. Compatibility with the comprehensive plan.
- D. The Board of Trustees may, upon the request of the Planning Commission, Town staff or on its own motion, initiate a procedure for rezoning a significant area of the Town, consisting of six or more individual ownership parcels. This rezoning is a legislative, not a quasi-judicial act, and may be accomplished by ordinance without notice to individual landowners. The procedure for legislative rezoning shall be as follows:

1. Requests for legislative rezoning initiated by the Board of Trustees, Planning Commission or Town staff will be prepared as a draft ordinance by the Town Attorney and Town staff and shall be reviewed and considered by the Planning Commission and presented to the Board of Trustees in a public hearing. In this instance, the Town shall be considered to be the applicant.
2. After conducting its review on the request, the Planning Commission shall transmit its recommendations to the Board of Trustees.
3. Notice of the public hearing before the Board of Trustees shall be given by publication of the request and descriptive material identifying the area proposed to be rezoned, the present zoning, and the proposed zoning. The notice shall be published in a newspaper of general circulation in the Town and by posting at the Town offices. Separate notice to individual property owners is not required, but may be given in the sole discretion of the Town. The Town's choosing not to give such individual notice shall not be a basis for challenge of the legislative rezoning.
4. The Board of Trustees shall consider the public testimony, the recommendations of the comprehensive plan, and the interests of the Town in general when considering a legislative rezoning.
5. The action of the Board of Trustees in approving a legislative rezoning shall be recorded on the official zoning map in the manner required by PMC 15.02.105.

Article 3

Overlay Zoning Districts and Existing PUD's

15.02.310 Existing Planned Unit Developments (PUD's).

As of February 1, 2017, the effective date of Ordinance 711, Series 2017, there exist within the Town certain previously-approved planned unit development districts (PUD's), some of which may also be characterized as "overlay districts." Such previously-approved PUD's may continue to apply to their subject real property in the manner therein described, including overlay requirements and limitations. To the extent the real property covered by such PUD's is later rezoned, the requirements of the previously-approved PUD's shall be superseded by the requirements and restrictions of the rezoning ordinance so approved, and of the zone district regulations pertaining to the zone district to which the property is rezoned. No new PUD's shall be approved.

15.02.320 Creation and amendment of overlay zoning districts.

The Board of Trustees may establish, amend, and abolish the boundaries of overlay zoning districts in the same manner as legislative rezoning under PMC 15.02.245(D).

15.02.330 Old Town Overlay District.

- A. Purpose. The Old Town Overlay District is established to provide a zoning classification to protect the existing character of, and promote reinvestment in, the Historic Downtown identified in the comprehensive plan. It is not intended to be used solely to vary setback and other development standards in the underlying zoning district. Instead, it is intended to provide flexibility in accommodating the historic development pattern while promoting compatible building design.
- B. Description. All that area situated northerly of the Interstate 70 Highway right-of-way; westerly of the centerline of Railroad Avenue north of Second Street; westerly of the centerline of Green Street south of Second Street; southerly of the centerline of Fourth Street extended between Railroad Avenue and the general centerline of Parachute Creek to the centerline of Railroad Avenue, as shown on the official zoning map.
- C. Development standards. Upon written request of a property owner, the Town Manger may approve an administrative variance from underlying zoning district development standards on nonconforming lots in the Old Town overlay district where development, redevelopment or renovation would otherwise not be feasible.
- D. Building design guidelines. All work within the Old Town Area regarding the exterior visible appearance of any building or structure including new buildings or structures, or the alteration or repair of existing buildings or structures, should be in accordance with PMC 15.04.320.

15.02.340 Mixed Use Overlay District.

- A. Purpose. The Mixed Use Overlay District is established to provide a zoning classification to allow the integration of residential and commercial uses and development that meets the intent of the Central Business District and other mixed use districts identified in the comprehensive plan. It is not intended to be used solely to permit a higher density than allowed in an underlying zoning district nor to circumvent other specific standards of these regulations. Instead, it is intended to provide flexibility in use, design, and orientation while maximizing space, community interest and protecting nearby and adjacent residential neighborhoods.
- B. Description. All that area situated southerly of the Interstate 70 Highway right-of-way; generally westerly of the Town boundary; generally northerly of the Town boundary; and generally easterly of South Russet Court extended, as shown on the official zoning map.
- C. Permitted uses. Permitted uses shall be a mixture of residential and commercial uses governed by approval of a required site plan.
- D. Area. No minimum.
- E. Height. Maximum fifty (50) feet.
- F. Density. Maximum of twenty-one (21) units per acre.
- G. Landscaping. In accordance with PMC 15.04.170, or otherwise as established by the site plan.
- H. Parking. In accordance with PMC 15.04, Article 2, or otherwise as established by the site plan. Allowances may be made for shared parking spaces if it can be demonstrated to the satisfaction of the person or approval body designated as having final approval authority that parking demand for different uses occurs at different time.
- I. Exterior lighting. In accordance with PMC 15.04.180, or otherwise as established by the site plan.
- J. Fencing and screening. In accordance with PMC 15.04.175, or otherwise as established by the site plan.
- K. Signage. In accordance with PMC 15.06, or otherwise as established by the site plan.
- L. Building design guidelines. All work within the Mixed Use Area regarding the exterior visible appearance of any building or structure including new buildings or structures, or the alteration or repair of existing buildings or structures, should be in accordance with PMC 15.04.330.

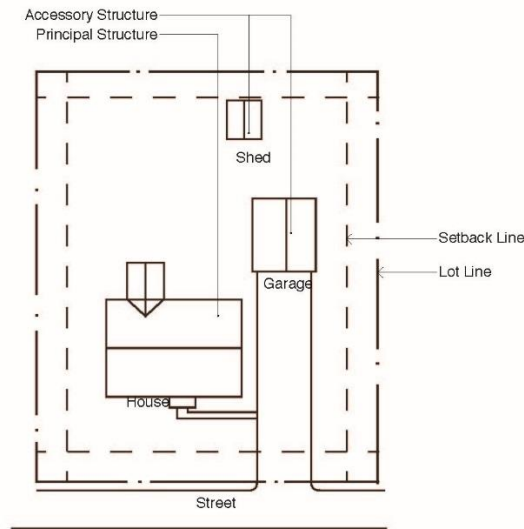
Article 4

Definitions

15.02.410 Word and terms.

The words and phrases used in this Chapter shall have the meanings defined below:

“Accessory structure” means a building or structure which is clearly incidental, customary or subordinate to the principal structure on the lot.



“Accessory use” means a use incidental, customary and subordinate to the principal use of the lot, structure or building and on the same lot.

“Animal hospital, large” means any facility which is maintained by or for the use of a licensed veterinarian in the diagnosis, treatment or prevention of animal diseases wherein the animals treated include cattle, horses, pigs, goats, sheep, swine and any other farm animals. Accessory uses may include the confinement of animals for medical reasons, grooming and destruction.

“Animal hospital, small” means any facility which is maintained by or for the use of a licensed veterinarian in the diagnosis, treatment or prevention of animal diseases wherein the animals are limited to dogs, cats or other comparable household pets. Accessory uses may include the confinement of animals for medical reasons, grooming and destruction.

“Assembly” (as in manufacturing) means the creation of a distinct product from the physical, as opposed to chemical, mating or joining of individual standard component parts.

“Assisted living facility” means a residential facility that provides meals and assistance with daily activities, such as dressing, grooming, and bathing, for the elderly or adults who are unable to manage these activities themselves.

“Automobile wrecking” means a building, structure, parcel of land or portion thereof, where two (2) or more motor vehicles not in running condition, or parts thereof, are stored in the open and are not being restored to operation, or any land, building or structure used for wrecking or storing of such motor vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating condition.

“Bar/tavern” means an eating/drinking establishment providing or dispensing by the drink for on-site consumption fermented malt beverages and/or malt, special malt, vinous or spirituous liquors, and in which the sale of food products, such as sandwiches and light snacks, is secondary (also known as a *tavern*). A bar/tavern may include provision of live entertainment and/or dancing; however, a bar/tavern shall not include any sexually-oriented business use.

“Bed and breakfast accommodation” means an owner-occupied single-family dwelling where up to a maximum of five (5) rooms may be rented for overnight lodging. The five (5) lodging rooms may be in addition to bedrooms used by a resident family.

“Building height” means the vertical distance above average existing grade measured to the highest point of the building. The height of a stepped or terraced building is the maximum height of any segment of the building. All building heights shall be measured as prescribed in the building code, as adopted by the Town of Parachute.

“Cemetery” means land used or intended to be used for the burial of the dead and dedicated for cemetery purposes. A cemetery may include a funeral home or mortuary or a columbarium, but shall not include a crematory.

“Commercial parking garage” means a structure used for the parking of motor vehicles and open to the general public for a fee.

“Commercial parking lot” means an off-street, ground level area, surfaced and improved, for the temporary storage of motor vehicles and open to the general public for a fee.

“Contractor's office” means a mobile trailer or any temporary structure used by a construction contractor for headquarter purposes during construction of a subdivision or structure.

“Day care center, adult” means a facility, whether nonprofit or for-profit, that provides care, protection and supervision for eight (8) or more adults on a regular basis away from their primary residence for less than twenty-four (24) hours per day.

“Day care center, child” means an institutional facility, by whatever name known, which is maintained for the whole or part of a day for the care of six (6) or more children under the age of eighteen (18) years who are not related to the owner, operator or manager, whether such facility is operated with or without compensation for such care and with or without stated educational purposes. The term includes, but is not limited to, facilities commonly known as day-care centers, day nurseries, nursery schools, preschools, play groups, day camps, summer camps, centers for developmentally disabled children and those facilities which give twenty-four-hour-per-day care for dependent and neglected children, but specifically excludes any home day care as defined below. Child day care centers are also those facilities for children under the age of six (6) years with stated educational purposes which are operated in conjunction with a public, private or parochial college or a private or parochial school, except that the term shall not apply to a

kindergarten maintained in connection with a public, private or parochial elementary school system of at least five (5) grades.

“Development, commercial” means any premises that is devoted to any commercial purpose or public, governmental or nonprofit purpose not included within the more specific definitions set forth herein.

“Development, industrial” means any premises devoted primarily to manufacturing, processing, assembly or storage of tangible personal property, warehouses, distribution and wholesale uses, utility service facilities, and other accessory buildings reasonably required for maintenance or security of the above uses.

“Drive-in facility” (also known as a *drive-up* or *drive-through* facility) means an establishment that, by design, physical facilities, service or packaging procedures, encourages or permits customers to receive services, obtain goods or be entertained while remaining in their motor vehicles.

“Fabrication” means the creation of a product from a change in the physical shape of matter; the final step in utilization of a natural resource, such as wood and metal working operations.

“Family” means an individual living alone, or either of the following groups living together as a single housekeeping unit and sharing common living, sleeping, cooking and eating facilities:

1. Any number of persons related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship unless such number is otherwise specifically limited in this title; or
2. Any unrelated group of persons consisting of:
 - a. Not more than four (4) persons; or
 - b. Not more than two (2) unrelated adults and their related children, if any.
3. A family shall not include more than one (1) person required to register as a sex offender pursuant to CRS 18-3-412.5, as amended, unless related by blood, marriage or adoption.

“Farmers and artisans market” means a temporary retail sales operation where farmers, local growers, producers, ranchers and artisans can sell their produce and products directly to the public. These items may include, but are not limited to: wool, wool products, natural fibers and products from natural fibers, fleece, flowers, herbs, fruits, vegetables, meats, dairy, honey, cheese, beverages, paintings, ceramics and arts and crafts. Farmers and artisans markets may include related events, such as farm and fiber animals for exhibition and/or demonstration. Fiber animals may include rabbits, goats, sheep, alpaca, llamas and yaks. Food vendors and beverages may be sold for the purpose of serving the public attending the market.

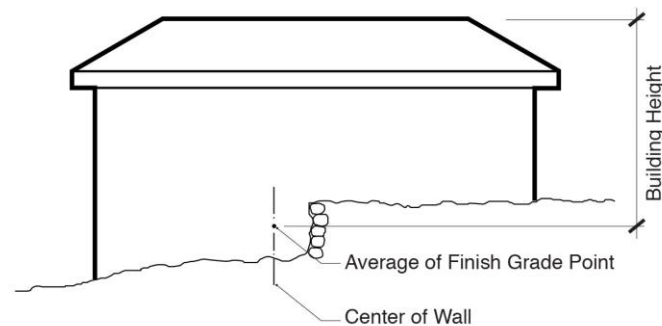
“Financial services” means establishments that provide retail banking services, mortgage lending and similar financial services to individuals and businesses. This classification includes those institutions engaged in the on-site circulation of cash money and check-cashing facilities, but shall not include bail bond brokers. This classification also includes Automated Teller Machines (ATMs) located within a fully enclosed space or building, or along an exterior building wall intended to serve walk-up customers only.

“Floor area ratio” means the relationship of floor area to total lot area expressed as an arithmetic ratio.

“Food truck” means a licensed, motorized vehicle or mobile food unit which is temporarily stored on a privately-owned lot where food items are sold to the general public.

“Funeral home or mortuary” means an establishment in which dead bodies are prepared for burial or cremation and in which wakes and funerals may be held. *Funeral home or mortuary* does not include a crematory.

“Height” means the vertical distance from the average of the finished ground level at the center of all walls of a building to the highest point of the roof surface, exclusive of chimneys, ventilators, pipes and similar apparatus.



“Heliport” means an area provided for the landing or taking off of a helicopter.

“Hospital” means a facility which makes available more than one (1) of the following; medical, surgical, psychiatric, chiropractic, maternity, tuberculosis, and nursing services. The facility shall be licensed by the State of Colorado Public Health and Environment Department as a hospital.

“Hotel” or “motel” means a building occupied as the temporary abiding place of individuals who are lodged with or without meals for compensation, with rooms usually occupied singly, and no provisions made for cooking in any individual room.

“Indoor recreation facility” means a recreation facility designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreation activities which is operated within a building as a business and open to the general public for a fee. Gaming or gambling establishments are not considered indoor recreation facilities.

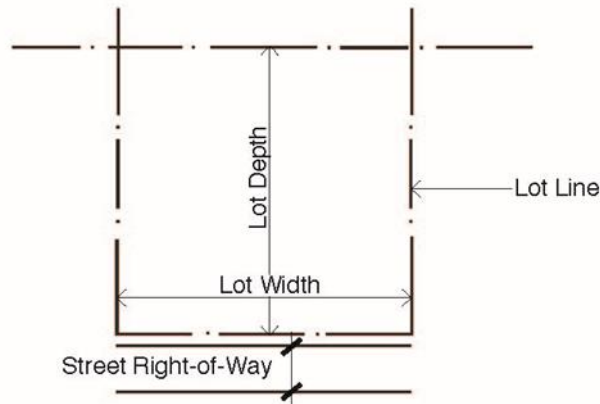
“Kennel” means housing for dogs, cats or other pets for breeding, boarding or grooming purposes. This definition applies to all facilities maintaining space for three (3) or more animals of the same species over the age of six (6) months.

“Legislative zoning” means a rezoning initiated by the Town that is prospective in nature and reflects public policy of a permanent or general character impacting the Town on a scale greater than at the individual property level. Legislative zoning affects a large number of properties and the proposed rezoning is not applicable to a specific individual or readily identifiable group only.

“Lot area” means the total horizontal area within the boundaries of a lot.

“Lot line” means the boundaries of a legally described land parcel.

“Lot width” means the distance between side lot lines measured along the front yard setback line.



“Nursing home” means a State-licensed group living facility regulated as a skilled nursing facility, as defined in Section 25-1-107.5, C.R.S.

“Non-conforming use” means land or a building lawfully established prior to the effective date of this title or any amendment thereto, by a use which does not conform with the regulations of the district in which it is located.

“Nonconforming structure” means a building or structure legally built prior to the effective date of this title or any amendment thereto, which does not conform with the regulations of the district in which it is located.

“Office” means establishments providing executive, management, administrative or professional services, including medical or dental services, but not involving the sale of merchandise, except as incidental to a permitted use.

“Outdoor storage” means storage of materials, merchandise, stock, supplies, machines, operable vehicles, equipment, manufacturing materials or chattels of any nature that are not kept in a structure having at least four (4) walls and a roof, regardless of how long such materials are kept on the premises.

“Pawnshop” means a shop that lends money at interest in exchange for personal property deposited as security.

“Personal service establishments” means establishments primarily engaged in the provision of informational, instructional, personal improvement, personal care and similar services.

“Personal storage or mini-storage units” means multiple storage areas completely enclosed within a building, or series of buildings, in which flammable, toxic and hazardous liquids and chemicals are not allowed; and under a single ownership and does not allow individual offices within units.

“Principal use” means the purpose or function for which a lot, structure or building is intended, designed or constructed, or the activity which is carried on within said lot, structure or building; a noncommercial lot is restricted to one (1) principal use.

“Recreational vehicle” means a vehicle designed to provide living quarters and which is built into, as an integral part of, or as a permanent attachment to, a motor vehicle chassis or van, and shall not include trailers of any kind, but shall include a motor home. *Recreational vehicle* also means any travel trailer that is mounted on wheels and designed to be towed by a motorized vehicle, and contains windows and sleeping, cooking and heating equipment that were built-in as an integral part of the original design and construction of the vehicle.

“Recycling facilities” means the collection of material for reuse such as aluminum cans, glass, paper, etc.

“Refuse collection facilities” means a site where the collection of discarded food waste, or any other unwanted or useless material is disposed of by burying it in natural or excavated holes or depressions.

“Rental services” means a retail business that rents to the general public merchandise, such as furniture, appliances and similar goods that are housed inside a building.

“Research and development, general” includes research, development and testing laboratories that do not involve the mass manufacture, fabrication, processing or sale of products. Such uses shall not violate any odor, dust, smoke, gas, noise, radiation, vibration or similar pollution standard as specified herein.

“Restaurant” means an eating/drinking establishment where the principal business is the sale of food and beverages in a ready-to-consume state where fermented malt beverages, malt, special malt and vinous and spirituous liquors may be produced on the premises as an accessory use.

“Restaurant, fast food” means an eating/ drinking establishment that may be either a freestanding operation, or a non-freestanding operation incorporated into a building within which one (1) or more other compatible and complimentary uses exist, and whose principal business is the sale of pre-prepared or rapidly prepared food to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with consumption off the premises, and whose design or principal method of operation includes two (2) or more of the following characteristics:

1. The elimination, in whole or in part, of table service, thus requiring customers to place orders at the counter where the orders are filled;
2. The food is usually served in edible containers or in paper, plastic or other disposable containers;
3. The facilities for on-premises consumption of food are insufficient for the volume of food sold by the establishment;
4. The restaurant provides a drive-up facility for placing and receiving food orders.

“Retail business” means establishments that sell, lease or rent consumer, home and business goods, but excluding merchandise/retail uses classified or defined more specifically in this Chapter (e.g., vehicle-related sales).

“Rooming and/or boarding houses” means a structure used for dwelling purposes by persons who pay a fee for food and/or lodging services. This definition applies to those structures accommodating three (3) or more persons who pay for such services on a more or less permanent basis. A boarding, lodging or rooming house shall not include more than one (1) person required to register as a sex offender pursuant to Section 18-3-412.5, C.R.S.

“Salvage” means any personal property which is or may be stored or accumulated, salvaged for resale, reduction or similar disposition, or which is possessed, transported, owned, collected, accumulated, dismantled or assorted for any of the aforesaid purposes. Without limiting the aforesaid definition of salvage, the term shall include used or salvaged iron, brass, lead, copper and other base metal of metals, and their compounds or combination, used or salvaged rope, lumber, appliances, brick, tile, plumbing fixtures, rags, glass, rubber and similar articles, and used motor vehicles or machinery used, owned or possessed for the purpose of wrecking or salvaging parts therefrom.

“Salvage operation” means any outside area in the Town at which any person shall store or accumulate salvage as defined herein.

“Setback” means the required minimum distance between the lot line and the closest projection of a building or structure along a line at right angles to the lot line. Setbacks shall be unobstructed from the ground to the sky except as otherwise specifically allowed in this Chapter.

1. *Front setback.* A setback that extends across the full width of a lot or site, the depth of which is the distance between the front lot or property line and the closest projection of a building or structure along a line at right angles to the front lot line, excluding allowable projections set forth in this Chapter. Corner lots have two front setbacks (see definition of *Yard*).
2. *Rear setback.* A setback that extends across the full width of a lot or site, the depth of which is the distance between the rear lot line and the closest projection of a building or structure along a line at right angles to the rear lot line, excluding allowable projections set forth in this Chapter.
3. *Side setback.* A setback on that portion of a lot that is not adjacent to a private or public street. It extends from the rear line of the required front setback, or the front property line of the site where no front setback is required, to the front line of the required rear setback, or the rear property line of the site where no rear setback is required, the width of which is the distance between the side lot or property line and a line parallel thereto on the site.

“Setback line” means the line that is the required minimum distance from any lot line and that establishes the area within which the principal structure must be erected or placed.

“Special event” means and includes:

1. Any organized event, specifically including, but not limited to, a circus, carnival, fair, party or celebration which reasonably may be expected to attract more than one hundred (100) persons at any one (1) time, or which otherwise may reasonably be expected to increase the risk of:
 - a. Damage to public or private property, beyond normal wear and tear;
 - b. Injury to persons;

- c. Public or private disturbances or nuisances;
 - d. Unsafe impediments or distractions to, or congestion of, vehicular or pedestrian travel;
 - e. Significant additional police, fire, trash removal, maintenance or other public services demands; or
 - f. Other significant adverse effects upon the public health, safety or welfare.
2. Exclusions. The term *special event* shall not include any event sponsored in whole or in part by the Town or another political subdivision of the State, or any organized activities conducted at sites or facilities typically intended and used for such activities. Examples of such exempt activities include, but are not necessarily limited to, sporting events such as golf, soccer, softball and baseball tournaments conducted on courses or fields intended and used for such activities; wedding services conducted at reception halls or similar facilities; funeral services conducted at funeral homes or cemeteries; religious services, wedding services and funeral services conducted at places of worship; or activities occurring within, or upon the grounds of, a private residence or upon the common areas of a multi-family residential development.

“Stable” means any structure used for sheltering livestock.

“Temporary use” means a land use that is only permitted for a specified period of time.

“Townhouse” means a dwelling type consisting of adjacent dwelling units sharing common side building walls with each dwelling unit located upon land owned by the owner of the dwelling unit.

“Trash transfer station or operation” means a facility or site at which the exchange or deposit of trash is made for ultimate transfer to a landfill.

“Utilities, major” include generating plants, electrical substations, switching buildings and water or wastewater treatment plants. *Major utility* also includes overhead electrical transmission lines and distribution feeder lines that collect and transmit over 110 kV of power. *Major utility* does not include uses more specifically defined in this Chapter, including telecommunications facilities.

“Utilities, minor” means above- and below-ground electrical transmission lines (except as included in the definition of *major utility* above); above- and below-ground natural gas lines; flood control or drainage facilities; transportation or communications utilities and similar facilities of public agencies or public utilities; utilities that are necessary to support legally established uses and involve only minor structures such as electrical distribution lines, poles or cables; switch boxes; transformer boxes; cap banks; and underground water and sewer lines. Such minor utility facilities generally do not have employees on-site, and the services may be publicly or privately provided. *Minor utility* does not include uses more specifically defined in this Chapter, including telecommunications facilities.

“Vehicle/equipment repair, major” means repair of automobiles, trucks, motorcycles, mobile homes, recreational vehicles or boats, including the sale, installation and servicing of related equipment and parts. This use includes auto repair shops, body and fender shops and transmission and engine overhaul shops. This use excludes junk yards, vehicle dismantling or salvage and tire retreading or recapping.

“Vehicle/equipment sales and rentals” means sale or rental of automobiles, motorcycles, trucks, tractors, trailers, construction or agricultural equipment, mobile homes, boats and similar equipment, including incidental storage and incidental maintenance.

“Vehicle repair, minor” means limited repair of automobiles, motorcycles and light trucks that may include tune-ups, brakes, mufflers, automobile glass replacement and other minor repair customarily done in service stations, but in no case shall *minor vehicle repair* include auto/truck body and fender work or repair of heavy equipment or trucks or repair shops where vehicles are stored in an inoperable condition for more than twenty-four (24) hours.

“Vehicle storage” means storage of parking tow-aways, impound yards and storage lots for automobiles, trucks, buses and recreational vehicles. *Vehicle storage* includes only the storage of operable vehicles.

“Veterinary offices or clinics” means an establishment that provides medical treatment and care to animals, and which may include temporary or overnight boarding of animals that are recuperating from treatment. A veterinary clinic or office does not include a kennel, as that term is defined above.

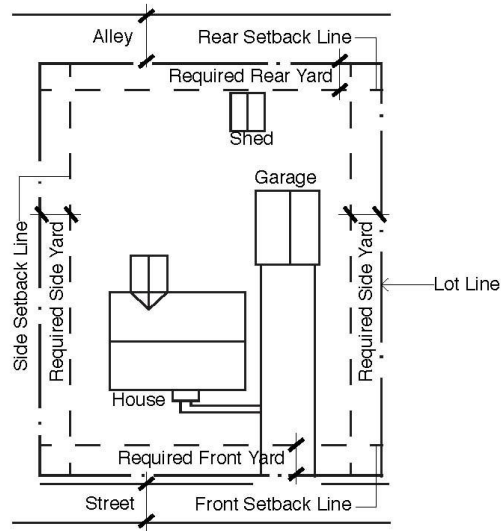
“Wholesale establishment” means a use engaged in enclosed wholesale of manufactured products, supplies and equipment, including accessory offices and showrooms. Products may be picked up on site or delivered to the customer. Other accessory uses may include product repair, parking, minor fabrication services and repackaging of goods.

“Yard” means an open space other than a court, not in any alley or street, unoccupied and unobstructed from the ground upward, except as otherwise provided in this title.

“Yard, front” means a yard extending the full width of the lot or parcel, the depth of which is measured in the least horizontal distance between the front lot line and the nearest wall of the principal building; such distance being referred to as the front yard setback.

“Yard, rear” means a yard extending the full width of the lot or parcel, the depth of which is measured in the least horizontal distance between the rear lot line and the nearest wall of the principal building; such depth being referred to as the rear yard setback.

“Yard, side” means a yard extending from the front yard to the rear yard, the width of which is measured in the least horizontal distance between the side lot and the nearest wall of the principal building.



“Zoning district” means an area or area within the limits of the Town for which the regulations and requirements governing development, including use, lot, area of buildings and other requirements, are uniform.

“Zoning Map” means the official zoning map adopted by the Town by ordinance, as amended.

Chapter 15.03: SUBDIVISION REGULATIONS

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Chapter 15.03

SUBDIVISION REGULATIONS

Article 1

Purpose and Applicability

15.03.110 Intent

The intent of these regulations is to prepare land for development and to recognize that the arrangement of parcels, streets, and infrastructure has a direct impact on the character and environment of the Town. The general purposes of this Chapter are as follows:

1. To protect the health, safety, and welfare of present and future residents of the Town.
2. To promote orderly growth and good planning practice.
3. To guide land development that is consistent with the Town's adopted plans and zoning regulations.
4. To ensure the provision of adequate public facilities and utility service.
5. To promote efficient circulation, logical lot layout, and necessary roadway and pedestrian connections.
6. To conserve natural resources and provide reasonable protection from flood and other hazards.
7. To provide open space and recreation facilities for residents.
8. To establish consistent and reliable land records and monumentation.
9. To provide a process for review and substantive requirements for approval.

15.03.120 Applicability

Jurisdiction. These regulations shall be applicable within the following areas:

1. All land located within the Town.
2. Land in the process of annexation to the Town.
3. All unincorporated land located within three (3) miles of the corporate limits of the Town of Parachute for major street plan purposes when a major street plan has been approved in accordance with the requirements of C.R.S. § 31-23-212.

15.03.130 Violations and enforcement

- A. General Prohibition. It shall be unlawful for any person to sell, convey, transfer, or otherwise dispose of or subdivide or take any other action governed by this Chapter with respect to any property within the Town without compliance with this Chapter or where such sale, conveyance, transfer, disposition, or division would otherwise result in the creation of a nonconforming lot or nonconforming parcel of land. In addition to any other remedy available to the Town, the Town shall not recognize or permit the use of a lot or parcel created in violation of these regulations unless and until such lot or parcel is properly subdivided and meets all applicable requirements of the Parachute Code.
- B. Permits withheld. No permits shall be issued by any administrative officer of the Town for the construction or occupancy of any building, or other improvement requiring a permit, upon any land for which a plat is required by these regulations, unless and until the requirements of this Chapter have been met.
- C. Penalties.
 - 1. Any subdivider or agent of a subdivider who transfers or sells or agrees to sell or offers to sell any subdivided land before a final plat for such subdivided land has been approved by the Town and recorded in the office of the Garfield County Clerk and Recorder shall be guilty of a misdemeanor and, upon conviction of such violation, shall be subject to a fine not to exceed one thousand dollars (\$1,000.00), or imprisonment not to exceed one (1) year, or both such fine and imprisonment.
 - 2. This fine or sentence shall be applicable for each parcel or interest in subdivided land which is sold, agreed to be sold, negotiated to be sold and/or transferred.
- D. Sale voidable. Any deed of conveyance, sale or contract to sell made contrary to the provisions of this Chapter is voidable at the sole option of the grantee, buyer, or person contracting to purchase, his heirs, personal representatives, or trustee within one (1) year after the date of execution of the deed of conveyance, sale, or contract to sell is binding upon any assignee or transfer of the grantee, buyer, or person contracting to purchase, other than those above enumerated.
- E. Pursuant to CRS 31-23-216, whoever, being the owner or agent of the owner of any land located within a subdivision, transfers or sells, agrees to sell, or negotiates to sell any land by reference to or exhibition of or by use of a plat of a subdivision before such plat has been approved and recorded as required hereby shall pay a penalty of one hundred dollars to the Town for each lot or parcel so transferred, or sold, or agreed or negotiated to be sold. The description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies provided in this section. The Town may enjoin such transfer or sale or agreement by action for injunction brought in any court of competent jurisdiction and may recover the penalty by civil action in any court of competent jurisdiction.
- F. The penalties and enforcement actions enumerated herein may be imposed singly or in combination.

Article 2

Administration and Procedures

15.03.210 Types of Subdivision

The division of land into separate parcels, lots, sites, tracts or interests is a subdivision and is regulated by the provisions of this title. The process of subdivision does not establish types of land uses, which are determined by the zoning regulations of this title. The following types of subdivision are regulated by this Chapter:

1. Major subdivisions. The major subdivision process shall consist of two separate phases, preliminary and final plat, as provided in PMC 15.03.220, 15.03.250 and 15.03.260 below. The preliminary plat phase may be waived by the Town Manager.
2. Minor subdivisions. The minor subdivision process shall consist of one phase, final plat, as provided in PMC 15.03.230 and 15.03.260 below.
3. Plat amendment. The plat amendment process shall consist of one phase, final plat, as provided in PMC 15.03.240 and 15.03.260 below.

15.03.220 Major Subdivision

- A. Major subdivisions include new subdivisions, resubdivision, and condominium conversions/building divisions.
 1. New subdivisions. A subdivision shall be classified as a major subdivision and governed by this section when the application proposes to create four (4) or more new lots, parcels, tracts, spaces or interests or less than four (4) new lots, parcels, tracts, spaces or interests when public infrastructure is proposed or required by this Chapter to be constructed in association with the subdivision.
 2. For purposes of this subsection, “public infrastructure” includes water and sewer lines and stubs, drainage facilities, electrical facilities, lines and facilities – whether above or below ground – for telephone, television, internet, or any other type or form of data transfer, curb and gutter, sidewalks, common access areas, such as shared driveways, and any other type of facility deemed by the Town Manager to be reasonably necessary to support the residents, users or owners of the subject lot(s).
 3. Any proposed improvements shall conform to Chapter 4 of this title and the Town of Parachute Public Works Improvements Manual.
- B. Resubdivisions. Resubdivisions are reviewed in the same manner as a major subdivision with the same purposes. To the extent that submittal information, otherwise required in Appendix 1, was submitted as part of the original subdivision proposal and is adequate by current standards, the applicant for approval of a resubdivision does not need to submit the information again and may reference such submittal information in the resubdivision application. The Town Manager and the Town Engineer will determine the technical adequacy of previously submitted information.

- C. Condominium Conversion or Building Division. The application submittal requirements for the subdivision of an existing building into separate interests or ownerships are identical to the final subdivision plan submittal requirements for a major subdivision as specified in Appendix 1. All building divisions or conversions must comply with the building code as adopted by the Town as well as all other applicable codes and regulations. A condominium conversion or building division shall comply with the provisions of the Colorado Common Interest Ownership Act which is contained in Article 33.3 of Title 38, C.R.S.

15.03.230 Minor Subdivision

- A. A parcel of land is eligible for subdivision through the minor subdivision process if it meets all of the following criteria:
1. Creates no more than four (4) lots with direct access to an existing public street;
 2. Does not land-lock or prevent development of the remainder of the parcel or abutting property;
 3. Does not create any new or residual parcels that do not comply with the requirements of this title, zone district regulations or other applicable State or local regulations;
 4. Does not require public infrastructure to be constructed in association with the subdivision.
 5. Does not require an exception or variance from any requirement of this title;
 6. Is not located, wholly or substantially, in a flood hazard area; and
 7. The parcel was lawfully created at the time the existing property description was recorded.
- B. Any subdivision not qualifying as a minor subdivision is a major subdivision. For the purpose of interpreting the requirements of these regulations, any proposed minor subdivision which is clearly intended to evade the major subdivision regulations or would result in a de facto major subdivision through the combination of previous contiguous and/or consecutive minor subdivisions is not eligible for minor subdivision. A minor subdivision shall only be used one (1) time on a previously unsubdivided parcel of land.

15.3.240 Plat Amendment

- A. Purpose. Plat amendments do not create additional lots or interests in property but are subdivision actions to the extent that: 1) lot lines may be relocated as part of a boundary line adjustment, 2) lots may be merged as part of a lot consolidation, or 3) plat amendments may be used to correct errors on an existing approved subdivision plat.
- B. Submittal Requirements. The applicant shall file a sufficient number of copies, as determined by the Town Manager, of the plat amendment application along with any additional information required by the Town Manager. The applicant shall submit all required materials specified in Appendix 1.
- C. Procedure. The final plat application shall be reviewed by the Town in accordance with the Review Procedures Chart set forth in PMC 15.01.220. Plat amendments may be approved by the Town Manager in accordance with PMC 15.01.250 (D), provided, that:
1. The plat amendment does not result in the creation of additional lots;

2. The plat amendment does not result in any lot that does not comply with zoning requirements;
3. The plat amendment does not result in any lot or lots that cannot be built upon in accordance with any requirements of the Town of Parachute;
4. The requirements of any utility companies serving the property have been satisfied and any required utility easements are properly maintained or granted in the deed(s) effecting the plat amendment); and
5. The plat amendment does not change the overall perimeter boundary of the lots.

15.03.250 Preliminary Plat.

- A. Purpose. The purpose of the preliminary plat is to provide the Town with an overall master plan for the proposed subdivision. It is more detailed than the sketch plan and should incorporate the comments and guidance provided during the sketch plan process. The Town will take formal action on a preliminary plat application.
- B. Submittal Requirements. The applicant shall file a sufficient number of copies as determined by the Town Manager, of the preliminary plat application and any additional information requested by the Town Manager. The applicant shall submit all required materials specified in Appendix 1.
- C. Procedure. The preliminary plat application shall be reviewed by the Town in accordance with the Review Procedures Chart at PMC 15.01.220. The Town Manager may waive the requirement for a preliminary plat if the proposed subdivision is not part of an overall master plan, is not a phased development, and/or if traffic studies, drainage reports, utility plans or other significant levels of engineering analysis are not required.

15.03.260 Final Plat.

- A. Purpose. The purpose of the final plat is to complete the subdivision of land in conformance with all the applicable requirements and standards of the Town and all recommendations made at earlier stages of subdivision review.
- B. Submittal Requirements. Not more than twelve (12) months after approval of a preliminary plat application, the applicant shall file a sufficient number of copies, as determined by the Town Manager, of the final plat application along with any additional information required by the Planning Commission or the Town Board during the preliminary plat process. The applicant shall submit all required materials specified in Appendix 1.
- C. Procedure. The final plat application shall be reviewed by the Town in accordance with the Review Procedures Chart at PMC 15.01.220.

15.03.270 Subdivision exemptions.

This Chapter shall not apply to the following divisions of land:

- A. The division of land by order of any court in the State or by operation of law.
- B. The creation or modification of a cemetery lot, tract or parcel.
- C. The division of land by a lien, mortgage, deed of trust or any other security interest.
- D. The division of land by a security or unit of interest in any investment trust regulated under the laws of the State or any other interest in an investment entity.
- E. The division of land which creates an interest or interests in oil, gas or minerals which are now or hereafter severed from the surface ownership of real property.
- F. The division of land by the acquisition of an interest in land in the name of a husband and wife or other persons in joint tenancy or as tenants in common, and any such interest shall be deemed for purposes of this subsection as only one (1) interest.
- G. The division of land by reason of the dissolution of a joint venture.
- H. The division of land by conveyance of real property to the Town in satisfaction of land dedication, subdivision, annexation or other Town requirements.

15.03.280 Subdivision waivers.

In addition to the authority of the Town Manager to waive certain requirements of this Chapter, the Town Board may waive any requirement of this Chapter if it determines such waiver to be in the best interests of the Town.

Article 3

Modification or Vacation of Abandoned Subdivisions

15.03.310 Purpose and Intent

The Board of Trustees finds and determines that some subdivisions within the Town, which have been previously approved, or which were approved by Garfield County before being annexed into the Town, have not been developed. The Board further finds some such subdivisions were recorded prior to adoption by the Town of its current subdivision regulations, master plans, zoning regulations, building codes, State and local health regulations, designated matters of State interest, and other applicable laws and regulations. The public health, safety, and welfare require the Town to periodically review such abandoned or uncompleted subdivisions, and it is the purpose of this Article to provide a mechanism for the review of undeveloped or nonconforming subdivisions to bring such subdivisions, or any parts thereof, into compliance with current regulations. If modifications are not feasible, this Article empowers the Town to vacate undeveloped and nonconforming subdivisions, or any part thereof, to prohibit sales of lots therein, and to vacate lands within the subdivision which were dedicated to public use.

15.03.320 Conditions for Determination of Abandonment

For the purposes of this section, lands described in the plat of any subdivision, or any part thereof under review shall be considered to be undeveloped or abandoned if any one (1) or more of the following conditions are found by the Board of Trustees to exist on such lands:

1. The time limit for the completion of public improvements, or subdivision approval, as contained in any subdivision improvements agreement, amendment thereof, or extension thereto, has expired or lapsed.
2. Roadways which were intended to provide access into and travel within the subdivision have not been or are not being constructed to meet specifications at the time of the review.
3. Facilities for the supply of domestic or industrial water to lots created by the subdivision have not been or are not being constructed or permits therefor have not been issued for installation on the lands.
4. Sanitary sewerage and, if required, storm drainage facilities, or other public improvements required by the subdivision improvements agreement have not been or are not being constructed.
5. Buildings have not been or are not being constructed within the subdivision, and no permits have been issued for the construction of buildings upon the lands.
6. No substantial amounts of money have been spent by the developer or others within three (3) years prior to the review in reliance upon the approval of the subdivision.
7. No vested rights have accrued to the subdivision or such vested rights have expired.
8. The subdivision contains partially completed public improvements which, in their unfinished state, constitute a hazard or danger to the members of the public.
9. No individual lots or parcels have been sold within the subdivision.

15.03.330 Planning Commission Review

- A. The Planning Commission, at the request of the Town Manager, upon its own motion, or at the direction of the Board of Trustees, may initiate review of any subdivision within the Town. This review will follow the procedures set forth in this section, and shall be for the purpose of determining whether or not the subdivision is undeveloped, abandoned, or no longer complies with regulations.
- B. If the Planning Commission makes an initial determination that a subdivision, or any part thereof, is undeveloped, abandoned or nonconforming, the Planning Commission shall also determine whether or not to recommend to the Board of Trustees that the subdivision, or any part thereof, should be modified, replatted, or vacated, or all or part of the lands within the subdivision dedicated to public use should be vacated.

15.03.340 Action by the Board of Trustees

- A. The findings and conclusions of the Planning Commission making a recommendation that the subdivision, or any part thereof, should be modified, replatted, or vacated, or all or part of the lands within the subdivision dedicated to public use should be vacated shall be transmitted in written form to the Board of Trustees, which shall consider the matter at a public hearing. Notice of the hearing shall be given as required in PMC 15.01.225; in addition, however, notice shall be given to the holders of any security interest, mortgage, deed of trust, or lien of record against the property. The Town shall make a good faith attempt to give notice to any utility or other entity using rights-of-way or easements which appear on the plat of the subdivision. A copy of the notice of hearing shall also be recorded with the Garfield County Clerk and Recorder.
- B. Nothing in this Article shall prohibit the voluntary application by the owner of an interest in lands within an undeveloped, abandoned or nonconforming subdivision to seek voluntary vacation of all or part of said subdivision. In the event a petition to vacate a subdivision is presented to the Board of Trustees, signed by the owners of record of the property and the holders of all valid security interests, the additional notice requirements in subsection A shall not apply.
- C. At the hearing, the Board of Trustees shall hear evidence and testimony from any interested person regarding the status of the subdivision and if the Board of Trustees determines the subdivision is undeveloped, abandoned or nonconforming, shall determine the most appropriate means to bring the subdivision into compliance with law.
- D. Any action taken by the Board of Trustees to modify, replat, or vacate the subdivision shall be by ordinance. In the event the subdivision is a planned unit development, and the plan must be released, removed or modified, the ordinance shall contain the findings of fact required by § 24-67-106(3), C.R.S.
- E. The vacation of any subdivision, or any part thereof, and of all or any part of the lands within the subdivision dedicated for public use, shall be conducted according to the applicable law and this Chapter. In no event shall the Board of Trustees vacate any easement, right-of-way or roadway if doing so would jeopardize the rights of the public or any public utility. The vacation of lands dedicated for park land purposes, which have not been used for such purposes since subdivision approval, shall not be considered a sale or conveyance.

15.03.350 Effect of Vacation, Replat or Modification

- A. If the ordinance vacates the subdivision approval, a certified copy of the ordinance shall be filed and recorded by the Town Clerk with the same offices as required for subdivision approval, including the Garfield County Clerk and Recorder.
- B. The adoption and recording of an ordinance vacating a subdivision or any part thereof shall operate to nullify the force and effect of the recording of the subdivision plat, and no lots, blocks or parcels within the vacated subdivision may thereafter be sold or conveyed.
- C. The modification or vacation of a subdivision shall not affect title to the land within the vacated portion, except for title to lands dedicated to the Town according to the original subdivision plat, which property shall vest according to the provisions of § 43-2-302, C.R.S., and the terms of the ordinance.
- D. If all or any part of a subdivision is vacated as provided herein, the Planning Commission shall then consider whether the zone district or districts shall be modified accordingly, in the manner provided by law.
- E. If all or any part of a subdivision is recommended to be vacated as provided herein, the Planning Commission shall also consider what effect shall be given any cash paid by the original developer in lieu of park land dedication, water rights dedication, or any other fees required at the time of original subdivision approval. In the event the Planning Commission finds it would be appropriate to allow these fees to remain as a credit against the real property, the Commission shall so state in its recommendation to the Board of Trustees. In no event, however, shall any such cash or other consideration paid remain a credit for a period of greater than twenty (20) years from the date of original subdivision approval.
- F. If all or any part of the subdivision is recommended to be vacated or modified as provided herein, the Planning Commission shall also recommend to the Board of Trustees as to the disposition of any security given for the completion of public improvements, including any mortgages on the subject property, and shall recommend as to what action should be taken with respect to the subdivision improvements agreement, and whether it should be released as against all of the property, a portion of the property, or only that portion of the property which has been successfully developed.

Article 4

Definitions

15.03.410 Word and terms.

The words and phrases used in this Chapter shall have the meanings defined below:

“Boundary line adjustment” means minor changes in the boundary lines of two (2) or more adjacent platted lots of record (or parcels) where such adjustment does not create additional lots.

“Lot consolidation” means the merging of not more than four (4) contiguous lots into a lesser number of lots than had originally existed.

“Plat correction” means a minor adjustment to an existing approved, recorded plat for the purpose of correcting errors, where the plat retains essentially the same design. Plat corrections do not include the creation of any additional lots, changes to streets or extension of utilities.

“Resubdivision” means the division of lots or parcels of previously subdivided land.

“Subdivision” means the division of land, lot, tract or parcel into two (2) or more lots, parcels, plats, sites or other divisions of land for the purpose of sale, lease, offer or development, whether immediate or future.

“Subdivision, major” means a division of previously unsubdivided land into more than four (4) parcels, lots, sites, tracts or interests, and any subdivisions not classified as a boundary line adjustment, plat correction, or minor subdivision.

“Subdivision, minor” means a division of previously unsubdivided land into four (4) or fewer separate parcels, lots, sites, tracts or interests meeting the criteria set forth in PMC 15.03.230.

Chapter 15.04 DEVELOPMENT STANDARDS

Sections:

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15.04.410	Words and terms

Chapter 15.04

DEVELOPMENT STANDARDS

Article 1

Site Design Standards

15.04.105 Lots.

- A. All lots shall abut a street. Generally, the depth of a lot shall not exceed three (3) times the lot frontage. Some deviation from this provision may be permissible for topographical and drainage purposes, but not for the purpose of splitting a large tract into deeper than normal lots so that the provision of streets for proper access to lots can be avoided.
- B. Double frontage lots shall not be platted, except that where desired along a highway, an arterial street or a railroad, lots may face on an interior street and back on such right-of-way. In that event a planting strip at least ten (10) feet in width shall be provided along the rear lot line.
- C. Corner lots shall be wider than interior lots in order to permit appropriate setbacks from adjacent streets. Interior lots abutting a corner lot shall be wider than the average interior lot in order to permit a wider side yard adjacent to the corner lot.
- D. Side lot lines shall be substantially at right angles or radial to street lines. Some variation from this rule is permissible, but pointed or very irregular lots shall be avoided.
- E. No lot shall be divided by a municipal or county boundary line, road, alley or other lot.
- F. Lot width and lot area shall not be less than that provided in chapter 2 of this title for the district in which the subdivision is located.
- G. All lots are subject to the additional yard standards as set forth in PMC 15.02.175 and all other provisions of this title.

15.04.110 Blocks.

- A. Blocks shall not exceed nine hundred (900) feet in length nor be less than three hundred (300) feet in length. The length of blocks shall be considered to be the distance from street centerline to opposite street centerline and shall be measured through adjacent rear property lot lines or through the center of the block.
- B. All blocks shall be abutted by one or more streets. Service access to the interior of blocks may be permitted in certain instances, in which case such alleys must be indicated on the plat.
- C. Blocks shall be of sufficient width to permit two tiers of lots of appropriate depth, except where an interior street parallels a highway, an arterial street or a railroad right-of-way.

15.04.115 Monuments and markers.

- A. Permanent monuments on the perimeter boundary of a subdivision must be set before the subdivision plat is recorded. The monuments, three inches (3") in diameter, are to be set permanently in concrete

or solid rock. Witness corners shall be set for inaccessible corners by authority of the Garfield County Surveyor pursuant to the provisions of Colorado law. All aliquot corners established in the procedure of subdividing a tract of land shall be reported to the Garfield County Surveyor and the appropriate forms submitted. All monumentation shall have magnetic attraction and shall include a durable cap securely anchored to the monument stamped with the Colorado registration number of the surveyor responsible for the establishment of the monument.

- B. Lot corners or corners witnessed or referenced as lot corners shall be five-eighths inch (5/8") iron rod or rebar twenty-four inches (24") long solidly embedded in the ground with a durable cap bearing the Colorado registration number of the surveyor responsible for the establishment of the corner.
- C. Street and roadway centerline monuments shall also be set at each point of curvature and each point of tangency within thirty (30) calendar days of completion of construction of the road or street. Such monuments shall be five-eighths inch (5/8") iron rod or rebar twenty-four inches (24") long solidly embedded in the ground with a durable cap bearing the Colorado registration number of the surveyor responsible for the establishment of the monument. Street monuments shall be located four inches (4") below the finished surface of the roadway.

15.04.120 Easements.

- A. Easements shall be provided for all utility lines, including but not limited to water, sewer, storm water, gas, electric, telephone and cable television.
- B. Easements shall be designed so as to provide efficient installation of utilities. Public utility installations shall be located so as to permit multiple installations within the easements.
- C. Easements centered on rear or side lot lines shall be provided for utilities where necessary and shall be at a minimum of six (6) feet wide on each side of property lines. Easements shall be contiguous to the street at the end of the block to connect with adjoining blocks in the shortest direct line.
- D. Where front line easements are required, a minimum of six (6) feet shall be allocated as a utility easement.
- E. Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way. Parallel streets or parkways may be required in connection therewith.

15.04.125 Streets.

- A. The Town of Parachute Manual of Public Works Improvements, adopted as a separate regulation and as amended from time to time, contain the minimum street requirements for all subdivisions, except where unusual topography, size or shape of property or other exceptional situation or condition may warrant variance from such requirements.
- B. The latest edition of the Colorado Department of Transportation "Standard Specifications for Road and Bridge Construction" controls construction, except where specifically revised by the Town of Parachute Manual of Public Works Improvements, adopted as a separate regulation and as amended from time to time.

- C. All streets shall be designed in relation to existing and planned streets, topographical conditions, public convenience and safety and the proposed uses of the land to be served by such streets.
- D. Certain proposed streets, where appropriate, shall be extended to the boundary of the tract to be subdivided so as to provide for future connection to adjacent undeveloped land.
- E. Where a subdivision abuts or contains an existing or proposed primary street or highway, the Board of Trustees may require, after Planning Commission review, service streets, reverse frontage lots with screen planting in a reservation strip along the rear property line, deep lots with rear service alleys abutting the primary street or highway, or such other treatment as may be necessary for adequate protection of residential properties and for separation of through and local traffic.
- F. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Board of Trustees, after Planning Commission review, may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land. Such distance shall be determined with due regard for the requirements of approach grades and future grade separations.
- G. No more than two streets shall intersect at one point.
- H. Streets shall have the names of existing streets which are in alignment in the Town or in adjoining unincorporated Garfield County. There shall be no duplication of street names.

15.04.130 Sidewalks and trails.

- A. Where a proposed subdivision lies within the corporate limits of the Town, or is adjacent to another subdivision which has been provided with sidewalks, and when the proposed subdivision will have lots which average less than one (1) acre in area for lots included in the subdivision, the Town shall require sidewalks to be installed on each side of the street.
- B. All sidewalks shall be a minimum of five (5) feet wide in residential zone districts, a minimum of eight (8) feet wide in commercial zone districts, and meet current ADA requirements. Replacement of existing sidewalks shall be to the width of the adjacent or connecting sidewalk.
- C. The closest edge of sidewalks adjacent to a collector or arterial street shall be placed at least five (5) feet from the curb line.
- D. Where blocks are longer than six hundred sixty (660) feet, the Board of Trustees may require, after Planning Commission review, a pedestrian crosswalk connecting adjacent streets or other public areas at or near the middle of the block to permit acceptable pedestrian access to abutting streets. Such crosswalks shall be at least ten (10) feet in width.
- E. Where a means of pedestrian access is necessary from the development to schools, parks, playgrounds, or other roads or facilities and that such access is not conveniently provided by sidewalks adjacent to the roads, the Board of Trustees may require, after Planning Commission review, the applicant to reserve an unobstructed trail easement of at least ten (10) feet in width to provide such access.
- F. The Town of Parachute Manual of Public Works Improvements, adopted as a separate regulation and as amended from time to time, contains the minimum sidewalk construction requirements for all subdivisions.

15.04.135 Natural features.

- A. The design and development of all subdivisions subject to this title shall preserve, insofar as it is possible, the natural terrain, natural drainage, existing topsoil, unusual rock formations, lakes, rivers, streams and trees.
- B. Significant vegetation, including dominant or mature trees and shrubs, shall be retained where possible. When regenerating sites, replacement trees or shrubs shall be selected from indigenous species native to the region. Provisions shall be made to provide adequate hydration and appropriate soil for the replacement trees to ensure successful growth.
- C. Land subject to hazardous conditions such as landslides, mud flows, rock falls, shallow water table, open quarries, floods, undermining and polluted or non-potable water supply shall not be subdivided until the hazards have been eliminated or mitigated.
- D. No development, use, fill, construction, excavation, embankment, or alteration on or over any portion of a geologic hazard area shall be permitted which would result in:
 - 1. Dangers to life or property;
 - 2. Human occupation of structures, either permanent or temporary, in geologic hazard areas during periods of high hazard probability;
 - 3. Any type of development involving winter use in an avalanche area;
 - 4. Any type of development where slope failure would result in more than minimal damage; or
 - 5. Any development in a rockfall-prone area, mudflow area, area of potentially unstable slope, seismic area aside known active faults, radioactive area, or area of ground subsidence.

15.04.140 Storm drainage.

- A. Complete drainage systems for the entire subdivision area shall be designed by a professional engineer, licensed in the State of Colorado. At a minimum, the drainage system shall be designed:
 - 1. To permit the unimpeded flow of natural watercourses.
 - 2. To ensure adequate drainage of all low points.
 - 3. To provide for a ten (10) year storm event.
- B. The drainage system shall be designed to consider the drainage basin as a whole and shall accommodate not only runoff from the subdivision area but also, where applicable the system shall be designed to accommodate the runoff from those areas adjacent to and "upstream" from the subdivision itself, as well as its effects on lands downstream.
- C. No subdivision or any part thereof shall be approved if proposed cuts, fills, structures or other features within the proposed subdivision will, individually or collectively, significantly increase flood flows, heights, or damages.
- D. Lots and blocks shall be so graded as to eliminate depressions that would accumulate storm water. Grades at building sites shall bear such relationships to roadway and curb grades as to prevent

flooding during heavy storms of basement windows or of entryways either to basement or to first floor levels in the absence of basements.

- E. All water courses crossed by streets or alleys shall be provided with adequate and permanent culverts of a size, type and material approved by the Town Manager. Culverts on existing streets shall be enlarged wherever necessary by reason of diverted or increased concentration of drainage.
- F. Adequate drainage facilities shall be installed prior to construction of any buildings in the subdivision.
- G. The drainage system shall be designed and constructed in conformance with the "Water Pollution Control Act" and the "Air Pollution Control Act," of the State of Colorado.

15.04.140 Flood control.

- A. All subdivision applications including the placement of manufactured home parks and subdivisions shall be reasonably safe from flooding. If a subdivision or other development application is in a flood-prone area, the proposal shall minimize flood damage.
- B. All applications for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet floodplain development permit requirements of PMC 15.05.230, PMC 15.05.240, and the provisions of this section.
- C. Base flood elevation data shall be generated for subdivision applications and other proposed development including the placement of manufactured home parks and subdivisions which are greater than fifty (50) lots or five (5) acres, whichever is lesser, if not otherwise provided, pursuant to PMC 15.05.220 or 15.05.310.
- D. All subdivision applications, including the placement of manufactured home parks and subdivisions, shall have adequate drainage provided to reduce exposure to flood hazards.
- E. All subdivision applications, including the placement of manufactured home parks and subdivisions, shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

15.04.150 Water.

- A. Public water supply, connected to the Town water utility system, shall be provided to serve each lot within a subdivision.
- B. All water utility facilities shall be designed and constructed in accordance with the Town of Parachute Manual of Public Works Improvements, adopted as a separate regulation and as amended from time to time.

15.04.155 Fire protection.

Every subdivision served by a public water system shall include a system of fire hydrants sufficient to provide adequate fire protection for the buildings located or intended to be located within such subdivision. Design standards shall conform to the National Fire Protection Association (NFPA) standards. The Town Manager may authorize or require a deviation from these standards if another arrangement more satisfactorily complies with NFPA or local standards.

15.04.160 Sanitary sewer.

- A. Each lot within a subdivision shall be connected to a public sewage collection system.
- B. All sewer utility facilities shall be designed and constructed in accordance with the Town of Parachute Manual of Public Works Improvements, adopted as a separate regulation and as amended from time to time.

15.04.165 Utilities.

- A. All gas, electric, telephone, cable television or other utility lines placed within the public right-of-way or dedicated easements shall be approved by the Town Manager as to location.
- B. All utility installations shall be underground. Where underground distribution and/or service is to be provided at the front lot line, a utility easement for either or both the distribution lines and transformer pit shall be provided as needed.
- C. All utility facilities shall be designed and constructed in accordance with the Town of Parachute Manual of Public Works Improvements, adopted as a separate regulation and as amended from time to time.

15.04.170 Landscaping.

- A. Landscape plan required. A detailed landscape plan (including irrigation, plant and material specifications) for any development requiring site plan approval shall be prepared by a licensed landscape architect and submitted to the Town prior to the issuance of building permits.
- B. Any part of a site not used for structures, sidewalks, plazas, patios, parking, driveways or other vehicle use areas shall be landscaped. All undeveloped areas proposed for future uses shall be kept in a weed free condition and control dust and erosion by use of vegetative ground cover or other means acceptable to the Town.
- C. A minimum of 75% of required landscaped area shall be covered with cultivated landscaped materials. Landscape materials shall be low-water, drought-tolerant, adaptive plants suitable for local soil conditions and climate. Minimum plant specifications shall meet the following:
 - 1. Trees: minimum caliper of 2.5 inches
 - 2. Shrubs: minimum of five gallons.
- D. Parking Lot Landscaping.
 - 1. Parking lots shall be landscaped as required by this section. In cases of hardship or to increase safety, the Town Manager may permit a portion of the required landscaping to be relocated or allowed other deviation from the parking landscaping to be relocated or allow other deviation from the parking landscaping requirements.

2. **Parking Lot Interior.** Landscaping is required in the interior of parking lots to direct traffic, to reduce heat and glare and to screen cars from adjacent properties. The interior of all parking lots shall be landscaped as follows:
 - a. Parking lot planting islands shall contain a minimum of one (1) tree for every ten (10) parking spaces in nonresidential uses and one (1) tree per every six (6) spaces in residential uses exclusive of perimeter landscaping and street trees.
 - b. Parking lot landscaped islands shall be a minimum of eight (8) feet wide and contain a minimum of one hundred forty (140) square feet in area.
 - c. A landscape island is required at the end of every row of parking spaces containing six (6) or more parking spaces;
 - d. Barrier curbing on all sides adjacent to the parking lot surface is required to protect each landscape island from vehicles;
 - e. A corner area (where it is not feasible to park a vehicle) may be considered an end island for the rows on the perimeter of the parking lot; and
 - f. Landscaping of the interior of a parking lot may include trees, shrubs and other natural materials, the design and placement of which conforms to the intent of this section.
3. **Parking Lot Perimeter.** Landscaping is required around the entire perimeter of a parking lot to assist in the shading of cars, to assist in the abatement of heat and to reduce the amount of glare from glass and metal, and to assist in the screening of cars from adjacent properties.
 - a. A five (5) foot wide landscaping area is required along any public street. The Town Manager may approve an alternative to the five (5) foot wide landscaping area based upon site topography, right-of-way, sidewalks and superior site design.
 - b. All unimproved rights-of-way adjacent to the property shall be landscaped and irrigated by the owner and/or homeowners association.
 - c. **Screening from Residential Lots.** All off-street parking areas with six (6) or more spaces shall be adequately screened from any adjoining residential lot by landscaping and opaque six foot (6') fencing. The landscaping and fencing shall be maintained in good condition at all times.

E. Landscaping Maintenance.

1. Prior to the installation of the landscaping in public right-of-way, the developer shall provide for continued maintenance by an agreement with the Town.
2. Property owners are responsible for the continual maintenance of all landscape areas on site, as well as contiguous planted areas within the public right-of-way. All landscaped areas shall be kept free from weeds and debris, maintained in a healthy, growing condition and shall receive regular pruning, fertilizing, mowing and trimming. Any diseased, dead, damaged or decaying plant materials shall be removed and replaced within thirty (30) days following written notice from the Town Manager.
3. Landscaping shall be irrigated by means of an automatic irrigation system. Irrigation systems shall be kept in working condition. Adjustments, replacements, repairs, and cleaning shall be a part of regular maintenance.

4. Trees shall be staked and tied with lodge poles. Stakes and ties on trees shall be checked regularly for correct functions. Ties shall be adjusted to avoid creating abrasions or girdling on trunks or branches.
5. Street trees planted within public rights-of-way and/or trees planted adjacent to public sidewalk shall be provided with root barriers.

15.04.175 Fencing and screening.

- A. All fences, hedges and walls may be permitted in the required yards of any zoning district subject to the following conditions and requirements:
 1. All fences and walls are subject to the building code requirements.
 2. It shall be the responsibility of the property owner to locate all property lines. No fence, hedge or wall may extend beyond or across a property line unless with the joint agreement of the abutting property owner.
 3. No fence, hedge, wall or sign shall be placed nearer than twelve inches (12") to any public sidewalk.
 4. No barbed wire or sharp-pointed or electrically charged fence shall be permitted except in an industrial zoning district.
 5. Fences or walls shall not exceed seven feet (7') in height except a higher fence may be required by the Town as a condition of approval as a special use. The height shall be measured at the finished grade on the side nearest the street or abutting property.
- B. All industrial uses adjacent to residential and commercial uses shall be screened with fencing, hedges or walls of a minimum height of six feet (6') subject to review and approval of the Town Manager.
- C. All outdoor storage, trash receptacles and activities associated with a commercial or industrial use shall be entirely enclosed by building walls, a solid masonry wall, vine covered chain-link fences, or uniformly compact evergreen hedges, continuously maintained and not less than seven feet (7') in height.
 1. Items stored within one hundred feet (100') of a dedicated street or residential zone shall not be stacked higher than six feet (6').
 2. Screen landscaping, fences and walls to enclose storage areas between adjoining industrial side and/or rear property lines may be deleted by mutual agreement of the property owners involved and the Town.
 3. Temporary unloading of railroad car material and equipment shall be exempt from screening, provided the material and equipment is or will be relocated to permanent storage appropriately screened or to the field within fifteen (15) calendar days from off-loading.

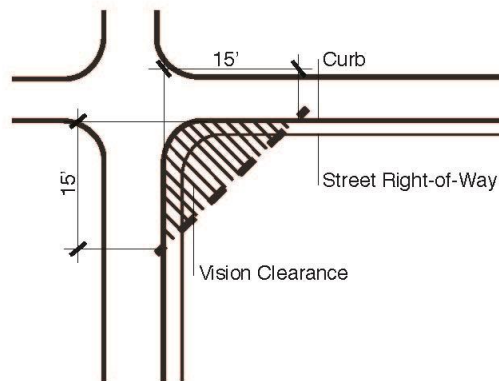
15.04.180 Lighting.

- A. Lighting plan. A lighting plan shall be submitted for any non-residential development or multi-family residential development, unless waived by the Town Manager. Lighting plans shall be prepared by a registered professional engineer, lighting certified designer, manufacturer's representative, or manufacturer's application engineer and show the following:
1. The location and height above grade of light fixtures;
 2. The type of light source (such as incandescent, fluorescent, high pressure sodium, metal halide, LED), rated lumens, and wattage of each light source;
 3. The type of fixture (such as full-cutoff, cut-off, lantern, wall pack);
 4. Calculations for site illumination resulting from the lighting, measured in foot-candles including minimum, maximum and average foot-candles and uniformity ratios;
 5. Other information deemed necessary by the Town Manager to document compliance with the provisions of this section.
- B. Lighting standards.
1. All light fixtures in all zone districts shall be fully shielded, down directed light sources, except unshielded fixtures of less than 40 watts may be used in residential districts.
 2. Non-residential and multi-family uses.
 - a. Maximum on-site illumination shall be 5 foot candles and no greater than 0.5 foot candles at the property line unless otherwise allowed by the Town Manager, with the exception of 20 foot candles under canopies for uses such as fueling stations.
 - b. Maximum light pole heights shall be no greater than the height of the building or 35 feet tall, whichever is less.
 - c. Exterior lighting shall be extinguished within one (1) hour of the close of business or servicing or 10:00 p.m., whichever is later, with the exception of security lighting.
 - d. Security lighting shall be permitted by one or more of the following techniques: (a) fifty percent (50%) reduction in lighting equipment; (b) motion sensors for lighting fixtures not needed for constant security lighting; or (c) site specific lighting such as lighting a trash dumpster, pay phone, or employee entrance.
 3. Other residential uses. Freestanding outdoor lighting shall not be more than twelve (12) feet above grade and shall be full cut-off type. Lights mounted on a building or structure more than twelve (12) feet above grade shall be full cut-off type.
- C. Lighting trespass. In order to minimize light trespass onto neighboring properties, the maximum light level at a property line shall not exceed 0.5 foot-candles.
- D. Security lighting fixtures are not to project above the fascia or parapet of the building and are to be shielded or recessed in the building walls to provide cut-off at the property line.

15.04.185 Vision clearance.

- A. In order to provide safe sight lines at street intersections, a vision clearance triangle shall be maintained at all public and private street intersections.
- B. The vision clearance triangle shall be described as that area lying within a triangle with its corners formed by the intersection of the extended curb lines of two (2) intersecting streets, and the points along the two (2) curb lines located fifteen (15) feet back from the point of intersection of the extended curb lines. See Figure 4.1.
- C. The vision clearance triangle shall be kept clear of all objects higher than forty eight (48) inches that could obstruct view. The following exceptions are allowed:
 - 1. Street signs, traffic lights, streetlights, fire hydrants and similar public facilities.
 - 2. Street trees that are a deciduous variety, with the lowest branch and foliage at least eight (8) feet above the road surface.

**Figure 4.1
Vision Clearance Triangle Detail**



Article 2

Parking Standards

15.04.210 General parking requirements.

- A. At the time of the erection of a new structure or at the time of enlargement or change in use of an existing structure within the Town, off-street parking spaces shall be provided as specified in this chapter and in the sections designated for each use.
 - 1. No building permit or other permit shall be issued until plans are presented that show the location of parking spaces as well as property that is and will remain available for exclusive use as off-street parking and loading space.
 - 2. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this article.
- B. All uses other than single-family residential dwellings and two-family dwellings shall be required to submit a site plan indicating the location and dimensions of off-street parking spaces.
 - 1. Except for approved shared parking allowed pursuant to PMC 15.04.230 and further exempting required parking in the OTC and SC zone districts specified in PMC 15.04.250(B), off-street parking spaces for dwellings shall be located on the same lot as the principal use or structure. Parking spaces in residential zone districts shall not be located in the front yard setback area except for parking for single-family and two family dwellings. Required spaces shall be located not further than three hundred feet (300') from the buildings or use they are intended to serve, measured by means of pedestrian access from the building or use to the parking area.
 - 2. Where square feet are specified, the area measured shall be the floor area measured as defined by PMC 15.01.420, except for warehouses or other commercial storage areas in which case the floor area shall be determined by the measurements of the perimeter of the outside of the building wall on each level.
- C. The provision and maintenance of off-street parking and loading spaces is a continuing obligation of the property owner. No parking shall be eliminated for an existing use if it reduces the required number of parking spaces below the minimum requirements of this chapter.
 - 1. Should the owner or occupant of any lot or building change the use to which the lot or building is put, thereby increasing off-street parking or loading requirements, it shall be unlawful and a violation of this article to begin or maintain such altered use until such time as the increased off-street parking or loading requirements are complied with.
 - 2. Required parking spaces shall be available for the parking of operable passenger automobiles, trucks, or motorcycles of residents, customers, patrons and employees, and shall not be used for

the storage of vehicles or materials or the parking of trucks used in conducting the business or use.

15.04.220 Parking space requirements.

- A. Unless specifically exempted or variations are permitted in accordance with these regulations, all land uses in the Town shall include, at a minimum, the number of vehicle off-street parking spaces specified in Table 4.1.

Table 4.1
Off-Street Parking Spaces

Type of Land Use	Minimum Number of Parking Spaces Required
1. Residential	
Single-family detached dwellings	Two (2) spaces per dwelling unit.
One (1) bedroom multiple-unit dwellings	One (1) space per one (1) bedroom dwelling unit.
Two (2) bedroom multiple-unit dwellings	One and one-half (1.5) spaces per two (2) bedroom dwelling unit.
Three (3) bedroom multiple-unit dwellings	Two (2) spaces per three (3) bedroom dwelling unit.
Four (4) or more bedroom multiple-unit dwellings	Three (3) spaces per four (4) or more bedroom dwelling unit.
Group homes or other group living facilities not otherwise listed	One (1) space per four (4) beds.
2. Commercial	
General retail business and commercial uses	One (1) space for every two hundred (200) square feet of floor area.
Wholesale commercial uses and warehouses	One (1) space for every one thousand (1,000) square feet of floor area or one and one-half (1.5) spaces per employee, whichever results in more parking spaces.
Industrial facilities	One (1) space for every one thousand (1,000) square feet of floor area or one and one-tenth (1.1) spaces per employee whichever results in more parking spaces.
Manufacturing	One (1) space for every one thousand (1,000) square feet of floor area or one and one-tenth (1.1) spaces per employee whichever results in more

	parking spaces.
Medical and dental offices	Four (4) spaces per patient room or one (1) space per two hundred (200) square feet of floor area whichever is greater.
Motor vehicle sales and service	One (1) space per ten percent (10%) of vehicle outside display area plus one (1) space per four hundred (400) fifty square feet of floor area.
Vehicle service	Four (4) spaces per service bay plus appropriate stacking area.
Banks, savings and loans and finance companies	One (1) space for every two hundred (200) square feet of floor area.
Business and professional offices	One (1) space for every three hundred (300) square feet of floor area.
Convenience store	One (1) space per one hundred (100) square feet of floor area.
Indoor restaurants, eating and drinking establishments	One (1) space for every one hundred fifty (250) square feet of floor area or one (1) space per three (3) seats whichever results in more parking spaces.
Drive-in or fast food restaurants	Fifteen (15) spaces for every one thousand (1,000) square feet of floor area.
Drive-in restaurants without any indoor seating	One (1) space per employee on maximum shift.
Small animal hospitals and clinics	One (1) space for every three hundred (300) square feet of floor area.
Medical laboratories	One (1) space for every four hundred fifty (450) square feet of floor area.
Shopping center	One (1) space per two hundred fifty (250) square feet of floor area.
3. Commercial Amusement	
Bowling alley	Four (4) spaces per alley.
Dance halls and skating rinks	One (1) space for every two hundred (200) square feet of floor area.
Athletic fields including baseball diamonds	Twenty (20) spaces per field or one (1) space per four (4) seats whichever is greater. (Bench capacity is calculated as one (1) seat per twenty

	inches (20")).
Golf course	Fifty-four (54) spaces per nine (9) holes.
Miniature golf facility	Two (2) spaces per hole.
Membership clubs or lodges	One (1) space per two hundred (200) square feet of floor area.
4. Commercial Residential	
Hotels, motels, rooming houses, boardinghouses, and tourist homes	One (1) space per unit.
Bed and breakfast	One (1) space per guest room plus two (2) spaces for owner's portion.
Rooming/boarding house	One (1) space per rooming unit.
5. Educational Facilities	
Pre-school nurseries or child care centers	One and one-half (1.5) spaces per teacher plus one (1) space per administrative employee.
Kindergarten, elementary and intermediate schools	One (1) space per teacher, plus one (1) space per administrative employee or one (1) space per three (3) seats in the main auditorium whichever is greater. (Bench capacity is calculated as one (1) space per twenty inches (20")).
High schools, vocational or colleges and universities	One (1) space for each employee, plus one (1) space for every five (5) students.
6. Institutions	
Hospitals	One (1) space per two (2) beds plus one (1) space per employee (maximum shift).
Nursing homes, assisted living facilities, small and large group living facilities	One (1) space per four (4) beds plus one (1) space per each employee.
7. Places of Public Assembly	
Religious assembly	One (1) space for every three (3) seats in the principal place of assembly. (Bench capacity is calculated as one (1) space per twenty inches (20")).
Theaters, auditoriums or stadiums; meeting rooms	One (1) space for every three (3) seats in the principal place of assembly or one (1) space per one thousand (1,000) square feet of floor area whichever is greater. (Bench capacity is calculated

	as one (1) space per twenty inches (20")).
Community center	One (1) space per two hundred fifty (250) square feet of floor area or one (1) space for every three (3) seats in auditoriums or other places of assembly whichever results in more parking spaces. (Bench capacity is calculated as one (1) space per twenty inches (20")).
Library or reading room, museums	One (1) space per four hundred (400) square feet of floor space, plus one (1) space per two (2) employees.

- B. When one (1) building or land use is planned to include a combination of different uses, including accessory uses, the minimum parking requirement will be determined by applying the above requirements and standards to each use and structure, resulting in a total parking requirement for the property. The minimum number of parking spaces required shall be the sum of the requirements for each separate use.
- C. For specific uses not listed, the Town Manager shall determine the appropriate number of parking spaces required based upon the type of activity, intensity, number of employees and similarity to listed uses.

15.04.230 Shared parking facilities.

- A. An off-street parking space in a business or industrial district may be used jointly for more than one use, provided its occupancy ordinarily would not be used during the same hours, and that a copy of a recorded agreement by owners involved in such joint use is presented to the Town Manager.
- B. Off-street parking requirements of a given use may be met by off-site off-street parking available on the property of another only if:
1. The off-site, off-street parking spaces are within three hundred feet (300') of the property except that the distance is one thousand feet (1,000') for employee parking;
 2. Based on information supplied by the applicant, the Town Manager, or other sources, the aggregate parking demands at the highest use time is less than the total parking spaces required; and
 3. A written lease approved by the Town Manager between the owner of the project and the owner of the off-site parking property is executed and recorded and contains the following terms: a term of at least twenty (20) years; owner of the off-site property shall notify the Town Manager if the lease is terminated prior to the term; the lease is enforceable by the project owner. Should the lease expire or otherwise terminate, the use for which the off-site parking was provided shall terminate and no owner shall maintain such use without a substitute parking lease, approved by the Town Manager. Continuation or expansion of the use shall be prohibited until the use is brought into compliance with the parking regulations of this title.

15.04.240 Deferral of parking requirements.

- A. The Town Manager may consider deferral of parking requirements where the need for off-street parking is lessened due to unusual characteristics of use, and reliable data is available to establish that there is not a present need for additional parking.
 - 1. The Town Manager may authorize the deferral of construction of not more than fifty percent (50%) of the required off-street parking spaces and may set such conditions as necessary to guarantee provision of such deferred parking spaces at such time as the Town Manager determines such additional parking spaces are needed.
 - 2. The land area required for provision of deferred parking spaces shall be maintained and reserved and shall be landscaped pursuant to a plan approved by the Town Manager, which shall demonstrate that the deferred spaces, when improved, will meet all requirements of this chapter.
- B. The Town Manager may defer, in extraordinary cases, the requirement that all off-street parking spaces be paved. Such a deferral shall be for a period of not more than one (1) year, and shall be in accordance with such terms and conditions as the Town Manager may determine.

15.04.250 Modification of parking requirements.

- A. The Town Manager may increase or decrease the required number of off-street parking spaces in consideration of the following factors:
 - 1. Expected number of cars owned by occupants of dwellings in a planned unit development;
 - 2. Parking needs of any nondwelling uses; and
 - 3. Varying time period of use.
- B. The Town Manager may approve a parking reduction of up to seventy percent (70%) for government sponsored elderly housing projects.
- C. The requirements for off-street parking specified in PMC 15.04.220 may be reduced by the Town Manager for uses in the OTC and SC zone districts in accordance with the following criteria:
 - 1. There are no additional required on-site parking requirements associated with an existing structure or land use in conformance with zoning regulations, provided adequate permanent parking is available to the public within three hundred feet (300') of the building or land use.
 - 2. On-site parking requirements associated with the replacement of an existing structure may be partially or wholly reduced by the Town Manager, provided the new structure does not contain more floor area than the structure being replaced and provided adequate permanent parking is available to the public within three hundred feet (300') of the building or land use.
 - 3. Additions to existing structures and new construction will necessitate the requirement to provide parking in accordance with PMC 15.04.220 based on the floor area and uses in the building addition or new construction. The on-site parking requirements may be reduced by the Town Manager provided adequate permanent parking is available to the public within three hundred feet (300') of the building or land use.
 - 4. Permanent parking, available to the public, within three hundred feet (300') of the building or land use may be used to satisfy in part or entirely the parking requirements in the OTC and SC zone districts if allowed by the Town Manager. The applicant shall be required to submit parking

information and parking survey data which demonstrates, to the satisfaction of the Town Manager, that adequate off-site parking is available for public use.

15.04.260 Loading requirements.

The number, size and other requirements for off-street loading spaces shall be as specified below. Where the use of the premises is not specifically mentioned, loading requirements shall be determined by the Town Manager based on requirements for similar uses, expected demand generated by the proposed use, and other information from appropriate traffic engineering and planning criteria.

1. A minimum loading area of three hundred (300) square feet shall be provided for all commercial or industrial uses that have a building area in excess of two thousand (2,000) square feet, with the exception of office and similar uses.
2. A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having a capacity greater than twenty-five (25) students.
3. Buildings or structures to be built or substantially altered which receive and distribute material or merchandise by truck shall provide and maintain off-street loading berths in sufficient number and size to adequately handle the needs of the particular use.
4. No loading area for an existing use shall be eliminated unless the required loading area is re-established.
5. Off-street parking areas used to fulfill the requirements of this article shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs.

15.04.270 Stacking requirements.

The purpose of stacking space requirements is to promote public safety by alleviating on-site and off-site traffic congestion that might otherwise result from the operation of a drive-up or drive-through facility. For all applicable drive-up or drive-through uses, the following off-street stacking requirements shall apply:

1. At a minimum a stacking space shall be eight and one-half (8.5) feet wide and eighteen (18) feet long.
2. A stacking space at a drive-in or drive-through window, menu board, order station, designated drop-off zone, or service bay is considered to be a stacking space.
3. An area reserved for stacking spaces may not double as a circulation driveway, maneuvering area, or off-street parking space.
4. Stacking spaces may be located anywhere on the building site, provided that traffic impacts on and off site are minimized and the location does not create negative impacts on adjacent properties due to noise, light or other factors.
5. A minimum of four (4) stacking spaces per one thousand (1000) square feet of gross floor area plus two (2) stacking spaces for the first drive through window and two (2) stacking spaces for each additional window shall be provided.

6. For uses that have drive-through bays or stalls, e.g., car washes, a minimum of two (2) stacking spaces per bay or stall shall be provided.

15.04.280 Design requirements.

Parking and loading areas shall be designed in accordance with the following requirements and the requirements of the Town of Parachute Manual of Public Works Improvements:

- A. Surfaces. All off-street parking spaces and maneuvering areas shall be surfaced with asphalt or concrete material.
- B. Maneuvering Space. All parking areas servicing a use requiring three (3) or more parking spaces shall be designed and traffic controlled so that access to and from a public street shall require vehicular traffic to be traveling in a forward direction when entering or exiting from the parking area. The off-street parking shall be designed so that the parking lot is separated from the street by a physical barrier which will be adequate to prevent a driver from backing from the off-street parking space directly into the street or across a sidewalk.
- C. Access Requirements and Service Drives.
 1. Service drives to off-street parking shall be designed and constructed to facilitate the flow of traffic, and to provide maximum safety of traffic access and egress and maximum safety for pedestrians and vehicular traffic on the site. The number of service drives shall be limited to the minimum that will allow the property to accommodate the traffic to be anticipated.
 2. Service drives shall not be more than twenty-four feet (24') in width and shall be clearly and permanently marked and defined through the use of rails, fences, walls or other barriers or markers on frontage not occupied by service drives.
 3. Service drives on the same lot frontage shall be separated by a minimum length of curb of thirty feet (30'). For every foot (1') by which the lot frontage exceeds one hundred feet (100'), the minimum required length of curb separation shall be increased by one foot (1') for every five feet (5') of property length beyond one hundred feet (100'), up to a maximum requirement of two hundred feet (200'). In the case of a corner lot, service drives shall not be located closer than fifty feet (50') to the intersecting curb and gutter flow lines.
 4. The access to a service drive from a street shall be located not closer than fifteen feet (15') to a side lot line, except that a common service drive to two (2) adjacent properties with width not exceeding twenty-four feet (24') may be provided at the common lot line.
 5. Access onto any State highway will require an access permit from the Colorado Department of Transportation.
- D. Parking Space Minimum Dimensions. The minimum parking lot spacing requirements are listed in Table 4.2.

Table 4.2**Parking Stall Dimensions and Layout**

Parking Angle	A	B	C
	Stall Width (Feet)	Stall Length (Feet)	Aisle Width (Feet)
0°	22.0	9.0	12.0
	22.0	9.5	12.0
	22.0	10.0	12.0
30°	9.0	18.0	11.0
	9.5	18.0	11.0
	10.0	20.0	11.0
45°	8.5	21.0	13.0
	9.0	21.0	12.0
	9.5	21.0	11.0
60°	8.5	21.1	18.0
	9.0	21.0	16.0
	9.5	21.0	15.0
75°	8.5	19.5	25.0
	9.0	19.5	23.0
	9.5	19.5	22.0
90°	8.5	18.5	28.0
	9.0	18.5	25.0
	9.5	18.5	24.0

1. Where larger vehicles may be frequent users of the parking facilities, it is appropriate to increase the parking stall dimensions according to the dimensions and turning characteristics of the vehicle.
2. Parking aisles shall be designed to accommodate the turning characteristics of the vehicles that will most commonly use the parking facilities. Dead-end parking aisles are prohibited without provision of an adequate turn around. Aisles should not exceed three hundred feet (300') to three hundred fifty feet (350') length without a break in circulation.

- E. A maximum of twenty percent (20%) of a parking lot containing five (5) or more spaces may be used for compact cars.
- F. All area to be considered as off-street parking shall be unobstructed and free of other uses.
- G. Unobstructed access to and from a street shall be provided for all off-street parking spaces.
- H. Handicap Parking Requirements. A portion of the required off-street parking spaces shall be specifically designated, located and reserved for use by persons with physical disabilities in accordance with the requirements specified in the Americans with Disabilities Act (ADA). Information on these requirements can be obtained at 1-800-514-0301 or at www.accessboard.gov.
 - 1. The required handicap spacing requirements are listed in Table 4.3.

Table 4.3

Required Handicapped Parking Spaces

Total Spaces In Parking Lot	Required Handicap Accessible Spaces
1 – 25	1
26 – 50	2
51 – 75	3
76 – 100	4
101 – 150	5

- 2. The maximum grades in the areas designated for handicap parking shall be two percent (2%) or less.
- 3. One (1) in every eight (8) handicapped accessible spaces, but not less than one (1), shall be served by an access aisle ninety-six inches (96") in width. The minimum aisle width on all other handicapped parking spaces shall be sixty inches (60").
- 4. If a curb ramp is located where pedestrians must walk across the ramp, or where it is not protected by handrails or guardrails, it shall have flared sides: the maximum slope of the flare shall be 1:10. Curb ramps with returned curbs may be used where pedestrians would not normally walk across the ramp.
- I. Construction Standards. All construction shall be required to meet the standards specified in the Town of Parachute Manual of Public Works Improvements.

Article 3

Architectural Design Standards

15.04.310 General architectural design.

Except as otherwise provided herein, any land surface and any work or improvements upon any real property within the Town shall be erected, removed, restored, altered or demolished in such a manner so as to maintain, protect and complement the existing character and qualities of buildings, structures and properties.

A. All construction is subject to the requirements of any building code adopted by the Town and any other applicable ordinances or provisions of the Town of Parachute Municipal Code.

B. Residential architectural design:

1. Principal structures should be of varied architectural styles, mass, materials and color.
 - a. Articulate walls on two of the four sides of the structure;
 - b. Include windows on all sides of the structure, with the highest percentage on the front, and side if on a corner lot;
 - c. Include two materials in the façade; and
 - d. Include a minimum of two colors, with three colors preferred. Three colors could breakdown as main color, secondary color, and trim.
2. Garage and carport structures should be designed to be visually compatible with the architecture of their associated dwelling unit.
3. New additions to existing residential structures should blend with the existing structure.

C. Commercial architectural design:

1. Buildings should orientate to the primary street. They should be orientated with the longest side parallel to the street.
2. Building components should include roof, fascia or parapet wall, walls, windows and trim at a minimum.

D. The exterior walls of commercial and industrial buildings shall consist of nonglare and nonreflective material or finish. All exterior wall materials shall be certified by the manufacturer to withstand deterioration from any atmospheric elements for a minimum of ten (10) years.

- E. No mechanical equipment except for emergency equipment is to be exposed on the wall surface of a building.
- F. All roof mounted mechanical equipment and/or duct work, which projects vertically more than one and one-half feet (1.5') above the roof or roof parapet and is visible from an adjoining street, shall be screened by an enclosure painted consistent with the color scheme of the building.
 - 1. Cyclone blowers, bag houses, tanks, etc., shall be painted to match the surface to which attached.
 - 2. Incinerator vents should be located on the rear or side of the building hidden from public view.

15.04.320 Old Town Area architectural design.

- A. All work within the Old Town Area regarding the exterior visible appearance of any building or structure including new buildings or structures, or the alteration or repair of existing buildings or structures, should be of such a design and employment of materials so as to appear similar to Old Town Area historic buildings or structures. For purposes of this section, structures should include buildings, stairways, walls, fences, sheds, porches, roofs, awnings, and walkways.
 - 1. Remodeling and restoration improvements to pre-existing and/or nonconforming structures are encouraged and should not affect their existing uses as described above. Exterior remodeling and improvements should blend with the existing structure and surrounding neighborhood with the effect to retain and restore the Town's historical characteristics.
 - 2. Existing buildings and structures should:
 - a. Retain the design and exterior appearance of the original structure to the extent practicable.
 - b. Utilize materials that closely resemble original materials as used on the original structure as closely as practicable.
 - 3. Materials of New Buildings and Structures.
 - a. Materials, including wood, masonry, siding, trim, and glazing, should be of similar materials as observed or utilized on nearby historic structures and buildings prior to the year 1930.
 - b. Wood siding or other types of siding should be applied only to the level and horizontal, or to the perpendicular and vertical to the horizontal.
 - c. The exposed width of siding boards should not exceed six inches (6").
 - d. Simulated wood siding may be used if made of tough durable materials.
 - e. Simulated masonry siding or logs should not be used.
 - f. Design, style and application of materials should employ or retain the appearance of existing nearby historic buildings and structures.

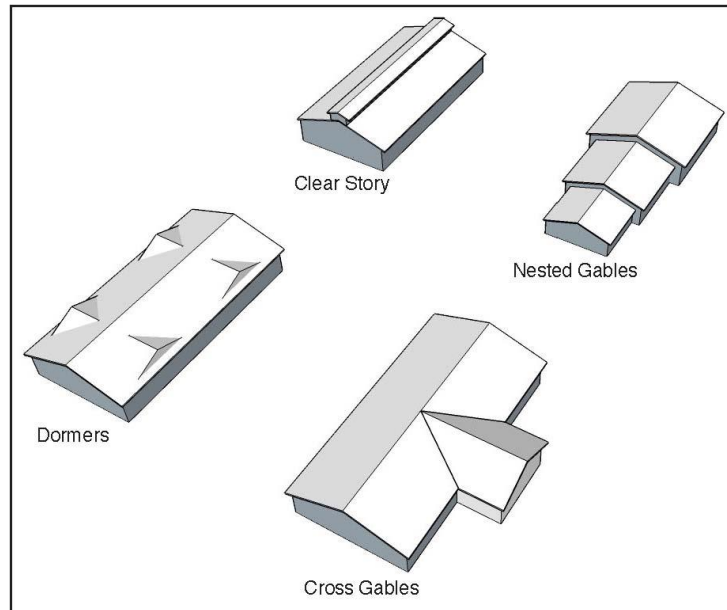
- g. Windows should be of appearance and design similar to nearby historic buildings and structures. For separate residential buildings, no less than eighty percent (80%) of the total number of windows in the structure should have the vertical dimension at least twenty-five percent (25%) greater than the horizontal dimension. For purposes of this subsection, each individual window frame observed in nearby a single window, although several windows may be mulled together and delivered or installed as a unit.
- 4. One (1) and two (2) family dwellings should have front entry doors facing the front of the lot. The entry door should be located within eight feet (8') of the front face of the dwelling.
- 5. One (1) and two (2) family dwellings should have a minimum of two (2) glazed windows located on the front face of the building above the ground. Each window should be a minimum of nine (9) square feet in size.
- 6. All residential buildings, including accessory buildings, should have a minimum roof pitch of five feet (5') in twelve feet (12'). Porch roofs should be permitted to have a roof pitch of less than five feet (5') in twelve feet (12'). Existing single-family dwellings with a roof pitch of less than five feet (5') in twelve feet (12') may be allowed to utilize the same roof pitch on additions and accessory structures, so as to maintain uniformity.
- 7. Roofs of separate residential buildings and structures should:
 - a. Be of design and materials as are presently utilized and observed in nearby historic buildings in the Old Town Area; and
 - b. Not have materials that include clay tiles, natural or simulated, or other materials not utilized or observed on nearby historic buildings in the Old Town Area.

15.04.330 Mixed Use Area architectural design.

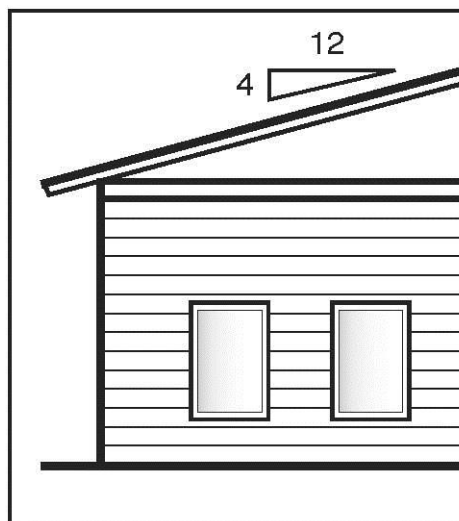
- A. In addition to the provisions of PMC 15.04.310, all work within the Mixed Use Area regarding the exterior visible appearance of any new building or structure, should be of such a design and employment of materials so as to contribute to the architectural identity of Parachute's emerging "Central Business District".
- B. Multi-family, commercial and mixed use buildings and structures:
 - 1. Buildings should have a minimum of three colors per building, including roof, walls and window trim and/or casing/mullions. Three colors should breakdown as main color, secondary color, and trim.
 - 2. Buildings should have wall articulation on at least two sides of a building. Articulation should result in only 40% of a wall on the same alignment. Articulation should be a minimum of 5 foot depth between wall alignment.
 - 3. Wall plane variation along all building walls and faces should be provided using at least 3 different material types and 3 different colors including roof, walls and window trim and/or

casing/mullions. Variation should be provided along building walls so that no more than 20% of any building wall is of one continuous material.

4. Roof plane variation should be provided where continuous roof planes exceed 50 feet. Cross gables, dormers, clear story roofs, nested gables or roof plane breaks are all acceptable means of roof plane variation.



5. Gable or hipped roofs should have a pitch of 4:12 or greater.



6. Eaves or soffits should be provided on all pitched roof structures. Eaves or soffits should be provided at a minimum of three (3) feet projection from the face of the attached wall plane where gross building square footage exceeds 15,000 square feet. Where gross building square footage is

less than 15,000 square feet, eaves or soffits should be provided at a minimum of two feet projection from the face of the attached wall plan.

7. A fascia should be provided at the termination of all pitched roof planes. The fascia height should be a minimum of 8 inches. Gutters or other drainage appurtenances may be fastened to the fascia.
8. Suggested building materials are as follows:
 - a. Roofs - Composite shingles, concrete shakes, standing seam metal, rolled metal, tile.
 - b. Windows - Glass, transparent, or tinted. Aluminum, wood or vinyl casings are also acceptable.
 - c. Walls - Steel, aluminum, concrete, vinyl or wood siding; concrete block, cultured stone, stone, stucco/EIFS, standing seam metal, brick, precast concrete.

Article 4

Definitions

Sec. 15.04.410 Word and terms.

The words and phrases used in this Chapter shall have the meanings defined below:

“Parking and loading areas” means any public or private area designed and used for off-street parking spaces and berths for the loading or unloading of commercial motor vehicles.

“Vision clearance triangle” means a triangular space at the street corner of a corner lot, free from obstruction to vision.

Chapter 15.05: FLOOD DAMAGE PREVENTION

Sections:

Article 1 Purpose and Applicability

- 15.05.110 Title**
- 15.05.120 Authority**
- 15.05.130 Purpose**
- 15.05.140 Methods of reducing flood losses**
- 15.05.150 Application**
- 15.05.160 Compliance**
- 15.05.170 Abrogation and greater restrictions**
- 15.05.180 Interpretation**
- 15.05.190 Warning and disclaimer of liability**

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Chapter 15.05

FLOOD DAMAGE PREVENTION REGULATIONS

Article 1

Purpose and Applicability

Sec. 15.05.110 Title.

This Chapter shall be known as the *Flood Damage Prevention Regulations of the Town of Parachute*, and may be so cited and pleaded.

Sec. 15.05.120 Authority.

The Legislature of the State of Colorado has, in Title 29, Article 20 of the Colorado Revised Statutes, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the Town adopts this Chapter based on the following findings of fact:

1. The flood hazard areas of Parachute are subject to periodic inundation, which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the health, safety and general welfare of the public.
2. These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

Sec. 15.05.130 Purpose.

It is the purpose of this Chapter to promote public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to critical facilities, infrastructure and other public facilities such as water, sewer and gas mains; electric and communications stations; and streets and bridges located in floodplains;
6. Maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
7. Ensure that potential buyers are notified that property is located in a flood hazard area.

Sec. 15.05.140 Methods of reducing flood losses.

In order to accomplish its purposes, this Chapter uses the following methods:

1. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
4. Control filling, grading, dredging and other development which may increase flood damage; and
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

Sec. 15.05.150 Application.

This Chapter shall apply to all Special Flood Hazard Areas and areas removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F) within the jurisdiction of the Town.

Sec. 15.05.160 Compliance.

No structure or land shall hereafter be located, altered, or have its use changed within the Special Flood Hazard Area without full compliance with the terms of this Chapter and other applicable regulations. Nothing herein shall prevent the Town from taking such lawful action as is necessary to prevent or remedy any violation. These regulations meet the minimum requirements as set forth by the Colorado Water Conservation Board and the National Flood Insurance Program.

Sec. 15.05.170 Abrogation and greater restrictions.

This Chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter and another Chapter, Article, ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Sec. 15.05.180 Interpretation.

In the interpretation and application of this Chapter, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the Town; and
3. Deemed neither to limit nor repeal any other powers granted under State law.

Sec. 15.05.190 Warning and disclaimer of liability.

The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This Chapter does not imply that land outside the Special Flood Hazard Area or uses permitted within such areas will be free from flooding or flood damages. This Chapter shall not create liability on the part of the Town or any official or employee thereof for any flood damages that result from reliance on this Chapter or any administrative decision made there under.

Article 2

Administration and Procedures

Sec. 15.05.210 Designation of the Floodplain Administrator.

The Town Manager is hereby appointed as Floodplain Administrator to administer, implement and enforce the provisions of this Chapter and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

Sec. 15.05.220 Duties and responsibilities of the Floodplain Administrator.

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

1. Maintain and hold open for public inspection all records pertaining to the provisions of this Chapter, including the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures and any floodproofing certificate required by PMC 15.05.240 (a) (3).
2. Review, approve, or deny all applications for Floodplain Development Permits required by adoption of this Chapter.
3. Review Floodplain Development Permit applications to determine whether a proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
4. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
5. Inspect all development at appropriate times during the period of construction to ensure compliance with all provisions of this Chapter, including proper elevation of the structure.
6. Where interpretation is needed as to the exact location of the boundaries of the Special Flood Hazard Area (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.
7. When Base Flood Elevation data has not been provided in accordance with PMC 15.05.310, the Floodplain Administrator shall obtain, review and reasonably utilize any Base Flood Elevation data and Floodway data available from a Federal, State, or other source, in order to administer the provisions of Article 3 of this Chapter.
8. For waterways with Base Flood Elevations for which a regulatory Floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the Flood Insurance Rate Map, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one-half foot at any point within the Town.

9. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, the Town may approve certain development in Zones A1-30, AE, AH, on the Flood Insurance Rate Map which increases the water surface elevation of the base flood by more than one-half foot, provided that the Town first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision), fulfills the requirements for such revisions as established under the provisions of Section 65.12 and receives FEMA approval.
10. Notify adjacent communities and the State Coordinating Agency, which is the Colorado Water Conservation Board, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.
11. Ensure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.

Sec. 15.05.230 Establishment of Floodplain Development Permit.

A Floodplain Development Permit shall be required to ensure conformance with the provisions of this Chapter.

Sec. 15.05.240 Floodplain Development Permit procedures.

- A. Application for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to Special Flood Hazard Area. Additionally, the following information is required:
 1. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures.
 2. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed.
 3. A certificate from a registered Colorado Professional Engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of PMC 15.05.330.
 4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
- B. Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the provisions of this Chapter and the following relevant factors:
 1. The danger to life and property due to flooding or erosion damage;
 2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 3. The danger that materials may be swept onto other lands to the injury of others;
 4. The compatibility of the proposed use with existing and anticipated development;

5. The safety of access to the property in times of flood for ordinary and emergency vehicles;
6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
7. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
8. The necessity to the facility of a waterfront location, where applicable;
9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
10. The relationship of the proposed use to the comprehensive plan for that area.

Sec. 15.05.250 Variance procedures.

The Floodplain Administrator shall hear and render judgment on requests for variances from the requirements of this Chapter as follows:

1. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided the relevant factors in PMC 15.05.340 have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
2. Upon consideration of the factors noted above and the intent of this Chapter, the Floodplain Administrator may attach such conditions to the granting of variances as deemed necessary to further the purpose and objectives of this Chapter as stated in PMC 15.05.130.
3. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
4. Prerequisites for granting variances:
 - a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - b. Variances shall only be issued upon:
 - i. Showing a good and sufficient cause;
 - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
 - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing Town ordinances.

- c. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the Base Flood Elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- 5. Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a Functionally Dependent Use provided that:
 - a. The criteria outlined in PMC 15.05.250, (1) – (5) are met, and
 - b. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- 6. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

Article 3

Standards

Sec. 15.05.310 Basis for establishing the Special Flood Hazard Area.

The Special Flood Hazard Areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitled “Flood Insurance Study Garfield County, Colorado and Incorporated Areas”, dated October 15, 2015, with accompanying Flood Insurance Rate Maps and/or Flood Boundary-Floodway Maps (FIRM and/or FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this Chapter. These Special Flood Hazard Areas identified by the FIS and attendant mapping are the minimum area of applicability of this Chapter and may be supplemented by studies designated by the Town. These supplemental studies may include Flood Hazard Area Delineation (FHAD) studies, or other 100-year floodplain studies approved by the Town, Garfield County, or other local, regional, State or federal agencies.

Sec. 15.05.320 General standards.

In all Special Flood Hazard Areas the following provisions are required for all new construction and substantial improvements:

1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
5. All manufactured homes shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
6. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,
8. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

Sec. 15.05.330 Specific standards.

In all Special Flood Hazard Areas where base flood elevation data has been provided as set forth in PMC 15.05.210 or 15.05.220, the following provisions are required:

1. Residential Construction. New construction and Substantial Improvement of any residential structure shall have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated to one foot above the base flood elevation. Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado Professional Engineer, architect, or land surveyor. Such certification shall be submitted to the Floodplain Administrator.
2. Nonresidential Construction. With the exception of Critical Facilities, outlined in PMC 15.05.380, new construction and Substantial Improvements of any commercial, industrial, or other nonresidential structure shall either have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated to one foot above the base flood elevation or, together with attendant utility and sanitary facilities, be designed so that at one foot above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered Colorado Professional Engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. Such certification shall be maintained by the Floodplain Administrator, as stated in PMC 15.05.240.
3. Enclosures. New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered Colorado Professional Engineer or architect or meet or exceed the following minimum criteria:
 - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - b. The bottom of all openings shall be no higher than one foot above grade.
 - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.
4. Manufactured Homes. All manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the Flood Insurance Rate Map on sites (i) outside of a manufactured home park, (ii) in a new manufactured home park, (iii) in an expansion to an existing manufactured home park, or (iv) in an existing manufactured home park on which manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home, electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), are elevated to one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. All

manufactured homes, placed or substantially improved on sites in an existing manufactured home park within Zones A1-30, AH and AE on the FIRM that are not subject to provisions (i), (ii), (iii) or (iv) above, shall be elevated so that either:

- a. The lowest floor of the manufactured home, electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), are one foot above the base flood elevation, or
 - b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
5. Recreational Vehicles. All recreational vehicles placed on sites within Zones A1-30, AH, and AE on the FIRM either:
- a. Be on the site for fewer than 180 consecutive days,
 - b. Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions), or
 - c. Meet the permit requirements of PMC 15.05.240, and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section.
6. Prior Approved Activities. Any activity for which a Floodplain Development Permit was issued by the Town or a CLOMR was issued by FEMA prior to February 11, 2014 may be completed according to the standards in place at the time of the permit or CLOMR issuance and will not be considered in violation of this Chapter if it meets such standards.

Sec. 15.05.340 Standards for areas of shallow flooding (AO/AH Zones).

Located within the Special Flood Hazard Area established in PMC 15.05.310 are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

1. Residential Construction. All new construction and Substantial Improvements of residential structures must have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the Flood Insurance Rate Map (at least three feet if no depth number is specified). Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado Professional Engineer, architect, or land surveyor. Such certification shall be submitted to the Floodplain Administrator.
2. Nonresidential Construction. With the exception of Critical Facilities, outlined in PMC 15.5.380, all new construction and Substantial Improvements of non-residential structures, must have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning

equipment and other service facilities (including ductwork), elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the FIRM (at least three feet if no depth number is specified), or together with attendant utility and sanitary facilities, be designed so that the structure is watertight to at least one foot above the base flood level with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy. Within Zones AH or AO, adequate drainage paths around structures on slopes are required to guide flood waters around and away from proposed structures. A registered Colorado Professional Engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this section, as stated in PMC 15.05.240, are satisfied.

Sec. 15.05.350 Floodways.

Located within Special Flood Hazard Area established in PMC 15.05.310, are areas designated as Floodways. The State of Colorado has adopted Floodway standards that are more stringent than the FEMA minimum standard. The Colorado statewide standard for the designated height to be used for all newly studied reaches shall be one-half foot (six inches). Letters of Map Revision to existing Floodway delineations may continue to use the Floodway criteria in place at the time of the existing floodway delineation. Since the Floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following additional provisions shall apply:

1. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory Floodway *unless* it has been demonstrated through hydrologic and hydraulic analyses performed by a licensed Colorado Professional Engineer and in accordance with standard engineering practice that the proposed encroachment would not result in any increase (requires a No-Rise Certification) in flood levels within the Town during the occurrence of the base flood discharge.
2. If PMC 15.05.350 (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this Chapter.
3. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, the Town may permit encroachments within the adopted regulatory floodway that would result in an increase in Base Flood Elevations, provided that the Town first applies for a CLOMR and floodway revision through FEMA.

Sec. 15.05.360 Alteration of a watercourse.

For all proposed developments that alter a watercourse within a Special Flood Hazard Area, the following standards apply:

1. Channelization and flow diversion projects shall appropriately consider issues of sediment transport, erosion, deposition, and channel migration and properly mitigate potential problems through the project as well as upstream and downstream of any improvement activity. A detailed analysis of sediment transport and overall channel stability should be considered, when appropriate, to assist in determining the most appropriate design.
2. Channelization and flow diversion projects shall evaluate the residual 100-year floodplain.

3. Any channelization or other stream alteration activity proposed by a project proponent must be evaluated for its impact on the regulatory floodplain and be in compliance with all applicable floodplain management regulations.
4. Any stream alteration activity shall be designed and sealed by a registered Colorado Professional Engineer or Certified Professional Hydrologist.
5. All activities within the regulatory floodplain shall meet all applicable floodplain management regulations.
6. Within the Regulatory Floodway, stream alteration activities shall not be constructed unless the project proponent demonstrates through a Floodway analysis and report, sealed by a registered Colorado Professional Engineer, that there is not more than a 0.00-foot rise in the proposed conditions compared to existing conditions in the Floodway resulting from the project, otherwise known as a No-Rise Certification, unless the Town first applies for a CLOMR and Floodway revision in accordance with PMC 15.05.350.
7. Maintenance shall be required for any altered or relocated portions of watercourses so that the flood-carrying capacity is not diminished.

Sec. 15.05.370 Properties removed from the floodplain by fill.

A Floodplain Development Permit shall not be issued for the construction of a new structure or addition to an existing structure on a property removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F), unless such new structure or addition complies with the following:

1. Residential Construction. The lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), must be elevated to one foot above the Base Flood Elevation that existed prior to the placement of fill.
2. Nonresidential Construction. The lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), must be elevated to one foot above the Base Flood Elevation that existed prior to the placement of fill, or together with attendant utility and sanitary facilities be designed so that the structure or addition is watertight to at least one foot above the base flood level that existed prior to the placement of fill with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

Sec. 15.05.380 Standards for Critical Facilities.

Critical Facilities are classified under the following categories: Essential Services; Hazardous Materials; At-risk Populations; and Vital to Restoring Normal Services. It is the responsibility of the Floodplain Administrator to identify and confirm that specific structures in the Town meet the following criteria:

1. Essential services facilities, unless exempted per paragraphs g and h below, include public safety, emergency response, emergency medical, designated emergency shelters, communications, public utility plant facilities, and transportation lifelines, as follows:

- a. Public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage, and, emergency operation centers);
 - b. Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions, and non-ambulatory surgical structures but excluding clinics, doctors' offices, and non-urgent care medical structures that do not provide these functions);
 - c. Designated emergency shelters;
 - d. Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio, and other emergency warning systems, but excluding towers, poles, lines, cables, and conduits);
 - e. Public utility plant facilities for generation and distribution (hubs, treatment plants, substations and pumping stations for water, power and gas, but not including towers, poles, power lines, buried pipelines, transmission lines, distribution lines, and service lines); and
 - f. Air Transportation lifelines (airports (municipal and larger), helicopter pads and structures serving emergency functions, and associated infrastructure (aviation control towers, air traffic control centers, and emergency equipment aircraft hangars).
 - g. Specific exemptions to this category include wastewater treatment plants (WWTP), non-potable water treatment and distribution systems, and hydroelectric power generating plants and related appurtenances.
 - h. Public utility plant facilities may be exempted if it can be demonstrated to the satisfaction of the Town that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same utility or available through an intergovernmental agreement or other contract) and connected, the alternative facilities are either located outside of the 100-year floodplain or are compliant with the provisions of this Chapter, and an operations plan is in effect that states how redundant systems will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the Town on an as-needed basis upon request.
2. Hazardous materials facilities, unless exempted per paragraphs f and g below, include facilities that produce or store highly volatile, flammable, explosive, toxic and/or water-reactive materials. Facilities shall be determined to be Critical Facilities if they produce or store materials in excess of threshold limits. If the owner of a facility is required by the Occupational Safety and Health Administration (OSHA) to keep a Material Safety Data Sheet (MSDS) on file for any chemicals stored or used in the workplace, and the chemical(s) is stored in quantities equal to or greater than the Threshold Planning Quantity (TPQ) for that chemical, then that facility shall be considered to be a Critical Facility. The TPQ for these chemicals is: either 500 pounds or the TPQ listed (whichever is lower) for the 356 chemicals listed under 40 C.F.R. § 302 (2010), also known as Extremely Hazardous Substances (EHS); or 10,000 pounds for any other chemical. This threshold is consistent with the requirements for reportable chemicals established by the Colorado Department of Public Health and Environment. OSHA requirements for MSDS can be found in 29 C.F.R. § 1910 (2010). The Environmental Protection Agency (EPA) regulation "Designation, Reportable Quantities, and Notification," 40 C.F.R. § 302 (2010) and OSHA regulation "Occupational Safety and Health Standards," 29 C.F.R. § 1910 (2010) are incorporated herein by

reference and include the regulations in existence at the time of the promulgation this Chapter, but exclude later amendments to or editions of the regulations. These facilities may include:

- a. Chemical and pharmaceutical plants (chemical plant, pharmaceutical manufacturing);
 - b. Laboratories containing highly volatile, flammable, explosive, toxic and/or water-reactive materials;
 - c. Refineries;
 - d. Hazardous waste storage and disposal sites; and
 - e. Above ground gasoline or propane storage or sales centers.
 - f. Specific exemptions to this category include finished consumer products within retail centers and households containing hazardous materials intended for household use; pharmaceutical sales, use, storage, and distribution centers that do not manufacture pharmaceutical products; and agricultural products intended for agricultural use.
 - g. Specific exemptions to this category also include buildings and other structures containing hazardous materials for which it can be demonstrated to the satisfaction of the local authority having jurisdiction by hazard assessment and certification by a qualified professional (as determined by the local jurisdiction having land use authority) that a release of the subject hazardous material does not pose a major threat to the public. These exemptions shall not apply to buildings or other structures that also function as Critical Facilities under another category outlined in this Chapter.
3. At-risk population facilities include medical care, congregate care, and schools. These facilities consist of:
- a. Elder care (nursing homes);
 - b. Congregate care serving 12 or more individuals (day care and assisted living);
 - c. Public and private schools (pre-schools, K-12 schools), before-school and after-school care serving 12 or more children);
4. Facilities vital to restoring normal services including government operations, unless exempted per paragraph c below. These facilities consist of:
- a. Essential government operations (public records, courts, jails, building permitting and inspection services, Town administration and management, maintenance and equipment centers);
 - b. Essential structures for public colleges and universities (dormitories, offices, and classrooms only).
 - c. These facilities may be exempted if it is demonstrated to the Floodplain Administrator that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same entity or available through an intergovernmental agreement or

other contract), the alternative facilities are either located outside of the 100-year floodplain or are compliant with this Chapter, and an operations plan is in effect that states how redundant facilities will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the Floodplain Administrator on an as-needed basis upon request.

5. Protection for Critical Facilities. All new and substantially improved Critical Facilities and new additions to Critical Facilities located within the Special Flood Hazard Area shall be regulated to a higher standard than structures not determined to be Critical Facilities. For the purposes of this Chapter, protection shall include one of the following:
 - a. Location outside the Special Flood Hazard Area; or
 - b. Elevation of the lowest floor or floodproofing of the structure, together with attendant utility and sanitary facilities, to at least two feet above the Base Flood Elevation.
 - c. Ingress and Egress for New Critical Facilities. New Critical Facilities shall, when practicable as determined by the Floodplain Administrator, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event.

Article 4

Definitions

Sec. 15.05.410 Word and terms.

The words and phrases used in this Chapter shall have the meanings defined below:

Addition means any activity that expands the enclosed footprint or increases the square footage of an existing structure.

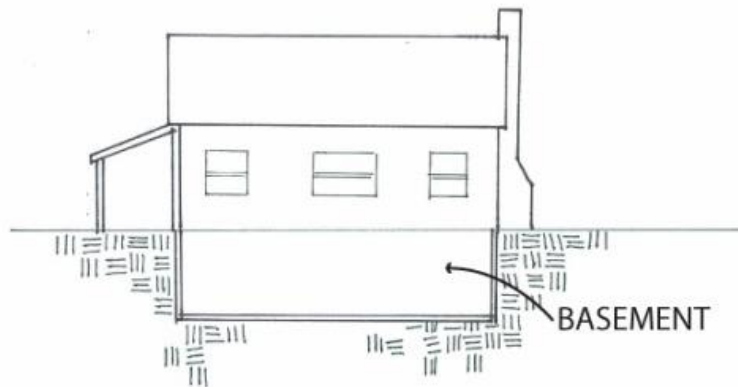
Alluvial fan flooding means a fan-shaped sediment deposit formed by a stream that flows from a steep mountain valley or gorge onto a plain or the junction of a tributary stream with the main stream. Alluvial fans contain active stream channels and boulder bars, and recently abandoned channels. Alluvial fans are predominantly formed by alluvial deposits and are modified by infrequent sheet flood, channel avulsions and other stream processes.

Area of shallow flooding means a designated Zone AO or AH on the Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Base Flood Elevation (BFE) means the elevation shown on a FEMA Flood Insurance Rate Map for Zones AE, AH, A1-30, AR, AR/A, AR/AE, AR/A1-30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

Basement means any area of a building having its floor sub-grade (below ground level) on all sides. See Figure 5.1.

Figure 5.1



Channel means the physical confine of a stream or waterway consisting of a bed and stream banks, existing in a variety of geometries. See Figure 5.2.

Channelization means the artificial creation, enlargement or realignment of a stream channel.

Code of Federal Regulations (CFR) means the codification of the general and permanent Rules published in the Federal Register by the executive departments and agencies of the Federal Government. It is divided into 50 titles that represent broad areas subject to Federal regulation.

Critical facility means a structure or related infrastructure, but not the land on which it is situated, as specified in Rule 6 of the Rules and Regulations for Regulatory Floodplains in Colorado, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the Town at any time before, during and after a flood.

Development means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

DFIRM database means data and analyses that accompany DFIRMs. The FEMA Mapping Specifications and Guidelines outline requirements for the development and maintenance of DFIRM databases.

Digital Flood Insurance Rate Map (DFIRM) means a FEMA digital floodplain map. These digital maps serve as "regulatory floodplain maps" for insurance and floodplain management purposes.

Elevated building means a non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters (See FEMA Lowest Floor Guide).

Federal register means the official daily publication for Rules, proposed Rules, and notices of Federal agencies and organizations, as well as executive orders and other presidential documents.

FEMA means Federal Emergency Management Agency, the agency responsible for administering the National Flood Insurance Program.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of water from channels and reservoir spillways;
2. The unusual and rapid accumulation or runoff of surface waters from any source; or
3. Mudslides or mudflows that occur from excess surface water that is combined with mud or other debris that is sufficiently fluid so as to flow over the surface of normally dry land areas (such as earth carried by a current of water and deposited along the path of the current).

Flood, 100-year means a flood having a recurrence interval that has a one-percent chance of being equaled or exceeded during any given year (1-percent-chance-annual flood). The terms "one-hundred-year flood" and "one percent chance flood" are synonymous with the term "100- year flood." The term does not imply that the flood will necessarily happen once every one hundred years.

Flood, 500-year means a flood having a recurrence interval that has a 0.2-percent chance of being equaled or exceeded during any given year (0.2-percent-chance-annualflood). The term does not imply that the flood will necessarily happen once every five hundred years.

Flood control structure means a physical structure designed and built expressly or partially for the purpose of reducing, redirecting, or guiding flood flows along a particular waterway. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Flood Insurance Rate Map (FIRM) means an official map on which the Federal Emergency Management Agency has delineated both the Special Flood Hazard Areas and the risk premium zones applicable to the Town.

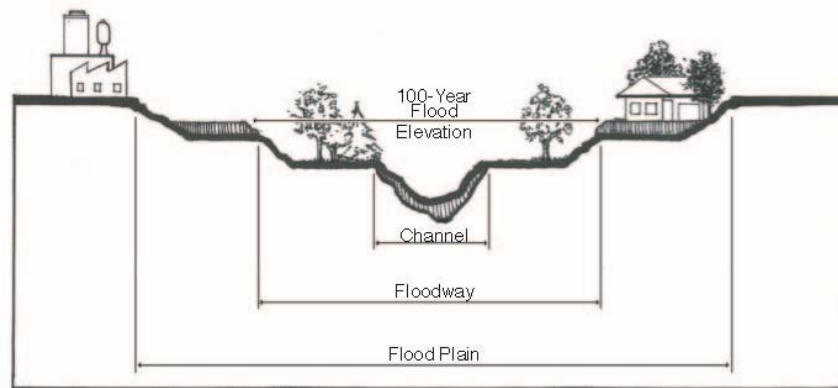
Flood Insurance Study (FIS) means the official report provided by the Federal Emergency Management Agency. The report contains the Flood Insurance Rate Map as well as flood profiles for studied flooding sources that can be used to determine Base Flood Elevations for some areas.

Floodplain or flood-prone area means any land area susceptible to being inundated as the result of a flood, including the area of land over which floodwater would flow from the spillway of a reservoir. See Figure 5.2.

Floodplain, 100-year means the area of land susceptible to being inundated as a result of the occurrence of a one-hundred-year flood.

Floodplain, 500-year means the area of land susceptible to being inundated as a result of the occurrence of a five-hundred-year flood.

Figure 5.2



Floodplain Administrator means the Town official designated by title to administer and enforce the floodplain management regulations.

Floodplain development permit means a permit required before construction or development begins within any Special Flood Hazard Area (SFHA). If FEMA has not defined the SFHA within the Town, the Town shall require permits for all proposed construction or other development in the Town including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed within flood-prone areas. Permits are required to ensure that proposed development projects meet the requirements of the NFIP and this Chapter.

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such State or local regulations (including this Chapter), in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing means any combination of structural and/or non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway (regulatory floodway) means the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. See Figure 5.2.

Freeboard means the vertical distance in feet above a predicted water surface elevation intended to provide a margin of safety to compensate for unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood such as debris blockage of bridge openings and the increased runoff due to urbanization of the watershed.

Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a State inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved State program as determined by the Secretary of the Interior; or
 - b. Directly by the Secretary of the Interior in states without approved programs.

Letter of Map Revision (LOMR) means FEMA's official revision of an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA).

Letter of Map Revision Based on Fill (LOMR-F) means FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.

Letter of Map Revision, Conditional (CLOMR) means FEMA's comment on a proposed project, which does not revise an effective floodplain map that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.

Levee means a man-made embankment, usually earthen, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding. For a levee structure to be reflected on the FEMA DFIRMs as providing flood protection, the levee structure must meet the requirements set forth in 44 CFR 65.10.

Levee system means a flood protection system which consists of a levee or levees and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). Any floor used for living purposes which includes working, storage, sleeping, cooking and eating, or recreation or any combination thereof. This includes any floor that could be converted to such a use such as a basement or crawl space. The lowest floor is a determinate for the flood insurance premium for a building, home or business. An unfinished or flood-resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood insurance Program regulations.

Manufactured home means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

Manufactured home park means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Manufactured home park, existing means a manufactured home park for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of this Chapter.

Manufactured home park, expansion to existing means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Manufactured home park, new means a manufactured home park for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this Chapter.

Mean sea level means, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which Base Flood Elevations shown on a Flood Insurance Rate Map are referenced.

Material Safety Data Sheet (MSDS) means a form with data regarding the properties of a particular substance. An important component of product stewardship and workplace safety, it is intended to provide workers and emergency personnel with procedures for handling or working with that substance in a safe manner, and includes information such as physical data (melting point, boiling point, flash point, etc.), toxicity, health effects, first aid, reactivity, storage, disposal, protective equipment, and spill-handling procedures.

National Flood Insurance Program (NFIP) means FEMA's program of flood insurance coverage and floodplain management administered in conjunction with the Robert T. Stafford Relief and Emergency Assistance Act. The NFIP has applicable Federal regulations promulgated in Title 44 of the Code of Federal Regulations. The U.S. Congress established the NFIP in 1968 with the passage of the National Flood Insurance Act of 1968.

No-rise certification means a record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A No-Rise Certification must be supported by technical data and signed by a registered Colorado Professional Engineer. The supporting technical data should be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM).

Physical Map Revision (PMR) means FEMA's action whereby one or more map panels are physically revised and republished. A PMR is used to change flood risk zones, floodplain and/or floodway delineations, flood elevations, and/or plan features.

Recreational vehicle means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projections;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Special Flood Hazard Area (SFHA) means the land in the floodplain within the Town subject to a one percent or greater chance of flooding in any given year, i.e., the 100-year floodplain.

Start of construction means the date the initial building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a

foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means a walled and roofed building, including a gas or liquid storage tank, which is principally above ground, as well as a manufactured home.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure just prior to when the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "Start of Construction" of the improvement. The value of the structure shall be determined by the local jurisdiction having land use authority in the area of interest. This includes structures which have incurred "Substantial Damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions; or
2. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Threshold Planning Quantity (TPQ) means a quantity designated for each chemical on the list of extremely hazardous substances that triggers notification by facilities to the State that such facilities are subject to emergency planning requirements.

Variance means a grant of relief to a person from one or more requirements of this Chapter when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this Chapter. (For full requirements, see Section 60.6 of the National Flood Insurance Program regulations).

Violation means the failure of a structure or other development to be fully compliant with this Chapter. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance is presumed to be in violation until such time as that documentation is provided.

Water surface elevation means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in floodplains.

Chapter 15.06: SIGN REGULATIONS

Sections:

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15.06.120	Application
 <i>Article 2</i>	 <i>Administration and Procedures</i>
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15.06.220	Permit procedure
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15.06.250	Exempt signs
15.06.260	Prohibited signs
 <i>Article 3</i>	 <i>Standards</i>
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Chapter 15.06

SIGN REGULATIONS

Article 1

Purpose and Applicability

15.06.110 Purpose and intent

- A. Purpose. These sign regulations are established to safeguard the health, safety, convenience, order and welfare of all residents of the Town of Parachute, Colorado. The purpose of this Chapter is to provide a balanced and fair legal framework for the design, construction, and placement of signs that:
1. Promote the safety of persons and property by ensuring that signs do not create a hazard by:
 - a. Confusing or distracting motorists; or
 - b. Impairing drivers' ability to see pedestrians, obstacles or other vehicles, or to read traffic signs;
 2. Promote the efficient communication of messages, and ensures that persons exposed to signs are not overwhelmed by the number of messages presented;
 3. Protect the public welfare and enhances the appearance and economic value of the landscape by reducing and preventing sign clutter;
 4. Ensure that signs are compatible with their surroundings, and prevent the construction of signs that are a nuisance to occupants of adjacent and contiguous property due to brightness, reflectivity, bulk, or height;
 5. Enhance property values and business opportunities;
 6. Assist in wayfinding; and
 7. Provide fair and consistent permitting and enforcement.
- B. Intent. It is the intent of these regulations to provide for the proper control of signs in a manner consistent with the First Amendment guarantee of free speech. It is not the intent of these regulations to regulate signs based on the content of their messages. Rather, this Chapter advances important, substantial, and compelling governmental interests.
1. The incidental restriction on the freedom of speech that may result from the regulation of signs hereunder is no greater than is essential to the furtherance of the important, substantial, and compelling interests that are advanced by this Chapter.
 2. The Town has an important and substantial interest in preventing sign clutter (which is the proliferation of signs of increasing size and dimensions as a result of competition among property owners for the attention of passing motorists and pedestrians), because sign clutter:

- a. Creates visual distraction and obstructs views, potentially creating a public safety hazard for motorists, bicyclists, and pedestrians;
 - b. May involve physical obstructions of streets or sidewalks, creating public safety hazards;
 - c. Degrades the aesthetic and essential historic character of the Town, making the Town a less attractive place for tourism, commerce, and private investment; and
 - d. Dilutes or obscures messages displayed along the Town's streets through the proliferation of distracting structures and competing messages.
- 3. The Town has a substantial and/or compelling interest in preventing traffic accidents.
 - 4. The Town has a substantial and/or compelling interest in preventing negative impacts associated with temporary signs. Temporary signs may be degraded, damaged, moved, or destroyed by wind, rain, snow, ice, and sun, and after such degradation, damage, movement, or destruction, such signs harm the safety and aesthetics of the Town's streets if they are not removed.
 - 5. Certain types of speech are not constitutionally protected due to the harm that they cause to individuals or the community.

15.06.120 Application

The provisions of these regulations shall apply to the display, construction, erection, alteration, use, maintenance, and location of all signs within the Town of Parachute.

- 1. If any provision of this Chapter conflicts with any other adopted Town code that regulates signs, the more restrictive standards shall apply.
- 2. The Town recognizes other regulations pertaining to signage (*i.e.*, State of Colorado, Department of Highways, "Rules and Regulations Pertaining to Outdoor Advertising," effective January 1, 1984, and as may be amended). Where any provision of this Chapter cover the same subject matter as other regulations, the more restrictive regulation shall apply.
- 3. Nothing in this Chapter shall be construed as a defense to a violation of applicable State or federal law.
- 4. The content of signs related to marijuana businesses is restricted by State laws and regulations, and both the advertising and sale of marijuana are prohibited by federal law. The Town has no authority to supersede State or federal marijuana laws.
- 5. Signs shall be permitted in the various zoning districts as accessory structures in accordance with these regulations.
- 6. All signs displayed, constructed, erected or altered after the date of the adoption of these regulations shall be in conformance with the provisions of these regulations. All signs that are existing at the time of the adoption of these regulations shall not be altered or enlarged without being brought into conformance with these regulations.

7. Existing signs which do not conform to the specific provisions of these regulations are designated as nonconforming signs. All nonconforming signs shall be removed or brought in conformance with these regulations on or before the earlier to occur of the following events:
 - a. The sign is relocated or replaced.
 - b. The structure or size of the sign is altered in any way except towards compliance with these regulations. This does not refer to change of copy or normal maintenance.
 - c. The sign suffers more than fifty percent (50%) appraised damage or deterioration.
 - d. The expiration of two (2) years from the effective date of the ordinance adopting these regulations (February 1, 2017); provided however, that all existing signs with flashing, moving, blinking, chasing or other animation effects not in conformance with the provisions of these regulations shall be adjusted such that such flashing, moving, blinking, chasing or other animation effects shall cease within sixty (60) days of the effective date of the ordinance adopting these regulations (February 1, 2017).

Article 2

Administration and Procedures

15.06.210 Permit required

Unless otherwise provided by these regulations, all signs shall require sign permits and payment of fees as described in these regulations.

1. In addition to the required sign permit, a building permit may be required by the Town Manager for signs incorporating structural elements or attached to buildings. Electrical permits will be required for illuminated signs or other signs with electrical components.
2. Changing or replacing the copy on an existing sign shall not require a permit.

15.06.220 Permit procedure

- A. An application for a sign permit shall be submitted on a form provided in Appendix 1.
- B. The applicant may choose to apply for a single permit for multiple signs in a unified or coordinated development by filing a master sign plan in accordance with PMC 15.06.240.
- C. Upon receipt of a complete application the Town Manager shall review the same for compliance with this Chapter and all applicable building code requirements, and approve, approve with conditions, or deny the application.
- D. The Town Manager shall have the right to inspect the proposed sign location prior to acting on the application, and shall also have the right to inspect the sign after construction to insure compliance with this Chapter and any conditions of approval.
- E. A sign permit shall lapse and have no further effect unless a sign has been erected in compliance with the terms and conditions of the permit within one (1) year after the date of the sign permit approval.
- F. A denial of a sign permit by the Town Manager may be appealed to the Board of Adjustment. All appeals to the Board of Adjustment shall be in accordance with the procedures provided in PMC 15.01.330.

15.06.230 Minor modifications to sign standards

- A. The Town Manager shall be authorized to grant minor modifications of any sign standard, including but not limited to sign area modifications of ten percent (10%) or less, subject to the approval criteria noted in subsection (c) below. Such actions may be taken in order to encourage the implementation of alternative or innovative practices that provide equivalent benefits to the public.
- B. An applicant requesting a modification to the sign standards that does not qualify as a minor modification must obtain a variance per PMC 15.01.330.
- C. Approval criteria. Minor modifications may be approved by the Town Manager only upon a finding that all of the following criteria have been met:

1. The requested modification eliminates an unnecessary inconvenience to the applicant and will have no significant adverse impact on the health, safety or general welfare of surrounding property owners or the general public;
2. Any adverse impacts resulting from the minor modification will be mitigated to the maximum extent practical; and
3. The requested minor modification is either:
 - a. Of a technical nature and is required to compensate for some practical difficulty or unusual aspect of the site or the proposed sign; or
 - b. An alternative or innovative design practice that achieves to the same or better degree the objective of the existing design standard sought to be modified.

15.06.240 Master sign plan

For any multi-tenant retail center, industrial park or other unified form of commercial site development or redevelopment, the applicant shall submit a master sign plan that consists of coordinated and/or shared signage for the entire development.

1. In general, signs shall have mutually unifying elements which may include uniformity in materials, color, size, height, letter style, sign type, shape, lighting, location on buildings, and design motif.
2. Materials and textures of signs shall be compatible with the architectural character of the site and building. Supporting sign structures of freestanding signs shall match the primary finish and colors of the associated building(s).
3. Where possible, freestanding signs shall integrate tenant signs into a single sign structure.
4. Directional signage systems shall be of a unified graphical system. Such signage shall be placed in consistent locations near site entries, key points on the internal automobile and pedestrian circulation system, building entries, seating areas, and sidewalk intersections.
5. In reviewing an applicant's submittal of a master sign plan conforming to the provisions of this section, the Town Manager may vary standards for area, height and number of individual signs.
6. The Town Manager may approve up to a twenty (20) percent change in one or more dimensional standards (area and/or height) based on the applicant demonstrating that the change is warranted by a master sign plan that represents exceptional design.

15.06.250 Exempt signs

Generally, the following types of signs are exempt from the sign permit requirements of PMC 15.06.210 above, subject to the provisions of this section. Exempt signs shall otherwise be in conformance with all applicable requirements of this Chapter, and the construction and safety standards of the Town. All signs not listed in this section (and that are not prohibited under PMC 15.06.260) require a sign permit pursuant to PMC 15.06.210 above.

1. Signs erected by the Town or by any federal, State or county government agency.

2. Signs required by law or regulation.
3. Flags that are affixed to permanent flagpoles or flagpoles that are mounted to buildings (either temporary or permanent).
4. Signs being carried by a person provided that such signs are not set down or propped on objects.
5. Window signs, as defined in PMC 15.06.510. In addition, any sign displayed on a window of or inside a residential building, and any sign inside a non-residential building that is not visible through a window.
6. Temporary decorations or displays, if they are clearly incidental to, customarily, or commonly associated with any national, State, or local holiday or religious celebration; such decorations or displays may be of any type, number, area, height, location, illumination or animation.
7. Wave banners subject to the standards in PMC 15.06.330 B.
8. One (1) banner limited to a maximum sign area of eight (8) square feet located on a residential structure. All other banners as defined in PMC 15.06.510 shall be subject to a sign permit.
9. Sidewalk signs, as defined in PMC 15.06.510 and subject to the standards in PMC 15.06.330 C.
10. Site signs, as defined in PMC 15.06.510 and subject to the standards in PMC 15.06.330 D.
11. Swing signs, as defined in PMC 15.06.510 and subject to the standards in PMC 15.06.330 E.
12. Yard signs, as defined in PMC 15.06.510 and subject to the standards in PMC 15.06.330 F.
13. Directional signs as defined in PMC 15.06.510 which do not exceed four (4) square feet in sign area and four (4) feet in height (except when used on a vehicular clearance structure), limited to six (6) such signs per property.
14. Incidental signs as defined in PMC 15.06.510 which do not exceed two (2) square feet in sign area.
15. Inflatable signs, as defined in PMC 15.06.510 and limited to one (1) per non-residential property.
16. Murals and works of art, as defined in PMC 15.06.510.

15.06.260 Prohibited signs

The following types of signs are prohibited except as noted:

1. All signs not expressly permitted under this Article or exempt from a sign permit in accordance with PMC 15.06.250.
2. Signs contributing to confusion of traffic control devices or emergency service vehicles, or which hide or interfere with the effectiveness of such devices or vehicles.

3. Any sign that obstructs access to or impedes operation of any window, door, fire escape, stairway, ladder or opening intended to provide light, air, ingress or egress for any building or structure as may be required by law.
4. Any sign attached to any utility pole or structure within any public right-of-way without the express consent of the authorized utility provider or governmental entity.
5. Any sign that projects, overhangs or otherwise is located in the public right-of-way, except as specifically provided for in this Chapter.
6. Any sign that obstructs the view of a person operating a motor vehicle in any direction at the intersection of a street or with an alley or driveway (see corner vision clearance provisions in PMC 15.04.185.
7. Any sign that impedes safe pedestrian or vehicular movement.
8. Signs attached to trees or other plant materials.
9. Snipe signs as defined in PMC 15.06.510;
10. Any rotating or flashing signs, except as otherwise provided as an electronic message center in PMC 15.06.320J;
11. Portable signs, except as otherwise provided for sidewalk signs in PMC 15.06.330C.
12. Signs that advertise unlawful activity, except:
 - a. Commercial speech related to marijuana. Federal law prohibits the advertising and sale of marijuana. Colorado law specifically allows the advertising and sale of marijuana, subject to comprehensive State regulation. As of the effective date of this Chapter, the U.S. Department of Justice has indicated that it will use prosecutorial discretion to (in general) not enforce federal marijuana laws in states that have legalized marijuana under State law and enacted comprehensive regulations for the marijuana industry. Accordingly, the Town will allow a limited exception to subsection 15 of this section for the signs of licensed marijuana businesses, provided that the businesses are licensed and operated in compliance with applicable State statutes and regulations. The exception created by this subsection does not create an exemption from or a defense to the enforcement of federal law, nor shall the Town be liable for any damages caused by the enforcement of federal law. If the federal policy regarding prosecutorial discretion officially changes such that federal marijuana prohibitions are enforced in Colorado, then the limited exception created by this section shall automatically terminate, and signs advertising marijuana shall be considered prohibited signs.

Article 3

Standards

15.06.310 Sign standards by zoning district

Signs in all zoning districts shall be subject to the standards set forth in this section. The number, types and sizes of signs set forth in Tables 6.1 and 6.2 shall also comply with the standards by sign type listed in PMC 15.06.320 and 15.06.330.

1. Standards for residential zoning districts. Signs in the LDR, MDR and HDR zoning districts shall be subject to the limitations and standards in Table 6.1.

**TABLE 6.1
Standards for Residential Zoning Districts**

Sign Type	Maximum Number	Maximum Area	Maximum/Minimum Height
Monument Sign	1 per non-residential use; 1 per entrance to a subdivision, multi-family housing complex or mobile home park	36 square feet	No higher than 6 feet
Site Sign	1 per street frontage	100 square feet	No higher than 8 feet
Swing Sign	1 per street frontage	8 square feet, inclusive of riders	No higher than 6 feet
Wall Sign	1 per single-family or two-family dwelling with a home occupation or home business	10 square feet	No higher than eave or parapet line
	1 per principal multifamily building, per street frontage	32square feet	No higher than eave or parapet line
	1 per non-residential use	32 square feet.	No higher than eave or parapet line
Yard Sign	1 per street frontage	6 square feet per sign	No higher than 4 feet

2. Standards for nonresidential zoning districts and uses. Signs in the RA, OTC, NC, HT, SC, LI, GI and P zoning district shall be subject to the limitations and standards in Table 6.2.

TABLE 6.2
Standards for Nonresidential Zoning Districts

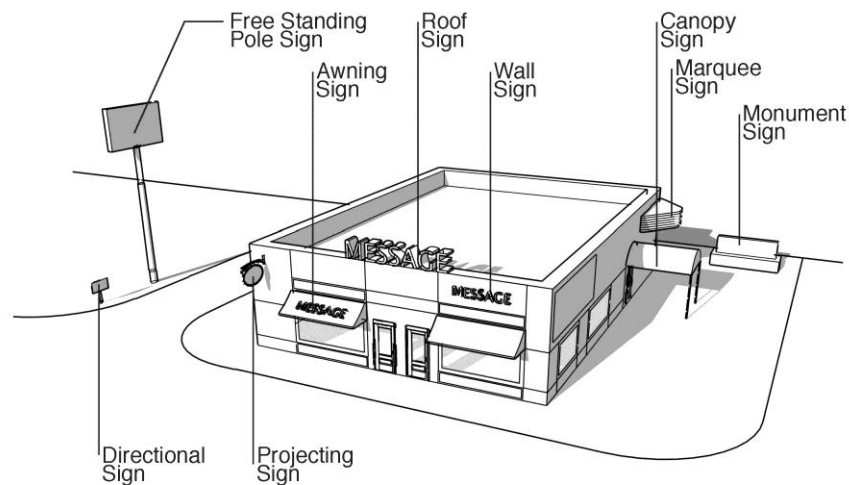
Sign Type	Maximum Number	Maximum Area	Maximum/Minimum Height
Awning Sign	Unlimited, within maximum area requirements	0.5 square feet of signage for each linear foot of awning, up to a maximum of 32 square feet	No higher than roof or parapet line; 8 feet minimum height pedestrian clearance
Banners	1 banner per legal lot of record, displayed on a building wall.	0.50 square feet for each linear foot of exterior wall up to a maximum area of 100 square feet.	No higher than roof or parapet line for wall banner.
	1 freestanding wave banner per legal lot of record	50 square feet.	No higher than 12 feet for wave banner.
Canopy Sign	Unlimited, within maximum area requirements	0.5 square feet of signage for each linear foot of canopy, up to a maximum of 32 square feet	No higher than roof or parapet line; 8 feet minimum height pedestrian clearance; 14 feet minimum height vehicular clearance
Freestanding Pole Sign	1 per street frontage of principal building, plus 1 additional for street frontages in excess of 500 feet	150 square feet. An electronic message center may be integrated up to 50% of allowed sign area.	No higher than 30 feet
	1 per principal building within 500 feet of an I-70 interchange	300 square feet. An electronic message center may be integrated up to 50% of allowed sign area.	No higher than 60 feet
Marquee Sign	1 per principal building	120 square feet per sign face, up to a maximum of 3 faces	No higher than roof or parapet line; 8 feet minimum height
Monument Sign	1 per street frontage	80 square feet. An electronic message center may be integrated up to 50% of allowed sign area.	No higher than 8 feet

Projecting Sign	1 per use	15 square feet	No higher than wall (single story building)/bottom of second story window (multi-story building); 8 feet minimum height
Roof Sign	1 per principal building	.5 square feet of area per lineal foot of exterior wall frontage, up to a maximum of 100 square feet	No higher than 4 feet above roofline, parapet or fascia on a flat roof; no higher than roofline on a peaked or mansard roof
Sidewalk Sign	1 per use	8 square feet	No higher than 4 feet
Site Sign	1 per street frontage	100 square feet	No higher than 8 feet
Swing Sign	1 per street frontage	8 square feet, inclusive of riders	No higher than 6 feet
Wall Sign	Unlimited, within maximum area requirements	1 square foot of area per lineal foot of exterior wall frontage, up to a maximum of 200 square feet	No higher than the eave line
Yard Sign	1 per street frontage	6 square feet	No higher than 4 feet

3. Sign allowance. The total aggregate sign area permitted for any use in a residential or non-residential zoning district shall not exceed three hundred (300) square feet, with the exception of uses that qualify for a freestanding pole sign adjacent to an I-70 interchange, in which case the total aggregate sign area shall not exceed four hundred and fifty (450) square feet.

15.06.320 Permanent signs

FIGURE 6.1
Permanent Sign Types



SIGN TYPES: Permanent

A. General. The following standards are applicable to all permanent signs:

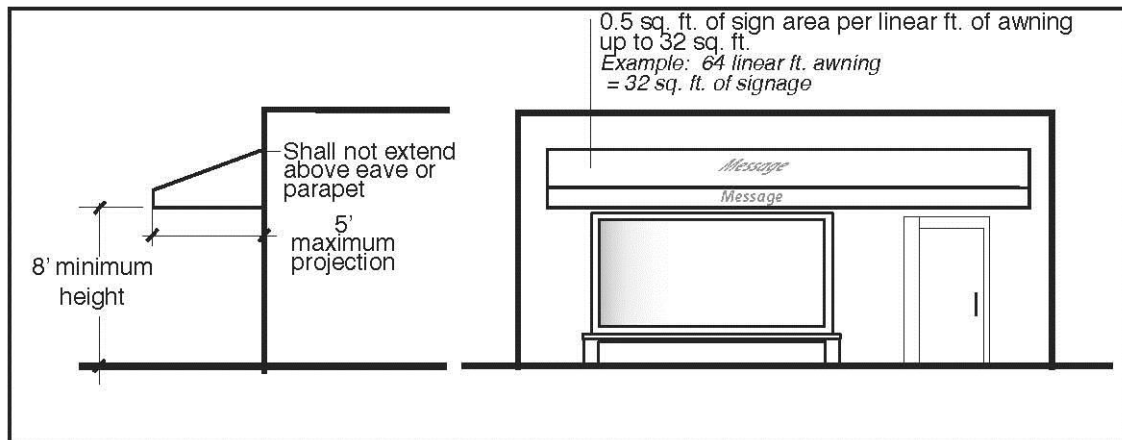
1. Owner consent. No sign permit shall be issued for any permanent sign on private property without written consent of the property owner or the owner's authorized agent.
2. Lighting. No illuminated signs are allowed in the residential zone districts. Unless otherwise specified by these regulations, all permanent signs in the nonresidential zone districts may be illuminated. The light from any light source intended to illuminate a permanent sign shall be so shaded, shielded or directed so that the light intensity or brightness shall not cause glare to affect surrounding properties, or cause glare to affect safe vision of pedestrians or operators of vehicles moving on public or private streets, driveways or parking areas. In addition, no sign may utilize:
 - a. An exposed incandescent lamp with an external reflector and without a sunscreen or comparable diffusion; or
 - b. Any revolving beacon light.

B. Awning signs.

1. Location. Signs may be placed only on awnings that are located on first and second-story building frontages, including those fronting a street, parking lot or pedestrian way. An awning may include a printed or mounted sign. No sign mounted to an awning shall project beyond, above or below the face of an awning.

2. Quantity, area and height. Sign quantity and area shall comply with the requirements established in PMC 15.06.310. No structural element of an awning shall be located less than eight (8) feet above finished grade. Awnings on which signs are printed or mounted shall not extend over a public right-of-way more than seven (7) feet from the face of a supporting building. No awning, with or without signage, shall extend above the roof line of any building.
3. Lighting. Awnings may be internally illuminated only.

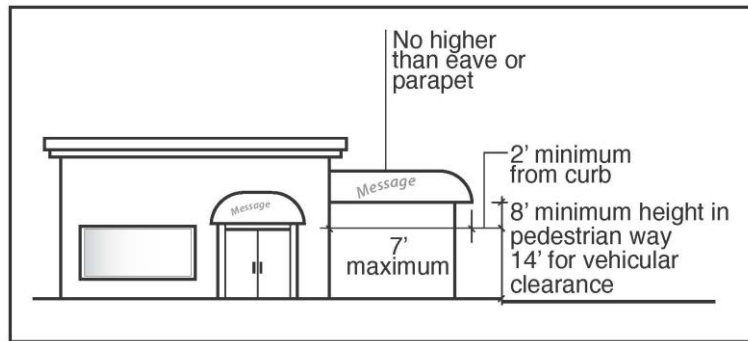
FIGURE 6.2
Awning Sign Detail



C. Canopy signs.

1. Location. Signs may be placed on canopies that front a street, parking lot or pedestrian way. A canopy may include a printed or mounted sign. No sign mounted to a canopy shall project beyond, above or below the face of a canopy.
2. Quantity, area and height. Sign quantity and area shall comply with the requirements established in PMC 15.06.310. No structural element of a canopy sign shall be located less than eight (8) feet above finished grade in a pedestrian way, or less than fourteen (14) feet above finished grade in a vehicular way. Canopies on which signs are printed or mounted shall not extend over a public right-of-way more than seven (7) feet from the face of a supporting building, and be no closer than two (2) feet to a curb line. No canopy, with or without signage, shall extend above the roof line of any building. No canopy sign shall project above the top of the canopy upon which it is mounted. However, a sign may project horizontally from the face of a canopy the distance necessary to accommodate the letter thickness and required electrical equipment, but not more than twelve (12) inches.
3. Lighting. Canopies may be internally illuminated only.

FIGURE 6.3
Canopy Sign Detail



D. Freestanding pole signs.

1. Location. A freestanding pole sign shall be located on a site frontage adjoining a public or private street, easement or right-of-way, unless the sign is located adjacent to an I-70 highway interchange (see Figure 6.4c and Figure 6.4d for detail of locations permitted). No new freestanding pole sign shall be located adjacent to an I-70 highway interchange within two hundred and fifty (250) lineal feet of an existing freestanding pole sign. All signs installed adjacent to an I-70 highway interchange are subject to Colorado Department of Transportation requirements, as applicable. The minimum setback from any property line for any freestanding pole sign shall be five (5) feet. No portion of any freestanding pole sign shall encroach or project into the public right-of-way.
2. Quantity, area and height. A freestanding pole sign shall comply with the quantity, area and height requirements established in PMC 15.06.310.
3. Lighting. Freestanding pole signs may be internally illuminated only.

FIGURE 6.4a
Freestanding Pole Sign Detail

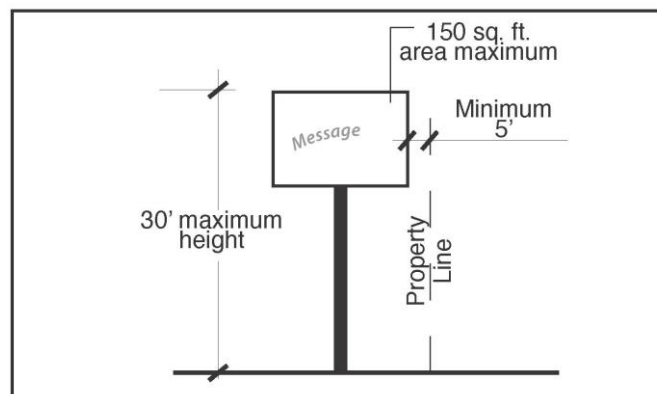


FIGURE 6.4b
Freestanding Pole Sign Detail- I-70 Interchange

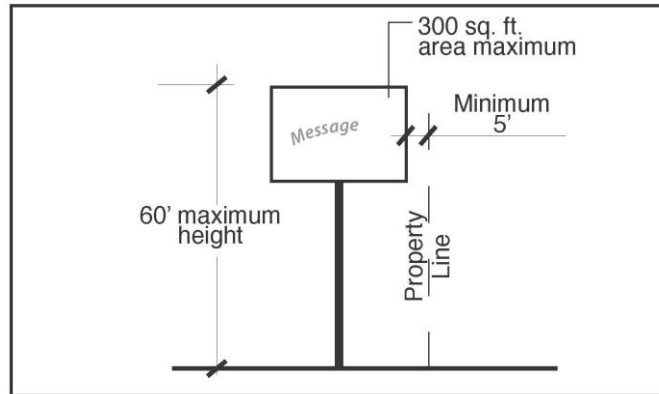
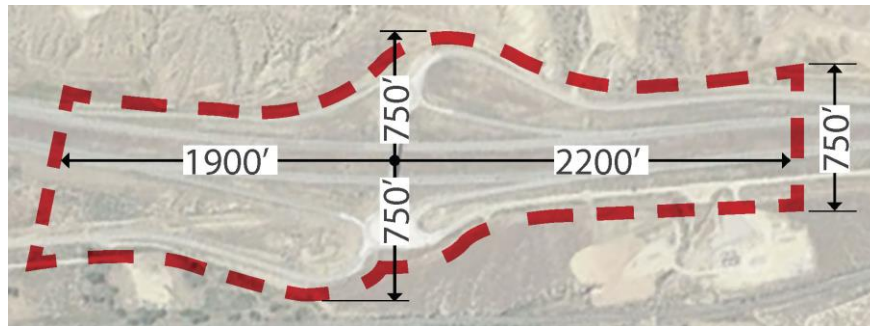


Figure 6.4 (c)
Freestanding Pole Sign Location Detail: Exit 75



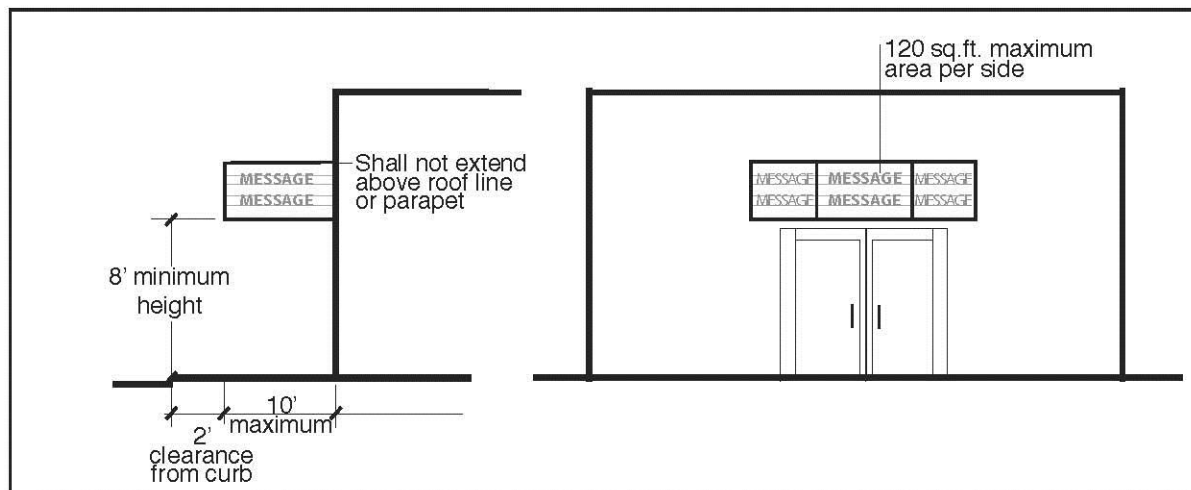
Figure 6.4 (d)
Freestanding Pole Sign Location Detail: Exit 72



E. Marquee signs.

1. Location. A marquee sign shall be placed on a ground floor façade of a building.
2. Quantity, area and height. A marquee sign shall comply with the quantity, area and height requirements established in PMC 15.06.310. No structural element of a marquee sign shall be located less than eight (8) feet above finished grade. Marquee signs shall not extend over a public right-of-way more than ten (10) feet from the face of a supporting building, and be no closer than two (2) feet to a curb line. No marquee sign shall extend above the roof or parapet line of any building.
3. Lighting. Marquee signs may be internally or externally illuminated.

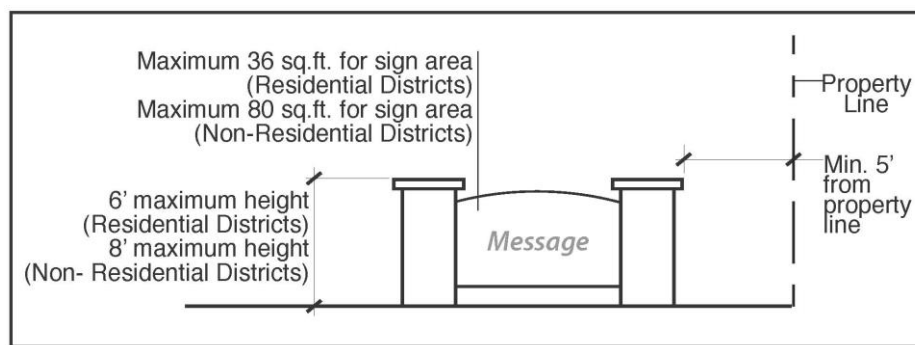
FIGURE 6.5
Marquee Sign Detail



F. Monument signs.

1. Location. A monument sign shall be located on a site frontage adjoining a public or private street, easement or right-of-way. The minimum setback from any property line shall be five (5) feet. Upon approval of the Town Manager, a monument sign may be integrated into a fence or wall.
2. Quantity, area and height. A monument sign shall comply with the quantity, area and height requirements established in PMC 15.06.310.
3. Lighting. Monument signs may be internally or externally illuminated.

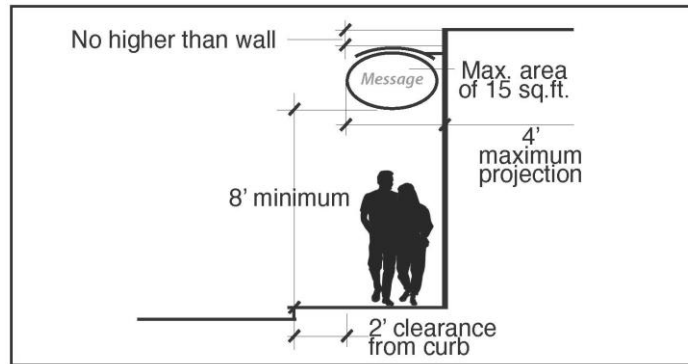
FIGURE 6.6
Monument Sign Detail



G. Projecting signs.

1. Location. Projecting signs shall be placed on a ground floor facade, except for businesses located above the ground level with direct exterior pedestrian access.
2. Quantity, area and height. A projecting sign shall comply with the quantity, area and height requirements established in PMC 15.06.310. No structural element of a projecting sign shall be located less than eight (8) feet above finished grade. Projecting signs shall not be higher than the wall from which the sign projects if attached to a single story building, or the height of the bottom of any second story window if attached to a multi-story building. Projecting signs shall not extend more than four (4) feet from the face of a supporting building, and be no closer than two (2) feet to a curb line.
3. Lighting. Projecting signs shall not be illuminated.

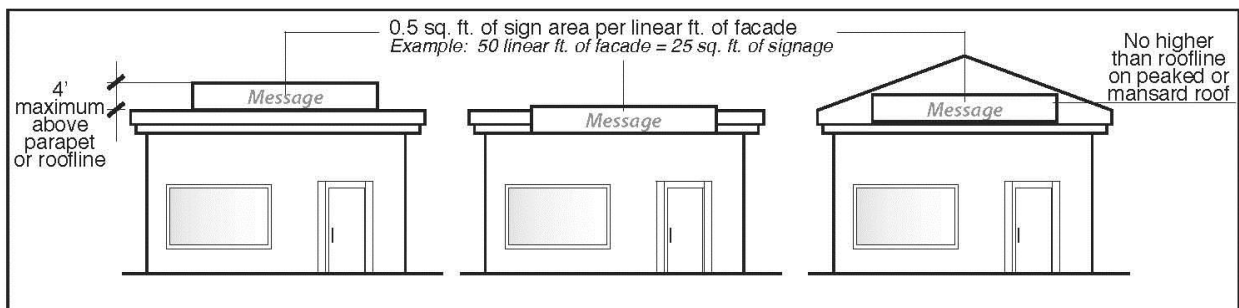
FIGURE 6.7
Projecting Sign Detail



H. Roof signs.

1. Location. Upon approval of the Town Manager, a roof sign may be permitted where the nature of the use, the size of the site or other physical constraints result in a situation where either a wall or freestanding sign cannot be installed without practical difficulties. The negative impact on the visual character of the site or surrounding area resulting from the installation of a roof sign shall be minimized through the use of quality materials and compatible colors. A roof sign shall not include an electronic message center.
2. Quantity, area and height. A roof sign shall comply with the quantity, area and height requirements established in PMC 15.06.310.
3. Lighting. Roof signs may be internally illuminated only.

FIGURE 6.8
Roof Sign Detail



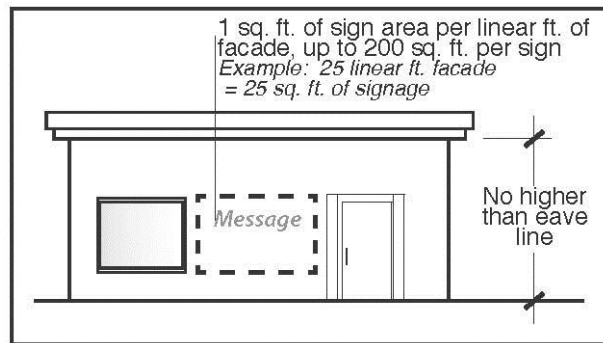
I. Wall signs.

1. Location. A wall sign shall not obstruct any portion of a window, doorway or other architectural detail.
2. Quantity, area and height. A wall sign shall comply with the quantity, area and height requirements established in PMC 15.06.310. No sign part, including cut-out letters, may project

from the building wall more than required for construction purposes and in no case more than twelve (12) inches.

3. Lighting. Wall signs may be internally or externally illuminated.

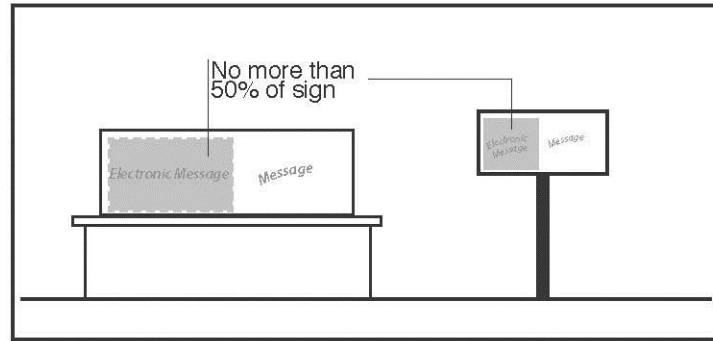
FIGURE 6.9
Wall Sign Detail



J. Electronic message centers.

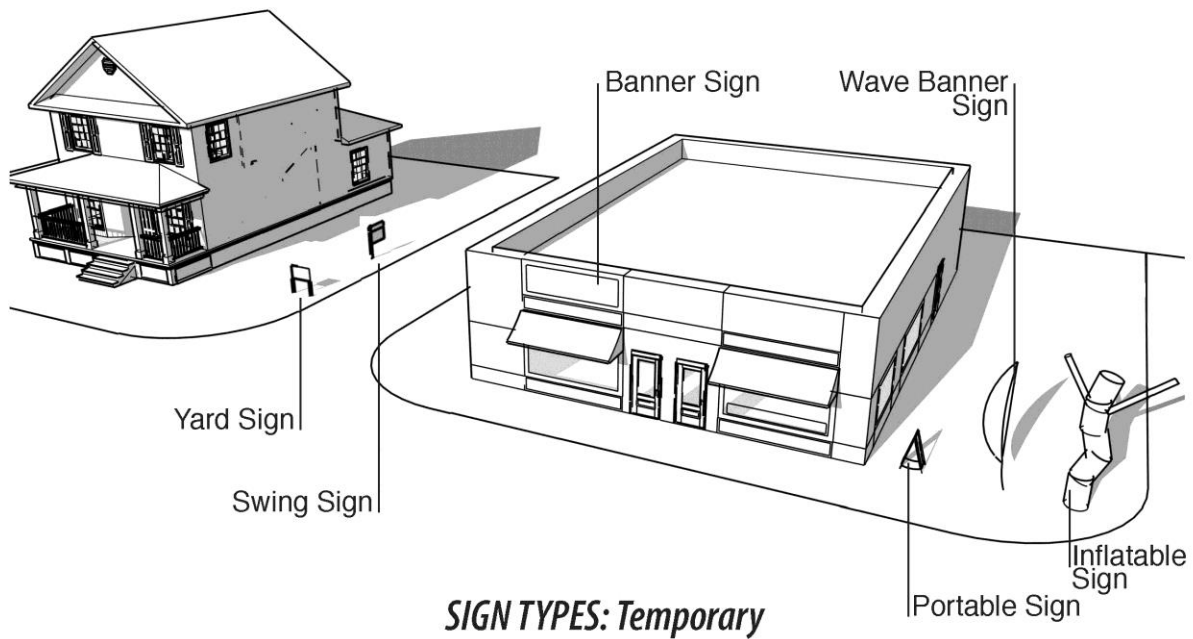
1. Location. Up to fifty percent (50%) of the allowed sign area of a freestanding pole or monument sign in a non-residential zoning district may be occupied by an electronic message center. Existing signage proposed for conversion to the use of an electronic message center shall conform to the sign standards in this Article prior to issuance of a sign permit. Non-conforming signs shall not be eligible for conversion to an electronic message center.
2. Quantity, area and height. An electronic message center shall comply with the quantity, area and height requirements established for freestanding pole or monument signs in PMC 15.06.310.
3. Lighting. Lighting from the electronic message center shall not exceed 0.3 foot candles between dusk to dawn as measured from the sign's face. The electronic message center shall have automatic dimmer software or solar sensors to control brightness for nighttime viewing. The intensity of the light source shall not produce glare, the effect of which constitutes a traffic hazard. Documentation shall be provided from the sign manufacturer which verifies compliance with auto dimming and brightness requirements.
4. Transition method. The electronic message center shall be limited to static messages, changed only through either dissolve or fade transitions, which may otherwise not have movement, or the appearance or optical illusion of movement, of any part of the sign structure, design, or pictorial segment of the sign, including the movement of any illumination or the flashing, scintillating or varying of light intensity.
5. Transition duration. The transition duration between messages shall not exceed one (1) second.
6. Message hold time. The message hold time shall be a minimum of twenty (20) seconds.

FIGURE 12-5
Electronic Message Center Detail



15.06.330 Temporary signs

FIGURE 6.10
Temporary Sign Types



A. General. The following standards are applicable to all temporary signs:

1. Owner consent. All temporary signs must be located on private property and only with the consent of the property owner.
2. Lighting. No temporary sign shall be illuminated.

3. Duration. The purpose of temporary signs is to display messages for a temporary duration. Temporary signs shall not be used as a subterfuge to circumvent the regulations that apply to permanent signs or to add permanent signage in addition to that which is permitted by PMC 15.06.310. Temporary signs shall be removed on or before ninety (90) days after first being placed, unless otherwise specified herein.

B. Banners.

1. Location.
 - a. Banners shall not be placed to obstruct any portion of a window, doorway or other architectural detail.
 - b. Banners may be installed on a utility pole with the consent of the utility provider, provided that the banner is attached at the top and bottom by brackets that project no more than thirty (30) inches from the utility pole.
2. Wave banners shall not obstruct any vehicle or pedestrian movement.
3. Quantity, area and height. Banners and wave banners shall comply with the quantity, area and height requirements established in PMC 15.06.310. In addition, banners installed on utility poles in accordance with subsection b. above shall not exceed 24 inches in width and 48 inches in height.

FIGURE 6.11
Banner Sign Detail

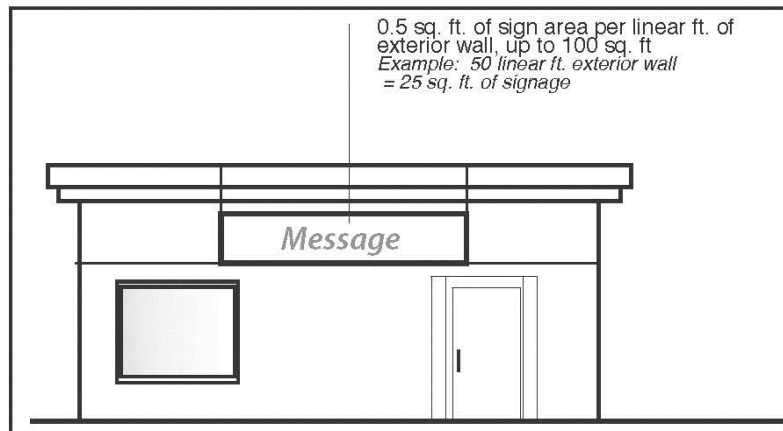
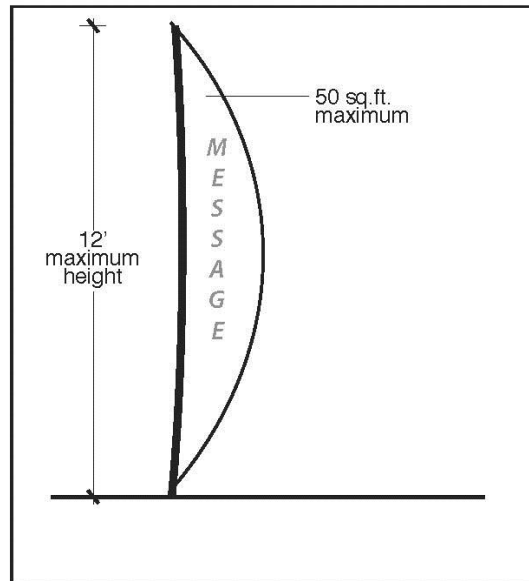


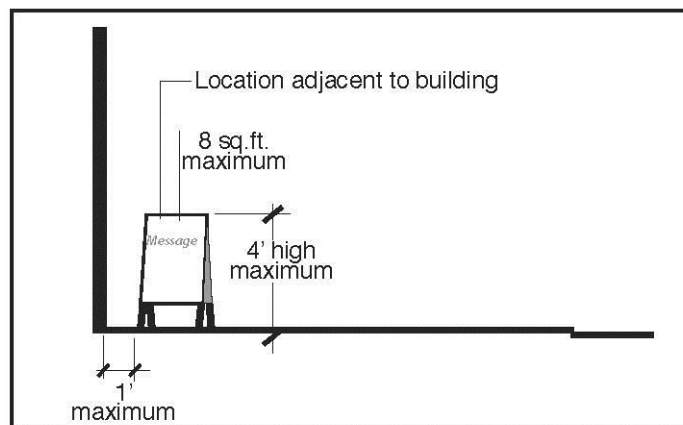
FIGURE 6.12
Wave Banner Detail



C. Sidewalk Signs.

1. Location. Placement of a sidewalk sign must be within one (1) foot of a building wall. A minimum of four (4) feet of sidewalk width clearance shall be available for pedestrian use. Sidewalk signs must be removed each day at close of business.
2. Quantity, area and height. A sidewalk sign shall comply with the quantity, area and height requirements established in PMC 15.06.310.

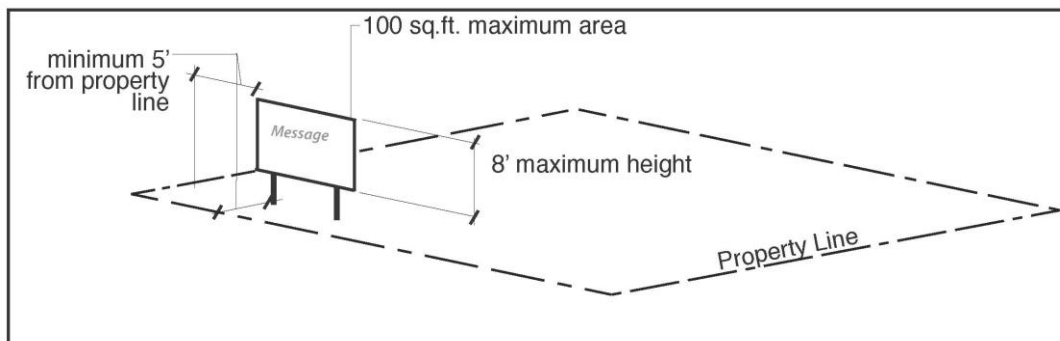
FIGURE 6.13
Sidewalk Sign Detail



D. Site Signs.

1. Location. Site signs shall be setback a minimum of five (5) feet from any property line. Site signs are intended for vacant land parcels or lots under construction, and are not permitted on parcels with existing residential or non-residential uses.
2. Quantity, area and height. A site sign shall comply with the quantity, area and height requirements established in PMC 15.06.310.

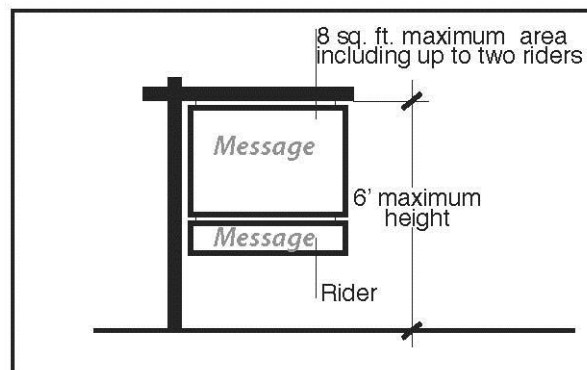
FIGURE 6.14
Site Sign Detail



E. Swing Signs.

1. Quantity, area and height. A swing sign shall comply with the quantity, area and height requirements established in PMC 15.06.310.

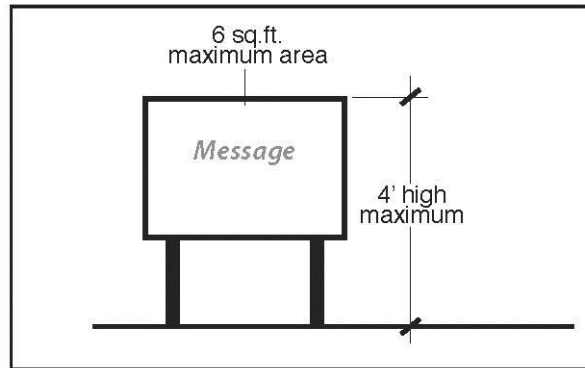
FIGURE 6.15
Swing Sign Detail



F. Yard Signs.

1. Quantity, area and height. A yard sign shall comply with the quantity, area and height requirements established in PMC 15.06.310.

FIGURE 6.16
Yard Sign Detail



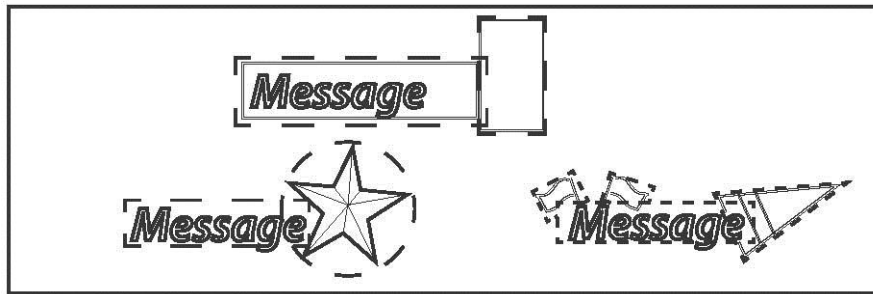
15.06.340 Sign measurement

A. Computation of Sign Area.

1. The area of a sign face shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the message, logo, symbol, name, photograph, writing, representation, emblem, artwork, figure or other display used to differentiate the sign from the backdrop or structure against which it is placed (See Figure 6.17).
2. Any supporting framework, bracing, poles, fence or wall, or architectural feature or landscape element that is clearly incidental to the sign display shall not be computed as sign area.
3. Architectural treatments that aid in integrating the signage with the building design are encouraged, but any such treatment shall not be created for the purpose of visually enlarging the size of the sign. If more than ten percent (10%) of any wall or roof surface of any nonresidential building or any accessory structure to a nonresidential use is painted, finished or surfaced in a distinctive color scheme that includes some or all of the same colors, shapes, symbols, images, patterns or textures used on any sign identifying an owner, tenant or user of the building, and the Town Manager determines that such wall or roof surfaces serve as a sign for an owner, tenant or user of the building, such wall or roof area shall be counted as signage and shall be subject to the limitations on signage area in Table 6.2.
4. All sign faces visible from one point shall be counted and considered part of the maximum total sign area allowance for a sign.
 - a. When two identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and are part of the same sign structure, the sign area shall be computed by the measurement of one of the two sign faces.
 - b. When the sign has more than two display surfaces, the area of the sign shall be the area of largest display surfaces that are visible from any single direction.

5. The area of the sign shall be measured as follows if the sign is composed of more than one (1) individual cabinets or modules:
 - a. The area around and enclosing the perimeter of each cabinet or module shall be summed and then totaled to determine total area.
 - b. If the sign is composed of more than two (2) sign cabinets or modules, the area enclosing the entire perimeter of all cabinets and/or modules within a single, continuous geometric figure shall be the area of the sign.
 - c. Pole covers, framing, decorative roofing, and other such embellishments shall not be included in the area of measurement if they do not bear advertising copy.
5. For the purpose of determining sign area and the allowable number of wall signs, a wall shall be considered the entire building side or elevation, and not each articulated wall face per building side or elevation.

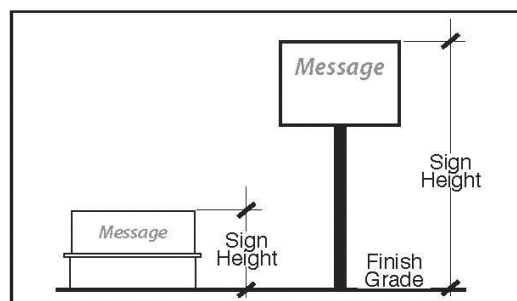
Figure 3.17
Sign Measurement Detail



B. Computation of Sign Height.

1. The height of any freestanding pole or monument sign shall be determined by the distance between the topmost portion of the sign structure and the ground elevation at the base of the sign (See Figure 6.18). The grade shall not be artificially changed solely to affect the sign height measurement.

Figure 3.18
Sign Height Detail



Article 4

Design, Installation and Maintenance

15.06.410 Sign design.

- A. In general, signs shall have mutually unifying elements which may include uniformity in materials, color, size, height, letter style, sign type, shape, lighting, location on buildings, and design motif.
- B. Materials and textures of signs shall be compatible with the architectural character of the site and building. Supporting sign structures of freestanding signs shall match the primary finish and colors of the associated building(s).
- C. Where possible, freestanding signs shall integrate tenant signs into a single sign structure.
- D. Wayfinding signage systems shall be of a unified graphical system. Such signage shall be placed in consistent locations near site entries, key points on the internal automobile and pedestrian circulation system, building entries, seating areas, and sidewalk intersections.
- E. In reviewing an applicant's submittal of a sign plan conforming to the provisions of this section, the Town Manager may vary standards for area, height and number of individual signs. The Town Manager may approve up to a twenty (20) percent change in one or more dimensional standards (area and/or height) based on the applicant demonstrating that the change is warranted by a sign plan that represents exceptional design.

15.06.420 Sign installation.

- A. All permanent signs and all components thereof, including sign structures and sign faces, shall be installed in compliance with adopted building and electrical codes.
- B. Except for flags, window signs and temporary signs conforming to the requirements of this Chapter, all signs shall be constructed of high quality durable materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure. No plywood signs shall be permitted.
- C. No signs shall be installed so as to obstruct any fire escape, required exit, window or door opening used as a means of egress.
- D. No sign shall be installed in any form, shape, or manner which will interfere with any opening required for ventilation, except that signs may be erected in front of and may cover transom windows when not in violation of the provisions of the adopted building code.
- E. Signs shall be located in such a way as to maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with adopted electrical code specifications, depending on voltages concerned. However, in no case shall a sign be installed closer than forty-eight inches (48") horizontally or vertically from any conductor or public utility guy wire, or as recommended by the local public utility company.
 - 1. Every electric sign shall have affixed thereon an approved Underwriters' Laboratories label, or all wiring of such sign as approved by the State electrical inspector, and all wiring connected to such

sign shall comply with all provisions of the applicable regulations of the Town relating to electrical installations.

- F. Any person installing, altering, or relocating a sign for which a sign permit has been issued shall notify the Town Manager upon completion of the work.
 - 1. The Town Manager may require that he be notified prior to the installation of certain signs.
 - 2. The Town Manager may require a final inspection of any installed sign, including an electrical inspection and inspection of footings on freestanding signs.

15.06.430 Sign maintenance.

All signs, both currently existing and constructed in the future, and all parts and components thereof, shall be maintained in a safe condition in compliance with all building and electrical codes, and in conformance with this Chapter.

- 1. All signs, including sign structures and sign faces, shall be kept in good repair so as not to be distracting, unattractive, dangerous or a public nuisance and effectively serve the purpose for which they are intended. For the purposes of this section, good repair shall mean that there are no loose, broken, torn or severely weathered portions of the sign structure or sign face.
- 2. All signs shall be properly maintained. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced.
- 3. All electronic message centers shall be equipped with a malfunction display and the ability to automatically shut off if a malfunction occurs. An electronic message center under repair shall be shut off.
- 4. The Town Manager shall have the right under PMC 15.06.440 to order the repair or removal of any sign which is defective, damaged or substantially deteriorated, as defined in the adopted building code.

15.06.440 Sign alteration and removal.

A. Altering or moving existing signs.

- 1. Any alteration to an existing sign, other than for a change of copy or for maintenance, shall require a new sign permit pursuant to PMC 15.06.210. Alterations shall include, without limitation:
 - a. Changing the size of the sign;
 - b. Changing the shape of the sign;
 - c. Changing the material of which the sign is constructed;
 - d. Changing or adding lighting to the sign;
 - e. Changing the location of the sign; or
 - f. Changing the height of the sign.

2. Existing nonconforming signs may be altered in any way that does not change the size, height, background, shape or location of the sign without bringing the entire sign into conformance, provided that the cost of the alteration is less than fifty percent (50%) of the sign's replacement cost.

B. Sign removal or repair. In addition to any other remedies available under this Chapter, the Town Manager may issue a written notice to sign owners of the need to remove or repair a sign, as follows:

1. Any sign that does not meet the requirements set forth in this Chapter and does not qualify as a legal nonconforming sign under PMC 15.06.120.
2. Any sign that has not been used in a bona fide manner as a sign for a consecutive period of thirty (30) days and deemed abandoned by the Town Manager.
3. Any sign that is in disrepair or unsafe and deemed hazardous by the Town Manager.
4. Any sign identifying a business, professional or industrial establishment that has moved from the premises.

C. Violations.

1. The Town Manager may inspect any sign and shall have authority to order the painting, repair, alteration or removal of a sign and/or sign structure that is prohibited or constitutes a hazard to safety, health or public welfare by reason of abandonment or inadequate maintenance, dilapidation or obsolescence.
2. When in the opinion of the Town Manager, a violation of these regulations exists, the Town Manager shall issue a written order to the alleged violator. The order shall specify those sections of these regulations of which the individual may be in violation and shall state that the individual has fifteen (15) days from the date of the order in which to correct the alleged violation or to appeal to the Board of Adjustment.

D. Removal by Town. The Town Manager may cause the removal of an illegal sign in cases of emergency, or for failure to comply with the written orders of removal or repair. After removal or demolition of the sign, a notice shall be mailed to the sign owner stating the nature of the work and the date on which it was performed and demanding payment of the costs as certified by the Town Manager together with an additional ten percent (10%) for inspection and incidental costs.

1. If the amount specified in the notice is not paid within thirty (30) days of the notice, it shall become an assessment upon a lien against the property of the sign owner, and will be certified as an assessment against the property for collection in the same manner as the real estate taxes.
2. The owner of the property upon which the sign is located shall be presumed to be the owner of all signs thereon unless facts to the contrary are brought to the attention of the Town Manager, as in the case of a leased sign.

Article 5

Definitions

15.06.510 Word and terms.

The words and phrases used in this Chapter shall have the meanings defined below:

“Banner” means a temporary sign having characters, letters, illustrations or ornamentations applied to flexible material (e.g. vinyl, plastic, canvas, cloth, fabric or other lightweight non-rigid material) with only such material for a backing, which projects from, hangs from or is affixed to a building or structure. Banners include pennants, cable-hung banners and wave banners.

“Copy” means the wording, symbols, figures or images on a sign.

“Height (of a sign)” means the vertical distance measured from the highest point of the sign structure, to the grade of the adjacent street (at the flow line of the gutter or edge of the nearest travel lane if no gutter exists) or the surface grade beneath the sign, whichever is less.

“Maintenance” means, for the purposes of this chapter, the cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the basic copy, design or structure of the sign.

“Message hold time” means the time interval a static message must remain on the display before transitioning to another message.

“Mural” means a picture or graphic illustration applied directly to a wall of a building or structure that does not advertise or promote a particular business, service or product.

“Sign” means any written copy, display, illustration, insignia or illumination used to communicate a message or idea which is displayed or placed in view of the general public, and shall include every detached sign and every sign attached to or forming a component part of any marquee, canopy, awning, pole, vehicle or other object, whether stationary or movable.

“Sign, animated” means any sign which uses movement or change of lighting to depict action or to create a special effect or scene. Such motion does not refer to transition methods or duration of changing copy.

“Sign, awning” means a sign permanently affixed to a sheet of canvas or other material stretched on a frame and used to keep the sun or rain off a storefront, window, doorway, or deck.

“Sign, canopy” means a sign permanently affixed to a roofed shelter covering a sidewalk, driveway or other similar area which shelter may be wholly supported by a building or may be wholly or partially supported by columns, poles or braces extended from the ground.

“Sign, changeable copy sign (automatic)” means a sign on which the copy changes electronically or mechanically by remote or automatic means. An automatic changeable copy sign is also known as an electronic message center.

“Sign, changeable copy (manual)” means a sign on which copy is changed manually.

“Sign, directional” means any sign on a lot that directs the movement or placement of pedestrian or vehicular traffic with or without reference to, or inclusion of, the name of a product sold or service performed on the lot or in a building, structure or business enterprise occupying the same.

“Sign, flashing” means a sign which contains an intermittent or sequential flashing light source used primarily to attract attention. Such motion does not refer to transition methods or duration of changing copy.

“Sign, freestanding” means any sign supported by structures or supports that are placed on or anchored in the ground and are not attached to any building or structure.

“Sign, home occupation” means a sign identifying a use conducted principally within a dwelling unit and carried on by the inhabitants thereof.

“Sign, illuminated” means a sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

“Sign, incidental” means a small sign affixed to a building or structure, machine, equipment, fence, gate, wall, gasoline pump, public telephone, or utility cabinet.

“Sign, inflatable” means a balloon, blimp or other inflated object used for attracting attention.

“Sign, marquee” means any sign made a part of marquee and designed to have changeable copy.

“Sign, monument” means a permanent freestanding sign supported by, or integrated into, a base or pedestal at least seventy five percent (75%) of the sign width.

“Sign, neon” means a sign consisting of glass tubing, bent to form letters, symbols, or other shapes and illuminated by neon or a similar gas through which an electrical voltage is discharged.

“Sign, nonconforming” means:

1. A sign which was erected legally but which does not comply with subsequently enacted sign restrictions and regulations; or
2. A sign which does not conform to the sign regulation requirements but for which a special permit has been issued.

“Sign, permanent” means any sign constructed of durable materials and affixed, lettered, attached to or placed upon a fixed, non-movable, non-portable supporting structure.

Sign, pole means a permanent freestanding sign supported by one or more poles or pylons.

“Sign, portable” means a moveable sign that is not permanently affixed to a building, structure, or the ground. Portable signs include signs mounted on trailers, wheeled carriers, or frames that are designed to be placed onto a surface without being secured to it.

“Sign, projecting” means a sign which is attached perpendicular to the wall of a building or structure.

“Sign, roof” means a sign on a parapet or a roof of a building or structure.

“Sign, rotating” means a sign in which the sign itself or any portion of the sign moves in a revolving or similar manner. Such motion does not refer to transition methods or duration of changing copy.

“Sign, sidewalk” means a type of portable sign that is intended to be placed on a hard surface, most commonly a sidewalk. These signs include A-frame signs, signs that are suspended from the top member of an A-frame, signs with weighted bases, and comparable signs.

“Sign, site” means a temporary freestanding sign constructed of vinyl, plastic, wood or metal and designed or intended to be displayed for a limited period of time on a vacant lot or a lot under construction.

“Snipe sign” means a temporary sign on any public property or within a public right-of-way.

“Sign, swing” means a sign that is suspended from a horizontal support (a swing post) that is attached to a vertical support mounted in the ground. A swing sign may also include riders.

“Sign, temporary” means any sign which based upon its materials, location and/or means of construction, e.g., light fabric, cardboard, wallboard, plywood, paper or other light materials, with or without a frame, intended or designed to be displayed for a limited period of time.

“Sign, traffic control” means a sign erected in a public right-of-way by an authorized governmental agency for the purposes of traffic regulation and safety.

“Sign, wall” means any sign painted on or affixed to the wall of a building or structure, or any sign consisting of cut-out letters or devices affixed to a wall with no background defined on the wall in such a manner that the wall forms the background surface of the sign.

“Sign, wayfinding” means a sign authorized by a governmental body for placement in the public right-of-way that is designed to orient and navigate the general public from place to place.

“Sign, window” means a sign which is applied or attached to either the interior or exterior of a window and intended to be viewed from outside the building or structure.

“Sign, yard” means a temporary portable sign constructed of paper, vinyl, plastic, wood, metal or other comparable material, and designed or intended to be displayed for a limited period of time on a lot with one or more existing permanent structures.

“Sign face” means an exterior display surface of a sign including nonstructural trim, yet exclusive of the supporting structure.

“Transition duration” means the time interval it takes the display to change from one complete static message to another complete static message.

“Transition method” means a visual effect applied to a message to transition from one message to the next. Transition methods include:

1. Dissolve – a frame effect accomplished by varying the light intensity or pattern, where the first frame gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second frame.
2. Fade – a frame effect accomplished by varying the light intensity, where the first frame gradually reduces intensity to the point of not being legible (i.e. fading to black) and the subsequent frame gradually increases intensity to the point of legibility.

“Works of art” means a sculpture, painting, graphic or other type of art that does not advertise or promote a particular business, service or product.

Chapter 15.07: SUPPLEMENTAL REGULATIONS

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Chapter 15.07

SUPPLEMENTAL REGULATIONS

Article 1

Annexation

15.07.110 General.

The process of adding property to the Town of Parachute is referred to as annexation. The detailed requirements for annexations are found in the Colorado Revised Statutes (specifically § 31-12-101 et seq., C.R.S.). The annexation process can be complex. A property owner considering an annexation petition may wish to consult an attorney familiar with municipal annexation law.

15.07.120 Eligibility.

A. In order to be considered for annexation, two criteria must be met:

1. Not less than one-sixth (1/6) of the perimeter (boundary) of the area proposed for annexation must be contiguous to the Town limits.
2. A “community of interest” must exist between the Town and the property to be annexed. That is, the annexation parcel must be or will be urban in character and capable of being integrated into the Town.

B. It should be noted that it is possible to satisfy the contiguity requirements by annexing property in a series of annexations. Such serial annexations may be considered simultaneously at the required public hearing. Public rights-of-way, public lands, rivers and other waterways do not affect contiguity (i.e., annexation could occur even if a highway or river separated the annexation property from the Town).

15.07.130 Limitations.

A. There are numerous legal limitations to annexations listed in the state statutes. However, several of the limitations deal with situations not likely to occur in annexations to the Town of Parachute. The most pertinent limitations are that:

1. Annexation actions may not divide property without the consent of the landowner;
2. When a street or alley is annexed, the entire width must be included;
3. Annexations must conform to the Town’s comprehensive and three mile plans; and
4. No annexation may take place that has the effect of extending the Town’s boundary more than three (3) miles in any direction in one (1) year.

15.07.140 Pre-annexation agreements.

The Town may enter into pre-annexation agreements which may indicate the terms and conditions for annexation of land. Landowners may also propose pre-annexation agreements which will be considered by the Town on a case-by-case basis.

15.07.150 Zoning and subdivision during annexation.

- A. The Town may initiate zoning and subdivision reviews for the area proposed to be annexed after the petition for annexation (or the petition for annexation election) has been found to be valid and the area is eligible for annexation. Zoning and/or subdivision applications may not be on final reading until the annexation process is complete.
- B. The zoning and subdivision process may occur concurrently as outlined above or may take place after the property is annexed. In any event, the property must be zoned within ninety (90) days from the effective date of annexation.

Article 2

Land Dedication and Public Improvements

15.07.210 Land dedication; generally.

The purpose of this Article is to require the dedication and/or payment to provide public facilities made necessary as a consequence of the development of land, in an amount roughly proportional to the impact of the development upon such public facilities and services. For every residential subdivision or development, the Board of Trustees shall require the dedication of certain sites for parks, open space, trails and recreation uses or a fee in lieu of such dedication, and may require reservation of sites for school and other public purposes. The Town Manager may, pursuant to PMC15.07.260, require dedication of public improvements in connection with commercial developments. Land eligible for dedication may include the one hundred (100) year floodplain, national and state historical or natural features, and proposed public areas recommended in state, regional, county or city comprehensive plans. In all cases, the land to be dedicated must be appropriate for the public use intended. Land dedicated shall not include sites unsuitable for public use due to steep slopes, rock formations, adverse topography, utility easements, or other features which may be harmful to the health and safety of the citizens. The Board of Trustees and the Town Manager may take into account the extent to which satisfactory dedication arrangements were made at the time of annexation or previous subdivision of the same property.

15.07.220 Land dedication; method and amount.

- A. Residential Development Dedication Requirements. The developer shall convey to the Town by means of a final plat dedication, or shall convey by acceptable warranty deed, land to be used for public recreation at locations designated by the Town in the following manner:
1. Seven (7) acres for every one thousand (1,000) residents of the proposed residential subdivision or development;
 2. For the purpose of the foregoing requirement, the number of residents attributable to each residential subdivision or development shall be:
 - a. Single-family dwellings, three and one-half (3.5) residents per unit
 - b. Two (2) family dwellings, three (3) residents per unit
 - c. Multifamily dwellings, two and one-half (2.5) residents per unit
 3. A minimum of eighty percent (80%) of land dedicated shall lend itself to use for public recreation purposes which includes, but is not limited to, the following: play fields, tennis courts, picnic sites and boating areas.
- B. Commercial Development Dedication Requirements. The developer shall dedicate and convey to the Town by means of final plat dedication or acceptable warranty deed, such facilities and easements as

determined by the Town Manager, at locations designated by the Town, to be used for public facilities and services made necessary as a result of the development.

- C. The developer shall have the option, in its sole discretion, to accept the Town's calculation of the required dedication, or to perform such studies as necessary to demonstrate the actual impact of the development upon public services and facilities, and the resulting appropriate dedication or contribution in lieu of the same.

15.07.230 Reservation of land for schools and other public agencies.

- A. If requested by a public agency, the Board of Trustees may require a developer to reserve land areas sufficient for development of school or other public agency facilities. A public agency includes the state of Colorado, a school district, or any political subdivision thereof.
- B. Land reserved shall, by the nature of its natural topography, soil condition and connecting utilities, lend itself to development of the desired facility.
- C. Land reserved for public agencies other than public schools may be purchased by the public agency upon such terms and conditions as the agency and the developer agree, within ninety (90) days following approval of the final plat.
- D. Land reserved for public schools shall be accepted by the school district on or before ninety (90) days following approval of the final plat, and if not so accepted, shall revert to the developer.

15.07.240 Credit for private recreation facilities.

- A. The Town may give the developer credit for private recreation facilities in the development, against the amount of land or facilities otherwise determined to be required under PMC 15.07.220; provided, that:
 - 1. The amount of land to be dedicated may be reduced by no more than fifty percent (50%) of the requirements of PMC 15.07.220;
 - 2. The Board of Trustees determines that the private recreation facilities offered will absorb a major portion of the recreational demands of the residents or employees of the proposed development;
 - 3. The private recreation facilities will be constructed at the same time as or prior to the housing, in the development; and
 - 4. There are sufficient safeguards in the development improvements agreement to insure that the private recreation facilities are completed at the same time as or before the remainder of the development.

15.07.250 Cash payment in lieu of dedication.

- A. At the option of the Board of Trustees, the developer may be required, on or before final approval of the subdivision or development, to pay to the Town payment in cash or to transfer other property in lieu of land dedication. The amount of cash payment shall be as determined by this section for the land fee. If the Board of Trustees determines to accept other property in lieu of, or as a partial payment toward, the cash payment required hereunder, the Board of Trustees shall determine the value of the other property.
- B. Payment in lieu of land dedication shall be made prior to final approval of the subdivision or development, and such payment shall be placed in a recreation fund to be established and maintained by the Town for the acquisition of land and for the improvement of parks, playgrounds and recreation areas in the Town, to benefit the residents of the Town in general, as well as those of the proposed development.
- C. The fee which may be accepted in lieu of land dedication shall be established each year as of January 1st by the Board of Trustees upon a recommendation from the Planning Commission. Provided, however, said fee shall be as set for the preceding year unless the Board of Trustees finds that the fee structure requires amendment due to land value increases or decreases. Fees shall be based on the average cost of vacant undeveloped residential land within the corporate limits of the Town.
- D. In extraordinary circumstances, the Board of Trustees may authorize the deferral of the payment of cash in lieu of dedication as required by this section. In such event, the owner of the property shall execute an agreement, in such form as shall be acceptable to the Town Attorney, to pay such sums at the time of the issuance of any building permit or permits upon the property. Notice shall be given of such deferred payment by the recording of a mortgage or other security instrument with the Clerk and Recorder of Garfield County, Colorado. In no event, however, shall the deferral of any land dedication fee required by this section extend for a period of greater than five (5) years from the date it would otherwise be payable. The developer shall agree to pay the higher of either the land dedication fee calculated in accordance with this section at the time originally owed, or at the time actually paid.

15.07.260 Public improvements.

- A. All applications for building permits shall be reviewed by the Town Manager to determine whether or not the proposed construction will require the installation or construction of public improvements, such as street paving, curbs, gutters, sidewalks, drainage facilities or other public improvements.
- B. If the Town Manager determines that the proposed construction makes necessary any such public improvements, the Town Manager shall so inform the building inspector, and in such event, a condition shall be inserted in the building permit which shall require the construction of such public improvement or public improvements by the permittee, and the dedication thereof to the Town. The cost of such improvement shall be borne by the permittee, and the construction thereof shall be at the sole cost, risk and expense of the permittee, subject to the provisions of any applicable Town ordinance, regulation or policy. All such improvements are to be constructed in full compliance with

the Town of Parachute engineering regulations, design standards and construction specifications as may be adopted by resolution from time to time.

- C. The Town Manager may require that a development improvements agreement be entered into by the applicant to assure the completion of required improvements pursuant to the provisions of PMC 15.07.270.

15.07.270 Improvement agreements.

- A. Development Improvements Agreement Required. The Board of Trustees shall not approve a subdivision final plat application, for which public dedications will be required, until a development improvement agreement and related documents, setting forth financial arrangements to secure the actual construction of required subdivision improvements has been executed between the applicant or developer and the Town, substantially in the form attached as Appendix 4. The Town Manager, on a case-by-case basis, may require that an applicant for a special use or for a building permit enter into a development improvements agreement using the form attached as Appendix 4. with such modifications and deletions as appropriate for the particular project.

Article 3

Supplemental Use Standards

15.07.305 General requirements for all uses.

- A. All service, fabrication and repair operations shall be conducted within a building.
- B. All applicable environmental standards of the state of Colorado or the United States government shall be complied with at all times.
- C. Property owners shall maintain all structures, including buildings, paved areas, accessory buildings and signs, in the manner required to protect the health and safety of users, occupants, and the general public. The property shall be deemed substandard when it displays evidence of a substantial number of dilapidated conditions.
- D. The storage of combustible materials shall be not less than twenty feet (20') from any interior lot line, and a roadway shall be provided, graded, surfaced, and maintained from the street to the rear of the property to permit free access of fire trucks at any time.
- E. No materials or wastes shall be deposited upon a subject lot in such form or manner that they may be transferred off the lot by natural causes or forces. All waste materials shall be stored in an enclosed area and shall be accessible to service vehicles.
- F. Wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise be attractive to rodents or insects shall be stored only in closed containers in required enclosures.
- G. Trash enclosure location shall be subject to the approval of the Building and Planning Department. Trash enclosure shall be of masonry construction or approved alternate material.
- H. Manufacturing operations or industrial uses, when permitted in a zone district, are subject to the following limitations:
 - 1. No manufacturing operation or industrial use shall create any danger to safety in any area of the Town.
 - 2. No manufacturing operation or industrial use shall pollute the environment.
 - 3. No manufacturing operation or industrial use shall create substantial amounts of offensive noise, vibration, smoke, dust, odors, heat, glare or other objectionable influences.
 - 4. Uses which are customarily incidental and accessory to the principal uses shall be permitted; however, residential uses, except caretakers' quarters, are expressly prohibited.

15.07.310. Accessory Dwelling Units (ADU's).

A. Number of ADU's. One ADU shall be allowed on a lot in a residential zoning district in conjunction with any new or existing detached single-family dwelling, subject to special use review.

B. Location.

1. An ADU may be added to or included within a single family dwelling, or located in a detached accessory structure on the same lot as the principal building.
2. ADUs shall conform to all setback, height, and lot coverage restrictions and any other associated zoning district standards or regulations.

C. Size/Scale.

1. The total square footage of an ADU shall not exceed the smaller of one thousand (1,000) square feet or forty percent (40%) of the total square footage of the principal building excluding any garage area.
2. If an ADU occupies an entire single floor within a principal building, the Town Manager may allow for an increase in the allowed size of the ADU in order to efficiently use all of the floor area, so long as all other standards of this section are met.

D. Subdivision. An ADU shall not be subdivided or otherwise segregated in ownership from the principal building.

E. Occupancy. Either the principal building or the ADU must be occupied by an owner of the property on which the principal building and ADU are located.

F. Parking. One off-street parking space is required for an ADU in addition to the parking required for the principal building. Parking spaces may include private driveways, garages, carports, or off-street areas reserved for vehicles.

G. Exterior Modification. Only one entrance on the front of the principal building is permitted. Additional entrances are permitted on the side and rear of the principal structure. The Town Manager may allow both entrances to the principal building and ADU to be located on the front of the structure where design, site layout, and construction considerations significantly hinder other options. Additions to an existing principal structure or the development of a newly constructed detached ADU shall be designed consistent with the existing facade, roof pitch, siding, and windows of the principal building.

- H. Home Occupations. Home occupations shall be allowed, subject to the requirements of this chapter, in both the ADU and the principal structure.

15.07.315 Home occupations.

- A. Home Occupations Allowed by Right. The following home occupations may be permitted in any dwelling as an accessory use subject to the criteria specified in subsection (B) of this section:
1. Office for the conduct of a business or profession.
 2. Artist or craft studio.
 3. Light assembly.
 4. Clothing alterations.
 5. Day care home.
- B. A home occupation, as specified in subsection A, may be conducted in any dwelling as an accessory use provided the following standards are satisfied:
1. No persons other than family members residing in the dwelling are to be engaged in the business or home occupation.
 2. No more than twenty-five percent (25%) of the floor area of the dwelling is used for the business or home occupation. An accessory building may be used provided the floor area requirements are not exceeded and that the accessory building can be converted to a common accessory building upon termination of the home occupation.
 3. No sign may exceed one and one-half (1.5) square feet.
 4. No outdoor storage is permitted.
 5. The home occupation does not generate noise, odor or increased traffic.
- C. Home Occupations Permitted as Special Uses. Home occupations other than those uses specified in subsection (A) of this section, or any home occupation that 1) requires more floor area, 2) has outdoor storage, 3) engages employees or 4) generates traffic may be approved as a special use provided the following standards are satisfied:
1. A minimum of one (1) additional parking space per employee shall be provided on site. Additional parking may also be required depending on any customer traffic generated.
 2. No more than fifty percent (50%) of the floor area of the dwelling and any accessory structures for the business or home occupation is used.

3. A sign plan is approved for any sign greater than one and one-half (1.5) square feet.
4. Any outdoor storage required for the home occupation is screened from view.
5. Any noise, odor, or increased traffic generated by the home occupation is mitigated.

15.07.320 Group homes for handicapped or disabled persons.

- A. Number of Persons Permitted. A group home with no more than eight (8) handicapped or disabled residents, as defined at PMC 15.07.410, is an allowed use in the zone districts as indicated in PMC 15.02.230. Additional necessary persons required for the care and supervision of the permitted number of handicapped or disabled persons are allowed. Group homes with more than eight (8) handicapped or disabled residents will require a special use permit, which shall be reviewed and processed as an application for a reasonable accommodation under the requirements and standards of the Fair Housing Amendments Act (FHAA), specifically, 42 U.S.C. 3604(f)(3)(B). A group home shall not include any person required to register as a sex offender pursuant to C.R.S. § 18-3-412.5, as amended, unless related by blood, marriage or adoption or in foster care.
- B. Compliance with State and Local Requirements.
 1. The group home shall maintain compliance with applicable building codes, fire codes, and health codes based upon the occupancy classification and number of residents and necessary persons for care of the residents.
 2. The group home shall comply with the parking standards of this title. All commercial components, such as parking lots and playgrounds, shall be screened and buffered from neighboring residences and uses.
 3. Copies of any applicable current state or local certifications, licenses or permits for the group home shall be maintained on the premises.
- C. Compliance with Federal Requirements. A group home for handicapped or disabled persons shall quarterly, and otherwise upon request by the Town Manager, provide evidence and/or demonstrate that the residents in the group home are handicapped individuals and entitled to protection under the FHAA, Americans with Disabilities act (ADA), or the federal Rehabilitation Act.
- D. Meetings and Gatherings. Meetings or gatherings on-site at a group home for handicapped or disabled persons that are consistent with a normal residential family setting are allowed and shall only be for residents, family of residents, and necessary persons required for the support, care and supervision of the handicapped or disabled persons. This does not permit conducting ministerial activities of any private or public organization or agency or permit types of treatment activities or the rendering of services in a manner substantially inconsistent with the activities otherwise permitted in the particular zoning district. See, C.R.S. § 31-23-303(2) (c).

15.07.325 Mobile Home Parks.

- A. Location. The mobile home park shall be located on a well-drained site, and shall be located so that its drainage will not constitute an unreasonable hazard or nuisance to persons, property or water supply in the immediate vicinity of the site. The site shall be free from marshes or other potential breeding places for insects or rodents. Mobile home park sites shall not be subject to undue flooding, fire or safety hazards and shall not be exposed to nuisances, such as undue noise, smoke, fumes or odors. The terrain of the site should be favorable to minimum grading, mobile home placement and ease of maintenance. Initial site grades shall not exceed eight percent (8%).
- B. Site Design. The site design shall provide for a desirable residential environment for mobile home residents which is an asset to the community and the neighborhood in which it is located. Site planning and improvements shall provide facilities and amenities which are appropriate to the needs of the residents; safe, comfortable and sanitary uses by the residents under all weather conditions; and practical and efficient operation and maintenance facilities at reasonable costs. Innovative and imaginative design shall be encouraged.
- C. Minimum Area Required. The minimum area required for a mobile home park is ten (10) acres.
- D. Maximum Density. The maximum gross density for any mobile home park is seven (7) units per acre.
- E. Recreation Area and Open Space. Not less than thirty percent (30%) of the total site area shall be used for recreation facilities and landscaped open space. All open space areas and recreational areas shall be in convenient locations from mobile home spaces. Recreation areas may include space for community use facilities and buildings, swimming pools, and tennis courts.
- F. Mobile Home Spaces. Mobile home spaces within a mobile home park shall be adequate to provide for:
 - 1. A minimum of twenty feet (20') between mobile homes;
 - 2. A minimum of ten feet (10') from the furthestmost projection of the mobile home to the back of the curb;
 - 3. A minimum of ten feet (10') from any other point on the mobile home to the pavement of any adjacent access road serving more than one (1) mobile home space;
 - 4. An outdoor living and service area on the mobile home space of not less than three hundred (300) square feet, with a least dimension of fifteen feet (15'). Such area may include paved patio areas. In determining the required yard and space areas, the use of double-wide mobile homes and accessory structures shall be taken into consideration. The area required for mobile home space shall not include additional area required by this chapter for access roads, storage areas, service buildings, recreation areas, office and similar mobile park needs.
 - 5. Paved driveways, the minimum width of which shall be ten feet (10'), shall be provided where necessary for convenient access to the mobile home space.

- G. Setbacks. Mobile homes shall be set back at least twenty-five feet (25') from the perimeter of the boundaries of the mobile home park.
- H. Screening. All mobile home parks adjacent to other residential uses or to commercial or industrial uses shall be provided with screening such as solid fencing, or landscape buffers along the property boundary separating the mobile home park from the adjacent use.
- I. Windbreaks. Where any mobile home park is located on flat open land, without natural barriers (such as hills, bluffs or large stands of trees) to strong winds, windbreaks shall be required to protect mobile homes from the effects of such winds. Windbreak design and location shall be relative to known wind velocities and direction and to the existing and proposed topography and vegetation, and shall be subject to landscape review and approval by the Town. One (1) or more of the following techniques shall be used in providing windbreak screening:
1. Landscape Buffering. A combination of trees and understory shrubbing of dense deciduous or evergreen plant material, with mature shrub heights ranging from four (4) to twelve feet (12'); or clustered or row-planted trees and/or shrub hedging;
 2. Earth berming, in combination with landscape buffering; and
 3. Fencing. Opaque (eighty-five percent (85%) or more opacity) wood or masonry screening. Fencing, whether for screening or for windbreak purposes, shall comply with building and zoning code requirements.
- J. Streets. The mobile home park site shall have at least two (2) direct accesses to a public street or highway, and access roads shall be provided to each mobile home space.
1. All streets and access ways providing ingress to and egress from the mobile home park and circulation within the mobile home park shall be constructed in accordance with specifications of the public works manual for like streets and access ways on public ways;
 2. All streets and access ways shall be completed within a period of two (2) years after the date of issuance of the mobile home park permit.
 3. All such streets and access ways shall include sidewalk, curb and gutter.
- K. Walkways and Lighting. Paved walkways at least four feet (4') wide shall be provided from all mobile home spaces to service buildings and other community areas, and along all access roads.
1. Pedestrian circulation areas shall be lighted at night by seven thousand (7,000) lumen lighting standards (equal to one hundred seventy-five (175) watt mercury vapor bulbs) spaced not more than three hundred feet (300') apart, with a maximum height of twenty-five feet (25'); or by other lighting methods producing an equivalent level of light at the ground.
- L. Storage Areas. Storage areas for boats, boat trailers, travel trailers, tent trailers, horse trailers and detachable pick-up campers shall be provided within the mobile home park in an amount equal to one hundred (100) square feet per mobile home space. Such areas shall be screened from adjacent

residential properties and public streets by means of opaque fencing or landscaping, and tie-down anchors shall be provided.

M. Off-Street Parking. Parking shall be provided as required by PMC 15.04 Article 2.

N. Blocking and Tie-Down Requirements – General Requirements.

1. Every owner or occupant of a mobile home within the Town subject to Town regulations, except for a temporary mobile home, shall secure said mobile home against wind damage in accordance with the regulations of the Town.
2. In case of mobile home parks constructed prior to the effective date of the ordinance codified in this chapter and annexed to the Town after said effective date, the Building Official shall have the authority to reduce the number of required tie-down sets upon presentation of adequate evidence that certain spaces are not subject to the wind forces upon which these requirements are based.
3. All mobile homes shall have a skirting of rigid type material.

O. Alternative Tie-Down and Blocking Methods Permitted. In the event a mobile home park owner or developer wishes to use different tie-down, block and anchorage systems than those specified above, he shall comply with the following:

1. The method and materials for tie-down pads and for securing the mobile homes to the tie-down pads must be designed by a professional engineer licensed by the state of Colorado and must be approved by the Building Official for each individual space as it is shown on the proposed final site plan. The entire mobile home tie-down design must comply with the requirements set forth in the International Building Code as adopted by the Town.
2. This approval by the Building Official must occur prior to the approval of any final mobile home park site plan by the Town.

P. Tiedowns. The use of approved tiedowns is recommended but not required under the terms of this chapter unless the Building Official should determine that the mobile home location is subject to unusual wind damage.

Q. Piers and Footings.

1. All piers shall be placed on footers of concrete with minimum dimensions of sixteen inches (16") by sixteen inches (16") by four inches (4"), or equivalent thereof as approved by the Building Official. Piers shall be constructed of standard eight inches (8") by eight inch (8") by sixteen inch (16") celled concrete blocks placed over the foundation with long dimension crossways to the main frame members and centered under them, with cells vertical. Pier heights shall be such that the mobile home will be located as close to the ground as possible.
2. Piers shall be topped with a concrete cap of eight inch (8") by sixteen inches (16") by four inches (4"). Piers shall be placed on eight foot (8') centers.

3. Hardwood shims shall be driven tight between the cap and the main frame to provide uniform bearing. They shall be four inches (4") or less in thickness and be wide enough to provide bearing over the top cap.
 4. Other types of piers and foundations of equivalent permanence and weight bearing ability may be approved by the Building Official. The use of a heavy metal adjustment column, anchored to both frame and foundation, is recommended.
 5. Required piers shall be centered under each main frame (or chassis) member within five feet (5') of anchorage. The end piers shall be no farther than five feet (5') from the ends of the mobile home.
- R. Cabanas and Awnings. Cabanas and awnings, and similar accessory structures, shall be secured by a row of support bars with a maximum spacing of twelve feet (12') at the outer edge. The posts shall be adequately secured to the roof and to the concrete patio or equivalent footing. Other adjacent structures such as storage bins, antennas, refuse containers, etc., shall also be secured and approved by the Building Official.
- S. Mobile home accessory structures.
1. All accessory structures shall be constructed and maintained in accordance with applicable zoning and construction requirements. They shall be structurally sound, constructed to facilitate cleaning and maintained in good repair.
 2. All porches, landings, stairs, or other elevated platforms more than thirty inches (30") above grade erected and maintained on the mobile home space, accessory buildings or service buildings and all stairs with four (4) or more risers shall be provided with a handrail of standard height (porches, thirty-six inches (36") to forty-two inches (42"); and stairs, thirty inches (30") to thirty-four inches (34")). The rise of each step shall not exceed eight inches (8") and the run (tread) shall not be less than nine inches (9").
- T. Refuse disposal.
1. The storage, collection and disposal of refuse in a mobile home park shall be so conducted as to control odors, rodents, insects, accidents, fire hazards, air pollution, or other nuisance conditions.
 2. The number of containers used and the frequency of collection shall be sufficient to prevent overfilled containers. Refuse shall be routinely collected and removed from the premises not less than once weekly. Refuse shall be disposed of at a lawful disposal site in accordance with requirements of law.
 3. All refuse shall be stored, collected and disposed of as prescribed by the refuse, trash and garbage ordinance of the Town.
- U. Electrical.

1. Every mobile home and service building in a mobile home park shall be provided with electrical service properly installed and maintained in a safe condition.
 2. Standards. Installation shall comply with all State and Town electrical regulations. Such electrical outlets shall be weatherproof and all power lines and service connections shall be located in safe conduits below the surface of the ground. All electrical and communication utility lines and services, except as provided in this section, shall be installed underground. Any mobile home which requires more than fifty (50) amp service shall be required to be hardwired in conduit which shall be buried at least eighteen inches (18") underground.
- V. Fuel supply. Natural gas, liquefied petroleum gas, and fuel oil equipment shall be properly installed and maintained in a safe, operable condition. The fuel supply system shall be designed to provide a sufficient quantity of fuel to each mobile home and service building.
1. Underground piping shall be installed at a depth of at least eighteen inches (18").
 2. Gas piping shall not be buried in the ground or laid on top of the ground beneath a mobile home. Risers, valves, outlets and connections shall not be located beneath a mobile home.
 3. Where the park contains more than fifty (50) spaces, the gas distribution system shall be so designed that no more than twenty percent (20%) of the mobile homes will be without gas service in the event of a service line disruption in the mobile home park.
 4. Each mobile home space shall be provided with a gas service riser pipe of not less than three-fourths inches (3/4") in diameter, and located outside of the left side of the mobile home stand, and the rear third portion of the mobile home stand.
 5. Each mobile home space shall have an approved readily accessible shut-off valve installed upstream from the mobile home gas service outlet and located on the outlet riser at a height of not less than four inches (4") above grade. The valve shall not be located under any mobile home. The outlet shall be equipped with an approved cap to prevent leakage of gas when not in use.
 6. Each mobile home shall be connected to the gas service outlet by an approved flexible connector of three-fourths inch (3/4") metal or other material not more than six feet (6') in length. Approved rigid pipe and fittings shall be used between the flexible connector and the mobile home space gas outlet when the distance exceeds six feet (6') in length.
 7. Above ground horizontal runs of gas piping shall be maintained not less than six inches (6") above grade and shall be securely supported by straps or hooks. Gas piping, risers, valves, outlets and connectors shall be protected from damage.
- W. Fire protection. Mobile home parks shall, at all times, be in conformance with the provisions of the International Fire Code as adopted by the Grand Valley Fire Protection District.

15.07.330 Overnight Campgrounds.

A. The following general standards shall apply:

1. All areas shall be well drained and so designed and used as to provide sufficient space for camping activities, vehicles, sanitary facilities and appurtenant equipment.
2. Permanent structures shall not be located in an area subject to one hundred (100) year flooding; nor located in such a manner as to permit contamination of a private or public water supply; nor located adjacent to swamps, marshes, railroads, industrial sites or other such locations which would constitute a health or safety hazard.
3. Natural vegetation and ground cover shall be maintained or provided so as to facilitate drainage, reduce dust, prevent erosion and reduce fire hazards.
4. All areas shall be maintained to minimize insect, snake and small animal hazards, and the growth of poison ivy, ragweed and other noxious or allergenic weeds.
5. All areas shall be kept free from accumulation of refuse and any health, fire or safety hazards.
6. Camping parties and users shall be limited to that number for which the physical facilities were designed.
7. Camping vehicles equipped with plumbing fixtures shall not be permitted in a campground unless connected to the water and sewerage system, or unless all wastes are contained in a sewage holding tank in a self-contained camping vehicle, or the drain outlets are connected to a sealed container located outside the camping vehicle.
8. Camping vehicles not equipped with plumbing fixtures shall not be permitted in a campground unless effective means are provided to collect and contain dishwashing, bathing or other liquid waste material to properly dispose of these wastes by approved means.

B. Roads, parking and walks.

1. Safe ingress and egress of pedestrian and vehicular traffic shall be provided, and pedestrians shall have the right-of-way.
2. Roads and parking spaces shall be located and constructed for safe movement of vehicular and pedestrian traffic. They shall be graded to drain and surfaced with asphalt, concrete or an approved equal to maintain proper drainage and to minimize dust.
3. Roads shall be not less than the following widths:
 - a. Entrance road 24 feet
 - b. One traffic lane 12 feet

- c. Two traffic lanes 24 feet
- d. Parallel parking lane 10 feet

4. Roads shall be kept clear of obstructions and there shall be at least two (2) means of access to the entrance. Dead-end streets are not permitted unless a fifty foot (50') turnaround, Y or T is provided. Roads and parking areas shall have a minimum of thirteen feet (13') overhead clearance and three feet (3') side clearance from trees, brush or other obstructions.
5. Parking space shall be provided in semi-developed, developed and modern campgrounds for automobiles, camping or recreational vehicles, boats, trailers and other appurtenant equipment at the rate of at least one (1) space for each campsite.
6. In campgrounds accessible to motor vehicles, all vehicular traffic shall be restricted to roadways and parking areas. Parking space shall be provided for the estimated maximum number of users at the rate of one (1) space for four (4) persons and shall not exceed one hundred (100) car spaces per acre.
7. Walkways, foot bridges or other safe means of passage shall be provided in common use service areas. Walkways shall be a minimum of four feet (4') in width with an all-weather surface. Streets and walks shall be lighted every four hundred feet (400'), conforming to the overall design of the campground.

C. Campsites.

1. Campsites shall be clearly marked and identified.
2. Each campsite shall be a minimum of one thousand two hundred fifty (1,250) square feet and at least twenty-five feet (25') in width, and the density of campsites shall not exceed an average of twenty-five (25) campsites per acre, exclusive of roads, buildings, and other common use areas.
3. Each campsite, except walk-in campsites, shall front upon a conforming road, and each campsite not fronting directly upon a conforming road shall have a clear and unobstructed access of not less than ten feet (10') in width to a conforming road.
4. Each camping stand shall be so designed as to provide for safe and easy placement and removal of camping vehicles and camping equipment and shall be constructed to provide adequate support and to prevent ruts and low spots.
5. Each campsite shall accommodate only one (1) camping party and the camping vehicle or camping unit equipment occupied by persons within the same party.
6. No permanent or semi-permanent structures, such as cabins, lean-tos, sheds or habitable buildings, shall be erected on a campsite except by the owner of the property and shall be erected in accordance with applicable local building construction requirements.

7. Temporary structures such as canvas awnings, screened enclosures or platforms, which are normal camping equipment, may be erected but must be removed when the campsite is vacated.
8. Camping vehicles, tents or camping unit equipment shall not be located less than ten feet (10') from campsite lot lines and property boundary lines, except a front property line abutting upon a highway or public thoroughfare with a required twenty-five foot (25') setback.
9. Camping vehicles, including awnings or other attachments, or camping unit equipment shall not be located less than ten feet (10') from buildings, other camping vehicles or camping unit equipment on adjacent campsites. Accessory structures such as attached awnings and individual storage facilities shall be considered as part of the camping vehicle unit.
10. The density of picnic sites shall not exceed an average of forty (40) per acre exclusive of service roads and service buildings, and each picnic site shall provide a minimum of six hundred (600) square feet of space.
11. Separate camping areas shall be maintained for independent units, dependent units and tents.

D. Water supply.

1. The water supply system shall be designed, constructed and maintained in compliance with Colorado Department of Public Health and Environment/Town of Parachute regulations and recommendations to provide a safe, potable and adequate supply of water.
2. The water supply shall not be connected to any nonpotable water supply, nor be subject to any backflow or back siphonage.
3. No surface or stored water supply shall be used unless treated by a minimum of filtration and disinfection or under conditions approved by the Colorado Department of Public Health and Environment/Town of Parachute. When approved for use, transported water shall be obtained from an acceptable source, stored and dispensed in an approved manner, and shall contain a free chlorine residual of at least one-tenth (0.1) ppm at all points in the water system.
4. Wells equipped with a hand-pump shall be of the enclosed self-priming or sealed interior type pump with a closed downward directed spout. The well casing shall be protected by extending the casing at least one inch (1") above the face of the pump flange and a concrete apron graded to drain wastewater away from the well. Open pitcher pumps are not permitted.
5. Where water is distributed under pressure, the water supply system shall deliver water at a minimum of fifty (50) pounds per square inch, a minimum flow of at least six (6) gallons per minute at all outlets.
6. The water supply shall deliver the following minimum volumes:
 - a. One hundred (100) gallons per day per campsite with individual water connections and where flush toilets are used in the camping vehicle or in the service building;

- b. Seventy-five (75) gallons per day per campsite where faucets are provided in common and centralized flush toilets in a service building are used;
 - c. Fifty (50) gallons per day per campsite where faucets are provided in common and privies are used;
 - d. Twenty-five (25) gallons per day per picnic site or five (5) gallons per person per day in campgrounds with common faucets and flush toilets;
 - e. Three (3) gallons of water per person per day in a picnic or campground area with common faucets and privies.
- 7. Water service lines, riser pipes and valves shall be installed and protected from damage by freezing, ground movement, vehicles, or other damage sources. Shut-off valves and drain valves, installed for draining the system, and the water service distribution lines shall be so arranged that water will be available to those campsites being occupied during low temperature winter periods. Underground stop and waste valves are not permitted and shall not be installed on any water service.
 - 8. Where water connections are provided at each campsite and there are individual sewer connections, the riser pipe shall be at least one-half inch (1/2") in size and shall extend at least four inches (4") vertically above the ground elevation. It shall be equipped with a one-half-inch (1/2") valve outlet with a threaded male spigot for attaching a standard garden hose.
 - 9. Where individual water connections are not provided, common-use water faucets shall be conveniently accessible and located not more than one hundred fifty feet (150') from any campsite.
 - 10. Drinking fountains, if provided, shall be approved angle jet types with adequate water pressures.
 - 11. Spillage, overflow, drainage or wastewater from faucets and drinking fountains shall be discharged to approved drains to prevent impoundment of water, creation of mud holes or other nuisance conditions.
 - 12. A water station for filling camping vehicle water storage tanks shall be provided at the rate of one (1) station for every one hundred (100) campsites. These shall be located not less than fifty feet (50') from a sanitary station. The station shall be posted with signs of durable material (not less than two feet (2')) which state: "POTABLE WATER – DO NOT USE TO FLUSH CAMPING VEHICLE WASTE TANKS." Such water stations shall consist of at least a three-fourths-inch (3/4") pipe and valve outlet and shall be protected against the hazards of backflow and back siphonage by an approved vacuum breaker located downstream from the shut-off valve. The fill hose shall be suspended so that no part of the hose and its appurtenances will come into contact with the ground. A sign shall be posted at the entrance indicating the provision of a sanitary station and water station.

E. Sewage disposal.

1. Facilities shall be provided and properly maintained for the collection and disposal or treatment and disposal of sewage.
2. Where a public sewer system is available, all plumbing fixtures, building sewers and campground sewers shall be connected thereto. If a public sewer system is not available, a private sewage collection and disposal facility meeting requirements of the Colorado Water Quality Control Commission, the Colorado Department of Public Health and Environment and other applicable local government sewage disposal requirements shall be installed and all building sewers and campground sewers connected thereto.
3. Solid and liquid wastes shall not be discharged or otherwise disposed of on the surface of the ground or into any well, cave, open ditch, stream, lake or reservoir.

F. Sewage collection.

1. Sewage collection lines shall be laid in trenches of sufficient depth to be free of breakage from traffic, ground movement, agricultural activity or other sources of damage and shall be separated from the water supply system by a horizontal distance of ten feet (10') and a vertical elevation of two feet (2') below water lines at crossing points unless pressure sewers are used.
2. The sewer main lines shall be constructed of approved materials with adequate vents, watertight joints and sufficient cleanouts. All sewer main lines shall have a minimum diameter of eight inches (8").
3. Sewers shall be installed at a grade of at least one-quarter inch (1/4") per foot to ensure a velocity of two feet (2') per second when flowing full. Horizontal drainage lines connecting with other horizontal drainage lines shall enter through forty-five (45) degree "y" branches or other combinations of equivalent sweep.
4. Cleanouts or manholes shall be provided at the upper end of each main sewer line, at intersections of two (2) or more sewer lines, at changes in grade or alignment of more than forty-five (45) degrees and at intervals of not more than four hundred feet (400').
5. A four-inch (4") inside diameter sewer lateral and riser pipe shall be provided as an individual sewer connection, with the surrounding ground graded to drain from the rim of the riser pipe. The sewer lateral shall be properly trapped and vented if camping vehicles without individually trapped and vented plumbing fixtures are accommodated.
6. Dependent camping vehicles with a drain hose less than three inches (3") in diameter shall be connected with reducers and screw or clamp-type fittings.
7. Drain outlets from independent camping vehicles shall be capped or connected with a durable, readily cleanable, nonabsorbent, corrosion-resistant drain hose having an inside diameter of not less than three inches (3"). The sewer service connection shall be installed and maintained with a grade not less than one-quarter inch (1/4") per foot.

8. When the campsite is not occupied, the sewer riser pipe shall be adequately covered.
 9. A flushing sink or other means of disposal shall be provided for disposal of liquid wastes from dependent camping vehicles, unless a sanitary waste station is provided and is conveniently located. The flushing sink shall be easily accessible and located at a distance of not more than three hundred feet (300') from any campsite. The sinks shall not be located in a room containing toilet, lavatory or bathing facilities, and toilets shall not be used for disposal of such liquid wastes. Common-use faucets or hydrants and lavatories in service buildings shall not be used for cleaning fish and food, and washing dishes, utensils, clothing or other articles of household use.
 10. A sanitary waste station shall be provided for each one hundred (100) campsites or part thereof not equipped with individual sewer connections. Unless other approved means are used, the sanitary station shall be designed and constructed to include the following:
 - a. Easy ingress and egress from a service road for camping vehicles and located not less than fifty feet (50') from the closest campsite;
 - b. Connection to the sewer system by a trapped four-inch (4") sewer riser pipe and vented not more than ten feet (10') downstream from the trap by a four-inch (4") vent adequately supported, and extending at least eight feet above the ground surface;
 - c. A sewage inlet surrounded by a curbed concrete apron or trough of at least three feet (3') by three feet (3'), sloped to the inlet, and provided with a suitable hinged cover milled to fit tight;
 - d. A means for flushing the immediate area and camping or recreational vehicle holding tanks shall be provided at each sanitary waste station. It shall consist of a properly supported water riser pipe terminating two feet (2') above the ground with a three-fourths-inch (3/4") valved outlet and attached hose. The water outlet shall be protected against back siphonage and backflow by an approved vacuum breaker installation located downstream from the shut-off valve; and
 - e. A sign, constructed of durable material and not less than two (2') square feet, posted adjacent to the water flushing outlet and inscribed with the warning: "UNSAFE WATER FACILITY."
 11. The plumbing shall be installed in accordance with the International Plumbing Code as adopted by the Town.
- G. Refuse disposal.
1. The storage, collection and disposal of refuse shall be performed so as to minimize accidents, fire hazards, air pollution, odors, insects, rodents or other nuisance conditions.
 2. Durable, watertight, easily cleanable refuse containers, sufficient to contain all the refuse shall be provided at each service building, and sanitary waste station or at a central storage area readily accessible and located not more than three hundred feet (300') from any camp or picnic site unless provided at the campsite. Refuse containers shall be provided at the rate of eight (8) cubic

feet (sixty (60) gallons) for each five (5) campsites or the equivalent thereof if containers are provided at individual sites.

3. Unless refuse is collected daily, the containers shall be covered with close fitting, fly-tight covers.
 4. Refuse shall be collected and removed from the premises as often as necessary, but not less than once weekly during the campground occupancy, and disposed of at a lawful disposal site.
- H. Insect and rodent control. Insects and domestic rodents shall be controlled by elimination of breeding and harborage sources, proper sanitary practices, extermination, vermin-proofing of buildings, and other approved control methods.
- I. Fires, cooking and eating facilities.
1. Fires will be permitted only in facilities which have been provided for such purposes.
 2. Fire places, fire pits, charcoal braziers, wood burning stoves or other cooking facilities shall be located, constructed, maintained and used to minimize fire hazard and smoke nuisance in the campground and the neighboring properties.
 3. No fire shall be abandoned, left unattended, or allowed to become a hazard to trees, vegetation, camping equipment or adjacent neighboring campsites.
 4. Fires shall be completely extinguished before the campsite is vacated.
 5. No fuel shall be used and no material burned which emits dense smoke or objectionable odors.
 6. Flammable liquids shall be stored in metal containers approved by the Underwriters Laboratory, Inc.
 7. Tables shall be of durable, nontip construction and finished with a smooth, readily cleanable, weather-resistant material.
 8. Food service activities, requiring a license or certificate of inspection in accordance with provision of the laws and regulations of the state of Colorado and the production, storage and dispensing of ice shall be conducted in conformance with the physical and operational requirements of the Rules and Regulations Governing the Maintenance of Food Service Establishments in the State of Colorado.
- J. Fire protection. Camper parks shall, at all times, be in conformance with the provisions of the International Fire Code as adopted by the Grand Valley Fire Protection District.
- K. Sanitary facilities and service buildings.
1. Where water under pressure is available, sanitary facilities shall be provided and installed in accordance with the provisions of the International Plumbing Code as adopted by the Town. In addition, when and if required by the International Building Code, handicapped facilities and drinking fountains shall be provided.

2. Where water under pressure is not available, equivalent facilities, including privies, where not prohibited by state or local regulations, shall be provided and installed in accordance with requirements of Colorado Department of Public Health and Environment.
3. Toilets. One (1) toilet for each sex for every ten (10) campers or dependent camper spaces or fractional part thereof.
4. Urinals. Urinals may be substituted for up to one-third (1/3) of the required number of toilets. Men's toilet rooms hereafter constructed shall include urinals where more than two (2) toilets are required.
5. Lavatories. One (1) lavatory for each sex for every ten (10) campers.
6. Bathing Facilities. One (1) for each sex for each ten (10) campers.
7. Hot and cold water under pressure shall be supplied to all required plumbing fixtures, except that cold water only shall be supplied to water closets. Tempered water may be delivered to showers and sinks to conserve heat and heating equipment. Where tempered water is not provided, the water heating facilities shall have the capacity to supply hot water one hundred forty (140) degrees at the minimum rate of three (3) gallons per hour per camper space. Such facilities shall be of approved types and shall be properly installed and maintained.
8. Sufficient numbers of faucets with running water shall be provided to wash service buildings, walkways, passageways and other common use areas.
9. Drinking fountains, when provided, shall not be located in service rooms or connected to water faucets or lavatories. Drinking fountains shall be of approved types with adequate water pressure, and shall be located approximately thirty-three inches (33") from the floor to the spout. Use of common cups is prohibited.
10. Required plumbing fixtures shall be maintained in good working order and in a clean and sanitary condition.
11. Toilet paper, soap and single service towels shall be provided in all common use or centralized toilet and lavatory facilities. The use of common towels is prohibited.
12. Service rooms and buildings housing required plumbing fixtures shall be constructed of easily cleanable, nonabsorbent materials, maintained in good repair, and in a clean and sanitary condition and conveniently located.
13. Separate rooms containing required plumbing fixtures shall be provided for each sex. If located in the same building, they shall be separated by a solid wall extending from floor to ceiling and shall be clearly marked for "Men" and "Women."
14. Service rooms shall have a ceiling height of not less than seven and one-half feet (7 1/2'). In rooms with sloping ceilings, the required ceiling height shall be provided in at least fifty percent

(50%) of the rooms, and no portion of any room having a ceiling height of less than five feet (5') shall be considered as contributing to the minimum required areas.

15. Service rooms shall be provided with light and ventilation by means of windows or by artificial light and mechanical ventilation. The window area in each service room shall be equivalent to at least ten percent (10%) of the floor area with at least one-half (1/2) of the required window area openable to outside air. In lieu of the required window area in each service room, an approved mechanical ventilation system may be installed which will provide at least five (5) air changes per hour, be vented directly to the outside, and be connected to the electrical lighting system.
16. When necessary for exclusion of flies, mosquitoes and other insects, exterior openings of service buildings shall be protected with fly screens of not less than sixteen (16) mesh per square inch unless other approved protective devices are provided.
17. Each exterior door in a service building shall be provided with a landing which has a depth and width not less than the door opening, and a landing not over one inch (1") lower than the door sill.
18. The floors of service buildings shall have a smooth, impermeable and easily cleanable surface, sloped to a drain. Floor drains, properly trapped, shall be provided in all shower booths and shower rooms to remove wastewater and to facilitate cleaning. The walls and partitions shall have a smooth, nonabsorbent, easily cleanable surface extending to a height of four feet (4') in toilet rooms and six feet (6') in shower rooms.
19. Toilets and showers shall be installed in separate compartments, individually accessible. Each compartment shall have a self-closing door, except showers may be equipped with a waterproof curtain.
20. Toilet space shall be not less than thirty inches (30") in width, and the space in front of the toilet shall not be less than twenty-four inches (24").
21. Shower stalls shall be not less than thirty inches (30") by thirty inches (30") in area. Shower floors shall be impervious and skid-resistant or provided with a nonslip impervious mat. Dry dressing room space, screened from view and equivalent to the size of the shower floor area, shall be provided adjacent to bathing facilities and shall be equipped with clothes hooks and benches.
22. Each service room shall have at least one (1) double convenience outlet adjacent to lavatories and one (1) ceiling light fixture to provide thirty (30) foot-candles. At least one (1) light fixture, operated by a switch, shall be provided at each entrance, unless the yard lighting provides light levels of at least five (5) foot-candles.
23. Service buildings shall be provided with approved heating facilities properly installed, maintained in a safe working condition, and capable of providing a room temperature of seventy (70) degrees Fahrenheit three feet (3') from the floor. No open-flame gas or oil-fired stoves, hot plates or unvented heaters shall be approved for heating purposes.

- L. Privies. Privies, where permitted, in semiprimitive and semideveloped campgrounds, shall be:
1. Located not less than fifty feet (50') nor more than four hundred feet (400') from any campsite or building where food is prepared or served and shall be so constructed and maintained as to meet the requirements of the Colorado Department of Public Health and Environment and applicable local regulations;
 2. Vault privies shall not be located less than fifty feet (50') from any well or spring, or less than twenty-five feet (25') from any lake, stream or water course. Earth or pit privies shall be rodent-proofed and shall not be located less than one hundred feet (100') from any well or spring or less than fifty feet (50') from any lake, stream or water course;
 3. Constructed of readily cleanable materials and provided with tight-fitting, self-closing doors and impervious flooring, riser and seats. They shall be fly-tight and maintained in good repair and in clean condition;
 4. Each privy building and vault shall be ventilated and risers and seats shall be so designed and constructed as to facilitate convenient use and proper sanitation. The privy building shall be provided with a window or translucent ceiling or wall paneling to transmit natural or yard area lighting;
 5. Separate privy facilities shall be provided for each sex and the privy seats, for each sex, shall be provided in the ratio of not less than one (1) such unit for each fifteen (15) campsites. Toilet paper shall be provided; and
 6. In isolated campgrounds limited to infrequent or casual use and access by foot, horseback or trail vehicles, one (1) privy or toilet may be utilized by both sexes.
- M. Safety.
1. All electrical wiring, equipment and appurtenances shall be installed and maintained in accordance with provisions of the National Electrical Code, or as otherwise required to meet current codes.
 2. Liquid petroleum gas, fuel oil, gasoline and other flammable liquids shall be handled and used in a safe manner and shall not be stored inside or beneath any camping vehicle or within five feet (5') of a door of a camping vehicle.
 3. The grounds, buildings and related facilities shall be constructed, maintained and used in accordance with applicable local and state fire prevention regulations.
 4. Play equipment, when provided for children, shall be designed for safety, maintained in good repair, and located in areas free from hazards.
 5. The camper park area shall be subject to the rules and regulations of the Town and the Grand Valley Fire Protection District.
- N. Swimming pools. Swimming pools and natural swimming areas shall be operated, maintained, and used in compliance with recommendations and requirements of the Parachute Municipal Code and the

Colorado Department of Public Health and Environment's Regulations and Standards Governing Swimming Pools and Swimming Areas.

O. Operational responsibility.

1. Sewage shall be disposed of in facilities provided for the purpose. No camping vehicle equipped with plumbing fixtures shall be occupied unless it is connected directly to the sewer system by means of a watertight flexible waste hose at a campsite, the wastes are effectively retained in a sewage holding tank, or the camping vehicle drain outlet is capped.
2. Camping vehicles without individually trapped and vented plumbing fixtures shall not be connected to sewer branch lines that are not trapped. No sewage or liquid wastes shall be discharged or allowed to impound upon the ground surface.
3. The operator shall maintain the grounds and common-use sanitary facilities, equipment and utilities in a clean, safe and sanitary condition and shall ensure that refuse is collected as often as necessary to prevent nuisance conditions. Each camper park will provide at least one (1) full-time attendant. A record of registrations must be maintained for a minimum of one (1) year.
4. Camping Party. The camping party shall maintain the campsite in a clean, safe and wholesome condition. Refuse shall be deposited in the containers provided for the purpose or removed from the site and shall not be deposited on the ground. Pets shall be kept under control and shall not be permitted to run unattended, or be permitted to commit a nuisance. Sanitary facilities shall be maintained in a sanitary condition consistent with normal use.
5. At least one (1) clothes washing machine shall be provided for the first ten (10) spaces plus one (1) for each additional fifteen (15) spaces. Clothes dryers shall be provided as needed. These requirements may be waived if adequate facilities exist in the surrounding area.
6. Adjoining residential areas shall be screened by a six-foot (6') solid fence.

15.07.335 Marijuana Cultivation and Manufacturing.

- A. Cultivation of Medical Marijuana by Patients and Primary Caregivers in Residential Dwelling Units. The cultivation, production, or possession of marijuana plants for medical use by a patient or primary caregiver, as such terms are defined by Article XVIII, Section 14 of the Colorado Constitution, shall be allowed in residential dwelling units subject to the following conditions:
1. The cultivation, production or possession of marijuana plants shall be in full compliance with all applicable provisions of Article XVIII, Section 14 of the Colorado Constitution, the Colorado Medical Marijuana Code, § 12-43.3-101, et seq., C.R.S., and the Medical Marijuana Program, § 25-1.5-106, C.R.S.
 2. Marijuana plants that are cultivated, produced or possessed shall not exceed the presumptive limits of no more than two (2) ounces of a usable form of marijuana unless otherwise permitted under Article XVIII, Section 14 of the Colorado Constitution and no more than six (6) marijuana

plants, with three (3) or fewer being mature, flowering plants that are producing a usable form of marijuana shall be cultivated or permitted within a primary residence.

3. Such cultivation, production or possession of marijuana plants shall be limited to the following space limitations within a residential unit:
 - a. Within a single-family dwelling unit (Group R-3 as defined by the International Building Code, as adopted in PMC Title 13); a secure, defined, contiguous area not exceeding one hundred fifty (150) square feet within the residence of the licensed patient or registered caregiver.
 - b. Within a multifamily dwelling unit (Group R-2 as defined by the International Building Code, as adopted in PMC Title 13); a secure, defined, contiguous area not exceeding one hundred (100) square feet within the residence of the licensed patient or registered caregiver.
4. Marijuana plants shall not be grown in the common area of a multifamily residential structure.
5. If a licensed patient or primary caregiver elects to cultivate quantities of marijuana in excess of the amounts permitted under subsection (J)(2) of this section, as permitted in Article XVIII, Section 14(4)(b) of the Colorado Constitution, such patient must be in full compliance with the Colorado Medical Marijuana Program as provided in § 25-1.5-106(10), C.R.S., and may grow medical marijuana for personal use as a patient or as a primary caregiver for licensed patients as a special use within the Limited Industrial (LI) and General Industrial (GI) Zone Districts only.
6. The cultivation of medical marijuana plants in a residential unit shall meet the requirements of all adopted Town building and safety codes. Any licensed patient or registered primary caregiver cultivating medical marijuana in a primary residential unit shall have an initial building and safety inspection conducted by the Town, shall comply with any conditions of said inspection, and shall further submit to an annual building and safety code inspection thereafter. The names and locations of patients and caregivers shall not be made available to the general public in accordance with § 24-72-204(3)(a)(I), C.R.S., as contained in the Colorado Open Records Act.
7. The cultivation of medical marijuana plants shall not be permitted on the exterior portions of a residential lot. The cultivation, production or possession of marijuana plants in a residential unit must not be perceptible from the exterior of the residence and shall comply with the following:
 - a. Any form of signage shall be prohibited; unusual odors, smells, fragrances or other olfactory stimulants shall be prohibited; light pollution, glare, or brightness resulting from grow lamps that disturbs adjacent residents shall be prohibited; and excessive noise from ventilation fans shall be prohibited.
 - b. Marijuana plants shall be used or consumed exclusively by a licensed patient for the patient's personal use and solely to address a debilitating medical condition.
8. Any primary caregiver cultivating medical marijuana for licensed patients and providing said marijuana to patients for consideration such as a monetary sum shall obtain a business license

from the Town pursuant to Chapter 6.01 PMC. Any primary caregiver transferring medical marijuana to a licensed patient for consideration shall also obtain a sales tax license and shall comply with the requirements of Chapter 5.10 PMC concerning collection and payment of municipal sales tax.

9. Cultivation of medical marijuana in a residential unit that is not a primary residence is not permitted.
 10. For the purposes of this subsection, “primary residence” means the place that a person, by custom and practice, makes his or her principal domicile and address to which the person intends to return, following any temporary absence, such as a vacation. Residence is evidenced by actual daily physical presence, use and occupancy of the primary residence and the use of the residential address for domestic purposes, such as, but not limited to, slumber, preparation of and partaking in meals, vehicle and voter registration, or credit, water and utility billing. A person may only have one (1) primary residence. A primary residence shall not include accessory buildings.
 11. For the purpose of this subsection, a “secure” area means an area within the primary residence accessible only to the patient and/or primary caregiver. Secure premises shall be locked or partitioned off to prevent access by children, visitors, or anyone not licensed and authorized to possess medical marijuana.
- B. Growing of Marijuana in Residential Structures for Personal Use. This subsection is intended to apply to the growing of marijuana in residential structures for personal use to the extent authorized by Article XVIII, Section 16 (3)(b) of the Colorado Constitution. Any person, for purposes of this subsection and consistent with Article XVIII, Section 16 (3)(b) of the Colorado Constitution, who is twenty-one (21) years of age or older that is cultivating marijuana plants for his or her own use, may possess, grow, process or transport no more than six (6) marijuana plants with three (3) or fewer being mature, flowering plants, subject to the following requirements:
1. Such processing, growing, possessing, or transporting of marijuana plants for personal use must be in full compliance with all applicable provisions of Article XVIII, Section 16 of the Colorado Constitution.
 2. Except as provided herein, such marijuana plants are possessed, grown, or processed within the primary residence of the person possessing, growing or processing the marijuana plants for personal use, as defined by subsection (h) below. No more than a total of twelve (12) marijuana plants may be cultivated in a primary residence. If persons living in a primary residence desire to cultivate more than a total of twelve (12) marijuana plants, each person may cultivate no more than six (6) marijuana plants for personal use as a special use within the Old Town Center (OTC), Neighborhood Commercial (NC), Highway Tourist (HT), Service Commercial (SC), and Light industrial (LI) Zone Districts.
 3. The possession, growing and processing of such marijuana plants must not be observable from the exterior of the primary residence, including, but not limited to:
 - a. Common visual observation, including any form of signage;

- b. Unusual odors, smells, fragrances, or other olfactory stimulus;
 - c. Light pollution, glare, or brightness that disturbs others
- 4. Marijuana plants shall not be grown or processed in the common areas of a planned community or of a multi-family or attached residential development.
- 5. Such cultivation, production, growing and processing of marijuana plants shall be limited to the following space limitations within a primary residence:
 - a. Within a single family dwelling (Group R-3 as defined by the International Building Code as adopted by the Town): a secured, defined, contiguous area not exceeding one hundred fifty (150) square feet within the primary residence of the person possessing, growing or processing the marijuana plants for personal use.
 - b. Within a multi-family dwelling unit (Group R-2 as defined by the International Building Code as adopted by the Town): a secure, defined, contiguous area not exceeding one hundred (100) square feet within the primary residence of the person possessing, growing, or processing the marijuana plants for personal use.
 - c. Such possession, growing and processing of marijuana plants shall not occur in any accessory structure.
- 6. Such possession, growing and processing of marijuana plants shall meet the requirements of all adopted Town building and life/safety codes, and applicable fire codes, including requirements concerning electrical systems and ventilation systems, as the same may be amended from time to time. Any person cultivating marijuana for personal use shall have an initial building and safety inspection conducted by the Town, shall pay the fee for such inspection as established by Town Resolution, and fire prevention inspection conducted by the Grand Valley Fire Protection District, and shall comply with any conditions of such inspections, and shall submit to periodic building, safety and fire code inspections thereafter, and pay any applicable fees for such inspections.
- 7. Pursuant to § 9-7-113, C.R.S., the use of a compressed flammable gas as a solvent in the extraction of THC or other cannabinoids is prohibited.
- 8. The possession, growing and processing of marijuana plants shall meet the requirements of all adopted water and wastewater regulations promulgated by the Town.
- 9. Cultivation of marijuana in a residential unit that is not a primary residence is not permitted.
- 10. For the purposes of this subsection “primary residence” means the place that a person, by custom and practice, makes his or her principle domicile and address to which the person intends to return, following any temporary absence, such as a vacation. Residence is evidenced by actual daily physical presence, use and occupancy of the primary residence and the use of the residential address for domestic purposes, such as, but not limited to, sleep, preparation of meals, regular mail delivery, vehicle and voter registration, or credit and utility billings. A person shall have only one (1) primary residence. A primary residence shall not include accessory buildings.

11. For purposes of this subsection, a “secure area” means an area within the primary residence accessible only to the person possessing, growing or processing the marijuana plants for personal use. Secure premises shall be locked or partitioned off to prevent access by children, visitors, or anyone not authorized to possess marijuana.
- C. Growing of Marijuana for Personal Use in Non-Residential Zone Districts. The cultivation, production, or possession of marijuana plants for personal use by a person twenty-one (21) years of age or older, as permitted by Section 16 of Article XVIII of the Colorado Constitution, shall be allowed in non-residential units or structures in the Old Town Center (OTC), Neighborhood Commercial (NC), Highway Tourist (HT), Service Commercial (SC), and the Limited Industrial (LI) Zone Districts as a special use subject to the following conditions:
1. The cultivation, production or possession of marijuana plants shall be in full compliance with all applicable provisions of Article XVIII, Section 16 of the Colorado Constitution.
 2. No more than six (6) marijuana plants, with three (3) or fewer being mature, flowering plants per person may be cultivated.
 3. Marijuana plants shall not be grown in the common area of any commercial or industrial building.
 4. The cultivation of marijuana plants in any building or unit within the Old Town Center (OTC), Neighborhood Commercial (NC), Highway Tourist (HT), Service Commercial (SC), and the Limited industrial (LI) Zone Districts shall meet the requirements of all adopted Town building and safety codes and applicable fire codes. Any person cultivating marijuana for personal use shall have an initial building and safety inspection conducted by the Town, shall pay the fee for such inspection as established by Town Resolution, and a fire prevention inspection conducted by the Grand Valley Fire Protection District, and shall comply with any conditions of said inspections, and shall submit to periodic building, safety and fire code inspections thereafter, and pay any applicable fees for such inspections.
 5. The cultivation of marijuana plants shall not be permitted on the exterior portions of a lot. The cultivation, production or possession of marijuana plants within a building or a unit must not be perceptible from the exterior of the building or unit.
 6. Any form of signage shall be prohibited; unusual odors, smells, fragrances or other olfactory stimulants shall be prohibited; light pollution, glare or brightness resulting from grow lamps that disturbs adjacent property shall be prohibited; and excessive noise from ventilation fans shall be prohibited.
 7. Pursuant to § 9-7-113, C.R.S., the use of a compressed flammable gas as a solvent in the extrication of THC or other cannabinoids is prohibited.
- D. Cultivation of Medical Marijuana by Patients and Primary Caregivers in Nonresidential Zone Districts. The cultivation, production, or possession of marijuana plants for medical use by a patient or primary caregiver, as such terms are defined by Article XVIII, Section 14 of the Colorado

Constitution, shall be allowed as a special use in nonresidential units or structures in the Limited Industrial (LI) and General Industrial (GI) Zone Districts subject to the following conditions:

1. The cultivation, production or possession of marijuana plants shall be in full compliance with all applicable provisions of Article XVIII, Section 14 of the Colorado Constitution, the Colorado Medical Marijuana Code, § 12-43.3-101, et seq., C.R.S., and the Medical Marijuana Program, § 25-1.5-106, C.R.S.
2. Marijuana plants that are cultivated, produced or possessed shall not exceed the presumptive limits of no more than two (2) ounces of a usable form of marijuana per patient and no more than six (6) marijuana plants, with three (3) or fewer being mature, flowering plants that are producing a usable form of marijuana per patient, unless otherwise permitted under Article XVIII, Section 14 of the Colorado Constitution, shall be cultivated. A caregiver may cultivate medical marijuana for no more than five (5) licensed patients. Two (2) or more primary caregivers shall not join together for the purpose of cultivating medical marijuana within any nonresidential unit located in the Limited Industrial (LI) and General Industrial (GI) Zone Districts.
3. Marijuana plants shall not be grown in the common area of any commercial or industrial building.
4. The cultivation of medical marijuana plants in any building or unit within the Limited Industrial (LI) and General Industrial (GI) Zone Districts shall meet the requirements of all adopted Town building and safety codes. Any licensed patient or registered primary caregiver cultivating medical marijuana shall have an initial building and safety inspection conducted by the Town, shall comply with any conditions of said inspection, and shall further submit to an annual building and safety code inspection thereafter. The names of patients and caregivers and the location of their cultivation operations shall not be made available to the general public in accordance with § 24-72-204(3)(a)(I), C.R.S., as contained in the Colorado Open Records Act.
5. The cultivation of medical marijuana plants shall not be permitted on exterior portions of a lot. The cultivation, production or possession of marijuana plants within a building or unit must not be perceptible from the exterior of the building or unit.
6. Any form of signage shall be prohibited; unusual odors, smells, fragrances or other olfactory stimulants shall be prohibited; light pollution, glare or brightness resulting from grow lamps that disturbs adjacent property shall be prohibited; and excessive noise from ventilation fans shall be prohibited.
7. Any primary caregiver cultivating medical marijuana for licensed patients and providing said marijuana to patients for consideration such as a monetary sum shall obtain a business license from the Town pursuant to Chapter 6.01 PMC. Any primary caregiver transferring medical marijuana to a licensed patient for consideration shall also obtain a sales tax license and shall comply with the requirements of Chapter 5.10 PMC concerning the collection and payment of municipal sales taxes.

15.07.340 Service Stations.

A. The following regulations shall apply to all gasoline service or filling stations:

1. All buildings shall be located at least forty feet (40') from any street right-of-way line;
2. Fuel pumps and other appliances shall be located at least fifteen feet (15') from any street right-of-way line;
3. All service, storage, or similar activities shall be conducted entirely on the premises;
4. All major repair work, if any, shall be conducted within a completely enclosed building; and
5. Open storage of wrecked or inoperable automobiles or trucks, discarded tires, automotive parts or similar materials shall not be permitted.

15.07.345 Sand and Gravel Regulations.

A. General provisions. These regulations shall apply to the review of sand and gravel operations pursuant to the special use provisions of these regulations. Gravel excavation by the property owner only for noncommercial use shall be exempt from this regulation.

B. General requirements.

1. Concrete batch plants and asphalt hot-mix plants may only be located and operated at the sites of sand and gravel pits and rock crushers, or may temporarily be located in conjunction with major construction sites.
2. It must be demonstrated that the operations will conform to state and local pollution regulations and that no damage or nuisance will result from noise, smoke, odor, dust, vibration or erosion.
3. The operation must be compatible with adjacent land uses and with the comprehensive plan. If a gravel pit is located in an area designated in the comprehensive plan as public or open space or in a one hundred (100) year or five hundred (500) year floodplain, the Town may require, as a condition of approval, the reuse of the pit as a lake or other recreational area and its dedication to the Town.
4. Added vehicle traffic, or the character of such traffic created by such operations, must be compatible with existing traffic facilities and uses.
5. Landscaping or appropriate visible barriers may be required to screen the operations from general public view.

C. Operation standards.

1. No excavation of sand and gravel shall be permitted nearer than ten feet (10') to the boundary of adjacent property, easement or irrigation ditch or right-of-way, nor nearer than one hundred twenty-five feet (125') to any existing residence, unless by written agreement the owner or

owners of such adjacent property consent to a lesser distance and the Board of Trustees approves such lesser distance. Sand and gravel processing equipment shall be located to minimize nuisance effects such as noise and dust.

2. The operation shall maintain haulage roads in a reasonably dust-free condition. Dust produced by mechanical operation, trucking or road conditions must be controlled. The Board of Trustees shall specify conditions to ensure this requirement is met.
3. The hours of operation shall be determined on a case-by-case basis on such factors as location with respect to residential areas, noise generated, and visibility.
4. All sand and gravel pits shall be excavated in such a manner as to leave an average of not less than two feet (2') of undisturbed sand or gravel, as evenly as possible, over the entire excavation tract to provide a water bearing strata for any existing ground water, unless the rehabilitation plan provides for a permanent lake, or other appropriate reconstruction.
5. In no event shall a slope of less than 2:1 be left when operations are completed unless the approval plans call for other types of stabilized slopes.
6. In all pits, whether known as dry pits or wet pits, the floor of the pit shall be graded in reasonably smooth condition so that excavated areas will not collect water or permit polluted water to remain therein; however, where the rehabilitation plan for the subject property, as approved by the Board of Trustees, provided for a permanent lake, the foregoing requirements shall not apply.
7. The operation may be required to be fenced, or otherwise enclosed by the Board of Trustees for health and safety protection.

D. Permit requirements.

1. Permit Fee. In addition to the application fee for a special use, the applicant shall pay an annual fee sufficient to cover inspection of all equipment and pits of the operator. The amount of this fee shall be estimated at the time of application.
2. Insurance. The operator shall furnish evidence that he is insured to the extent of not less than one hundred thousand dollars (\$100,000.00) against liability for any negligent act or omission by the operator from the operation or maintenance of the sand and gravel and all activities connected with or incidental thereto.
3. Bond. The parties to the permit shall post a performance bond payable to the Town of Parachute in a sum equal to the number of acres covered by the permit which are under development multiplied by five hundred dollars (\$500.00) to insure full compliance with all of the terms and conditions of the permit and the rules and regulations of the Board of Trustees pertaining to the extraction and processing of sand and gravel, and those rules and regulations pertaining to rehabilitation of the pits. The Board of Trustees, upon determining that an excavated area complies with all the terms and conditions of the permit, may release such acreage from coverage by the performance bond.

4. Time of Permit. All permits shall be in full force for a period not to exceed five (5) years from date of issuance thereof, unless a shorter time is set by the Board of Trustees. Such temporary permits may be renewable by the Board of Trustees for the same period of time or less; provided, however, that the operator has complied with all the terms and special conditions of the original permit.
 5. Cancellation of Permit. The Board of Trustees shall have the power to cancel permits for violation of any of these regulations or conditions. The Board of Trustees shall serve written notice upon the permittee at the address contained in the permit, setting out a clear and concise statement of the violations and directing the permittee to appear at a time certain before the Board of Trustees, not less than ten (10) days nor more than thirty (30) days after the date of service of notice. The Board of Trustees shall hold a hearing to determine the nature and extent of the alleged violation and shall have the power, upon good cause being shown, to cancel or revoke the permit, to require certain corrective measures to be taken, or to enter upon the premises and to take corrective measures, the cost to be assessed against the permittee and his sureties.
- E. Rehabilitation. The parties to the permit for sand and gravel extraction are responsible for the rehabilitation of the worked-out area in accordance with the rehabilitation plan on file with the Board of Trustees and in accordance with the conditions of subsections (1) and (2) of this section.
1. Dry Pit Rehabilitation. After sand and gravel excavation has been completed in a dry pit, the operator shall spread fill evenly over the bottom of the excavation and excess waste materials. He shall then spread evenly the topsoil to a minimum depth of eighteen inches (18"), unless he produces evidence that the land excavated had less than eighteen inches (18") of topsoil prior to commencement of operations. The topsoil shall be spread so as to produce a new surface for the purpose of growing crops, trees, shrubs, etc. Said new surface shall be planted with legumes, grasses and/or trees and shrubs. The dry pit may be backfilled with clean fill.
 - a. The graded or backfill area shall not permit polluted water to collect or remain therein.
 - b. The finished, final condition of the area shall be in accordance with the filed plan; or, since conditions of material or economics may change, an operator has the right to file an amended master plan. This amended plan shall be subject to approval by the Board of Trustees.
 2. Wet Pit Rehabilitation. Like dry pit rehabilitation, the wet pit must be filled. Filling must be accomplished in accordance with the conditions set forth for dry pit rehabilitation. In addition, the wet pit may be converted into a lake for recreational or scenic purposes. The following conditions apply to rehabilitation of a wet pit into a lake.
 - a. All banks shall be sloped to the water line; a slope which shall not be steeper than two feet (2') horizontal to one foot (1') vertical.
 - b. All banks shall be accomplished by surfacing with soil of a quality at least equal to the topsoil of land areas immediately surrounding.

- c. Stabilization shall be accomplished by surfacing with soil of a quality at least equal to the topsoil of land areas immediately surrounding.
- d. Such topsoil, as required by subsection (2) (c) of this section, shall be planted with trees, shrubs, legumes, or grasses upon the parts of such areas where revegetation is possible, unless otherwise specified in the rehabilitation plan.

15.07.350 Eligible telecommunications facility requests.

A. The review of an eligible telecommunication facility request, as defined in Section 15.07.410, shall be subject to the following procedures:

- 1. An applicant for an eligible telecommunications facility request shall be required to submit only such documentation and information as is reasonably necessary to determine whether a proposed modification would substantially change the physical dimensions of an eligible tower or base station. The applicant shall not be required to demonstrate a need or business case for the proposed modification or collocation.
- 2. The Town Manager shall review the application to determine whether the application qualifies as an eligible telecommunications facility request.
- 3. When an application is incomplete, the Town Manager shall provide written notice to the applicant within thirty (30) calendar days, specifically identifying all missing documents or information.
- 4. If an application remains incomplete after a supplemental submission, the Town Manager shall notify the applicant within ten (10) calendar days. Second or subsequent notices of incompleteness may not require the production of documents or information that were not requested in the original notice of incompleteness.
- 5. An eligible telecommunications facilities request shall be approved or denied by the Town within sixty (60) calendar days of the date of the Town's receipt of the completed application. This time period may be tolled only by mutual agreement or when an application is incomplete.
- 6. If the Town fails to approve or deny an eligible telecommunications facility request within sixty (60) calendar days of the date of the Town's receipt of the completed application (accounting for any tolling), the request shall be deemed granted; provided that this automatic approval shall become effective only upon the Town's receipt of written notification from the applicant after the review period has expired (accounting for any tolling) indicating that the application has been deemed granted.

B. Approval of an eligible telecommunications facility request shall be subject to the following provisions:

1. The Town Manager shall approve an eligible telecommunications facility request that does not substantially change the physical dimensions of an eligible tower or base station.
 2. The Town Manager may approve an eligible telecommunications facility request that substantially changes the physical dimensions of a tower or base station if it complies with the remainder of this section.
 3. The Town Manager may condition the approval of an eligible telecommunications facility request on compliance with generally applicable building, structural, electrical and safety codes or with other laws codifying objective standards reasonably related to public health and safety.
- C. Denial of an eligible telecommunications facility request shall be in writing and shall include the reasons for denial.

Article 4

Definitions

Sec. 15.07.410 Word and terms.

The words and phrases used in this Chapter shall have the meanings defined below:

“Base station” means a structure or equipment, other than a tower, at a fixed location that enables FCC licensed or authorized wireless communications between user equipment and a communications network. The term includes any equipment associated with wireless communications services, including radio receivers, antennas, coaxial or fiber optic cable, regular and backup power supplies and comparable equipment, regardless of technological configuration (inclusive of Distributed Antenna Systems and small cell networks). The term also includes any structure, other than a tower, to which any of the equipment described herein is attached.

“Campgrounds” means organized campgrounds, including all federal, state, municipal, and county owned and designated roadside parks and campgrounds; and privately owned campgrounds which are made available, either with or without a fee to the public. Campgrounds shall include the following categories:

1. “Primitive”: a campground accessible only by walk-in, pack-in, or equestrian campers, where no facilities are provided. Improvements, if any, are designed for protection of the site and not for convenience or comfort of the campers. Primitive campgrounds shall be exempt from all provisions of PMC 15.07.330.
2. “Semi-primitive”: a campground accessible only by walk-in, equestrian, or motorized trail vehicles. Rudimentary facilities (privies and/or fireplaces) may be provided. Such facilities or improvements are designed for protection of the site and not for the comfort of the minimal numbers of campers in the limited use area. Semi-primitive campgrounds shall be exempt from all provisions except 15.07.330 I and L.
3. “Semi-developed”: a campground of two (2) or more campsites accessible by any type of vehicular traffic. Facilities are provided for both protection of site and the comfort of users. Roads, trails and campsites are defined, and basic sanitary facilities (toilets and privies) are provided. Semi-developed campgrounds shall comply with all provisions.
4. “Developed”: a campground of two (2) or more campsites accessible by any type of vehicular traffic where sites are substantially developed. Tables, refuse containers, flush toilets, bathing facilities and water are provided.

5. “Modern”: a campground of two (2) or more campsites accessible by any type of vehicular traffic. Campsites for independent camping vehicles have individual water, sewer and electrical connections. Campsites accommodating dependent camping vehicles and camping equipment not provided with individual utility connections are served by individual or centralized water points, by sanitary waste stations, and by service buildings with flush toilets, lavatories, showers and laundry facilities.

“Camping equipment” means tents or other types of shelters intended, designed or used for temporary human occupancy.

“Camping party” means one (1) or more persons assigned to a single campsite.

“Camping stand” means that part of an individual campsite used for the placement of the camping vehicle or camping equipment.

“Camping vehicle” means a self-propelled or towed camping unit, or other vehicle used for temporary human occupancy.

“Camping vehicle, dependent” means a camping vehicle that has no toilet, lavatory or bathing facilities and is dependent upon a service building for toilet, lavatory and bath facilities.

“Camping vehicle, independent” means a camping vehicle that has toilet, lavatory and bathing facilities requiring connection to a sanitary sewer.

“Campsite” means any specific area within organized campgrounds or other recreation areas which is used for overnight stays by an individual, a single camping family, group or other similar entity.

“Day care, home” means a facility for child care in the permanent residence of the provider for the purpose of providing day care and training for a child or children away from their primary residence for less than twenty-four (24) hours per day. A day care home shall provide care, protection and supervision to no more than six (6) children at one (1) time, including the children of the provider. Care may also be provided for no more than two (2) additional children of school age (five [5] to eighteen [18] years of age) attending full-day school. Operation of a day care home is subject to the Child Care Licensing Act, Section 26-6-101, et. seq., C.R.S., and considered for purposes of this Chapter to be a home occupation.

“Eligible telecommunications facility request” means a request for approval of the modification of an existing tower or base station that involves the collocation of new transmission equipment, the removal of transmission equipment, or the replacement of transmission equipment.

“Group home for the handicapped or disabled” means a state-licensed home for eight (8) or fewer persons with mental or physical impairments which substantially limit one or more major life activities and including such additional necessary persons required for the care and supervision of the permitted number of handicapped or disabled persons. “Handicap” and “disability” have the same legal meaning. A person with a disability is any person who has a physical or mental impairment that substantially limits one of more major life activities; has a record of such impairment; or is regarded as having such an impairment. A physical or mental impairment includes, but is not limited to, hearing, visual, and mobility impairments, alcoholism, drug addiction, mental illness, mental retardation, learning disability, head injury, chronic fatigue, HIV infection, AIDS, and AIDS Related Complex. The term “major life activity” may include seeing, hearing, walking, breathing, performing manual tasks, caring for one’s self, learning, speaking, or working. Group homes for handicapped or disabled persons, particularly as they relate to recovering (not currently using) alcoholics and persons with drug addictions, may also be known as sober living arrangements.

“Group home for persons sixty (60) years of age or older” means a home for the exclusive use of not more than eight (8) such persons; provided, that such group home (1) shall not be located within seven hundred fifty feet (750') of another such group home and (2) shall comply with any state, county, municipal health, safety, and building and fire codes.

“Home occupation” means any use for gain or support carried on within a dwelling located in a residential district, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the dwelling; it may be located within the principal building or in an accessory building.

“Manufacturing operations” means the mechanical or chemical transformation, or blending, of goods or raw materials into a new state or a finished or semi-finished product; the making of goods, articles, or parts from raw materials by hand or machinery.

“Mobile home” means a transferable, single-family dwelling unit suitable for year-round occupancy and containing the same water supply, waste disposal and electrical conveniences as immobile housing. Such structure will have no foundation other than wheels or removable jacks for conveyance on highways and may be transported to a site as one (1) or more sections. The term “mobile home” shall not include travel trailers, campers, camper buses, or motor homes, as defined herein, or modular homes designed to be placed on a foundation.

“Mobile home park” means any parcel of ground upon which two (2) or more mobile homes are occupied as dwelling units.

“Mobile home space” means a designated portion of a mobile home park designed for the placement of a single mobile home and accessory structures for the exclusive use of the occupants and is exclusive of

streets, walks and other common use areas in a mobile home park and county or Town streets, alleys, walks, or other public easements and adjacent private properties.

“Picnic area or site” means any place established, maintained, operated or used during the day by picnickers and where there is no overnight usage or camping.

“Recreation areas” means all public lands and surface waters of the state, other than campgrounds, used for picnicking, camping and other recreational activities.

“Sand and gravel extraction and processing” means the mining of sand and/or gravel from its naturally occurring location, the processing of sand and gravel through a series of operations that entails gravel crushing, and transformation through asphalt and concrete batch plants.

“Sanitary facilities” means toilets, urinals, privies, lavatories, showers, utility sinks and drinking fountains, and the service buildings containing these units.

“Sanitary waste station” means a facility used for removing and disposing of wastes from self-contained camping vehicle sewage holding tanks.

“Self-contained camping vehicle” means one equipped with toilet and lavatory facilities, a potable water storage tank and a sewage holding tank.

“Service building” means a structure housing toilet, lavatory, bath, laundry, service sink, and other such sanitary facilities as may be required.

“Service station” means any building, land area or other premises used for the retail dispensing or sales of vehicular fuels; minor towing, servicing and repair of automobiles and light trucks; and including as an accessory use the sale and installation of lubricants, tires, batteries and similar vehicle accessories. Body and fender work, transmission work, engine overhaul work or repair of heavy trucks or vehicles are excluded from this use. A use that fits this definition may also include the sale of ready-to-eat food products (not intended for on-premises consumption), groceries and sundries.

“Sewer connection” means the connection of all pipes, fittings and appurtenances connecting the drain outlet of the mobile home or camping vehicle with the sewer riser pipe of the sewage system.

“Substantial change” means a modification to an existing tower or base station under the following circumstances:

1. A substantial change in the height of an existing tower or base station occurs as follows:

- a. For a tower outside a public right-of-way, when the height of the tower is increased by more than ten (10) percent, or by the height of one (1) additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater.
 - b. For a tower located in a public right-of-way or for a base station, when the height of the structure increases by more than ten (10) percent or by more than ten (10) feet, whichever is greater.
2. Changes in height are measured as follows:
 - a. When deployments are separated horizontally, changes in height shall be measured from the original support structure, not from the height of any existing telecommunications equipment.
 - b. When deployments are separated vertically, changes in height shall be measured from the height of the tower or base station, including any appurtenances, as the tower or base station existed on February 22, 2012.
3. A substantial change in the width of an existing tower or base station occurs as follows:
 - a. For a tower outside of public rights-of-way, when the addition of an appurtenance to the body of the tower protrudes from the edge of the tower more than twenty (20) feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater.
 - b. For a tower located in a public right-of-way or for a base station, when the addition of an appurtenance to the body of the structure would protrude from the edge of the structure by more than six (6) feet.
4. A substantial change also occurs for an existing tower in a public right-of-way or an existing base station as follows:
 - a. When the change involves the installation of any new equipment cabinets on the ground, if no ground cabinets presently exist; or
 - b. When the change involves the installation of ground cabinets that are more than ten (10) percent larger in height or overall volume than any existing ground cabinets.

5. A substantial change also occurs for any existing tower or base station when any of the following are found:
 - a. When the change involves installation of more than the standard number of new equipment cabinets for the technology involved, or more than four (4) new cabinets, whichever is less.
 - b. When the change entails any excavation or deployment outside the current site.
 - c. When the change would defeat the concealment elements of the eligible structure.
 - d. When the change does not comply with conditions associated with the original siting approval of the construction or modification of the tower, base station or base station equipment. This limitation does not apply if the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that would not exceed the thresholds identified in above.

“Telecommunications facilities” means radio or television broadcasting towers, telecommunications towers, and antenna satellite dish arrays (free-standing or tower mounted). A telecommunication facility does not include residential television antennas, satellite dish antennas, or amateur radio antennas.

“Tower” means a structure built for the sole or primary purpose of supporting any FCC licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communication services including but not limited to private, broadcast and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul and the associated site.

“Water connection” means the connection of all pipes, fittings, and appurtenances connecting the water inlet pipe of the mobile home with the water riser pipe of the water supply.

“Water riser pipe” means the portion of the water supply system which extends vertically to the ground surface and terminates at a mobile home space.

TITLE 15

Land Use Regulations

APPENDIX ONE: SUBMITTAL REQUIREMENTS



TOWN OF PARACHUTE
P.O. BOX 100
222 GRAND VALLEY WAY
PARACHUTE, CO 81635

LAND USE APPLICATION

Project Name: _____

Project Site Address/Location: _____

Name of Applicant: _____

Address: _____

Telephone#: _____ **Fax#:** _____ **Email:** _____

Type of Application (check all that apply):

- | | |
|---|---|
| <input type="checkbox"/> Major Subdivision | (Attach Major Subdivision Checklist) |
| <input type="checkbox"/> Resubdivision | (Attach Major Subdivision Checklist) |
| <input type="checkbox"/> Condo Subdivision/Conversion | (Attach Condominium Subdivision Checklist) |
| <input type="checkbox"/> Minor Subdivision | (Attach Minor Subdivision Checklist) |
| <input type="checkbox"/> Plat Correction | (Attach Plat Amendment Checklist) |
| <input type="checkbox"/> Lot Consolidation | (Attach Plat Amendment Checklist) |
| <input type="checkbox"/> Boundary Line Adjustment | (Attach Plat Amendment Checklist) |
| <input type="checkbox"/> Special Use Permit | (Attach Special Use Permit Checklist) |
| <input type="checkbox"/> Temporary Use Permit | (Attach Temporary Use Permit Checklist) |
| <input type="checkbox"/> Sign Permit | (Attach Sign Permit Checklist) |
| <input type="checkbox"/> Site Plan Review | (Attach Site Plan Review Checklist) |
| <input type="checkbox"/> Rezoning | (Attach Rezoning Checklist) |
| <input type="checkbox"/> Zoning Variance | (Attach Zoning Variance Checklist) |
| <input type="checkbox"/> Floodplain Development Permit | (Attach Floodplain Development Permit Checklist) |
| <input type="checkbox"/> Annexation | (Attach Annexation Checklist) |
| <input type="checkbox"/> Site Specific Development Plan | (Attach Site Specific Development Plan Checklist) |

I/We certify that the information and exhibits herewith are true and correct to the best of my knowledge.

Name: (print) _____

Signature: _____ **Date:** _____

INSTRUCTIONS:

1. Review the relevant sections of the Parachute Land Use Regulations (Title 15 of the Parachute Municipal Code). Visit www.coloradogov/parachutecolorado
2. Read application and associated checklists thoroughly.
3. Complete and submit all of the requested information.
4. Applications not signed and lacking any of the requested information will be deemed incomplete and will not be scheduled for review.*

* * * * APPLICANT NOT TO WRITE BELOW * * * *

DATE

APPLICATION FEE PAID:	
APPLICATION RECEIVED:	
APPLICATION COMPLETE:*	
PLANNING & ZONING HEARING:	
BOT HEARING:	
PROPERTY POSTING:	
MAILINGS:	
PUBLICATION:	
REFERRAL AGENCIES NOTIFIED:	
ADMINISTRATIVE APPROVAL:	
P&Z APPROVAL:	
BOT APPROVAL:	
BOA APPROVAL:	
PERFORMANCE GUARANTY POSTED:	

* Note: A complete application includes this form, the applicable checklist(s), and all materials requested on the applicable checklist(s).



MAJOR SUBDIVISION CHECKLIST

Two hard copies and one electronic version of all of the following information shall be submitted with an application for a major subdivision, unless one or more items are specifically waived in writing by the Town Manager:

- ☐ The Land Use Application form provided by the Town Manager.
- ☐ Proof of legal ownership in the form of a current title policy, and the names and addresses of the owners of the property and any lienholder(s).
- ☐ Proof of taxes paid.
- ☐ A cover letter including a statement of the purpose of the application and a brief description of the proposed major subdivision.
- ☐ A letter of representation, signed and notarized by the property owner(s), for any applicant that is not a property owner.
- ☐ A preliminary plat prepared by a licensed land surveyor in accordance with the Preliminary Plat Checklist (attach). Note: This step is not required if a preliminary plat for the subject property has been previously approved by the Town and has not expired.
- ☐ A final plat prepared by a licensed land surveyor in accordance with the Final Plat Checklist (attach).
- ☐ A copy of the Colorado State land survey monument record forms for any survey corners as required to be filed by Colorado law.
- ☐ Phase 3 utility, drainage and traffic impact studies in accordance with the Town's engineering standards.
- ☐ Written confirmation, from all utility providers that service is available or will be available upon completion of utility construction as approved by the utility service provider.
- ☐ A development improvements agreement – see template in Appendix Four: Development Improvements Agreement.
- ☐ Public improvement construction documents in accordance with the Town's construction standards.
- ☐ A copy of any applicable subdivision protective covenants.
- ☐ An application fee per the Fee Schedule in Appendix Three.
- ☐ The appropriate fees in lieu of land dedications as prescribed in PMC 15.07.250.



PRELIMINARY PLAT CHECKLIST

Two hard copies and one electronic version of all of the following information shall be submitted with any application that requires a preliminary plat, unless one or more items are specifically waived in writing by the Town Manager:

- ☐ A preliminary plat document drafted legibly in AutoCad computer file format, on sheets measuring twenty-four inches (24") by thirty-six inches (36") with clear margins of two inches (2") on the left side of the plat and one-half inch (1/2") on the remaining sides. Where multiple sheets are necessary to depict the total filing, the legal description of the subdivision boundary and all certifications and dedications shall be shown on the cover or title sheet and a key map indicating the location of subsequent sheets of the subdivision shall also be shown on the cover or title sheet. The scale of the preliminary plat shall not exceed one inch (1") equals fifty feet (50'). The preliminary plat shall meet the minimum standards for land survey and subdivision plats as required by the laws of the state of Colorado. All preliminary plats shall clearly and accurately set forth and include the following information in the format prescribed in addition to any other information required to be shown on the preliminary plat by the Town Manager.
 - The name of the subdivision.
 - The legal description of the subdivision.
 - The date of the survey and monumentation of the subdivision and the location and description of the primary control points for the survey and all of the property monumentation on the perimeter boundary of the subdivision and the basis of bearing of the survey.
 - The definition of the scale of the preliminary plat and an arrow indicating north relative to the basis of bearing used.
 - The names of all streets or roads, block indicators and lot numbers depicted in a manner permitting easy lot identification.
 - A vicinity map at a scale of one inch (1") equals two thousand feet (2,000') showing the subdivision in relation to section lines and township and range lines.
 - The perimeter boundary and the boundaries of lots, blocks and road rights-of-way shall be drawn in solid black lines; easements or other rights-of-way shall be shown in dashed lines. Each lot shall be numbered with dimensions and area noted. The following standards shall be complied with:
 - Perimeter and lot boundaries shall be shown to the nearest one-hundredth foot (0.01');
 - Areas of less than one (1) acre shall be shown to the nearest one (1) square foot and areas of greater than one (1) acre shall be shown to the nearest one-thousandth (0.001) acre;
 - Bearings shall be shown to the nearest second of arc;
 - Central angles of all curves shall be shown to the nearest second of arc;



PRELIMINARY PLAT CHECKLIST

- Curve radii, arc lengths, tangent lengths, and other curve data shall be shown to the nearest one-hundredth foot (0.01');
 - Widths, and other dimensions of all easements, rights-of-way and roads shall be shown; and
 - The location of all irrigation facilities and major drainage channels and facilities shall be shown;
- ☐ Engineering plans, descriptions and cost estimates for streets and roads (including curb and gutter if required, traffic control devices, signage, and street lighting), drainage facilities, water distribution lines, sewage collection and treatment facilities, bridges, telephone lines and other telephone equipment, electric power lines and other electric equipment, natural gas pipes and other natural gas equipment, cable television distribution cables and other equipment, irrigation facilities, and any other utilities, public improvements or subdivision improvements that may be required by the Town as part of the preliminary or preliminary plan approvals. All engineering plans shall be prepared and signed by a professional engineer licensed by the state of Colorado.



FINAL PLAT CHECKLIST

Two hard copies and one electronic version of all of the following information shall be submitted with any application that requires a final plat, unless one or more items are specifically waived in writing by the Town Manager:

- ☐ A final plat document drafted legibly in AutoCad computer file format, on sheets measuring twenty-four inches (24") by thirty-six inches (36") with clear margins of two inches (2") on the left side of the plat and one-half inch (1/2") on the remaining sides. Where multiple sheets are necessary to depict the total filing, the legal description of the subdivision boundary and all certifications and dedications shall be shown on the cover or title sheet and a key map indicating the location of subsequent sheets of the subdivision shall also be shown on the cover or title sheet. The scale of the final plat shall not exceed one inch (1") equals fifty feet (50'). The final plat shall meet the minimum standards for land survey and subdivision plats as required by the laws of the state of Colorado. All final plats shall clearly and accurately set forth and include the following information in the format prescribed in addition to any other information required to be shown on the final plat as a condition of the preliminary plat approval.
 - The name of the subdivision.
 - The legal description of the subdivision.
 - The date of the survey and monumentation of the subdivision and the location and description of the primary control points for the survey and all of the property monumentation on the perimeter boundary of the subdivision and the basis of bearing of the survey.
 - The definition of the scale of the final plat and an arrow indicating north relative to the basis of bearing used.
 - The names of all streets or roads, block indicators and lot numbers depicted in a manner permitting easy lot identification.
 - A vicinity map at a scale of one inch (1") equals two thousand feet (2,000') showing the subdivision in relation to section lines and township and range lines.
 - The perimeter boundary and the boundaries of lots, blocks and road rights-of-way shall be drawn in solid black lines; easements or other rights-of-way shall be shown in dashed lines. Each lot shall be numbered with dimensions and area noted. The following standards shall be complied with:
 - Perimeter and lot boundaries shall be shown to the nearest one-hundredth foot (0.01');
 - Areas of less than one (1) acre shall be shown to the nearest one (1) square foot and areas of greater than one (1) acre shall be shown to the nearest one-thousandth (0.001) acre;
 - Bearings shall be shown to the nearest second of arc;
 - Central angles of all curves shall be shown to the nearest second of arc;



FINAL PLAT CHECKLIST

- Curve radii, arc lengths, tangent lengths, and other curve data shall be shown to the nearest one-hundredth foot (0.01');
 - Widths, and other dimensions of all easements, rights-of-way and roads shall be shown; and
 - The location of all irrigation facilities and major drainage channels and facilities shall be shown.
- ☐ The final plat shall include the following certifications in a form substantially compliant with the templates provided in Appendix Two.
- The owner(s) of record signature block;
 - A certificate of dedication and ownership executed by all owners of the property to be subdivided and also signed by all holders of any recorded security interest in the property to be subdivided. Each signature shall be notarized. An indication of the purpose for dedication or reservation of sites other than residential lots shall be included in the certification.
 - A surveyor's certificate signed by a registered professional land surveyor licensed by the state of Colorado;
 - An attorney's certificate or title company certificate indicating that all lands shown on the final plat are free and clear of liens claims or encumbrances of record except as noted;
 - The Board of Trustees approval certificate; Note: Substitute the Town Manager certificate for administrative plat approvals.
 - The Garfield County Clerk and Recorder's certificate which shall indicate the time of recording and reception number. Note: This certificate will not be completed until the final plat is recorded.



CONDOMINIUM SUBDIVISION CHECKLIST

Two hard copies and one electronic version of all of the following information shall be submitted with an application for a condominium subdivision, unless one or more items are specifically waived in writing by the Town Manager:

- ☐ The Land Use Application form provided by the Town Manager.
- ☐ Proof of legal ownership in the form of a current title policy, and the names and addresses of the owners of the property and any lienholder(s).
- ☐ Proof of taxes paid.
- ☐ A cover letter including a statement of the purpose of the application and a brief description of the proposed condominium subdivision.
- ☐ A letter of representation, signed and notarized by the property owner(s), for any applicant that is not a property owner.
- ☐ An application fee per the Fee Schedule in Appendix Three.
- ☐ A final plat prepared in accordance with the Final Plat Checklist (attach).
- ☐ Condominium declarations including the following:
 - A statement defining the character, duration, rights, obligations and limitations of condominium ownership including any restrictive covenants affecting individual units;
 - A statement of the method by which the proportionate valuation of common elements shall be assessed to individual units; and
 - Provisions for creating conditions, restrictions and limitations on time sharing ownership, if applicable.
- ☐ A condominium map prepared by a licensed land surveyor within thirty (30) days of completion of construction of each condominium building. If the condominiums are a conversion of existing structures, the condominium map shall be submitted with the final plat. The condominium map shall depict the following information:
 - A vicinity map indicating the location of the property.
 - A legal description of the property.
 - Vertical and horizontal location of each air space unit with dimensions and area indicated;
 - The relation of individual units to limited and general common elements;
 - Designation of any limited common elements reserved for the exclusive use of any individual unit;
 - The identification of each condominium unit by number or other symbol, including both the unit and any limited common elements reserved for the unit;
 - The location of all exterior and internal load-bearing walls held in common ownership;
 - The elevation of each condominium unit in relation to a bench mark established on one (1) of the permanent exterior boundary monuments of the platted subdivision in which the condominium is located, with a statement describing the U.S. Government benchmark to which the project bench mark is referenced; and
 - Other documents must be submitted as appropriate specifying common elements, maintenance responsibilities for common areas including facilities and equipment, open space, parking areas, storage areas, utility facilities, and other such elements.



MINOR SUBDIVISION CHECKLIST

Two hard copies and one electronic version of all of the following information shall be submitted with an application for a minor subdivision, unless one or more items are specifically waived in writing by the Town Manager:

- ☐ The Land Use Application form provided by the Town Manager.
- ☐ Proof of legal ownership in the form of a current title policy, and the names and addresses of the owners of the property and any lienholder(s).
- ☐ Proof of taxes paid.
- ☐ A cover letter including a statement of the purpose of the application and a brief description of the proposed minor subdivision.
- ☐ A letter of representation, signed and notarized by the property owner(s), for any applicant that is not a property owner.
- ☐ A final plat prepared by a licensed land surveyor in accordance with the Final Plat Checklist (attach).
- ☐ A copy of the Colorado State land survey monument record forms for any survey corners as required to be filed by Colorado law.
- ☐ An application fee per the Fee Schedule in Appendix Three.



PLAT AMENDMENT CHECKLIST

Two hard copies and one electronic version of all of the following information shall be submitted with an application for a boundary line adjustment, lot consolidation or plat correction, as applicable, unless one or more items are specifically waived in writing by the Town Manager:

- ☐ The Land Use Application form provided by the Town Manager.
- ☐ Proof of legal ownership in the form of a current title policy, and the names and addresses of the owners of the property and any lienholder(s).
- ☐ Copies of the existing property deed(s) and the deed(s) as proposed after the plat amendment.
- ☐ Signed statements from all lien holders and all other security interest holders of record indicating that the interest holders do not object to the boundary line adjustment as proposed. If there are no other holders of interest in the property, the property owner(s) shall so indicate by a signed statement.
- ☐ Proof of taxes paid.
- ☐ A cover letter including a statement of the purpose of the application and a brief description of the proposal.
- ☐ A letter of representation, signed and notarized by the property owner(s), for any applicant that is not a property owner.
- ☐ An application fee per the Fee Schedule in Appendix Three.
- ☐ A plat amendment prepared by a licensed land surveyor in accordance with the Final Plat Checklist (attach).



SPECIAL USE APPLICATION CHECKLIST

Two hard copies and one electronic version of all of the following information shall be submitted with an application for approval of a special use, unless one or more items are specifically waived in writing by the Town Manager:

- ☐ The Land Use Application form provided by the Town Manager.
- ☐ Proof of legal ownership in the form of a current title policy, and the names and addresses of the owners of the property and any lienholder(s).
- ☐ Proof of taxes paid.
- ☐ A cover letter including a statement of the purpose of the application and a brief description of the proposal.
- ☐ A letter of representation, signed and notarized by the property owner(s), for any applicant that is not a property owner.
- ☐ An application fee per the Fee Schedule in Appendix Three.
- ☐ A drawing showing the location of the following:
 - A vicinity map indicating the location and street address (if applicable) of the property.
 - A legal description of the property.
- ☐ All existing and proposed buildings, utilities and other improvements on the property. A building envelope (a portion of the property within which a building may be located) may be shown for proposed buildings to allow minor adjustments.
 - The direction of traffic flows and locations of entries and exits of parking lots and the relationships of parking lots to entrances and exits of any buildings.
 - The location and number of parking spaces for off-street parking and loading areas.
 - The location of service and refuse collection areas.
 - The location of all signs indicating the size, shape and height of each sign.
 - The area and location of open space and recreation areas.
 - The location and type of exterior outdoor lighting.
 - The location of existing and proposed fences,
 - The location of proposed landscaping improvements and other methods of visual screening. Indicate the method of landscape maintenance, and include a list of the type, size, and quantity of landscape plant materials.

In addition to the information listed above, the Town Manager may also require the following:

- ☐ A Final Drainage Study
- ☐ A Final Utility Study
- ☐ A Final Traffic Study



TEMPORARY USE APPLICATION CHECKLIST

Two hard copies and one electronic version of all of the following information shall be submitted with an application for approval of a temporary use, unless one or more items are specifically waived in writing by the Town Manager:

- ☐ The Land Use Application form provided by the Town Manager.
- ☐ A vicinity map indicating the location of the property.
- ☐ A legal description of the property.
- ☐ Proof of legal ownership in the form of a current title policy, and the names and addresses of the owners of the property and any lienholder(s).
- ☐ Proof of taxes paid.
- ☐ A cover letter including a statement of the purpose of the application, a brief description of the proposed temporary use, and the time period requested for the use.
- ☐ A letter of representation, signed and notarized by the property owner(s), for any applicant that is not a property owner.
- ☐ A cash deposit, surety bond or letter of credit, adequate to cover any removal of structures and cleaning of the site in an amount equal to one hundred twenty-five percent (125%) of the estimated removal and cleaning costs.
- ☐ An application fee per the Fee Schedule in Appendix Three.
- ☐ A drawing showing the location of the following:
 - The building(s) or area(s) on the lot or parcel where the temporary use will be conducted.
 - The direction of traffic flows and locations of entries and exits of parking lots and the relationships of parking lots to entrances and exits of any buildings associated with the temporary use.
 - The location and number of parking spaces for off-street parking and loading areas proposed for the temporary use.
 - The location of service and refuse collection areas for the temporary use.
 - The location of any temporary signs indicating the size, shape and height of each sign.



SIGN PERMIT CHECKLIST

Two hard copies and one electronic version of all of the following information shall be submitted with an application for a sign permit, unless one or more items are specifically waived in writing by the Town Manager:

- ☐ The Land Use Application form provided by the Town Manager.
- ☐ A vicinity map indicating the location and street address (if applicable) of the property.
- ☐ A legal description of the property.
- ☐ Proof of legal ownership in the form of a current title policy, and the names and addresses of the owners of the property and any lienholder(s).
- ☐ Proof of taxes paid.
- ☐ A cover letter including a statement of the purpose of the application and a brief description of the proposal.
- ☐ A letter of representation, signed and notarized by the property owner(s), for any applicant that is not a property owner.
- ☐ An application fee per the Fee Schedule in Appendix Three.
- ☐ A drawing showing the following:
 - The proposed location of the sign along with the locations, types and square footage areas of all existing signs on the same premises.
 - Specifications and scale drawings showing the type, materials, design, dimensions, structural supports, and electrical components of all proposed signs.



SITE PLAN APPLICATION CHECKLIST

Two hard copies and one electronic version of all of the following information shall be submitted with an application for site plan approval, unless one or more items are specifically waived in writing by the Town Manager:

- ☐ The Land Use Application form provided by the Town Manager.
- ☐ A vicinity map indicating the location of the property.
- ☐ A legal description of the property.
- ☐ Proof of legal ownership in the form of a current title policy, and the names and addresses of the owners of the property and any lienholder(s).
- ☐ Proof of taxes paid.
- ☐ A cover letter including a statement of the purpose of the application and a brief description of the proposal.
- ☐ A letter of representation, signed and notarized by the property owner(s), for any applicant that is not a property owner.
- ☐ An application fee per the Fee Schedule in Appendix Three.
- ☐ A drawing showing the location of the following:
 - All existing and proposed buildings, utilities and other improvements on the property. A building envelope (a portion of the property within which a building may be located) may be shown for proposed buildings to allow minor adjustments.
 - The direction of traffic flows and locations of entries and exits of parking lots and the relationships of parking lots to entrances and exits of any buildings.
 - The location and number of parking spaces for off-street parking and loading areas.
 - The location of service and refuse collection areas.
 - The location of all signs indicating the size, shape and height of each sign.
 - The area and location of open space and recreation areas.
 - The location and type of exterior outdoor lighting.
 - The location of existing and proposed fences, landscaping features and other methods of visual screening. Indicate the method of landscape maintenance, and include a list of the type, size, and quantity of landscape plant materials.

In addition to the information listed above, the Town Manager may also require the following:

- ☐ A Final Drainage Study
- ☐ A Final Utility Study
- ☐ A Final Traffic Study



REZONING APPLICATION CHECKLIST

Two hard copies and one electronic version of all of the following information shall be submitted with an application for rezoning, unless one or more items are specifically waived in writing by the Town Manager:

- ☐ The Land Use Application form provided by the Town Manager.
- ☐ A vicinity map indicating the location and street address (if applicable) of the property.
- ☐ A legal description of the property.
- ☐ Proof of legal ownership in the form of a current title policy, and the names and addresses of the owners of the property and any lienholder(s).
- ☐ Proof of taxes paid.
- ☐ A petition for rezoning signed by the owners of at least fifty percent (50%) of the area of land or area of lots subject to the rezoning application.
- ☐ The names and addresses of any owners and lessees of mineral rights for the property. All mineral rights owners and lessees must be notified 30 days in advance of application review.
- ☐ The names and addresses of any property owners within two hundred feet (200') of any portion of the property.
- ☐ A cover letter including justification for a rezoning based upon the review criteria. Include the existing zoning and the proposed zoning.
- ☐ A letter of representation, signed and notarized by the property owner(s), for any applicant that is not a property owner.
- ☐ An application fee per the Fee Schedule in Appendix Three.



ZONING VARIANCE APPLICATION CHECKLIST

Two hard copies and one electronic version of all of the following information shall be submitted with an application for a zoning variance, unless one or more items are specifically waived in writing by the Town Manager:

- ☐ The Land Use Application form provided by the Town Manager.
- ☐ A vicinity map indicating the location and street address (if applicable) of the property.
- ☐ A legal description of the property.
- ☐ Proof of legal ownership in the form of a current title policy, and the names and addresses of the owners of the property and any lienholder(s).
- ☐ Proof of taxes paid.
- ☐ The names and addresses of any owners and lessees of mineral rights for the property. All mineral rights owners and lessees must be notified 30 days in advance of application review.
- ☐ The names and addresses of any property owners within two hundred feet (200') of any portion of the property.
- ☐ A cover letter justifying how the application meets the variance criteria in PMC 15.01.340 C.
- ☐ A letter of representation, signed and notarized by the property owner(s), for any applicant that is not a property owner.
- ☐ An application fee per the Fee Schedule in Appendix Three.



FLOODPLAIN DEVELOPMENT PERMIT CHECKLIST

Two hard copies and one electronic version of all of the following information shall be submitted with an application for a floodplain permit, unless one or more items are specifically waived in writing by the Floodplain Administrator (Town Manager):

- ☐ The Land Use Application form provided by the Floodplain Administrator.
- ☐ A vicinity map indicating the location and street address (if applicable) of the property.
- ☐ A legal description of the property.
- ☐ Proof of legal ownership in the form of a current title policy, and the names and addresses of the owners of the property and any lienholder(s).
- ☐ Proof of taxes paid.
- ☐ A cover letter including a statement of the purpose of the application, a brief description of the proposal, and response to the factors for consideration of approval listed in PMC 15.05.240 (b).
- ☐ A letter of representation, signed and notarized by the property owner(s), for any applicant that is not a property owner.
- ☐ An application fee per the Fee Schedule in Appendix Three.
- ☐ Plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to special flood hazard area. Additionally, the following information is required:
 - ☐ Elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures.
 - ☐ Elevation in relation to mean sea level to which any nonresidential structure shall be flood proofed.
- ☐ A certificate from a registered Colorado professional engineer or architect that the nonresidential flood proofed structure shall meet the flood proofing criteria of PMC 15.10.050(B)(2).
- ☐ A description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.



ANNEXATION CHECKLIST

Two hard copies and one electronic version of all of the following information shall be submitted with an application for annexation, unless one or more items are specifically waived in writing by the Town Manager:

- ☐ The Land Use Application form provided by the Town Manager.
- ☐ A vicinity map indicating the location of the property.
- ☐ A legal description of the property.
- ☐ Proof of legal ownership in the form of a current title policy, and the names and addresses of the owners of the property and any lienholder(s).
- ☐ Proof of taxes paid.
- ☐ A cover letter including a statement of the purpose of the application, a brief description of the proposed annexation, and confirmation that the property is eligible for annexation in accordance with C.R.S. §§ 31-12-101, *et seq.*. If zoning is proposed concurrent with annexation, indicate the proposed zoning district.
- ☐ A letter of representation, signed and notarized by the property owner(s), for any applicant that is not a property owner.
- ☐ An application fee per the Fee Schedule in Appendix Three.
- ☐ An annexation petition prepared in accordance with C.R.S. §§ 31-12-101, *et seq.*
- ☐ An Affidavit of Circulator prepared in accordance with C.R.S. §§ 31-12-101, *et seq.*
- ☐ An annexation map prepared in accordance with C.R.S. §§ 31-12-101, *et seq.*, including:
 - Boundaries of each ownership parcel within the area to be annexed.
 - Name of annexation.
 - Date, scale and North sign.
 - Location of proposed annexation site to Town's existing boundaries.
 - Boundaries of any special districts having jurisdiction over the area to be annexed.
 - The location and width of streets and utility easements either within or adjacent to the area to be annexed.
 - The location and site of nearest existing utility lines.
 - Any existing development in the area to be annexed.
 - The current source of water, sanitary sewer, and storm drainage service for the area to be annexed.
 - Proposed zoning of the area to be annexed and exact zoning boundaries.
 - A professional engineer or land surveyor's statement of preparation with stamp and signature.
- ☐ An annexation impact report prepared in accordance with C.R.S. §§ 31-12-101, *et seq.*
Note: An annexation impact report is not required for any property less than ten (10) acres in size.
- ☐ Any pre-annexation agreement(s) negotiated with the Town of Parachute.
- ☐ Legal descriptions of any water rights existing on the property proposed for annexation.



SITE SPECIFIC DEVELOPMENT PLAN APPLICATION CHECKLIST

Two hard copies and one electronic version of all of the following information shall be submitted with an application for site specific development plan approval, unless one or more items are specifically waived in writing by the Town Manager:

- ☐ The Land Use Application form provided by the Town Manager.
- ☐ A vicinity map indicating the location of the property.
- ☐ A legal description of the property.
- ☐ Proof of legal ownership in the form of a current title policy, and the names and addresses of the owners of the property and any lienholder(s).
- ☐ Proof of taxes paid.
- ☐ A cover letter including a statement of the purpose of the application and a brief description of the proposed site specific development plan request.
- ☐ A letter of representation, signed and notarized by the property owner(s), for any applicant that is not a property owner.
- ☐ An application fee per the Fee Schedule in Appendix Three.

Indicate which one of the following types of applications that vested property rights are requested:

- ☐ Special use pursuant to PMC 15.02.210. Attach the Special Use checklist.
- ☐ Final subdivision plat pursuant to PMC 15.03.210, including major subdivisions, minor subdivisions, resubdivisions, and division of property into condominium or townhouse units. Attached the Final Plat checklist.
- ☐ The final approval step, irrespective of the name or designation of such approval, which occurs prior to building permit application. Attach the relevant checklist.

Note: The following are specifically excluded from, and shall not constitute, a site specific development plan: variances issued by the Board of Adjustment, sketch plans, preliminary plans, business licenses, floodway or floodplain permits, franchises, temporary use permits, any comprehensive plan element, creation of improvement districts, zoning or rezoning, final architectural plans, or final construction drawings and related documents specifying materials and methods for construction of improvements.

TITLE 15

Land Use Regulations

APPENDIX TWO: PLAT CERTIFICATES

CERTIFICATION OF DEDICATION AND OWNERSHIP

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED, BEING THE SOLE OWNERS, IN FEE SIMPLE OF ALL THAT REAL PROPERTY DESCRIBED AS FOLLOWS:

(Insert Legal Description)

HAVE BY THESE PRESENTS, LAID OUT AND PLATTED THE SAME INTO LOTS AND BLOCKS AS SHOWN HEREON AND DESIGNATE THE SAME AS _____ PLAT, AND THAT SAID OWNERS DO HEREBY GRANT TO THE TOWN OF PARACHUTE, COUNTY OF GARFIELD, STATE OF COLORADO, FOR PUBUC USE THE STREETS, SHOWN HEREON INCLUDING AVENUES, COURTS, DRIVES, PLACES AND ALLEYS; HOWEVER, SUCH APPROVAL IN NO WAY OBLIGATES THE TOWN OF PARACHUTE FOR FINANCING OR CONSTRUCTION OF IMPROVEMENTS ON LAND, STREETS OR EASEMENTS DEDICATED TO THE PUBLIC EXCEPT AS SPECIFICALLY AGREED TO BY THE CITY COUNCIL OF THE TOWN OF PARACHUTE; AND SO FURTHER STATE THAT THE SUBDIVISION SHALL BE SUBJECT TO THE PROTECTIVE COVENANTS FILED AND RECORDED FOR THIS SUBDIVISION IN THE OFFICE OF THE CLERK AND RECORDER OF GARFIELD COUNTY, COLORADO AS RECEPTION NO . _____ EXECUTED THIS ____ DAY OF _____ A.D. 20__.

TOWN OF PARACHUTE P.O. BOX 100 PARACHUTE, CO 81635
STATE OF COLORADO

THE FOREGOING DEDICATION AND OWNERSHIP WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____ A.D. 20__, BY _____

MY COMMISSION EXPIRES: _____

WITNESS MY HAND AND SEAL

NOTARY PUBLIC

BOARD OF TRUSTEE'S CERTIFICATE

THIS PLAT IS APPROVED AND ACCEPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF PARACHUTE, GARFIELD COUNTY, COLORADO, THIS __ DAY OF _____ 20__, FOR THE FILING WITH THE COUNTY CLERK AND RECORDER OF GARFIELD COUNTY AND FOR CONVEYANCE OR DEDICATION TO THE TOWN OF THE PUBLIC DEDICATIONS SHOWN HEREON; SUBJECT TO THE PROVISIONS THAT APPROVAL IN NO WAY OBLIGATES THE TOWN OF PARACHUTE FOR THE FINANCING OF CONSTRUCTION OF THE IMPROVEMENTS OF LAND, STREETS OR EASEMENTS DEDICATED TO THE PUBLIC EXCEPT AS SPECIFICALLY AGREED TO BY THE BOARD OF TRUSTEES OF THE TOWN OF PARACHUTE. FURTHER, SAID APPROVAL IN NO WAY OBUGATES THE TOWN OF PARACHUTE FOR MAINTENANCE OF PUBLIC IMPROVEMENTS UNTIL CONSTRUCTION OF SAID IMPROVEMENTS HAS BEEN COMPLETED IN ACCORDANCE WITH THE TOWN OF PARACHUTE'S SPECIFICATIONS AND THE TOWN OF PARACHUTE HAS AGREED TO ACCEPT SAID IMPROVEMENTS. THIS APPROVAL DOES NOT GUARANTEE THAT THE SIZE, SOIL CONDITONS, SUB-SURFACE GEOLOGY, GROUND WATER CONDITIONS, OR FLOODING CONDITIONS OF ANY LOT SHOW HEREON ARE SUCH THAT A BUILDING PERMIT, OR ANY OTHER REQUIRED PERMIT WILL BE ISSUED. THIS APPROVAL IS WITH THE UNDERSTANDING THAT ALL EXPENSES INVOLVING REQUIRED IMPROVEMENTS FOR ALL UTILITY SERVICES, PAVING, GRADING, LANDSCAPING, CURBS, GUTTERS, SIDEWALKS, ROAD LIGHTING, SIGNS, FLOOD PROTECTION DEVICES, DRAINAGE STRUCTURES, AND ALL OTHER IMPROVEMENTS THAT MAY BE REQUIRED SHALL BE LAND, STREETS OR EASEMENTS DEDICATED TO THE PUBLIC EXCEPT AS SPECIFICALLY AGREED TO BY THE RESPONSIBILITY OF THE OWNERS DESIGNATED HEREON AND NOT THE TOWN OF PARACHUTE, UNLESS SPECIFICALLY AGREED TO IN WRITING BY THE BOARD OF TRUSTEES. THIS APPROVAL IS ALSO SPECIFICALLY SUBJECT TO THE TERMS, CONDITIONS AND REQUIREMENTS CONTAINED IN A DEVELOPMENT IMPROVEMENTS AGREEMENT FOR THIS PROPERTY, RECORDED CONTEMPORANEOUSLY HEREWITH.

MAYOR

TOWN CLERK

CLERK AND RECORDER'S CERTIFICATE

THIS PLAT IS ACCEPTED FOR FILING IN THE OFFICE OF THE CLERK AND RECORDER OF GARFIELD COUNTY, COLORADO, AT _____ O'CLOCK __M., ON THE _____ DAY OF _____, 20__, AS RECEPTION NO. _____

CLERK AND RECORDER

BY: DEPUTY

TITLE CERTIFICATE

I _____, AN AGENT AUTHORIZED BY A TITLE INSURANCE COMPANY, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE TITLE TO ALL LANDS SHOWN UPON THIS PLAT AND THAT TITLE TO SUCH LANDS IS VESTED IN THE TOWN OF PARACHUTE, FREE AND CLEAR OF ALL LIENS AND ENCUMBRANCES (INCLUDING MORTGAGES, DEEDS OF TRUST, JUDGMENTS, EASEMENTS, CONTRACTS AND AGREEMENTS OF RECORD AFFECTING THE REAL PROPERTY IN THIS PLAT), EXCEPT AS FOLLOWS:

DATED THIS ____ DAY OF _____ A.D. 20__.

TITLE COMPANY: _____

AGENT

SURVEYOR NOTES

(List)

SURVEYOR'S CERTIFICATE

I, _____, DO HEREBY STATE THAT I AM A REGISTERED LAND SURVEYOR LICENSED UNDER THE LAWS OF THE STATE OF COLORADO, THAT THIS PLAT IS A TRUE, CORRECT AND COMPLETE _____ PLAT AS LAID OUT, PLATTED, DEDICATED AND SHOWN HEREON, THAT SUCH PLAT WAS MADE FROM AN ACCURATE SURVEY OF SAID PROPERTY BY ME AND UNDER MY SUPERVISION AND CORRECTLY SHOWS THE LOCATION AND DIMENSIONS OF THE LOTS, EASEMENTS AND STREETS OF SAID SUBDIVISION AS THE SAME ARE STAKED ON UPON THE GROUND IN COMPLIANCE WITH STATE REGULATIONS GOVERNING THE SUBDIVISION OF LAND, AND THAT IT COMPLIES WITH C.R.S. 38-33.3-209.

IN WITNESS WHEREOF I HAVE SET MY HAND AND SEAL THIS ____ DAY OF _____, A.D. 20__.

(Surveyor's Signature)

(Surveyor's Name and License #)

TITLE 15

Land Use Regulations

APPENDIX THREE:

FEE SCHEDULE

Town of Parachute
Land Use Application Fees

Description	Fee	Description	Fee
Major Subdivision		Zoning or Rezoning	
Sketch Plan		To Residential	
Residential (5 - 20 units) +	\$ 350	Individual Parcel	\$ 320
Residential (more than 20 units)	\$ 390	1-44.99 acres	\$ 410
Commercial/Industrial (0 - 5 acres)	\$ 350	45 acres +	\$ 650
Commercial/Industrial (more than 5 acres)	\$ 390	To Commercial/Industrial	
Sketch/Preliminary		Individual Parcel	\$ 320
Residential (5 - 20 units)	\$ 630	I - 14.99	\$ 410
Residential (more than 20 units)	\$ 840	15 - 49.99	\$ 650
Commercial/Industrial (0 - 5 acres)	\$ 630	50 acres +	\$ 850
Commercial/Industrial (more than 5 acres)	\$ 840		
Preliminary Plan		Amended Plat	\$ 210
Residential (5 - 20 units)	\$ 450	Lot Line Rearrangement	\$ 140
Residential (more than 20 units)	\$ 660	Lot Line Dissolution	\$ 110
Commercial/Industrial (0 - 5 acres)	\$ 450	Easement/Right-of-Way Vacation	\$ 290
Commercial/Industrial (more than 5 acres)	\$ 660	Zoning Variance	\$ 120
Final Plat		Zoning Letter	\$ 40
Residential (1 - 20 units)	\$ 200		
Residential (more than 20 units)	\$ 250	Special Use	
Commercial/Industrial (0 - 5 acres)	\$ 200	Residential Use	\$ 160
Commercial/Industrial (more than 5 acres)	\$ 250	Mobile Home Park/RV Park	\$ 550
Minor Subdivision			
Minor Sketch/Preliminary	\$ 370	Commercial/Industrial (0 - 5 acres)	\$ 190
Minor Final Plat	\$ 200	Commercial/Industrial (more than 5 acres)	\$ 280
Annexation**			
Developed Land		Site Plan	
Residential	\$ 270	Residential (2 - 20 units)	\$ 100
Commercial/Industrial	\$ 270	Residential (more than 20 units)	\$ 150
Mixed Use	\$ 270	Commercial/Industrial (0 - 5 acres)	\$ 100
Undeveloped Land		Commercial/Industrial (more than 5 acres)	\$ 150
Residential (0 - 10.99 acres)	\$ 270		
Residential (11 - 44.99 acres)	\$ 370	Pre-application Conference	\$ 300
Residential (45+ acres)	\$ 440	Text Amendment	\$ 200
Commercial/Industrial (0 - 5.99 acres)	\$ 270	Flood Hazard Development Permit	\$ 120
Commercial/Industrial (6 - 14.99 acres)	\$ 370	Sign Plan	\$ 40
Commercial/Industrial (15 - 49.99 acres +)	\$ 400	Appeals	hourly***
Commercial/Industrial (50 acres +)	\$ 540	Other Land Use	\$ 250

***Shall be set upon evaluation of consultant time.

Note: Applicant will enter into a Cost Reimbursement Agreement with the Town of Parachute to cover the costs of outside consulting: Planner, Engineer, and / or Attorney.

TITLE 15

Land Use Regulations

APPENDIX FOUR: DEVELOPMENT IMPROVEMENTS AGREEMENT

TOWN OF PARACHUTE, COLORADO

DEVELOPMENT IMPROVEMENTS AGREEMENT

Parties; Purpose. This Development Agreement is entered into as of the ____ day of _____, 20__ by and between the Town of Parachute, Colorado (“Town”) and _____ (“Developer”), as developer of the _____ project (the “Project”), located generally at _____ [location or address] _____, within the Town of Parachute, Garfield County, Colorado. The legal description of the Project property is attached hereto as **Exhibit A** and fully incorporated by this reference. The purpose of this Agreement is to establish the obligations of the Developer to construct and warrant the quality of certain public subdivision or development improvements (the “Improvements”) which are required as a condition of approval of the Project by the Town.

- A. Construction of Improvements. The Developer, at its sole expense, shall design, purchase, and install all elements of all public and other necessary Improvements, whether such Improvements are located within the subdivision or development property (on-site) or outside of the subdivision or development property (off-site). The Improvements shall be designed and built in conformance with the Town of Parachute Manual of Public Works Improvements in effect as of the date of this Agreement, unless otherwise provided in the approved plans and specifications. All Improvements shall be designed and approved by a registered professional engineer retained by the Developer. All drawings and plans for the Improvements shall be stamped by the Town Engineer. Prior to the commencement of construction of the Improvements, the Town Engineer shall review and approve the drawings and plans.
- B. Schedule of Improvements. The Improvements to be constructed by the Developer are shown on the Schedule of Improvements, attached hereto as **Exhibit B** and fully incorporated by this reference showing in detail the public and other required subdivision or development improvements, including shallow utilities, landscaping, revegetation and other subdivision or development improvements that the Developer shall be responsible for constructing, and the costs therefor. No work shall be commenced by the Developer until such time as the Schedule of Improvements has been approved by the Town and the performance guarantee provided pursuant to this Agreement. The Schedule of Improvements shall at a minimum include the following improvements and associated construction costs necessary to provide the Improvements for the development of the subdivision, establishment of a special use when a development improvements agreement is required by the Board of Trustees, or construction of a structure subject to a building permit when a development improvements agreement is required by the Board of Trustees.
1. **Water Distribution System.** Water distribution facilities including water mains, lateral service lines to the lot lines, valves, fire hydrants, and all other appurtenant facilities necessary to provide treated municipal water service.
 2. **Wastewater Collection System.** Wastewater collection system to fully service the subdivision, including collection lines, service lines to the lot lines, manholes, and all other appurtenant facilities necessary to provide municipal wastewater service.
 3. **Street Improvements.** Street improvements necessary to fully service the subdivision, including grading, road-base and sub-base, asphalt, curbs and gutters, handicap ramps, drainage facilities, and all other appurtenant facilities necessary to provide street access.

4. Storm drainage facilities and appurtenances.
 5. Utilities, including telephone, cable television, electrical service, and natural gas service.
 6. Street lighting.
 7. Soil stabilization and revegetation measures.
 8. Visual screening facilities.
 9. Non potable water irrigation system.
 10. Landscaping.
 11. Any other subdivision or development improvements required by the Board of Trustees as a condition of approval of the Project.
 12. Terms and stipulations relative to the transfer of water rights from the Developer to the Town pursuant to the Town of Parachute Municipal Code.
- C. Cost Estimate. The Developer shall provide an estimate of the total cost of all Improvements. The purpose of the cost estimate is solely to determine the amount of security required and may be revised from time to time to reflect the actual costs. No representations are made as to the accuracy of these estimates, and the Developer shall agree to pay the actual cost of all the Improvements. Neither the estimated costs nor the amount of the security establishes the maximum amount of the Developer's liability.
- D. Construction Schedule. The time schedule for the construction and completion of the Improvements is attached hereto as **Exhibit C** and fully incorporated by this reference. Said Schedule shall provide for a commencement date as well as a date when the Improvements will be substantially completed. Under the Schedule, all Improvements shall be completed no later than one (1) year following the start of development unless a different time period is specified by the Board of Trustees. The Schedule shall be reviewed and approved by the Town Manager prior to the commencement of construction of any Improvements. Where the Developer is prevented from commencing or completing any of the Improvements within the time periods set forth in the Construction Schedule or otherwise set forth in this Agreement due to an unforeseeable cause or delay beyond the control and without the fault or negligence of the Developer, the times for commencement and/or completion of the Improvements may be extended by the Board of Trustees in an amount equal to the time lost due to such delay if a request is made in writing to the Town by the Developer. Delays beyond the control of the Developer shall include, but not be limited to, fires, floods, epidemics, abnormal weather conditions, strikes, freight embargos or acts of God. Time extensions, however, will not be granted for rain, snow, wind or other natural phenomena at normal intensity within Garfield County. Delays attributable to and within the control of the Developer's contractors, subcontractors or suppliers shall be deemed to be delays within the control of the Developer.
- E. Warranty. The Developer shall warrant any and all public Improvements constructed by the Developer which are conveyed or dedicated to the Town pursuant to this Agreement for a period of twenty-four (24) months from the date the Town Engineer certifies that the same conform to the approved specifications. Specifically, but not by way of limitation, the Developer hereby warrants the following:

1. That the title conveyed shall be good and its transfer rightful; and
 2. Any and all facilities conveyed shall be free from any security interest or other lien or encumbrance; and
 3. Any and all facilities so conveyed shall be free of any and all defects in materials or workmanship.
- F. Town Inspections. The Town shall have the right to make engineering inspections and require testing during construction of the Improvements in such reasonable intervals as the Town Engineer may request. Inspection, acquiescence and approval of any engineering inspector of the construction of physical facilities, at any particular time, shall not constitute the approval by the Town of any phase of the construction of the Improvements. Such approvals shall be made by the Town only after completion of construction and in the manner hereinafter set forth.
- F. Approval by Town Engineer. Upon completion of construction by the Developer of the Improvements, the Town Engineer shall inspect the Improvements and certify with specificity its conformity or lack thereof to the approved plans and specifications. The Developer shall make all corrections necessary to bring the Improvements into conformity with applicable Town standards and the construction plans, as approved. The Town shall be under no obligation to provide any water service, irrigation service, or wastewater collection service until all such facilities are brought into conformance with the applicable plans and specifications and approved by the Town Engineer.
- G. “As-Built” Drawings. The Developer shall provide all necessary engineering designs, surveys, field surveys, and “as-built” drawings for all Improvements which shall be approved by the Town Engineer, and any incidental services related to the construction of the Improvements, at its sole cost and expense. The legal description of all utility service lines shall be prepared by a registered land surveyor at the Developer’s sole expense. In addition, all expenses incurred by the Town in updating the Town’s base maps shall be paid by the Developer, to the Town.
- H. Conveyance of Public Improvements. All public Improvements constructed by the Developer in accordance with this Agreement, including water mains, service lines, laterals, fire hydrants and other water distribution facilities; all irrigation lines and facilities; all wastewater collection mains, lines, laterals and related improvements; handicap ramp improvements; and required curbs, sidewalks and asphalt replacement shall be dedicated to the Town and warranted for a period of twenty-four (24) months following completion and approval, as provided in subsection (E) of this section. Upon completion of construction in conformity with the plans, and any properly approved changes, the Developer shall convey to the Town, by bill of sale, all physical facilities constructed by the Developer necessary for the extension, maintenance and repair of municipal utility services and other public facilities. Acceptance of said conveyance shall be authorized by the Town Manager. Following such dedication or conveyance, the Town shall be solely responsible for the maintenance of the Improvements, unless otherwise provided for by agreement, except for any correction work required during the warranty period. In addition, all other improvements such as shallow utility installations and other improvements as shown in approved construction drawings submitted to the Town shall be warranted for a period of twenty-four (24) months following completion and approval, as provided in subsection E.
- I. Improvements Required Prior to Issuance of Building Permits and Certificates of Occupancy.
1. Unless otherwise set forth in this Agreement, no building permit for construction of any residential structure or building within the Project shall be issued until the following

Improvements have been installed and approved by the Town Engineer. When the Board of Trustees requires that a development improvements agreement be executed as a condition of approval of a special use or a building permit, no building permit for construction of any residential structure or building shall be issued until the following improvements have been installed and approved by the Town Engineer:

- a. Lot or property corners;
 - b. Wastewater lines and laterals to each lot;
 - c. Water mains and laterals to each lot;
 - d. Irrigation lines and laterals to each lot;
 - e. Fire hydrants (if required);
 - f. Storm drainage structures (if any);
 - g. Utilities, including telephone, cable television, electrical service and gas lines;
 - h. Grading and base construction of streets and alleys;
 - i. Soil stabilizing structures.
2. No certificate of occupancy for any residential building or other structure within a subdivision or property subject to a development improvements agreement shall be issued until the following improvements have been installed by the Developer and approved by the Town Engineer:
- a. Survey monuments;
 - b. Street paving and curbs and gutters;
 - c. Sidewalks and bikeways;
 - d. Street signs;
 - e. Street lighting;
 - f. Landscaping;
 - g. Land dedication deeds;
 - h. Soil stabilization and revegetation measures;
 - i. Any other improvements required by the development improvements agreement.
- K. Revegetation Required. All areas disturbed by construction shall be promptly revegetated with native vegetation following completion of such work unless a building permit application has been requested for a particular lot. The Developer shall comply with all regulations of the Town concerning dust suppression. In addition, the Developer shall control all noxious weeds and rodents within such areas to the reasonable satisfaction of the Town until conveyed to individual lot owners.

- L. Performance Guarantee Security Required. In order to secure the construction and installation of the Improvements itemized in the Schedule of Improvements, the Developer shall furnish the Town with cash, letter of credit, cash bond, performance bond, or other security acceptable to the Town Attorney to secure the performance and completion of the Improvements in an amount equal to one hundred twenty five percent (125%) of the estimated cost of the Improvements.
- M. Partial Release of Performance Guarantee Security. Upon completion of portions of the Improvements by the Developer, evidenced by a detailed cost breakdown of the completed Improvements, the amount of any performance guarantee security may be reduced by seventy-five percent (75%) of the approved estimated cost for the installation of the Improvements, upon written request of the Developer, and approval by the Town Manager. Upon completion of all of the Improvements and upon final inspection and approval by the Town Engineer of all the Improvements, the Town Manager may further authorize the reduction of the amount of the security guaranteeing the Improvements to ten percent (10%) of the approved total estimated cost of the Improvements.
- N. Full Release of Performance Guarantee Security. Any performance guarantee issued pursuant to this Agreement shall be fully released and discharged upon expiration of the twenty-four (24) month warranty period, and the correction of any defects discovered during such warranty period.
- O. Notice of Default. Upon the Developer's failure to perform its obligations under this Agreement within the time periods set forth herein, the Town Manager shall give written notice to the Developer of the nature of the default and an opportunity to be heard before the Town Manager concerning such default. If such default has not been remedied within thirty (30) days of receipt of the notice or of the date of any such hearing, whichever is later (or such reasonable time period as is necessary to cure the default provided that the Developer has commenced to cure the default), the Town Manager may then give written notice to the Developer and to the issuer or holder of the performance guarantee security that the Town, as agent for the Developer, is proceeding with the task of installing the Improvements in whole or in part and that the said security will be expended by the Town for the installation of the Improvements.
- P. Power of Attorney Granted. The Developer hereby designates and irrevocably appoints the Town Manager of the Town of Parachute, Colorado, as its attorney-in-fact and agent for the purpose of completing all Improvements required by this Agreement in the event of a default by the Developer. The power of attorney may be enforced by the Town pursuant to all legal and equitable remedies available, including an action for specific performance in a court of competent jurisdiction.
- Q. Increase in Amount of Performance Guarantee Security. If a substantial amount of time elapses between the time of posting of the performance guarantee security and actual construction of the Improvements, the Town reserves the right to require a reasonable increase in the amount of the applicable security, if necessary, because of estimated increased costs of construction.
- R. Inspections. Prior to the approval and acceptance of the construction and installation of the necessary Improvements, the Developer shall pay to the Town the actual cost of all inspections of such Improvements made or conducted at the direction of the Town Manager, Town Engineer, or Town Public Works Director.
- S. Binding Effect; Successors and Assigns. This Agreement shall be binding upon and enforceable against the Town and the Developer and their respective successors and assigns. This Agreement shall be construed in accordance with the laws of the State of Colorado. Jurisdiction and venue for any action arising hereunder shall be proper and exclusive in the district court for Garfield County, Colorado.

T. Effective Date, Recording. This Agreement shall be effective as of the day and year first appearing above. This Agreement shall be filed for record with the Clerk and Recorder of Garfield County, Colorado, at the Developer's expense.

TOWN OF PARACHUTE, COLORADO

By_____

Attest: _____

STATE OF COLORADO)

) ss.

COUNTY OF _____)

SUBSCRIBED AND SWORN to before me this ____ day of _____, 20____. by
_____ and _____, as _____ and _____,
respectively, of the Town of Parachute, Colorado.

Notary Public

My commission expires: _____

DEVELOPER [add name]

By_____

Attest: _____

STATE OF COLORADO)

) ss.

COUNTY OF _____)

SUBSCRIBED AND SWORN to before me this ____ day of _____, 20____. by
_____, as _____ of Developer [add name].

Notary Public.

My commission expires: _____

Exhibit A.

Project property

[legal description attached]

Exhibit B
Schedule of Improvements
[attached]

Exhibit C
Construction Schedule
[attached]

TITLE 15

Land Use Regulations

APPENDIX FIVE: COST REIMBURSEMENT AGREEMENT

TOWN OF PARACHUTE

SPECIAL FEE AND COST REIMBURSEMENT AGREEMENT

This Special Fee and Cost Reimbursement Agreement is entered into by and between the Town of Parachute, Colorado, a municipal corporation (the "Town") and _____, (hereinafter "Petitioner").

WITNESSETH:

WHEREAS, Petitioner is the owner of that certain real property described in Exhibit A, attached hereto and incorporated herein by this reference, and desires to undertake the projects or activities described in Paragraph 1; and

WHEREAS, the above activity or project will require the Town to provide the special services and incur the costs set forth in Paragraph 2; and

WHEREAS, Title 15 of the Parachute Municipal Code provides that the Town may assess administrative fees related to development review; and

WHEREAS, the special fees and costs paid and collected by virtue of this Agreement shall be used solely to pay for the Town's actual fees and costs for outside professional services, including, but not limited to, engineering and legal review, incurred by the Town in relation to the anticipated project; and

WHEREAS, the Town and Petitioner desire to set forth their agreements and understandings concerning this matter.

NOW, THEREFORE, in consideration of the mutual covenants and promises of the parties, and for other good and valuable consideration, the adequacy and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Petitioner desires to undertake the following project(s) or activity(ies) involving the Town:

_____	Annexation
_____	Subdivision
_____	Special Use
_____	Variance
_____	Zoning / Rezoning
_____	Site Plan
_____	Other (describe) _____

2. The activity or project being undertaken by Petitioner will require the Town to provide the following special services or incur the following costs:

_____	Engineering review and advice
_____	Legal review and advice
_____	Preparation of plats or plans
_____	Inspections
_____	Recording fees
_____	Filing fees
_____	Publication Costs
_____	Other (describe) _____

3. Petitioner agrees to pay the Town in full for all special services provided or actual costs incurred by the Town in relation to the project or activity described above on receipt of an itemized billing for those services from the Town. All such amounts are due within thirty (30) days of the date of the bill, with interest on any overdue amounts to be assessed at one and one-half percent (1.5%) per month. In the event that such amounts remain unpaid thirty (30) days after the date they are billed, the Town reserves the right to cease review and processing of the Petitioner's land use and development applications. In the event the Town is forced to pursue collection of any amounts due and unpaid under this provision, it shall be entitled to collect attorney's fees, filing, and recording fees incurred in such collection efforts in addition to the unpaid amounts due, plus interest.

4. Petitioner agrees to provide a deposit to the Town in the amount of \$_____ at the time of making the initial application for the _____. The Town shall not commence to provide any of the services desired by the applicant, or advance any costs, until this deposit is received by the Town. Any amount by which the applicant's deposit exceeds the cost assessed under this Paragraph shall be refunded to the applicant within a reasonable time after final action has been taken on the project. Any amount by which the deposit is less than the total costs due to the Town under this Agreement shall be due and payable subject to the provisions of Paragraph 2, above.

5. The Town specifically does not agree to act favorably on the application made by Petitioner in exchange for payment of the special fees set forth above.

6. This Agreement constitutes the entire and complete agreement of the parties on the subject matter herein. No promise or undertaking has been made by any party, and no understanding exists with respect to the transaction contemplated, except as expressly set forth herein. All prior and contemporaneous negotiations and understandings between the parties are embodied and merged into this Agreement.

7. This Agreement may be amended from time to time by amendments made by the parties in written form and executed in the same manner as this Agreement.

8. This Agreement shall be binding upon and inure to the benefit of the parties and their assigns and successors in interest.

