TOWN OF MILLIKEN
PLANNING COMMISSION
AGENDA MEMORANDUM

To: Chairman Woodcock and Planning Commissioners From: Martha Perkins, Community Development Director Via: Kent Brown, Town Administrator			Public Hearing Date: Wednesday, May 20, 2015
Agenda Item #	Action: x	Discussion:	Information:
Agenda Title: Approval for the Final Plat for the purpose of developing the Fossil Park Subdivision on Lot 2, Block 1 of the Settlers Village Final Plat Second Filing and Lot 1, Block 5 of the Settlers Village Final Plat in Milliken, Colorado.			
Staff Recommendation: Staff recommends approval by the Planning & Zoning Commission.			

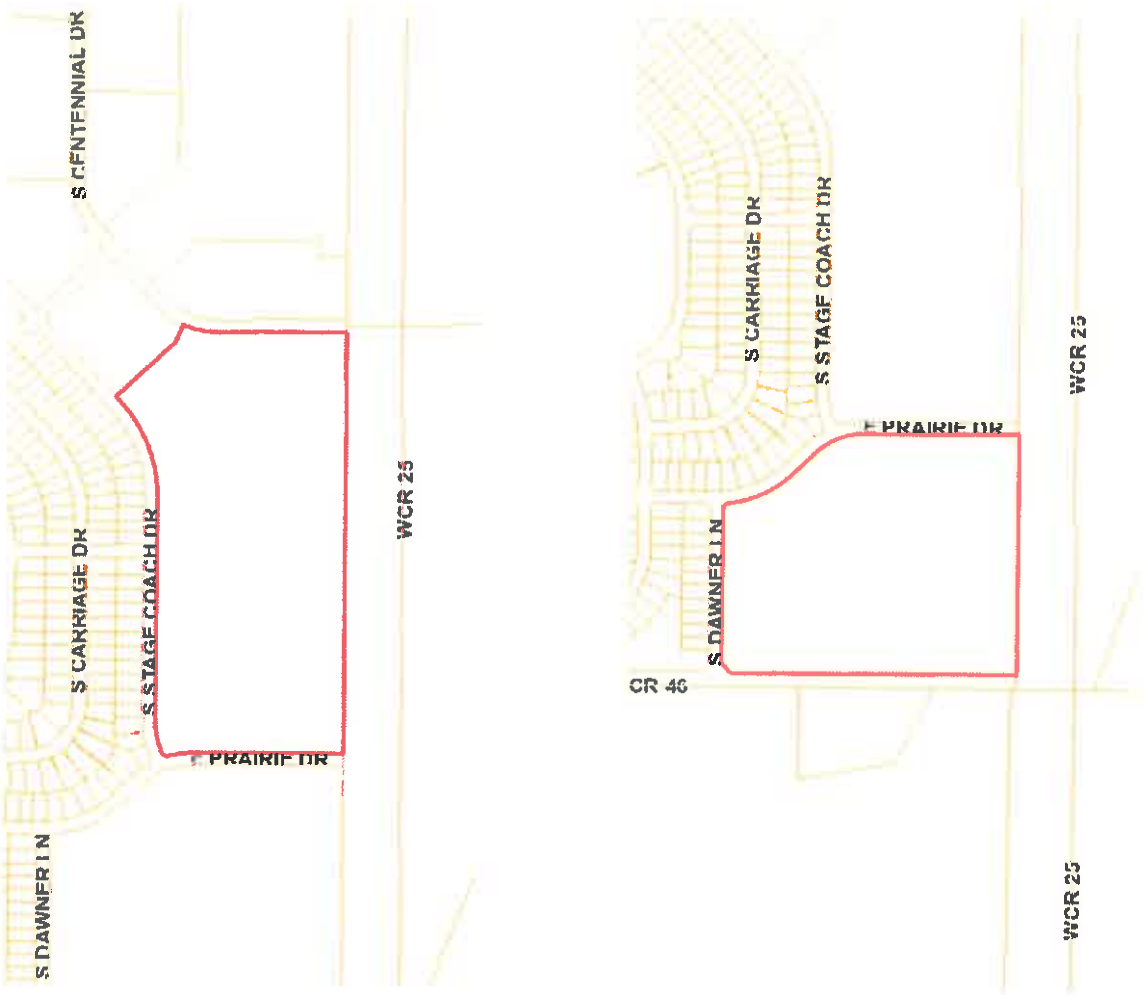
PURPOSE

To consider a request from Lot Holding Investments, LLC. to approve the final plat for the purpose of developing the Fossil Park Subdivision on Lot 2, Block 1 (Parcel ID#105912441002) of the Settlers Village Final Plat Second Filing and Lot 1, Block 5 of the Settlers Village Final Plat (Parcel ID#105912019001) in Milliken, Colorado. The area is approximately 50 acres in size and sits vacant.

BACKGROUND INFORMATION

Type of Application:	Sketch/Preliminary Subdivision Plan
Location:	Fossil Park or Lot 2 Block 1 of Settlers Village Subdivision Plat 2nd Filing
Applicant:	Lot Holding Investments, LLC.
Existing Land Use:	vacant
Surrounding Land Use:	North: Planned Unit Development – Recreational/Educational
	West: Planned Unit Development - Residential
	South: Planned Unit Development - Residential
	East: Agricultural
Zoning:	Planned Unit Development - Industrial

Comprehensive Plan	The Comprehensive Plan designates the site neighborhood as Planned Unit Development –Business/Industrial
Notice	Notice was mailed to Surrounding Property Owners within 300' of the proposed development via Certified/Return Receipt mail on April 1, 2015. The hearing was published in the *Johnstown Breeze* on March 15, 2015 Referral notices were mailed/emailed on February 28, 2015. The Planning and Zoning Commission reviewed the sketch/preliminary subdivision plat on April 15, 2015 and the Town Board approved the sketch/preliminary subdivision plat on April 22, 2015



1. Property Description - Fossil Park Subdivision

A replat of several parcels of land situate in the East Half of Section Twelve (12), Township Four North (T.4N.), Range Sixty-seven West (R.67W.), Sixth Principal Meridian (6th P.M.), Town of Milliken, County of Weld, State of Colorado, the multiple parcels of land being more particularly described as follows:

Lot 2 of Block 1 of the Settlers Village Subdivision Second Filing, a plat recorded September 1, 2004 as Reception No. 3214671 of the Records of Weld County.
Together With;
Lot 1 of Block 5 of the Final Plat For Settlers Village, a plat recorded March 20, 2001 as Reception No. 2833840 of the Records of Weld County.
And Together With;
A strip of land being all that portion of the Prairie Drive Right of Way adjoining to Lot 1 of Block 5 of said Settlers Village as was dedicated by the Final Plat For Settlers Village, a plat recorded March 20, 2001 as Reception No. 2833840 of the Records of Weld County, and being Westerly of a Point of Curvature on said Prairie Drive, said inclusive strip of Right of Way generally being 50 feet wide by 585.30 feet in length and bounded on the Easterly side by the East boundary line of said Settlers Village.
Said described parcels of land contain a total of 50.094 acres, more or less (±).

COMPLIANCE WITH TOWN LAND USE CODE

This staff memorandum is prepared in accordance with the Land Use Code as outlined below. Staff complied the most relevant sections of the Code for the Planning and Zoning Commission's and Town Board's review of the application.

Sec. 16-1-50. Purpose.
The purpose of this Code is to create a vital, cohesive, well-designed community in order to enhance the Town of Milliken's character and further the citizens' goals as identified in the Comprehensive Plan. This Code is designed to:

(1) Encourage the most appropriate use of land through the Town;
(2) Encourage innovative, quality site design, architecture and landscaping;
(3) Encourage new developments to relate to Milliken's historic development pattern;
(4) Promote compact, well-defined, sustainable neighborhoods that enhance Milliken's character;
(5) Create livable neighborhoods that foster a sense of community and reduce dependency on private vehicles;
(6) Encourage the proper arrangement of streets in relation to existing and planned streets and ensure that streets facilitate safe, efficient and pleasant walking, biking and driving;
(7) Provide a variety of lot sizes and housing types in every neighborhood;
(8) Protect sensitive natural and historic areas and Milliken's environmental quality;
(9) Integrate a high-quality natural environment into the developed portions of the community;
(10) Facilitate the adequate and efficient provision of transportation, water, sewage, schools, parks and other public requirements;
(11) Provide protection from geologic, flood and fire hazards and other dangers; and
(12) Promote the health, safety, morals and general welfare of Milliken residents. (Ord. 480 §1.5, 2003)

Sec. 16-1-60. Interpretation.
In their interpretation and application, the provisions of this Code shall be held to be minimum requirements for the promotion of the public health, safety and welfare. Whenever the requirements of this Code are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the more restrictive or that imposing the higher standards shall govern. (Ord. 480 §1.6, 2003)

Sec. 16-1-90. Relationship to Comprehensive Plan.
It is the intention of the Town that this Code implement the planning policies adopted in the Comprehensive Plan ("Comprehensive Plan") for the Town and its extraterritorial planning area. While this relationship is reaffirmed, it is the intent of the Town that neither this Code nor any amendment to it may be challenged on the basis of any alleged nonconformity with the Comprehensive Plan.

(1) Requirement for Comprehensive Plan Amendment. Where a development proposal would be in substantial conflict with the Comprehensive Plan, an amendment to the Comprehensive Plan will be required prior to any zoning or subdivision approvals. A substantial conflict will exist when a development proposal would result in changes from the designations of the Land Use Plan Map, Transportation Plan Map or Parks and Open Space Map in the Comprehensive Plan.
(2) Criteria for Evaluating Amendment Proposals. Amendments to the Comprehensive Plan resulting from development proposals under this Code shall be evaluated according to the criteria and procedure outlined in the Comprehensive Plan. (Ord. 480 §1.9, 2003)

Sec. 16-1-150. Definitions.
Terms used in this Code are defined as follows:

Agricultural land means land that is being used for agricultural activities.

Applicant is the owner of land, the owner's authorized representative or the optionee of the land, as well as mineral owners and lessees.

Block means a unit of land, or a group of lots, bounded by streets or by a combination of streets and public lands or other rights-of-way other than an alley, waterways or any barrier to the continuity of development, or land which is designated as a block on any recorded subdivision tract.

Block Diversity Plan is a plan provided by an applicant that demonstrates that an adequate mix of housing models and styles are offered within a neighborhood and within each block face. The intent is to ensure that diverse and quality design elements are integrated into the character of residential homes and streets. A Block Diversity Plan shall be required for the following:

a. Single-family detached and duplex housing; and
b. Multi-family stacked units, including condominiums and apartments. The submittal requirements for the Block Diversity Plan are specified in Section 16-2-520, Residential Architecture (Single-Family Detached and Duplex Dwellings) of this Code; and Section 16-2-605, (Multi-Family Stacked Units, including Condominiums and Apartments) of this Code.

Block face means one (1) side of a street between two (2) consecutive intersections. For example, a *block face* can be one (1) side of a city block.

Board of Trustees (Board) means the governing board of the Town of Milliken.

Building means any permanent structure built for the shelter or enclosure of persons, animals, chattels or property of any kind, including fences, which is governed by the following characteristics:

a. Is permanently affixed to the land; and
b. Has one (1) or more floors and a roof.

Building code means and includes any law, ordinance or code which is in force in the Town and which pertains to the design and construction of buildings and other structures, including swimming pools or to any components thereof, such as cooling and heating, plumbing, electricity and the like.

Building frontage means the horizontal, linear dimension of that side of a building which abuts a street, a parking area, a mall or other circulation area open to the public and has either a main window display or a public entrance to the building.

Building height means the vertical distance above median grade, as defined below, and the highest point of the coping of a flat roof, or to the deck line of a mansard roof, to the average height of the highest gables of a pitched or hipped roof, or to the top of the smokestack of an

industrial building. The measurements may be taken from the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of any exterior wall of the building, when such sidewalk or ground surface is not more than ten (10) feet above median grade.

Character means those attributes, qualities and features that make up and distinguish a development project and give such project a sense of purpose, function, definition and uniqueness.

Commercial storage facility means cold storage plants and other such establishments renting storage.

Common open space means a parcel of land, an area of water, or a combination of land and water within the site designated for a planned unit development (PUD) designed and intended primarily for the use or enjoyment of residents, occupants and owners of the planned unit development.

Community Design Principles and Development Standards means the standards in the Town of Milliken *Land Use Code* set forth in Article II of this Chapter.

Community facility means a facility or office building which is primarily intended to serve the recreational, educational, cultural, administrative or entertainment needs of the community as a whole, such as churches, museums, libraries, concert halls and similar establishments serving a public or quasi-public purpose, but excluding schools as defined herein.

Compatibility means the characteristics of different uses, activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include height, scale, mass and bulk of structures. Other characteristics include pedestrian or vehicular traffic, circulation, access and parking impacts. Other important characteristics that affect compatibility are landscaping, lighting, noise, odor and architecture. Compatibility does not mean "the same as." Rather, *compatibility* refers to the sensitivity of development proposals in maintaining the character of existing development.

Comprehensive Plan means the Town of Milliken Comprehensive Plan.

Conservation easement means a right of the owner of the easement to prohibit certain acts with respect to the property in order to maintain the property in a manner that will preserve its value for recreation, education, habitat, open space or historical importance. See also Section 38-30.5-102, C.R.S. (NOTE: For a conservation easement to create tax benefits for the donor at the federal or state level, it must meet either or both of the Internal Revenue Service or State of Colorado definitions).

Density means the overall average number of dwelling units located on the gross or net residential acreage (as applicable) contained within the development and calculated on a per-acre basis. Gross density is calculated by dividing the total number of units by the total acreage. Net density is calculated by dividing the [total number of units] by the [total acreage minus all publicly dedicated land].

Design standards means the standards that set forth specific improvements requirements.

Detention basin means a manmade or natural water collector facility designed to collect surface and subsurface water in order to impede its flow and to release the same gradually at a rate not greater than that prior to the development of property, into natural or manmade outlets.

Developer means any person, partnership, joint venture, limited liability company, association or corporation who participates as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a development.

Development means the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into two (2) or more parcels. When appropriate in context, *development* shall also mean the act of developing or the result of development. *Development* shall also include:

a. Any construction, placement, reconstruction, alteration of the size or material change in the external appearance of a structure on land;
b. Any change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on a tract of land or a material increase in the intensity and impacts of the development;
c. Any change in use of land or a structure;
d. Any alteration of a shore or bank of a river, stream, lake, pond, reservoir or wetland;
e. The commencement of drilling oil or gas wells, mining, stockpiling of fill materials, filling or excavation on a parcel of land;
f. The demolition of a structure;
g. The clearing of land as an adjunct of construction;
h. The deposit of refuse, solid or liquid waste, or fill on a parcel of land;
i. The installation of landscaping within the public right-of-way, when installed in connection with the development of adjacent property; and
j. The construction of a roadway through or adjoining an area that qualifies for protection as a wildlife or natural area.

Development shall not include:

a. Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way;
b. Work by any public utility for the purpose of inspecting, repairing, renewing or constructing, on established rights-of-way, any mains, pipes, cables, utility tunnels, power lines, towers, poles or the like; provided, however, that this exemption shall not include work by a public entity in constructing or enlarging mass transit or fixed guide way mass transit depots or terminals or any similar traffic-generating activity;
c. The maintenance, renewal, improvement or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure;
d. The use of any land for an *agricultural activity* as defined in this Section.
e. A change in the ownership or form of ownership of any parcel or structure; or
f. The creation or termination of rights in land.

Development plan means the written and graphical documents that detail the provisions for development of a PUD development. These provisions may include, and need not be limited to, easements, covenants and restrictions relating to use; location and bulk of buildings and other

structures; intensity of use or density of development; utilities, private and public streets, ways, roads, pedestrian areas and parking facilities; and common open space and other public facilities.

Driveway means a constructed vehicular access serving one (1) or more properties and abutting a public or private road.

Dwelling means a building used exclusively for residential occupancy, including single-family dwellings, two-family dwellings, town home dwellings and multi-family dwellings.

Dwelling, multi-family means a dwelling containing three (3) or more dwelling units, not including hotels, motels, lodges, fraternity houses and sorority houses and similar group accommodations, with or without accessory use facilities limited to an office for the building manager, laundry area and recreation facilities.

Dwelling, single-family means a building designed exclusively for occupancy by one (1) family, but not including mobile home, otherwise provided herein.

Dwelling, single-family attached means a residential building containing dwelling units, each of which has primary ground floor access to the outside and which are attached to each other by party walls without openings. The term is intended primarily for such dwelling types as townhouses and duplexes.

Ease Dwelling, single-family detached means a detached principal building, other than a mobile home, designed for and used as a single dwelling unit by one (1) family.

Dwelling, town home means an attached single-family dwelling in a building that contains two (2) or more dwellings, each of which is individually owned along with the land area that constitutes the lot on which the town home dwelling is located.

Dwelling, two-family means a building occupied by two (2) families living independently of each other.

Dwelling unit means one (1) or more rooms and a single kitchen and at least one (1) bathroom, designed, occupied or intended for occupancy as separate quarters for the exclusive use of a single family for living, cooking and sanitary purposes, located in a single-family, two-family or multi-family dwelling or mixed-use building and served by no more than one (1) gas meter and one (1) electric meter.
Easement means a right to land generally established in a real estate deed or on a recorded plat to permit the use of land by the public, a corporation or particular persons for specified uses.

Eave means the overhanging lower edge of a roof.

Elevation means the external vertical plane of a building. Elevations are considered different if they have different roof lines, building materials, details, color and overall stylistic expression.

Employees means the total number of persons to be employed in a building during normal periods of use.

Environmentally sensitive areas mean aquifer recharge areas, significant wildlife habitat and migration corridors, unique vegetation and critical plant communities and ridgelines.

Floodplain or flood hazard area means areas that have been designated by the Board of Trustees, the Colorado Water Conservation Board or FEMA as susceptible to flooding.

Flood-prone means areas subject to flooding that have not been designated by the Board of Trustees, the Colorado Water Conservancy Board or FEMA.

Floor area, also called *gross floor area*, means the total square footage of the building measured along the outside walls of the building and including each floor level, but not including open balconies, garages or other enclosed automobile parking areas and basement storage areas, and not including one-half (1/2) of all storage and display areas for durable goods.

Flow lines is used with reference to streets and means the curb lines, or if no curbs have been installed, the natural water-flow lines at the outside edge of the traveled portion of the street.

Footprint, also called *ground level footprint*, means the outline of the total area that is covered by a building's perimeter at ground level.
Freestanding sign means a sign which is not attached to any building and which is supported by a structure extending from the ground, or from an object on or in the ground.

Functional open space means open space which is large enough to serve a practical purpose such as recreation, wildlife habitat or preservation of areas of agricultural, archeological or historical significance and shall exclude areas used for off-street parking, off-street loading, service driveways and setbacks from oil and gas wells or their appurtenances, or other hazards to the public.

Grade means:

a. The lowest point of elevation of the finished surface of the ground, pavement or sidewalk within the area between the building and the property line, or when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.
b. The degree of rise or descent of a sloping surface.

Grade, finished means the final elevation of the ground surface after development.

Grade, natural means the elevation of the ground surface in its natural state, before manmade alterations.

Ground or monument sign means a type of freestanding sign in which the entire bottom of the sign or the bottom of the sign support structure is in contact with of is close to the ground and is independent of any other structure.

Home occupation means a business use of the house that is conducted inside the premises of the house or garage, does not change the basic residential character of the neighborhood and is subordinate to the residential use of the dwelling unit.

Homeowners association means the association set up to enforce the covenants and maintain all common areas and buildings for a development. Also known as *Owners Association.*

Human scale (pedestrian scale) means the proportional relationship between the dimensions of a building or building element, street, outdoor space or streetscape element and the average dimensions of the human body, taking into account the perceptions and walking speed of a typical pedestrian.

Industrial, heavy means uses engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involved hazardous conditions. *Heavy industrial* also means those uses engaged in the operation, parking and maintenance of vehicles, cleaning of equipment or work processes involving solvents, solid waste or sanitary waste transfer stations, recycling establishments and transport terminals (truck terminals, public works yard, container storage).

Industrial, light means uses engaged in the manufacturing, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales or distribution of such products. Further, *light industrial* means uses such as the manufacture of electronic instruments, preparation of food products, pharmaceutical manufacturing, research and scientific laboratories or the like.

Industrial, medium means a variety of uses, including warehousing and distributing, indoor and outdoor storage and a wide range of commercial and industrial operations, establishments for food and beverage processing, for the sale and repair of farm machinery and diesel trucks and buses, lumberyards and builders supply facilities (with outdoor storage), machine shops, mini-storage facilities, outside storage facilities, railroad yards and stations, recycling facilities, transportation headquarters with incidental repair and servicing facilities, and utility service facilities with buildings and/or storage structures.

Infrastructure means those manmade structures which serve the common needs of the population, such as: potable water systems; wastewater disposal systems; solid waste disposal sites or retention areas; storm drainage systems; electric, gas or other utilities; bridges; roadways; bicycle paths or trails; pedestrian sidewalks, paths or trails; and transit stops.

Integrate means to combine or coordinate separate elements (such as housing, recreation, jobs and shopping), so as to provide a harmonious, interrelated whole; organized or structured so that constituent parts function cooperatively.

Inter-neighborhood connections mean connections (such as trails and roads) between neighborhoods.

Irrigation ditch or canal means a channel designed to transport irrigation water.

Landowner means any owner of a legal or equitable interest in real property, and includes the heirs, successors, and assigns of such ownership interests, and also each and every person who has the right to occupy all or a portion of a lot or all or a portion of a structure on a lot, under a

lease or a tenancy. The word *landowner* is used in this Chapter synonymously with *owner* and *property owner*.

Landscaping means any combination of living plants such as trees, shrubs, plants, vegetative ground cover or turf grasses, and may include structural features such as walkways, fences, benches, works of art, reflective pools, fountains or the like. *Landscaping* shall also include irrigation systems, mulches, topsoil use, soil preparation, revegetation or the preservation, protection and replacement of existing trees.

Lane means a private street; or a portion of a roadway delineated for a single line of vehicles; or a secondary means of access to the abutting lots and not intended for general traffic circulation.

Lot means a designated parcel, tract or area of land established by plat or subdivision of at least a sufficient size to meet minimum requirements for use, street frontage coverage and area, and to provide required yards and other open spaces in the zoning district in which the lot is located, and which has direct access onto a public or private street.

Lot size means the total horizontal area within the lot lines of a lot; synonymous with *area of lot.*

Lot depth means the average distance between the front lot line and the rear lot line.
Lot, double frontage means a lot which fronts on one (1) public street and backs on another.

Lot, flag means a lot so shaped and designed that the main building site area is set back from the street on which it fronts and includes an access strip connecting the main building site with the frontage street.

Lot line, front means the property line dividing a lot from a street. On a corner lot, only one (1) street line shall be considered as a front line, and the shorter street frontage shall be considered the front line.

Lot line, rear means the line opposite the front lot line.

Lot line, side means any lot lines other than the front lot line or rear lot line.

Lot, reverse corner means a corner lot having its side street line substantially a continuation of the front lot line of the first lot to its rear.

Lot size means the total horizontal area within the lot lines of a lot; synonymous with *area of lot.*

Lot width means the distance parallel to the front lot line, measured at the front building setback line.

Lot width on a curving front lot line means the distance parallel to the tangent of the front lot line at the building setback line. The lot width and the lot frontage may have different lengths on an irregularly shaped lot as they are measured at different points on the lot.

Mixed use means the development of a lot, tract or parcel of land, building or structure with two (2) or more different uses, including but not limited to residential, office, retail, public uses, personal service or entertainment uses, designed, planned and constructed as a unit.

Mixed use building means a building designed, planned and constructed as a unit, used partially for residential use and partly for commercial uses, including but not limited to office, retail, public uses, personal service or entertainment uses.

Mixed use dwelling unit means the dwelling unit in a mixed use building. For purposes of calculating residential density, each dwelling unit shall count as one-half (½) dwelling unit.

Model home means a dwelling temporarily used as a sales office or demonstration home for a residential development under construction, said dwelling being used as an example of a product offered for sale to purchasers (by a realtor, building developer or contractor). The dwelling may be furnished but not occupied as a residence while being used as a *model home*.

Model plans means a set of standard plans for a home. Models are considered different if they have different floor plans, garage placement and building massing (form and structure).

Modified grid pattern means a grid pattern of streets and blocks adapted to the topography, unique natural features, environmental constraints and peripheral open space areas.

Municipality means an incorporated city or town.

Natural areas means floodplains and flood ways, natural drainage and water ways, significant native trees and vegetation, wildlife travel corridors, special habitat features such as raptor nest sites, key nesting, breeding or feeding areas for birds; fox and coyote dens, prairie dog colonies over twenty-five (25) acres in size, remnant native prairie habitat, plains cottonwood galleries, and any wetland greater than one-quarter (¼) acre in size.

Neighborhood means a geographical area, the focus of which are residential uses, but also may include a mixture of activities that people need to live. A *neighborhood* may include a diversity of housing types, schools, parks, shopping and jobs (frequently service-type), and a civic component.

Neighborhood commercial center means a shopping center that contains businesses that are intended to provide goods and services to the immediate neighborhood (within a one-quarter-mile radius).

Off-street parking area means all off-street areas and spaces designed, used, required or intended to be used for the parking, storage, maintenance, service, repair, display or operation of motor vehicles, including driveways or access ways in and to such areas, but not including any outdoor storage area used principally as a *recreational vehicle, boat or truck storage* use, storage areas for landscaping and other bulk items or public streets and rights-of-way.

Oil and gas operation means any structure, facility or activity which is constructed on or disturbs land in association with oil or gas drilling, production or waste treatment and disposal, including

but not necessarily limited to wells, tanks or tank batteries, pits, access roads for ingress and egress and pipelines.

Oil or gas well means a well, the principal production of which at the mouth of the well is oil or gas.

Open space means any land or water area with its surface open to the sky, which serves specific uses of: providing park and recreation opportunities, conserving natural areas, wildlife habitat, agricultural areas and environmental resources, structuring urban development form, and protecting areas of agricultural, archeological or historical significance. *Open space* shall not be considered synonymous with vacant or unused land but serves important urban functions. Usable open space shall exclude areas used for off-street parking, off-street loading, service driveways and setbacks from oil and gas wells and their appurtenances, or other hazards to the public.
Open space, common means an area permanently set aside for the common use and enjoyment of residents of a multifamily development.

Outdoor storage means the keeping, in an unroofed area, of any equipment, goods, junk, material, merchandise or vehicles in the same place for more than twenty-four (24) hours. Containers and semi-trailers may not be used for residential or storage uses except on construction sites.

Outlot means a measured piece of land contained within subdivided land that is not a building lot. An outlot may be conveyed to the public for open space or other public purposes, be retained by the developer for later subdivision, or be conveyed to an owners association.

Owner means the person or entity that owns the property under consideration.

Parcel means a tract or plot of land.

Park means an area open to the general public and reserved for recreational, educational or scenic purposes.

Parking lot means an off-street parking area or vehicular use area.

Pedestrian scale (human scale) means the proportional relationship between the dimensions of a building or building element, street, outdoor space or streetscape element and the average dimensions of the human body, taking into account the perceptions and walking speed of a typical pedestrian.

Phase means a portion of property that is being platted and engineered for development at the same time.

Plan means the map and supporting documentation for a development that includes but is not limited to lots, blocks, easements, rights-of-way, pedestrian ways, park and school sites, open space areas and conservation areas in accordance with the requirements of this Code.

Planned unit development (PUD) means a project of a single owner or a group of owners acting jointly, involving a related group of residences, businesses or industries and associated uses.

Planned as a single entity, the project is subject to development and regulations as one (1) land-use unit rather than as an aggregation of individual buildings located on separate lots. The planned unit development includes usable, functional open space for the mutual benefit of the entire tract; and is designed to provide variety and diversity through the variation of normal zoning and subdivision standards so that maximum long-range benefits can be gained, and the unique features of the development or site preserved and enhanced while still being in harmony with the surrounding neighborhood. Approval of a planned unit development does not eliminate the requirements of subdividing and recording a plat.

Planning Area Boundary means the area surrounding the Town of Milliken that the Town of Milliken will consider annexing and developing. The Planning Area Boundary is delineated on the *Land Use Map* in the Town of Milliken Comprehensive Plan. *Plan* means the map and supporting documentation for a development that includes but is not limited to lots, blocks, easements, rights-of-way, pedestrian ways, park and school sites, open space areas and conservation areas in accordance with the requirements of this Code.

Plat means a map of certain described land prepared in accordance with the requirements of this Code and Section 38-51-106, C.R.S., as an instrument for recording of real estate interests with the County Clerk and Recorder.

Principal use means the main use of land or of a structure as distinguished from a subordinate or accessory use.

Professional office means an office for professionals such as physicians, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers, accountants and others who through training are qualified to perform services of a professional nature and where no storage or sale of merchandise exists, except as accessory to the professional services.

Proof of ownership means ownership as specified in a current title insurance commitment or policy, or certification of title, issued by a title insurance company licensed by the State of Colorado.

Property means all real property subject to land use regulation by the Town of Milliken.

Property line means the boundary of any lot, parcel or tract as the same is described in the conveyance of such property to the owner; and does not include the streets or alleys upon which said lot, parcel or tract abuts.

Public means (when used as modifying a structure, activity or purpose) a structure, activity or purpose owned or operated by a government agency or by a nonprofit corporation with tax-exempt status under the Federal Internal Revenue Code, if the nonprofit corporation makes the structure or facility available for the use of all the members of the public without regard to membership status.

Public areas mean streets, parks, open spaces and other property designated or described as for public use on a map or plat of the Town of Milliken and fee title is vested in the Town of Milliken, other public body or a special district as defined in Section 32-1-103, C.R.S.

Public facilities mean those constructed facilities, including but not limited to transportation systems or facilities, water systems or facilities, wastewater systems or facilities, storm drainage systems or facilities, fire, police and emergency systems or facilities, electric, gas, telecommunication utilities or facilities, and publicly owned buildings or facilities.

Public hearing means a meeting called by a public body for which public notice has been given and which is held in a place at which the general public may attend to hear issues and to express their opinions.

Public improvement means any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree lawn, landscaped open space, off-street parking area, lot improvement or other facility that benefits the public.

Public utility means a common carrier supplying electricity, wire telephone service, natural gas, water, wastewater or storm water service or similar public services, but shall not include railroads or other forms of rail mass transit or depots or terminals supporting the same, or wireless telecommunication facilities.

Raw water means water rights acceptable to the Town of Milliken for domestic purposes, or water rights acceptable to the Town that may be used for irrigation of public facilities.
Recreational facilities: The following classes of recreational facilities have these meanings:

a. *Commercial recreational facilities* includes bowling alleys, health spas, swimming pools, tennis courts, miniature golf facilities and the like, operated on a commercial basis for use by the paying public.
b. *Private recreational facilities* includes golf courses, tennis courts, swimming pools, country clubs or recreational facilities for fraternal organizations, all of which are owned and operated by either nonprofit organizations with a limited membership or by private persons who own the facilities and are the only users of them;
c. *Public recreational facilities* means public parks, zoos, swimming pools, golf courses and other such facilities owned or operated by or under the direction of a government agency or a nonprofit corporation which falls within the definition of the word *public* as defined above.

Replat (resubdivision) means the changing of any existing lot or lots, street rights-of-way or easements of a subdivision plat previously recorded with the County Clerk and Recorder.

Retention basin means a pond, pool or basin used for permanent storage of water runoff.

Right-of-way means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main or for another special use. The usage of the term *right-of-way* for land platting purposes shall mean that every right-of-way established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains or any other use involving maintenance by a public agency shall be dedicated to public use on the plat on which such right-of-way is established.

Setback means the required unoccupied open space between the nearest wall of a structure and the property line of the lot on which the structure is located.

Setback, front means the distance between the front lot line and the front wall of the main structure.

Setback, rear means the distance between the rear lot line and the back wall of the main structure.

Setback, side means the distance between any wall and the lot line other than the front and rear setbacks.

Sidewalk means the hard surface path within the street right-of-way for use by pedestrians and/or bicyclists.

Sign permit means a permit issued by the Town Building Official and which is required for any sign specified in this Code.

Significant wildlife habitat and migration corridors are areas designated by the Colorado Division of Wildlife and/or the Colorado Natural Diversity Information Source (www.ndis.nrel.colostate.edu) as areas of landscape that provide food, cover and water sufficient to meet the needs of a given species to survive and reproduce.

Site-built dwelling means a dwelling that is predominately constructed on-site and is not a factory built home or dwelling.

Site plan means a scale drawing of a lot, showing the actual measurements, the size and location of any existing or proposed buildings, the location of the lot in relation to abutting streets, and other details such as parking areas, access points, landscaped area, building areas, setbacks from lot lines, building heights, floor areas, densities, utility locations and easements.

Site specific development plan means the final plat of a subdivision or final development plan of a PUD (planned unit development) when approved by the Board of Trustees pursuant to Article V of this Chapter.

Street means a public way other than an alley that is capable or use by motor vehicles and which affords the principal means of access to abutting property.

Street furniture means constructed objects, such as outdoor seating, kiosks, bus shelters, sculpture, tree grids, trash receptacles, fountains and telephone booths, that have the potential for enlivening and giving variety to streets, sidewalks, plazas and other outdoor spaces open to and used by the public.

Streetscape means the distinguishing character of a particular street within the public right-of-way, including paved materials, and the adjacent space extending along both sides of a street, including landscaping, sidewalks, medians, lighting, street furniture and signage.

Structure means anything constructed or erected on the ground, the use of which requires a more or less permanent location on the ground, but not including earthwork, ditches, canals, dams, reservoirs, pipelines, telephone, telegraph or electrical power poles, and public walks or curbs.

Subdivider or *developer* means any person, partnership, joint venture, limited liability company, association or corporation who participates as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a development.

Subdivision means the platting of a lot or the division of a lot, tract or parcel of land into two (2) or more lots, plots or sites.

Temporary use means a prospective use intended for limited duration, is to be located in a zoning district not permitting such use, and shall not include continuing a nonconforming use or building.

Title commitment means formal documentation from a title company listing the name of the owner of the property under consideration, the legal description of the property and any legal holdings on the property such as easements, rights-of-way or liens.

Town means the Town of Milliken located in Weld County, Colorado.
Town of Milliken Comprehensive Plan means the plan which was adopted by the Planning Commission and Board of Trustees in accordance with Section 31-23-206, C.R.S., to guide the future growth, protection and development of the Town of Milliken, affording adequate facilities for housing, transportation, comfort, convenience, public health, safety and general welfare of its population.

Transportation headquarters means headquarters and parking areas for ambulance services, taxi services, bus services and other services involving the transportation of persons but not property.

Use means the type of activity for which land or a building is designated, arranged or intended and also means the activity which in fact regularly takes place upon the land.

Utility service facilities mean utilities substations and public lift-up pumping stations for domestic water and sanitary sewer service, microwave towers and other such installations; does not include any such installations which contain buildings or storage structures; and does not include transportation headquarters.

Vacant land means land that does not have development on it.

Vegetation means plants growing in a place, including but not limited to trees, shrubs, vines, grasses and groundcover.

Walkable means a distance of one-quarter (¼) mile or within a five-to-ten-minute walk.

Walkway means:

a. A right-of-way dedicated to public use that is not within a street right-of-way, to facilitate pedestrian access through a subdivision block by means of a hard surface path.

b. Any portion of a parking area restricted to the exclusive use of pedestrian travel.

Warehouse and distribution means a use engaged in storage, wholesale and distribution of manufactured products, supplies or equipment, including accessory offices or showrooms, including incidental retail sales, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

Warehousing means a business that stores or stocks merchandise or commodities.

Wholesale merchandise establishment means establishments for the sale of merchandise at the wholesale level, including those that warehouse merchandise in covered buildings.

Yard means that portion of the open area on a lot extending open and unobstructed from the ground upward from a lot line for a depth or width specified by the regulations for the zone district in which the lot is located.

Yard, front means a yard extending across the full width of the lot between the front lot line and the nearest line or point of the building.

Yard, front setback means the distance a building or structure must be placed from the back of the front property line.

Yard, rear means a yard extending across the full width of the lot between the rear lot line and the nearest line or point of the building.

Yard, rear setback means the distance a building or structure must be placed from the back of the rear property line.

Yard, side means a yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the building.

Yard, side setback means the distance a building or structure must be placed from the back of the side property line.

Zone district means a zone district of the Town of Milliken as established in Article III of this Chapter, unless the term is used in a context that clearly indicates that the term is meant to include both the zone districts of the Town of Milliken and the zone districts of an adjoining governmental jurisdiction. Also referred to as *zoning district.*

Zoning map means the official zoning map adopted by the Town of Milliken by ordinance, as amended. (Ord. 480 §1.15, 2003; Ord. 507 §1, 2005; Ord. 623 §1, 2010; Ord. 666 §§1, 2, 2012; Ord. 686 §1, 2013)

ARTICLE II
Community Design Principles and Development Standards
Division I General

Sec. 16-2-10. General provisions.

(a) Applicability. All development applications and building permit applications shall comply with the applicable standards contained in this Article.

(b) Relation to Zone District Standards (Section 16-3-490 of this Code). In the event of a conflict between a standard or requirement contained in Section 16-3-490 and this Article, the standard in Section 16-3-490 shall prevail. (Ord. 480 §2.1, 2003)

Sec. 16-2-15. Vision and intent.

(a) The intention of the Town of Milliken in enacting this Article is to clearly describe the Town's vision and to create a vital, cohesive, well-designed community in order to enhance its small-town character and further the citizens' goals as identified in the *Milliken Comprehensive Plan* ("Comprehensive Plan").

> *. . .Visions for Community is an attempt to bring into the city a new form of urban design, one which predicts a shift in the ways a community attempts to consider its physical city, its environment, its traditions, ritual life and mores and how they all cohere into patterns we call city. This "new" form of urban design is in truth quite old. It reflects one of humankind's most primordial activities – the making of "space" into "place." It is considered new in this particular time because it is counter to the way cities have evolved during the twentieth century, by responding to the marketplace. It is considered new because it emphasizes "community" as its guiding imperative instead of economic gain, and "vision" as its principal operative rather than opportunism.*
> – ***Dallas Visions for Community**, Dr. Gail Thomas*

(b) The Town has many attributes, but its greatest source of pride is its small-town character. This character is readily apparent and forms the foundation of the community. As the Town grows, the elements that contribute to this character must be strengthened and nurtured. As part of the comprehensive planning process, the citizens of the Town described these elements and their collective intentions for development of the community. Their vision and intentions are outlined below:

(1) Community.

a. The Town will continue to be peaceful, quiet and safe with citizens who know, respect and care for each other and have a general concern for the community as a whole.

b. Milliken will continue to be a wonderful place to raise a family. Residents will represent a broad diversity of people in terms of age, income, interests and activities. Special attention will be given to the youth and seniors of the community.

c. The Town's western and cultural heritage needs to be preserved through historic preservation efforts of its significant buildings and cultural events.

d. The architectural styles used for new businesses will provide interesting, high-quality buildings while maintaining the small-town charm of Milliken.

e. The development of new schools in the Town, as demand warrants, will be an important component of providing exceptional educational opportunities to the youth in the community.

f. A spirit of cooperation will be fostered with the surrounding communities and the County.

(2) Housing.

a. Neighborhoods will each have unique character and will be designed with pedestrian access and linkages to parks, schools, public facilities, downtown, commercial areas and the Milliken trail system.

b. Additional variety of housing types will be available to reflect the diversity within the community. New development will include varying housing types, such as: single-family homes, row houses, small clusters of multi-family units and apartments, terraced town homes, senior housing and some manufactured homes. The diversity of product types available will accommodate a variety of lifestyles and income levels.

c. New residential developments will reflect the diversity of existing neighborhoods and incorporate a variety of housing styles and types. Large-scale, "cookie-cutter" developments will not be allowed.

d. Affordable housing will be dispersed among the mixture.

e. Incentives will be investigated in order to upgrade existing housing that is in need of repair.

(3) Public facilities.

a. Educational opportunities for all ages will be provided in many of the parks and public facilities throughout the community.

b. The development of a new Community Center will be pursued to provide a pool, recreation and cultural center, fine arts theater and outdoor concert facility.

c. The Thompson River corridor will be developed as a primary greenway over time, in order to highlight the scenic corridor and provide recreational opportunities.

d. Newdevelopmentwillpayforitsinfrastructurecostsandrequiredservices.

e. There must be adequate capacity in water and wastewater facilities prior to approval of new development. Water storage will be achieved without causing unnecessary negative visual impact.

f. Convenient public transit will ultimately be made available to nearby urban areas. This includes the possibility of a connection to the commuter rail system that may one day be built between Fort Collins and Denver.

(4) Environment.

a. The natural environment, the Town's most distinguishing feature, will be preserved and integrated into all aspects of community design. Special attention will be given to the design of the Town's entryways, as well as open space preservation at the outskirts of the Town limits.

b. Development will not be allowed on the bluffs, which are located north of the Big Thompson River and along ridgelines.

c. New developments will be built in harmony with the natural environment and take into consideration the physical constraints of the site, as well as aesthetic and ecological values of the land. Steep hillsides, drainageways and riparian areas will be protected.

(5) Economic vitality.

a. Downtown redevelopment will be an ongoing process to continue to strengthen the core community as an activity center and economic base.

b. Incentives will be investigated to encourage the development and expansion of local businesses in order to continue to create jobs within the community so that people can work and live in Town.
c. The Town's economic vitality will be achieved by allowing appropriate new development that enhances the community as a visitor destination and encourages small local businesses to thrive. A strong economy, combined with creative funding strategies, will enable the Town to invest in a number of desired amenities.

(c) Overall, Milliken will continue to be a wonderful place to call "home," with an unsurpassed quality of life. (Ord. 480 §2.2, 2003)

Sec. 16-2-20. Application of community design principles.

(a) The community design principles as set forth in this Article are to be considered in every development proposal. The Town's goal is to expedite the planning review process by clearly outlining the Town's expectations for new development. To this end, the Planning Commission invites applicants to participate in a visioning meeting prior to preparing the sketch plan application (refer to Section 16-4- 160 of this Code. The visioning meeting is an initial meeting between the developer and the Planning Commission. It is intended to begin a collaborative process to ensure that new development is consistent with the community's goals and that issues are identified early in the process.

(b) The Planning Commission and Board of Trustees will evaluate each proposal based on these principles and the context within which a project is located. The principles are intended to be specific enough to guide development, but not to preclude creative design solutions. **Applicants must substantially conform to the design principles unless it can be demonstrated that an acceptable alternative meets one (1) or more of the following conditions:**

(1) The alternative better achieves the stated intent;
(2) The intent will not be achieved by application of the principle in this circumstance;
(3) The effect of other principles will be improved by not applying the principle; and/or
(4) Strict application or unique site features make the principle impractical. (Ord. 480 §2.3, 2003)

Sec. 16-2-25. Design elements.

One (1) of the greatest challenges facing small towns is the successful integration of new development with the original Town pattern. Suburban development patterns which have included numerous cul-de- sacs and limited street connections have often separated communities and created enclaves of the original towns. In order to maintain the Town's unique, small-town character and clearly describe the Town's vision, the following design elements have been set forth within this Article.

(1) Compact Urban Growth. As the community grows from the original Town limits, it is important to maintain a continuity of density, diversity and interconnectedness. Urban development should occur adjacent to the Town's core so that the community's prime agricultural land and natural areas are preserved and public infrastructure and utilities are used as efficiently as possible.

(2) Neighborhood Design. New developments should help create neighborhoods, rather than residential subdivisions adjacent to one another. Neighborhoods should be organized around a strong center, which may include elements such as common open space, civic and commercial or mixed uses. Strong consideration should be given to pedestrian movement,

the character of streets and sidewalks as inviting public space, and the interconnectedness of the streets within the neighborhood and as they connect to the rest of the community. In addition, new neighborhoods should have a variety of housing sizes and types that help to create a distinct identity rather than a monotonous replication of styles.

(3) Lots and Blocks, Streets and Sidewalks. The layout of lots and blocks should be designed to continue the Town's existing block pattern to form a grid or modified grid pattern that is adapted to the topography, natural features and environmental considerations. The streets should be tree-lined and interconnected in order to create a comprehensive transportation network that facilitates the movement of pedestrians, cars and bicycles.

(4) Parks and Open Space. New developments shall use natural open spaces and developed public space (such as parks and plazas) to organize and focus lots, blocks and circulation patterns, protect natural areas and quality agricultural land and create an identity for each neighborhood.

(5) Site Design, Architecture and Landscaping. One (1) of the fundamental intentions of this Code is to encourage innovative, quality site design, architecture, and landscaping in order to create new places that can be integrated with the existing community and reflect the traditional patterns of the region. The photographic Design Vocabulary (Section 16-2-835 of this Article) as well as illustrations throughout the Code are intended to provide a visual description of the Town's design intentions.

(6) Environment. New developments should be designed to fit within the environment. To the greatest extent feasible, sites should be designed to preserve natural areas and the plants and wildlife inhabiting those areas. In addition, new developments are encouraged to follow Green Builder Guidelines (see Subsection 16-2-815[c] of this Article) and to conserve natural resources, especially water.

(7) Water Conservation. As the State grows, increasing pressure will be placed on the limited supply of water resources. Milliken residents have emphasized the importance of preserving the quality and quantity of water. All new development is encouraged to use raw water for irrigation and to incorporate water-saving measures in building design and landscaping. Developments are required to use stormwater management techniques that address water quality as well as quantity. (Ord. 480 §2.4, 2003)

Sec. 16-2-35. Neighborhood design principles.

We have become so used to living among surroundings in which beauty has little or no place that we do not realize what a remarkable and unique feature the ugliness of modern life is. Both in this country and in many others, wherever one finds a street or part of a street dating from before what we may call the modern period, one is almost sure to see something pleasing and beautiful in its effect. ...It is the lack of beauty, of the amenities of life, more than anything else which obliges us to admit that our work of town building in the past century has not been well done.

– Town Planning in Practice, Raymond Unwin, 1909

(a) Intent. The intent of this Section is to encourage the creation of viable neighborhoods that interconnect with each other and integrate new projects into the existing community, thereby strengthening the original Town. The neighborhood layout should consider the street, lot and block pattern of the original Town, as well as solar orientation, topography, sensitive wildlife and vegetation, drainage patterns and environmental and regional climate issues. Further, the edges of neighborhoods should be formed by features shared with adjacent neighborhoods, such as major streets, changes in street pattern greenways or natural features such as streams and major drainage

or riparian corridors. New streets, bikeways, sidewalks, paths, and trails should connect to existing adjacent neighborhoods.

(b) Neighborhood Structure. Following is a summary of essential elements to consider integrating into new neighborhoods:

(1) Street, sidewalk and trail connections within new neighborhoods that connect to adjacent existing neighborhoods and strengthen the connection to the existing Town.
(2) Streets that encourage pedestrian activity by creating an inviting atmosphere through attention to the details of landscaping and tree locations, sidewalks, lighting and the building architecture, etc.
(3) A mixed-use neighborhood center located for easy access.
(4) A variety of housing types, sizes, densities and price range that are well integrated.
(5) A variety of land uses that are well-integrated and a transition of intensity. Nonresidential uses, larger buildings and attached multi-family housing should be encouraged to be located near commercial centers with a transition to smaller buildings closer to low-density neighborhoods.
(6) Pedestrian and bike connections throughout residential neighborhoods and linked to neighborhood commercial or civic centers and open space systems.
(7) Parks, open space, public plaza and greens that are the focus of and well-integrated into the neighborhood.
(8) Street trees placed in new developments at regular intervals of forty (40) feet and placed directly adjacent to sidewalks. See Figure 2-19 at Section 16-2-460 of this Article.
(9) Architectural, landscaping and site design elements of new developments as outlined in this Article.

(c) General Provisions. The following principles are contained in the original "downtown" of Milliken.[1] The Comprehensive Plan identifies them as contributing to the community's small-town character. **Although the size of individual development proposals will vary, projects will be evaluated with consideration to these neighborhood design principles and the context within which a project is located. Failure to incorporate these design principles into a project may be cause for denial of the project by the Board of Trustees.**

(1) Each Neighborhood Has a Center and an Edge. It is important that every neighborhood have activity centers that draw people together. Use natural and manmade features such as a drainage way, major roadways and ditches, to define neighborhood edges. Buildings or other features located at gateways entering a neighborhood shall mark the transition into and out of the neighborhood in a distinct fashion using massing, additional height, contrasting materials and/or architectural embellishments to obtain this effect.
(2) Mix of Types of Dwelling Units. A mix of dwelling unit types shall be distributed throughout the development. (Refer to Division 6 of this Article for additional housing requirements and Section 16-2-835 of this Code for illustrations of housing styles that the Town is encouraging.)
(3) Focal Points. Focal points, or points of visual termination, shall generally be occupied by more prominent, monumental buildings and structures that employ enhanced height, massing, distinctive architectural treatments or other distinguishing features, as well as landscape features. See Figure 2-1.

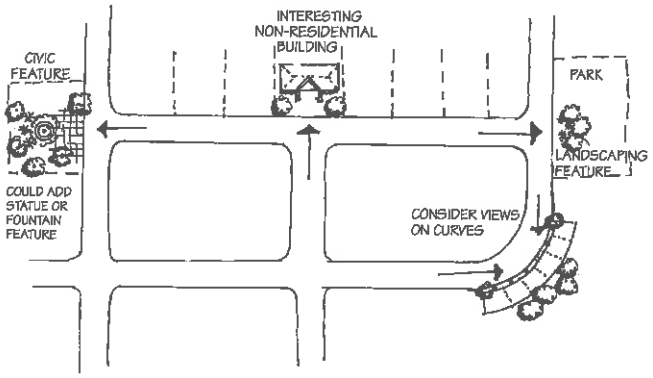


Figure 2-1

(4) Public Space as Development Framework. Public space is used to organize blocks and circulation patterns and to enhance surrounding development. Public open space must be functional and easily accessible and shall be designed to organize the placement of buildings to create an identity for each neighborhood. Buildings should face public open space to allow for casual surveillance.

(5) Design Streets as Public Spaces.

a. Buildings shall define streets through the use of relatively uniform setbacks along each block. The streetscape shall also be reinforced by lines of shade trees planted in the right-of-way landscape strip and may be further reinforced by walls, hedges, landscaping or fences which define front yards. (Refer to 16-2-835 of this Article for illustrations of streetscapes.)

b. On a lot with multiple buildings, those located on the interior of the site shall relate to one another both functionally and visually. A building complex may be organized around features such as courtyards, greens or quadrangles, which encourage pedestrian activity and incidental social interaction. Smaller, individualized groupings of buildings are encouraged. Buildings shall be located to allow for adequate fire and emergency access.

(6) Order Rather Than Repetition. The orderly arrangement of design elements can unify a space even when the elements are not the same. The location of sidewalks relative to streets, building setbacks and orientation, and the placement of trees can all help create an overall impression of unity even though each home or building has a distinct character.

(7) Use Human Proportion. Buildings shall be considered in terms of their relationship to the height and massing of adjacent buildings, as well as in relation to the human scale. (In a small town, this means generally one-story, two-story and three-story buildings.)

(8) Define the Transition Between the Public and Private Realm. Buildings shall be located to front towards and relate to public streets or parks, both functionally and visually, to the greatest extent possible. Wherever possible, buildings shall not be oriented to front towards a parking lot.

(9) Encourage Walking and Bicycling. Sites shall be designed to minimize conflicts between vehicles, bicycles and pedestrians. Pedestrian and bicycle access and connections shall be designed to make it safe and easy to get around on foot and by bicycle.

(10) Neighborhoods Shall Have a Mix of Activities Available Rather Than a Purely Residential

Land Use. Neighborhood residents shall have convenient access to parks, schools, open space, trails and services. The optimum size of a neighborhood is one-quarter (¼) mile from center to edge.

(11) Fit Within the Environment Rather Than on Top of It. New developments shall be designed to respond to the natural environment, fit into the setting and protect scenic view corridors. Key design considerations shall include a site layout that responds to natural features both on- and off-site, the size of structures and materials used in the development and the transition between the development and the surrounding landscape.

(12) Encourage a Range of Residents in Every Neighborhood. Housing types and the size of lots shall be varied to enable people to remain in the neighborhood as their needs change. (Refer to Section 16-2-835 of this Article for illustrations of architectural styles that the Town is encouraging.)

(13) Housing Types and Styles That Reflect the Architecture of the Region. Familiar architectural styles shall play an important role in developing an architectural identity for neighborhood dwellings. New homes shall be designed consistent with the architectural principles outlined in Division 6 of this Article. (Ord. 480 §2.6, 2003)

Community Design Principles and Development Standards

Division 3 Parking

The intent of this Division is to provide adequate parking for motor vehicles while minimizing the visual impact of parking lots and structures. (Ord. 480 §2.9, 2003)

Sec. 16-2-215. General provisions.

(a) Provide off-street parking. In all zone districts, off-street parking facilities for the storage of self- propelled motor vehicles for the use of occupants, employees and patrons of the building or structures hereafter erected, altered or extended shall be provided and maintained as herein prescribed.

(b) Provide adequate parking. If the use contemplated is not described in the required parking tables, the applicant must demonstrate that the parking as planned will be adequate to serve the needs of the proposed development.

(c) Provide additional parking. At the time a property changes use, the applicant must demonstrate that the existing parking is adequate to serve the proposed use. It shall be the responsibility of the new user to provide additional parking if the existing parking does not meet the needs of the proposed use.

(d) Surface. All parking and driveway areas and primary access to parking facilities shall be surfaced with asphalt, concrete or similar materials. The Board of Trustees, on a case-by-case by basis, may consider grass-crete or similar porous pavement.

(e) Integrate parking lots with surroundings. Parking lots shall not dominate the frontage of pedestrian-oriented streets, interfere with designated pedestrian routes or negatively impact surrounding neighborhoods. The pedestrian character of streets and buildings shall be maximized through continuity of buildings and landscape frontage.

(f) Location. Parking lots shall be located to the rear or side of buildings or in the interior of a block whenever possible.

(g) Landscaping. Parking lots shall be landscaped, screened and buffered as provided in Sections Division 5 and 6 of this Article.

(h) Share-access. Where feasible, parking lots shall share access drives with adjacent property with similar land uses.

(i) Off-street parking design. Any off-street parking area shall be designed so that vehicles may exit without backing onto a public street unless no other practical alternative is

available. Off-street parking areas shall be designed so that parked vehicles do not encroach upon or extend onto public rights-of-way or sidewalks or strike against or damage any wall, vegetation, utility or other structure.

(j) Circulation area design. Circulation areas shall be designed to facilitate the safe movement of vehicles without posing a danger to pedestrians or impeding the function of the parking area.

(k) Lighting. All parking area lighting shall be full cut-off type fixtures. Any light used to illuminate parking areas or for any other purpose shall be so arranged as to reflect the light away from nearby residential properties and away from the vision of passing motorists.

(l) Shared off-street parking. When there are opportunities to support parking demand through shared off-street parking for compatible uses (such as a movie theater and an office building), a parking study and shared parking agreements shall be used to demonstrate the adequacy of the parking supply as a substitute for standard parking requirements.

(m) Adjacent on-street parking in MU-C-D Mixed-Use District. In order to promote a pedestrian scale and encourage a perception of safety in the MU-C-D, Mixed Use District, parking may be satisfied using adjacent on-street parking or shared rear-lot parking areas. A parking study and shared parking agreements shall be used to demonstrate the adequacy of the parking supply as a substitute for standard parking requirements. (Ord. 480 §2.9, 2003)

Sec. 16-2-220. Paved off-street parking requirements.

(a) Paved off-street parking in nonresidential zones shall be provided according to the minimum requirements as specified below:

Nonresidential Off-Street Parking Minimum Requirements	
Land Use Type	**Number of Parking Spaces Required**
Industrial uses	.75 space per employee
Lodging uses	1 space per unit
Long-term care uses	.33 space per bed
Medical offices	4 spaces per 1,000 sq. ft.
Offices	3 spaces per 1,000 sq. ft.
Personal service uses	4 spaces per 1,000 sq. ft.
Restaurants Fast food Standard	15 spaces per 1,000 sq. ft. 10 spaces per 1,000 sq. ft.
Retail	4 spaces per 1,000 sq. ft.
Theaters, places of assembly	1 space per 3 seats

Off-street parking for commercial uses shall be sufficient to provide parking for employees of all proposed uses, as well as long-term customer parking. Spaces reserved for employees shall be designated as such by means of striping and signage. Parking shall be located at the rear and sides of buildings to the greatest extent possible and screened from the view of streets as provided by Section 16-2-480 of this Article.

(b) Parking for nonresidential land uses shall generally be required in the downtown area as shown in the following chart, but may be waived or reduced, depending on the nature of the proposed land use(s):

Nonresidential Off-Street Parking Standards	
Land Use Type	**Number of Parking Spaces Required**
Auto repair, low intensity retail, work shops	2 spaces per 1,000 sq. ft.
Banks, financial institutions	3 spaces per 1,000 sq. ft.
Bars, taverns, nightclubs	10 spaces per 1,000 sq. ft.
Grocery, supermarket	6 spaces per 1,000 sq. ft.
Child care	1 space per 8 students + 1 space per employee
Churches	1 space per 4 seats
Convenience store with gasoline sales	1 space per island + 1 space per 150 sq. ft.
Hospitals	1 space per bed
Industrial uses	.75 space per employee
Lodging uses	1 space per unit
Long-term care uses	.33 space per bed
Medical offices	4 spaces per 1,000 sq. ft.
Offices	3 spaces per 1,000 sq. ft.
Personal service uses	4 spaces per 1,000 sq. ft.
Restaurants Fast food Standard	15 spaces per 1,000 sq. ft. 10 spaces per 1,000 sq. ft.
Retail	4 spaces per 1,000 sq. ft.
Theaters, places of assembly	1 space per 3 seats

Note: Square footage is based upon gross floor area of the related buildings.
Note: If the number of parking spaces required results in a fractional space, any fraction shall be counted as one (1) additional parking space.

Parking for residential land uses shall be required as follows:

Residential Off-Street Parking Standards	
Unit Type	**Number of Parking Spaces Required**
Single-family, town home and two-family unit	2.00 spaces per unit (in driveway)
Multi-family studio or efficiency unit	1.25 spaces per unit
Multi-family one-bedroom unit	1.50 spaces per unit
Multi-Family two-bedroom unit	1.75 spaces per unit
Multi-family three-bedroom unit	2.00 spaces per unit
Multi-family four + bedroom unit	3.00 spaces per unit
Guest parking for multi-family units, in addition to required resident parking	1 space per 5 units

(Ord. 480 §2.9, 2003)

Sec. 16-2-225. Location of spaces.

(a) Off-street parking facilities for residential uses shall be provided and located on the same lot as the building they are intended to serve.

(b) Required off-street parking in residential zones shall not lie within the front yard setback nor within any required side yard setback adjacent to a street. (Driveway spaces within these setbacks cannot be counted for required off-street parking.)

(1) The location of required off-street parking facilities for other than residential uses shall be within seven hundred (700) feet of the building they are intended to serve when measured from the nearest point of the building or structure.

(2) Except within a garage or in conjunction with an approved affordable housing project, tandem parking is not allowed to meet required off-street parking requirements.

(3) Garages or required off-street parking spaces shall be set back twenty-two (22) feet from the back of the sidewalk. (Ord. 480 §2.9, 2003)

Sec. 16-2-230. Handicap parking spaces.

Parking for the disabled shall be provided for multi-family and nonresidential land uses as required by the Americans with Disabilities Act (ADA) and shall be identified by an upright sign at least four and one-half (41/2) feet in height. (Ord. 480 §2.9, 2003)

Sec. 16-2-235. Parking stall dimensions.

Parking stalls for automobiles shall meet the following standards. All dimensions represent the minimum requirement for any required parking space. Standard sized parking spaces in parking lots shall be nine (9) feet in width and nineteen (19) feet in length. The parking space length may be reduced to seventeen (17) feet if there is a landscaped area or sidewalk at least six (6) feet in width to provide a two- foot overhang, as long as wheel stops are provided and if the overhang does not negatively impact the adjacent landscaping or sidewalk. See Figure 2-14.

PARKING STALL DIMENSIONS					
Parking Angle (A)	**Stall Width (B)**	**Stall to Curb (C)**	**Aisle Width (D)**	**Curb Length (E)**	**Overhang (F)**
45°	9'	19'	13'	12' 8"	1' 5"
60°	9'	20'	13'	10' 5"	1' 8"
90°	9'	18'	24'	9'	2'
0°(parallel)	8'*	8'*	12'	24'	0'

*Except along local streets where 7' is permitted.

(Ord. 480 §2.9, 2003)

Sec. 16-2-240. Bicycle parking spaces.

Commercial, industrial, civic, employment, multi-family and recreational uses shall provide bicycle facilities to meet the following standards:

(1) A minimum number of bicycle parking spaces shall be provided, equal in number to two percent (2%) of the total number of automobile parking spaces provided by the development, but not less than one (1) space.

(2) For convenience and security, bicycle parking facilities shall be located near building entrances. Within downtown commercial areas, however, a grouping of spaces shall be utilized as directed by the Town.

(3) Bicycle parking facilities shall be designed to allow the bicycle frame and both wheels to be securely locked to a parking structure which is permanently attached to the pavement.

(4) Bicycle parking facilities shall be designed so that they do not obstruct the flow of pedestrian, bicycle or vehicular traffic within the public way. (Ord. 480 §2.9, 2003)

Community Design Principles and Development Standards
Division 3 Public Property

Sec. 16-2-315. Easement and utility standards.

(a) Utility Easement Width. Utility easements shall measure ten (10) feet on each side of abutting rear lot lines. On subdivision perimeter rear lot lines adjacent to unsubdivided property, utility easements shall measure ten (10) feet in width. In the event that the location of utility easements adjacent to rear property lines is unsuitable for use by utility companies due to drainage, irrigation ditches or other obstructions, the subdivider shall provide like-width easements adjacent to said areas of obstruction. Side lot line easements, where necessary, shall measure ten (10) feet in full width; five (5) feet either side of a lot line is acceptable. Front lot line easements shall measure thirteen (13) feet in width. Easements may be more or less than widths stated if the specific utility indicates in writing a width other than those required by this Code. Utility easements shall be subject to the approval of the Town or applicable utility company.

(b) Multiple Installations Within Easements. Easements shall be designed so as to provide efficient installation of utilities. Public utility installations shall be located as to permit multiple installations within the easements. The developer will establish final utility grades prior to utility installations.

(c) Underground Utilities. Telephone lines, electric lines, cable television lines and other like utility services shall be placed underground. Pedestals and transformers shall not be located in the front yard setback adjacent to public streets, unless they are underground and/or not visible to the traveling public. The subdivider shall be responsible for complying with the requirements of this Section and shall make the necessary arrangements, including any construction or installation charges, with each utility provider for the installation of such facilities. Transformers, switching boxes, meter cabinets, pedestals, ducts and other facilities necessarily appurtenant to such underground utilities shall be placed underground. Screening or fencing is required to the satisfaction of the Board of Trustees. Electric transmission and distribution feeder lines and necessary appurtenances thereto may not be placed above ground unless they are carrying greater than 115 kV. Such facilities shall be placed within easements or public streets, as therein provided, or upon private easements or rights-of-way provided for particular facilities. (Refer to Division 2, Street Standards of this Article. Utility easements have been identified outside the right-of- way in order to accommodate the location of street trees.)

(d) Street Lighting. Street lighting and associated underground street lighting supply circuits shall be installed. The minimum requirement shall be two-hundred-fifty-watt sodium vapor lamps at a maximum spacing of four hundred (400) feet for local streets. Arterial streets and commercial areas shall have a higher level of lighting as determined by the Board of Trustees. Street lighting shall also comply with Section 16-2-810 of this Article and be approved by the Town prior to installation. (Ord. 480 §2.11, 2003)

Community Design Principles and Development Standards
Division 5 Landscaping Standards

To exist as a nation, to prosper as a state, and to live as a people, we must have trees. – Theodore Roosevelt

Sec. 16-2-410. Intent.

(a) The purpose of this Division is to protect and enhance the community's environmental, economic, recreational and aesthetic resources by promoting efficient use of water in the community's public and private landscape, reducing water waste and establishing

procedures for the design, installation and maintenance of water-efficient landscapes throughout the jurisdiction.

(b) Furthermore, these landscaping standards are intended to promote quality landscape design that:
  (1) Reinforces the identity of the community and each neighborhood;
  (2) Provides tree-lined streets in urban areas;
  (3) Anchors new buildings in the landscape;
  (4) Provides tree canopies within paved areas;
  (5) Is environmentally sensitive by preserving existing trees, using water conservation techniques and planting native species (when appropriate), and enhances valuable habitat;
  (6) Encourages the utilization of xeriscape principles; and
  (7) Promotes efficient use of water and reduces water waste. (Ord. 480 §2.13, 2003; Ord. 607 §1, 2009)

Sec. 16-2-412. Applicability.

(a) This Section applies to all new or renovated landscapes that require development review permits. However, both the standards and/or the submittal requirements may be amended with Town approval when necessary to reflect the individuality of the specific site and development.

(b) Please see Section 16-2-490 of this Division for a summary of the landscaping requirements based on development types.

(c) An applicant may use the Planned Unit Development zoning and approval process if necessary to amend the regulations to allow for individualized landscapes in connection with unique developments. (Ord. 607 §1, 2009)

Sec. 16-2-415. General provisions.

All land development applications shall be accompanied by an appropriate landscape plan. Building permit applications for individual single-family residences will require landscape plans. However, all landscaping within the community shall comply with the intent of these regulations. Any landscaping in place at the time of the adoption of these regulations that does not conform to these regulations will be considered legal nonconforming. However, any legal nonconforming landscaping on commercial, industrial and multi-family developments will be required to comply with these regulations if changes are made to more than twenty-five percent (25%) of the total landscaped area of the subject property. This twenty-five percent (25%) will be measured from the existing conditions at the time of the adoption of the ordinance codified herein and does not allow for repeated changes of less than twenty-five percent (25%) so as to avoid conformity. (Ord. 480 §2.13, 2003; Ord. 607 §1, 2009)

Trees can transform a street more easily than any other physical improvement. Moreover, for many people, trees are the most important single characteristic of a good street.

– *Great Streets, Alan B. Jacobs*

Sec. 16-2-420. Street trees.

(a) Landscape improvements in urban settings shall create an orderly, irrigated, managed landscape. All urban neighborhoods shall have tree-lined streets. Street trees shall include a mix of species and be aligned in straight rows. Street trees shall be placed within the right-of-way tree lawn. Spacing of trees shall allow for their mature spread. Trees installed along

streets that will be widened in the future shall take into account plans for future widening of streets so that established trees will not be disturbed during future construction.

(b) Landscape improvements in rural subdivisions, environmentally sensitive areas and lower-density, rural developments shall be native-looking and informal. Street trees in rural developments shall be planted to create irregular clusters of trees to reinforce the design and character of each project and to frame views. (Ord. 480 §2.13, 2003; Ord. 607 §1, 2009)

Sec. 16-2-422. Soil amendments and mulch.

(a) Soil amendments.

(1) Addition of proper and adequate soil amendments is required for all plantings. A soil amendment is any material added to improve its physical properties, such as water retention, permeability, water infiltration, drainage, aeration and structure, with the goal of providing a better environment for roots. In addition to helping the plants grow, this addition can also help with successful water conservation.

(2) Prior to the installation of turf grass and/or other plant materials in areas to be landscaped, the areas shall be thoroughly loosened, and organic industry-accepted, certified weed-free soil amendment (such as compost, peat or aged manure) shall be thoroughly incorporated (i.e., rototilled) into the soil at a rate of at least four (4) cubic yards of soil amendment per one thousand (1,000) square feet of turf grass and/or area to be planted, to a depth of at least six (6) inches. In addition, prior to installation of any turf grass and/or other planted area, all foreign waste materials, including concrete, plastic, wire and the like, along with rocks larger than three (3) inches, shall be removed from the top six (6) inches of soil. The developer shall affirm and certify, in writing, that the turf grass and/or planted areas have been installed according to these standards or that legally binding commitments have been made to install such soil amendments prior to installation of such turf grass and/or other plant materials.

(b) Mulch.

(1) All plantable areas not covered with turf shall be covered with a minimum of four (4) inches of a suitable mulch to retain water and inhibit weeds. Nonporous fabrics (like black plastic) shall not be placed under mulches.

(2) Mulch shall be of wood-based materials and does not include gravel, rock, grass clippings, straw, hay or leaves. (Ord. 607 §1, 2009)

Sec. 16-2-425. Site landscape design.

Landscape improvements shall be an integral part of the overall site design for each property. Landscape improvements shall be designed to complement and enhance the character of neighborhoods and shall follow these guidelines:

(1) Landscaped areas shall be configured to *maximize their interconnectivity* within the site, to natural areas and to landscaped areas in adjacent developments. Small, isolated islands of landscaping should be avoided except as required in parking lots and for screening along roadways.

(2) Landscaped areas shall enhance functional open space through the *creation of outdoor rooms* appropriate to the location and purpose of the open space within the development. This can be accomplished through a combination of plantings, fencing and berms and by using natural features on the site.

Use plantings and berms to create outdoor rooms in common open space areas.

(3) Landscape improvements in all developments shall be *consistent with the character* of the proposed development and the surrounding area to reinforce neighborhood identity. For

example, if the theme of the development is prairie grassland then fewer trees will be required while more shrubs and grasses will be necessary.

(4) Landscape design shall *enhance natural features, drainage ways and environmental resources*.

(5) All landscape improvements shall be designed for mature landscapes and shall provide appropriate *visibility for cars and pedestrians*. Landscaping shall be no more than thirty (30) inches high when located in a sight distance triangle.

(6) Preserve and *frame views* both into and out of the neighborhood.

(7) Incorporate the elements of *gateway, path and destination* into the design of landscapes. Gateways are entries that provide transitions from one (1) space to another. Pathways are routes that lead to a destination. Destinations are focal points that can include anything from a garden bench at the end of a path to a civic building at the end of a street. (Ord. 480 §2.13, 2003; Ord. 607 §1, 2009)

Sec. 16-2-427. Water efficiency in landscape design.

Landscape improvements shall be designed with water efficiency as a goal. These guidelines shall apply to the design of all regulated landscapes:

(1) Landscapes shall use the following *xeriscape design principles* to facilitate water conservation:
   a. Well-planned planting schemes.
   b. Appropriate turfs election to minimize the use of bluegrass.
   c. Use of mulch to maintain soil moisture and reduce evaporation.
   d. Grouping of plant materials according to their microclimatic needs and water requirements.
   e. Improvement of the soil with organic matter if needed.
   f. Efficient irrigation systems.
   g. Proper maintenance and irrigation schedules.
   h. Design of landscaping to help minimize steep grades and reduce water runoff.
   i. Minimize landscaping in strips less than eight (8) feet wide when necessary, such as between the street and the sidewalk.
   j. In medians, use of native plants that require low amounts of water and maintenance.

(2) Plants shall be selected appropriately based upon their adaptability to the climatic, geologic and topographical conditions of the site. Protection and preservation of native species and natural areas is encouraged. The planting of trees is encouraged wherever it is consistent with the other provisions of this Division. Please see the approved Town Plant Species List.

(3) Recirculating water shall be used for decorative water features.

(4) With prior written approval of the Town's designated staff, artificial plants, grass and other materials are allowed where they are aesthetically in accord with the neighborhood, of a quality consistent with current state-of-the-art products and in compliance with the requirements of this Code.

(5) Refer to Section 13-2-60 of this Code for the Town's watering restrictions.

(6) Refer to the Department of Local Affairs Smart Growth Office "WaterWise Landscaping Best Practices Manual" for a list of approved plant species for use as well as other pertinent information to help develop a water-efficient and water-conserving landscape. (Ord. 607 §1, 2009)

Sec. 16-2-430. Landscaping environmental considerations.

(a) All landscapes shall strive to *maximize the use of native species*. Where native material is not appropriate for the intended use or appearance, plant species that are regionally adapted and noninvasive may be used.

(b) Landscapes shall consist of a variety of species to *enhance biodiversity*. No one (1) species may make up more than twenty-five percent (25%) of the total non-grass plant materials on the site.

(c) Buildings and parking areas shall be located to *preserve and promote the health of existing trees, environmental resources and natural drainage ways.* No healthy tree shall be removed without good cause. This requirement is not intended to prevent the removal of unhealthy trees in conjunction with site development.

(d) Trees shall be located to *provide summer shade and limit winter shade* on walks and streets.

(e) A combination of plantings, berms, walls and fences shall be used as appropriate to *buffer sensitive habitat.* Use buffers to protect the physical integrity of riparian ecosystems. Try to preserve vegetation and trees in streamside zone and middle zone. Encourage grass and landscaping in outer zone to filter runoff from backyards, parking areas, roads, etc.

(f) Plants shall be selected to blend with the native vegetation for projects at the interface between urban areas and natural open space (nonirrigated). Locally recognized invasive introduced plants shall be unacceptable. Plants with low fuel volume and/or low flammability shall be emphasized.

(g) All areas disturbed by construction shall be reseeded to *prevent erosion*. Erosion mats may be necessary under certain conditions. Native, noninvasive grasses shall be used for revegetation where practical. Weed control is the responsibility of the landowner on all reseeded areas and all preservation areas. (Ord. 480 §2.13, 2003; Ord. 607 §1, 2009)

Sec. 16-2-435. New buildings and paved areas.

(a) Anchor structures in the landscape through the use of trees, shrubs and ground cover. The size and intensity of plantings shall be appropriate to the size and context of the improvements.

(b) Integrate adjacent land uses of different intensities through a combination of berming, plantings and fencing. Use opaque screening only when necessary to mitigate the impact of noise, light, unattractive aesthetics and traffic. A fence shall not be the only screening material used. A combination of berming, planting and fencing to integrate land uses.

(c) Use landscaping to provide a transition from developed, managed landscape to more natural vegetation.

(d) Provide a tree canopy by installing shade trees within and adjacent to paved areas. (Ord. 480 §2.13, 2003; Ord. 607 §1, 2009)

Sec. 16-2-440. Plant materials.

(a) Minimum tree and shrub planting sizes shall be as follows:
  (1) Ornamental trees: one-and-one-half-inch caliper.
  (2) Deciduous shade trees: two-inch caliper.
  (3) Evergreen trees: six-foot height.
  (4) Shrubs: five-gallon.

(b) Required plant materials shall be grown in a recognized nursery in accordance with proper horticultural practice. Plants shall be healthy, well-branched, vigorous stock with a growth habit normal to the species and variety and free of diseases, insects and injuries.

(c) All plants shall conform to standards for measurements, grading, branching, quality, ball and burlapping as stated in the *American Standard for Nursery Stock*, 1990 Edition, American Association of Nurserymen, Inc. (AAN-ASNS), and the Colorado Nursery Act of 1965 (CNA).

(d) Native grass seed mixes shall be certified as weed-free. (Ord. 480 §2.13, 2003; Ord. 607 §1, 2009)

Sec. 16-2-450. Guarantee of installation.

Required landscape improvements shall be installed prior to issuance of a certificate of occupancy for all structures. If weather conditions prevent installation, the developer shall post a financial guarantee for the improvements. This guarantee shall be released upon completion of the installation of the landscaping. (Ord. 480 §2.13, 2003; Ord. 607 §1, 2009)

Sec. 16-2-455. Maintenance.

(a) In order to provide for the ongoing health and appearance of landscape improvements, all landscaping shall be maintained and replaced by the landowner/occupant as necessary. All property owners/occupants shall be responsible for maintenance of landscaping within the portion of the public right-of-way between the back of the curb or street pavement and the adjacent property.

(b) A regular *maintenance schedule* satisfying the following conditions shall be submitted as part of the Landscape Documentation Package. A regular maintenance schedule shall include, but not be limited to, checking, adjusting and repairing irrigation equipment, resetting the automatic controller, aerating and dethatching turf areas (only if needed), replenishing mulch, fertilizing, pruning and weeding in landscaped areas. (Ord. 480 §2.13, 2003; Ord. 607 §1, 2009)

Sec. 16-2-463. Landscaping design standards and minimum requirements for common open space areas in residential areas and multi-family, commercial and industrial developments.

(a) Water efficiency in irrigation design.

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

a. Use of nontreated water for irrigation is encouraged if a permanent suitable supply is available. In the event that nontreated water is not continually available, an alternative supply of treated water shall be available by means of a separate line to avoid any possibility of cross- contamination.

b. Requiredlandscapingshallbeirrigatedwithapermanentirrigationsystem.

c. Irrigation for native grasses and vegetation shall be used for establishment and shall be available for maintenance if necessary.

(2) Irrigation system improvements shall be designed to achieve water efficiency as a goal. These guidelines shall apply to the irrigation system design for all regulated landscapes:

a. Plant water requirements shall be considered in irrigation design schemes.

b. Hydraulic principles shall be employed when designing the irrigation system.

1. Separate landscape meters shall be installed for all regulated landscapes.

2. The irrigation system shall be designed to provide irrigation per Section 13-2-60 of this Code.

3. The tap size shall be based on the water demand of the site and shall take into consideration the areas of each plant type (i.e., turf, native seed, perennials, annuals and shrubs), the evapotranspiration for the site, the water demand of each plant type at peak season and the water window.

4. A reduced-pressure backflow preventer shall be used on all systems. The requirement of a backflow preventer may be waived if the irrigation system utilizes non-potable water that is in no way connected to a domestic system.

5. Turf and grass areas irrigation shall be designed using the following principles:
    a) No single zone shall mix head types, such as rotors and pop-up spray heads in the same zone.
    b) Sprinklers shall be spaced for "head-to-head" coverage where the spray pattern from one (1) head will reach to the next head.
    c) Check valves shall be included in heads or valves where low drainage will occur due to elevation changes.
6. Shrub bed areas with plant material one (1) gallon in size or larger shall be irrigated with a drip or subsurface system.
7. Where the water supplied will be from secondary or other nonpotable water sources, the use of nonpotable color indicators shall be used on the equipment. This includes purple handles on quick coupler valves and gate valves, caps for irrigation heads, valve box lids and marker tape buried above the mainline.
8. All systems shall be equipped with an automatic rain shut-off device.
9. All wire connections shall be made with watertight connectors and contained in a valve box.

c. Irrigation control systems shall be employed that offer flexibility in programming.
    1. All irrigation systems shall include an electric automatic controller with multiple programs and multiple repeat and rest cycle capabilities and a flexible calendar program.
    2. The controller shall have the ability to adjust run times based on percentage of maximum evapotranspiration rate.
    3. Each zone/valve shall have its own station on the controller.

d. Installation of irrigation systems shall be per plan and accurate.
    1. Mainline shall be tested to ensure its ability to maintain required pressure for two (2) hours. Proof of test and compliance shall be submitted to the Town.
    2. Before acceptance, each zone shall be operated and each valve box opened to verify accurate installation. Proof of test and compliance shall be submitted to the Town.

e. "As-built" drawings of irrigation system may be provided after the installation, with dimensions shown for irrigation components depending on the development as designated by the Town.
    1. The "as-built" drawings shall show all points of connection, including tap size, line size and static water pressure of service. Dimensions that will be used to locate components shall be shown on plans. Components to be located include meters, backflow preventers, all valves, including quick coupler, control, gate and manual drain valves, and controller locations.
    2. The drawings shall also show zone number, valve size, and gallons per minute.

(b) Landscaping within right-of-way and required common open space. The developer or assigns shall provide:

(1) Street trees: Deciduous shade trees, selected from the Town's tree list, shall be provided at the rate of one (1) tree on approximately forty-foot centers in tree lawns along all streets adjacent to or within new developments and for new single-family, two-family and townhome dwellings in existing neighborhoods along all streets. Where this spacing would result in a tree location in conflict with utility facilities or

driveways, the spacing may be reduced or increased to facilitate the best location for tree planting purposes. Tree lawns between the curb and detached sidewalk shall consist of seventy- five percent (75%) live ground cover at maturity.

(2) Collector and local streets: Live ground cover, including a combination of grass, required street trees, flowers or shrubs. In commercial areas, this area may be paved if it functions as pedestrian access to storefronts and is integrated into the overall design of the other improvements on the site.

(3) Arterial streets: Live ground cover as appropriate to the use and function of the area, including a combination of grass, required street trees, flowers, paving and one (1) shrub for every one hundred fifty (150) square feet of landscape area clustered into planting beds. The developer shall also install an automatic irrigation system for all landscaping within arterial rights-of-way.

(4) Landscaping for required common open space: Landscaping within new multi-family developments or other residential developments that have common open space shall be provided as specified within each land use category below. Landscape area shall include common open space within the development and shall be in addition to the required street trees in Paragraph (1) above.

(5) A mechanism for long-term maintenance of common open space and arterial and collector street right-of-way landscaping, such as a homeowners' association and covenants.

(c) Multi-family and mixed-use district residential landscaping standards:

(1) In addition to right-of-way landscaping, the developer or assigns shall provide:

a. Site trees: A minimum of one (1) tree per one thousand (1,000) square feet of landscaped area, distributed on the site.

b. Shrubs: A minimum of one (1) shrub per one hundred fifty (150) square feet of landscaped area. Group shrubs and distribute throughout the site. Trees may be substituted for up to one-half (1/2) of the required shrubs at the rate of one (1) tree for ten (10) shrubs.

c. Ground cover: Irrigated turf maintained to appropriate standards for active recreation in areas that will function for active recreation. Where appropriate, use native grass for areas that will not function as active recreation areas. Native grass must be weed-free and maintained at a maximum height of eight (8) inches. There shall be a minimum of seventy-five percent (75%) live materials at maturity between the front of the house and the curb unless approved by the Town. Mulch may be considered live ground cover as associated with plantings as approved by the Town.

(2) Landscape setback to parking lots: The density, width and quality of the buffer design shall be reviewed for approval by the Town. Signage may be included in this setback as long as it is not located within the sight distance triangle.

(d) Business/commercial and industrial development landscaping standards.

(1) Landscape improvements shall be designed to enhance the overall appearance of the development and integrate the project with adjacent land uses and into the surrounding neighborhood. All improvements shall consider the people who will use the site, travel through or by the site and adjacent land uses. A minimum of fifteen percent (15%) of the site (gross) shall be landscaped area. Of this fifteen percent (15%), there shall be a minimum of seventy-five percent (75%) live materials at maturity, fifty percent (50%) of which shall be between the front of the building and the street. This requirement may be waived with Town approval.

(2) Parking lots shall be screened through the use of dense shrubbery, low walls, berms or a combination of these methods a minimum of three (3) feet in height, so that at

least fifty percent (50%) of the light from headlights of vehicles in the parking lot is screened from view beyond the parking lot.

(3) The developer or assigns shall provide:

a. Site trees: Plant a minimum of one (1) tree per one thousand (1,000) square feet of landscaped area, distributed on the site.

b. Shrubs: Plant a minimum of one (1) shrub per one hundred fifty (150) square feet of landscaped area. Group shrubs and distribute throughout the site. Trees may be substituted for up to one-half (1/2) of the required shrubs at the rate of one (1) tree for ten (10) shrubs.

c. Ground cover: Establish irrigated grass turf maintained to appropriate standards for active recreation in areas that will function for active recreation. Where appropriate, use native grass for areas that will not function as active recreation areas. Native grass must be weed-free and maintained at a maximum height of eight (8) inches. There shall be a minimum of seventy-five percent (75%) live materials at maturity between the building and the street unless approved by the Town. Mulch may be considered live ground cover as associated with plantings as approved by the Town.

d. Landscape setback to parking lots: The purpose of the setback is to provide a buffer between street parking areas. The density, design and quality of the buffer shall be reviewed for approval by the Town. Signage may be included in this setback as long as it is not located within the sight distance triangle.

e. Screen loading areas: Screen loading areas (including vehicles being loaded), service and storage areas visible from the public right-of-way or adjacent property with an opaque screen that is an integral part of the building architecture or by landscaping. Chain-link fencing with slats, tires or used building materials are not acceptable screening materials.

f. Compatibility: Integrate activities on the subject property with adjacent land uses by utilizing a combination of landscaping, building orientation and appropriate architectural elements.

Create pedestrian-friendly commercial areas by:

a. Providing open areas for gathering places.

b. Creating a tree canopy between on-street parking and store fronts to provide a separation between cars and sidewalks.

c. Landscaping parking lots.

(4) The building owner or occupant shall maintain the yard and landscaping within the adjacent road right-of-way in accordance with Town regulations.

(e) State highway corridor landscaping standards. The developer or assigns shall provide:

(1) Landscape setback to parking lots: Provide a fifty-foot landscape setback from the highway. The purpose of the setback is to provide a buffer between the street and parking areas. Signage may be included in this setback as long as it is not located within the sight distance triangle.

(2) Shrubs: A minimum of one (1) shrub per one hundred fifty (150) square feet of landscaped setback. Group shrubs and distribute throughout the landscape setback. Trees may be substituted for up to one-half (1/2) of the required shrubs at the rate of one (1) tree for ten (10) shrubs.

(f) Downtown landscaping standards. Downtown landscaping is intended to provide an attractive environment for people to walk and shop. Refer to the streetscape at Section 16-2-835 of this Article for illustrations of the character and quality of landscaping the Town is seeking.

(1) Deciduous shade trees, selected from the Town's tree list, shall be provided at the rate of one (1) tree on approximately forty-foot centers along all existing streets in the downtown area. Where this spacing would result in a tree location in conflict with utility facilities, alleys or driveways, the spacing may be reduced or increased to facilitate the best location for tree planting purposes. Trees installed along streets shall be located within a protective tree grate that shall be flush with the sidewalk.

(2) Additional landscaping may be provided in the form of planters or window boxes which shall be constructed of the same or similar materials used in the adjacent building or of similar materials used in benches and trash receptacles and may be designed to include bench seating.

(3) Buffering shall be provided between land uses of different intensities, such as between residential and commercial uses. The responsibility for buffering shall rest with the proposed land use, rather than with existing land uses. Buffering may be accomplished through the use of dense plant materials, fencing, walls, berms or a combination of these methods and shall provide visual screening between the land uses, as well as screen or mitigate other negative impacts such as noise or lighting.

(4) Existing trees shall be preserved where feasible and when the trees are in good health and of a desirable species. When trees are removed from a site, replacement shall be at a ratio of two (2) trees for every tree that was removed from the site or as approved by the Community Development Director.

(5) Street furniture, including benches and trash receptacles, shall be provided to serve the public and shall be constructed of a combination of wood and wrought iron or other similar metal. Planters may be constructed of the same or similar materials used in the adjacent building or of similar materials used in benches and trash receptacles and may be designed to include bench seating. All street furnishings in the downtown area shall meet standards established by the Town.

(6) Street lighting fixtures shall be on poles no higher than twelve and one-half (12½) feet and shall be of the single-acorn Victorian style.

(g) Parking lot landscaping standards. Parking lot landscaping is intended break up large expanses of pavement, create shade, buffer views of parking lots from adjacent streets and development and enhance the overall appearance of each project.

(1) Applicability. All parking lots with fifteen (15) spaces or more shall be subject to these requirements. Landscape standards for parking lots within the downtown business district may be adjusted to provide the maximum number of parking spaces within the downtown area. The applicant must demonstrate that the variance from the standard will provide additional parking and provide alternative streetscape improvements to meet the intent of this Division.

(2) The developer or assigns shall provide:

a. Site trees: A minimum of one (1) tree per five (5) parking spaces. Group trees together in islands which are a minimum of ten (10) feet wide. Use the landscaping to break up large expanses of pavement and to create a tree canopy for summer shade.

b. Shrubs: A minimum of one (1) shrub per one hundred fifty (150) square feet of landscaped area. Group plantings in landscape islands.

c. Ground cover: Limit areas of irrigated turf. Grass is discouraged in areas less than ten (10) feet wide. Install a grass buffer (native grass where possible) around the perimeter to filter runoff and improve water quality.

d. Landscape setback to parking lots: The purpose of the setback is to provide a buffer between the street and parking areas and to screen the parking from the

street. The density, design and quality of the buffer shall be reviewed for approval by the Town.

e. Screening: Parking lots shall be screened through the use of dense shrubbery, low walls, berms or a combination of these methods a minimum of three (3) feet in height, so that at least fifty percent (50%) of the light from headlights of vehicles in the parking lot is screened from view beyond the parking lot.

f. Provide a mechanism for long-term maintenance of landscaping: All landscaping within and adjacent to parking lots shall be owned and maintained by the landowner or occupant. (Ord. 480 §2.13, 2003; Ord. 507 §1, 2005; Ord. 607 §1, 2009)

Sec. 16-2-465. Storm drainage facilities.

(a) Intent. The intent of this Section is to promote innovative and effective land- and water-management techniques that protect and enhance water quality.

(b) General provisions.

(1) Landscaping associated with storm drainage facilities shall be integrated into the overall design of the project.

(2) Stormwater drainage facilities shall enhance the overall appearance of the project, prevent erosion, minimize mosquito habitat and improve water quality of stormwater runoff whenever possible.

(3) Storm drainage facilities may function as open space for active recreation, trail corridors or habitat enhancement areas if they are designed appropriately and approved by the Board of Trustees.

(4) The use of planting strips and shallow, landscaped depressions in parking lots and along roads is encouraged to help trap and remove pollutants from stormwater runoff.

(c) Applicability. All storm drainage facilities shall be appropriately landscaped. (d) Minimum requirements.

(1) All facilities shall be seeded to grass appropriate to the function of the area. Areas to be used for active recreation shall be seeded to a turf-type grass and irrigated with a permanent irrigation system. Areas to be maintained for habitat enhancement shall be seeded to native grasses and wildflowers. The developer is responsible for establishment of a complete, weed-free stand of grass. Trail corridors may be seeded to native grasses if appropriately integrated with adjacent improvements.

(2) Maximum side slope on drainage facilities shall be 4:1; minimum slope of the bottom of a drainage facility shall be one-half percent (0.5%).

(3) Landscape improvements shall be designed to enhance the function of the facility. Areas designed for recreation shall include clusters of trees to provide shade, located so they do not impair the function of the facility.

(4) Habitat and water quality enhancement, including wetland plantings in low wet areas, is encouraged.

(e) Ownership and maintenance. All drainage facilities shall be owned and maintained by the landowner or occupant unless otherwise approved by the Town. (Ord. 480 §2.13, 2003; Ord. 607 §1, 2009)

Sec. 16-2-470. Submittal standards for landscape plans.

All land development applications will be accompanied by the appropriate landscape plan:

TYPE OF APPLICATION	*CONCEPTUAL LANDSCAPE PLAN*	*PRELIMINARY LANDSCAPE PLAN*	*FINAL LANDSCAPE PLAN*
Sketch Plan	X		
Preliminary Plat/PUD		X	
Final Plat/PUD			X
Conditional Use Review			X
Site Plan			X

(1) Conceptual landscape plan (submit with sketch plan). Intent: to illustrate the overall design concept for landscaping and depict how it relates to the overall development.
   a. Describe the design intention of the proposed landscape improvements.
   b. This information should be included on the sketch plan map or combined with the conceptual open space plan if it can be clearly illustrated and the scale is not greater than 1" = 200'.
   c. Information required on the plan is listed in the table which follows.

(2) Preliminary landscape plan (submit with preliminary plat). Intent: to illustrate the master landscape plan for the development.
   a. Describe the design intention and how the proposal is consistent with the purpose and intent of these regulations.
   b. Landscaping should be included on the preliminary open space and ecological characterization plan if it can be clearly illustrated and the scale is not greater than 1" = 100'.
   c. Information required on the plan is listed in the table which follows.

(3) Final landscape plan (submit with final plat). Intent: to ensure that each phase of the final landscape plan is consistent with the master landscape plan for the development and to illustrate the specific landscaping details for each phase.
   a. Describe the design intention and how the proposal is consistent with the preliminary landscape plan.
   b. The final landscape plan must be on a separate page from the final plat map and should be included with the final open space and ecological characterization plan if it can be clearly illustrated. The scale shall not be greater than 1"=50'.
   c. Information required on the plan is listed in the table which follows.

INFORMATION REQUIRED	*CONCEPT*	*PRELIMINARY*	*FINAL*
Scale, north arrow, site boundary.	√	√	√
Existing and proposed streets.		√	√
Existing and proposed utilities and easements.		√	√
Existing contours (2' intervals), can be USGS for conceptual landscape plan.	√	√	√
General grading concepts for proposed improvements, typical cross-sections of streets and special treatment areas.		√	
Proposed contours (2' intervals).			√
Describe the design intention.	√	√	√
Describe the general character and location of proposed landscaping and open space and how it meets the purpose of these regulations.	√		
Illustrate how the open space network and pedestrian circulation system will function.	√		

Existing site features, including ditches, trees, shrubs and ground cover, and any drainage ways, wetlands or wildlife habitat present on the site. Indicate which plants will be preserved, the method of preservation and which will be removed.	√	√	√
Proposed landscaping, including trees, shrubs, ground cover, walks, fences. Show which plantings are deciduous and evergreen.		√	
Indicate which areas will be irrigated and method of irrigation.		√	√
Typical detail drawings at 1" = 20' to illustrate perimeter treatment, buffering, typical front yard and any special treatment areas on the site.		√	
Define areas to be considered open space and if they will be public or private. Indicate how open space will be maintained, including erosion control, revegetation and weed management, both during and after construction.		√	√
Detailed planting plan indicating location, species, size and quantity of all proposed plantings and ground cover. Improvements shall be shown in their final location and mature size. Include a plant list in chart form and description of the type and location of ground cover, walks, fences and mulches. Include a cost estimate for improvements. (This may be submitted as a separate sheet and is not required on the plans.)			√

(Ord. 480 §2.13, 2003; Ord. 607 §1, 2009)

Sec. 16-2-475. Prohibited plant materials list.

(a) The following list of trees are prohibited in the Town:
  (1) Russian olive (an invasive species that threatens native trees in
  (2) Lombardy poplar (susceptible to canker-forming fungi for controls).
  (3) Siberian elm (can dominate native vegetation, especially in disturbed areas; is weak-wooded and subject to continuous dieback when large; can be devastated by the elm leaf beetle).
  (4) Boxelder maple (primary host plant of the Boxelder bug).
  (5) Cotton-bearing cottonwood. The Board of Trustees will consider cotton-bearing cottonwood on a case-by-case basis for restoration projects along riparian corridors (often considered a public nuisance).

(b) All plant species on the Colorado State Invasive and Noxious Weed List are prohibited. (Ord. 480 §2.13, 2003; Ord. 607 §1, 2009)

Sec. 16-2-480. Buffering and screening techniques.

(a) Intent. The intent of this Section is to integrate adjacent land uses and provide seamless transitions from one (1) use to another through the use of building orientation and access, landscaping and appropriate architectural elements.

(b) General provisions.
  (1) Special consideration shall be given to adjacent land uses of different intensities. The responsibility for buffering shall rest with the proposed land use, rather than with existing land uses. The developer shall ensure that the transition from one (1) use to another is attractive and functional and minimizes conflicts between the current and planned uses.
  (2) Buffering can be accomplished through the effective use of shared access and parking, appropriate building orientation and setbacks, landscaping, architectural treatment and limited use of fencing and screening walls. Special consideration shall be given to the impact of aesthetics, noise, lighting and traffic.
  Integrate adjacent land use through appropriate:
    1. building orientation and setback;
    2. landscaping;
    3. access;

4. architectural elements.

(3) Buffering may be required between any development and adjacent natural or environmentally sensitive areas. This will be determined on a case-by-case basis.

(4) Under no circumstances shall a fence be the only screening material used as a buffer between land uses.

(c) Location and screening of required loading and service areas.

(1) Loading docks, solid waste facilities, recycling facilities and other service areas shall be placed to the rear or side of buildings in visually unobtrusive locations.

(2) Screening and landscaping shall prevent direct views of the loading areas and their driveways from adjacent properties or from the public right-of-way. Screening and landscaping shall also prevent spill-over glare, noise or exhaust fumes. Screening and buffering shall be achieved through walls, architectural features and landscaping and shall be visually impervious. Recesses in the building or depressed access ramps may be used.

(d) Dumpsters.

(1) Every development that is required to provide one (1) or more Dumpsters for solid waste collection shall provide sites for such Dumpsters that are:

a. Located to facilitate collection and minimize any negative impact on persons occupying the development site, neighboring properties or public rights-of-way; and

b. Constructed to allow for collection without damage to the development site or the collection vehicle.

(2) All such Dumpsters shall be screened to prevent them from being visible to:

a. Persons located within any dwelling unit on residential property other than that where the Dumpster is located;

b. Occupants, customers or other invitees located within any building on nonresidential property other than that where the Dumpster is located; and

c. Persons traveling on any public street, sidewalk or other public way. (Ord. 480 §2.15, 2003; Ord. 607 §1, 2009)

Sec. 16-2-485. Fences and walls.

(a) Intent. The intent of this Section is to ensure that walls and fences are attractive and in character with the neighborhood. Recognizing that fences are used to create privacy, the Town encourages privacy fences (six-foot and solid) be located close to the house and not alongside and rear property lines.

(b) General provisions.

(1) Compatibility. Walls and fences shall be architecturally compatible with the style, materials and colors of the principal buildings on the same lot. If used along collector or arterial streets, such features shall be made visually interesting by integrating architectural elements such as brick or stone columns, varying the alignment or setback of the fence, softening the appearance of fence lines with plantings or through similar techniques. A fence or wall may not consist of a solid, unbroken expanse for more than fifty (50) feet for every seventy-five (75) feet of length, or portion thereof. See Section 16-2-835 of this Article for examples. Fence support posts should be constructed inside the fence and should not be visible from the outside of the fence, and all exterior fences made of wood shall be finished with a clear seal or left in their natural state. Decorative or ornamental fence support structures may be visible if approved by the Community Development Director.

(2) Materials.

a. Stone walls, or brick walls with a stone or cast stone cap, treated wood fences, decorative metal, cast iron fences, stucco walls and stone piers are encouraged. Solid walls and fences are permitted only in rear and side yards. Retaining walls are permitted where required for landscaping and approved with a final drainage plan for architectural purposes. Hedges may be used in the same manner and for the same purposes as a fence or wall. Refer to Section 16-2-835 of this Article for illustrations of fence styles that the Town is encouraging.

b. Fences used in front yards and adjacent to public streets alongside and rear yards shall be at least fifty percent (50%) open. Allowable fences are split rail, wrought iron, picket or other standard residential fences of a similar nature approved by the Building Inspector.

c. Solid fences shall be constructed to meet the wind design criteria of the adopted Building Code, using a basic wind speed of ninety-five (95) miles per hour.

d. Other materials may be incorporated in fences and walls as may be approved by the Town.

(3) Prohibited materials. Contemporary security fencing such as concertina or razor wire, barbed wire or electrically charged fences are prohibited unless specifically allowed by the Board of Trustees. Chain-link fencing with or without slats shall not be used, except as administratively approved for replacement, or extension of, existing chain-link fencing within the Town Subdivision on residential property in close proximity to existing chain-link fencing within the neighborhood. Chain-link fencing is prohibited in the Downtown area as per Subparagraph 16-2-721(d)(5)a.

(4) Retaining walls. Retaining walls shall be designed to resist loads due to the lateral pressure of retained material in accordance with accepted engineering practice and shall not be unsightly or detrimental to abutting property. Any retaining wall greater than forty-eight (48) inches in height shall be engineered and allowed only with prior approval from the Town.

(5) Height limitations. Fences or walls shall be:

a. No more than forty-two (42) inches high between the front building line and the front property line. Walls shall not be solid except for retaining walls. For corner lots, front yard fence regulations shall apply to both street sides of the lot.

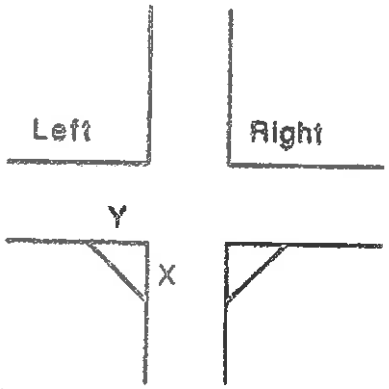
b. No more than forty-two (42) inches high if located on a side yard line in the front yard, except if required for demonstrated unique security purposes. Fences and walls shall not be solid, except for retaining walls.

c. No more than six (6) feet high for an opaque privacy fence located on a rear property line or on a side yard line in the rear yard.

d. No more than six (6) feet high for opaque privacy fences that are located directly adjacent to and integrated with the architecture of the house or connected to a courtyard.

e. No more than thirty (30) inches high when located within the site distance triangle, and fences or walls within this site distance triangle shall not be solid.

Sight Distance Table *Type of Street*	*Y Distance (in feet)*	*X Distance (in feet)*	*Safe Sight Distance (in feet)*
Arterial	Right 135' Left 270'	15'	500'
Collector	Right 120' Left 220'	15'	400'
Local	Right 100' Left 150'	15'	300'
Alley	Right 100' Left 150'	15'	-----



f. In the Industrial (I) District, a chain-link fence is permitted so long as it is not higher than six (6) feet anywhere on the premises, and the visibility at the intersection shall be in accordance with site triangle regulations. Additional landscaping must be installed to minimize the visual impact of the chain-link fence.

g. Fences around a recreation court (e.g., tennis, squash racket, squash tennis or badminton) or around a publicly owned recreation area may exceed six (6) feet in height if the fence is at least fifty percent (50%) open.

(6) Maintenance. Fencing shall be maintained in an acceptable appearance. Missing and broken segments of fence shall be repaired in a timely manner. Dilapidated, unsightly or dangerous fences shall be removed or repaired when so ordered by the Building Inspector. Hedges shall be maintained in a healthy condition, trimmed and pruned as appropriate for the plant type. Dead plant material in hedges shall be removed or replaced as appropriate when so ordered by the Building Inspector. Hedges shall not encroach upon sidewalks or street rights-of-way. The Town may repair and/or replace fencing or plants and bill the owner if the owner does not make repairs as ordered by the Building Inspector.

(7) Ornamental gates associated with fences will be allowed subject to approval by the Town.

(c) Warranty period. The warranty period for perimeter fences along arterial and collector streets shall be two (2) years. Provision for compliance shall be as outlined in the warranty section of the subdivision improvement agreement.

(d) Additional fencing requirements for the downtown area.

(1) Security or privacy fencing, not exceeding six (6) feet in height, located on the rear one-third (⅓) of the property and not visible from Broad Street, may be permitted if the use of the enclosed area and the design of the fence meets the intent of the downtown commercial standards. Chain-link fences shall not be allowed. Decorative fencing that is fifty percent (50%) open is encouraged.

(2) All exterior fences which are made of wood shall be finished with a clear seal or left in the natural color of the wood. Painted fences shall not be permitted.

(3) Fence support posts shall be constructed inside the fence and shall not be visible from the outside of the fence. Decorative or ornamental fence support structures may be visible if approved by the Community Development Director.

(4) Fencing shall be maintained in good repair and, when needed, shall be replaced with fencing that is equal to or better than the original fencing.

(5) The use of materials not customarily used for fencing shall not be permitted. (Ord. 480 §2.16, 2003; Ord. 607 §1, 2009; Ord. 643 §1, 2011)

Sec. 16-3-10. General provisions.
ARTICLE III
Zoning
Division 1 General

(a) In their interpretation and application, the provisions of these zoning regulations shall be held to be minimum requirements adopted for the promotion of the public health, safety, morals, convenience, comfort, prosperity and general welfare.

(b) Uniformity of Regulations. The regulations established by this Article within each zone shall apply uniformly to each class or kind of structure or land. Unless exceptions are specified in this Article, the following interpretations shall apply:

(1) No buildings, structure or land shall be used or occupied, and no building, structure or part thereof shall be erected, changed, constructed, moved or structurally altered unless in conformity with all of the regulations herein specified for the zone in which it is located. Where a lot is divided by a zoning district boundary line by the current official zoning map or by subsequent amendments to the zoning map, the zoning requirements may be extended within the lot for a distance of not more than twenty-five (25) feet.

(2) No building or other structure shall be erected or altered:
   a. To exceed the height limitations.
   b. To accommodate or house a greater number of families.
   c. To occupy a greater percentage of the area.
   d. To have narrower or smaller rear yards, front yards, side yards or other open spaces.

(3) No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Article, shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building unless specific exception therefore is stated in this Article. Exceptions may be granted by the Board of Trustees for infill development.

(4) No yard or lot existing or approved at the time of passage of this Code shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Code shall meet at least the minimum requirements established by this Code.

(5) Any use not permitted in a zone either specifically or by interpretation by the Board of Trustees per Section 16-3-210 of this Article is hereby specifically prohibited from that zone.

(6) The Town shall withhold building permits, occupancy certificates, final inspection certificates and any other certificates or permits provided for by any building code or other law, if a violation of this Article exists with respect to the land to which the permit or certificate pertains, or such a violation would exist upon the exercise of the privilege granted by the permit or certificate.

(7) No building shall hereafter be changed to a residential, business, commercial or industrial use, nor shall any new structure, building or land be occupied for a residential, business, commercial or industrial use unless the owner has first obtained a certificate of occupancy from the Building Official. Provided that the use is in conformance with the provisions of this Article, a certificate of occupancy shall be issued within a reasonable time after written notification that the building is ready for occupancy.

(8) The fact that land is zoned pursuant to this Article does not excuse compliance with Town subdivision regulations and community design and development standards.

(c) Conflict with Other Provisions of Law. Whenever the requirements of this Article are at a variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the more restrictive or that imposing the higher standards shall govern.

(d) Conflict with Private Covenants or Deeds. In case of a conflict between this Code and any private restrictions imposed by covenant or deed, the responsibility of the Town of Milliken shall be limited to the enforcement of this Code. When provisions within this Code are more restrictive than those imposed by covenant or deed, or when any such private instruments are silent on matters contained within this Code, the provisions of this Code shall rule.

(e) Zoning of Annexed Territory.

(1) Zoning of land during annexation may be done in accordance with the procedure and notice requirements of this Section. The proposed zoning ordinance shall not be passed before the date when the annexation ordinance is passed.

(2) Any area annexed shall be brought under the provisions of this Section and the map there under within ninety (90) days from the effective date of the annexation ordinance, despite any legal review that may be made challenging the annexation. During such ninety-day period, or such portion thereof as is required to zone the territory, the Town shall refuse to issue any building permit for any portion or all of the newly annexed area.

(f) Previous Zoning Ordinance. At the effective date of the initial code, all territory in the Town had been zoned pursuant to an earlier zoning ordinance that had been amended from time to time. That earlier code, as it existed on the effective date of the initial code, will be referred to hereinafter as the "Zoning Ordinance." The zoning district classifications are assigned to the territory of the Town pursuant to the zoning map. The Zoning Ordinance and the last zoning map hereunder are hereby made a part of this Article, in order to facilitate application of the nonconforming use provisions of this Article and of certain additional provisions of this Article.

(g) Administrative Official. The Town Clerk shall administer this Article, with the assistance from other Town employees. The Town Clerk is referred to as the "administrative official" in this Article. The function of administering this Article shall include, but not necessarily be limited to, reviewing proposed construction projects and other proposed land use activities to determine compliance with this Article; interpreting words, phrases and concepts contained herein; obtaining factual material needed for making decisions which this Article requires to be made; and performing other duties specifically or impliedly delegated to the administration official by other sections of this Article.

(h) Enforcement Official.

(1) The Town Clerk shall be responsible for enforcing compliance with this Article. The Town Clerk may designate other Town employees assigned to the Town Clerk's office to assist him or her. The Town Clerk is also referred to as the "enforcement official" in this Article.

(2) The enforcement official shall have authority to notify owners or occupiers of land in the Town of violations of this Article, and to issue orders requiring compliance within specified times, not longer than six (6) months unless a longer time is specified by the Zoning Board of Appeals.

(3) The enforcement official may initiate proceedings in the Municipal Court for the punishment of persons who violate this Article. The issuance of a notice or order pursuant to Paragraph (2) above shall not be a prerequisite to the initiation of any such proceeding in the Municipal Court. (Ord. 480 §3.1, 2003)

Sec. 16-3-20. Purpose.

The purpose of this Zoning Code is to create a vital, cohesive, well-designed community in order to enhance the Town of Milliken's small-town character and further the citizens' goals as identified in the Comprehensive Plan. These zoning regulations are designed:

(1) To promote the health, safety, aesthetics, morals and general welfare of the community;

(2) To lessen congestion in the streets and enhance pedestrian and vehicular movement with the least detriment to environmental quality;

(3) To secure the safety of the people against fire, panic, flood waters and other dangers;

(4) To provide adequate light and air, to prevent the overcrowding of land and to avoid the undue concentration of population;

(5) To regulate the location of activities and developments which could produce significant changes in population density;

(6) To classify land use and distribute land development and utilize in a way which will benefit the community; to regulate development and activities in hazardous areas; and to regulate the use of land on the basis of the impact thereof on the community and other surrounding areas;

(7) To provide, in conjunction with other laws and regulations, for transportation, water, schools, sewage treatment and other public requirements;

(8) To preserve mineral lands for needed development;

(9) To provide for phased development of government services and facilities and to aid in realizing the policies, objectives and goals of the Comprehensive Plan;

(10) To encourage innovations in land uses in order to take advantage of improvements in the technology of land use and development;

(11) To encourage and facilitate the orderly growth and expansion of the Town, while at the same time protecting the environment in a manner consistent with constitutional rights;

(12) To construct new domestic water and sewer systems in areas which result in minimal environmental damage;

(13) To permit extension of domestic water and sewage systems in those areas in which the anticipated growth and development that may occur as a result of such extension can be accommodated within the environmental and financial capacity of the area;

(14) To encourage traditional neighborhood residential mixed and multiple-use developments, so the growing demand for housing may be met;

(15) To protect the environmental and cultural heritage of the community; and

(16) To ensure quality development that will present and enhance the quality of life for residents of the Town. (Ord. 480 §3.2, 2003)

Sec. 16-3-460. PUD Planned Unit Development District.

(a) Intent.

(1) The intent and purpose of the Planned Unit Development (PUD) District is to permit and encourage innovative design and high quality, master-planned developments. This district is created to allow and encourage compatible uses to be developed in accordance with a unified development plan in harmony with the environment and surrounding neighborhood. The PUD District is intended to permit greater flexibility in the application of zoning and development standards and greater freedom in providing a mix of land uses in the development of a balanced community. PUDs are expected to preserve critical environmental resources, provide above-average open space and recreational amenities, include exceptional design and provide greater efficiency in the layout and provision of roads, utilities and other infrastructure.

(2) This Article is intended to supersede the provisions of, and prevent the application in this Town of, the Planned Unit Development Act of 1972 (Title 24, Article 67, C.R.S.), except that this Article shall not be deemed to supersede the Planned Unit Development Act of 1972, appearing as Article 67 of Title 24, C.R.S., with respect to the provisions of that act pertaining to the continued maintenance and upkeep of open space and other commonly owned areas and the consequences of failing to maintain such areas.

(b) Permitted Uses.

(1) Any combination of uses may be permitted in a PUD District so long as the Board of Trustees determines that such uses are compatible with one another and with any property that could reasonably be impacted by the development of any proposed PUD. Compatibility shall be determined based on the extent to which any proposed use of land within the PUD would unreasonably interfere with the use and enjoyment of any other use of land within the PUD. Factors which may be considered include the type and intensity of uses, the extent to which uses complement one another, the bulk of structures associated with use, and the noise, light, traffic, vibrations and other similar external impacts associated with each use.

(2) The density and/or intensity of development shall be based on the capacity of the land proposed for development to support the PUD as well as the impact of the proposed development on Town services and facilities and on neighboring property that reasonably could be impacted by the proposed development. Capacity of the land shall be determined based on the size, topography and geological and environmental limitations of the land proposed for development. Notwithstanding the foregoing, residential development shall not exceed a gross density of twelve (12) units per acre; commercial development shall not exceed a floor area ratio of 0.5; office development shall not exceed a floor area ratio of 4.0; industrial development shall not exceed a floor area ratio of 1.0. In a mixed-use PUD, the gross density shall be calculated based on the gross land area devoted to each type of use.

(c) PUD Restrictions and General Requirements. Properties utilizing the PUD District shall be subject to the following:

(1) All PUD applications shall include a gross land area of not less than two (2) acres, except in the R-M and R-MH Districts, where the gross land area shall not be less than six (6) acres. Upon the specific request of the landowner or upon the recommendation of the Board of Trustees, the two-acre requirement set forth in this Section may be waived if, after considering the land use requested, the Board of Trustees finds that such waiver would be beneficial to the Town and foster the objectives of this Code.

(2) The area of land for the PUD may be controlled by one (1) or more landowners and must be developed under unified control or a unified plan of development.

(3) Areas designated as private streets and/or common open space including land, an area of water or a combination of land and water within the site designated for a PUD shall be designed and intended primarily for the use or enjoyment of residents, occupants and owners of the PUD; and provisions shall be made for the establishment of an organization for the ownership and maintenance of such private streets and/or common open space areas unless other adequate arrangements for the ownership and maintenance thereof are provided in a manner acceptable to the Town.

(4) All requirements set forth in this Code otherwise applicable to the area of land proposed for a PUD shall govern, except to the extent that the unified plan of development for residential, commercial, educational, recreational or industrial uses or any combination thereof may propose exceptions in lot size, bulk, type of use,

density, lot coverage, open space or other standards within the existing land use regulations, except those development standards that are not open to modification (see Section 16-4-530 of this Code).

(5) No PUD may be approved by the Town without the written consent of the landowner whose property is included within the PUD.

(d) PUD Approval Procedure.

(1) All PUD District applications shall be submitted and processed simultaneously with the processing of subdivision applications for the property. The processes set forth in Sections 16-4-160 through 16-4-190 of this Code for major subdivisions shall be followed, including all preapplication conferences, Planning Commission visioning meetings, sketch plan, preliminary plat and final plat applications, and all required public hearings. Scheduling requirements for PUD applications shall match those specified for sketch plans and preliminary and final plats. In addition, an application for a PUD District amendment to the official zoning map shall be processed and subject to public hearings in the same manner as for other amendments to the official zoning map, as outlined in Section 16-3- 540 of this Code.

(2) Rezoning to a PUD District shall occur concurrently with a preliminary plat/ preliminary PUD development plan. Public hearings for the zoning of a property as a PUD District and for Preliminary PUD development plan approval may be combined or can occur separately. Development within a PUD District cannot occur unless and until a final plat for the portion of the property to be developed has been approved and recorded as provided in Article IV of this Chapter.

(3) Upon approval of a final PUD development plan, the Town, through its Board of Trustees, shall adopt an ordinance establishing the PUD District for the property in accordance with that plan.

(4) In addition to all of the information required as part of the sketch plan, preliminary plat and final plat application packages (as specified in Sections 16-4-160 through 16-4-190 of this Code), applications for a PUD development plan and PUD District shall include additional information as outlined below.

(e) Sketch PUD Development Plan Application Submittal Requirements.

(1) PUD application fee.

(2) Written PUD description as part of the general development information which includes:

a. List all subdivision regulation and community design and development standards exceptions proposed for the PUD and how the PUD complies with Section 16-2-20 of this Chapter.

b. Identify the underlying zoning districts for the property and describe any proposed modifications and/or restrictions to the allowed uses and/or standards within the districts. If any conditional uses are requested, explain how the conditional use review criteria (refer to Section 16- 3-500 of this Article) will be addressed.

c. Identify and explain the benefits which will be provided by the PUD to offset the impact of the modifications requested (i.e., if the minimum lot size is decreased, additional functional, centrally located common open space will be provided; or if the width of the local street right-of- way is decreased by eliminating on-street parking, then there will be designated parking areas within five hundred (500) feet of all residences, etc.). All proposed benefits must offset the proposed modifications.

d. Explain how the proposed PUD will be compatible with adjacent neighborhoods that now exist or are proposed in the future. Describe any proposed buffering techniques that serve to achieve such compatibility.

e. Provide any additional relevant information that the Town may deem necessary.

Preliminary PUD Development Plan Application Submittal Requirements.

(1) PUD application fee.

(2) Written PUD description as part of the general development information which includes:

a. List all subdivision regulations, community design and development standards and community design principle exceptions being proposed for the PUD and explain why such exceptions are justified.

b. Identify the underlying zoning districts for the property and describe any proposed modifications and/or restrictions to the allowed uses and/or standards within the districts. Provide a comparison between the proposed preliminary PUD plan to the elements and standards of the underlying zone districts as contained in this Code. If any conditional uses are requested, explain how the conditional use review criteria (refer to Section 16-3-530 of this Article) will be addressed.

c. Describe how the proposed PUD rezoning satisfies one or more of the criteria for amendments to the official zoning map (Section 16-3-530 of this Code).

d. Identify and explain the benefits that will be provided by the PUD to offset the impact of the modifications requested. The proposed benefits must offset the proposed modifications.

e. Explain how the proposed PUD will be compatible with adjacent neighborhoods that now exist or are proposed in the future. Describe buffering techniques that serve to achieve such compatibility.

f. An explanation of how the preliminary PUD development plan is consistent with the sketch PUD development plan, or if there are differences, the rationale for the changes.

g. Draft copies of owners' association documents (covenants, conditions, restrictions and any architectural design guidelines) that provide an acceptable program for the continuing maintenance of open space, recreational areas, walkways and private streets within the PUD; that detail the type of organizational structure responsible for such ongoing maintenance; and that provide for architectural review based on the design guidelines.

h. Provide any additional relevant information that the Town may deem necessary.

(3) Preliminary PUD Development Plan Map. Prepare the preliminary PUD development plan map using the preliminary plat map as the base. Refer to Section 16-4-170 of this Code for drawing standards and format. Include on the base a clear graphic and/or written representation of:

a. All principal, conditional and accessory uses within each land use category within the PUD; i.e., single-family, multi-family, commercial, etc., either listed specifically or by reference to the zoning districts within the Town. In particular, note any modifications to the principal, conditional and accessory uses of the underlying zone districts.

b. Standards for principal and accessory uses within each land use category to include:

1. Minimum lot area.
2. Maximum lot coverage.
3. Maximum floor area ratio (total floor area to total lot area).

4. Maximum building height.
5. Parking requirements for principal, accessory and conditional uses.
6. Provide any additional relevant information that the Town may deem necessary.

(4) Proposed phasing for the development.

(g) Final PUD Development Plan Application Submittal Requirements.

(1) PUD application fee.

(2) Written PUD description as part of the general development information, based on the materials submitted for the preliminary PUD development plan and on comments received from the Town at the time of preliminary plan review. Include all of the items listed above for the preliminary PUD development plan, in finalized form. Also include an explanation of how the final PUD development plan is consistent with the preliminary PUD development plan, or if there are differences, the rationale for the changes.

(3) Final PUD Development Plan Map. Prepare the final PUD development plan map using the final plat map as the base. Refer to Section 16-4-180 of this Code for drawing standards and format. See the Workbook for sample certificates for the owner, Planning Commission, Board of Trustees and Clerk and Recorder. Include on the base a clear graphic and written representation of all of the information/items required for a preliminary PUD development plan as listed above, in finalized form.

(4) Provide any additional relevant information that the Town may deem necessary.

(h) PUD Review Criteria.

(1) Sketch PUD Development Plan Review Criteria. The following review criteria will be used by the Staff, Planning Commission and Board of Trustees to evaluate all PUD applications at the time of sketch PUD plan/sketch plan review:

a. The proposed benefits offset the proposed exceptions to the zoning and subdivision standards, and that such exceptions are in the best interest of the public health, safety and welfare.

b. The proposed PUD conforms to the PUD restrictions, and the proposed zoning is compatible with the surrounding land uses.

c. The PUD proposes creative and innovative design and high quality development, thereby protecting and promoting public safety, convenience, health and general welfare.

d. The uses and densities in the proposed PUD are compatible, and will be effectively integrated with adjacent neighborhoods that now exist or are proposed in the future.

e. The proposed PUD is in general conformance with the Comprehensive Plan, Community Design and Development Standards and the Johnstown/Milliken Parks, Trails, Recreation and Open Space Master Plan and the criteria as set forth in Section 16-2-20 of this Code.

f. One (1) or more of the criteria for amendment of the official zoning map has been satisfied.

(2) Preliminary PUD Development Plan Review Criteria. In addition to all of the review criteria for a sketch PUD development plan, the following review criteria will be used by the Town Staff and Board of Trustees to evaluate all PUD applications at the time of preliminary PUD plan/preliminary plat:

a. The preliminary PUD development plan is substantially consistent with the sketch development plan as approved by the Board of Trustees.

b. All sketch PUD development plan conditions of approval have been adequately addressed on the preliminary PUD development plan.

(3) Final PUD Development Plan Review Criteria. In addition to all of the review criteria for a preliminary PUD development plan, the following review criteria will be used by the Town Staff and Board of Trustees to evaluate all PUD applications at the time of final PUD plan/final plat:

a. The final PUD development plan is substantially consistent with the preliminary PUD development plan as approved by the Board of Trustees.

b. All preliminary PUD development plan conditions of approval have been adequately addressed on the final PUD development plan.

(i) Compliance with PUD District/Final Development Plan. The Board of Trustees may initiate the process to repeal the ordinance establishing the PUD District if:

(1) The project for which the PUD zone was established is not carried out pursuant to the approved final PUD development plan; provided, however, that the Board of Trustees may approve appropriate modifications to the final PUD development plan from time to time prior to completion of the proposed development; or

(2) Building activity for the PUD District has not commenced within a period of one (1) year after the effective date of the creating ordinance, unless otherwise approved by the Board of Trustees.

(j) Land Previously Zoned PUD. Any land previously zoned PUD, and partially developed prior to the date of adoption of this Code, may continue and complete such development under the terms and conditions of approval for that PUD; subject, however, to the provision that any major modifications, as determined by the Town, to that PUD shall require review and approval under the new requirements of this Code. (Ord. 480 §3.4, 2003)

Sec. 16-3-540. Amendments.

(a) Initiation of Amendments to Text or Official Zoning Map. The Board of Trustees may from time to time amend, supplement, change or repeal the regulations and provisions of this Article. Amendments to the text of this Code may be initiated by the Board of Trustees, Town Staff or Planning Commission, or by written application of any property owner or resident of the Town. Amendments to the zoning district map may be initiated by the Board of Trustees, Town Staff or the Planning Commission, or by a real property owner in the area to be included in the proposed amendment.

(b) General Rezoning of the Town. Whenever the zoning district map is in any way to be changed or amended incidental to or as part of a general revision of this Code, whether such revision is made by repeal of the existing zoning code and enactment of a new zoning code or otherwise, the requirement of an accurate survey map or other sufficient legal description of, and the notice to and listing of names and addresses of owners of real property in, the area of the proposed change, shall be waived. However, the proposed zoning map shall be available for public inspection in the Town Hall during regular business hours for fifteen (15) days prior to the public hearing on such amendments.

(c) Zoning Amendment Application Process.

(1) Step 1: Optional Preapplication Conference. The applicant may attend a preapplication conference with a representative from the Town. The purpose of the meeting is to discuss the zoning amendment, submittal requirements and review process.

(2) Step 2: Zoning Amendment Application Submittal. The applicant shall submit one (1) copy of the complete zoning amendment application package to the Town Clerk and shall request that the application be reviewed by the Planning Commission and Board of Trustees. Note: In the case of text amendments, only Items a and b are required.

a. Completed Land Use Application Form, Zoning Amendment – Technical Criteria Form (see Workbook), application fee and fee agreement.

b. Application Fee and Fee Agreement. A nonrefundable fee is collected to cover the cost of review by the Town Attorney, Town Engineer, Town Planner and any other expert whom the Town may wish to employ; and notice and publication expenses. Actual costs may exceed the deposit; in this case, the applicant is liable for costs in excess of the deposit. The Town shall provide the applicant with a copy of the most current fee schedule and fee agreement form.
c. Legal Notice Form. The applicant shall prepare the legal notice form and return it to the Town with an electronic copy of the legal description in MSWord™ format.
d. Mineral Rights Affidavit. The mineral rights affidavit must be current and must be dated no more than thirty (30) days before the date of the sketch plan application submittal.
e. A written description of the proposed change to the text of this Article, including the citation of the portion of the Article to be changed and the wording of the proposed change. The description must provide the rationale for the proposed change, citing specific difficulties with the existing text and similar provisions in zoning codes of other jurisdictions that support the rational of the proposed change. Particular attention should be given to addressing the criteria listed in Subsection (d) below.
f. A legal description for all property to be considered for rezoning.
g. Current proof of ownership in the form of title insurance issued with thirty (30) days of submission of the application (for zoning map amendments only).
h. A zoning amendment map of the area included in the proposed change, twenty-four (24) inches high by thirty-six (36) inches wide, with the following information:
    1. North arrow, scale 1" = 100' or 1" = 200', and date of preparation.
    2. The subdivision or block and lot name of the area to be zoned (if applicable) at the top of each sheet.
    3. Legal description of the area to be zoned (entire area and individual zoning districts). In unsubdivided property, zone boundaries shall be determined by a metes and bounds description.
    4. Location and boundaries, including dimensions, of the property proposed for rezoning. Note: Zone boundaries are to be the centerlines of physical streets, roads, highways, alleys, railroad rights-of-way and channelized waterways, or such lines extended.
    5. The acreage or square footage contained within the property proposed for rezoning.
    6. All existing land uses in the proposed rezoning area.
    7. Zoning and existing land uses on all lands adjacent to the proposed rezoning.
    8. The location and dimensions for all existing public rights-of-way, including streets, and centerlines of watercourses within and adjacent to the rezoning.
    9. The names of all adjoining subdivisions with lines of abutting lots, and departing property lines of adjoining properties not subdivided.
    10. Certificate blocks for the Surveyor, Planning Commission, Board of Trustees, and County Clerk and Recorder (see Workbook for examples).
    11. An AutoCAD™ drawing file (Release 12 or higher) of the zoning amendment map on 3½" IBM-formatted disk or by other acceptable electronic transfer shall also be provided.
i. A written statement describing the proposal and addressing the following points:
    1. Need for the proposed rezoning.

2. Present and future impacts on the existing adjacent zone districts, uses and physical character of the surrounding area.
3. Impact of the proposed zone on area accesses and traffic patterns.
4. Availability of utilities for any potential development.
5. Present and future impacts on public facilities and services, including but not limited to fire, police, water, sanitation, roadways, parks, schools and transit.
6. The relationship between the proposal and the Comprehensive Plan.
7. Public benefits arising from the proposal.

j. Surrounding and Interested Property Ownership Report. Provide the Town Clerk with a current list (not more than thirty [30] days old) of the names and addresses of the surrounding property owners (within three hundred (300] feet of the property), mineral interest owners of record, mineral and oil and gas lessees for the property and appropriate ditch companies. The applicant shall certify that the report is complete and accurate.

k. Public Hearing Notification Envelopes. Two (2) sets of stamped, addressed, certified (return receipt requested) envelopes. The envelopes shall have the Town's address as the mailing address and return address and the envelopes shall be addressed to the surrounding property owners (within three hundred [300] feet of the property), mineral interest owners of record, oil and gas lessees for the property and the appropriate referral agencies.

l. It is the applicant's responsibility to ensure that accurate and complete information is provided.

(3) Step 3: Zoning Amendment Application Certification of Completion. Within a reasonable period of time, Staff shall either certify that the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. The applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application (as specified in the Zoning Amendment Technical Criteria form) to the Town Clerk. The original application and all documents requiring a signature shall be signed in blue ink.

(4) Step 4: Final Staff Review and Report to Planning Commission. Staff shall complete a final review of the resubmitted materials and prepare a report to the Planning Commission explaining how the application is or is not consistent with the Criteria for Amendments to the Official Zoning Map or Criteria for Amendments to the Text of the Zoning Code.

(5) Step 5: Set Zoning Amendment Public Hearing and Complete Public Notification Process. The Town Clerk shall send notice of public hearing to the applicant, all property owners of record within three hundred (300) feet of the property in question, all mineral interest owners of record, oil and gas lessees for the property and the appropriate referral agencies no less than twenty-one (21) days before the initial Planning Commission public hearing. Such notice shall not be required for text amendments. The Town Clerk shall also publish notice in a newspaper of general circulation. For zoning map amendments, the Town Clerk shall prepare a public hearing notification sign to be posted on the property by the applicant. The applicant shall furnish to the Town an affidavit of posting on a form provided by the Town Clerk. The hearing may be held no less than thirty (30) days from the date of property posting and newspaper publication. If the zoning amendment request is accompanying another application that is scheduled for public hearings before the Planning Commission and Board of Trustees, one (1) public hearing may be held on both applications.

(6) Step 6: Planning Commission Public Meeting and Action on the Zoning Amendment. The Planning Commission shall hold a public hearing to review the zoning amendment based on the Criteria for Amendments to the Official Zoning Map or the Criteria for Text Amendments to the Zoning Code. The Planning Commission shall then make a recommendation to the Board of Trustees to approve, conditionally approve or deny the zoning amendment application.

(7) Step 7: Finalize Zoning Amendment Based on Planning Commission Comments. The applicant shall revise the zoning amendment application based on the Planning Commission's comments and submit it to the Town.

(8) Step 8: Notify Parties of Interest. Not less than twenty-one (21) days before the date scheduled for the initial Board of Trustees public hearing, Staff shall notify surrounding property owners within three hundred (300) feet, mineral interest owners of record, mineral and oil and gas lessees for the property and other interested parties. The notice shall include the time and place of the public hearing, the nature of the hearing, the location of the subject property and the applicant's name. Such notice shall not be required for text amendments.

(9) Step 9: Set Board of Trustees Public Hearing and Complete Public Notification Process. The Board of Trustees shall schedule a public hearing for the purpose of taking action on the zoning amendment. The Town Clerk shall publish notice in a newspaper of general circulation. The hearing may be held no less than thirty (30) days from the date of advertising.

(10) Step 10: Board of Trustees Public Hearing and Action on the Zoning Amendment. The Board of Trustees shall, after receiving the report and recommendations from the Planning Commission, hold a public hearing and act upon the proposed amendment. Following the required hearing, the Board of Trustees shall consider the comments and evidence presented at the hearing, evaluate the application in accordance with the criteria listed below and approve, approve with conditions or deny the application, in whole or in part. No petition for rezoning shall be granted where, within one (1) year preceding the date of filing of such petition with the Town Clerk, a petition for the same changes of the zoning district on the property described in such petition has been denied.

(11) Step 11: Post Approval Actions.

a. Upon approval of an amendment to the official zoning map by the Board of Trustees, the Town Clerk shall cause an appropriate revision of the official zoning map to be prepared for recording with the County Clerk and Recorder. In the event the zoning amendment was initiated by an interested party, the petitioner shall pay the Town's cost for the preparation of the revision to the official zoning map.

b. Upon approval of an ordinance amending, changing or repealing part of the text of this Article, the Town Clerk shall certify a copy of the ordinance and place it in the official records of the Town and make appropriate supplements to this Article.

c. The applicant initiating the official zoning map amendment shall have thirty (30) days after approval of the amendment by the Board of Trustees to submit to the Town Clerk two (2) Mylar copies and three (3) blueline copies of the approved zoning amendment map for recording, along with the recording fees and all other costs billed by the Town relative to the zoning amendment. A licensed surveyor or engineer shall prepare the zoning amendment map. Inaccurate, incomplete or poorly drawn plans shall be rejected. In addition, the petitioner shall submit one (1) eleven (11) inch by seventeen (17) inch Mylar reduction of the zoning amendment map and an AutoCAD™ drawing file (Release 12 or higher) of the

zoning amendment map on 3½" IBM-formatted disk, or by other acceptable electronic transfer.

d. Within thirty (30) days of receipt of the zoning amendment map, the Town Clerk shall review the documents for compliance with the Board of Trustee's approval, obtain the Town officials' signatures and submit the approved zoning amendment map and the ordinance amending the official zoning map to the County Clerk and Recorder's Office for recordation.

(d) Criteria for Amendments to Official Zoning Map. For the purpose of establishing and maintaining sound, stable and desirable development within the Town, the official zoning map shall not be amended except:

(1) To correct a manifest error in an ordinance establishing the zoning for a specific property;

(2) To rezone an area or extend the boundary of an existing district because of changed or changing conditions in a particular area or in the Town generally;

(3) The land to be rezoned was zoned in error and as presently zoned in inconsistent with the policies and goals of the Comprehensive Plan;

(4) To further the implementation of the goals and objectives of the Comprehensive Plan.

(f) Map – Amendment upon Zoning Establishment or Modification. Upon enactment of any ordinance annexing and establishing zoning or modifying existing zoning for any property, and upon final passage thereof, the Town shall amend the prior existing official maps to include the annexed area with the proper zoning classification or show the amended classification, as the case may be. Such updated, current official map shall contain, in table form, the date and number of the ordinance amending it, the date the map was amended to reflect each amendment and the initials of the person who checked and approved the change to the map. (Ord. 480 §3.11, 2003; Ord. 522, 2005)

ARTICLE IV
Subdivision Regulations
Division 1 General

Sec. 16-4-10. General provisions.

(a) The provisions of this Article, in conjunction with Article III, Zoning, of this Chapter, shall apply to any and all development of land within the municipal boundaries of the Town, unless expressly and specifically exempted or provided otherwise in these Regulations. No development shall be undertaken without prior and proper approval or authorization pursuant to the terms of these Regulations in conjunction with the Zoning Code. All development shall comply with the applicable terms, conditions, requirements, standards and procedures established in these Regulations in conjunction with the Zoning Code.

(b) Except as herein provided, no building, structure or land shall be used and no building or structure or part thereof shall be erected, constructed, reconstructed, altered, repaired, moved or structurally altered except in conformance with the regulations herein specified, nor shall a yard, lot or open space be reduced in dimensions or area to an amount less than the minimum requirements set forth herein.

(c) These Regulations, in conjunction with the Zoning Code, establish procedural and substantive rules for obtaining the necessary approval to develop land and construct buildings and structures. Development applications will be reviewed for compliance with the Comprehensive Plan and with adopted regulations, policies, plans, standards and other guidelines. (Ord. 480 §4.1, 2003; Ord. 620 §1, 2010)

Sec. 16-4-20. Intent.

This Article is designed and enacted for the purpose of promoting the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants of the Town by:

(1) Encouraging new subdivision developments to relate to the Town's historic development pattern.

(2) Promoting compact, well-defined, sustainable neighborhoods that enhance the Town's character.

(3) Creating livable neighborhoods that foster a sense of community and reduce dependency on private vehicles.

(4) Encouraging the proper arrangement of streets in relation to existing or planned streets and ensuring streets are safe, efficient and pleasant for walking, biking and driving.

(5) Providing a variety of lot sizes and housing types in every neighborhood.

(6) Protecting sensitive natural and historic areas and the Town's environmental quality.

(7) Providing for adequate and convenient open space for traffic, utilities, access of fire apparatus, recreation, light, air and for the avoidance of congestion of population.

(8) Providing open spaces for adequate storm water management.

(9) Providing adequate spaces for educational facilities.

(10) Providing protection from geologic hazards and flood-prone areas.

(11) Ensuring compliance with the Zoning Code, the Comprehensive Plan and all other adopted plans, and the community design principles and development standards contained in Article II of this Chapter.

(12) Encouraging development to utilize green building techniques and ideas and alternative sources of energy.

(13) Regulating such other matters as the Board of Trustees may deem necessary in order to protect the best interest of the public. (Ord. 480 §4.2, 2003; Ord. 620 §1, 2010)

Sec. 16-4-30. Administration.

(a) All plans of streets or highways for public use, and all plans, plats, plots and replats of land laid out in subdivision or building lots, and the streets, highways, alleys or other portions of the same intended to be dedicated to a public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto, shall be submitted to the Planning Commission and/or Board of Trustees for review and subsequent approval, conditional approval or disapproval. No plat shall be recorded in any public office unless the same shall bear thereon, by endorsement or otherwise, the approval of the Planning Commission and/or Board of Trustees. Acceptance of proposed dedications by the public shall be given by separate action of the Board of Trustees.

(b) If final approval of a land use application is done by the Planning Commission, the Planning Commission may forward the application to the Board of Trustees if they deem necessary or the Board of Trustees so requests. (Ord. 480 §4.3, 2003; Ord. 620 §1, 2010)

Division 2 Subdivisions and Plats

Sec. 16-4-110. Major subdivisions.

(a) Definition. A major subdivision is permitted when any one (1) or more of the following conditions exist:

(1) The resultant subdivision will produce more than five (5) lots, or

(2) The resultant subdivision is larger than fifteen (15) acres.

(b) Major Subdivision Process. The major subdivision process is a three (3) step process: Sketch Plan, Preliminary Plat and Final Plat.

(c) The Sketch Plan and Preliminary Plat may occur simultaneously. Applications to conduct the Sketch Plan and Preliminary Plat concurrently shall include fees for the Sketch Plan and

Preliminary Plat and shall follow the Preliminary Plat submittal and review criteria. (Ord. 480 §4.4, 2003; Ord. 620 §1, 2010)

Sec. 16-4-160. Sketch plan.

(a) Sketch Plan Purpose. The sketch plan process is collaborative from the onset. The purpose of the sketch plan is two-fold. First, it provides the Town the opportunity to describe the Community's vision to the applicant. Second, it gives the applicant an opportunity to discuss his or her development plans, explain how the plans will further the Community's vision and obtain input and direction from the Planning Commission and Board of Trustees early in the process. The ultimate goal of this process is to help the applicant develop a plan that fosters the Community's vision.

(b) Sketch Plan Application Process.

(1) Step 1: Preapplication Conference. A preapplication conference with a representative from the Town is required before the applicant may submit a sketch plan application. The purpose of the meeting is to allow the applicant to discuss his or her ideas for developing the property and to give the Town the opportunity to communicate the Town's vision. Topics to be discussed will include:

a. The applicant's goals for the property.
b. Town vision and expectations.
c. Community Design Principles and Development Standards.
d. The character and quality of development the Town is seeking.
e. Town regulations and standards.
f. The application and review process.
g. Submittal requirements.
h. Schedule.

(2) Step 2: Sketch Plan Application Submittal. The applicant shall submit the complete sketch plan application package to the Town and shall request that the application be reviewed by the Planning Commission and Board of Trustees. The sketch plan application package shall include the following items:

a. Land Use Application Form.
b. Application Fee and Fee Agreement. A nonrefundable fee is collected to cover the cost of review by Town Staff and notice and publication expenses. A deposit and fee agreement is necessary to cover costs for review of any other expert whom the Town may wish to employ. Actual costs may exceed the deposit; in this case, the applicant is liable for costs in excess of the application fee according to the fee agreement. The Town shall provide the applicant with a copy of the most current fee schedule and fee agreement form.
c. Context/Vicinity Map. The context/vicinity map shall show the proposed development in relation to the surrounding area (one-half-mile radius around the property). The map shall be eleven (11) inches high by seventeen (17) inches wide and provide the following information:
    1. Title of project.
    2. North arrow.
    3. Boundary of proposed project.
    4. Existing (for developed land) or proposed (for vacant/agricultural land) land uses for the properties shown on the map (i.e., residential, commercial, industrial, park, etc.); label land use and whether it is existing or proposed.
    5. Major streets (show and label street names).
    6. Major ditches, rivers and bodies of water. Adjacent properties identified by subdivision name or zoning district.

d. Sketch Plan. The sketch plan shall be eleven (11) inches high by seventeen (17) inches wide and may be a freehand drawing in a legible medium that clearly shows:
   1. Title of project.
   2. North arrow, scale and date of preparation.
   3. Acreage of property.
   4. Location and approximate acreage of proposed land uses.
   5. Note indicating how the public/ semipublic dedication will be met (per Article II, Division 4 of this Chapter).
   6. Table providing the following information for each proposed land use area: total acreage; proposed density or floor area ratio; proposed number of dwelling units; and approximate size of proposed residential lots.
   7. Graphic and/or verbal explanation of how the property will be served with utilities.
   8. Floodplain boundary with a note regarding the source of information (if a floodplain does not exist on the property, please state this on the plan).
   9. Geologic hazard areas.
   10. Existing and proposed zoning on and around the property.
   11. Land use table. The table shall include land uses, approximate acreage of each land use and percentage of each land use.

e. General Development Information. Provide a written description of the existing conditions on the site and the proposed development. Include the following items in the description:
   1. Design rationale. Discuss how the development is connected to/integrated with surrounding area, how it responds to site features/constraints and how it is consistent with the community design principles and development standards in Article II of this Chapter. If it is not consistent with Article II, explain how the intent of the criteria in the Article is met.
   2. Proposed number of residential lots or dwelling units, typical lot width and depth, price ranges of lots and dwelling units (not needed if information is shown on the sketch plan).
   3. General description of plan for drainage and storm water management. (Refer to how the proposal complies with any adopted storm drainage design criteria that may be applicable).
   4. Water supply information including: the number of water taps needed; the amount of raw water that will be provided to the Town (consistent with Central Weld County Water District policy, if applicable) and the source of the water (if part of annexation, source of raw water).
   5. Statement indicating whether or not any commercial mineral deposits are located on the site.
   6. Description of any floodplain hazards on the site (only if additional information is needed than what is shown on the sketch plan map).
   7. Discuss how the proposed development complies with the Comprehensive Plan and the Johnstown/Milliken Parks, Trails, Recreation and Open Space Master Plan.

(3) Step 3: Planning Commission Visioning Meeting. This is intended to be a collaborative meeting between the Planning Commission and the developer to ensure that all new development is consistent with the community's goals and that issues are identified early in the development process. Topics that may be addressed in this meeting include:

a. How the proposed project is consistent with the community design principles and development standards in Article II of this Chapter, the Comprehensive Plan and the subdivision regulations in this Article).
b. The developer's goals and vision for the project.
c. How the proposed development incorporates variety in the type, design and siting of buildings.
d. How the proposed subdivision will be connected to and integrated with surrounding natural and developed areas.
e. How the project will impact neighboring properties (i.e., water drainage, traffic circulation, environmental impacts, view corridors).
f. How the design is cost-effective and environmentally responsive to site features and constraints and how potential impacts to natural systems will be mitigated.
g. How the design capitalizes on natural and cultural assets on and around the site to build a positive and distinctive identity.
h. How the proposal promotes the efficient use of land and public streets, utilities and governmental services.
i. Applicants should bring the following items to the meeting:
    1. Context/vicinity map which shows the proposed development in relation to the surrounding area (see this Section for details).
    2. Base map which shows the site features (such as topography, ditches, drainageways, wildlife habitat, trees and view corridors).
    3. Images (such as photographs, sketches and/or plans) which illustrate the project intention. For example, an applicant might bring pictures of:
        a) Important architectural elements (such as a porch, vertical windows, mother-in-law units);
        b) Proposed architectural styles;
        c) Ideas for landscaping features such as a xeriscape garden entryway;
        d) Streetscape components which contribute to the project's character;
        e) A special tree on the property;
        f) Examples of signs that promote the development's identity; and
        g) Anything else that illustrates what the developer is trying to create.

(4) Step 4: Sketch Plan Application Submittal. The applicant shall submit the complete sketch plan application package to the Town Clerk and shall request that the application be reviewed by the Planning Commission and Board of Trustees. The application must be submitted a minimum of three (3) weeks prior to the Planning Commission meeting at which the application will be reviewed. The sketch plan application package shall include the following items:
a. Land Use Application Form.
b. Subdivisions Technical Criteria Form (see Workbook).
c. Application Fee and Fee Agreement. A nonrefundable fee is collected to cover the cost of review by the Town Attorney, Town Engineer, Town Planner and any other expert whom the Town may wish to employ; and notice and publication expenses. Actual costs may exceed the deposit; in this case, the applicant is liable for costs in excess of the application fee according to the fee agreement. The Town shall provide the applicant with a copy of the most current fee schedule and fee agreement form.
d. Title Commitment. The title commitment must be current and the date must be no more than thirty (30) days from the date of sketch plan application submittal.

e. Mineral Rights Affidavit. The mineral rights affidavit must be current and must be dated no more than thirty (30) days before the date of the sketch plan application submittal.

f. Context/Vicinity Map. The context/vicinity map shall show the proposed development in relation to the surrounding area (one-half-mile radius around the property). The map shall be twenty-four (24) inches high by thirty-six (36) inches wide and provide the following information:
   1. Title of project.
   2. North arrow, scale (not greater than 1" = 1000') and date of preparation.
   3. Boundary of proposed project.
   4. Existing (for developed land) or proposed (for vacant/agricultural land) land uses for the properties shown on the map (i.e., residential, commercial, industrial, park, etc.); label land use and whether it is existing or proposed.
   5. Major streets (show and label street names).
   6. Existing public water and sewer lines and proposed connections.
   7. Regional open space/trail networks per the Johnstown/Milliken Parks, Trails, Recreation and Open Space Master Plan.
   8. Major ditches, rivers and bodies of water. Adjacent properties identified by subdivision name or zoning district.

g. Sketch Plan. The sketch plan shall be twenty-four (24) inches high by thirty-six (36) inches wide and may be a free-hand drawing in a legible medium that clearly shows:
   1. Title of project.
   2. North arrow, scale (not greater than 1" = 200') and date of preparation. (north shall be to the top of the page).
   3. Vicinity map.
   4. Legal description.
   5. Acreage of property.
   6. USGS topographic contours.
   7. Location and approximate acreage of proposed land uses.
   8. Existing easements and rights-of-way on or adjacent to the property.
   9. Existing streets on or adjacent to the property (show and label street name).
   10. Note indicating how the public/ semipublic dedication will be met (per Article II, Division 4 of this Chapter).
   11. Table providing the following information for each proposed land use area: total acreage; proposed density or floor area ratio; proposed number of dwelling units; and approximate size of proposed residential lots.
   12. Proposed collector and arterial streets.
   13. General locations of existing utilities on or adjacent to the property.
   14. Graphic and/or verbal explanation of how the property will be served with utilities.
   15. Location of any proposed sewer lift stations.
   16. Show how the development will tie into the regional trails network and how it complies with the Johnstown/ Milliken Parks, Trails, Recreation and Open Space Master Plan.
   17. Floodplain boundary with a note regarding the source of information (if a floodplain does not exist on the property, please state this on the plan).
   18. Geologic hazard areas.
   19. Existing and proposed zoning on and around the property.

20. Land use table. The table shall include land uses, approximate acreage of each land use and percentage of each land use.

h. Conceptual Landscape Plan. Refer to Section 16-2-485 of this Code for the conceptual landscape plan requirements.

i. Conceptual Open Space and Ecological Characterization Plan. Refer to Article II, Division 5 of this Chapter) for the conceptual open space plan and ecological characterization requirements.

j. General Development Information. Provide a written description of the existing conditions on the site and the proposed development. Include the following items in the description:

1. Design rationale. Discuss how the development is connected to/integrated with surrounding area, how it responds to site features/constraints and how it is consistent with the community design principles and development standards in Article II of this Chapter. If it is not consistent with Article II, explain how the intent of the criteria in the Article is met.
2. Proposed number of residential lots or dwelling units, typical lot width and depth, price ranges of lots and dwelling units (not needed if information is shown on the sketch plan).
3. General description of plan for drainage and storm water management. (Refer to how the proposal complies with any adopted storm drainage design criteria that may be applicable).
4. Water supply information including: the number of water taps needed; the amount of raw water that will be provided to the Town (consistent with Central Weld County Water District policy, if applicable) and the source of the water (if part of annexation, source of raw water).
5. Statement indicating whether or not any commercial mineral deposits are located on the site.
6. Description of any floodplain hazards on the site (only if additional information is needed than what is shown on the sketch plan map).
7. Discuss how the proposed development complies with the Comprehensive Plan and the Johnstown/Milliken Parks, Trails, Recreation and Open Space Master Plan.

k. Soils Report and Map. The report and map shall be based on USDA Soils Conservation Service information and discuss the existing conditions and any potential constraints/hazards. The report shall also address groundwater issues.

(5) Step 5: Application Certification of Completion. Within a reasonable period of time, Staff shall either certify that the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. The applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application to the Town. The original application and all documents requiring a signature shall be signed in blue ink.

(6) Step 6: Staff Review. Staff will complete a review of the submitted/resubmitted materials and then prepare a report to the Planning Commission explaining how the application is or is not consistent with the sketch plan review criteria.

(7) Step 7: Planning Commission Review and Recommendation. At the next available meeting, the Planning Commission shall review the sketch plan application and provide input regarding how well the project addresses the sketch plan review criteria. The Planning Commission shall make a recommendation to the Board of Trustees to approve, conditionally approve or deny the application.

(8) Step 8: Applicant Addresses Planning Commission Concerns/Conditions. The applicant shall revise the sketch plan based on the Planning Commission's conditions of approval and submit it to the Town.

(9) Step 9: Final Staff Review. Staff will complete a final review of the resubmitted materials and then prepare a report to the Board of Trustees explaining how the application is or is not consistent with the sketch plan review criteria.

(10) Step 10: Town Board Review. The sketch plan shall be presented to the Board of Trustees for its review and action (not less than three [3] weeks after the Planning Commission has reviewed the plan). The Board of Trustees may approve, conditionally approve or deny the sketch plan based on the sketch plan review criteria. Approval and conditional approval of a sketch plan shall be effective for one (1) year unless otherwise approved by the Board of Trustees. If the sketch plan is denied, the request or one that is substantially similar may not be heard by the Planning Commission or Town Board for a period of one (1) year from the date of denial unless otherwise approved by the Town Board. If a preliminary plat is not submitted within said time limit or an extension has not been granted, a sketch plan must again be submitted before action may be taken on a preliminary plat.

(c) Sketch Plan Review Criteria. The Town shall use the following criteria to evaluate the applicant's sketch plan application:

(1) The land use mix within the project conforms to the zoning district map and furthers the goals and policies of the Comprehensive Plan, including:

a. The proposed development promotes the Town's small-town, rural character;

b. Proposed residential development adds diversity to the Town's housing supply;

c. Proposed commercial development will benefit the Town's economic base;

d. Parks and open space are incorporated into the site design;

e. The proposed project protects the Town's environmental quality; and

f. The development enhances cultural, historical, educational and/or human service opportunities.

(2) The sketch plan represents a functional system of land use and is consistent with the rationale and criteria set forth in this Code, the Johnstown/Milliken Parks, Trails, Recreation and Open Space Master Plan, the Transportation Plan and the Comprehensive Plan.

(3) The utility and transportation design is adequate, given existing and planned capacities of those systems.

(4) Negative impacts on adjacent land uses have been identified and satisfactorily mitigated.

(5) There is a need or desirability within the community for the applicant's development and the development will help achieve a balance of land use and/or housing types within the Town, according to the Town's goals. (Ord. 480 §4.5, 2003; Ord. 620 §1, 2010)

Sec. 16-4-170. Preliminary plat.

(a) Purpose. The purpose of the preliminary plat is to provide the Town with an overall master plan for the proposed development.

(b) Preliminary Plat Application Process.

(1) Step 1: Preapplication Conference. A preapplication conference with a representative from the Town is required before the applicant may submit a preliminary plat application. Topics to be discussed will include:

a. The Town's regulations and standards;

b. The application and review process;

c. Submittal requirements; and
d. Schedule.

(2) Step 2: Preliminary Plat Application Submittal. Upon approval or conditional approval of the sketch plan, the applicant shall submit one (1) copy of the complete preliminary plat application to the Town. The application must be submitted a minimum of forty-five (45) days prior to the Planning Commission meeting at which the application will be reviewed. The application must be submitted not more than twelve (12) months after approval of the sketch plan unless otherwise approved by the Board of Trustees. The preliminary plat application package shall include the following items:

a. Land Use Application Form.
b. Subdivisions - Technical Criteria Form (from Workbook).
c. Legal Notice Form. The applicant shall prepare the legal notice form and return it to the Town with an electronic copy of the legal description in MSWord™ Format.
d. Application Fee and Fee Agreement. A nonrefundable fee is collected to cover the cost of review by Town Staff and notice and publication expenses. A deposit and fee agreement is necessary to cover costs for review of any other expert whom the Town may wish to employ. Actual costs may exceed the deposit; in this case, the applicant is liable for costs in excess of the deposit. The Town shall provide the applicant with a copy of the most current fee schedule and fee agreement form.
e. Title Commitment. The title commitment must be current and dated no more than thirty (30) days from the date of preliminary plat application submittal.
f. Surrounding and Interested Property Ownership Report. Provide the Town Clerk with a copy of a current (not more than thirty [30] days old) list of the names and addresses of the surrounding property owners (within three hundred [300] feet of the property), mineral interest owners of record, mineral and oil and gas lessees for the property and appropriate ditch companies. The applicant shall certify that the report is complete and accurate.
g. Mineral Rights Affidavit. The mineral rights affidavit must be current and must be dated no more than thirty (30) days before the date of the sketch plan application submittal.
h. Preliminary Plat. The preliminary plat shall be twenty-four (24) inches high by thirty-six (36) inches wide and provide the following information:
    1. Title of project.
    2. North arrow, scale (not greater than 1" = 100') and date of preparation.
    3. Vicinity map.
    4. Names and addresses of owners, applicant, designers, engineers and surveyors.
    5. Legal description.
    6. Total acreage of property.
    7. Existing contours at two-foot intervals (contours shall be based on USGS datum).
    8. Name and location of abutting subdivisions or owners of abutting property (if land is not platted).
    9. Lots, blocks and street layout with approximate dimensions and square footage for each lot.
    10. Consecutive numbering of all lots and blocks.
    11. Existing and proposed rights-of-way and easements on and adjacent to the property.
    12. Existing and proposed street names for all streets on and adjacent to the property.
    13. Existing and proposed zoning on and adjacent to property.

14. Location and size of existing and proposed sewer lines, water lines and fire hydrants. *(Note: The applicant must consult with the appropriate utility service providers regarding the design of all utilities through the subdivision.)*
15. Existing and proposed curb cuts on and adjacent to subject property.
16. Location by field survey or aerial photography of existing and proposed water courses and bodies of water such as irrigation ditches and lakes. Water courses shall include direction of flow.
17. Floodplain boundary with a note regarding source of information (if a floodplain does not exist on the property, please state this on the plan).
18. General location of existing surface improvements such as buildings, fences or other structures which will remain on the property as part of the subdivision.
19. Location and acreage of sites, if any, to be dedicated for parks, playgrounds, schools or other public uses.
20. Location, function, ownership and manner of maintenance of any private open space.
21. Land use table. The table shall include: land uses, approximate acreage of each land use and percentage of each land use (including how the public/ semipublic requirement will be met (per Article II, Division 4 of this Chapter).
22. Total number of lots.
23. Number of each type of dwelling unit proposed.

i. General Development Information. Provide a written description of the existing conditions on the site and the proposed development. Include the following items:
   1. Explanation of how the preliminary plat is consistent with the sketch plan, and if there are any differences, what they are and how the plan is still consistent with the community's vision.
   2. Explanation of how the items of concern expressed by the Planning Commission and Board of Trustees during the sketch plan review have been addressed.
   3. Explanation of how the plan is consistent with the Land Use Code and Comprehensive Plan.

j. Preliminary Grading and Drainage Plan and Report. This plan and report must be certified by a Colorado registered professional engineer, including storm drainage concepts such as locations for on-site detention or downstream structural improvements and soil erosion and sedimentation control plans and specifications. It must also discuss the impacts on and to any existing floodways and/or floodplains on and adjacent to the site as well as any FEMA applications required.

k. Master Utility Plan. This plan shall be prepared by a Colorado registered professional engineer. It is necessary that the engineer consult with the appropriate utility service providers regarding the design of all utilities through the subdivision.

l. Preliminary Landscape Plan. Refer to Section 16-2-485 of this Code for the preliminary landscape plan requirements.

m. Preliminary Open Space and Ecological Characterization Plan. Refer to Article II, Division 5 of this Chapter for the preliminary open space plan and ecological characterization requirements.

n. Traffic Study. This study must be prepared by a professional traffic engineer.

o. Draft of Proposed Covenants and Architectural Design Guidelines.

p. Mineral, Oil and Gas Rights Documentation. Evidence that the applicant has contacted all mineral rights owners and all lessees of mineral, oil and gas rights associated with the site by certified mail and is working towards resolution. Included in the evidence must be the name of the current contact person, his or her phone number and mailing address and a description of the issues.

q. Soils Report and Map. A copy of the soils report and map provided at the time of sketch plan must be provided.

r. Colorado Historical Society Records Search. At the discretion of the Staff or Board of Trustees, an applicant may be required to provide the Town with a Colorado Historical Society records listing of historically or archaeologically significant findings on the property being subdivided. If a listing shows a significant finding, a site-specific historic survey is required. The survey shall provide the following information:

1. Site identification:
   a) State site number;
   b) Site address;
   c) Site location/access;
   d) Type and description of finding (what is historic); and
   e) Owner's name and address.
2. Eligibility assessment for historic designation.
3. Statement of significance.
4. Management and administrative data:
   a) References;
   b) Photographs of the site;
   c) Maps of the site;
   d) Name, address, phone number and qualifications of person completing survey; and
   e) Date of completion of survey.

If, in coordination with the applicant, the Board of Trustees decides to protect an historic resource, a protection plan must be devised.

s. Draft Development Agreement. (See Sec. 16-4-550 of this Code for requirements).

t. Rare species occurrence survey (from U.S. Fish and Wildlife Service).

u. Letter from U.S. Fish and Wildlife Service certifying either there are no endangered species on the property or the project has an approved Habitat Conservation Plan or Mitigation Plan in place.

(3) Step 3: Application Certification of Completion. Within a reasonable period of time, Staff shall either certify that the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. The applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application to the Town. The original application and all documents requiring a signature shall be signed in blue ink.

(4) Step 4: Refer Application to Parties of Interest. Not less than twenty-eight (28) days before the date scheduled for the initial public hearing, the applicant shall send information about the application by regular mail to: adjacent municipalities, Weld County, mineral interest owners of record, mineral and oil and gas lessees for the property, appropriate referral agencies and other parties of interest. The referral information shall include the time and place of the public hearing, the nature of the hearing, the location of the subject property and the applicant's name.

(5) Step 5: Staff Reviews Application and Prepares Comments. Staff will complete a review of the preliminary plat based on the preliminary plat review criteria and referral comments received. Staff will then prepare a report identifying issues of concern for the applicant to address and forward this report to the applicant.

(6) Step 6: Applicant Addresses Staff Comments. The applicant shall submit the following to the Town:

a. Letter explaining how all of the comments have been addressed; and
b. Revised maps and other documents.

(7) Step 7: Staff Review. Staff will complete a review of the resubmitted materials and then prepare a report to the Planning Commission explaining how the application is or is not consistent with the preliminary plat review criteria and approved sketch plan.

(8) Step 8: Schedule Preliminary Plat Public Hearing and Complete Public Notification Process. The Planning Commission shall schedule a public hearing for the purpose of taking action on the preliminary plat. The Town shall publish notice in a newspaper of general circulation and send notice to neighboring property owners within three hundred (300) feet. The hearing may be held no less than twelve (12) days from the date of advertising.

(9) Step 9: Planning Commission Public Hearing and Recommendation. The Planning Commission shall hold a public hearing to review the application based on the preliminary plat review criteria. The Planning Commission shall then make a recommendation to the Board of Trustees to approve, conditionally approve or deny the application.

(10) Step 10: Applicant Addresses Planning Commission Conditions. The applicant shall revise the preliminary plat based on the Planning Commission's conditions of approval and submit it to the Town.

(11) Step 11: Final Staff Review. Staff will complete a final review of the resubmitted materials and then prepare a report to the Board of Trustees explaining how the application is or is not consistent with the preliminary plat review criteria.

(12) Step 12: Board of Trustees Action. The preliminary plat shall be presented to the Board of Trustees for its review and action (not less than three [3] weeks after the Planning Commission has reviewed the plan). The Board of Trustees may approve, conditionally approve or deny the preliminary plat based on the preliminary plat review criteria. Approval and conditional approval of a preliminary plat shall be effective for one (1) year unless otherwise approved by the Board of Trustees. If the plat is denied, the request or one that is substantially similar may not be heard by the Planning Commission for a period of one (1) year from the date of denial unless otherwise approved by the Planning Commission. If a final plat is not submitted within said time limit or an extension has not been granted, a preliminary plat must again be submitted before action may be taken on a final plat.

(c) Preliminary Plat Review Criteria. The Town shall use the following criteria to evaluate the applicant's request:

(1) The preliminary plat represents a functional system of land use and is consistent with the rationale and criteria set forth in this Code and the Comprehensive Plan.

(2) The application is consistent with the approved sketch plan and incorporates the Planning Commission's recommendations and conditions of approval.

(3) The land use mix within the project conforms to the zoning district map and furthers the goals and policies of both the Comprehensive Plan, the Transportation Plan and the Johnstown/Milliken Parks, Trails, Recreation and Open Space Master Plan, including:
a. The proposed development promotes the Town's small-town character;
b. Proposed residential development adds diversity to the Town's housing supply;
c. Proposed commercial development will benefit the Town's economic base;
d. Parks and open space are incorporated into the site design;
e. The proposed project protects the Town's environmental quality; and
f. The development enhances cultural, historical, educational and/or human service opportunities.

(4) The utility and transportation design is adequate, given existing and planned capacities of those systems.

(5) Negative impacts on adjacent land uses have been identified and satisfactorily mitigated.

(6) There is a need or desirability within the community for the applicant's development and the development will help achieve a balance of land use and/or housing types within the Town, according to the Town's goals. (Ord. 480 §4.6, 2003; 620 §1, 2010)

Sec. 16-4-180. Final plat.

(a) Final Plat Purpose. The purpose of the final plat is to complete the subdivision of land consistent with the technical standards.

(b) Final Plat Application Process.

(1) Step 1: Preapplication Conference. A preapplication conference with a representative from the Town is required before the applicant may submit a preliminary plat application. Topics to be discussed will include:

a. Conditions, if any, of approval of the Preliminary Plat;

b. he application and review process;

c. Submittal requirements; and

d. Schedule.

(2) Step 2: Final Plat Application Submittal. The final plat application shall conform to the preliminary plat as approved at the public hearing and shall address all conditions of approval required by the Board of Trustees. The final plat application for the first phase of development must be submitted not more than twelve (12) months after approval of the preliminary plat unless otherwise approved by the Board of Trustees. In addition, the application must be submitted a minimum of forty-five (45) days prior to the Planning Commission meeting at which the application will be reviewed. The applicant shall submit one (1) copy of the complete final plat application package to the Town and shall request that the application be reviewed by the Planning Commission and Board of Trustees. The final plat application shall include:

a. Land Use Application Form.

b. Subdivisions – Technical Criteria Form (from Workbook).

c. Legal Notice Form. The applicant shall prepare the legal notice form and return it to the Town with an electronic copy of the legal description in MSWord™ Format.

d. Application Fee and Fee Agreement. A nonrefundable fee is collected to cover the cost of review by the Town Staff and notice and publication expenses. A deposit and fee agreement is necessary to cover costs for review of any other expert whom the Town may wish to employ. Actual costs may exceed the deposit; in this case, the applicant is liable for costs in excess of the deposit. The Town shall provide the applicant with a copy of the most current fee schedule and fee agreement form.

e. Title Commitment. The title commitment must be current and dated no more than thirty (30) days from the date of final plat application submittal.

f. Surrounding and Interested Property Ownership Report. Provide the Town Clerk with a copy of a current (not more than thirty [30] days old) list of the names and addresses of the mineral interest owners of record, mineral and oil and gas lessees for the property and appropriate ditch companies. The applicant shall certify that the report is complete and accurate.

g. Mineral Rights Affidavit. The mineral rights affidavit must be current and must be dated no more than thirty (30) days before the date of the sketch plan application submittal.

h. Final Plat. The final plat drawing shall comply with the following standards:

1. The plat shall be prepared by or under the direct supervision of a registered land surveyor and meet applicable State requirements.
2. Parcels not contiguous shall not be included in one (1) plat, nor shall more than one (1) plat be made on the same sheet. Contiguous parcels owned by different parties may be included on one (1) plat, provided that all owners join in the dedication and acknowledgment.
3. Lengths shall be shown to the nearest hundredth of a foot and bearings shall be shown in degrees, minutes and seconds.
4. The perimeter survey description of the proposed subdivision shall include at least one (1) tie to an existing section monument of record and a description of monuments. The survey shown shall not have an error greater than one (1) part in ten thousand (10,000).
5. Bearings, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line, not inside, with the lot dimensions.
6. All signatures shall be made in black drawing ink.
7. The final plat shall be twenty-four (24) inches high by thirty-six (36) inches wide and shall provide the following information:
   a) Title of project.
   b) North arrow, scale (not greater than 1" = 100') and date of preparation.
   c) Vicinity map.
   d) Legal description.
   e) Basis for establishing bearing.
   f) Names and addresses of owners, applicant, designers, engineers and surveyors.
   g) Total acreage of subdivision.
   h) Bearings, distances, chords, radii, central angles and tangent links for the perimeter and all lots, blocks, rights-of-way and easements.
   i) Lot and block numbers, numbered in consecutive order, and square footage of each lot or tract.
   j) Excepted parcels from inclusion noted as "not included in this subdivision" and the boundary completely indicated by bearings and distances.
   k) Existing and proposed rights-of-way in and adjacent to the subject property (labeled and dimensioned).
   l) Existing and proposed street names for all streets on and adjacent to the property.
   m) Existing and proposed easements and their type in and adjacent to the subject property (labeled and dimensioned).
   n) Location and description of monuments.
   o) Floodplain boundary with a note regarding source of information (if a floodplain does not exist on the property, please state this on the plat).
   p) Signature block for the registered land surveyor certifying to accuracy of boundary survey and plat. Town will provide format.
   q) Signature block for certification of approval by the Board of Trustees with a signature for the Mayor and Town Clerk. Town will provide format.

r) Signature blocks for utility providers. Town will provide format.
s) Certification of ownership and dedication of streets, rights-of-way, easements and public sites. Town will provide format.

i. General Development Information. Provide a written description confirming that the final plat conforms with the preliminary plat. (In addition, the description shall address how the proposed development conforms with the community design principles and development standards in Article II of this Code.)

j. Complete Engineering Plans and Specifications.

1. Construction Plans and Profiles. The plans and profiles shall be prepared by a registered professional engineer licensed in the State, shall be twenty-four (24) inches high by thirty-six (36) inches wide and provide the following information:
   a) The horizontal to vertical scales shall be chosen to best depict the aspects of the design.
   b) Minimum horizontal scale: 1" = 100'.
   c) Minimum vertical scale: 1" = 10'.
   d) The typical road geometric and structural cross-section is to be shown on each plan sheet.
   e) The plan must show right-of-way lines and widths, road names, lot lines, tangent lengths and bearings, curve radii, delta angles, curve lengths, chord lengths and bearings, stationing at all beginnings of curves and ends of curves, intersections, structures, angles, curb lines, cross pans, traffic control devices (islands, striping, signs, etc.), drive cuts, curb returns and radii and all other features to enable construction in accordance with approved standards and standard engineering practice. Construction plans shall also include water, sewer, sanitary sewer and any other utilities such as irrigation ditches. (Note: The developer/owner is responsible for coordinating with the appropriate dry utility companies [i.e., gas, electric, telephone, cable]).
   f) The profiles shall include ground lines, grade lines of curb and gutter or centerline of street elevation at point of intersection of vertical curves, intersections and other critical points, structures and all other features required to enable construction in accordance with approved standards.
   g) Signature blocks for all utility providers unless otherwise provided in agreement form.
2. Structure Details. Sufficient data shall be given to construction of major structures and road appurtenances such as bridges, culverts, gutters, drives, walks, cross pans, etc.; detail shall include orientation line and grade, cross-sections, dimensions, reinforcement schedules, materials, quality specification, etc.
3. Sewage Collection and Water Supply Distribution Plans, Profiles and Specifications. The plans, profiles and specifications shall be prepared by a registered professional engineer and shall be accompanied by written approvals from the applicable water and sanitation district.
4. Final Drainage Plans and Reports. Based upon the approved preliminary drainage plan, a final report is to be submitted in accordance with

applicable storm drainage design criteria as determined at the initial preapplication conference. The plan and report must provide:

a) Cross-sections of each water carrier showing high water elevations for one-hundred-year run-off and adjacent features that may be affected thereby.
b) Written approvals, as may be required, from other agencies or parties that may be affected by the drainage proposals (i.e., FEMA, Weld County, ditch companies).
c) Supporting calculations for run-offs, times of concentration and flow capacity with all assumptions clearly stated with proper jurisdiction when needed or requested.
d) Erosion control plans, when required to be submitted as a result of preliminary plan review.

5. Final Grading Plan. The final grading plan shall be twenty-four (24) inches high by thirty-six (36) inches wide and illustrate existing and proposed contours and lot and block grading details (per FHA requirements if FHA insured).
6. Soils Reports. The soils reports shall detail special foundation requirements (shall be submitted after overlot grading is complete) and pavement design (may be submitted prior to building permit).
7. Final Street Lighting Plan. A final street lighting plan shall be prepared in conjunction with electric utility and the Town. The plan must specify the number, kind and approximate location of street lights.

k. Final Landscape Plan. Refer to Article II, Division 5 of this Chapter for the final landscape plan requirements.

l. Final Open Space and Ecological Characterization Plan. Refer to Article II, Division 5 of this Chapter for the final open space and ecological characterization plan requirements.

m. Special Documents (as needed):

1. Special improvement district documents.
2. Maintenance bonds.
3. Special agreements (as may be required by the Town).
4. Work in right-of-way permit (from Town).
5. Floodplain development permit (from Town).
6. Grading permit (from Town).
7. State Highway utility permit (from Colorado Department of Transportation).
8. State Highway access permit (from Colorado Department of Transportation).
9. Construction dewatering permit (from Colorado Department of Public Health and Environment).
10. 404 permit (from U.S. Army Corps of Engineers) or letter from the U.S. Army Corps of Engineers stating no permit is required for this project.
11. Air Pollution Emission Notice (APEN) (from Colorado Department of Public Health and Environment).
12. Work in ditch right-of-way permit (from individual ditch companies).
13. Rare species occurrence survey (from U.S. Fish and Wildlife Service).
14. Letter from U.S. Fish and Wildlife Service certifying either there are no endangered species on the property or the project has an approved Habitat Conservation Plan or Mitigation Plan in place.

15. Subdivision agreement for public improvements. This agreement assures construction of the required improvements. This document shall be signed by the developer and the Town, the signatures shall be notarized and the document shall be recorded by the Town Clerk with the County Clerk and Recorder.
16. General warranty deed. This deed conveys to the Town all public lands other than streets shown on the plat or, in lieu of a deed, a check in an amount to be determined by the Town.
17. Improvements guarantee. Cash, certified check or a letter of credit from a bank in Colorado or other acceptable collateral in the amount stipulated to in the subdivision agreement or other agreements or contracts, posted in favor of the Town in an amount sufficient to assure construction of public improvements for either part or all of the plat, as the Board of Trustees shall determine.
18. Approved adjudication of water rights and a plan of augmentation (if applicable).
19. Protective covenants, homeowners association (HOA) documents, articles of incorporation for HOA and architectural design guidelines finalized and in a form for recording. If there are open space areas to remain in private ownership within the subdivision, the HOA documents must have in place a mechanism which will assure maintenance will be funded in perpetuity.
20. FEMA approved applications (i.e., Conditional Letter of Map Revisions [CLOMR] or Letter of Map Revisions [LOMR]).
21. Documentation showing who will own and maintain the open space.
22. Documentation for dedication of public sites for open space or other civic purposes.

n. "Clean" Final Plat for Addressing.
   1. Title of project.
   2. North arrow, scale (not greater than 1" = 100') and date of preparation.
   3. Vicinity map.
   4. Lot and block numbers, numbered in consecutive order.
   5. Rights-of-way and street names.
   6. Property boundary o. Public Hearing Notification Envelopes. Provide the Town Clerk with two (2) sets of stamped, addressed, certified (return receipt requested) envelopes. The envelopes shall have the Town's address as the mailing address and return address and the envelopes shall be addressed to the surrounding property owners (within three hundred [300] feet of the property), mineral interest owners of record, mineral and oil and gas lessees for the property and the appropriate referral agencies (as discussed in the preapplication conference).

p. Block Diversity Plan. Refer to Section 16-2-40 of this Chapter for the plan requirements.

(3) Step 3: Application Certification of Completion. Within a reasonable period of time, Staff shall either certify that the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. The applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application to the Town. The original application and all documents requiring a signature shall be signed in blue ink.

(4) Step 4: Refer Application to Parties of Interest. Not less than twenty-eight (28) days before the date scheduled for the initial Planning Commission public hearing, the applicant shall send information about the application by regular mail to: adjacent municipalities, Weld County, mineral interest owners of record, mineral and oil and gas lessees for the property, appropriate referral agencies and other parties of interest. The referral information shall include the time and place of the public hearing, the nature of the hearing, the location of the subject property and the applicant's name.

(5) Step 5: Staff Reviews Application and Prepares Comments. Staff will complete a technical review of the final plat based on the Town's final plat review criteria and referral comments received. Staff will then prepare a report identifying any issues of concern that the applicant will need to address and forward this report to the applicant.

(6) Step 6: Applicant Addresses Staff Comments. The applicant shall address all of the Staff comments, then submit the following to the Town:
   a. Letter explaining how all of the comments have been addressed; and
   b. Revised maps and other documents.

(7) Step 7: Staff Review. Staff will complete a review of the resubmitted materials and then prepare a report to the Planning Commission explaining how the application is or is not consistent with the final plat review criteria.

(8) Step 8: Planning Commission Review and Recommendation. At the next available meeting, the Planning Commission shall review the Final Plat application and shall make a recommendation to the Board of Trustees to approve, conditionally approve or deny the application.

(9) Step 9: Applicant Addresses Planning Commission Conditions. The applicant shall revise the final plat based on Planning Commission's conditions of approval and submit it to the Town.

(10) Step 10: Final Staff Review. Staff will complete a final review of the resubmitted materials and then prepare a report to the Board of Trustees explaining how the application is or is not consistent with the final plat review criteria.

(11) Step 11: Notify Parties of Interest. Not less than twenty-one (21) days before the date scheduled for the initial Board of Trustees public hearing, Staff shall notify: surrounding property owners within three hundred (300) feet, mineral interest owners of record, mineral and oil and gas lessees for the property and other parties of interest. The referral information shall include the time and place of the public hearing, the nature of the hearing, the location of the subject property and the applicant's name.

(12) Step 12: Schedule Final Plat Public Hearing and Complete Public Notification Process. The Board of Trustees shall schedule a public hearing for the purpose of taking action on the final plat. The Town Clerk shall publish notice in a newspaper of general circulation. The hearing may be held no less than thirty (30) days from the date of advertising.

(13) Step 13: Board of Trustees Review and Action. The finalized final plat shall be presented to the Board of Trustees for its review and action. The Board of Trustees shall review the final plat based on the final plat review criteria. If approved, the Board of Trustees shall adopt the plat by ordinance and the Town shall request two (2) original Mylars and five (5) paper copies of the final plat ready for the Mayor and Clerk to sign and then record. Submitted Mylars shall have all signatures except the Town's prior to submittal to the Town. The Town will provide the finalized subdivision agreement for the applicant to sign.

(14) Step 14: Record Final Plat. One (1) original Mylar of the final plat shall be recorded by the Town in the office of the County Clerk and Recorder. The recording fee shall be

paid by the developer. The Final Plat shall be recorded at the same time as the approved Subdivision Improvement or Development Agreement if one is required.

(15) Step 15: Post-Approval Actions. Prior to recording the final plat the applicant shall submit the following documentation to the Town Clerk:

a. List of Contractors. List of all contractors that will be performing the improvements.

b. Proof of Insurance. Proof of workers' comprehensive insurance and liability insurance for each contractor.

c. Open Space Deed Restriction. Areas designated as open space shall be protected by a deed restriction or other appropriate method to ensure that they cannot be subdivided or developed in the future and will remain as open space in perpetuity.

d. Other Certificates, Affidavits, Enforcements or Deductions as required by the Planning Commission or Board of Trustees.

e. Evidence that all conditions of approval have been met.

f. A copy of the paid final invoice demonstrating that all review fees have been paid.

g. Five (5) sets of stamped final engineering drawings for the public improvements.

(c) Final Plat Review Criteria. The Town shall use the following criteria to evaluate the applicant's request:

(1) The final plat conforms to the approved preliminary plat and incorporates recommended changes, modifications and conditions attached to the approval of the preliminary plat unless otherwise approved by the Board of Trustees.

(2) The development will substantially comply with the community design principles and development standards as set forth in Article II of this Chapter.

(3) All applicable technical standards have been met. (Ord. 480 §4.7, 2003; 620 §1, 2010)

Sec. 16-4-550. Subdivision improvements and development agreements.

(a) A subdivision improvement agreement stating the developer agrees to construct any required public improvements shown in the final plat documents, together with collateral which is sufficient, in the judgment of the Board of Trustees, to make reasonable provision for the completion of said improvements in accordance with design and time specifications, will be required. No subdivision plat shall be signed by the Town or recorded at the office of the County Clerk and Recorder, and no building permit shall be issued for development until a subdivision improvement agreement between the Town and the developer has been executed. Such agreement shall include a list of all agreed-upon improvements, an estimate of the cost of such improvements, the form of guarantee for the improvements and any other provisions or conditions deemed necessary by the Board of Trustees to ensure that all improvements will be completed in a timely, quality and cost-effective manner. A subdivision improvement agreement shall run with and be a burden upon the land described in the agreement.

(b) Other agreements or contracts setting forth the plan, method and parties responsible for the construction of any required public improvements shown in the final plat documents may also be required.

(c) As improvements are completed, the subdivider shall apply to the Board of Trustees for inspection of improvements. Upon inspection and approval, the Board of Trustees shall notify the subdivider that there is a two-year guarantee period before release of funds. If the Board of Trustees or respective special district determines that any of the required improvements are not constructed in compliance with specifications, it shall furnish the subdivider with a list of specific deficiencies and shall be entitled to withhold collateral sufficient to ensure such compliance. If the Board of Trustees determines that the subdivider will not construct any or all of the improvements or remedy the deficiencies in accordance with all the specifications, the Board of Trustees may withdraw and employ from the deposit

of collateral such funds as may be necessary to construct the improvements or remedy deficiencies in accordance with the specifications.

(d) The following improvements shall be constructed unless waived by the Board of Trustees:
(1) Road grading and surfacing.
(2) Curbs.
(3) Streetlights.
(4) Sidewalks.
(5) Sanitary sewer collection system.
(6) Storm sewers or storm drainage system, as required.
(7) Potable water distribution, including fire hydrants.
(8) Utility distribution system for public parks and open space.
(9) Street signs at all street intersections.
(10) Permanent reference monuments and monument boxes.
(11) Underground telephone, electricity and gas lines.
(12) Berm or fence along major arterial and collector streets.
(13) Required landscaping.
(14) Street trees.
(15) Underdrains.
(16) Required floodway improvements.
(17) Required irrigation ditch improvements.

(e) Time for Completion. The required time for the completion of all required improvements shall be two (2) years from the recording date of the final map or plat. However, the Board of Trustees may extend such time for completion upon request from the subdivider. Upon completion of such improvements within the required time and approval thereof by the Board of Trustees, the Town shall cause the cash or letter of credit to be released within thirty (30) days of the Town's acceptance of such improvements and receipt of the required as-built drawings. When such improvements are not completed within the required time, the Town may cause the proceeds of the cash or letter of credit to be used to complete the required improvements.

(f) Warranty. All workmanship and materials for all required improvements shall be warranted by the subdivider for a period of two (2) years from the date of the Town's acceptance of the required improvement; provided that any defects which are the result of public abuse, misuse or acts of God are not the responsibility of said subdivider. For perimeter fences that abut collector and arterial streets, the warranty period shall be two (2) years. The total amount of the guarantee shall be calculated as ten percent (10%) of the total estimated cost, including labor and materials, of all public improvements to be constructed. The Town shall not release the improvement guarantee until the Town has granted final acceptance of the improvements. In the event that any other provision of this Code or specifications adopted pursuant thereto requires a warranty of workmanship or materials for a different period of time, that provision requiring the longer period shall govern. The inspection or acceptance of any required improvement by the Town shall not relieve the subdivider of his or her warranty of workmanship and materials. (Ord. 480 §4.17, 2003; Ord. 620 §1, 2010)

REVIEW CRITERIA

Final Plat Review Criteria

The Town shall use the following criteria to evaluate the applicant's final subdivision plat application:

(1) The final plat conforms to the approved preliminary plat and incorporates recommended changes, modifications and conditions attached to the approval of the preliminary plat unless otherwise approved by the Board of Trustees.

The proposed Fossil Park subdivision is a single family residential development of 70 lots. Lot Holding Investments, LLC will be developing this residential development, so it will integrate seamlessly into the adjacent, existing Settler's Village and Colony Pointe residential neighborhoods The Fossil Park subdivision will be at the eastern edge of the Settlers Village subdivision. This new development plan will complement the neighborhood.

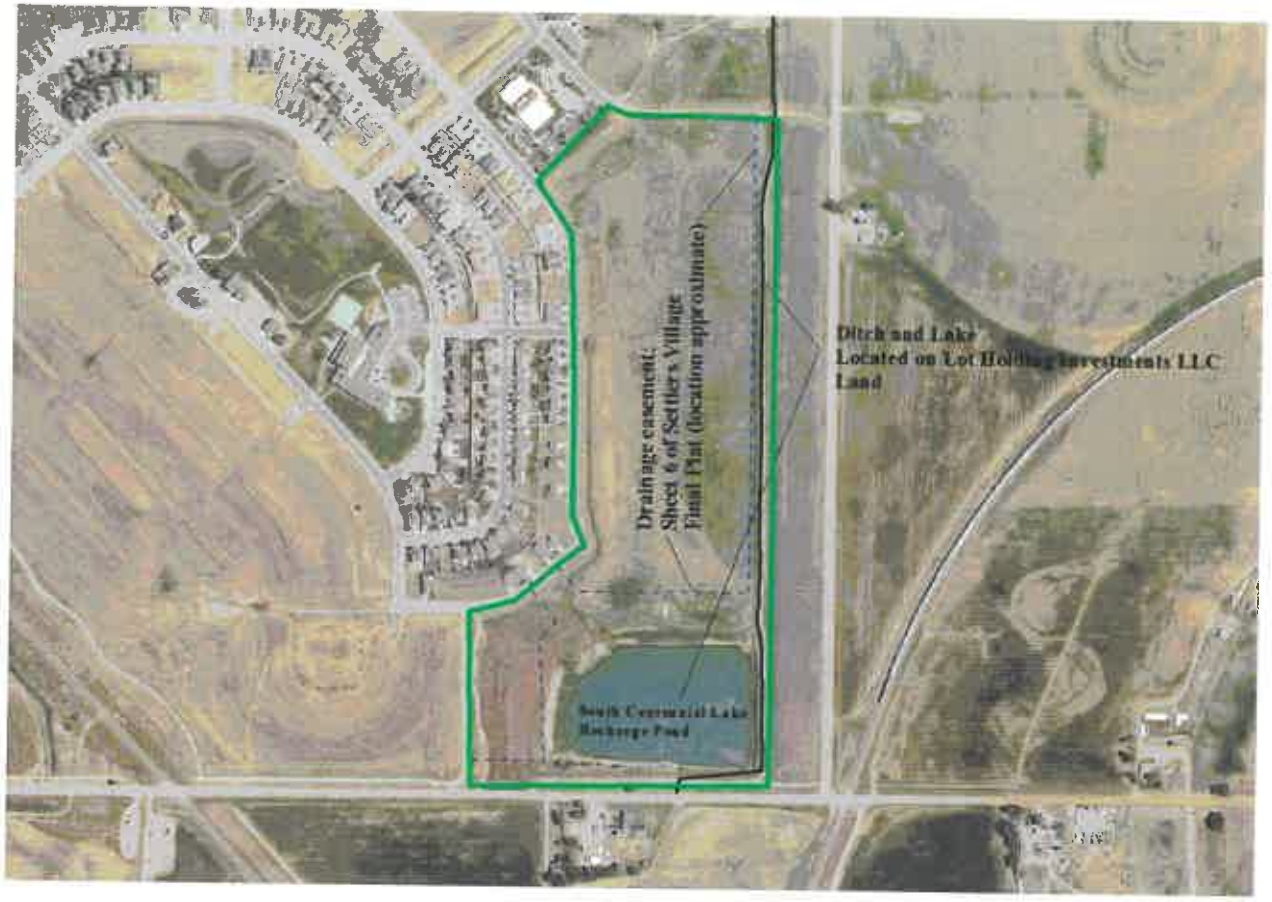
This planning is congruent with the Milliken's Envision Comprehensive Plan in encouraging cohesive neighborhoods around strong centers. The elementary school and Sappington Park provide a focal point for the neighborhood. In addition, Centennial Cooperative Park has developed into a recreational center with a swimming pool, a dog park, and other recreational amenities. Recently, the Thompson River Parks and Recreation District (TRPR) secured funding for the Milliken Field House. These attractions all provide a new opportunity for the residential neighborhood to enjoy another focal point or center of activity not only within this neighborhood, but allow new connections to be built within the rest of the community.

The design of the development contains many of the design principles, including street trees, sidewalk and trail connections; open space; and a variety of housing types. The housing block diversity will be reviewed and approved as the houses are built, which is the approval process being used for new residential construction in Settlers Village and Colony Pointe. The street trees that will anchor the buildings and soften the subdivision's landscape. The open space is approximately 21.3 acres requiring 186 trees and 1,237 shrubs. The house builders will also be providing street trees and shrubs per the Land Use Code, which together will total approximately 356 trees and 1,664 shrubs.

Town staff requested that many of the evergreen trees be replaced with ornamental/shade trees due to Milliken's poor, sandy soil and the evergreen's inability to thrive here. The applicant has agreed to work with staff and replace the pine trees with catalpa, hawthorn, linden trees or some other tree that staff agrees will grow well.

The site map should contain an irrigation plan showing the location of non-potable irrigation infrastructure, including the types of irrigation, delivery ditches or laterals, pipelines, ponds, and pumping facilities. In addition, the engineering design and construction schedule still needs to be finalized with the proposed water augmentation bypass pipeline and drainage pipelines and channels. These drainage facilities are required to properly drain the TRPR property and Fossil Park. The existing 80 foot drainage easement has been vacated and changed to Tract A in the Fossil Park subdivision as open space. The open space will allow for utilities, drainage, and access to the proposed regional trail from TRPR to County road. A lease agreement to use the Xcel Energy's easement is still required. The Metro District shall be maintaining all of the landscaping in the open space. All landscaping shall be installed and meet the requirements of

the Town's Land Use Code and shall become part of the development agreement.



Town staff is still waiting on the water plan. The water plan must list type of water rights to be used to satisfy the Town's requirements pursuant to Section 13-2-310(a) and Section 13-2-320(a) (all water supplied by potable system) and a list of the type of water rights to be used for the non-potable system that is consistent with Section 13-2-310(b) and Section 13-2-320(b). The list of water rights must include the name of the water right(s) and the number of shares or rights the applicant owns and plans to dedicate to satisfy raw water requirements.

United Civil Design Group, the engineering firm for Lot Holding Investments, has revised the final plat, the final construction plans, the final drainage study, and addressed most of Front Range Fire Rescue and Town staff's concerns. The engineers do not want to pave Dawner Lane since the Town's main water line loop and sewer line extension will hook into the subdivision from County Road 46 through Dawner Lane. Phase 6, which includes Dawner Lane will be the last phase to be built in the Fossil Park subdivision. Staff requests that for life safety reasons that Lot Holding grade, gravel and maintain Dawner Lane so it can be used as secondary/third access point for Settlers Village and Fossil Park off of County Road 46. Staff is concerned that the continued development of residential housing and the Milliken Field House recreational facility will create a demand, particularly with an accident on Highway 60, for additional access out of the subdivision.

United Civil Design Group was very meticulous about addressing staff concerns with the sketch/preliminary plat review. They itemized the changes they made in response to staff's concerns, clarified answers to staff's questions, and made changes to the construction plans and details. For example, the Public Works department asked that the concrete be at least 4000# mix with 1 ½" fiber mesh. The concrete around the manholes and valve boxes needs to be 4000# mix

with 3" fiber. All stormwater collection boxes shall be dowelled with #5 rebar on the sides that the sidewalks attach to. The ADA sidewalk ramps must meet current ADA regulations. The meter pit domes and curb stop boxes manufacturers needed to be added. The sanitary sewer and drainage slopes, adjustments, and other issues needed to be addressed. Many other requested changes were made. All these changes were made or added to the general notes in the construction plans, details, and other final plat documents.

All the water mains will be constructed as loops. The Phase 2 waterline will need to be constructed at the same time as Phase 1. The Phase 3 and Phase 4 waterlines will need to be constructed at the same time. The dead end main will be eliminated with Phase 6 when the utilities are hooked into the Town's water loop.

All of the public infrastructure shall be dedicated to the Town. The Town as part of its subdivision approval requires a development agreement to ensure the developer constructs the required public infrastructure to the Town's design specifications and construction standards pursuant to Section 16-4-550.

Fossil Park subdivision will be constructed in phases, so most likely Lot Holding Investments will provide cost estimates for each phase with financial collateral sufficient to complete these public improvements as part of the development agreement. The agreement shall include an itemized list of the improvements, the cost, and any additional conditions necessary to ensure the Town's formal acceptance. If the improvements are not completed within 2 years from the recording date of the final map or plat, the Town can complete the improvements using the financial collateral provided by the developer. A two year guarantee or warranty period exists before the Town releases the developer's funds and provides final acceptance of the subdivision. The development agreement runs with the land.

(2) The development will substantially comply with the community design principles and development standards as set forth in Article II of this Chapter.

The sketch/preliminary subdivision plat covered the community design principles and development standards within Milliken's Land Use Code. The proposed plan reinforces the identity of the community. It supports Milliken's Envision Comprehensive Plan policies and goals, which includes cohesive neighborhoods around strong centers and common open spaces with strong consideration given to pedestrian movement.

The Comprehensive Plan envisions neighborhoods as well-designed cohesive communities with pedestrian access and linages to parks, schools, public facilities, downtown commercial areas and the Milliken trail system. The design of the development contains many of the design principles, which include street, sidewalk and trail connections; tree lined streets; a variety of housing types; a transition from the commercial uses and multi-family housing proposed in Trader's Junction and Hacienda Villas along Highway 60, to TRPR and the other recreational activities in Centennial Cooperative Park, to less intense single family housing in Settlers Village, Colony Pointe, and Fossil Park with open space, landscaping, and trails that integrate these developments, soften the hardscape, and provide a transition between the public and the private realm.

(3) All applicable technical standards have been met.

United Civil Design Group was very meticulous about addressing staff concerns with the sketch/preliminary plat. They itemized the changes they made in response to staff's concerns, answered some questions, and made changes to the construction plans and details. As stated earlier, some items are still outstanding. The Town still needs a water plan; an irrigation plan; an engineering and a construction schedule for the proposed water augmentation bypass pipeline and drainage; an agreement to grade, gravel and maintain Dawner Lane; and cost estimates for the public infrastructure necessary to put together a development agreement.

The development agreement will define the details, standards, costs, schedule, and processes for installation of the infrastructure and formal Town acceptance of the public improvements for each phase of the development. It is in the best interest of the developer, the Town, the Metro District, and public that the process for accepting the subdivision is defined in the development agreement along with who financially is responsible for the long-term maintenance of each aspect or phase of the development pursuant to Section 16-4-550.

FINDINGS OF FACT

1. Lot Holding Investments, LLC., the property owner, is requesting approval of the final plat for Park Subdivision on Lot 2, Block 1 (Parcel ID#105912441002) of the Settlers Village Final Plat Second Filing and Lot 1, Block 5 of the Settlers Village Final Plat (Parcel ID#105912019001) in Milliken, Colorado.
2. Fossil Park consists of approximately 50 acres and sits vacant.
3. Fossil Park has never been platted.
4. The proposed Fossil Park subdivision is a single family residential development of 70 lots with R-1 "Single-Family" Residential zoning.

STAFF RECOMMENDATION

Staff recommends that the Planning and Zoning Commission approve the Final Plat for the purpose of developing the Fossil Park Subdivision on Lot 2, Block 1 of the Settlers Village Final Plat Second Filing and Lot 1, Block 5 of the Settlers Village Final Plat in Milliken, Colorado.

PLANNING AND ZONING COMMISSION APPROVAL

_____The Planning & Zoning Commission after hearing testimony, examination of the documents presented and the findings of fact finds the application MEETS the provisions of Town's Municipal Code Chapter 16 Sections et. seq. of the Town of Milliken's Land Use Development Code (LUDC) and APPROVES the request for the approval of Final Plat for the purpose of developing the Fossil Park Subdivision on Lot 2, Block 1 of the Settlers Village Final Plat Second Filing and Lot 1, Block 5 of the Settlers Village Final Plat in Milliken, Colorado with a recommendation for approval to the Town Board of Trustees.

or:

_____The Planning & Zoning Commission after hearing testimony, examination of the documents presented and the findings of fact finds the application DOES NOT MEET the provisions of Town's Municipal Code Chapter 16 Sections et. seq. of the Town of Milliken's Land Use Development Code (LUDC) and DENIES the request for the approval of the Final Plat for the purpose of developing the Fossil Park Subdivision on Lot 2, Block 1 of the Settlers

Village Final Plat Second Filing and Lot 1, Block 5 of the Settlers Village Final Plat in Milliken, Colorado without a recommendation for approval to the Town Board of Trustees.