Title 7 Development Code

Chapter 7.04 - General Provisions

Chapter 7.08 - Definitions

Chapter 7.12 - Development Application Review Authority

Chapter 7.16 - Development Review Procedures

Chapter 7.20 - Zone Districts and Official Zoning Map

Chapter 7.24 - Development Standards

Chapter 7.28 - Signs

Chapter 7.32 - Flood Regulations

Chapter 7.04 General Provisions

7.04.010 Short Title.
7.04.020 Authority.
7.04.030 Purposes.
7.04.040 Interpretation.
7.04.050 Computation of Time.
7.04.060 Applicability.
7.04.070 Applicability to Public Agencies.
7.04.080 Exemption for Essential Services.
7.04.090 Relationship to Comprehensive Plan.
7.04.100 Fees.
7.04.110 Transition to Hayden Development Code.
7.04.120 Nonconforming Uses and Structures.
7.04.130 Severability.
7.04.140 Save harmless clause.
7.04.150 Disclaimer of liability.
7.04.160 Violations.
7.04.170 Penalties.
7.04.180 Costs and Attorneys' Fees.
7.04.190 Enforcement Authority and Procedures.
7.04.200 Enforcement Actions and Remedies.
Title 7 Development Code

7.04.010 Short Title.

This Title shall be known and may be cited as the "Town of Hayden Development Code," or the "Development Code."


7.04.020 Authority.

The Hayden Development Code is adopted and enacted pursuant to the authority provided by Article XX of the Colorado Constitution and the Town of Hayden Home Rule Charter; Article 65.1 Areas and Activities of State and Local Interest, Article 65.5 Notification of Surface Development, Article 67 Planned Unit Development Act of 1972 and Article 68 Vested Property Rights of Title 24, Colorado Revised Statutes; Article 20 Local Government Regulation of Land Use of Title 29, Colorado Revised Statutes; and Article 12 Annexation—Consolidation—Disconnection, Article 15 Exercise of Municipal Powers, Article 16 Ordinances—Penalties, Article 20 Taxation and Finance, Article 23 Planning and Zoning and Article 25 Public Improvements of Title 31, Colorado Revised Statutes; and other applicable state and federal laws and regulations.

Whenever a section of the Colorado Revised Statutes cited in this Development Code is later amended or superseded, this Code shall be deemed amended to refer to the amended section or sections that most nearly corresponds to the superseded section.


7.04.030 Purposes.

The Development Code is intended to promote and achieve the following goals and purposes for the Hayden community, including the residents, property owners, business owners and visitors:

1. Divide the Town into zones, restricting and requiring therein the location, erection, construction, reconstruction, alteration and use of buildings, structures and land for trade, industry, residence and other specified uses; regulate the intensity of the use of lot areas; regulate and determine the area of open spaces surrounding such buildings; establish building lines and locations of buildings designed for specified industrial, commercial, residential and other uses within such areas; establish standards to which buildings or structures shall conform; establish standards for use of areas adjoining such buildings or structures;

2. Implement the goals and policies of the Comprehensive Plan and other applicable planning documents of the Town;

3. Comply with the purposes stated in state and federal regulations which authorize the regulations in this Development Code;

4. Avoid undue traffic congestion and degradation of the level of service provided by streets and roadways, promote the proper arrangement of streets in relation to existing and planned streets, promote effective and economical mass transportation, and enhance effective, attractive and economical pedestrian and biking opportunities;

5. Promote adequate light, air, landscaping and open space and avoid undue concentration or sprawl of population;

6. Provide a planned and orderly use of land, protection of the environment and preservation of viability, all to conserve the value of the investments of the people of the Hayden community and encourage a high quality of life and the most appropriate use of land throughout the municipality;
7. Prevent the inefficient use of land; avoid increased demands on public services and facilities which exceed capacity or degrade the level of service for existing residents; provide for phased development of government services and facilities which maximizes efficiency and optimizes costs to taxpayers and users; and promote sufficient, economical and high-quality provision of all public services and public facilities, including but not limited to water, sewage, schools, libraries, police, parks, recreation, open space and medical facilities;

8. Minimize the risk of damage and injury to people, structures and public infrastructure created by wild fire, unstable slopes, rock fall, mudslides, geologic, flood danger and other natural hazards;

9. Sustain water sources by maintaining the natural watershed, preventing accelerated erosion, reducing runoff and consequent sedimentation, eliminating pollutants introduced directly into streams and enhancing public access to recreational water sources;

10. Maintain the natural scenic beauty of the Hayden community in order to preserve areas of historical and archaeological importance, provide for adequate open spaces, preserve scenic views, provide recreational opportunities, sustain the tourist-based economy and preserve property values;

11. Promote architectural design which is compatible, functional, practical and complimentary to Hayden's environment;

12. Achieve innovation and advancement in design of the built environment to improve efficiency, reduce energy consumption, reduce emission of pollutants, reduce consumption of non-renewable natural resources and attain sustainability;

13. Achieve a diverse range of attainable housing which meets the housing needs created by jobs in the Town, provides a range of housing types and price points to serve a complete range of life stages and promotes a balanced, diverse and stable full time residential community which is balanced with the visitor economy;

14. Promote quality real estate investments which conserve property values by disclosing risks, taxes and fees; by incorporating practical and comprehensible legal arrangements; and by promoting accuracy in investment expectations; and

15. Promote the health, safety, morals and general welfare of the Hayden community.


7.04.040 Interpretation.

A. Conflict of Laws. In their interpretation and application, the provisions of this Development Code shall be held to be minimum requirements for the promotion of the public health, safety and welfare. Whenever the requirements of this Development Code are more or less restrictive than the requirement of any other lawfully adopted rules, regulations or ordinances, including any applicable state or federal regulations, the more restrictive regulation or the regulation imposing the higher standards shall govern.

B. Meanings and Intent. All provisions, terms, phrases and expressions contained in this Development Code shall be construed according to the stated purposes in this Development Code. All provisions, terms, phrases and expressions contained in this Development Code shall be construed according to the general purposes set forth in Section 7.04.030 and the specific purpose statements set forth throughout this Development Code. The stated purpose in a specific section of this Development Code shall control over the general purposes stated in Section 7.04.030 to the extent of any conflict in the stated purposes.

C. Headings, Illustrations and Text. In the event of a conflict or inconsistency between the text of this Development Code and any heading, caption, figure, illustration, table or map, the text shall control.
D. Lists and Examples. Unless otherwise specifically indicated, lists of items or examples that use terms such as "for example," "including," and "such as," or similar language are intended to provide examples and shall not be interpreted as exhaustive lists of all possibilities or requirements.

E. References to Other Regulations and Publications. Whenever reference is made to a resolution, ordinance, statute, regulation or document, it shall be construed as a reference to the most recent edition of such regulation, resolution, ordinance, statute, regulation or document, unless otherwise specifically stated.

F. Delegation of Authority. Any act authorized by this Development Code to be carried out by a specific official of the Town may be carried out by a designee of such official. The Manager shall be authorized to carry out any act or designate any official to carry out any act authorized by this Development Code.

G. Technical and Nontechnical Terms. Words and phrases not otherwise defined in this Development Code shall be construed according to the common and approved usage of the language. Technical words and phrases not otherwise defined in Chapter 7.08 which may have acquired a particular and appropriate meaning in law shall be construed and understood according to such meaning. The most recent version of Webster's Dictionary or the most recent version of Black's Law Dictionary may be used to interpret the definition of a word or phrase not defined in this Development Code.

H. Public Officials and Agencies. All public officials, bodies and agencies to which references are made are those of the Town of Hayden unless otherwise indicated.

I. Mandatory and Discretionary Terms. The words shall, must and will are always mandatory, and the words may, can, might and should are always discretionary.

J. Conjunctions. Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:
   1. And indicates that all connected items, provisions or events shall apply; and
   2. Or indicates that one (1) or more of the connected items, conditions, provisions or events shall apply.

K. Tenses and Plurals. Words used in one (1) tense (past, present or future) include all other tenses, unless the context clearly indicates the contrary. The singular shall include the plural and the plural shall include the singular.

L. Relationship to Third Party Agreement. The Development Code is not intended to repeal, abrogate, annul or in any way impair or interfere with existing provisions of private agreements or restrictive covenants running with land. Where the Development Code imposes a greater restriction than that of any other law, contract or deed, the provisions of the Development Code shall control. Nothing in the Development Code shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not excuse any failure to comply with the Development Code. In no case shall the Town be obligated to enforce the provisions of any easement, covenants or agreements between private parties.

M. Authority of Manager to Interpret. The manager has authority to render an interpretation or usage of terms used in this Development Code as applied to a specific development applications or activity or where such term or phrase is not defined in this Development Code. The manager shall use the rules of interpretation set forth in this section and shall render interpretations in writing upon request. The written interpretation of the manager may be appealed to the Council in accordance with Section 7.16.140, Appeal and Variance.

N. Any use of property which violates local, state or federal law is prohibited.

7.04.050   Computation of Time.

This section shall apply to the requirements and procedures of this Title 7. The time within which an act is required to be done shall be computed by excluding the first day and including the last day. If the last day is a Saturday, Sunday, an official holiday recognized by the State of Colorado or any official holiday recognized by the Town, the last day shall be deemed to be the next day which is not a Saturday, Sunday or official holiday. The failure of the Town to perform any act within the timeframe required for the Town shall not be deemed to be an automatic approval by the Town or a waiver of the Town's ability to review an application for development for compliance with the applicable standards and regulations.

The following time-related words shall have the following meaning:

"Day" means a calendar day unless working day is specified.

"Month" means a calendar month.

"Week" means seven (7) calendar days.

"Year" means a calendar year, unless a fiscal year is indicated.


7.04.060   Applicability.

A. Jurisdiction. The Development Code shall be effective throughout the Town's corporate boundaries. The Town's planning jurisdiction includes all land within the Town and the land within three (3) miles of the Town's corporate boundaries to the extent of the Town's major street plan, as adopted in the Hayden Transportation Plan. A copy of a map showing the boundaries of the Town and the area within the three-mile planning jurisdiction shall be available for public inspection in the Town Community Development Department offices.

B. Permit Requirement. The Development Code establishes procedural and substantive rules for obtaining the necessary approval to develop land and construct buildings and structures. Development applications will be reviewed for compliance with the Town's Comprehensive Plan, with the regulations and standards adopted in this Development Code or with such regulations as are applicable in this Municipal Code or state or federal law. Issuance of a building permit or grading permit is required prior to the commencement of any development in the Town, including grading property or erecting, constructing, reconstructing, altering, moving or changing the use of any building, structure or improvement within the Town. A permit shall not be issued until the plans for development of the proposed erection, construction, reconstruction, alteration, moving, use or grading fully conform to the land development regulations in effect at the time of submitting the permit.


7.04.070   Applicability to Public Agencies.

The provisions of the Development Code shall apply to all public bodies, districts and agencies of the federal, state, county and municipal governments to the extent permitted by law.

7.04.080   Exemption for Essential Services.

The normal maintenance by public utilities, special districts or municipal departments of underground, surface or overhead electrical, television, steam, gas, fuel, water, sewer or storm drainage transmission, collection or distribution systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar equipment in connection therewith are exempted from the application of this Development Code. Not included in the exemption granted by this section is the construction or alteration by public utilities or special districts of any aboveground systems or improvements within the right-of-way pursuant to Section 12.04.050 of this Municipal Code. Business offices and maintenance yards of such public utilities, special districts or municipal departments are not included in the exemption granted by this section.


7.04.090   Relationship to Comprehensive Plan.

A.  Implementation. It is the intention of the Town that the Development Code implements the planning policies adopted in the Comprehensive Plan (including related documents as all may be amended or updated from time to time as defined in Chapter 7.08) for the Town and its extraterritorial planning area. This Development Code and any amendment to it may not be challenged on the basis of any alleged nonconformity with the Comprehensive Plan.

B.  Binding. Pursuant to C.R.S. § 31-23-206, the Comprehensive Plan as defined in this Development Code shall be binding except as provided herein. Compliance or consistency with the Comprehensive Plan shall be a criterion for review of development applications as set forth in this Development Code. Persons other than the applicant shall not have any legal right or claim to challenge a determination by the Town of compliance or consistency with the Comprehensive Plan. Any language in the Comprehensive Plan document which states that any provision, guideline or policy is mandatory shall be subject to this section. This section shall apply and supersede any language contained in the Comprehensive Plan documents concerning interpretation and application of any Comprehensive Plan document. In all cases where compliance or consistency with the Comprehensive Plan is a criteria for review, the reviewing entity may determine that strict compliance with the Comprehensive Plan is not required under the following circumstances:

1.  The development application is consistent with the general goals and intent of the Comprehensive Plan, taking into consideration the unique circumstances of the property, market conditions and the current needs of the community;

2.  Strict compliance with multiple provisions of the Comprehensive Plan is not practical; and

3.  The procedures for amending the Comprehensive Plan are not beneficial as applied to the development application for the purpose of promoting public involvement, community planning, updating the Comprehensive Plan or adopting or clarifying the precedence of a decision.

C.  Prior Amendment Required. An amendment to the Comprehensive Plan will be required prior to any approval of a rezoning, PUD, subdivision or annexation approval where a development proposal would be in substantial conflict with the Comprehensive Plan. A substantial conflict shall be deemed to exist when a rezoning, PUD, subdivision or annexation proposal is not consistent with the Future Land Use Plan in the Comprehensive Plan. A substantial conflict may be found to exist when a rezoning, PUD, subdivision or annexation proposal is found to conflict with other goals and policies of the Comprehensive Plan.

7.04.100   Fees.

A. Fees. Reasonable fees sufficient to cover the costs of administration, peer review by professionals qualified in fields relevant to development applications, inspection, publication of notice and similar matters will be charged to applicants for all development applications. The council may adopt, amend and update a schedule of fees by resolution. The manager may require additional fees when deemed necessary and reasonable based on the nature and character of the review required or where unusual issues are presented which may require additional review. Fees for independent consultants and studies may include an additional fifteen percent (15%) charge for Town staff administration oversight, costs and supplies.

B. Pass-Through Accounts. All development applications shall be treated as pass-through accounts, unless otherwise stated in the schedule of fees adopted by the Council through a resolution, whereby the applicant shall be liable for all costs of review incurred by the Town. Additional review fees may be requested if the initial amount designated in the Fee Schedule is not sufficient for the cost of application review. Subsequent deposits may be required when eighty-five percent (85%) of deposits are expended. Upon request by the applicant, the Town shall provide an estimate of the cost for review of a development application. The manager may withhold processing and review of a development application where the applicant has not provided sufficient fees to continue or complete the application review. The Town shall return the balance of any unused application review fees when the application process is complete.

C. Payment in Full Required. All development applications shall be required to pay the Town in full for all costs incurred for the review of a development application. Payment in full to the Town of the costs incurred for development application review shall be a condition to each and every development application. The failure to pay the Town in full for the costs incurred for development application review within thirty-five (35) days of final approval shall render any such approval null and void. The council may waive this requirement, reduce fees or extend the time period for payment.

D. Interest on Delinquent Fees. Development application review fees and charges which are not paid within thirty (30) days of sending an invoice shall be deemed to be past due and shall bear interest at the rate of one percent (1%) per month.

E. Lien for Delinquent Fees. All delinquent development application review fees and charges, along with such interest that has accrued thereon, shall be subject to a lien on the property which the development application concerned, and all such delinquent charges may be certified to the Routt County Treasurer and may be collected and paid over to the Town by the Routt County Treasurer in the same manner as taxes are as authorized by Title 31, C.R.S.


7.04.110   Transition to Hayden Development Code.

A. Purpose. The purpose of this section is to clarify the status of properties with pending applications or recent approvals, as those terms are used below, and properties with outstanding violations, at the time of the adoption of the Development Code.

B. Effective Date. The provisions of the Development Code became effective on November 16, 2017. Development plans approved under previous regulations that received vested property rights by approval of the Council by ordinance shall be valid for the duration of that vested property right, provided that all terms and conditions of such vested right approval are followed. Existing legal uses that may become nonconforming by adoption of this Development Code shall become legal nonconforming uses subject to the provisions of this section.

C. Violations Continue. Any violation of the previous Titles 16 Hayden Land Use Code and Subdivision, shall continue to be a violation under the Development Code and shall be subject to the penalties and enforcement in this chapter.
D. Preliminary Subdivision and PUD Approvals. Preliminary subdivision and preliminary PUD approvals granted prior to the effective date of the Development Code shall be considered as approved pursuant to the Development Code. Preliminary subdivision and PUD approvals granted under the previous regulations shall be valid for two (2) years from the date of approval unless a vested right providing a longer period was granted by the Council by ordinance. Extensions of preliminary subdivision plats and preliminary PUD plans may be granted in accordance with subsection 7.16.020(H). Failure to obtain a final plat or final planned unit development plan approval in the allowed time shall result in the expiration of the preliminary plan. Applications for final subdivision plat and final planned unit development plan shall follow application submittal requirements and review procedures in this Development Code and shall be subject to the standards and review criteria in this Development Code, provided that this Development Code shall not be so applied as to alter, impair, prevent, diminish, impose a moratorium on development or otherwise delay the development or use of a site specific development plan with vested property rights as defined and approved by the Town.

E. Future Subdivisions. Large tracts or blocks of land contained within a recorded subdivision that were intended or designed for resubdivision into smaller tracts, lots or building sites when originally approved shall comply with all provisions of the Development Code.

F. Projects With Final Approval. Development projects with final approval that are valid on November 16, 2017 shall remain valid until their termination date. Projects with valid approvals or permits may be completed in conformance to the development standards in effect at the time of approval.

G. Active Building Permits. Any building or development for which a building permit was granted prior to November 16, 2017, shall be allowed to proceed to construction under the regulations in place when the building permit was issued. If the development for which the building permit is issued prior to November 16, 2017, fails to comply with the time frames for development established for the building permit, the building permit shall expire and future development shall comply with the requirements of the Development Code.

H. Violations, Enforcement and Penalties. A use, structure or lot not lawfully existing at the time of the adoption of the Development Code is deemed lawful and conforming as of the effective date of the Development Code if it conforms to all requirements of the Development Code. Payment shall be required for any civil penalty assessed under the previous code, even if the original violation is no longer considered a violation under the Development Code.


7.04.120 Nonconforming Uses and Structures.

A. Intent. Within the districts established by this Development Code or amendments thereto that may be adopted, there may exist lots, structures and uses of land and structures, which were lawfully established before this Development Code was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Development Code or by future amendment to the Development Code. It is the intent of this section to permit these nonconformities to continue until they are removed, abandoned or more than fifty percent (50%) destroyed. It is the further intent of this section that nonconforming structures and uses shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district, except as provided in this section.

B. Uses of Land. Where, at the time of the passage of this Development Code or amendment thereof, lawful use of land existed which would not be permitted by the regulations imposed by this Development Code, the use may be continued so long as it remains otherwise lawful, provided:

1. No such nonconforming use shall be enlarged or increased, nor extended to occupy greater area of land than was occupied at the effective date of adoption or amendment of this Development Code;
2. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Development Code;

3. Any such nonconforming use of land which ceases for any reason for a period of one (1) year shall be deemed abandoned, then any subsequent use of such land shall conform to the regulations specified by this Development Code for the district in which such land is located; and

4. No additional structure, not conforming to the requirements of this Development Code, shall be erected in connection with such nonconforming use of land.

C. Structures. Where a lawful structure existed at the effective date of adoption or amendment of the Development Code that could not be built under the terms of this Development Code by reason of restrictions on area, lot coverage, height, location on the lot or other requirements concerning the structure, such structure may continue to exist so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity;

2. Should fifty percent (50%) or more of such nonconforming structures or nonconforming portion of a structure be destroyed by fire or other disaster, it shall not be reconstructed except in conformity with the provisions of this Development Code unless a permit for repair or reconstruction of a damaged nonconforming structure is issued pursuant to subsection (D) below;

3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after having been moved;

4. Additions or alterations to a nonconforming structure which meet the requirements of the Development Code shall not be prohibited; and

5. Additions or alterations to a nonconforming structure in the Town Center zone district shall not be required to comply with building orientation, minimum setbacks or building entry requirements when compliance with such requirements is determined by the Town to not be practical or feasible.

D. Repair or Reconstruction of Nonconforming Structures. When compliance with the requirements of the Development Code may result in a hardship or burden, the owner of a nonconforming structure which is damaged by fire or other disaster by more than fifty percent (50%) of its replacement cost may apply to the Planning and Zoning Commission (Planning Commission) for a permit to repair or reconstruct the nonconforming structure. The decision of the Planning Commission may be appealed to the Council in accordance with Section 7.16.160. The Planning Commission shall use the criteria set forth in this section to review an application to repair or reconstruct a damaged nonconforming structure:

1. The damage to the nonconforming structure was not caused by the intentional act of criminal conduct of the owner of the nonconforming structure or the owner's agent or representative;

2. The repair or reconstruction of the damaged nonconforming structure as proposed by the applicant will not result in a greater degree of nonconformity than existed immediately prior to the structure being damaged;

3. The repair or reconstruction of the damaged nonconforming structure as proposed by the applicant will be compatible and consistent with the existing development character in the immediate vicinity of the damaged structure;

4. The damaged nonconforming structure has been brought into compliance with the requirements of the Development Code to the maximum extent practical; and
5. The continuation of the nonconformity would not threaten the health or safety of the Hayden community, would not present risk of damage or injury to property or persons and would not materially or adversely affect property values.

E. Uses of Structures or of Structures and Premises in Combination. If lawful use involving individual structures or of structures and premises in combination existed at the effective date of adoption or amendment of the Development Code that would not be allowed in the district under the terms of this Development Code, that use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this Development Code in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;

2. Any nonconforming use may not be extended throughout any parts of a building, unless such building was manifestly arranged or designed for such use at the time of adoption or amendment of the Development Code, but no such use shall be extended to occupy any land outside such building;

3. Any structure or structures and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district and the nonconforming use may not thereafter be resumed;

4. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for a period of one (1) year, the structure or structure and premises in combination shall not thereafter be used except in conformity with the regulations of the district in which it is located; and

5. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction, for the purpose of this subsection, is defined as loss of fifty percent (50%) or more of substantial damage to the structure.

F. Lot Reduction—Prohibition Against Establishing New Nonconforming Uses.

1. No lot or parcel of land, nor any interest therein, shall be transferred, conveyed, sold, subdivided or acquired either in whole or in part, so as to create a new nonconforming use, to avoid, circumvent or subvert any provision of this Development Code or so as to leave remaining any lot or width or area below the requirements for a legal building site as described in this Development Code; nor shall any lot or portion of a lot required for a legal building site under the provisions of this Development Code be used as a portion of a lot required as a site for another structure.

2. No building permit shall be issued for any lot or parcel of land which has been transferred, conveyed, sold, subdivided or acquired in violation of this section.


7.04.130 Severability.

If any court of competent jurisdiction invalidates any provision of the Development Code, then such judgment shall not affect the validity and continued enforcement of any other provision of the Development Code. If any court of competent jurisdiction invalidates the application of any provision of the Development Code, then such judgment shall not affect the application of that provision to any other building, structure or use not specifically included in that judgment. If any court of competent jurisdiction invalidates any condition attached to the approval of an application for development approval, then such judgment shall not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment.
7.04.140   Save harmless clause.

An applicant agrees to save the Town, its officers, employees and agents harmless from any and all costs, damages and liabilities that may occur or be claimed to occur by reason of any work performed as a result of any development approval granted by the Town.

7.04.150   Disclaimer of liability.

This Development Code shall not be construed as imposing upon the Town or any official or employee of the Town any liability or responsibility for damages of any kind to any person by reason of inspection authorized in the Development Code or failure to inspect or by reason of issuance of an application approval or building permit or by reason of pursuing or failing to pursue an action for injunctive relief.

7.04.160   Violations.

A.  Compliance Required. It is unlawful for any person to commence or any property owner or lessee to allow any development activity or subdivide land within the entire area of the Town without having first complied with the provisions of the Development Code. In the territory subject to subdivision jurisdiction beyond the municipal limits, it is unlawful for any person to subdivide land without having conformed with the major street plan of the Town, known as the "Town of Hayden Comprehensive Transportation Master Plan."

B.  Permit or Approval Based on Materially False Information. Any building permit or approval authorized by the Development Code that is issued in reliance upon any materially false statement in the development application or in supporting documents or oral statements is void from the beginning and shall be revoked.

C.  Transfer or Sale of Interest Prior to Final Subdivision Approval. It is unlawful for any person to transfer or sell or agree to sell any lot, tract, parcel, site, separate interest (including a leasehold interest), condominium interest, timeshare estate or any other division within a subdivision within the Town until such subdivision has been approved in writing by the Council and a plat thereof recorded in the office of the Routt County Clerk and Recorder. A written agreement to sell a condominium unit prior to final subdivision approval shall not constitute a violation of this section if: the written agreement is expressly conditioned upon approval of the Council of the final subdivision plat and all related documents, the preliminary plan has been approved by the Council, the building or property to be subdivided has received design review approval (if applicable), the written agreement provides that the prospective buyer or purchaser is entitled to terminate the written agreement and is entitled to receive the full amount of any monies deposited and the form of the written agreement has received approval by the Town Attorney prior to using the form of such written agreement with a prospective purchaser or buyer.

D.  Public Nuisance. Violations of this Code may coincide with actions or conditions that are identified as a public nuisance in Chapter 8.08—Nuisances of this Municipal Code. When that is the case, the Manager may proceed under this Development Code, as well as the procedures of Chapter 8.08.

E.  Persons Liable. The owner of property upon which any violation of this Development Code occurs shall be held responsible for the violation and be subject to the penalties and remedies provided in this section.
F. Violations Cumulative. Any person violating any of the provisions of the Development Code shall be deemed to have committed a civil infraction for each and every day or portion of a day during which any infraction is committed, continued or permitted.


7.04.170 Penalties.

Any person violating any of the provisions of the Development Code shall be prosecuted as a civil infraction and shall be subject to a civil fine up to one thousand dollars ($1,000.00) for each violation and each day that such violation continues to exist shall constitute a separate offense and violation. Any remedies provided for in this section shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law. The imposition of any penalty under this Development Code shall not preclude the Town or affected property owner from instituting any appropriate action or proceeding to require compliance with the provisions of this Development Code. All civil fines and penalties which are not paid within thirty (30) days, shall be subject to a lien on the property, and all such delinquent fines and penalties may be certified to the Routt County Treasurer and may be collected and paid over to the Town by the Routt County Treasurer in the same manner as taxes are as authorized by Title 31, C.R.S.


7.04.180 Costs and Attorneys' Fees.

Costs and attorneys' fees associated with enforcement and abatement shall be charged to the owner of property on which the violation has occurred. The cost of abating a violation of this Development Code shall include all direct and indirect costs of such abatement, plus the costs of collection and interest at the rate of one percent (1%) per month. Notice of the bill for abatement of the violation shall be mailed to the address of the property owner according to the Routt County Assessors recorders by certified mail and shall be payable within thirty (30) calendar days from the receipt thereof. If all such costs are not paid within thirty (30) days of the notice, such costs may be made a lien on the property and certified to the Routt County Treasurer and may be collected and paid over to the Town by the Routt County Treasurer in the same manner as taxes are as authorized by Title 31, C.R.S.


7.04.190 Enforcement Authority and Procedures.

A. Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of the Development Code or whenever the Manager has reasonable cause to believe that there exists in any building or upon any premises any violation of the Development Code, the Manager may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the manager by the Development Code. If such building or premises are occupied, the Manager shall first present proper credentials and demand entry. If such building or premises are unoccupied, the Manager shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. The Manager may be accompanied by an officer of the Police Department or other law enforcement officer.

B. Refusal of Entry. Should entry be refused, the Manager shall have recourse to every remedy provided by law to secure entry. When the Manager shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other person having charge, care or control of any building or premises shall fail or neglect, after proper demand is made as herein provided, to promptly permit entry therein by the manager for the purpose of
inspection and examination pursuant to the Development Code. Any person failing or refusing to permit entry shall be deemed to have committed a violation of this section.

C. Enforcement Procedures. If the Manager finds that any provision of the Development Code is being violated, the following actions may be taken:

1. Nonemergency Violations. In the case of violations of this Development Code that do not constitute an emergency or require immediate attention, written notice of the nature of the violation and required corrective action to be taken shall be given to the property owner, agent, occupant or to the applicant for any relevant permit. Notice shall be given in person, by certified U.S. Mail (return receipt requested) or by posting notice on the premises. The notice shall specify the Development Code provisions allegedly in violation and shall state that the individual has a period of thirty (30) days from the date of the notice of violation in which to correct the alleged violations before further enforcement action shall be taken. The notice shall also state any appeal and/or variance procedures available pursuant to this Development Code. In the event that the violation is not corrected and cured within thirty (30) days of the date of the notice of violation, the Manager shall refer the violation to the Town Attorney who shall promptly file a complaint in Municipal Court seeking penalties, injunction, abatement and such other remedies as may be appropriate.

2. Emergency Violations. In the case of violations of this Development Code that constitute an emergency as a potential imminent threat to health or safety of the public, to public infrastructure, to damage to other properties or to soil erosion or water quality degradation, the Manager may use the enforcement powers available under this Development Code without prior notice, but shall attempt to give notice simultaneously with beginning enforcement action or as soon thereafter as practicable. Notice may be provided to the property owner, agent, occupant or to the applicant for any relevant permit. The Manager shall refer the violation to the Town Attorney who shall promptly file a complaint in Municipal Court seeking penalties, injunction, abatement and such other remedies as may be appropriate.

3. Extension of Time for Correction. The Manager may grant an extension of the time to cure an alleged violation, up to a total of ninety (90) days, if the Manager finds that, due to the nature of the alleged violation, it reasonably appears that it cannot be corrected within thirty (30) days.


7.04.200 Enforcement Actions and Remedies.

A. Town Council. The Council may refer violations to the Town Attorney, direct the Building Official to issue a stop work order, set a hearing for revocation of a permit or take such other enforcement action set forth in this section.

B. Penalties. When a violation is referred to the Town Attorney by the Manager or the Council, the Town Attorney shall promptly file a complaint in Municipal Court or other court of competent jurisdiction seeking penalties, injunction, abatement and such other remedies as may be appropriate.

C. Deny/Withhold Permits. The Manager or Building Official may deny and withhold all permits, certificates or other forms of authorization to use or develop any land, structure or improvements thereon until the alleged violation related to such property, use or development is corrected. This provision shall apply whether or not the current owner or applicant for the permit is responsible for the violation. The denial or withholding of a permit by the Manager or Building Official may be appealed to the BOA as provided in Section 7.16.140, Appeal and Variance.

D. Revocation of Permits.

1. Referral by Manager. The Manager may refer a request to revoke a development permit or building permit to the Council based upon violation of the Development Code.
2. Hearing Required. The Council may revoke any development permit, building permit or other authorization, after notice and a hearing. This Section shall not apply to the forfeiture of vested property rights.

3. Notice of Hearing. The hearing on the revocation of a development permit, building permit or other authorization shall be conducted during a regular or special meeting of the Council not less than seven (7) days nor more than forty-five (45) days from the date the notice of the hearing is given. Notice of hearing shall be deemed given to the owner, the owner's agent or other person to whom the development permit was issued, upon deposit of said notice in the U.S. Mail, by certified mail, return receipt requested, addressed to the last known address of said person or to the address of record according to the Routt County Assessor's records. Additional methods of service may also be utilized to give notice of the public hearing.

4. Findings. Following the hearing, the Council upon a finding of the following, may revoke any development permit, building permit or other authorization:
   a. There is a departure from the approved plans, specifications or conditions of approval; or
   b. There is a violation of any provision of the Development Code; or
   c. The development permit was obtained by false representation; or
   d. The development permit was issued in error; or
   e. Public improvements are not constructed in accordance with the approved Final Plat and supplemental information; or
   f. There is a material failure in the security granted for the public improvements.

5. Notice of Revocation. Written notice of revocation shall be served upon the owner, the owner's agent, applicant or other person to whom the permit was issued by certified U.S. mail, return receipt requested, or such notice may be posted in a prominent location at the place of the violation. No work or construction or use of the property shall proceed after service of the revocation notice.

E. Stop Work Order.

1. Issuance of Stop Work Order. The Manager or Building Official may issue a written order to stop work on any property on which there is an uncorrected violation of either a provision of this Development Code or a provision of a development permit, building permit or other form of authorization. The stop work order shall specify the Development Code provisions allegedly in violation. Service of the order shall be given in person, by certified U.S. Mail (return receipt requested) or by posting notice on the premises. After any such order has been served, no work shall proceed on any building, other structure or tract of land covered by such order, except to correct such violation or comply with the order. The notice shall also state any appeal and/or variance procedures available pursuant to this Development Code.

2. Timing/Notice. The stop work order may be issued in conjunction with a notice of violation or subsequent to such notice. The stop work order may also specify a shorter time for correction of the violation than the thirty-day period specified in Section 7.04.190(c)(1) above. The stop work order shall also indicate that failure to comply with the order may subject the violator to criminal liability as penalty for the violation.

F. Abatement or Injunctive Relief. The Manager, through the Town Attorney, may initiate injunction or abatement proceedings or other appropriate legal action in the District Court or other court of competent jurisdiction to abate, remove or enjoin such violation and to recover damages, costs and reasonable attorney's fees incurred in the abatement and removal of such violation. In any court proceedings in which the Town seeks a preliminary injunction, it shall be presumed that a violation of this Development Code is a real, immediate and irreparable injury to the public; that the public will be irreparably injured by the continuation of the violation unless the violation is enjoined; and that there is no plain and adequate remedy at law for the subject violation. The Town may also abate a public nuisance in accordance with the procedures set forth in Chapter 8.08 of this Municipal Code.
G. Remedies Cumulative. The remedies provided for violations of this Development Code shall be cumulative and in addition to any other remedy provided by law and may be exercised in any order.

H. Compliance Agreement. The Manager or the Town Attorney may enter into a compliance agreement with the following terms:
   1. The violation shall be defined and admitted;
   2. The manner and time frame in which the violation will be corrected shall be defined;
   3. The time frame for correction of the violation may not exceed six (6) months without approval by Council;
   4. Prosecution of the violations shall be deferred during the time frame for correction of violation stated in the compliance agreement;
   5. The penalties shall be determined;
   6. The costs of enforcement shall be determined and payment of such costs shall be required; and
   7. All enforcement actions and remedies may be pursued without waiver in the event that the violation is not corrected in accordance with the terms of the compliance agreement.

I. Appeals of Enforcement Actions. Appeals of any order, requirement, decision or determination made by an administrative official in the enforcement of this Development Code shall be made to the Council in accordance with the provisions of Section 7.16.160, Appeal.


Chapter 7.08 Definitions

7.08.010 General Definitions.

7.08.010 General Definitions.

The terms in this section shall be defined as stated in this section. The rules of interpretation stated in Section 7.04.040, Interpretation, shall apply to the interpretation and application of the definitions in this section.

"Access" means the place, means or way by which pedestrians and vehicles shall have adequate, usable and legal ingress and egress to property, use or parking space.

"Access grade" means the slope of a road, street, driveway or other means of access, as measured from the edge of asphalt along the centerline of the means of access.

"Accessory building, structure or use" means a subordinate building, structure, or use, which is:
   1. Integrelly related, subordinate and clearly incidental to an existing principal building, structure or use of the land;
   2. Located on the same lot (or on a contiguous lot in the same ownership) with the principal building, structure or use;
   3. Used only at the same time as the principal building, structure or use is active and operational; and
   4. Not detrimental or an alteration of the character of the area in which the building, structure or use is located.
An accessory building, structure or use shall include, but not be limited to, storage sheds and detached garages in residential zoning districts. Microwave dishes, antennas and similar devices which have a surface area of six (6) square feet or larger shall also be considered accessory structures and shall comply with requirements for accessory buildings and structures, including height requirement.

"Accessory dwelling" means an apartment integrated within a single-family dwelling, or located in a detached accessory building, such as carriage houses or agricultural-type outbuildings, located on the same lot as single-family dwellings. Accessory dwellings shall be limited to eight hundred (800) square feet in floor area. For purposes of calculating residential density, each accessory dwelling shall count as one-half dwelling unit. There shall not be more than one accessory dwelling located on a lot in addition to the single-family dwelling.

"Adjacent" means meeting or touching at some point or separated from a lot or parcel by one (1) of the following: a street, alley or other right-of-way, lake, stream or open space.

"Adjacent property owner" means an owner of record of any estate, right or interest in real property abutting the subject property.

"Adult-oriented or sexually-oriented use" means a use of property where the principal use, or a significant or substantial adjunct to another use of the property, is the sale, rental, display or other offering of live entertainment, dancing or material which is distinguished or characterized by its emphasis on depicting, exhibiting, describing or relating to "specified sexual activities" or "specified anatomical areas" as the primary attraction to the premises, including, but not limited to:

1. "Adult arcade" means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

2. "Adult bookstore, adult novelty store" or "adult video" means a commercial establishment which devotes a significant or substantial portion of its stock-in-trade or interior floor space to, or has as one (1) of its principal business purposes, the sale, rental or viewing, for any form of consideration, of (a) any books, magazines, periodicals or other printed matter or photographs, films, motion pictures, videocassettes, slides, or other visual representations which are characterized by the depiction or description of specified sexual activities or specified anatomical areas, or (b) any instruments, devices or items which are designed or intended for use with or in specified sexual activities.

3. "Adult cabaret" means a nightclub, bar, restaurant, concert hall, auditorium or similar commercial establishment which features:
   a. Persons who appear in a state of nudity;
   b. Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
   c. Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

4. "Adult motel" means a hotel, motel or similar commercial establishment which offers private rooms to the public and provides patrons live performances or closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas and has a sign visible from a public right-of-way which advertises the availability of this adult type of photographic reproductions.

5. "Adult motion picture theater" means a commercial establishment which is distinguished or characterized by showing of films, motion pictures, videocassettes, slides or similar
photographic reproductions with an emphasis on depicting or describing specified sexual activities or specified anatomical areas which are regularly shown for any form of consideration.

6. "Adult theater" means a theater, concert hall, auditorium or similar business which, for any form of consideration, regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.

7. "Adult photo studio" means any establishment which, upon payment of a fee, provides photographic equipment and/or models for the purpose of photographing II specified anatomical areas.

8. "Commercial establishment" with respect to the regulation of sexually oriented businesses may have other principal business purposes that do not involve the depicting or describing of specified sexual activities or specified anatomical areas and still be categorized as a sexually oriented business. Such other business purposes will not serve to exempt such commercial establishments from being categorized as a sexually oriented business so long as one (1) of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe specified sexual activities or specified anatomical areas. The term "commercial establishment" includes clubs, fraternal organizations, social organizations, civic organizations or other similar organizations with paid memberships.

9. "Nude model studio" means any place where a person who appears in a state of nudity or displays specified anatomical areas is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculpted, photographed or similarly depicted by other persons.

10. "Nudity or state of nudity" means:
   a. The appearance of human bare buttock, anus, male genitals, female genitals or the areola or nipple of the female breast; or
   b. A state of dress which fails to opaquely and fully cover human buttocks, anus, male or female genitals, pubic region or areola or nipple of the female breast.

11. "Peep booth" means a viewing room, other than a private room, of less than one hundred fifty square feet of floor space upon the premises of a sexually oriented business where there are exhibited photographs, films, motion pictures, video cassettes or other video reproductions, slides or other visual representations which depict or describe specified sexual activities or specified anatomical areas.

12. "Private room" means a room in an adult motel that is not a peep booth, has a bed in the room, has a bath in the room or adjacent to the room, and is used primarily for lodging.

13. "Sexual encounter establishment" means a business or commercial establishment which, as one of its primary business purposes, offers for any form of consideration, a place where two or more persons may congregate, associate or consort for the purpose of specified sexual activities or the exposure of specified anatomical areas, when one or more of the persons exposes any specified anatomical area.

14. "Sexually oriented business" means an adult arcade, adult bookstore, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, nude model studio, sexual encounter establishment or other similar business and includes:
   a. The opening or commencement of any sexually oriented business as a new business;
   b. The conversion of an existing business, whether or not a sexually oriented business, to a sexually oriented business;
   c. The addition of any sexually oriented business to any other existing sexually oriented business;
   d. The relocation of any sexually oriented business; or
Title 7 Development Code

e. The continuation of a sexually oriented business in existence on the effective date of the initial ordinance codified herein.

15. "Specified anatomical areas" means:
   a. Less than completely and opaquely covered: human genitals, pubic region, buttocks, and female breast below a point above the top of the areola.
   b. Human male genitals in a discernibly turgid state even if completely and opaquely covered.

16. "Specified sexual activities" means acts, simulated acts, exhibitions, representation, depictions or descriptions of:
   a. Human genitals in a state of sexual stimulation or arousal.
   b. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.
   c. Intrusion, however slight, of any object, any part of an animal's body, or any part of a person's body into the genital or anal openings of any person's body or into the body of an animal.
   d. Cunnilingus, fellatio, anilingus, masturbation, bestiality, lewd exhibition of genitals or excretory function.
   e. Flagellation, mutilation or torture for purposes of sexual arousal, gratification or abuse.

17. "Stage" means a raised floor or platform at least three feet above the surrounding floor measured perpendicularly from the edge of the stage to the surrounding floor and at least thirty-six square feet in area.

"Affordable housing project" means a development project in which: (1) at least seventy-five percent of the gross acreage to be developed under the plan is to be developed as residential dwelling units or mobile home park spaces; (2) at least ten percent of said dwelling units or spaces (the "affordable housing units") are to be available for rent or purchase on the terms described in the definitions of "affordable housing unit for rent" or "affordable housing unit for sale" (as applicable); (3) the construction of the dwelling units or spaces is to occur as part of the initial phase of the project and (i) prior to the construction of the market rate units or (ii) on a proportional basis, according to the same ratio as the number of affordable units bears to the number of the market rate units; and (4) the units will be required by binding legal instrument acceptable to the Town and duly recorded with the Routt County Clerk and Recorder, to be occupied by and affordable to low-income households for at least twenty years.

"Affordable housing unit for rent" means a dwelling unit which is available for rent on terms that would be affordable to households earning eighty percent or less of the median income of Routt County residents, as adjusted for family size, and paying less than thirty percent of their gross income for housing, including rent and utilities. The unit must be occupied by and be affordable to such low-income household(s) for a period of at least twenty years. The median income of Routt County residents, as adjusted for family size, and paying less than thirty percent of their gross income for housing, including rent and utilities. The unit must be occupied by and be affordable to such low-income household(s) for a period of at least twenty years.

"Affordable housing unit for sale" means a dwelling unit which is available for purchase on terms that would be affordable to households earning eighty percent or less of the median income of Routt County residents, as adjusted for family size and paying less than thirty-eight percent of their gross income for housing, including principal, interest, taxes, insurance, utilities and homeowners’ association fees. The unit must be occupied by and affordable to such low-income household(s) for a period of at least twenty years or permanently.

"Agricultural activity" means farming, including plowing, tillage, cropping, utilization of best management practices, seeding, cultivating or harvesting for the production of food and fiber products; the grazing or raising of livestock (except in feedlots); aquaculture; sod production; orchards; Christmas tree plantations; nurseries; and the cultivation of products as part of a recognized commercial enterprise.
"Agricultural land" means land that is being used for agricultural activities.

"Alley" means a minor or secondary way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

"Alteration" means any change, addition or modification in construction, occupancy or use or change in the exterior materials or design which is inconsistent with an approved design.

"Amusement center" means an establishment providing completely enclosed recreation activities including, but not limited to bowling, roller skating or ice skating, billiards, swimming pools, motion picture theaters, and related amusements. Accessory uses may include the preparation, serving and sale of food and/or sale or rental of equipment related to the enclosed uses.

"Amusement park" means an outdoor enterprise whose main purpose is to provide the general public with entertaining activity, where tickets are sold or fees collected at the activity. Commercial amusements include miniature golf courses, outdoor arcades, Ferris wheels, children's rides, roller coasters, skateboard parks, go-cart tracks, water parks and similar uses.

"Animal boarding" means the operation of an establishment in which domesticated animals other than household pets are housed, groomed, bred, boarded, trained or sold. This term shall not include the operation of a kennel.

"Animals, domestic" means common household pets, such as dogs and cats, kept for amusement, companionship, decoration or interest.

"Animals, food" means fish, fowl, cattle, swine, sheep and others raised for the purposes of food consumption.

"Animals, wild" means animals, such as wolves, tigers, lions and snakes that are not normally a domestic animal or farm animal and would ordinarily be confined in a zoo or found in the wild.

"Annual high water mark" means the visible line on the edge of a river, stream, lake, pond, spring or seep up to which the presence and action of water are so usual and long conditions (with a recurrence interval of one (1) year or less) so as to create a distinct character with respect to vegetation and the nature of the soil.

"Appeal" means a request by an applicant to the Board of Adjustment or Council for a review of and administrative interpretation of any provision of this chapter or a request for a variance.

"Applicant" means an owner of real property, including mineral owners and lessees, and the owner's representative or owner of an option to acquire the property or portion thereof, who is authorized to represent and/or act upon any application or submittal.

"Appurtenances" are the visible, functional or ornamental objects accessory to and part of a building.

"Aquifer recharge area" means an area where water is absorbed into a natural aquifer adding to the zone of saturation.

"Arcade" is a series of arches supported on piers or columns.

"Area of lot" means the total horizontal area within the lot line boundaries of a lot.

"Area of special flood hazard" means the land in a floodplain subject to a one percent (1%) chance or greater of flooding in any given year, and, those zones on the Flood Insurance Rate Map ("FIRM") designated as A, AO, AE AH, AR A99, X or D zones, as well as any floodway designated or to be designated within the floodplain.

"Automobile repair shop, major" means an establishment primarily engaged in the repair or maintenance of commercial and heavy truck oriented motor vehicles, trailers and similar large mechanical equipment, including paint, body and fender and major engine and engine part overhaul, provided that it is conducted within a completely enclosed building. Such use shall not include the sale of fuel, gasoline or petroleum products.
"Automobile repair shop, minor" means an establishment primarily engaged in the repair or maintenance of passenger and light truck oriented motor vehicles, trailers and similar mechanical equipment, including brake, muffler, upholstery work, tire repair and change, lubrication, tune ups and transmission work, car washing, detailing, polishing or the like, provided that it is conducted within a completely enclosed building. Such use shall not include the sale of fuel, gasoline or petroleum products.

"Awning" means a roof-like cover of canvas or other material extending in front of a doorway or window or over a deck, to provide protection from the sun or rain.

"Balcony" means that portion of a structure that is essentially open and outward from the main building with a floor and a railing, with or without a ceiling and over four (4) feet above the existing ground level.

"Bar of tavern" means an establishment providing or dispensing fermented malt beverages, and/or malt, vinous or spirituous liquors and in which the sale of food products such as sandwiches or light snacks is secondary.

"Base flood" means a flood having a one percent (1%) chance of being equaled or exceeded in any given year. In the context of this article, Base Flood is used interchangeably with "one hundred year flood" or "one percent (1%) chance flood."

"Base Flood Elevation (BFE)" means the elevation shown on a FEMA Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30 and VE that indicates the water surface elevation resulting from a flood that has a one-percent chance of equaling or exceeding that level in any given year.

"Base floor elevation or base floor" means the lowest actual floor by elevation, in the structure, including basement irrespective of use of the floor space or of the structure itself.

"Basement" means the definition of "basement" as set forth in the most recent version of the International Building Code adopted by the Town.

"Beacon, revolving" means a rotating source of light or electronic simulation of a revolving source of light.

"Bed and breakfast" means an establishment operated in a private residence or portion thereof, which provides temporary accommodations to overnight guests for a fee and which is occupied by the operator of such establishment.

"Berm" means a mound of earth used to screen or separate one (1) area from another to reduce visual, noise and similar impacts of development. "Berm" may also mean the act of pushing earth into a mound.

"Best Management Practice (BMP)" means schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce the discharge of pollutants to waters of the United States. BMPs also include treatment requirements, operating procedures and practice to control plant site runoff, spillage or leaks, sludge or waste disposal or drainage from raw material storage.

"Bikeway" means a path designed for use by bicyclists, which may be used by pedestrians.

"Blank wall" means an exterior building wall with no openings and a single material and uniform texture on a single plane.

"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 plat.

"Board of Adjustment" means a Board appointed by the Council whose principal duties are to hear appeals and, where appropriate, grant variances from the strict application of the zoning ordinance.

"Boarding and rooming house" means a building or portion of which is used to accommodate, for compensation, four or more boarders or roomers, not including members of the occupant's immediate
family who might be occupying such building. The word “compensation” shall include compensation in money, services or other things of value.

"Bollard" means a pole used to close a road or path to vehicles above a certain width.

"Building" means any permanent structure built for the shelter or enclosure of persons, animals, chattels or property of any kind, which is permanently affixed to the land and has one (1) or more floors and a roof.

"Building code(s)" means the building codes adopted in Title 15 of this Municipal Code, as may be amended.

"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 primary entrance to the building.

"Building height" is measured from the existing or finished grade (based on the average of the center of all walls), whichever is more restrictive, to the top of the parapet or highest roof beam (whichever is higher) on a flat or shed roof, to the top of the parapet or deckline (whichever is higher) on a mansard roof, or the average distance between the highest ridge and its eave on a gable, hip, or gambrel roof.

"Caliper" means the American Association of Nurseriesmen standard for trunk measurement of nursery stock, as measured at six (6) inches above the ground for trees up to and including four (4) inch caliper size and as measured at twelve (12) inches above the ground for larger sizes.

"Canopy sign" means a sign that is permanently affixed to a roofed shelter attached to and supported by a building, by columns extending from the ground or by a combination of a building and columns.

"Cash-in-lieu" (also known as "fee-in-lieu") means that the payment of funds to the Town instead of the dedication of real property interest when the Council determines that the dedication of real property interest is not practical or as beneficial as payment of cash-in-lieu of land dedication. Payment of cash-in-lieu shall comply with the following requirements unless otherwise provided for by this Code:

1. Payment shall be based on the fair market value of the entire property based on the per square foot value of the property with the requested development approval that requires dedication of land or cash-in-lieu.

2. The value of the land shall be based upon an amount negotiated between the Town and the applicant taking into consideration sales of comparable properties. In the event that the Town and the applicant are not able to negotiate a mutually acceptable per square foot value for cash-in-lieu of dedication of land, the applicant shall provide an appraisal to the Town at the applicant's cost for consideration by the Council. The Council may accept the applicant's proposed appraised value or may reject the applicant's proposed appraised value and commission an independent appraisal which shall be paid by the applicant. The Council shall then use appraised value as set forth by the appraisal commission by the Town.

3. Combination of dedication and cash-in-lieu:
   a. The applicant, at the option of the Council, may meet the dedication requirements through a combination of cash-in-lieu and land dedication in those cases where a portion of the dedication of land is not desired.
   b. The value of the combination of both the land dedication and the cash-in-lieu of land shall not exceed the full market value of the total required dedication of sites and land areas.

"Cemetery" means land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including mausoleums and mortuaries when operated in conjunction with and within the boundaries of, such cemetery.

"Channel" means a natural or artificial watercourse with definite bed and banks which confines or conducts continuously or intermittently flowing water.
"Child care center" means a facility, by whatever name known, which is maintained for the whole or part of a day for the care of five (5) or more children under the age of sixteen (16) years who are not related to the owner, operator or manager, whether such facility is operated with or without compensation for such care and with or without stated educational purposes. The term includes, but is not limited to, facilities commonly known as day-care centers, day nurseries, nursery schools, preschools, play groups, day camps, summer camps, centers for developmentally disabled children and those facilities which give twenty-four-hour-per-day care for dependent and neglected children, but specifically excludes any family care home as defined in this Code. Child care centers are also those facilities for children under the age of six (6) years with stated educational purposes which are operated in conjunction with a public, private or parochial college or a private or parochial school, except that the term shall not apply to a kindergarten maintained in connection with a public, private or parochial elementary school system of at least six (6) grades so long as the school system is not also providing extended day services.

"Church" or "place of worship and assembly" means a building containing a hall, auditorium or other suitable room or rooms used for the purpose of conducting religious or other services or meetings of the occupants of such structure. "Church" or "place of worship and assembly" shall include churches, synagogues or the like, but shall not include buildings used for commercial endeavors, including but not limited to commercial motion picture houses or stage productions.

"Clerestory" means a portion of an interior rising above adjacent rooftops and having windows admitting daylight to the interior.

"Clinic" means a building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.

"Clubs and lodges" means organizations of persons for special purposes or for the promulgation of sports, arts, literature, politics or other common goals, interests or activities, characterized by membership qualifications, dues or regular meetings, excluding clubs operated for profit and/or places of worship or assembly.

"Commercial mineral deposit" mean oil, gas, gravel and other natural deposits that may be extracted from a property for economic benefit.

"Common element" means that portion of a condominium project held in common ownership by the owners or the condominium association or that portion of a project other than a condominium project which is not under the exclusive ownership or possession of the owners or occupants of a limited portion of the project.

"Common equestrian stabling and grazing" means shared pastures and/or common barns for horses in conservation subdivision which is owned and maintained by a homeowner’s association.

"Common open space" means open space designed and intended primarily for the use or enjoyment of residents, occupants and owners of a specific property or development.

"Community facility" means a publicly owned facility or office building which is primarily intended to serve the recreational, educational, cultural, administrative or entertainment needs of the community as a whole.

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

"Comprehensive Plan" means the Hayden Comprehensive Plan; the West Town Center District Investment Plan; the East Town Center District Plan; the Master Plan for Harry A. Nottingham Park; the 2016 Recreational Trails Master Plan; and the Town of Hayden Comprehensive Transportation Plan, any other document adopted as a supplement or sub-area plan of the Hayden Comprehensive Plan, as all
such documents may be amended from time to time, provided that such amendments or supplemental documents are adopted by ordinance.

"Compressed gravel" means gravel that has ninety-five percent compaction at standard proctor densities at two percent ± optimum moisture content.

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

"Condominium" means an individual airspace unit together with the interest in the common elements appurtenant to such unit.

"Connecting walkway" means:

1. Any street sidewalk; or
2. Any walkway that directly connects a building entrance to the street sidewalk and connects other origins and destinations for pedestrians, including but not limited to commercial establishments, schools, parks, dwellings, work places and transit stops, without requiring pedestrians to walk across parking lots or driveways, around buildings or following parking lot outlines which are not aligned to a logical route.

"Conservation easement" means an interest in real property that provides the owner of the easement the right to prohibit certain users or 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.

"Construction (activity)" means work done on a job site that alters the existing conditions of a property.

"Construction staging plan" means a site plan submitted with final design and building permit plans showing, at the minimum: contractor parking, construction materials storage, limits of site disturbance, snow storage, refuse storage, sanitation facilities, project signage and construction trailer location, as applicable. The staging plan may be combined on the same plan sheet as the pollution control plan.

"Container" (also known as cargo or shipping container) means a truck trailer body that can be detached from the chassis for loading into a vessel, a rail car or stacked in a container depot. Containers may be ventilated, insulated, refrigerated, flat rack, vehicle rack, open top, bulk liquid or equipped with interior devices.

"Convenience retail store" means a retail store containing less than five thousand (5,000) square feet of gross floor area, which sells everyday goods and services which may include, without limitation, ready-to-eat food products, groceries, over-the-counter drugs and sundries.

"Convenience shopping center" means a shopping and service center located in a complex which is planned, developed and managed as a single unit, and located within and intended to primarily serve the consumer demands of adjacent employment areas and residences.

"Cornice" means a continuous, molded projection that crowns a wall or other construction, or divides it horizontally.

"Council" means the governing board of the Town of Hayden.

"Covenants" means private written agreements outlining regulations specific to a development. As private restrictions, they are not enforced by the Town. In the event of conflict between the covenants and this Code, this Code controls.

"Critical facility" means a structure or related infrastructure, but not the land on which it is situated, as defined by the Colorado Water Conservation Board, a division of the Department of Natural Resources, Rules and Regulations for Regulatory Floodplains—Rule 6: "Critical Facilities" dated November 17, 2010, that, if flooded, may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.
"Critical feature of Flood Control System" means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

"Critical plant community" means vegetation which is essential to the conservation of threatened or endangered species and which may require special management considerations or protection.

"Crosswalk" means a pathway delineated on a street for pedestrians to cross.

"Cul-de-sac" means a local street with only one (1) outlet and having the other end for the reversal of traffic movement.

"Cultural assets" means buildings, locations and their features considered historically or socially significant to the community.

"Dedicated real property interest" means real property interest transferred to the Town by platting, title, deed or other legal method approved by the Town Attorney.

"Dedication" means any grant by the owner of a right to use real property for the public in general, involving a transfer of property rights and an acceptance of the dedicated property by the appropriate public agency.

"Density, dwelling units per acre," 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 standard" means any standard that sets forth specific requirements for development improvements.

"Detention basin" means a man-made or natural water collector facility designed to collect surface and sub-surface 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 grading or clearing of land, the erection, construction or alteration of structures, the change of use of a property or the division of property to create two (2) or more separate ownership interests.

1. "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 within thirty (30) feet 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, storage of equipment or 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.

2. "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;

e. A change in the ownership or form of ownership of any parcel or structure; or

f. The creation or termination of rights of access, easements, covenants concerning development of land or other rights in land.

"District" means a section or sections of the incorporated area of the Town for which the regulations and provisions governing the use of building and land are uniform for each class of use permitted therein.

"Dormer" means a projecting structure built out from a sloping roof, usually with a vertical window or vent.

"Downtown" means the central business district of the Town. The boundary of downtown may change as the Town grows.

"Drainage (system)" means a built system of pipes, channels or trenches or finished grades utilized to convey stormwater runoff.

"Drive aisle" means the lanes in a parking lot devoted to the passage of vehicles, as opposed to the parking stalls. The term "drive aisle" does not include lanes used only or primarily for drive-in customer service.

"Drive-in use" means an establishment which, by design, physical facilities, service or packaging procedures, encourages or permits customers to receive services, obtain goods or be entertained while remaining in their motor vehicles.

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

"Dwelling" means a building or portion thereof, used exclusively for residential occupancy, including single-family dwellings, duplex and multi-family dwellings.

"Dwelling, apartment" means a room or suite of rooms in a multi-family structure that is arranged, designed, used or intended to be used as a housekeeping unit for a single family on a rental basis only.

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

"Dwelling, live/work" means an attached dwelling unit that contains a commercial component of not more than a specified percentage of the unit's gross floor area.

"Dwelling, multi-family" means a dwelling containing three (3) or more dwelling units, not including hotels, motels, fraternity houses and sorority houses and similar group accommodations.
"Dwelling, single-family" means a building designed exclusively for occupancy by one (1) family, but not including mobile home, otherwise provided herein.

"Dwelling, timeshare, interval ownership" or "fractional fee ownership" means any parcel or lot of land or condominium unit, whether fee interest, leasehold or contractual right, whereby more than four (4) persons (ownership of an interest in joint tenancy by two [2] persons being considered one (1) person for the purpose of this section) are entitled to the use, occupancy or possession of such lot, parcel or unit according to a fixed or floating time schedule occurring periodically over any period of time (the use, occupancy or possession by each person being exclusive of that by the others). Timesharing unit includes, but is not limited to, a timeshare estate as defined in C.R.S. § 38-33-110.

"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, duplex or multi-family dwelling or mixed-use building.

"Easement" means an ownership interest in real property entitling the holder thereof to use, but not possession, of that real property for one (1) or more specific purposes, public or private.

"Eave" means the overhanging lower edge of a roof.

"Elevation reference mark-RMI" means the reference mark on the FIRM Map at elevation 6336.539, consisting of a brass disk, stamped "Z27 1933," located 104.0 feet west of northwest corner of the Denver and Salt Lake Railway Station, approximately 53.0 feet from the center of the road leading to the station, 26.5 feet west of an irrigation ditch, and 280 feet south of the south rail of the main track, and set in the top of a concrete post.

"Engineer" means a professional engineer licensed by the State of Colorado.

"Entertainment facilities and theaters" mean a building or part of a building devoted to showing motion pictures or dramatic, musical or live performances.

"Environmentally sensitive area" means aquifer recharge areas, significant wildlife habitat and migration corridors, unique vegetation and critical plant communities and ridge lines.

"Exhaust pipe" means a pipe used to guide waste exhaust gases away from a controlled combustion inside an engine or stove.

"Exhaust vent" means a continuous open passageway from the flue collar or draft hood of the appliance to the outside atmosphere for the purpose of removing flue gases.

"Existing manufactured home park" or "manufactured home subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the Town.

"Exotic animals" means all animals raised or boarded that are not commonly classified as household pets or livestock, but are wild in nature and may have the ability to inflict bodily harm on humans, including snakes in excess of four (4) feet in length.

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

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

1. Any number of persons related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship; or

2. Any unrelated group of persons consisting of:
Title 7 Development Code

a. Not more than three (3) persons; or
b. Not more than two (2) unrelated adults and their children, if any; or
c. Not more than eight (8) developmentally disabled persons and appropriate staff occupying
   a dwelling unit and living as a single, nonprofit housekeeping unit; or,

3. Not more than one (1) individual related by blood, marriage or adoption who is required to
   register as a sexual offender under the provisions of Colorado law.

"Family child care home" means a facility for child care in a place of residence of a family or person
for the purpose of providing less than twenty-four-hour care for children under the age of eighteen (18)
years who are not related to the head of such home. "Family child care home" may include infant-toddler
child care homes, large child care homes, experienced provider child care homes and such other types of
family child care homes designated by rules of the State Department of Social Services pursuant to
C.R.S. § 26-6-106(2)(p).

"Farm animal" means animals commonly raised or kept in an agricultural, rather than an urban,
environment, including but not limited to chickens, pigs, sheep, goats, horses, cattle, llamas, emus,
鸵鸟, donkeys and mules.

"Feed lot" means any tract of land or structure, pen or corral, wherein cattle, sheep, goats, emus,
鸵鸟 or swine are maintained in close quarters for the purpose of fattening such livestock.

"FEMA" means Federal Emergency Management Agency.

"Fence" means enclosing framework for exterior areas, such as yards or gardens.

"FHA" means Federal Housing Administration.

"Fill" means a deposit of materials of any kind placed by artificial means.

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of
normally dry land areas from:
1. The overflow of water from channels and reservoir spillways;
2. The unusual and rapid accumulation or runoff of surface waters from any source; or
3. Mudslides or mudflows that occur from excess surface water that is combined with mud or other
debris that is sufficiently fluid so as to flow over the surface of normally dry land areas, such as
   earth carried by a current of water and deposited along the path of the current.

"Flood hazard area permit" means an official document required by this article for development or
construction in an Area of Special Flood Hazard.

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

"Flood Insurance Study (FIS)" means the official report provided by FEMA. The report contains the
FIRM as well as flood profiles for studied flooding courses that can be used to determine BFE for some
areas.

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

"Floodplain Administrator" means the Town Manager.

"Flood proofing" means any combination of structural and nonstructural additions, changes or
adjustments to structures which reduce or eliminate flood damage to real property, water and sanitary
facilities, the structures and their contents.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must
be reserved in order to discharge the base flood without cumulatively increasing the water surface
elevation more than a designated height. The statewide standard for the designated height used for all newly studied reaches shall be one-half (0.5) foot.

"Footprint," also called "ground level footprint," means the outline of the total area which is covered by a building's perimeter at ground level.

"Foster care home" means a facility that is certified by the County Department of Social Services or a child placement agency for child care in a place of residence of a family or person for the purpose of providing twenty-four-hour family care for a child under the age of eighteen (18) years who is not related to the head of such home, except in the case of relative care.

"Freestanding sign" means a sign which is supported by one or more columns, uprights, poles or braces extended from the ground, or which is erected on the ground and shall also include a monument sign and pole signs but does not include a sign attached to a structure.

"Frontage" means the portion of a lot that fronts on a public or private street.

"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.

"Funeral home" means a building used for the preparation of deceased persons for burial or cremation, for the display of deceased persons and/or for ceremonies or services related thereto, including cremation and the storage of caskets, funeral urns, funeral vehicles and other funeral supplies.

"Gable" means the triangular portion of wall enclosing the end of a pitched roof from cornice or eaves to ridge.

"Garage, parking" means a building or portion thereof, either public or private, used only for parking of motor vehicles.

"Gasoline Station" means any building, land area, premises or portion thereof, where gasoline or other petroleum products or fuels are sold and light maintenance activities such as engine tune-ups, lubrication and minor repairs may be conducted. "Gasoline stations" shall not include premises where heavy automobile maintenance activities such as engine overhaul, automobile painting and body and fender work are conducted.

"Geologic hazard" means unstable or potentially unstable slopes, undermining, faulting, landslides, rock falls, flood, wildfire or similar naturally occurring dangerous features or soil conditions or natural features unfavorable to development.

"Government services, offices and facilities" means an office or building of a governmental agency that provides administrative and/or direct services to the public, such as, but not limited to: employment offices, public assistance offices or motor vehicle licensing and registration services.

"Grade, existing" means the existing topography of a site prior to construction and may include natural or man-made conditions.

"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 man-made alterations.

"Grocery store, large" means a retail establishment which primarily sells food, but also may sell other convenience and household goods and which occupies a space greater than twenty-five thousand (25,000) square feet. The term "large grocery store" is synonymous with "supermarket."

"Grocery store, small" means a retail establishment primarily selling food, as well as other convenience and household goods, which occupies a space of not more than twenty-five thousand (25,000) square feet.
"Gross square footage (GSF)" means the total floor area designed for occupancy and use, including basements, mezzanines, stairways and upper floors, if any, expressed in square feet and measured from the centerline of joint partitions and from outside wall faces.

"Group home, developmentally disabled" means a group home, licensed by the State, for the exclusive use of not more than eight (8) developmentally disabled persons and the appropriate staff.

"Group home, elderly" means an owner-occupied or nonprofit group home for the exclusive use of not more than eight (8) persons sixty (60) years of age or older and the appropriate staff.

1. "Nonprofit group" home means a group home for the aged which is owned and operated by a person or organization as provided by 31-23-303, C.R.S., 1973.

2. "Owner-occupied group home" means a group home for the aged which is owned and operated by an individual or individuals who actually reside at and maintain their primary place of residence in the group home.

"Group home, mentally ill" means a group home, licensed by the State, for the exclusive use of not more than eight (8) mentally ill persons and the appropriate staff.

"Growth Management Area (GMA)."

"Guest house" means an accessory structure which is physically detached from a single-family dwelling unit, is serviced through the same utility meters or connections as the principal use and is intended for temporary occupancy by visitors to the family residing in the single-family dwelling and has no cooking facilities.

"Hard line drawing" means an architectural or engineering drawing produced by the use of computer-aided graphics or other mechanical implement, that does not represent free-hand drawing.

"Health club" means a facility that provides physical fitness services and/or equipment to its members.

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

"Highway corridor" means the area within one thousand five hundred (1,500) feet of the rights-of-way of the state highway.

"Hip roof" means a roof having sloping ends and sides meeting at an inclined projecting angle.

"Historic district" means an area related by historical events or themes by visual continuity or character or by some other special feature that helps give it a unique historical identity. Such area may be designated a historic district, by local, state, or federal government and given official status and protection.

"Historic site" means a structure or place of historical significance. Such structure or place may be designated a historic site by local, state, or federal government and given official status.

"Home occupation" means an occupation or business activity which meets the following standards:

1. Medical, dental and real estate offices are not permitted as home occupations.

2. In addition to the family occupying the dwelling containing the home occupation, there shall not be more than one outside employee working at the site of the home occupation.

3. The employee and clients may park in on-street curbside parking spaces.

4. The home occupation shall not exceed one thousand (1,000) square feet or thirty (30) percent of the total floor area of the dwelling, whichever is less, or can be located in an accessory building not to exceed five hundred (500) square feet. The home occupation shall be conducted entirely within the dwelling or designated accessory buildings.

5. The home occupation shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and must not change the residential character thereof.
6. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation, including advertising signs or displays or advertising that solicits or directs persons to the address.

7. There must be no exterior storage on the premises of material or equipment used as a part of the home occupation, unless it is enclosed and lot coverage requirements for accessory uses are met.

8. No equipment or process shall be used in such home occupation which creates any glare, fumes, odors or other objectionable conditions detectable to the normal senses off the lot, if the occupation is conducted in a single-family dwelling, or outside the dwelling unit if conducted in other than a single-family dwelling.

9. Proprietors of home occupations shall register annually with the Town Clerk, which registration shall include a review of compliance with the home occupation standards contained in this Code. If an ordinance exists requiring the issuance of a business license for all businesses and home occupations in the Town, compliance with that ordinance will supersede the requirements of this subsection.

10. The following uses because of their tendency to go beyond the limits permitted for home occupations and thereby impair the use and value of the residential area shall not be permitted as home occupations: auto repair or motorized implement repair; dance, music or other types of instruction (if more than four (4) students being instructed at one (1) time); dental offices; medical offices; the painting of vehicles, trailers or boats; private schools with organized classes; radio and television repair; barber and/or beauty shop; welding shops; nursing homes; massage therapy by a massage therapist; sexually oriented businesses; and, irrespective of whether the use may be categorized as a sexually oriented business, any retail or wholesale sales to consumers upon the premises of any types of materials specified in this chapter which describe or depict specified sexual activities or specified anatomical areas.

11. All exterior aspects of the home occupation operation shall not disrupt the residential character of the area.

12. The maximum number of vehicle trips per day for clients, which may visit the home occupation per day, is ten.

"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").

"Hospital" means an institution providing health services primarily for human inpatient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training and central services facilities and staff offices.

"Hotel, motel and lodge" means a building, excluding bed and breakfast, containing any room or group of rooms used primarily for short-term transient lodging for a total continuous duration of less than thirty (30) days and which may include accessory uses, such as offices, laundry facilities, recreational facilities, lobbies, lounges, kitchen and dining facilities, meeting rooms, retail and other similar accessory uses commonly associated with hotels, motels and lodges.

"Household pet" means any animal that has been bred or raised to live in or about the habitation of humans and is dependent on people for food and shelter, not including animals defined as livestock, exotic animals or animals capable of inflicting substantial physical harm to humans. Includes dogs, domestic cats, canaries, parrots, hamsters, ferrets, pot bellied pigs, guinea pigs and similar rodents, fish, reptiles, rabbits and such other species as would normally be sold at a local pet shop.

"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.

"Illumination, direct" means lighting by means of an unshielded light source (including neon tubing) which is effectively visible as a part of the sign, where light travels directly from the source to the viewer's eye.
"Illumination, indirect" means lighting by means of a light source directed at a reflecting surface in a way that illuminates the sign from the front, or a light source that is primarily designed to illuminate the entire building facade upon which a sign is displayed. Indirect illumination does not include lighting which is primarily used for purposes other than sign illumination; e.g., parking lot lights, or lights inside a building that may silhouette a window sign but are primarily installed to serve as inside illumination.

"Illumination, internal" means lighting by means of a light source that is within a sign having a translucent background, silhouetting opaque letters or designs, or which is within letters or designs that are made of a translucent material.

"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 involve hazardous conditions. "Heavy industrial" shall also mean those uses engaged in the operation, parking and maintenance of vehicles, cleaning of equipment or work processes involving solvents, solid waste or sanitary waste transfer stations, recycling establishments and transport terminals (truck terminals, public works yard, container storage).

"Industrial, light" means uses engaged in the manufacturing, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales or distribution of such products. Further, "light industrial" shall mean uses such as the manufacture of electronic instruments, preparation of food products, pharmaceutical manufacturing, research and scientific laboratories or the like. "Light industrial" shall not include uses such as mining and extracting industries, petro-chemical industries, rubber refining, primary metal or related industries.

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

"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 connection" means connections (such as trails and roads) between neighborhoods.

"Intra-neighborhood connection" means connections (such as trails and roads) within the same neighborhood.

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

"Junk" means scrap brass, iron, lead, tin, zinc; all other scrap metals and the alloys; bones; rags; used cloth, rope, rubber, tinfoil, bottles; old or used machinery of any type; used tools; used appliances; used lumber or crates; building materials; industrial equipment, fabrication of any material; used pipe or pipe fittings; used conduit or conduit fittings; used automobile parts; derelict vehicles, farm and heavy equipment construction vehicles; used tires and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition.

"Junkyard" means a building, structure or parcel of land, or portion thereof, used for collecting, displaying, storing, selling or reselling junk. Junkyards shall not include a recycling facility.

"Kennel" means a facility licensed to house dogs, cats or other household pets and/or where grooming, breeding, boarding, training or selling of animals is conducted as business.

"Kitchen" means a room or portion of a room devoted to the preparation or cooking of food for a person or a family living independently of any other family, which contains a sink and a stove, cooktop or oven powered by either natural gas, propane or 220-V electric hook-up.

"Kitchen facility" means an area for cooking which includes a sink, refrigerator and fixture for cooking food.
"Landowner" means any owner of a legal or equitable interest in real property and includes the heirs, successors and assign of such ownership interests.

"Landscape area" means that portion of a parcel of land with any combination of living plants, such as trees, shrubs, vines, ground cover, native grasses, flowers or lawns; natural features and nonliving ground cover, such as rock, stone and bark; and structural features, such as fountains, reflecting pools, art works, screen walls, fences and benches; but shall not include paved walkways or parking areas.

"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.

"Large retail establishment" means a retail establishment or any combination of retail establishments in a single building, occupying more than twenty-five thousand (25,000) gross square feet of floor area, except that no supermarket shall be deemed to be a large retail establishment.

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

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

"Levee" means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

"Livestock" means farm animals kept or raised for use, pleasure and/or profit.

"Loading space" means an off-street space or berth on the same lot with a building or contiguous thereto, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials and which abuts upon a street, alley or other appropriate means of access.

"Long-term care facility" means any of the following:

1. "Convalescent center" means a health institution that is planned, organized, operated and maintained to offer facilities and services to inpatients requiring restorative care and treatment and that is either an integral patient care unit of a general hospital or a facility physically separated from, but maintaining an affiliation with, all services in a general hospital.

2. "Intermediate health care facility" means a health-related institution planned, organized, operated and maintained to provide facilities and services which are supportive, restorative or preventive in nature, with related social care, to individuals who, because of a physical or mental condition or both, require care in an institutional environment but who do not have an illness, injury or disability for which regular medical care and twenty-four-hour-per-day nursing services are required.

3. "Nursing care facility" means a health institution planned, organized, operated and maintained to provide facilities and health services with related social care to inpatients that require regular medical care and twenty-four-hour-per-day nursing services for illness, injury or disability. Each patient shall be under the care of a physician licensed to practice medicine in the State of Colorado. The nursing services shall be organized and maintained to provide twenty-four-hour-per-day nursing services under the direction of a registered professional nurse employed full time.

"Lot" means a parcel of real property as shown with a separate and distinct number or letter on a plat recorded with the County Clerk and Recorder or when not so platted in a recorded subdivision, a parcel of real property abutting upon at least one (1) public street and held under separate ownership.

"Lot area" means the total horizontal area within the lot lines of a lot, except that beneath the mean waterline of a body of water.
"Lot coverage" means the ratio of the area of the site which is rendered impermeable by buildings compared to the total area of a site, excluding those rendered undevelopable, expressed as a percentage.

"Lot depth" means the average distance between the front lot line and the rear lot line.

"Lot, double frontage" means lots which front on one (1) public street and back 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.

"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 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.

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

"Machine shop" means a workshop where power-driven tools are used for making, finishing, or repairing machines or machine parts.

"Management agency" means the agency in charge of the "208 Water Quality Plan" in the Hayden area.

"Manager" means the Town Manager of the Town of Hayden, or the Manager's designee.

"Manufactured home" means a single-family dwelling which:
1. Is partially or entirely manufactured in a factory;
2. Is at least twenty-four (24) feet wide and thirty-six (36) feet long;
3. Is permanently affixed to and installed on an engineered permanent foundation;
4. Has a pitched or cosmetically equivalent roof and brick or wood exterior siding; and
5. Complies with HUD or UBC standards, as applicable, or meets or exceeds equivalent requirements and performance engineering standards.

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

"Manufacturing" means a business which makes products by hand or by machinery.

"Marijuana club" means an establishment that is not open to the general public and permits members of the establishment to consume marijuana at the establishment.
"Marijuana establishment" means a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, or a retail marijuana store, and includes further definition of such facilities and store as defined in Colorado Constitution Article XVIII Section 16(2)(i).

"Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Dam (NGVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"Medical and dental office or clinic" means an establishment operated by one or more duly licensed members of the human health care professions including, but not limited to, physicians, dentists, chiropractors, psychiatrists and osteopaths, where patients are not lodged overnight but are admitted for outpatient examination and/or treatment.

"Medical marijuana business" means the use of a property, or portion thereof, for the cultivation, manufacture, storage, distribution, acquisition or sale of marijuana, including the use of property for medical marijuana centers, manufacturing of medical marijuana-infused products, or optional premises, as such terms are defined by Section 12-43.3-104, C.R.S., regardless of whether any such use described herein is for profit or not for profit.

"Meeting place and place for public assembly" means a hall, auditorium or other suitable room or rooms used for the purpose of conducting meetings of the membership and guests of the owner of such structure. The same shall not include commercial endeavors such as commercial movie picture houses, stage productions or the like.

"Mini-storage warehouse" means a building or a group of buildings containing separate, individual self-storage units divided from the floor to ceiling by walls, each with an independent entrance from the exterior of the building and that are designed to be rented or leased on a short-term basis to the general public for private storage or personal goods, materials and equipment.

"Mixed use" means the development of a lot tract or parcel of land, building or structure with two 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.

"Mobile home" means a home that meets the standards for Mobile Home in Chapter 7.24. A mobile home does not include a factory built home, manufactured home, or a recreational vehicle (RV).

"Mobile home park" means a property that provides a space for rent for the location and use of a mobile home.

"Mobile home subdivision" means the creation of two (2) or more lots for sale and ownership intended for the location and use of a mobile home.

"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.

"Mullion" means a slender vertical member dividing the opening for a pair of double doors, sometimes removable to permit the passage of large objects, or also, a vertical member between the lights of a window.

"Multiple family dwelling" means a structure containing three or more dwelling units, including what is commonly known as an apartment building, but not including group, row or townhouses, or hotels, motels or condominiums, fraternity and sorority houses and similar group accommodations.

"Muntin" means a rabbeted member for holding the edges of windowpanes within a sash.
"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 and any wetland area.

"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 civic buildings.

"Neighborhood commercial center" means a shopping center which contains businesses that are intended to provide goods and services to the immediate neighborhood (within a ¼-mile radius).

"New construction" means structures for which the start of construction or remodeling commenced on or after the effective date of this Code.

"Nightclub" means a bar or tavern containing more than one hundred square feet of dance floor area.

"Nonconforming building" means a building or structure, or portion thereof, that does not conform to the regulations of this Code, but that was lawfully constructed under the regulations in force at the time of construction.

"Nonconforming use" means a use that does not conform to the use regulations of this Code, but that was lawfully established under the regulations in force at the time the use was established and has been in regular use since that time.

"Noxious weeds" means plants that are determine by the state of Colorado, Routt County, or the Town as a noxious weed or an alien plant that is aggressively invasive including but not limited to Leafy Spurge, Russian Knapweed, Spotted Knapweed, Diffuse Knapweed, Canada Thistle, Musk Thistle, Field Bindweed, Volunteer Rye, and Jointed Goatgrass.

"Nursing facility" means a facility, or a distinct part of a facility, which meets the state nursing home licensing standards, is maintained primarily for the care and treatment of inpatients under the direction of a physician, and meets the requirements in federal regulations for certification as a qualified provider of nursing facility services. "Nursing facility" includes private, nonprofit, or proprietary intermediate nursing facilities for the mentally retarded or developmentally disabled.

"Obstruction" means any development, stockpile, refuse or matter in, along, across or projecting into any floodplain which might impede, retard or change the direction of a flow of water, either by itself or by collecting debris carried by such water.

"Official maps or map" means the FIRM Map (see above) and all associated floodplain maps used by the Administrator.

"Off-street parking area" means all off-street areas and spaces designed, used, required or intended to be used for the parking, storage, 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 that produces 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 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.
"Outdoor storage" means the keeping, in an unroofed area, of any equipment, goods, junk, material, merchandise or vehicles in the same place for more than twenty-four (24) hours. Containers and semitrailers may not be used for residential or storage uses except on construction sites.

"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 merger with a later subdivision, or be conveyed to an owners association.

"Outparcel" means a parcel of land, generally located on the perimeter of a larger parcel of commercial land, that is subordinate to the larger parcel for access, parking and drainage purposes.

"Owner" means the owner of a real property interest which is the subject of and which would be benefitted by a proposed development application. "Owner" shall include the fee title owner of record according to the office of the Routt County Assessor, by a legal title opinion or by a title insurance commitment. "Owner" shall also include other persons who, by partnership, joint venture, contractual relationship or other association, have a ten percent (10%) or greater equity interest in the property or in the owner of record, or who have a contractual right to receive or obtain a defined portion of the property upon approval of a development application by the Town.

"Parapet" means a low, protective wall at the edge of a terrace, balcony or roof, especially that part of an exterior wall, fire wall, or party wall that rises above the roof.

"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, commercial" means a parking lot, structure or garage that does not provide accessory parking to a specific building or use, is available for parking by the general public for a fee, may include reserved parking spaces and which is owned by a private, nongovernmental entity.

"Parking, public" means a parking lot, structure or garage that is available for parking by the general public and which is owned by the Town or a quasi-governmental entity approved by the Town or approved by Routt County.

"P.E. stamped design" means a design that is stamped, signed and dated by a Colorado registered professional engineer.

"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.

"Person" means a natural person, association, firm, limited liability company, partnership or corporation trust or other legal entity.

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

"Pilaster" means a rectangular support or pier treated architecturally as a column, with a base shaft and capital.

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

"Planned unit development (PUD)" means an area of land, controlled by one (1) or more landowners, to be developed under unified control or a unified plan and is developed as a whole in a single development operation or programmed series of development stages. The development may include dwelling units, commercial, educational, recreational or industrial uses or any combination of the foregoing, the plan for which may not correspond in lot size, bulk or type of use, density, lot coverage, open space or other restrictions to the existing land use regulations.
"Planning and Zoning Commission" or "Planning Commission" means the Planning and Zoning Commission formed and appointed by the Council in accordance with Chapter 7.12 of the Development Code.

"Planning area boundary" means the area surrounding the Town that the Town will consider annexing and developing. The planning area boundary is delineated on the Land Use Map in the Town Comprehensive Plan.

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

"Prairie dogs" mean small stout-bodied burrowing rodents with shallow cheek pouches native to both North and Central America.

"Prime farmland" means land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber and oilseed crops, and other agricultural crops with minimum inputs of fuel, fertilizer, pesticides, and labor and without intolerable soil erosion, as determined by the Secretary of Agriculture. "Prime farmland" includes land that possesses the above characteristics but is being used currently to produce livestock and timber. It does not include land already in or committed to urban development or water storage.

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

"Private property right" means the rights of a property owner within the Town to use on their property within the legal parameters set forth in this Code and subject to applicable state, federal and constitutional law. Nothing herein guarantees any private property rights to develop in a particular manner except pursuant to a valid vested right.

"Private school" means a school that does not derive its support, in whole or in part, from moneys raised by a city, town, state, county or school district tax.

"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.

"Program deficiency" means a defect in a community’s floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations or of the NFIP standards in §§ 60.3, 60.4, 60.5 or 60.6.

"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.

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

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

"Public facility" means 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 which benefits the public.

"Public open space" means an open space area conveyed or otherwise dedicated to the municipality, state or county or other public body for recreational or conservation uses. Public open spaces are to be unencumbered by oil and gas wells, as well as their appurtenances or other hazards to the public.

"Public school" means a free, tax-supported school that is controlled and operated by the school district of the State of Colorado.

"Public use" means uses which are owned by and operated for the public by the Town, County, state or federal governments or by school districts.

"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.

"Quasi-public" means having the nature or characteristics of being public, but owned by a private, nongovernmental or not-for-profit entity.

"Recreational vehicle (RV)" means a vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted or drawn by another vehicle. The following shall be considered a recreational vehicle:

1. "Camping trailer" or "tent trailer" means a folding structure, constructed of canvas plastic or similar water repellent material designed to be mounted on wheels and designed for travel and recreation.

2. "Motorized camper, motor home, recreational conversion van" or "bus" means a recreational vehicle consisting of a portable, temporary dwelling to be used for travel, recreation and vacation uses and constructed as an integral part of a self-propelled vehicle.

3. "Pick-up camper" means a vehicle designed to be mounted on or loaded into a pick-up truck chassis for use as a temporary dwelling for travel and recreation.

4. "Tent" means a portable or temporary cover or shelter, with or without side panels, which is supported by poles and is made of canvas, plastic or similar materials.

5. "Travel trailer" means a towed vehicle designed as a temporary dwelling for travel and recreation.

6. "Travel trailer, self-contained" means a trailer which can operate independently of connections to sewer, water and electric systems. It contains a water-flushed toilet, lavatory, shower or bath and kitchen sink, all of which are connected to water storage and sewage holding tanks located within the trailer.

"Recreational vehicle park" means a parcel of land specifically developed for locating only recreational vehicles on lots on a short-term basis.

"Recreational vehicle site" means a plot of ground within a recreational vehicle park intended for the accommodation of a recreational vehicle, tent or other individual camping unit on a temporary basis.

"Recycling facility, drop-off" means a facility used for the collection and temporary storage of empty beverage containers, aluminum, glass, paper, cardboard, clothing or other materials for recycling purposes conducted totally within an enclosed structure or container. This definition does not include processing except for "can banks" that crush cans as they are deposited.

"Reflective surface" means any material or device that has the effect of intensifying reflected light, such as Scotchlight, Day-Glo, glass beads and luminous paint.
“Regulatory flood protection elevation” means the topographic elevation of one foot (1.0’) above the water surface elevation of the base flood.

“Resource extraction, processes and sales” means removal or recovery by any means whatsoever of sand, gravel, soil, rock, minerals, mineral substances or organic substances other than vegetation, from water or land on or beneath the surface thereof, exposed or submerged.

“Restaurant, drive-through” means any establishment in which the principal business is the sale of foods and beverages to the customer in a ready-to-consume state and in which the design or principal method of operation of all or any portion of the business is to allow food or beverages to be served directly to the customer in a motor vehicle without the need for the customer to exit the motor vehicle.

“Restaurant, fast food” means any establishment in which the principal business is the sale of food and beverages to the customer in a ready-to-consume state and in which the design or principal method of operation includes the following characteristics:

1. Food and beverages are usually served in paper, plastic or other disposable containers;
2. The consumption of food and beverages is encouraged or permitted within the restaurant building, within a motor vehicle parked upon the premises or at other facilities on the premises outside the restaurant building or for carry-out; and
3. Drive-through facilities are allowed, subject to review of traffic patterns, vehicle stacking areas and entrance and exit locations.

“Restaurant, standard” means any establishment in which the principal business is the sale of food and beverages to customers in a ready-to-consume state; where fermented malt beverages and/or malt, special malt or vinous and spirituous liquors may be produced on the premises as an accessory use; and where the design or principal method of operation includes one (1) or both of the following characteristics:

1. Customers are served their food and/or beverages by a restaurant employee at the same table or counter at which the items are consumed; or
2. Customers are served their food and/or beverages by means of a cafeteria type operation where the food or beverages are consumed within the restaurant building.

“Re-subdivision” 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.

“Risk premium zone” means a zone as specified on the FIRM Map as Zones A through A99, X and D.

“Roof gable” means a roof sloping downward in two parts from a central ridge, so as to form a gable at each end.

“Roof hip” means a roof having sloping ends and sides meeting at an inclined projecting angle.

“Salvage or wrecking yard” means a place where motor vehicles and parts are wrecked, disassembled, repaired and resold, a place where secondhand goods including waste paper, bottles, automobile tires, clothing, other scrap materials and salvage are collected to be stored and a place where used lumber and used building materials are stored for sale or resale.
"Sanitary facility" means toilets, urinals, lavatories, showers, utility sinks and drinking fountains and the service buildings containing these units.

"Sanitary waste station" means a facility uses for removing and disposing of waste from self-contained camping vehicle sewage holding tanks.

"Service building" means a structure housing toilet, lavatory, bath, laundry, service sink and other sanitary facilities as may be required for an RV Park.

"Setback" means the required unoccupied open space between the nearest projection of a structure and the property line of the lot on which the structure is located, except on properties where the street extends beyond the property line. In these instances the setback shall be measured from the edge of asphalt or walkway, whichever is more restrictive.

"Setback, front yard" means the distance a building or structure must be placed from the front lot line.

"Setback, rear yard" means the distance a building or structure must be placed from the rear lot line.

"Setback, side yard" means the distance a building or structure must be placed from the side lot line.

"Shopping center" means a group of retail and service establishments located in a complex which is planned, developed, owned or managed as a unit, with off-street parking provided on the property.

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

"Sight distance triangle" means the area at an intersection to be kept free of shrubs, ground covers, berms, fences, structures or other materials or items greater than thirty (30) inches in height. Trees shall not be planted in the triangular area.

"Sign" means any device that is sufficiently visible to persons not located on the lot where the device is located, to accomplish either of the following objectives: (a) is designed to attract the attention of such persons; or (b) communicate information to them.

"Sign, projecting" means any sign supported by a building wall and projecting from that wall.

"Sign, wall" means any sign painted on, incorporated in or affixed to the building wall, or any sign consisting of cut-out letters or devices affixed to the building wall with no background defined on the sign other than the building wall itself.

"Sign, window" means a sign that is painted on, applied or attached to a window or that can be read through the window from the public right-of-way.

"Significant wildlife habitat and migration corridors" means areas designated by the Colorado Division of Wildlife and/or the Colorado Natural Diversity Information Source as areas of landscape that provide food, cover and water sufficient to meet the needs of a given species to survive and reproduce.

"Site plan" means a scaled 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 Council pursuant to all applicable sections of this Development Code.

"Slope" means the relationship of elevation or vertical measure as divided by the horizontal measurement shall be expressed as a percentage as a means of quantifying the term "slope."

"Special flood hazard area (SFHA)" means the land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year, i.e., the 100-year floodplain.

"Split garages" means having at least two separate garages that are oriented in different directions.
“Staff” means a full or part-time employee of the Town. “Staff” may also include professional firms and/or persons designated by the Town to act within a certain capacity including legal, engineering, planning, code enforcement, inspection and other professional fields.

“Street” means a public thoroughfare which affords the principal means of access to abutting property.

“Street, arterial” means a street as described in Article 2—Streets.

“Street, collector” means a street as described in Article 2—Streets.

“Street, local” means a street as described in Article 2—Streets.

“Street, rural” means a street as described in Article 2—Streets.

“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 or adjacent to 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 a combination of materials to form a construction for use, occupancy or ornamentation, whether installed on, above or below the surface of land or water.

“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, sites or airspace units.

“Subsidence” means a local mass movement that involves the downward settling or sinking of the solid earth's surface. “Subsidence” may be due to natural geologic processes or man's activity such as coal mining.

“Substantial improvement” means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before start of construction of the improvement. The value of the structure shall be determined by the local jurisdiction having land use authority in the area of interest. This includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions; or

2. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

“Survey” means a land plat survey, stamped and signed by a registered Colorado Surveyor, showing topographic contour intervals depicted at an engineering scale.

“Swing-in garage” means a garage that is oriented so that the garage doors are perpendicular to the street.

“Tandem garage” means a garage that allows for the parking of one car in front of another.

“Tandem parking” means parking two (2) cars in a driveway or parking space so that one (1) car is right in front of the other and the front car cannot move until the back car is moved.

“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 insurance company licensed by the State of Colorado listing the name of the owner of the property under consideration, the legal description
of the property and any encumbrances of the property such as easements, rights-of-way, liens or mineral interests.

"Tourist facility" means an establishment set up to primarily provide local tourist information to visitors.

"Town" means the Town of Hayden, a municipal corporation of the State of Colorado. The Town may act through the Council or an official of the Town specifically authorized to perform the act.

"Tree lawn" means a strip of landscaping within the right-of-way, generally between the street and an adjacent sidewalk.

"Trip, vehicle" means a single or one-way vehicle movement to or from a property or study area. "Trips" can be added together to calculate the total number of vehicles expected to enter and leave a specific land use or site over a designated period of time.

"Truck stop" means an establishment engaged primarily in the fueling, servicing, repair or parking of tractor trucks or similar heavy commercial vehicles, including the sale of accessories and equipment for such vehicles. A truck stop may also include overnight accommodations, showers or restaurant facilities primarily for the use of truck crews.

"Undermining" means land that has been mined under the surface of the ground.

"Use" means the purpose for which land or a building is designated, arranged or intended or for which it either is or may be occupied or maintained.

"USGS datum" means United States Geological Survey basis of elevations.

"Vacation club" means a partnership, corporation, limited liability company or other legal entity that is the record owner, as reflected in the records of the County Tax Assessor, of a building containing one (1) or more units which meet the definition of dwelling, timeshare, interval ownership or fractional fee ownership, and it permits possession of such dwelling by its members and/or guests of its members on a periodic basis in consideration of such member's fractional ownership interest in the building or property or membership in the entity.

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

"Vehicle major repair, servicing and maintenance" means any building or portion thereof, where heavy maintenance activities such as engine overhauls, automobile/truck painting, body or fender work, welding or the like are conducted. Such use shall not include the sale of fuel, gasoline or petroleum products.

"Vehicle minor repair, servicing and maintenance" means the use of any building, land area, premises or portion thereof, where light maintenance activities such as engine tune-ups, lubrication, carburetor cleaning, brake repair, car washing, detailing, polishing or the like are conducted.

"Vehicle rental facility" means the rental of automobiles, light trucks, sport utility vehicles and vans including offices and the incidental parking and servicing of vehicles for rental or lease.

"Vehicle trip" means a single or one-way vehicle movement to or from a property or study area. "Vehicle Trips" can be added together to calculate the total number of vehicles expected to enter and leave a specific land use or site over a designated period of time.

"Vested property right" means the right to undertake and complete the development and use of property under the terms and conditions of a site specific development plan, pursuant to Section 7.16.140, Vested Property Right.

"Veterinary hospital" means any facility which is maintained by or for the use of a licensed veterinarian in the diagnosis, treatment or prevention of animal diseases.

"Veterinary facilities, small animal clinic" means any facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment or prevention of animal diseases wherein the animals are limited
to dogs, cats or other comparable household pets and wherein the overnight care of said animals is prohibited except when necessary in the medical treatment of the animal.

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

"Walkway" means:
1. A right-of-way or easement dedicated to public use that is not within a street right-of-way, to facilitate pedestrian access through a property by means of a hard surface path.
2. Any portion of a parking area restricted to the exclusive use of pedestrian travel.

"Walkway, connecting" means:
1. Any street sidewalk; or
2. Any walkway that directly connects a building entrance(s) to a sidewalk adjoining a street sidewalk, and connects other origins and destinations for pedestrians, including but not limited to commercial establishments, schools, parks, dwellings, work places and transit stops, without requiring pedestrians to walk across parking lots or driveways, around buildings or following parking lot outlines which are not aligned to a logical route.

"Warehouse and distribution" means 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 which stores or stocks merchandise or commodities.

"Watercourse" means a natural or artificial channel, depression, dry wash, slough, gulch, arroyo, stream, creek or drainage way, pond, reservoir or lake in which water flows either continuously, intermittently or periodically.

"Water surface elevation" means the height, in relation to the NGVD of 1988 (or other datum where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

"Wetland" means lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water.

"Wireless telecommunication equipment" means any equipment used to provide wireless telecommunication service, but which is not affixed to or contained within a wireless telecommunication facility, but is instead affixed to or mounted on an existing building or structure that is used for some other purpose. "Wireless telecommunication equipment" also includes a ground-mounted base station used as an accessory structure that is connected to an antenna mounted on or affixed to an existing building.

"Wireless telecommunication facility" means any freestanding facility, building, pole, tower or structure used to provide only wireless telecommunication services and which consists of, without limitation, antennae, equipment and storage and other accessory structures used to provide wireless telecommunication services.

"Wireless telecommunication service" means services providing for the transmission of wireless communications utilizing frequencies authorized by the Federal Communications Commission for paging systems, enhanced specialized wireless telecommunication, personal communication services or cellular telephone.

"Workshop and custom small industry" means a facility wherein goods are produced or repaired by hand, using hand tools or small-scale equipment, including small engine repair, furniture making and restoring, upholstering, restoration of antiques and other art objects, or other similar uses.

"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 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 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 side property line.

"Zone A" means a zone on the FIRM map containing areas of 100 year flood where base flood elevations and flood hazard factors have not been determined.

"Zone AE" means areas of 100-year shallow flooding where depths are between one (1) and three (3) feet and base flood elevations are shown but no flood hazard factors are determined.

"Zone AH" means areas of 100-year shallow flooding where depths are between one (1) and three (3) feet where average depths of inundation are shown but no flood hazard factors are determined.

"Zone AO" means a zone on the FIRM map containing areas of 100-year flood where base flood depths of 1 to 3 feet average depths have been determined. For areas of alluvial fan flooding, velocities are also determined.

"Zone AR" means a zone on the FIRM map containing areas of special flood hazard formerly protected by a flood control system that was subsequently decertified. "Zone AR" indicates that the former flood control system is being restored to provide protection form the 1% annual chance or greater flood event.

"Zone A99" means area to be protected from 1% annual chance flood event by a Federal flood protection system under construction; no base flood elevations determined.

"Zone X" means areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; areas protected by levees from 1% annual chance flood.

"Zone D" means areas in which flood hazards are undetermined, but possible.

"Zone district" means a zone district of the Town as established in Chapter 7.20 of this Code, 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 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 by ordinance, as amended.


Chapter 7.12 Development Application Review Authority
7.12.010 Purpose.
7.12.020 Summary Table of Review Authority.
7.12.040 Planning and Zoning Commission.
7.12.050 Manager.
7.12.060 Board of Adjustments.
7.12.080 Other Departments and Agencies.

7.12.010 Purpose.

The purpose of this chapter is to define the delegation of authority and responsibilities for review of development applications.


7.12.020 Summary Table of Review Authority.

Table 7.16-1 summarizes the development application procedures in the Development Code and identifies the bodies that have review and decision-making responsibilities for each procedure. See Chapter 7.16 for details on each procedure.


In addition to other authority granted by charter, ordinance or state law, the Council shall have the following functions and duties related to the Development Code:

1. Application review and decision making authority as defined in Chapter 7.16;
2. Negotiation and approval of development agreements; and
3. The authority to render a final decision which may be subject to any legal challenge, whether directly or by an appeal of a decision by the Manager, Planning Commission, Historic Commission or other commission, committee or agency on all land use and development application decisions pursuant to this Development Code.


7.12.040 Planning and Zoning Commission.

A. Establishment and Purpose. There is hereby established the Town Planning Commission of Hayden ("Planning Commission"). The purposes of the Commission are as follows:

1. To implement the goals and policies of the Comprehensive Plan; and,
2. To implement the purposes set out in the Development Code.

B. Duties. The Planning Commission shall have the following functions and duties:

1. Review development applications, amendments to the Comprehensive Plan and amendments to this Development Code, provide recommendations to the Council and render decisions as such authority is indicated in this chapter;
2. Upon request and direction by the Council, make and recommend plans for the physical development of the Town, including any areas outside its boundaries, subject to the approval of the legislative or governing body having jurisdiction thereof;

3. Upon request and direction of the Council, conduct research, prepare studies, review other matters which are related to the present conditions and future growth of the Town, and provide comments and recommendations thereon to the Council; and

4. Review and make recommendations to the Council about the design of proposed development, with due regard for design standards of this Development Code and other design criteria and guidelines adopted by the Town, code text amendments that address design review procedures and criteria and any design review guidelines for the Town relating to bulk and design regulations to be imposed or that establish design standards for specific uses, types of uses, parking standards, streetscapes or other similar items.

C. Membership and Qualifications. The Planning Commission shall be composed of seven (7) members who shall be appointed as follows:

1. One member of the Planning Commission shall be an ex-officio member selected by the Council from the members of the Council.

2. One member of the Commission shall be an ex-officio member selected by the Mayor from the administrative officials of the Town.

3. Five (5) members shall be registered electors residing in Hayden who shall be appointed by the Mayor and who shall hold no other municipal office of the Town of Hayden, except that one (1) such member (and not more than one (1)) may be a member of the zoning board of adjustment.

D. Term.

1. The term of the members provided in subsections (C)(1) and (C)(2) above shall correspond to their respective official tenures.

2. The term of each appointed member shall be six (6) years or until his successor takes office. Council shall determine the staggering of terms by resolution.

E. Quorum. Three (3) members of the Planning Commission shall constitute a quorum for the transaction of business, but in the absence of a quorum, a lesser number shall adjourn any meeting to a later time or date. In the absence of all members, any staff member shall adjourn any meeting to a later time or date.

F. Vacancies. A vacancy on the Planning Commission shall occur whenever a member of the Planning Commission is removed by the Council, dies, becomes incapacitated and unable to perform the required duties for a period of ninety (90) days, resigns, ceases to be a qualified member or is convicted of a felony. In the event a vacancy occurs, a new member shall be appointed in accordance with Section 7.12.040(C) and such appointed member shall serve the remaining term of the position.

G. Removal from Office. A member of the Planning Commission may be removed for inefficiency, neglect of duty, malfeasance in office, misconduct, conduct unbecoming of a Town official, violation of the Town's code of ethics, or more than two (2) unexcused absences within a twelve-month period. Prior to removal, Council shall conduct a hearing and shall provide written notice to the Planning Commission member stating the grounds for removal at least three (3) days prior to the hearing.

H. Officers. The Commission shall appoint its own chairperson from among the non ex-officio members and shall create and fill such other of its offices as it may determine. The Chairperson shall be the presiding officer of its meeting. The term of the Chairperson shall be one year, with eligibility for re-appointment by the Planning Commission. In the absence of the Chairperson, the members present shall appoint a member to serve as acting chair at the meeting.
I. Compensation. Members of the Planning Commission shall serve with compensation at a rate established annually by the Council and be reimbursed for all authorized personal expenses incurred while performing duties as a Planning Commission member.

J. Staff. The Manager shall serve as the staff of the Planning Commission and shall provide for the service of a recording secretary who shall act in the capacity of secretary for the Planning Commission to receive applications and other material for consideration for the Planning Commission.

K. Rules and Regulations. The Planning Commission shall operate in accordance with its own rules of procedure as provided for in Section 11-2 of the Town Charter. The rules shall be filed with the Town Clerk and maintained in the records of the Town and shall be subject to public inspection. The Planning Commission may provide for certain variances, exceptions and exemptions from the requirements of its rules and regulations.

L. Records. The Planning Commission shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record.

M. Meetings. The Planning Commission shall meet in accordance with the rules of procedure governing the Planning Commission and otherwise upon the call of the Chairperson. All meetings shall be held at the offices of the Town, unless otherwise specified, with adequate notice given to all interested parties.

N. Agenda. The Planning Commission may schedule the review of a development application on the next available agenda when the next meeting agenda is full and will likely result in an overly long meeting.

O. Authority to Retain Consultants. The Planning Commission is authorized to retain the services of one (1) or more consultants, provided that funds have been appropriated by the Town for said purpose or paid as part of the application fee by the applicant, to advise and assist the Planning Commission in performing the functions prescribed in this section. The consultants may be retained to advise the Planning Commission on a single project, on a number of projects or on a continuing basis.


7.12.050 Manager.

The Manager is authorized and directed to do the following:

1. Review applications, provide recommendations and render administrative decisions as indicated in this Title 7;

2. Establish application submittal requirements, including content and quantities of materials to be submitted;

3. Render interpretations of the Development Code;

4. Enforce all provisions of the Development Code, for which purpose the Manager shall have the powers of a law enforcement officer; and

5. Delegate any duty set forth in this Development Code to another official within the Community Development Department when determined appropriate and efficient by the Manager.

7.12.060  Board of Adjustments.

A. Purpose. The Board of Adjustment shall hear and decide appeals from any order, requirement, decision, or determination made by any administrative official charged with the enforcement of this Development Code. In addition, the Board of Adjustment shall hear and decide all requests for a variance from the requirements of this Development Code. The Board of Adjustments shall also perform such other duties as may be set forth in this Development Code.

B. Membership.
   1. The membership of the Board of Adjustment must consist of five residents of the municipality, appointed by the Council. Their terms of office are three years, and must be fixed so that the terms of office expire in different years. Appointments to fill vacancies are to be made only for the unexpired portion of the term. The Council may remove any member of the Board of Adjustment for cause upon written charges and after a public hearing.
   2. The Board of Adjustment shall elect from its own membership a chairperson and vice-chairperson, who shall serve annual terms and who may succeed themselves. For the conduct of any hearing or the taking of any action, a quorum of three members is required. An affirmative majority vote shall be necessary to authorize any action of the Board of Adjustment.


A. Establishment. There is hereby established the Historic Commission ("Historic Commission") of the Town. The Town Planning Commission shall serve as the Historic Commission.

B. Intent. It is hereby declared to be a matter of public policy that the protection, enhancement, perpetuation and use of structures, land and districts of historical, architectural or geographic significance, located within the Town, is in the public interest.

C. Purpose. The purposes of the Historic Commission are as follows:
   1. Promote the health, safety and welfare of the residents of the Town through the regulation of historic and/or cultural sites and structures;
   2. Foster civic pride in the beauty and accomplishments of the past;
   3. Protect and enhance the attraction to tourists and visitors and increase the quality of life of the residents;
   4. Promote the use of historical or architectural sites, structures and objects for the education and welfare of the residents of the Town;
   5. Promote and encourage private ownership, stewardship and utilization of such sites, structures and objects;
   6. Integrate historic and/or cultural preservation with the Comprehensive Plan;
   7. Maintain the Town's unique character by recognizing the importance of preservation and renewing the Town's legacy for present and future generations;
   8. Discourage the unnecessary demolition of historic and/or cultural resources;
   9. Provide incentives for the continued use of historic and/or cultural resources and facilitate their appropriate stewardship and reuse;
   10. Encourage the conservation of historic settings and landscapes; and
   11. Promote retention of historical integrity in the context of proposed land use.

D. Powers and Duties. The Historic Commission shall have the following powers and duties:
1. The Historic Commission shall review from time-to-time the criteria for designation of Historic Sites as set forth in this Development Code, and shall make recommendations to the Council for amendments.

2. The Historic Commission shall prepare application forms, shall review applications for designation of Historic Sites pursuant to this Development Code, shall review alterations of Historic Sites and shall make recommendations to the Council concerning the designation and revocation of Historic Sites.


7.12.080 Other Departments and Agencies.

The Council may request review and input of applications from other Councils, commissions, departments, other governmental agencies and nongovernment agencies, as determined appropriate considering the nature of the application.


**Chapter 7.16 Development Review Procedures**

7.16.010 Purpose.

7.16.020 General Procedures and Requirements.

7.16.030 Comprehensive Plan Amendment.

7.16.040 Code Text Amendment.

7.16.050 Rezonings.

7.16.060 Conditional Use.

7.16.070 Temporary Uses.

7.16.080 Planned Unit Development.

7.16.090 Subdivisions.

7.16.100 Site Plan.

7.16.110 Historic Site Designation.

7.16.120 Location, Character and Extent.

7.16.130 Wireless Telecommunications Services, Facilities and Equipment.

7.16.140 Appeal and Variance.

7.16.150 Alternative Design.

7.16.160 Right-of-Way Vacation.

7.16.170 Annexation.

7.16.180 Vested Property Right.

7.16.190 Appeal.
7.16.010 Purpose.

This Chapter contains regulations and the procedures for development applications. Section 7.16.020 below contains regulations that are generally applicable to all development application review procedures, described in a series of sequential steps. The purpose is to establish uniform procedures for application types to the extent possible. Subsequent sections identify the applicability of the common steps to specific procedures, noting any differences between the common procedures and those for the specific procedure. Specific procedure provisions supplement, rather than replace, provisions of the common steps, unless the provisions conflict, in which case the provisions of the specific procedure control. Table 7.16-1 indicates the specific review and approval procedures of this chapter, with section references.

Table 7.16-1: Development Review Procedures and Review Authority

<table>
<thead>
<tr>
<th>Procedure</th>
<th>Manager</th>
<th>PC</th>
<th>TC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Comprehensive Plan Amendment (§ 7.16.030)</td>
<td>R</td>
<td>H-R</td>
<td>H-D</td>
</tr>
<tr>
<td>Code Text Amendment (§ 7.16.040)</td>
<td>R</td>
<td>H-R</td>
<td>H-D</td>
</tr>
<tr>
<td>Rezoning (§ 7.16.050)</td>
<td>R</td>
<td>H-R</td>
<td>H-D</td>
</tr>
<tr>
<td>Conditional Use (§ 7.16.060)</td>
<td>R</td>
<td>H-R</td>
<td>H-D</td>
</tr>
<tr>
<td>Temporary Use (§ 7.16.070)</td>
<td>D</td>
<td>A (C)</td>
<td></td>
</tr>
<tr>
<td>Planned Unit Development (§ 7.16.080)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administrative PUD</td>
<td>D</td>
<td>A (C)</td>
<td></td>
</tr>
<tr>
<td>Preliminary PUD</td>
<td>R</td>
<td>H-R</td>
<td>H-D</td>
</tr>
<tr>
<td>Final PUD</td>
<td>R</td>
<td>H-R</td>
<td>H-D</td>
</tr>
<tr>
<td>Minor PUD Amendment</td>
<td>R</td>
<td>H-R</td>
<td>H-D</td>
</tr>
<tr>
<td>Major PUD Amendment</td>
<td>R</td>
<td>H-R</td>
<td>H-D</td>
</tr>
<tr>
<td>Revocation of PUD</td>
<td>R</td>
<td>H-R</td>
<td>H-D</td>
</tr>
<tr>
<td>Subdivision (§ 7.16.090)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administrative Subdivision</td>
<td>D</td>
<td>A (C)</td>
<td></td>
</tr>
<tr>
<td>Minor Subdivision</td>
<td>D</td>
<td>A (C)</td>
<td></td>
</tr>
<tr>
<td>Sketch Plan</td>
<td>R</td>
<td>H-D</td>
<td>A (C)</td>
</tr>
</tbody>
</table>
## Title 7 Development Code

<table>
<thead>
<tr>
<th>Site Plan (§ 7.16.100)</th>
<th>Preliminary Plan</th>
<th>R</th>
<th>H-R</th>
<th>H-D</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Final Plan</td>
<td>R</td>
<td></td>
<td>H-D</td>
</tr>
<tr>
<td>Site Plan (§ 7.16.100)</td>
<td>Minor Site Plan</td>
<td>R</td>
<td>D—A</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Major Site Plan</td>
<td>R</td>
<td>D—A</td>
<td></td>
</tr>
<tr>
<td>Historic Site Designation (§ 7.16.110)</td>
<td>R</td>
<td>H-R</td>
<td>H-D</td>
<td></td>
</tr>
<tr>
<td>Location, Character and Extent (§ 7.16.120)</td>
<td>R</td>
<td>H-D</td>
<td>A (C)</td>
<td></td>
</tr>
<tr>
<td>Wireless Telecommunications (§ 7.16.130)</td>
<td>R</td>
<td>H-R</td>
<td>H-D</td>
<td></td>
</tr>
<tr>
<td>Appeal and Variance (§ 7.16.140)</td>
<td>R</td>
<td>D (BOA)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alternative Design (§ 7.16.150)</td>
<td>R</td>
<td>R-D or R</td>
<td>A (C) or R-D</td>
<td></td>
</tr>
<tr>
<td>Right-of-way Vacation (§ 7.16.160)</td>
<td>R</td>
<td></td>
<td>H-D</td>
<td></td>
</tr>
<tr>
<td>Annexation (§ 7.16.170)</td>
<td>R</td>
<td>H-R</td>
<td>H-D</td>
<td></td>
</tr>
<tr>
<td>Vested Property Right (§ 7.16.180)</td>
<td>R</td>
<td>H-R</td>
<td>H-D</td>
<td></td>
</tr>
<tr>
<td>Appeal (§ 7.16.190)</td>
<td>R</td>
<td></td>
<td>D</td>
<td></td>
</tr>
</tbody>
</table>

**R** = Review/Recommendations  
**H** = Public Hearing  
**D** = Decision  
**D—A** = Decision with appeal to Board of Adjustments  
**A** = Appeal to Board of Adjustments  
**A (C)** = Appeals to Council  

7.16.020 General Procedures and Requirements.

The following procedures shall apply to all development applications which are reviewed under this chapter:

1. Step 1: Pre-application Conference. A pre-application conference is required for all development applications unless waived by the Manager. The pre-application conference serves to assist the applicant with (1) identifying information which must be provided for a complete development application, (2) understanding the development application review process, (3) identifying appropriate referral agencies for review and comment, (4) achieving compliance with development standards, understanding relevant planning issues and (5) determining appropriate fees. The Manager may include other Town representatives in the pre-application conference as deemed appropriate. The applicant shall provide sufficient information to the Manager at least five (5) business days prior to a scheduled pre-application conference, unless such time frame is waived by the Manager. Minimum information shall include applicant information, property description, description of the proposed development or nature of the development application and conceptual site plans or drawings which illustrate the nature of the development application. The Manager may determine that the information provided is insufficient and request additional information. If the applicant fails to provide sufficient information for a pre-application meeting and seeks to proceed with the application process, the Manager may notify the Planning Commission and Council of the lack of adequate information submitted at the pre-application conference. The Manager may provide a written letter after the pre-application conference summarizing application submittal requirements, review procedures, development standards, planning issues and required fees. The informal evaluation of the Manager and staff provided at the pre-application conference are not binding upon the applicant or the Town. Critical issues relevant to a development application may not be apparent at the pre-application conference and may require additional review, submissions or studies later in the application process.

2. Step 2: Application Submittal.
   a. Applicant. The owner of real property or authorized representative of the owner with a properly acknowledged power of attorney, may submit a development application. No development application shall be received for processing or approved and no application for a building permit shall be granted, when the applicant is in default under any related or unrelated agreement or obligation to the Town.
   b. Application Submittal Requirements. The applicant shall submit the application to the Manager. Application submittal requirements for every application type shall be established by the Manager on submittal forms available in the Administrative Manual from the Town or on the Town's website. The Manager may adopt standards and requirements for three-dimensional electronic and graphic information for application submittal requirements. The Manager may waive submission requirements where appropriate to specific applications; however, the waiver of any submission requirement shall not preclude the Planning Commission or Council from requiring such information where deemed necessary for evaluation of the development application with the applicable review criteria. The minimum submittal requirements for all applications shall include:
      i. Completed application form;
      ii. Owner’s signature or an acknowledged power of attorney if the owner has authorized an agent or representative to act as the applicant;
      iii. Title insurance commitment which has been updated within sixty (60) days of the application submittal along with copies of all documents listed in the exceptions;
      iv. Legal description of the property subject to the development application;
      v. Development application review fees; and
vi. Survey no more than three (3) years old stamped by a surveyor licensed in the State of Colorado.

c. Required Studies and Reports. Reports or studies may be necessary to adequately evaluate the development application for compliance with the review criteria. Such reports include but are not limited to: studies of soils, geological hazards, fiscal impacts, market analysis, traffic impacts and/or environmental impacts. The applicant shall furnish the reports or studies needed at the applicant's sole expense. The Town may require independent peer review of any report or study provided by the applicant. The applicant and the Town may agree to retain a mutually acceptable consultant to prepare a report or study, which cost shall be paid by the applicant. All required reports or studies shall be executed by professionals or other persons qualified to provide the requested reports. The form and content of reports or studies may be established by the Manager and set forth in the Administrative Manual.

d. Concurrent Review Permitted. Where multiple development applications concern the same property, the Manager may permit concurrent review of the development applications for efficiency and practicality.

e. Multiple Applications. A single property shall not be permitted to have more than one (1) application of the same type being processed concurrently.

f. Fees. Fees shall be paid in accordance with Section 7.04.100, Fees.


a. Determination of Completeness. A development application shall be reviewed for completeness by the Manager within ten (10) business days after receipt. If the application is determined to not be complete, then a written communication shall be promptly provided to the applicant indicating the specific deficiencies in the application. The determination that an application is complete or the failure to determine an application is incomplete within ten (10) days shall not preclude the Town from requiring information which is necessary and relevant to evaluate the development application for compliance with the review criteria. A determination by the Manager that the application is incomplete may be appealed to the Council in accordance with the procedures in Section 7.16.140, Appeal and Variance.

b. Referral to Other Agencies. Development applications may be referred to other agencies for review and comment. The Manager shall attempt to identify appropriate referral agencies and shall consider the comments from referral agencies as part of the staff review and report. The Planning and Zoning Commission and Council may determine that referral of a development application to an agency for review and comment is appropriate where such referral agencies may provide comments relevant to evaluating the development application for compliance with the review criteria. Referral of development applications to other agencies shall provide a minimum time frame for review and comment of fourteen (14) days for site plans, variances, amendments to text of the Development Code and minor subdivisions; and twenty-one (21) days for preliminary subdivision, planned unit development, planned unit development amendments, and rezoning; however, the time frame for review and comment may be extended if the development application presents technical issues which require additional review, if additional information is provided by the applicant or the application is modified. Referral agencies may include, but are not limited to:

i. Any utility, local improvement or service district or ditch company, when applicable;

ii. The Colorado Department of Transportation when the proposed development is adjacent to or in sufficient proximity to affect a right-of-way, interchange or other facility;
iii. The Colorado Geological Survey for findings and recommendations pertaining to geologic factors, including geologic hazards, mineralized areas and sand and gravel areas that would have a significant impact on the proposed use of the land; and

iv. Any other agency concerned with a matter or area of local interest that could be affected by the application.

c. Staff Review and Report. The Manager shall review the application in accordance with the criteria established in this chapter and shall prepare written findings of fact. If authorized as the decision-making authority, the Manager shall inform the applicant in writing of the findings and determination. If not authorized as the decision-making authority, the Manager shall prepare a recommendation and submit the recommendation and findings to the appropriate review and decision-making authority.

d. Required Processing. Applicants shall be required to continuously and diligently pursue their development applications, which shall include responding in a timely manner to staff comments and requests. An applicant which fails to respond to staff comments or requests for a period of four (4) months shall be administratively withdrawn by the Manager unless the Manager determines that good cause exists to extend the application time frame and approves such extension in writing.


a. Published and Posted Notice. Notice shall be published in a newspaper of general circulation within the Town and posted in the designated official places of posting by the Town at least ten (10) days prior to the hearing date.

b. Mailed Notice. For procedures that require mailed notice, notice shall be sent by first-class mail to all real property owners within one hundred fifty (150) feet of the property which is the subject of a development application, as measured from the boundary of the property. If a property within one hundred fifty (150) feet that requires notification is a condominium project, notice may be mailed to the managing agent, registered agent or any member of the board of directors of the project. Mailed notice shall be postmarked at least ten (10) days prior to the meeting. Mailed notice shall be sent by the Town at the applicant's expense. The Routt County Assessor's records may be used to determine the addresses of real property owners. The Town shall include a certificate of mailing in the public record. Mailed notice shall be required for annexation, major subdivision, planned unit development, special review use, rezoning, right-of-way vacation, variance and vested property right applications.

c. Notice Content. Every required form of notice shall state the time and place of the hearing, the name of the applicant, a general description of the subject property indicating its location (which shall be shown by map), a brief summary of the subject matter of the hearing, a description of the proposed development, a statement that the application or information relating to the proposed change or amendment is available in the Manager's office during regular business hours for review or inspection by the public and a statement that written comments may be submitted to the Town. All required notices shall be approved by the Manager prior to posting or distributing.

d. Constructive Notice. Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in notice shall be limited to errors in a legal description or typographical or grammatical errors that do not impede communication of the notice to affected parties. In all cases, however, the requirements for the timing of the notice and for specifying the time, date and place of a hearing shall be strictly construed. Any person who appears at a public hearing is deemed to have received constructive notice and waived any grounds to challenge defective notice. If a question arises at the hearing regarding the adequacy of notice, the reviewing or decision-making body shall make a formal finding as to whether there was substantial compliance with the notice.
requirements of this Development Code. When the records of the Town document the publication, mailing and posting of notices as required by this section, it shall be presumed that notice was given as required by this section. If the reviewing or decision-making body takes action to continue a hearing to a future specified date, time and location, then constructive notice is deemed to have been provided for such continued hearing date and additional notices shall not be required.

5. Step 5: Public Hearings. The Manager shall schedule a public hearing date before the Planning Commission and/or Council after a complete application has been received, Town staff has completed Town staff review and referral agencies have had an opportunity to provide comments. The Manager may delay the scheduling of a public hearing to a subsequent meeting where an agenda of the Planning Commission or Council is full. A complete application shall be scheduled for an initial public hearing within seventy-five (75) days after the date that the application is determined to be complete unless the applicant consents to scheduling the public hearing on a later date. The Planning Commission or Council may continue a public hearing on its own initiative for a maximum of sixty-five (65) days after the date of the initial public hearing without the consent of the applicant. The Planning Commission or Council may continue a public hearing for a maximum of ninety-five (95) days with the consent of the applicant. The reviewing authority shall have thirty-five (35) days after the close of a public hearing to issue written findings in accordance with Paragraph 7.16.020(f)(3) and adopt a written final record of decision.

6. Step 6: Review and Decision. The following rules shall apply to review, recommendations and decisions conducted at public hearings:

a. Review Criteria. The reviewing authority shall be Manager when the Manager has the authority to administratively approve a development application. The reviewing authority shall be the Planning Commission and/or Council for all development applications which are subject to public hearing. The reviewing authority shall review development applications for compliance with all relevant standards and criteria as set forth in the specific procedures for the particular application in this Development Code, as well as the following general criteria which shall apply to all development applications:

i. The development application is complete;
ii. The development application provides sufficient information to allow the reviewing authority to determine that the development application complies with the relevant review criteria;
iii. The development application complies with the goals and policies of the Comprehensive Plan; and
iv. The demand for public services or infrastructure exceeding current capacity is mitigated by the development application.

b. Authority to Require Additional Studies. If the reviewing authority finds that the submittal materials are not adequate to evaluate the development against the review criteria, it may require additional studies as necessary. In doing so, the reviewing authority shall indicate the specific consequences or concerns for which the standard submittal requirements fail to provide adequate means of evaluation and the data or information needed for proper evaluation. The results of any study or analysis shall not dictate either approval or disapproval of the proposed project.

c. Findings. The reviewing authority shall adopt written findings which document that a recommendation or decision is based upon a determination of whether the development application complies with the applicable review criteria. The written findings shall state the conditions or mitigation.

d. Conditions. The reviewing authority may recommend approval or may approve a development application with conditions where such conditions are deemed necessary to ensure compliance with the applicable review criteria and the purpose and intent of this
Development Code. Conditions shall be in written form and attached to the approved plan, plat or permit. Conditions may include specific time limits for performance of any condition. Conditions may include financial performance guarantees from the applicant where the condition requires improvements for mitigation, where deemed necessary to public health, safety or welfare or where deemed necessary to protect adjacent property or public infrastructure. Financial performance guarantees shall be in the form of an agreement which is acceptable to the Town and shall be executed by the applicant.

e. Final Decision. A decision by the Manager or the Planning Commission shall become final unless a written appeal is timely submitted to the Town in accordance with Section 7.16.140, Appeal and Variance. The date of the decision shall be the date that the reviewing authority renders a decision. The Town shall mail the written findings and notification of decision to the applicant within five (5) working days of the decision of the reviewing authority. The Council reserves the authority to render a final decision on all decisions rendered under this Development Code, and only a decision of the Council may be subject to legal challenge. The failure to timely submit a written appeal of a decision of the Manager or the Planning Commission shall be deemed to be a waiver of any right to legally challenge such decision.

7. Termination of Approval. All development approvals shall expire and become void two (2) years after the date of the approval if a building permit has not been issued prior to the expiration date, except when a different duration is specified in the development approval, a different duration is specified in the specific procedures for the development approval or a request for extension is approved by the reviewing authority which granted the original development approval. The owner shall submit a written request for an extension to the Manager prior to the expiration date and shall state the reasons and circumstances for such extension request. The Manager and the Planning Commission may provide one (1) extension for a maximum of one (1) year. The Council may provide multiple extensions and may provide extensions greater than one (1) year.


7.16.030 Comprehensive Plan Amendment.

This Section sets forth procedures for reviewing proposed amendments to the texts and maps of the Comprehensive Plan. The amendment process is established to provide flexibility in response to changing circumstances, to reflect changes in public policy and to advance the general welfare of the Town.

1. Review Procedures. Applications to amend the Comprehensive Plan shall follow the general review procedures set forth in Section 7.16.020, General procedures and requirements. Applications to amend the Comprehensive Plan may be initiated by the Council, any registered voter of the Town or any property owner in the Town.

2. Review Authority. The Planning Commission shall review applications for amendments to the Comprehensive Plan and shall provide a recommendation to the Council after conducting a public hearing. The Council shall render the final decision on an application to amend the Hayden Comprehensive Plan after conducting a public hearing. Amendments to the Hayden Comprehensive Plan shall be approved by ordinance of the Council.

3. Review Criteria. The Planning Commission and Council shall use the following review criteria as the basis for recommendations and decisions on applications to amend the Comprehensive Development Plan:

a. The surrounding area is compatible with the land use proposed in the plan amendment or the proposed land use provides an essential public benefit and other locations are not feasible or practical;
b. Transportation services and infrastructure have adequate current capacity or planned capacity, to serve potential traffic demands of the land use proposed in the plan amendment;

c. Public services and facilities have adequate current capacity or planned capacity to serve the land use proposed in the plan amendment;

d. The proposed land use in the plan amendment will result in a better location or form of development for the Town, even if the current plan designation is still considered appropriate;

e. Strict adherence to the current plan would result in a situation neither intended nor in keeping with other key elements and policies of the plan;

f. The proposed plan amendment will promote the purposes stated in this Development Code; and

g. The proposed plan amendment will promote the health, safety or welfare of the Hayden Community and will be consistent with the general goals and policies of the Comprehensive Plan.


7.16.040 Code Text Amendment.

The Council may amend the text of the Development Code, including the adoption, modification or replacement of appendices to the Development Code, pursuant to this section. The purpose of a code text amendment is to address changed conditions, unintended consequences or changes in public policy, to advance the general welfare of the Town.

A. Review Procedures. Applications to amend the text of the Development Code shall follow the general review procedures set forth in Section 7.16.020, General procedures and requirements. Applications to amend the text of the Development Code may be initiated by the Council, Town staff, Planning Commission, or any property owner or resident within the Town.

B. Review Authority. The Planning Commission shall review applications to amend the text of the Development Code and shall provide a recommendation to the Council after conducting a public hearing. The Council shall render the final decision on an application to amend the text of the Development Code after conducting a public hearing. Amendments to the text of the Development Code shall be approved by ordinance of the Council.

C. Review Criteria. The Planning Commission and Council shall use the following review criteria as the basis for recommendations and decisions on applications to amend the text of the Development Code:

1. The text amendment promotes the health, safety and general welfare of the Hayden community;

2. The text amendment promotes or implements the goals and policies of the Comprehensive Plan;

3. The text amendment promotes or implements the purposes stated in this Development Code; or

4. The text amendment is necessary or desirable to respond to changed conditions, new planning concepts or other social or economic conditions.


7.16.050 Rezonings.

The boundaries of any zone district may be changed or the zone classification of any parcel of land may be changed pursuant to this section. The purpose is not to relieve particular hardships nor to confer special privileges or rights on any person, but only to make adjustments to the Official Zoning Map that
are necessary in light of changed conditions or changes in public policy or that are necessary to advance the general welfare of the Town.

A. Review Procedures. Applications for a rezoning shall follow the general review procedures set forth in Section 7.16.020, General procedures and requirements. Applications to rezone property may be initiated by the Council, Town staff, Planning Commission, or any property owner or resident within the Town.

B. Review Authority. The Planning Commission shall review applications for rezonings and shall provide a recommendation to the Council after conducting a public hearing. The Council shall render the final decision on an application for rezonings after conducting a public hearing. Rezonings shall be approved by ordinance of the Council.

C. Review Criteria. The Planning Commission and Council shall use the following review criteria as the basis for recommendations and decisions on applications for rezonings:

1. Correction of an error in an ordinance establishing the zoning for a specific property (if applicable);
2. Evidence of substantial compliance with the purposes of the Development Code;
3. Consistency with the Comprehensive Plan;
4. Physical suitability of the land for the proposed development or subdivision;
5. Compatibility with surrounding land uses;
6. Whether the proposed rezoning is justified by changed or changing conditions in the character of the area proposed to be rezoned;
7. Whether there are adequate facilities available to serve development for the type and scope suggested by the proposed zone compared to the existing zoning, while maintaining adequate levels of service to existing development;
8. Whether the rezoning is consistent with the stated purpose of the proposed zoning district;
9. That, compared to the existing zoning, the rezoning is not likely to result in adverse impacts upon the natural environment, including air, water, noise, stormwater management, wildlife and vegetation, or such impacts will be substantially mitigated;
10. That, compared to the existing zoning, the rezoning is not likely to result in significant adverse impacts upon other property in the vicinity of the subject tract; and
11. Adequate mitigation is required for rezoning applications which result in greater intensity of land use or increased demands on public facilities and infrastructure.

D. Mitigation. Rezoning applications which propose a greater intensity of land use or increased demands on public services or infrastructure shall be required to provide adequate mitigation of such impacts. Greater intensity of land use or increased demands on public facilities and infrastructure shall include, but are not limited to: transportation, water, sewer, schools, emergency services, police, parks and recreation, medical and library. Adequate mitigation may include providing dedications of land or cash-in-lieu for the proportionate share of capital investment in public facilities and infrastructure related to the potential incremental increase of demand created from the existing zoning classification to the proposed zoning classification.


7.16.060 Conditional Use.

In order to provide flexibility and to help diversify uses within a zoning district, specified uses are permitted in certain districts subject to the granting of a conditional use permit. Specific conditional uses for each zone district are listed in the Table of permitted and conditional uses by Zoning District. Because
of their unusual or special characteristics, conditional uses require review and evaluation so that they may be located properly with respect to their effects on surrounding properties. The review process prescribed in this section is intended to assure compatibility and harmonious development between conditional uses, surrounding properties and the Town at large. Conditional uses may be permitted subject to such conditions and limitations as the Town may prescribe to ensure that the location and operation of the conditional uses will be in accordance with the conditional use criteria. The scope and elements of any conditional use may be limited or qualified by the conditions applicable to the specific property. Where conditions cannot be devised to achieve these objectives, applications for conditional use permits shall be denied.

A. Review Procedures. Applications for a conditional use shall follow the general review procedures set forth in Section 7.16.020, General procedures and requirements, except that mailed notice shall be sent to all property owners within three hundred feet (300') and to appropriate referral agencies no less than thirty (30) days before a hearing. Notice shall also be posted on the property and published in the newspaper at least ten (10) days prior to the hearing. Applications for conditional use may be initiated by the property owner and may not be initiated by any other person.

B. Review Authority. The Planning Commission shall review applications for conditional uses and shall provide a recommendation to the Council after conducting a public hearing. The Council shall render the final decision on an application for conditional uses after conducting a public hearing. Conditional uses shall be approved by resolution of the Council.

C. Review Criteria. The Planning Commission and Council shall use the following review criteria as the basis for recommendations and decisions on applications for conditional uses:

1. The proposed conditional use is consistent with the Comprehensive Plan and all applicable provisions of this Development Code and applicable state and federal regulations;

2. The proposed conditional use is consistent with the purpose and intent of the zoning district in which it is located and any applicable use-specific standards in the Development Code;

3. The proposed conditional use is compatible with adjacent uses in terms of scale, site design and operating characteristics;

4. The proposed conditional use will not substantially alter the basic character of the district in which it is in or jeopardize the development or redevelopment potential of the district;

5. The proposed conditional use will result in efficient on- and off-site traffic circulation which will not have a significant adverse impact on the adjacent uses or result in hazardous conditions for pedestrians or vehicles in or adjacent to the site;

6. Any significant adverse impacts (including but not limited to hours of operation, traffic generation, lighting, noise, odor, dust and other external impacts) anticipated to result from the conditional use will be mitigated or offset to the maximum extent practicable;

7. Facilities and services (including sewage and waste disposal, water, gas, electricity, police and fire protection and roads and transportation, as applicable) will be available to serve the subject property while maintaining adequate levels of service for existing development;

8. Adequate assurances of continuing maintenance have been provided;

9. The proposed conditional use meets all the applicable standards in Chapter 7.24, Development Standards.

D. Authority to Impose Conditions on Permit. The Council may approve conditional use permit that have the following conditions or limitations: The conditional use permit may be revocable; may be granted for a limited time period; or may be granted subject to conditions as the Council may determine appropriate to mitigate adverse impacts, promote compatibility with surrounding uses, or otherwise necessary to meet the review criteria. Conditions may include, but shall not be limited to: requiring special setbacks, open spaces, fences or walls, landscaping or screening, street dedication and improvement, regulation of vehicular access and parking, signs, illumination, hours and methods
of operation, control of potential nuisances, prescription of standards for maintenance of buildings and grounds, and prescription of development schedules.


7.16.070 Temporary Uses.

Temporary uses are uses established for a limited duration with the intent to discontinue the temporary use upon the expiration a particular time period. Concrete or asphalt batch plants and gravel or mineral mining are prohibited from applying to the Town as temporary uses. Any temporary use shall not involve the construction or alteration of any permanent structure and may be located in any zoning district.

A. Temporary Use Categories. There are three categories of temporary uses: Special Event, Site Location and Camping.

1. Special Event temporary uses can be for a time period of no more than thirty (30) days and include: bike or running races, conventions, seasonal sales, sports tournaments, circuses, yard sales, fairs, etc.

2. Site Location temporary use permits are for the placement of construction or sales trailers at commercial, residential or industrial construction sites. Site Location temporary use permits expire upon the issuance of a certificate of occupancy for the associated permanent structure or substantial completion of site development work for an approved subdivision.

3. Camping temporary uses are allowed within the residential districts of Hayden. Camping may include RV, travel trailer, "pop-up" camper or tents and must be located on a site associated with a permitted residential structure. Only one camping permit per residential lot or site is allowed at any one time and permits are allowed for a maximum of fourteen (14) consecutive days, renewable three (3) times per calendar year, for a maximum of forty-two (42) days in any calendar year.

B. Review Process. Approval of any temporary use will be an administrative matter. Staff will review the temporary use application based upon compliance with the requirements of this section.

C. Duration and Extension of Time. Special Event temporary use permits expire no more than thirty (30) days after issuance with one administrative renewal (thirty (30) day maximum) possible if requested at least seven (7) days prior to expiration. For a Site Location temporary use the permit may be for a period to be determined by the Town with one administrative extension allowed if requested at least thirty (30) days prior to expiration.

D. Expiration of Permit. Upon the expiration of any temporary use permit, the location of the use must be returned to its condition prior to the issuance of the permit by the Town.

E. Appeal. The decision of the Town Staff may be appealed pursuant to Section 7.16.140, Appeal and Variance.


7.16.080 Planned Unit Development.

A. Purpose. This Section is intended to allow flexible development patterns that are not specifically provided for in this Development Code. It is the purpose of this section:

1. To promote and permit flexibility that will encourage innovative and imaginative approaches in land development and renewal that will result in a more efficient, aesthetic, desirable and economic use of land while maintaining density and intensity of use consistent with the applicable adopted plans, regulations and policies of the Town;
2. To promote development within the Town that can be conveniently, efficiently and economically served by existing local utilities and services or by their logical extension;

3. To promote design flexibility, including placement of buildings, use of open space, pedestrian and vehicular circulation systems to and through the site and off-street parking areas in a manner that will best utilize potential on-site characteristics such as, topography, geology, geography, size and proximity;

4. To provide for the preservation of historic or natural features where they are shown to be in the public interest, including but not limited to such features as: drainage ways, floodplains, existing topography or rock outcroppings, unique areas of vegetation, historic landmarks or structures;

5. To provide for compatibility with the area surrounding the project site;

6. To provide for usable and suitably located open space such as, but not limited to, bicycle paths, playground areas, courtyards, tennis courts, swimming pools, planned gardens, outdoor seating areas, outdoor picnic areas and similar open space;

7. To minimize adverse environmental impacts of development;

8. To improve the design, quality and character of new development; and

9. To provide compensating community benefits to offset any impacts of the development and in recognition of design flexibility.

B. Eligibility Criteria. All of the following criteria must be met for a property to be eligible to apply for PUD approval.

1. Property Eligible. Properties within the Town must include a gross land area of not less than thirty-five (35) acres, except in the MH zone district where the gross land area shall not be less than five (5) acres, to be eligible to apply for PUD approval.

2. Consistency with Comprehensive Plan. The proposed development shall be consistent with the Comprehensive Plan.

3. Consistent with PUD Intent. The proposed development shall be consistent with the intent and spirit of the PUD purpose statement in subsection (A) of this section.

4. Compatibility with Existing Uses. The proposed development shall not impede the continued use or development of surrounding properties for uses that are permitted in the Development Code or planned for in the Comprehensive Plan.

5. Public Benefit. A recognizable and material benefit will be realized by both the future residents and the Town as a whole through the establishment of a PUD, where such benefit would otherwise be infeasible or unlikely.

6. Preservation of Site Features. Long-term conservation of natural, historical, architectural or other significant features or open space will be achieved, where such features would otherwise be destroyed or degraded by development as permitted by the underlying zoning district.

7. Sufficient Land Area for Proposed Uses. Sufficient land area has been provided to comply with all applicable regulations of the Development Code, to adequately serve the needs of all permitted uses in the PUD projects and to ensure compatibility between uses and the surrounding neighborhood.

C. Dimensional and Development Standards. The following dimensional and development standards shall apply to all PUDs.

1. Overlay District. A PUD shall be an overlay district and shall be applied over an underlying zone district. If there is no underlying zone district, one shall be established prior to or concurrently with a PUD approval. The rezoning process set forth in Section 7.16.050 shall be used to establish the underlying zone district.
2. Permitted Uses. PUD uses shall be limited to those allowed either as permitted, accessory or special review uses in the underlying zone district.


D. General Procedures. All PUDs are processed in two stages: (1) the preliminary PUD; and (2) the final PUD unless consolidation of PUD review is approved by the Town. The final PUD can only be filed with the Town for review and processing after the preliminary PUD has been approved or conditionally approved by the Council. The filing of a PUD with the shall not constitute the effective dedication of easements, rights-of-way or access control, nor shall the filed PUD plan neither be the equivalent of nor substitute for the Final Platting of land. Specific procedures for preliminary PUD and final PUD are outlined below.

1. Coordination With Subdivision Review. It is the intent of this Development Code that subdivision review required under Section 7.16.090, Subdivisions, if applicable, be carried out concurrently with the review of PUD development plans under this section. If subdivision approval is required for the subject property, the PUD plans required under this section shall be submitted in a form that satisfies the requirements for preliminary and final subdivision plat approvals. If any provisions of this section conflict with the subdivision procedures or standards of this Development Code, the more restrictive or detailed requirements shall be met, unless specifically altered by the Council.

E. Procedures for Preliminary Planned Unit Development. The general procedures set forth in Section 7.16.020 shall apply to preliminary PUD applications. Where subdivision approval will be required to implement development in a proposed PUD, the applicant shall file a single preliminary PUD plan incorporating the application requirements of both the PUD and subdivision Preliminary Plans. The provisions and procedures for public notice, hearing and review for a PUD as prescribed in this section shall apply to the application.

1. PUD Master Plan and Guide Required. The application for PUD rezoning shall include a preliminary PUD plan. The Manager shall require sufficient detail in the preliminary PUD plan to provide an opportunity for the approving bodies to make informed decisions and evaluate compliance with the applicable approval criteria. The plan shall include, at a minimum:
   a. A quantitative summary of existing conditions on the subject property;
   b. A list of uses to be allowed within the PUD by right, a list of uses to be allowed only with a special review use permit and a list of temporary uses;
   c. Parking analysis based on proposed uses;
   d. Density of uses proposed;
   e. Location of public and private open space;
   f. Location of existing and proposed buildings on the site;
   g. Road, street and pedestrian networks proposed;
   h. Drainage facilities;
   i. Existing or proposed utilities and public services;
   j. If development is to be phased, a description of the phase components and timing;
   k. A statement that development on the site will meet applicable standards of the underlying zoning district and this Development Code or a statement specifying the standards of the underlying district and this Development Code to which modifications are proposed and the justification for such modifications; and
   l. A statement specifying the public benefits to be contained in or associated with the PUD.
2. **Notice.** Where subdivision approval will be required to implement development in a proposed PUD, the public hearing notice requirements for preliminary subdivision plan approval shall be combined and shall run concurrently with the PUD public notice and hearing requirements.

3. **Reviewing Authority.** The Planning Commission shall review a preliminary PUD applications and shall provide a recommendation to the Council after conducting a public hearing. The Council shall review and render a final decision on a preliminary PUD application after conducting a public hearing. Unless otherwise approved by the Council, approval of a preliminary PUD application shall vest no rights to the applicant other than the right to submit a final PUD development plan.

4. **Review Criteria.** The Planning Commission and Council shall consider the following criteria as the basis for a recommendation or decision to rezone a property to PUD overlay, approve a preliminary PUD plan or process a PUD amendment:
   a. The PUD addresses a unique situation, confers a substantial benefit to the Town and/or incorporates creative site design such that it achieves the purposes of this Development Code and represents an improvement in quality over what could have been accomplished through strict application of the otherwise applicable district or development standards. Such improvements in quality may include, but are not limited to: improvements in open space provision and access; environmental protection; tree/vegetation preservation; efficient provision of streets, roads and other utilities and services; or increased choice of living and housing environments;
   b. The PUD rezoning will promote the public health, safety and general welfare;
   c. The PUD rezoning is consistent with the Comprehensive Plan, the purposes of this Development Code and the eligibility criteria outlined in Section 7.16.060(b);
   d. Facilities and services (including roads and transportation, water, gas, electric, police and fire protection and sewage and waste disposal, as applicable) will be available to serve the subject property while maintaining adequate levels of service to existing development;
   e. Compared to the underlying zoning, the PUD rezoning is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife and vegetation, or such impacts will be substantially mitigated;
   f. Compared to the underlying zoning, the PUD rezoning is not likely to result in significant adverse impacts upon other property in the vicinity of the subject tract; and
   g. Future uses on the subject tract will be compatible in scale with uses or potential future uses on other properties in the vicinity of the subject tract.

5. **Submission Deadline for Final PUD Master Plan.** Within six (6) months following approval of the preliminary PUD plan, the applicant shall initiate the second stage of the application process by filing with the Manager a final PUD plan and subdivision plat if necessary, containing in final form all the information required in the preliminary PUD plan, along with such other documents as may be necessary to implement the plan or to comply with all applicable requirements of this Development Code. Upon written request by the applicant prior to the application lapsing, the Planning Commission, for good cause, may extend the period for filing the final PUD plan for a period not to exceed six (6) months.

F. **Procedures for Final Planned Unit Development Approval.** The general procedures set forth in Section 7.16.020, General procedures and requirements, shall apply to final Planned Unit Development applications subject to the following exceptions and additions:

1. **Pre-Application Conference.** A pre-application conference shall be required, unless waived by the Manager.

2. **Contents of the Final PUD Master Plan.** The final PUD master plan shall contain all of the materials included in the preliminary PUD development plan, together with revisions, if any, that may be approved by the Planning and Zoning Commission without an additional public hearing,
as described in Subparagraph b. below. In addition to the materials required in the administration manual, the final PUD master plan shall include the following:

a. Phasing Program. A document describing any proposed phasing program of the development for all structures, recreational and other common facilities and open space improvements, including time schedule for commencement and completion dates of construction of each phase. Intermediate phases shall not exceed overall project density, and a pro rata allocation of common open space shall be made as each phase is developed.

b. Common Open Space Agreement. A copy of the formal agreement with a public agency or private association for the ownership and maintenance of the common open space is required.

c. Plats for Recording. A copy of any subdivision plat, plat of dedication or plat of vacation that may be a necessary part of the PUD rezoning is required.

d. Covenant. A restrictive covenant in a form acceptable to the Town Attorney limiting development of construction upon the tract as a whole to such development and construction as shall comply with the final PUD development plan as approved by the Council, which document shall include a provision granting the Town a right to enforce the same.

3. Permitted Minor Changes From a Preliminary PUD Master Plan. Minor changes in the location, siting and height of structures, streets, driveways and open spaces may be authorized by the Planning Commission to be included in the final PUD master plan in accordance with the following procedure without additional public hearings, if such changes are required by engineering or other circumstances not foreseen at the time the preliminary PUD development plan is approved. No change authorized by this subsection may cause any of the following:

a. A change in the use or character of the development;

b. An increase by more than one percent (1%) in the overall coverage of structures;

c. An increase in the density or intensity of use;

d. An increase in the impacts on traffic circulation and public utilities; and

e. A reduction of not more than one (1) percent in approved common open space.

4. Reviewing Authority. The Planning Commission shall review all final PUD applications and shall provide a recommendation to the Council after conducting a public hearing. The Council shall review and render a final decision on a final PUD application after conducting a public hearing.

5. Review Criteria. The Planning Commission and the Council shall review the final PUD development plan and PUD rezoning according to the same approval criteria listed above for preliminary PUD development plans.

G. Recordation. The applicant shall record the approved final PUD, as approved, in the office of the Routt County Clerk and Recorder within thirty (30) days after the date of approval. If the final PUD is not recorded, the approval of the Council shall be deemed to have been withdrawn and the approval shall be null and void.

H. Amendments to a Final PUD. Unless a final PUD contains different amendment procedures, amendments to a final PUD are governed by this subsection. The PUD amendment process is dependent on the type of amendment.

1. PUD Amendment Categories. Categories of PUD amendments are established and defined as follows for the purpose of determining the appropriate review procedure:

a. Administrative Amendment. A proposed PUD amendment is considered administratively if it provides for the correction of any errors caused by mistakes that do not materially alter the substance of the PUD development plan as represented to the Council.
b. Minor Amendment. A proposed PUD amendment is considered minor if it meets the following criteria for decision and has been determined as such by the Manager:
   i. The PUD amendment does not increase density, increase the amount of nonresidential land use or significantly alter any approved building scale and mass of development.
   ii. The PUD amendment does not change the character of the development and maintains the intent and integrity of the PUD.
   iii. The PUD amendment does not result in a net decrease in the amount of open space or result in a change in character of any of the open space proposed within the PUD.

c. Major Amendment. A PUD amendment that is not classified as an administrative amendment or minor amendment is considered a major amendment.

2. Reviewing Authority.
   a. Administrative Amendments. The Manager shall review and render decisions on Administrative Amendments. A decision of the Manager may be appealed to pursuant to Section 7.16.140, Appeal and Variance.
   b. Minor Amendments. The general procedures set forth in Section 7.16.020 General Procedures and requirements, shall apply to minor PUD amendment applications. The Planning Commission shall review all minor PUD amendment applications and shall provide a recommendation to the Council after conducting a public hearing. The Council shall review and render a final decision, through a resolution, on a minor PUD amendment application after conducting a public hearing.
   c. Major Amendments. The general procedures set forth in Section 7.16.020 shall apply to major PUD amendment applications. All major PUD amendment applications shall be processed as preliminary PUD and final PUD applications.

3. Review Criteria. The Planning Commission and Council shall review a PUD amendment according to the same approval criteria listed above for a preliminary PUD development plan.

I. Lapse. Unless otherwise provided by the Council, development of an approved PUD shall commence within twelve (12) months from the approval of the final PUD plan. If development has not commenced within twelve (12) months, the Manager shall initiate a public hearing process for the purpose of considering whether to rezone the property back to its prior zoning classification or, in light of other conditions, to another zoning classification and revocation of all permits issued and action taken.

J. Revocation of a Final PUD. A final PUD may be revoked pursuant to the procedures and criteria set forth in this section.
   1. Initiation of Revocation Proceedings. Revocation of a PUD may occur if:
      a. The landowner or a majority of the owners of property within the subject PUD, petition for revocation of such PUD plan in whole or in part;
      b. The project falls more than three (3) years behind the phasing plan or schedule filed with the final PUD;
      c. Construction and/or application for building permits have not commenced within one (1) year of approval of the final PUD by the Council; or
      d. The construction and provision of landscaping, buffers, open space and public streets and facilities that are shown on the final development plan are proceeding at a substantially slower rate than other project components.
   2. Public Notice Requirements. Prior to the Planning Commission meeting and the Council meeting, notice shall be given in accordance with the provisions of Section 7.16.020(d).
   3. Review Authorities.
a. Planning Public Hearing. The Planning Commission shall hold a public hearing and make a recommendation to revoke the final PUD, keep the final PUD in force or postpone the application. The Planning Commission shall not recommend revocation of the final PUD to the Council unless the Planning Commission makes the findings required for revocation. The Planning Commission may impose reasonable conditions on such revocation in order to advance the health, safety and welfare of the citizens, such as vacation of the underlying Final Plat.

b. Council Public Hearing. The Council shall hold a public hearing and determine whether to revoke, postpone or keep the final PUD in force. The Council shall not revoke the final PUD unless it makes the findings required for revocation. The Council may impose reasonable conditions on such revocation in order to advance the health, safety and welfare of the citizens, such as vacation of the underlying Final Plat.

4. Required Findings for Revocation. The Planning Commission shall not recommend revocation and the Council shall not revoke any final PUD unless the following findings are made:

   a. Revocation proceedings were initiated pursuant to this section; and
   b. The property owners were notified no less than sixty (60) days prior to Planning Commission action on the revocation; and
   c. Public notice was mailed prior to the Planning Commission hearing on the revocation and prior to the Council hearing on the revocation pursuant to the provisions of Section 7.16.020(d); and
   d. The PUD is not compatible with the surrounding area; or
   e. There is not a need for the uses in the area included within the PUD plan; or
   f. The PUD will have adverse impacts on future development of the area; or
   g. The traffic generated by the PUD plan will have adverse impacts on the neighborhood and the surrounding area; or
   h. The PUD will have adverse impacts on community facilities in the neighborhood and on the surrounding area, including but not limited to schools, library, police and fire protection, recreation facilities, park lands and open space; or
   i. The PUD will have adverse impacts on municipal infrastructure in the area, including but not limited to water service, wastewater service, storm water service, transportation systems and street systems; or
   j. The PUD will not comply with the standards and specifications for design and construction of public improvements in force at the time of the public hearing; or
   k. The owner or applicant has not met all dates established in the PUD plan for the commencement of construction of the PUD or for a phase of the PUD plan; or
   l. The revocation is in conformance with the provisions contained in applicable sections of this Code, consistency with the adopted Comprehensive Plan for the Town and applicable specific plans and relevant Town policies.


7.16.090 Subdivisions.

The purpose of the subdivision review procedures is to ensure compliance with all the standards and requirements in this Development Code and encourage quality development consistent with the goals, policies and objectives in the Comprehensive Plan and purposes of this Development Code.
A. Applicability. The procedures of this section and the standards in Chapter 7.24, Development Standards, shall apply to all subdivisions or re-subdivisions that result in the portioning, dividing, combining or altering of any lot, parcel or tract of land, including land used for condominiums, apartments or any other multiple dwelling units or creation of an estate in airspace, except any subdivisions that are specifically excluded by state law. If a tract of land that has been created or subdivided in the past is later described as a single tract in deeds or plat by the legal or equitable owners, any later subdivisions of that tract, even if along the lines of the earlier subdivision, shall be subject to the requirements of these regulations. If any tract of land or airspace has been subdivided as one (1) type of subdivision and thereafter is subdivided so as to create a different type of subdivision (for example, conversion of a condominium subdivision to a timesharing subdivision), the conversion shall be subject to the requirements of this Development Code. Unless the method of disposition is adopted for the purpose of evading the requirements of the Development Code, this procedure shall not apply to any division of land that:

1. Is created by a lien, mortgage, deed of trust or any other security instrument;
2. Is created by any interest in an investment entity;
3. Creates cemetery lots;
4. Creates an interest or interests in oil, gas, minerals or water that are severed from the surface ownership of real property;
5. Is created by the acquisition of an interest in land in the name of a husband and wife or other persons in joint tenancy or as tenants in common of such interest. For the purpose of this Paragraph, any interest in common owned in joint tenancy shall be considered a single interest;
6. Creates a leasehold interest with a term of less than twenty (20) years and involves no change in use or degree of use of the leasehold estate.

B. Subdivision Categories. Categories of subdivisions are established and defined as follows for the purpose of determining the appropriate subdivision review procedure:

1. Major Subdivision. Major subdivisions include all subdivisions which:
   a. Create six (6) or more separate parcels of land;
   b. Subdivide a parcel greater than six (6) acres; or,
   c. Involve the dedication of public rights-of-way or construction of public improvements.

2. Minor Subdivisions. Minor subdivisions include all subdivisions which would create less than six (6) separate parcels of land, which subdivide a parcel six (6) acres or less size; and, which do not require or propose public right-of-way dedications or public improvements; but shall not include subdivisions which are administrative subdivisions.

3. Administrative Subdivisions. Administrative subdivisions are subdivisions which include dividing a parcel of land for a duplex, subdivisions for the purpose of correcting survey errors, and subdivisions which adjust lot lines by five (5) feet or less and which do not change the number of lots. The Manager shall have the authority to determine that an administrative subdivision application shall be processed as a minor subdivision where the character of the subdivision application or multiple applications presents issues which warrant review and approval by the Council. All administrative subdivisions are exempt from notice requirements outlined in Section 7.16.020(d).

4. Homestead Subdivision. Homestead Subdivisions are processed according to the Minor Subdivision procedures. Homestead subdivisions include all subdivisions which:
   a. Subdivide a parcel greater than six (6) acres;
   b. Create three (3) or fewer lots;
   c. Result in the preservation or creation of a "homestead" on the property; and
d. Subdivides property that has not been previously subdivided as a Homestead Subdivision.

C. Review Procedures. Applications for a subdivision shall follow the general review procedures set forth in Section 7.16.020, General procedures and requirements. Applications for subdivision must be initiated by the owner of real property. The Manager may combine sketch plan, Preliminary Plan and/or Final Plat review where the subdivision application can be reviewed efficiently and effectively with a combined process. Where subdivision approval will be required to implement development in a proposed PUD, the applicant shall file a single Preliminary Plan incorporating the application requirements of both the PUD and subdivision Preliminary Plans. The provisions and procedures for public notice, hearing and review for a PUD as prescribed in this Development Code shall apply to the application.

D. Review Authority. The review authority for a subdivision application shall be determined by the subdivision category.

1. Major Subdivision. Major subdivisions shall be required to obtain approval for a sketch plan, Preliminary Plan and a Final Plat. The Planning Commission shall review a sketch plan and Preliminary Plan for a major subdivision application and shall provide a recommendation to the Council after conducting a public hearing. The Council shall render the final decision on a Preliminary Plan for a major subdivision application after conducting a public hearing. The Council shall review the Final Plat for major subdivision applications and render a final decision after conducting a public hearing. The Preliminary Plan and Final Plat for major subdivisions shall be approved by resolution or ordinance of the Council.

2. Minor Subdivision. Minor subdivisions shall require Final Plat review and approval only where no public improvements are proposed; however, the review criteria for a Preliminary Plan shall apply to review of minor subdivision Final Plats in addition to the review criteria for a Final Plat.

3. Administrative Subdivisions. Administrative subdivisions shall require Final Plat review and approval only; however, the review criteria for a Preliminary Plan shall apply to review of administrative subdivisions in addition to the review criteria for a Final Plat. The Manager shall review and render decisions on administrative subdivisions. A decision of the Manager may be appealed to the Council pursuant to Section 7.16.160, Appeal.

E. Sketch Plan Review Criteria. The reviewing authority will use the following review criteria as the basis for recommendations and decisions on applications for Preliminary Plan subdivision applications:

1. The land use mix within the project conforms to Official Zoning Map and/or Comprehensive Plan Future Land Use Map and furthers the goals and policies of the Comprehensive Plan;
2. The Sketch Plan represents a functional system of land use and is consistent with the rationale and criteria set forth in this Development Code 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 proposed mitigation is adequate; and
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 according to the Comprehensive Plan goals and purposes of this Development Code.

F. Preliminary Plan Review Criteria. The reviewing authority will use the following review criteria as the basis for recommendations and decisions on applications for Preliminary Plan subdivision applications:

1. The Preliminary Plan is consistent with the approved Sketch Plan and incorporates the Planning Commission recommendation’s and conditions of approval;
2. The proposed subdivision shall comply with all applicable use, density, development and design standards set forth in this Development Code that have not otherwise been modified or waived.
pursuant to this chapter and that would affect or influence the layout of lots, blocks and streets
and the proposed subdivision does not create lots or patterns of lots that will render compliance
with such development and design standards difficult or infeasible;

3. The subdivision application shall comply with the purposes of this Development Code;

4. The subdivision application and proposed land use mix shall be consistent with Official Zoning
Map, the Comprehensive Plan and other community planning documents;

5. The land shall be physically suitable for the proposed development or subdivision;

6. The proposed subdivision shall be compatible with surrounding land uses;

7. There are adequate public facilities for potable water supply, sewage disposal, solid waste
disposal, electrical supply, fire protection and roads and will be conveniently located in relation
to schools, police, fire protection and emergency medical services;

8. The proposed utility and road extensions are consistent with the utility's service plan and are
consistent with the Comprehensive Plan;

9. The utility lines are sized to serve the ultimate population of the service area to avoid future land
disruption to upgrade under-sized lines;

10. The subdivision is compatible with the character of existing land uses in the area and shall not
adversely affect the future development of the surrounding area;

11. A proposed subdivision for an existing PUD shall be consistent with the relevant PUD Master
Plan as reflected in the approval of that PUD;

12. Appropriate utilities, including water, sewer, electric, gas and telephone utilities, shall provide a
"conditional capacity to serve" letter for the proposed subdivision;

13. That the general layout of lots, roads, driveways, utilities, drainage facilities and other services
within the proposed subdivision shall be designed in a way that minimizes the amount of land
disturbance, minimize inefficiencies in the development of services, maximizes the amount of
open space in the development, preserves existing trees/vegetation and riparian areas, protects
critical wildlife habitat and otherwise accomplishes the purposes of this Development Code;

14. Evidence that all areas of the proposed subdivision that may involve soil or topographical
conditions presenting hazards or requiring special precautions have been identified by the
applicant and that the proposed use of these areas are compatible with such conditions or that
adequate mitigation is proposed;

15. The subdivision application addresses the responsibility for maintaining all roads, open spaces
and other public and common facilities in the subdivision and that the Town can afford any
proposed responsibilities to be assumed by the Town;

16. Adverse impacts on adjacent or nearby land uses have been identified and appropriate and
effective mitigation is proposed;

17. If applicable, the declarations and owners' association are established in accordance with the
law and are structured to provide adequate assurance that any site design standards required
by this Development Code or conditions of approval for the proposed subdivision will be
maintained or performed in a manner which is enforceable by the Town; and

18. As applicable, the proposed phasing for development of the subdivision is rational in terms of
available infrastructure capacity and financing.

G. Final Plat Review Criteria. After approval of a Preliminary Plan, the applicant may submit an
application for a Final Plat. The following criteria shall apply to review of a Final Plat subdivision
application:

1. The Town Engineer shall compare the legal description of the subject property with the County
records to determine that:
a. The property described contains all contiguous single ownership and does not create a new or remaining unrecognized parcel of less than thirty-five (35) acres in size;

b. The lots and parcels have descriptions that both close and contain the area indicated; and

c. The plat is correct in accordance with surveying and platting standards of the State;

2. The Final Plat conforms to the approved Preliminary Plan and incorporates all recommended changes, modifications and conditions attached to the approval of the Preliminary Plan;

3. The Final Plat conforms to all Preliminary Plan criteria;

4. The development will substantially comply with all sections of the Development Code;

5. The Final Plat complies with all applicable technical standards adopted by the Town; and

6. Appropriate utilities shall provide an ability to serve letters, including but not limited to water, sewer, electric, gas and telecommunication facilities.

H. Public Improvements Guarantee. Guarantees for public improvements shall comply with Section 7.24.280 Public Improvements Agreements.

I. Revocation. An approval of a Final Plat is revoked pursuant to this section.

1. Recording. The applicant shall cause the Final Plat and restrictive covenants, if any, to be recorded within ninety (90) days from the date of approval and acceptance of the Council. In the event that the plat is not recorded, the approval of the Council shall be deemed to be void and such plat shall not thereafter be recorded, unless and until the Mayor executes a written authorization for recording the Final Plat.

2. Vacation. The Final Plat approval shall include a determination of a reasonable time by which the project should be completed. All plats given final approval shall contain a notation indicating the date by which a project is expected to be completed, that shall be prima facie evidence of a reasonable time by which the project should have been completed. A plat or any portion thereof that has been finally approved by the Council and has been recorded shall be subject to vacation proceedings if the project that is the subject of the subdivision is not completed within the time set by the Council.

3. Extension. Extensions of the time limit for project completion may be obtained from the Council for good cause shown, upon request by the applicant or owner of the tract, if made before vacation proceedings are instituted.


7.16.100 Site Plan.

This Section sets forth procedures and criteria for the review and approval of Site Plans.

A. Applicability. The Site Plan is a prerequisite to obtaining a building permit for any building or structure. The Site Plan shows improvements on the lot, utilities, drainage, grading, access and other features required to demonstrate compliance with applicable design standards in this Development Code and other applicable Town regulations. Site Plans are defined as follows:

1. Minor Site Plan. Applications for any building, structure or improvement on a single-family home or duplex lot.

2. Major Site Plan. Applications for any building, structure or improvement for multi-family, commercial and industrial development.

B. Review Procedures. Applications for a Minor Site Plan and Major Site Plan shall follow the general review procedures set forth in Section 7.16.020, General procedures and requirements. Minor Site Plans shall be reviewed administratively and no public notice is required and no public hearing shall
be held for a Minor Site Plan. Major Site Plans shall be reviewed by the Planning Commission and shall include a visit to the property prior to the public hearing. Notice for Major Site Plan review shall include mailed, posted, and published notice.

C. Review Authority. Minor Site Plan applications shall be reviewed administratively by the Manager who shall issue a final decision on the application. Major Site Plan applications shall be reviewed by the Planning Commission who shall issue a final decision on the application.

D. Review Criteria. The following review criteria applies to review of Site Plans:

1. All required information is shown on the Site Plan;
2. The lot size and lot dimensions are consistent with the approved Final Plat;
3. No building, structures, or other improvements encroach or infringe upon any easements, including but not limited to: access, utility and drainage easements;
4. The proposed site grading is consistent with the requirements of any applicable adopted storm drainage criteria or master drainage plans;
5. The density and dimensions of proposed improvements conform to the zone district standards or the approved PUD requirements; and
6. An acceptable public improvements agreement is provided for any public improvements to be constructed by the applicant as a condition to Site Plan approval.

E. Duration of Approval. An approved Site Plan shall be effective for a period of three (3) years from the date of approval, unless otherwise stated on the approved Site Plan. Building permits shall not be issued based on Site Plans that have an approved date more than three (3) years old. For multi-phased plans, building permits shall not be issued based on an approval date more than three (3) years from the date of Phase I approval.

F. Amendments to Approved Site Plans.

1. Amendments to Minor Site Plans shall be processed and reviewed administratively.
2. Minor Amendments to Major Site Plans shall be processed administratively. Major Amendments to Major Site Plans shall be processed and reviewed according to the same procedures for a Major Site Plan application. Minor amendments shall include changes that do not exceed ten percent (10%) of any measurable standard (such as building size, footprint, relocation of access points, parking, etc.) and which do not modify the use, character or density of an approved Site Plan. Any other amendments shall be considered Major Amendments.

G. Appeals. The final decision of the Manager or Planning Commission may be appealed to the BOA.


7.16.110 Historic Site Designation.

This section sets forth procedures for designation of historic, architectural or cultural significance for preservation.

A. Process for Historic Site Designation. Applications for Historic Site Designation, include Amendments to Historic Site Designations, and Revocation of Historic Site Designation, shall follow the general review procedures set forth in Section 7.16.020, General procedures and requirements. Applications under Section 7.16.120 may be made only by the owner of a property for which the application is submitted, except that the Historic Commission may apply for Revocation of an Historic Site Designation.

B. Review Authority. The Historic Commission shall review applications under Section 7.16.120 and provide a recommendation to the Council after conducting a public hearing. The Council shall review applications under Section 7.16.120 and make a final decision after conducting a public hearing.
Public hearing notice shall be by publication. Council shall act by adoption of a resolution to approve an Historic Sites Designation, approve amendments to an Historic Site Designation, or revoke a Historic Site Designation. The Council resolution shall be recorded in the Routt County Clerk and Recorder's Office after adoption.

C. Criteria for Historic Site Designation. To qualify for designation as a Historic Site the application must meet the following criteria:

1. The Applicant must agree to the recording of a Resolution in the Routt County Clerk and Recorders Office which contains findings that serve as the basis for the Historic Site Designation, contains requirements for prior notification to the Town of any alteration of the Historic Site set forth in subsection (F) below, contains recommended standards for any alteration of the Historic Site, and contains disclosure of potential revocation of the Historic Site Designation; and

2. The Reviewing Authority must determine that the site has historic significance due to one or more of the following factors:

   a. It has character, interest or value, as part of the historical development, heritage or culture of the community, state, or nation;

   b. Its location is a site of a significant historic event;

   c. Its identification with a person or persons who significantly contributed to the culture and development of the Town;

   d. Its exemplification of the cultural, economic, social, or historic heritage of the Town;

   e. Its portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style;

   f. Its embodiment of distinguishing characteristics of an architectural type or specimen;

   g. Its identification as the work of an architect or master builder whose individual work has influenced the development of the Town;

   h. Its embodiment of the elements of architectural design, detail, materials, or craftsmanship that represent a significant architectural innovation;

   i. Its relationship to other distinctive areas that are eligible for preservation according to a plan based on a historic, cultural, or architectural motif; and

   j. Its unique location or singular physical characteristic represents an established familiar visual feature of a neighborhood or of the Town.

D. Amendments. A Historic Site Designation may be amended to add features or property to the site in accordance with the application procedures for a new application set forth in Section 7.16.120.

E. Alteration of a Designated Historic Site. All modifications to designated Historic Sites should be done in conformance with the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, as published by the U.S. Department of the Interior, National Park Service. Any modifications to a designated Historic Site which are not in conformance with such standards may result in revocation of the Historic Site Designation.

F. Notice of Intent to Alter Designated Historic Site. The Historic Site Designation resolution shall include an agreement by the property owner that the owner shall provide written notice to the Town Clerk of the owner's intention to alter, demolish, move or remove the Historic Site and shall provide plans for such work at least thirty (30) days prior to beginning such work. The Clerk shall, upon receipt, forward the notification and plans to the Historic Commission for review. The Historic Commission shall review the plans and may advise the owner on the potential affect of the plans on the historic designation. Based on the proposed alteration, the Historic Commission may make a recommendation to the Council to amend or revoke the Historic Site Designation.
G. Revocation of Historic Site Designation. If the designated Historic Site is altered, then the Review Authority may consider action to revoke the Historic Site Designation based on the following criteria:

1. If any owner of a designated Historic Site fails to provide notification as required in this Development Code, or if alterations to the site will significantly alter the historic character of the Historic Site;

2. If an owner of a designated Historic Site submits a written request to the Town for revocation of a historic designation;

3. If the Historic Commission makes a recommendation for modification or revocation based on an owner's written intent to alter a designated historic site; or

4. If modifications are made to a Historic Site that are found by the Historic Commission to not be in accordance with the standards specified in this section.


7.16.120 Location, Character and Extent.

This Section implements and sets forth procedures for the regulation of the location, character and extent of public facilities as provided by CRS § 31-23-209, Legal Status of Official Plan, as amended. It is the intent of this section to conform to the provisions of C.R.S. § 31-23-209 to define the factors to be considered in the "Location, Character and Extent" process and to prescribe procedures for the orderly consideration of location, character and extent applications in order to effectuate the purposes of the state statute.

A. Applicability. No road, park, public way, ground or space, no public building or structure and no major facility of a public utility shall be constructed or authorized, and no building permit for the same shall be issued, in the Town unless and until the proposed location, character and extent thereof has been submitted to and approved by the Town. Routine extensions of public utility lines and minor modifications to existing facilities shall not be subject to this procedure.

B. Review Procedures. Applications for location, character and extent shall follow the general review procedures set forth in Section 7.16.020, General Procedures and Requirements. Applications for location, character and extent may be initiated by the owner or the governmental body having jurisdiction over the public facility. Applications for location, character and extent may be combined with other application procedures and submittal requirements, including but not limited to development plan, design review and subdivision. The failure of the Planning Commission and Council to act within sixty (60) days from and after the date of official submission of a complete application to the Town shall be deemed approval of such application.

C. Review Authority. The Planning Commission shall review applications for location, character and extent after conducting a public hearing. The Planning Commission may approve, approve with conditions or deny an application for location, character and extent. In case of disapproval or approval with conditions which are not acceptable to the applicant, the Planning Commission shall communicate its reasons to the Council. The Council shall review such decision of the Planning Commission as soon as practical after conducting a public hearing and shall have the power to overrule or modify such decision by a majority vote. The public hearing by Council shall only require posted notice three (3) days prior to the hearing. If the public way, ground space, building, structure or utility is one the authorization or financing of which does not, under the law or charter provisions governing the same, fall within the province of the municipal governing body, the submission to the Planning Commission shall be by the governmental body having jurisdiction. The decision by the Council to disapprove or approve with conditions which are not acceptable to the governmental body having jurisdiction may be overruled by said governmental body by a vote of not less than two-thirds of its membership.

D. Review Criteria. The Planning Commission and Council shall use the following review criteria as the basis for recommendations and decisions on applications for location, character and extent:
Title 7 Development Code

1. Evidence of substantial compliance with the purpose of this Development Code;
2. Consistency with the Comprehensive Plan;
3. Physical suitability of the land for the public way, place, structure, facility or utility;
4. Compatibility with surrounding land uses; and
5. Adequate mitigation of adverse impact on nearby properties or neighborhoods, including but not limited to traffic, noise, odors, vibrations and property values.


7.16.130 Wireless Telecommunications Services, Facilities and Equipment.

A. Permitted Zoning District. Wireless telecommunication services facilities shall be permitted only in the industrial zoning districts (I-1 or I-2).

B. Use Permitted by Conditional Review. It is unlawful for any person to install or operate such a wireless telecommunication service facility unless a use by conditional review has first been approved by the Council as provided in this article. The approval of such use by conditional review does not relieve the operator from otherwise complying with all applicable regulatory requirements of the Town, state and federal governments.

C. Review Criteria. The recommendation of the Planning Commission and the decision of the Council shall be based on whether the applicant has demonstrated that the proposed wireless telecommunications services facility meets the following standards:

1. The site plan, vicinity map, and narrative for the application all comply with the applicable standards in Chapter 7.24;
2. When applicable, compliance with the setback and height requirements with the applicable standards in Chapter 7.24;
3. When applicable, compliance with the accessory building requirements with the applicable standards in Chapter 7.24; and
4. When applicable, compliance with conditional mitigation co-location requirements as set forth below.

D. Conditional mitigation measures co-location. The following considerations are additional review criteria:

1. The Town encourages co-location of wireless telecommunications facilities to minimize the number of sites.
2. No wireless telecommunications facility owner or operator shall unfairly exclude a competitor from using the same facility or location. Unfair exclusion of use by a competitor may result in the revocation of the use by conditional review or site development plan.

E. Abandonment. At the request of the Town, the operator must furnish a statement to the Town indicating the operational status of the facility. If the use has been discontinued, the date on which the facility was last used shall also be provided. Commercial mobile radio service facilities not used for a continuous period of six months shall be disassembled within twelve months of the last use.

Title 7 Development Code

7.16.140   Appeal and Variance.

In order to prevent or to lessen such practical difficulties and unnecessary physical hardships inconsistent with the objectives of the Development Code as would result from strict or literal interpretation and enforcement, variances from certain regulations may be granted. A practical difficulty or unnecessary physical hardship may result from the size, shape or dimensions of a site or the location of existing structures thereon; from topographic or physical conditions on the site or in the immediate vicinity; or from other physical limitations, street locations or traffic conditions in the immediate vicinity. Cost or inconvenience to the applicant of strict or literal compliance with a regulation shall not be a reason for granting a variance. It is not the intent of this section to allow variances in the classification of uses of property.

A.  Review Procedures. Applications for an appeal or variance shall follow the general review procedures set forth in Section 7.16.020, General Procedures and Requirements. Appeals and applications for variance may be initiated by the owner of property for which a variance is desired.

B.  Review Authority. The Board of Adjustments ("BOA") shall review and render a decision on an appeal or application for a variance, including a minor variance, after conducting a public hearing. Notification of the public hearing shall be provided by mailing, publishing and posting. The decision of the BOA may be appealed to District Court.

C.  Appeal Procedures. This Section sets forth the procedures to appeal a decision of the Manager which is made pursuant to this Development Code. Only a final decision of the Manager may be appealed. Recommendations to a decision making authority are not subject to appeal.

1.  An appeal may be submitted by an applicant for a development approval or by a Council member.

2.  The appellant must provide a written request for appeal of a decision of the Manager to the Town Clerk within ten (10) days after the date of the decision. The appellant shall file the Notice of Appeal on a form provided by the Town Clerk and shall pay the adopted fee for the Notice of Appeal. Failure to file a complete and timely Notice of Appeal shall be considered a waiver of the appellant's rights to appeal to the BOA.

3.  The BOA shall conduct a public hearing within forty-five (45) days of receipt of a written request for appeal.

4.  Written notice of the public hearing date, time and location shall be mailed to the appellant via first-class U.S. mail at least five (5) days prior to the public hearing, unless the appellant agrees to a shorter time frame and a different notification method.

D.  Appeal Review Criteria. The BOA, in hearing an appeal from an interpretation of the Development Code or decision of the Manager, shall consider:

1.  The technical meaning of the provision being appealed;

2.  Evidence of the manner in which the provision has been interpreted in the past;

3.  The positive or negative impact of the requested appeal on the achievement of stated Town development goals and objectives and purposes of this Development Code; and

4.  The intent of the provision in implementing the Comprehensive Plan.

In approving a requested interpretation, the Board of Adjustment shall provide a written record of its findings and the Town Staff shall use it to propose amendments that address future interpretation problems.

E.  Variance Application Limitations. The BOA shall not grant a variance which:

1.  Permits a land use not allowed in the zoning district in which the property is located;

2.  Is in the public right-of-way or on a public property;

3.  Alters any definition of the Development Code;
4. Is other than the minimum variance that will afford relief with the least modification possible to the requirements of the Development Code;

5. Is based on physical conditions or circumstances of the property so general or recurring in nature as to reasonably make practicable the formulation of a general regulation to be adopted as an amendment to the Development Code (in which case the BOA will recommend a text amendment to the Development Code);

6. Is based exclusively on findings of personal or financial hardship (convenience, profit or caprice shall not constitute undue hardship);

7. The variance will neither result in the extension of a nonconforming situation, use, building or lot, nor authorize the initiation of a nonconforming use of land, nor conflict with the goals and policies of the Comprehensive Plan.

F. Variance Review Criteria and Required Findings. The BOA shall make the following written findings before granting a variance:

1. That there are unique physical circumstances or conditions of the land such as irregularity, narrowness or shallowness of the lot, or exceptional topographical or other physical condition of the land particular to the affected property;

2. That because of these unique physical circumstances or conditions, the property cannot be reasonably developed or used in compliance with the provisions of the Development Code;

3. That such unique physical circumstances or conditions are unique and unusual or nearly so, rather than one shared by many surrounding properties;

4. That due to such unique physical circumstances or conditions of the land, the strict application of the Code would create a demonstrated hardship;

5. That the demonstrable hardship is not self-imposed;

6. That the hardship or poor land use of which the applicant complains is one suffered by the applicant alone and not by neighbors or the general public;

7. That the variance, if granted, will not adversely affect the proposed development or use of adjacent property or neighborhood;

8. That the variance, if granted, will not change the character of the zoning district in which the property is located;

9. That the variance, if granted, is consistent with the Purposes of the Development Code;

10. That the variance, if granted in a floodplain or floodway, meets the requirements of floodplains and floodways of this Code and any other applicable law; and

11. That the variance, if granted, will not adversely affect the health, safety or welfare of the citizens of Town.

G. Minor Variance. A request may be made for the award of a minor variance to certain provisions of this Development Code.

1. Applicability. A minor variance is limited to the following situations:
   a. The location of fences or sheds (outbuildings) on a particular lot; and
   b. The construction of open or closed porch additions to residential properties. Porch additions designed as sleeping rooms (bedrooms) are specifically excluded from this category.

   All requests other than those listed above must meet comply with the limitations and review criteria set forth in subsections (C) and (D) above.

2. Review Criteria. Criteria for granting a minor variance shall include meeting all of the following conditions:
Title 7 Development Code

a. The variance being requested meets the predominant setback line established on the basis of the average of existing front yard setbacks within the block frontage of the request, and the opposite block frontage;

b. That the variance, if granted, will not adversely effect the proposed development or use of adjacent properties or the neighborhood; and

c. That the variance, if granted, will not adversely affect the health, safety or welfare of the citizens of the Town.

H. Variance Conditions. A variance granted by the BOA may contain limitations as to time or disposition or use of the tract in question in order to ensure that the stated purpose of the variance request is realized.

I. BOA Review and Action. The following requirements apply to BOA review and decision of appeals and variance applications:

1. The appellant, or the applicant for a variance, has the burden of proof to establish the necessary facts to warrant favorable action of the BOA.

2. The BOA shall have all the powers of the applicable Town administrative official on the action appealed. The BOA may in whole or in part affirm, reverse or amend the decisions of the applicable Town administrative official.

3. The BOA may impose reasonable conditions in its order to be complied with by the appellant in order to further the purposes and intent of the Development Code.

4. The BOA may impose any reasonable conditions on the issuance of a variance and may amend the variance from that requested. A variance may be granted for indefinite duration or a specified period of time.

5. No single decision of the BOA sets a precedent. The decision of the BOA shall be made on the particular facts of each case.

6. Variances granted by the BOA shall be recorded with the Routt County Clerk and Recorder at the expense of the applicant.

7. Any appeal of the decision of the BOA may be made to the District Court as provided by law; provided however, that such appeal must be made prior to twenty-eight (28) days following the date of the final action taken by the BOA, as provided by Rule 106, Colorado Rules of Civil Procedure.

J. Action Notice. The Manager shall notify the appellant or applicant for a variance in writing of the BOA's action within five (5) days after a decision has been rendered.

K. Expiration. The variance approval expires if a building permit is not obtained within one (1) year of the approval.


7.16.150 Alternative Design.

Alternative design is a procedure that allows development to meet the intent of the design-related provisions of this chapter through an alternative design. It is not a general waiver or weakening of regulations; rather, this application procedure permits a site-specific plan that is equal to or better than the strict application of a design standard in Chapter 7.24 of this Development Code. This procedure is not intended as a substitute for a variance or administrative modification or a vehicle for relief from standards in this Development Code. Alternative Design shall apply only to the specific site for which it is requested and does not establish a precedent for assured approval of other requests.
Title 7 Development Code

A. Applicability. The Alternative Design procedure shall be available for any design, development or engineering standard set forth in Chapter 7.24 Design Standards of this Development Code.

B. Review Procedures. Applications for alternative equivalent compliance shall be processed concurrently with the underlying development application for which Alternative Design with the applicable design standards is desired and shall follow the procedures for such underlying development application. Applications for Alternative Design may be initiated by the owner of property for which Alternative Design is desired.

C. Review Authority. The review authority shall be the review authority as set forth for the underlying development application. The Planning Commission shall review all Alternative Design applications that have a concurrent minor development plan application.

D. Review Criteria. The review authority shall use the following review criteria as the basis for a decision on an application for Alternative Design:
   1. The proposed alternative achieves the intent of the subject design or development standard to the same or better degree than the subject standard;
   2. The proposed alternative achieves the goals and policies of the Comprehensive Plan to the same or better degree than the subject standard;
   3. The proposed alternative results in benefits to the community that are equivalent to or better than compliance with the subject standard; and
   4. The proposed alternative imposes no greater impacts on adjacent properties than would occur through compliance with the specific requirements of this title.

E. Conditions. The reviewing authority may recommend or impose conditions on an approval for Alternative Design provided that such conditions are related to ensuring the performance of the Alternative Design to meet or exceed the subject standard. Such conditions may include performance guarantees, required timeframes or the ability to revoke an approval for Alternative Design.

F. Effect of Approval. Alternative Design shall apply only to the specific site for which it is requested and shall not establish a precedent for approval of other requests.


7.16.160 Right-of-Way Vacation.

The purpose of this section is to provide procedures and standards for the vacation of rights-of-way in the Town. The procedures and authority set forth in C.R.S. § 43-2-301 et seq. shall apply unless in conflict with any specific provision set forth in this section. The vacation of public easements are also considered rights-of-way in this section.

A. Definitions Incorporated. The definitions set forth in C.R.S. § 43-2-301, are incorporated in this section.

B. Review Procedures. Applications for the vacation of a right-of-way shall follow the general review procedures set forth in Section 7.16.020, General Procedures and Requirements. Applications for vacation of a right-of-way may be initiated by the Council or by a property owner abutting the right-of-way proposed for vacation. Applications to move or alter a right-of-way shall be processed as a subdivision application concurrently with a right-of-way vacation application, in which case the ordinance approving the vacation of a right-of-way or portion thereof shall also approve a Final Plat which results in the dedication of the moved or altered right-of-way or portion thereof. Public easement vacations can be processed as part of a major or minor subdivision application.
C. Review Authority. The Council shall review and render the final decision on an application to vacate a right-of-way after conducting a public hearing. Vacation of a right-of-way shall be approved by ordinance of the Council.

D. Review Criteria. The Council shall use the following review criteria as the basis for a decision on an application to vacate a right-of-way:

1. No right-of-way shall be vacated so as to leave any land adjoining the vacated right-of-way without an established public road or private-access easement connecting said land with another established public road;
2. The right-of-way is determined to be platted on terrain which is not practical for the construction of a right-of-way due to terrain, topography, natural features or other constraints and the right-of-way does not provide any other potential benefit to the public, including but not limited to utility connections, pedestrian or recreation connections, drainage or public landscaping;
3. Sufficient easements for utilities, access or other purposes are retained;
4. Compensation may be required for the area of vacated right-of-way based upon the fair market value per square foot of the area vacated and the applied zoning; and
5. The vacated area of right-of-way shall be included in the same zone district as the abutting right-of-way vests.

E. Recording, Deed. The ordinance vacating a right-of-way shall be recorded in the office of the Routt County Clerk and Recorder. The ordinance shall authorize the Mayor or other designee to execute a quit claim deed on behalf of the Town, which quit claim deed shall reference any exceptions, easements or reservations of the vacation and shall be recorded in the office of the Routt County Clerk and Recorder.


7.16.170 Annexation.

A. Purpose. The purpose of this article is to establish a procedure to bring land under the jurisdiction of the Town in compliance with the Colorado Municipal Annexation Act of 1965 (Act), as amended. This Article, in part, provides supplemental requirements for annexation pursuant to the Act, and is not to be construed as altering, modifying, eliminating or replacing any requirement set forth in that Act, or any requirements set forth in other portions of the Hayden Town Code. In the event of a conflict between the Act, the provisions of this article or any requirements set forth in other portions of the Hayden Town Code, it is the expressed intent of the Council that the more stringent provision shall control.

B. Statement of Policy and Review Criteria. It shall be the general policy of the Town with respect to annexations, the annexation application, and the consideration of annexation petitions that:

1. Annexation is a discretionary act. With the exception of a petition initiated by the Town for the annexation of an enclave, the Council shall exercise its sole discretion in the annexation of territory to the Town.
2. The land to be annexed and the uses proposed for the land shall conform to the goals, policies and strategies of the Comprehensive Plan and to the land uses depicted on the Proposed Land Use Map, as amended.
3. Certain public facilities and amenities are necessary and must be constructed as part of any territory annexed to the Town in order that the public needs may be served by such facilities. These facilities include, but not by way of limitation, arterial streets, bridges, public parks and recreation areas, water and sanitary sewer facilities, school sites, fire and police station sites, and storm drainage facilities. The annexation of lands to the Town shall be shown not to create
any additional cost or burden on the then-existing residents of the Town to provide such public facilities in any newly annexed area.

4. The petitioner for annexation shall be responsible for paying the Town's full cost for processing the annexation applications and petition, from initial discussion with Town Staff before submittal of the petition, through the approval and recording of the final annexation documents.

5. Annexed areas will not divide tracts of land to prevent further annexation of adjoining parcels. (For example, leaving a "gap" or a "strip" of land between property to be annexed and the adjoining property.)

6. All subsurface (non-tributary) water rights shall be deeded to the Town at the time of annexation.

7. The property owner shall have complied with the Annexation Application requirements of this article prior to submitting an annexation petition.

C. Procedure. Annexation applications shall be processed and considered as follows:

1. Step 1: Annexation pre-application conference. The application process begins with a pre-application conference with Town Staff to determine the feasibility of the annexation request. Following this informal meeting, the applicant may submit a Letter of Intent requesting annexation, the Annexation Application as described in this article, the completed Annexation Application form, maps and supporting documents.

2. Step 2: Town evaluation of annexation application. Town Staff shall analyze the feasibility of annexing the proposed property, including but not limited to, the ability to serve with streets, water, sanitary sewer, storm sewer, parks and recreation, schools, police and fire protection; compliance with the Comprehensive Plan; sources of revenue from the property; the Town's costs to serve the proposed development; and any other related matters.

3. Step 3: Annexation agreement. The Town Staff and the property owner(s) shall negotiate an annexation agreement addressing the items of concern in the staff evaluation and other applicable requirements of this Development Code. The draft agreement acceptable to the property owner shall accompany any annexation petition filed with the Town.

D. Annexation Petition. Annexation petitions shall be processed and considered as follows:

1. Step 1: Annexation petition certification and completion. The petition for annexation or petition for election, annexation agreement, proposed Annexation Impact Report, and all other documents submitted shall be reviewed by staff for completeness and compliance with the provisions of the Act and the Hayden Town Code. The applicant shall be notified within a reasonable time of any deficiencies or inadequacies in the materials submitted. An incomplete submission shall not be processed, nor referred to the Council for a determination of substantial compliance.

2. Step 2: Annexation petition referral to board. Upon staff's determination that the petition and supporting documentation are complete and in compliance with provisions of the Act, and the Hayden Town Code, the Town Clerk shall refer the petition to the Council.

3. Step 3: Board determination of substantial compliance. The Council shall take the appropriate steps to determine if the petition is in substantial compliance with the Act.

   a. If the petition is found to be in substantial compliance with the Act, the Council may, by the adoption of a Resolution of Substantial Compliance, set the annexation (and zoning if requested) for public hearing on a specified date, time, and place, not less than (30) thirty days nor more than (60) sixty days from the effective date of the Resolution, subject to compliance with C.R.S. § 31-12-108.

   b. If the petition is found to not be in compliance with the Act, no further action shall be taken, except that the determination shall be made by resolution adopted by the Council.
4. Step 4: Planning commission review and recommendations. The Planning Commission shall consider the petition for annexation at a regular or special meeting to be held prior to the date of the public hearing before the Council. If zoning of the property is requested at the time of annexation, the Planning Commission shall hold a public hearing on the zoning of the property at the same meeting. Notice of the public hearing on zoning shall be given in accordance with the requirements for an amendment to the zoning map.

The Planning Commission, upon the conclusion of the meeting at which they consider the petition, shall recommend approval of the petition for annexation with or without conditions, or recommend denial. If zoning of the property is requested at the time of annexation, the Planning Commission shall recommend to the Council approval with or without conditions, or recommend denial of the requested zoning.


a. The Council shall hold the public hearing on the petition for annexation, and zoning, if requested in conjunction with the annexation. The petitioners shall present evidence in support of the petition and zoning if applicable. Town Staff shall testify as to the elements required by statute to be present for annexation and any comments received from governmental entities affected by the annexation. Any person may appear at the hearing and present evidence on any matter related to the annexation petition as determined by the Council. The Council may continue the hearing to another date without additional notice as provided by applicable law. At the conclusion of the public hearing, the Council shall adopt a resolution containing the findings of fact and conclusions, including:

i. Whether or not the requirements of C.R.S. §§ 31-12-104 and 31-12-105 and this article have been met;

ii. Whether or not the Annexation Agreement is acceptable to the Town;

iii. Whether or not additional terms and conditions are to be imposed; and

iv. Whether or not an election is required, either as result of a petition for election or the imposition of additional terms and conditions.

b. If the Council finds that the area proposed for annexation does not comply with the requirements of C.R.S. §§ 31-12-104 and 31-12-105, the annexation proceeding will be terminated.

c. If the Council finds the following:

i. The annexation is in compliance with the requirements of C.R.S. §§ 31-12-104 and 31-12-105;

ii. That an election is not required under C.R.S. § 31-12-107(2);

iii. No additional terms and conditions are to be imposed;

Council may annex the land by ordinance without election and approve the Annexation Agreement. The zoning of the property, if requested with annexation, shall be approved by separate ordinance. If the Council, in its sole discretion, finds that the annexation is not in the best interest of the Town, it may deny the petition by resolution.

E. Post Approval Actions.

1. After final passage of the annexation ordinance, the applicant shall file with the Town final versions of all applicable documents including two (2) mylars of the annexation map(s).

2. In the event that zoning was requested with the annexation, zoning shall be granted by ordinance and the official zoning map shall be amended accordingly. In the event that zoning was not requested with annexation, the Town shall bring the area annexed under the zoning ordinance and map within ninety (90) days after the effective date of the annexation ordinance in the manner provided by this Code. In the event that the property owner does not request and
process its zoning request within such ninety (90) day period, the zoning of the annexed property shall be deemed to be Open District as defined in this Code.

F. Public Hearing Notice Section.

1. Notice of the public hearing for annexation set by the Resolution of Substantial Compliance shall be published and given to the County and to any special district or school district having territory within the area to be annexed in accordance with Colorado law.

2. A copy of the published notice, together with the "Letter of Intent" provided with the application, the annexation map and the "concept plan" for the development of the property shall be sent by the Town by certified mail, return receipt requested, to the owners of real property within one hundred fifty (150) feet of the boundaries of the proposed annexation, irrigation ditch companies whose rights-of-way traverse the property to be annexed and to the mineral estate owners and their lessees of the property to be annexed. Notice provided by the Town to the owners of the minerals estate and their lessees shall not relieve the petitioner(s) from the responsibility of providing notice as required by C.R.S. § 24-65.5-101 et seq. In the case of a "flagpole" annexation, the Town shall also provide notice to abutting property owners as specified in C.R.S. § 31-12-105 as amended.

   a. The petitioner shall provide the Town with a set of mailing labels (matching Avery 8160) containing the owners of real property within one hundred fifty (150) feet of the property to be annexed, the mineral interest owners and lessees for the property to be annexed, the irrigation ditch companies whose rights-of-way traverse the property to be annexed and the special districts encompassing the property to be annexed. The petitioner shall also certify that the required address list of owners of real property is complete.

   b. The petitioner shall provide a set of mailing labels (matching Avery 8160) for all special districts encompassing the property to be annexed, the Board of Routt County Commissioners and Routt County Attorney, special districts and school districts with territory within the property to be annexed, and referral agencies of the Town, as directed by the Town. The petitioner shall also provide a sufficient number of labels to mail notice to the owners of real property and mineral interest owners and lessees identified in the mailing list.

   c. The petitioner shall be responsible for providing notice of each public hearing (Planning Commission and/or Council) to the owners of the mineral estate on the property to be annexed, and to their lessees, as required by C.R.S. § 24-65.5-101 et seq. The petitioner shall certify to the Town Clerk not less than ten (10) days prior to the date of the public hearing(s), the petitioner's conformance with this notice requirement.


7.16.180 Vested Property Right.

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

A. As used in this section, unless the context otherwise requires:

1. "Community planning document" means the Comprehensive Plan, any other planning documents adopted by the Town through a public hearing process and any planning document adopted by other governmental and quasi-governmental entities that provide public services or facilities to the Town or which include the Town within their service or planning boundaries.

2. "Site specific development plan" means a planned unit development plan or any amendment thereto, approved pursuant to Section 7.16.060, Planned Unit Developments, together with a development agreement approved pursuant to Section 7.16.140 hereof. A site specific
development plan that creates vested property rights may also include other development approvals if approved at the discretion of the Council upon request by a property owner; however, such request shall not result in an application for a development approval other than a planned unit development plan to be treated as a site specific development plan for the purposes of C.R.S. § 24-68-102.5(1).

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

B. Vested Property Right Created.

1. A vested property right shall be deemed to have been created only upon the approval of a site specific development plan in accordance with this chapter.

2. A vested property right shall only be created if approved by ordinance which may be combined with an ordinance approving a site specific development plan and an accompanying development agreement. Amendments to any site specific development plan shall be subject to this chapter and shall have a new vested property right as determined by the Council. Any approval of a site specific development plan or amendment to an existing site specific development plan that creates vested property rights shall be adopted by ordinance as a legislative act and shall be subject to referendum. When creating a vested property right, Council may expressly exempt, in whole or in part, administrative amendments to site specific development plans from additional review and approval by Council under this chapter.

3. The establishment of a vested property right shall not preclude the application of ordinances or regulations which are general in nature and which are applicable to all properties or a similarly situated class of properties subject to land use regulation by the Town, including but not limited to the regulations contained in Title 15 of this Code, regulations concerning subdivision improvements and right-of-way dedications and regulations establishing requirements and specifications for any public infrastructure or public facility improvements. Ordinances or regulations which are general in nature and which are applicable to all properties or a similarly situated class of properties subject to land use regulation by the Town shall not be deemed to alter, impair, prevent, diminish, impose a moratorium on development or otherwise delay the development or use of a property with vested property rights regardless of the financial impact of such ordinance or regulation.

4. The establishment of a vested property right shall not preclude the application of any legislatively adopted fees which are general in nature, uniform in character and applicable to all properties or a similarly situated class of properties.

C. Notice and Hearing. No site specific development plan shall be approved until after providing notice and conducting public hearings in compliance with Section 7.16.020(d).

D. Notice of Approval.

1. Each map, plat, site plan or other document constituting a site specific development plan shall contain the following language:

a. Approval of this plan constitutes a vested property right pursuant to Article 68 of Title 24, C.R.S., as amended and Title 7, Chapter 16 of this Municipal Code, as amended.

2. The failure of the document constituting a site specific development plan to contain the language specified in Subparagraph (d)(1)(i) above shall invalidate and void the creation of the vested property right. A notice stating that a vested property right has been created shall be published once by the Town in a newspaper of general circulation in the Town not more than fourteen (14) days after final adoption of the ordinance approving the site specific development plan. The notice shall include the following information:

a. A statement advising the public of the site specific development plan approval, including the name of the project, the type and intensity of the use approved and the specific property or development parcels affected;
b. A statement that a vested property right has been created in accordance with Article 68 of Title 24, C.R.S., and Title 7, Chapter 16 of this Municipal Code, including the duration of the vested property right; and

c. A statement that the citizen's rights of referendum shall run from the date of publication.

E. Duration of Vested Right.

1. A property right vested pursuant to this chapter after June 1, 2006, shall remain vested for a period of three (3) years. The Council may approve a period of vested property rights exceeding three (3) years by approval of a development agreement, which shall be part of the site specific development plan.

2. The guidelines in this subsection shall be considered when determining whether to grant vested property rights for a period greater than three (3) years, provided that site specific development plans that are granted vested property rights for a period greater than three (3) years because of the size, phasing or absorption rate of such site specific development plan should have separate vesting created for the various phases of the development, as set forth in this subsection. It shall be the burden of the applicant to propose appropriate reasons for granting a vested property right that is greater than three (3) years.

   a. The size and phasing of the development, specifically, but not limited to, whether the development can be reasonably completed within the vested rights period;
   
   b. Economic cycles and specifically but not limited to resort community economic cycles, regional and state economic cycles and national economic cycles;
   
   c. Market conditions and specifically but not limited to absorption rates for leasing and sales of similar development projects;
   
   d. Compliance with the Comprehensive Plan and other community planning documents;
   
   e. Proposed public amenities and benefits that enhance the project and the overall attractiveness of the Hayden community, including the degree to which such public amenities and benefits are defined in terms of design, timeframe and phasing with development;
   
   f. Projected public financial benefits or costs estimated to be caused by the development project, including the timeframe for realization by the Town or other public entities and potential costs for operation and maintenance of any new public amenities or infrastructure dedicated to the Town or other public entities;
   
   g. The breadth and scope of the requested vested property right, including but not limited to the extent to which such vested property right restricts the Town's ability to apply future legislatively adopted fees and regulations for the purpose of providing public infrastructure, public services and public facilities and for the purpose of meeting evolving community needs;
   
   h. The terms of any existing site specific development plans with development agreements for the applicant's property that specify the duration of vested property rights;
   
   i. Any proposed modifications to previously approved vested property rights to address changed conditions within the Hayden community, compliance with the Comprehensive Plan and other community planning documents or performance of previously approved site specific development plans; and
   
   j. Any other factors deemed relevant by the Council when determining to grant a vested property right for a period greater than three (3) years.

3. The Town may approve a site specific development plan subject to such terms and conditions as may reasonably be necessary to protect the public health, safety and welfare of the Hayden community.
4. Any site specific development plan for a multiple-phase development approved after November 16, 2017, may have separate vesting created for each phase. The vesting for any subsequent phase may be contingent upon completion of the preceding phase and review by the Council. Such review shall include but not be limited to whether the landowner, developer, successors or assigns are in compliance with its obligations to the Town, including but not limited to the terms and conditions of a site specific development plan, a development agreement and any other agreements between the landowner, developer, successor and assigns and the Town, as they may have been amended from time to time.

F. Disclosure of Previously Granted Vested Property Rights and Hazards.

1. Any petition for annexation to the Town shall describe all vested property rights approved by any local government in effect at the time of the petition, if any, and shall be accompanied by all site specific development plans approved by any local government. Failure to so identify any previously approved vested property right and provide all approved site specific development plans shall constitute a waiver of the vested rights created by any other local government upon annexation to the Town unless specifically provided otherwise in the ordinance of annexation adopted by the Town.

2. The applicant shall be required to include with any plans submitted for approval as a site specific development plan notice of any natural or manmade hazards on or in the immediate vicinity of the subject property which are known to the applicant or could reasonably be discovered at the time of submission of the plan. Should a hazard on, or in the immediate vicinity of, the property be discovered subsequent to the approval of a site specific development plan which would impose a serious threat to the public health, safety and welfare and is not corrected by the applicant, the vested property right created by such site specific development plan shall be forfeited by the applicant.

G. Extension of Vested Property Rights. A landowner may request an extension of vested property rights by submitting an application for extension of vested property rights at least six (6) months prior to the expiration of the vested property rights. No application for extension of a vested property right shall be approved until after providing notice and conducting public hearings in compliance with Section 7.16.020(d). The guidelines in Section 7.16.140(e)(2) shall be considered when determining whether to grant an extension to a vested property right. An extension of a vested property right shall be approved by ordinance. The notice of approval provisions in Section 7.16.140(d)(1) above shall apply to any approval for extension of vested property rights.

H. Forfeiture of Vested Property Rights.

1. Failure to abide by the terms and conditions of a vested property right will result in a forfeiture of the vested property rights in accordance with the procedures set forth herein.

2. The process to consider forfeiture of vested property rights shall be initiated by passage of a resolution by the Council stating the grounds therefor.

3. No vested property right shall be deemed forfeited until after providing notice and conducting a public hearing. Notice shall be provided by publishing notice in a newspaper of general circulation, posting notice in the designated official places of posting and mailing notice to the property owner sent to the address of record according to the County Assessor's records via first-class United States mail at least thirty (30) days prior to the date of a hearing. A copy of the resolution initiating the process to consider forfeiture of the vested property right shall be included with the mailed notice to the property owner.

4. At the hearing, the Council shall consider all evidence and testimony presented concerning any failure to abide by the terms and conditions of a vested property right. The Council may continue the public hearing to allow additional evidence to be gathered and presented.

5. If the Council finds a failure to abide by the terms and conditions of the vested property right, the Council may take action by ordinance to declare the vested property rights forfeited. The forfeiture of a vested property right shall have no effect upon public streets, alleys, rights-of-way or other lands or easements previously dedicated or conveyed to the Town or other public...
entities pursuant to the terms of a site specific development plan. Upon forfeiture of vested property rights, the site specific development plan shall be subject to all zoning, land use and general regulations in effect at the time of forfeiture and as such may be amended from time to time thereafter.


7.16.190 Appeal.

This Section sets forth the procedures to appeal the decision of the Manager or Planning Commission, where such appeal right to Council is identified in Table 7.16.020 or elsewhere in the Development Code.

A. Review Procedures. Applications for an appeal shall follow the general review procedures set forth in Section 7.16.020, General Procedures and Requirements. Appeals may be initiated by the owner of property.

B. Review Authority. The Council shall review and render a decision on an appeal after conducting a public hearing. Notification of the public hearing shall be provided by mailing, publishing and posting. The decision of the Council may be appealed to District Court.

C. Appeal Procedures. Only a final decision of the Manager or Planning Commission may be appealed. Recommendations to a decision making authority are not subject to appeal.

1. An appeal may be submitted by an applicant for a development approval or by a Council member.

2. The appellant must provide a written request for appeal of a decision of the Manager to the Town Clerk within ten (10) days after the date of the decision. The appellant shall file the Notice of Appeal on a form provided by the Town Clerk and shall pay the adopted fee for the Notice of Appeal. Failure to file a complete and timely Notice of Appeal shall be considered a waiver of the appellant's rights to appeal to the BOA.

3. The Council shall conduct a public hearing within forty-five (45) days of receipt of a written request for appeal.

4. Written notice of the public hearing date, time and location shall be mailed to the appellant via first-class U.S. mail at least five (5) days prior to the public hearing, unless the appellant agrees to a shorter time frame and a different notification method.

D. Appeal Review Criteria. The Council shall use the applicable review criteria to the decision that is appealed. The Council shall review decisions de novo.

E. Council Decision Final. A decision of the Council is final. An aggrieved person may appeal a decision of the Council to the District Court or to another state or federal court of competent jurisdiction.

F. Decision. The Council shall, in writing, confirm, modify or reverse the decision within thirty-five (35) days of holding the public hearing on the appeal. Any decision by the Council that results in action modifying or reversing the decision of a Town body or officer shall describe the specific reasons for the modification or reversal. Action of the Council shall become final immediately. Failure of the Council to act within the forty (40) additional days shall be deemed action confirming the decision unless the applicant consents to an additional time extension.


Chapter 7.20 Zone Districts and Official Zoning Map

7.20.010 Chapter Purpose.
Title 7 Development Code

7.20.020 Zoning Districts Established.
7.20.030 Official Zoning Map.
7.20.040 Zoning Map Interpretation.
7.20.050 General Application of Uses.
7.20.060 O Open District.
7.20.070 AO Airport Overlay Zone District.
7.20.080 RLD Residential Low Density District.
7.20.090 RHD Residential High Density District.
7.20.100 MHR Mobile Home Residential District.
7.20.110 CBD Central Business District.
7.20.120 C: Commercial District.
7.20.130 I-1 Light Industrial District.
7.20.140 I-2 Industrial District.

7.20.010 Chapter Purpose.

This Chapter establishes the zoning districts and contains basic information pertaining to the districts, including statements of purpose and dimensional standards. Chapter 7.24, Use Regulations, identifies the uses allowed within the districts. Chapter 7.28, Development Standards, contains the site layout and building design standards that apply to development in the districts.


7.20.020 Zoning Districts Established.

In order to carry out the provisions of this Development Code, the Town is divided into the following Zoning Districts:

O—Open District
AO—Airport Overlay District
RLD—Residential Low Density District
RHD—Residential High Density District
MHR—Mobile Home Residential District
CBD—Central Business District
C—Commercial District
I-1—Light Industrial District
I-2—Industrial District
7.20.030 Official Zoning Map.

A. The location and boundaries of the zoning districts established in Section 7.20.020, Districts Established, are set forth on the zoning district map of the Town. The Official Zoning Map, along with all of the notations, references and other information shown on the map, is incorporated in and made part of this title.

B. If changes are made in district boundaries or other items portrayed on the official zoning district map in accordance with the procedures established in this Code, the changes shall be entered on the map.

C. A copy of the Official Zoning Map shall be available and on display at the Town Hall during normal business hours. In addition, one (1) copy of the Official Zoning Map, and all prior Official Zoning Maps that have been adopted, shall be held in a secure place by the Town Clerk, who shall act as custodian thereof, and the maps shall not be amended, changed, updated or otherwise modified or let out of direct control of the Town for any reason whatsoever. The secured map is to be released for inspection only upon authorization of the Town Clerk.

7.20.040 Zoning Map Interpretation.

When there is any uncertainty, contradiction or conflict about the intended location of any zoning district boundary on the zoning map, the Manager shall provide an interpretation of the map or refer the request to the Planning Commission. The Manager and Planning Commission, in interpreting the map or deciding any appeal, shall apply the following standards:

A. The zoning district boundary lines are intended to follow lot lines, subdivision lines, incorporation lines or centerlines of rights-of-way.

B. Where zoning district boundary lines approximately follow lot lines, subdivision lines or incorporation lines, such lines shall be construed to be the boundary lines.

C. Where the zone district cannot be determined from the map, it shall be determined from the Comprehensive Plan and surrounding properties, subject to rezoning according to the provisions of this Development Code.

7.20.050 General Application of Uses.

Uses designated as "permitted uses" are allowed in a zone district as a matter of right. Uses classified as "conditional uses" are permitted upon the Council's approval of a conditional use permit. Unless a use is designated as a "permitted use" or "conditional use" or is classified as a legal "non-conforming" structure or use, it is not permitted. Land uses not otherwise identified in this Development Code may be proposed for development. In order to provide for such uses, the classification of any new or unlisted land use shall be made by the Town to determine if the use can be reasonably interpreted to fit into a similar use category described in this Development Code. Unless such determination is made, the use is not permitted.
Title 7 Development Code

7.20.060 O Open District.

A. Intent. The intent of this district is to define and preserve the Town's agricultural heritage; and to provide for larger public uses such as parks, open spaces, schools and the Routt County Fairgrounds. This district is not intended for residential development. The owner of any property in the O—Open District may at any time petition to rezone the property consistent with the rezoning procedures of this article.

B. Principal Uses. Permitted principal uses in the O District shall be as follows:

1. Accessory buildings and accessory uses;
2. Accessory dwelling when associated with a permitted use;
3. Ranching, farming and general agriculture, except feed lots and animal sale barns;
4. Parks and outdoor recreation facilities;
5. Public and semipublic uses except as enumerated in Conditional Uses below;
6. Operation of the Routt County Fair and all uses generally and historically consistent therewith, including but not limited to, livestock showing; judging and sale; rodeos; food; beverage; farm products and clothing display and judging; and the sale of food and beverages;
7. Accessory buildings and uses customarily incident to the uses permitted by right in this District;
8. Cultivation, storage and sale of crops, vegetables, plants, flowers, and nursery stock produced on the premises;
9. Farming, including but not limited to, gardening, horticulture, fruit growing, growing of vegetables, trees, shrubs, plants, turf and sod;
10. Golf courses;
11. Home occupations;
12. Open air farmers’ markets;
13. Plant nurseries and greenhouses;
14. Single-family detached dwellings;
15. Structures for storage of agricultural products produced on the premises.

C. Conditional Uses—General. Permitted conditional uses in the O District shall be as follows:

1. Cemeteries and mausoleums;
2. Electric substations and gas regulator stations;
3. Fire stations and police stations;
4. Water reservoirs, water storage tanks, water pumping stations, and sewer lift stations;
5. Commercial outdoor recreation facilities;
6. Commercial and public parking lots;
7. Hospitals and sanitariums, penal or mental institutions, nursing homes and senior care facilities;
8. Childcare center;
9. Gas, oil and other hydrocarbon well drilling and production (as permitted by the state and this Development Code);
10. Public and private schools for elementary, intermediate and high school education;
11. Public facilities provided that business offices and repair and storage facilities are not included;
12. Resource extraction, processes and sales establishments;
13. Small animal boarding (kennels);  
14. Large animal boarding (riding stables).

D. Table of Uses for Routt County Fairgrounds.

<table>
<thead>
<tr>
<th>Event</th>
<th>Use-By-Right</th>
<th>Routt County Fair, Use-by-Right</th>
<th>Special Event Permit From Council</th>
<th>Administrative Approval by Manager and With Appropriate License</th>
<th>Limitation on Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>4-H/FFA awards banquet</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Carnival</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Circus</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Outdoor concerts</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Equestrian events</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Snowmobile races</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Demolition derbies</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Motocross events</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Motorized shows</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Trade shows</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Horse racing</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Tractor pulls</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Camping</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Livestock housing</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Archery &amp; shooting sports</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Event Type</td>
<td>Code</td>
<td>Remarks</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>------------------------------------------------</td>
<td>------</td>
<td>---------</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dances</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dances with alcohol sales</td>
<td></td>
<td>X&lt;sup&gt;6&lt;/sup&gt;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wedding receptions</td>
<td>X</td>
<td>X&lt;sup&gt;2&lt;/sup&gt;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wedding</td>
<td></td>
<td>X&lt;sup&gt;6&lt;/sup&gt;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Receptions with alcohol sales</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Funeral dinners</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Private parties</td>
<td>X</td>
<td>X&lt;sup&gt;2&lt;/sup&gt;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Private parties with alcohol sales</td>
<td></td>
<td>X&lt;sup&gt;6&lt;/sup&gt;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Livestock sales</td>
<td>X&lt;sup&gt;3&lt;/sup&gt;</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tool sales</td>
<td></td>
<td>X&lt;sup&gt;6&lt;/sup&gt;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Automobile sales</td>
<td></td>
<td>X&lt;sup&gt;6&lt;/sup&gt;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Auctions, excluding livestock (indoor &amp; outdoor)</td>
<td></td>
<td>X&lt;sup&gt;6&lt;/sup&gt;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Seminars</td>
<td>X&lt;sup&gt;3&lt;/sup&gt;</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public meetings</td>
<td>X&lt;sup&gt;3&lt;/sup&gt;</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Workshops</td>
<td>X&lt;sup&gt;3&lt;/sup&gt;</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Livestock competitions</td>
<td>X&lt;sup&gt;3&lt;/sup&gt;</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
These are a use by right for the Routt County Fair only. If the item is not Fair related, please refer to the other designated use.

Hours are limited to 9:00 p.m. on weeknights and 11:00 p.m. on weekends. Any event not ending by the specified time would have to obtain a special event permit from the Council.

Use-by-right for events with fewer than 250 participants (combination of people and livestock). Events not qualifying would require a special event permit from the Council.

Limited to 20 sites other than during the County Fair and 14 consecutive days, unless a special event permit is issued.

Use-by-right for 4-H/FFA events with fewer than 250 participants (combination of people and livestock). Events not qualifying would require a special event permit from the Council.

Manager reserves the right to refer special event requests to Council for approval; denial of special events requests may be appealed to Council.

E. Conditional Uses—Rock Crushers. Rock crushers, concrete and asphalt mixing plants, sand and gravel pits or any other such excavation or surface mining shall be allowed, provided they meet the following requirements:

1. When the application is filed, the applicant shall provide a plan showing the land proposed for excavation. This plan shall show the contours of the land on at least two-foot contour intervals, any improvements thereon and to a distance of three hundred feet (300') in all directions from the subject. The Commission may set out additional conditions under which these operations may be permitted and those conditions may vary by location.

2. Concurrent with the above, the applicant shall also provide a plan showing the contemplated changed condition of the land due to the excavation. This plan must include the contemplated re-use of the land, what restoration or curing of the land is planned and the contours on at least two-foot intervals.

3. No excavation or processing of excavated materials shall be permitted nearer than thirty feet to the boundary of adjacent property nor nearer than one hundred twenty-five feet to any existing residence unless, by written agreement, the owner or owners of such adjacent property consent to a lesser distance and the Council approves such lesser distance. The Council may set a greater distance than mentioned above when, in their opinion, its justified.

4. The Commission shall specify the degree of slopes of banks for all excavations, the depth of and the distance from any public structures when excavations are made in or near streambeds. When excavations are near or adjacent to irrigation canals and ditches, the applicant shall secure a written agreement from the ditch company or from officials responsible for the canals and ditches indicating their determination as to setbacks from public rights-of-way when excavation is contemplated near such rights-of-way.

5. Sand and gravel shall be excavated in such a manner so as to assure the convenient restoration of the land and to hold to a minimum any adverse effects to adjacent land as a result of piling or storing the overburden material.

6. The sand and gravel shall be excavated in such a manner so as to leave an average of two feet of undisturbed sand or gravel as evenly as possible, over the entire excavation tract, to provide a water-bearing strata for any existing groundwater, and more if the Commission deems necessary.
7. After an excavation has been completed, the operator shall spread evenly over the bottom of the excavation the excess waste materials. He then shall spread evenly the topsoil to a minimum depth of eighteen inches. The topsoil shall be spread last so as to produce a new surface for the purpose of growing crops, trees, shrubs, etc. Operations shall be conducted in such a manner that excavated areas will not collect or permit stagnant water to remain therein.

8. An excavation operation shall maintain haulage roads within the premises covered by the permit and such roads shall be kept in a reasonable dust free condition when such dust would be injurious to bordering premises. The Commission shall specify the conditions in each instance to insure this requirement. The hours of operation, unless otherwise specified by the Commission shall be from 6:00 a.m. to 10:00 p.m. or unless a national emergency arises or special permission is granted by the Commission.

9. Rock crushers, concrete and asphalt mixing plants may be permitted providing the Council finds that the use is accessory to the sand and gravel operation.

10. The applicant shall furnish evidence of a bank commitment of credit in favor of the Town or bond or certified check in an amount calculated by the Planning Commission to secure the site restorations as required in subsections A through I of this section. Guidelines for calculating the amount of such bank commitment of credit, bond or certified check could be a sum equal to the number of acres covered by the permit, multiplied by five hundred dollars. The minimum amount of such should be one thousand dollars and the maximum amount twenty-five thousand dollars. The Commission shall have the power and authority to provide for an alternative method of indemnifying the Town in lieu of the above mentioned methods.

11. Prior to granting of a permit, the property shall be posted for a period of thirty days. This posting shall consist of a sign or signs, the number of which shall be determined by the building inspector. Such signs shall be placed in conspicuous locations visible from the public rights-of-way.

12. At least thirty days prior to the public hearing, the building inspector shall advertise, by legal publication, in the official newspaper the time and place of the public hearing.

13. Upon the granting of a permit by the Commission the fee schedule shall apply as set forth in the Hayden Municipal Code.

14. All permits shall be in full force for a period of five years from the date of issuance, thereof, unless a shorter time is set by the Commission. Such temporary permits may be renewable by the Commission for the same period of time or less, without further notice, hearing or posting of the property involved; provided, however, that the operator has complied with all the terms and conditions of the original permit. A renewal of a permit shall be considered as a new permit with respect to fees.

15. The Commission shall have the power to cancel permits upon proof of violation of any of the regulations.

16. Rock crushers, concrete and asphalt mixing plants, sand and gravel operations or any other such excavations which are temporary operations (six months or less) shall not be subject to any of the regulations of this chapter, except, they shall be required to obtain a permit from the Commission.

F. Building Height Limit. Two and one-half stories or twenty-five (25) feet in height.

G. Area Regulations. The area regulations are as follows:

1. Minimum lot area shall be:
   a. One acre per dwelling unit;
   b. One-half acre for all other uses permitted by right;
   c. For all conditional uses, one acre unless otherwise specified by the Planning Commission.

2. Minimum lot frontage shall be:
Title 7 Development Code

a. One hundred twenty-five feet for each dwelling unit;
b. One hundred feet for other principal structures.

3. Minimum front yard or set back. Measured from the front property line, there shall be a front yard or setback of not less than fifty feet for all principal structures.

4. Minimum rear yard or set back. Measured from the rear property line, every principal structure shall have a rear yard of not less than twenty feet.

5. Minimum side yard or set back. Measured from the side property lines, there shall be side yards or set backs of not less than ten feet.


7.20.070 AO Airport Overlay Zone District.

A. Intent. The intent of this overlay district is to define permitted and conditional uses on property related to the Yampa Valley Regional Airport. This District must have a base zoning category of O—Open. Further, the intent is to allow land uses in the immediate vicinity of Yampa Valley Regional Airport such as light industrial, commercial or business uses related to airport operations that are located, designed, constructed, and maintained in a manner that does not impair the safe operation of the Yampa Valley Regional Airport.

B. Principal Uses. Permitted principal uses in the AO District shall be as follows:
   1. Terminals.
   2. Runways and taxiways.
   3. Fixed base operations (FBO).
   4. Hangers.
   5. Fueling operations.
   6. Airport security operations.
   7. Airport parking lots and support operations.
   8. Airport related industrial, commercial and business uses.
   9. Accessory buildings and uses customarily incident to the uses permitted by right in this district.

C. Conditional Uses. Permitted conditional uses in the AO District shall be as follows:
   1. Electric substations and gas regulator stations;
   2. Fire stations and police stations;
   3. Water reservoirs, water storage tanks, water pumping stations, and sewer lift stations;
   4. Public facilities.

D. Building Height Limit. The height regulations are as follows:
   1. No structure, except for airport buildings and associated structures, shall exceed two and one-half stories or twenty-five feet in height.
   2. Maximum height regulations lesser than those provided herein may be set by special airport zoning regulations for buildings in an airport approach zone.
   3. Airport buildings and structures shall not exceed fifty feet in height, provided that a particular building, or buildings, may be permitted to exceed such height limit only upon the approval of a conditional use permit.
E. Area Regulations. All buildings and structures located in the Airport Overlay shall meet the minimum setback requirements of the underlying zoning district and any other applicable setback requirements set forth elsewhere in this article.

F. Prohibited Lighting.
   1. Any moving, pulsating, flashing, rotating, or oscillating light, other than navigational markings or lights marking potential obstructions in accordance with Federal Aviation Administration requirements;
   2. Flood lights, spot lights, or other lighting devices which are not shielded so as to prevent illumination in an upward direction;
   3. Any lights which make it difficult for pilots to distinguish between airport lights and others, results in glare in the eyes of pilots using the airport, impairs visibility in the vicinity of the airport or otherwise in any way endangers or interferes with the landing, takeoff or maneuvering of aircraft intending to use the airport.

G. Prohibited Electronic Signals.
   1. Any electronic impulse or signal which interferes with radio communications between aircraft and the airport, or which interferes with established navigation aids, is prohibited in the Airport Overlay District.


7.20.080 RLD Residential Low Density District.

A. Intent. The intent of this district is to build a traditional residential area of single-family units on single lots with a mixture of lot sizes and building types. The district will incorporate tree-lined local streets and a network of alleys tied to the existing street grid when possible. The RLD District encourages the creation of viable neighborhoods that connect with each other and integrate into the existing Hayden community with new streets, bikeways, sidewalks, paths and trails. RLD District residents shall have convenient access to parks, schools, open space, trails and services. The optimum size of a neighborhood in this district is one-quarter mile from center to edge.

B. Principal Uses. Permitted principal uses in the RLD District shall be as follows:
   2. Accessory buildings and accessory uses.
   3. Accessory dwelling when associated with a permitted use.
   4. Cultivation, storage and sale of crops, vegetables, plants, flowers and nursery stock produced on the premises.
   5. Home occupations.
   6. Group homes for up to eight (8) developmentally disabled persons, handicapped individuals, children or senior citizens.
   7. Parks and open space.
   8. Domestic animals provided such animals are household pets. Kennels are not allowed.
   9. Safe house for battered or abused adults or children of up to eight (8) persons.

C. Conditional Uses. Permitted conditional uses in the RLD District shall be as follows:
   1. Public facilities provided that business offices and repair and storage facilities are not included.
   2. Cemeteries.
3. Family child care homes.
4. Church or place of worship and assembly.
5. Community facilities.
7. Public and private schools for elementary, intermediate and high school education.

D. Building Height Limit. Three stories or thirty feet (30') in building height.

E. Area Regulations. The area regulations are as follows:

1. Minimum floor area shall be eight hundred square feet per dwelling unit. Maximum floor area of any accessory dwelling unit shall be less than eight hundred square feet.
2. Minimum lot area shall be:
   a. Six thousand square feet per dwelling unit (up to 6 units per gross acre);
   b. For all conditional uses, six thousand square feet unless otherwise specified by the Planning Commission.
3. Gross density per acre is 1 to 6 units.
4. Minimum lot frontage shall be fifty feet.
5. Minimum front yard or setback. Measured from the front property line, there shall be a front yard or setback of not less than twenty-five feet for all principal structures.
6. Minimum rear yard or setback. Measured from the rear property line, every principal structure shall have a rear yard or setback of not less than 20 feet.
7. Minimum side yard or setback. Measured from the side property line, there shall be side yards or setbacks of not less than ten feet. Accessory uses may have a side yard setback of five feet for a distance not to exceed thirty feet.


7.20.090 RHD Residential High Density District.

A. Intent. This is a single-family residential district of greater than 6 units per acre provided:

1. Up to thirty (30) percent of the total number of lots within the project may utilize the RLD District if the dwelling units are distributed throughout the overall development.
2. The site must integrate a minimum of twenty (20) percent of the gross acreage into a combination of public and private open space and/or parks, common areas and common elements within the RLD District as an integral part of the site design. Cluster homes, zero lot line homes, and attached single-family homes may be designed as an alternative to individual lots provided the intent and development standards as specified in this district are adhered to. This is a higher-density residential zone that is also intended for multi-family dwellings on individual lots. Multi-family buildings are generally encouraged near neighborhood commercial centers. Street and open space designs in these areas shall be used to encourage pedestrian interaction and discourage high automobile speeds. Multi-family residential developments shall also be designed around, or adjacent to, open space.

B. Principal Uses. Permitted principal uses in the RHD District shall include:

1. All permitted principal uses in the RLD zone.
2. Multiple-family dwellings with no more than twenty-four (24) units per building, provided that the density and dimensional standards for the RHD Zone District are met and the lot upon which
any such dwelling is located is of sufficient size so that twenty (20) percent thereof shall be devoted to functional open space.

3. Senior housing provided that the density and dimensional standards for the RHD District are met and the lot upon which any such dwelling is located is of sufficient size so that twenty (20) percent thereof shall be devoted to functional open space. Senior housing is exempted from the maximum number of twenty-four (24) units per building requirement for multi-family dwellings.

4. Two (2) family dwellings.

5. Cluster, zero lot line and attached single-family dwellings.

C. Conditional Uses. Permitted conditional uses in the RHD District shall be as follows:

1. All permitted conditional uses in the RLD District.

2. Boarding and rooming houses.


4. Long term care facilities.

D. Development Standards.

1. Detached Dwelling Unit. Minimum open space on each lot: At least one-third of each lot shall be devoted to outdoor living areas, including, but not limited to, landscaped areas, patios, walkways, fences, gardens and similar features, but excluding driveways and parking spaces.

2. Attached cluster home.
   a. Minimum lot area: none.
   b. Minimum lot width and depth: none.
   c. Minimum common areas and elements: a minimum of twenty percent (20%) of the total project area shall be devoted to common areas and elements, including but not limited to, landscaped areas, walkways, swimming pools, tennis courts, play areas, fountains, and patio areas, but excluding driveways, and all off-street parking facilities.

E. Building Height Limit. Three and one-half stories or thirty-five feet (35’) in height.

F. Area Regulations. The area regulations are as follows:

1. Minimum floor area shall be four hundred square feet per dwelling unit, except for single-family detached dwellings the minimum floor area shall be eight hundred square feet.

2. Gross density is greater than six (6) units per acre.

3. Minimum lot frontage shall be fifty (50) feet.

4. Minimum front yard or setback. Measured from the front property line, there shall be a front yard or setback of not less than twenty feet for all principal structures.

5. Minimum rear yard or setback. Measured from the rear property line, every principal or accessory structure shall have a rear yard or setback of not less than ten feet.

6. Minimum side yard or setback. Measured from the side property lines, there shall be side yards or setbacks of not less than ten feet. Multi-family, cluster, zero lot line or attached single-family dwelling setbacks will be per an approved Site Plan.

7.20.100 MHR Mobile Home Residential District.

A. Intent. It is the intent of this district to be composed of two sub-districts: Mobile Home Parks and Mobile Home Subdivisions. Mobile homes are to be restricted to this district. This district is designed to provide orderly development of single-family residential mobile home parks having rented lots and/or mobile home subdivisions having home-owner lots. New development shall provide neighborhood park facilities or impact fees-in-lieu. Parks should be centrally located and pedestrian accessible on land that is improved as part of the development process. Additionally, pedestrian trails that connect major destinations (shopping, schools) with parks and open space corridors shall be incorporated and designed and located to coordinate with the town's master trails plan.

B. Principal Uses. Permitted principal uses in the MHR District shall include:
   1. Mobile homes designed for occupancy by one family;
   2. Manufactured homes;
   3. Home occupations;
   4. Domestic animals provided such animals are household pets. Kennels are not allowed;
   5. Accessory buildings and uses customarily incidental to the uses permitted by this district.

C. Conditional Uses. Permitted conditional uses in the MHR District shall include:
   1. Electric substations and gas regulator stations;
   2. Fire stations and police stations;
   3. Water reservoirs, water storage tanks, water pumping stations and sewer lift stations.

D. Building Height Limit. Two and one-half stories or twenty-five feet (25') in building height.

E. Area Regulations. The area regulations are as follows:
   1. Minimum floor area. Four hundred and six (406) square feet per mobile home.
   2. Minimum lot area.
      a. Five thousand (5,000) square feet per mobile home;
      b. Three thousand (3,000) square feet per truck camper or travel trailer;
      c. Any newly created freestanding mobile home residential district shall be at least five acres of land in area.
   3. Minimum lot frontage. Forty feet (40').
   4. Minimum front yard or setback. Measured from the front property line, there shall be a front yard or setback of not less than twenty-five (25) feet for all principal structures. For mobile home park lots fronting on a state or federal highway, the required front yard or setback shall be fifty feet.
   5. Minimum rear yard or setback. Measured from the rear property line every principal or accessory structure shall have a rear yard or setback of not less than ten feet.
   6. Minimum side yard or setback. There shall be twenty feet between mobile homes or accessory buildings, or if measured from the side property line, every mobile home shall have a side yard or setback of not less than ten feet on each side of the lot. Where the side yard or property line abuts a state or federal highway, the required setback shall be fifty feet.
   7. Maximum gross density. Ten (10) units per acre.
   8. There shall be a minimum setback of twenty (20) feet between any service facility or mobile home development permanent building and any mobile home.

F. Accessory Buildings and Structures. Accessory buildings and structures shall be constructed in accordance with the Uniform or International Building Code as adopted. Accessory buildings and
structures shall include steps, attached or detached patios that are open on three sides, attached or detached decks that are open on three sides, attached or detached storage units, attached or detached garages, and attached or detached carports. Accessory buildings or structures may be located adjacent to a mobile home space line provided, however, that a minimum of six (6) feet of separation is provided between a garage and any other structure on an adjoining space. Any other building or structure shall provide a minimum of ten (10) feet between it and any structure on an adjoining space.

G. Mobile Home Lots. The limits of each mobile home lot shall be clearly marked on the ground by permanent monuments set pursuant to C.R.S. § 38-51-101.


7.20.110 CBD Central Business District.

A. Intent. It is the intent of this district to encourage the redevelopment and expansion of the existing downtown commercial district; provide a concentration and mixture of civic, office, retail, restaurant, housing and cultural land uses; maintain and enhance the historic character of the original downtown; create a pedestrian oriented district; develop and promote small scale businesses; and promote shared or cooperative parking within or adjacent to the district. It is the intent of this district to allow retail uses on the first floor and businesses and residences or services on upper floors of buildings where appropriate. The district will allow continued use of property that is within the District until a change in land use category occurs. For example a residential use changing to a service, commercial or retail use would constitute a change. At that time the new use must be in compliance with the provisions of this District.

B. Principal Uses. Permitted principal uses in the CBD District shall be as follows:

1. All permitted principal uses in the residential districts.
2. Artisan and photography studios and galleries.
4. Boarding and rooming houses.
5. Childcare centers.
6. Community facilities.
7. Convenience shopping and retail establishments.
8. Health and membership clubs.
10. Lodging establishments.
11. Medical and dental offices and clinics.
12. Mixed use dwelling units.
13. Open air farmers’ market.
14. Personal and business service shops.
15. Professional offices, financial services.
16. Public and private schools, including colleges, vocational training, and technical training.
17. Public facilities with business offices, no repair or storage facilities.
18. Restaurants—standard and fast food without drive-through facilities.
20. Tourist facilities.
21. Transit facilities without repair or storage.
22. Funeral homes.
23. Catering.
24. Print shops.

C. Conditional Uses. Permitted conditional uses in the CBD District shall be as follows:
1. Licensed bars and taverns.
2. Church or place of worship and assembly.
3. Clubs and lodges.
4. Entertainment facilities and theaters.
5. Long-term care facilities.
7. Motor vehicle service and repair (minor).
8. Parking lots and parking garages as a principal use.
9. Public facilities with business offices without repair and storage facilities.
10. Workshops and custom small industry uses.

D. Building Height Limit. Three and one-half stories or thirty-five feet (35') in building height.

E. Area Regulations. The area regulations are as follows:
1. Minimum floor area: no minimum requirements.
2. Minimum lot area: no minimum requirements.
3. Minimum lot frontage: no minimum requirements.
4. Minimum front setback: no minimum requirements.
5. Minimum rear setback: no minimum requirements except for a 10-foot setback if the property has contiguity to a residential zone district property line or property used solely for residential uses. Alleys and roadways prevent contiguity in this case.
6. Minimum side setback: no minimum requirements except for a 10-foot setback if the property has contiguity to a residential zone district property line or property used solely for residential uses. Alleys and roadways prevent contiguity in this case.


7.20.120 C: Commercial District.

A. Intent. The C: Commercial District is intended to support current residential land uses, redevelopment of existing commercial properties, and the development of new mixed use, retail, service and related development projects. This district supports auto-oriented and auto-dependent uses as well as uses which provide a wide range of general retail goods and services for residents of the community. This C: Commercial zone includes lands within Hayden that are both open undeveloped lands, and small parcels nestled within thriving residential areas. Proposals for development in this zone district must meet all design standards in the Development Code in order to mitigate impact on these residential areas. While commercial and mixed uses are encouraged across this zone district, those uses cannot negatively impact the nearby properties that wish to remain in residential use.
B. Principal Uses. Permitted principal uses in the C: Commercial District shall be as follows:

Residential:

1. All permitted principal uses in the residential districts.
2. Bed and breakfast establishments.
3. Boarding and rooming houses.
4. Group homes.
5. Mixed use dwelling units.
6. Motels, hotels and lodging establishments.

Commercial or public:

1. Artisan and photography studios and galleries.
2. Auto, recreational vehicle, boat, and truck sales.
3. Childcare centers.
4. Church or place of worship and assembly.
5. Clubs and lodges.
6. Community facilities.
7. Entertainment facilities and theaters.
8. Equipment rental without outdoor storage.
10. Family day care facilities or home day care businesses.
13. Home occupations.
15. Limited indoor recreation establishments.
16. Long-term care facilities.
17. Medical and dental offices and clinics.
18. Motor vehicle service and repair (minor).
20. Motor vehicle washes.
21. Open air farmers’ market.
22. Personal and business service shops.
23. Professional offices, financial services.
24. Public and private schools, including colleges, vocational training, and technical training.
25. Public facilities with business offices, no repair or storage facilities.
26. Retail establishments.
27. Restaurants with or without drive-through facilities.
28. Tourist facilities including museums, recreational uses, etc.
29. Transit facilities without repair or storage.
30. Veterinary facilities, small animal clinics.
31. Workshops and custom small industry uses.

C. Conditional Uses. Permitted conditional uses in the C District shall be as follows:
1. Licensed bars, nightclubs, and taverns.
2. Retail and supply yard establishments with outdoor storage.
3. Small or large animal boarding (kennels).
4. Parking lots and parking garages as a principal use.
5. Public facilities with repair and storage facilities.

D. Building Height Limit. Three and one-half stories or thirty-five feet (35’) in building height.

E. Area Regulations. The area regulations are as follows:
1. Minimum floor area: No minimum requirements.
2. Minimum lot area: No minimum requirements.
3. Minimum lot frontage: No minimum requirements.
4. Minimum front setback: No minimum requirements.
5. Minimum rear setback: No minimum requirements except for a 10-foot setback if the property has contiguity to a residential zone district property line or property used at the time of application solely for residential uses. Alleys and roadways prevent contiguity in this situation.
6. Minimum side setback: No minimum requirements except for a 10-foot setback if the property has contiguity to a residential zone district property line or property used at the time of application solely for residential uses. Alleys and roadways prevent contiguity in this situation.
7. Minimum setback for larger lots: For lots over 1.5 acres in size, setbacks on all sides of the property are a minimum of 25 feet.


7.20.130 I-1 Light Industrial District.

A. Intent. This district is intended to provide locations for a variety of workplaces including light industrial uses, research and development offices and institutions. This district is also intended to accommodate secondary uses that complement and support the primary workplace uses, such as hotels, restaurants, convenience shopping, and childcare. Additionally, this district is intended to encourage the development of planned office and business parks and to promote excellence in the design and construction of buildings, outdoor spaces, transportation facilities and streetscapes.

B. Principal Uses. Permitted principal uses in the I-1 District shall be as follows:
1. Accessory buildings and accessory uses.
2. Licensed bars and taverns.
3. Motor vehicle washes.
4. Clubs and lodges.
5. Community facilities.
6. Convenience shopping and retail establishments.
7. Enclosed mini-storage facilities.
8. Equipment rental establishments without outdoor storage.
11. Light industrial uses.
12. Parking lots and parking garages (as principal use).
13. Parks and open space.
15. Professional offices, financial services.
16. Public and private schools, including colleges, vocational and technical training.
17. Restaurants without drive-through facilities.
18. Tourist facilities.
19. Veterinary facilities, small animal clinics.
20. Warehouse, distribution and wholesale uses.
22. Workshops and custom small industry uses.
23. Print shops.

C. Limitations. Any use in this district shall conform to the following requirements:
1. All manufacturing and similar uses shall be carried on entirely within a completely enclosed structure.
2. Dust, fumes, odors, smoke, vapor and noise shall be confined to the site.
3. All emissions from the manufacturing or similar uses shall comply with the federal and state air pollution laws.
4. Outdoor storage, equipment and refuse areas shall be concealed from view from abutting rights-of-way and from adjoining residential districts.
5. Travel and parking portions of the lot shall be surfaced with asphalt, concrete, compressed gravel or equivalent, maintainable surfacing with erosion control.
6. Light fixtures in parking areas shall be hooded and mounted not more than twenty-five (25) feet above the ground level and oriented in such a manner as not to shine into residential areas. Lighting shall conform to the requirements of this Code.

D. Conditional Uses. Permitted conditional uses in the I-1 District shall be as follows:
1. Accessory dwelling when associated with a permitted use.
2. Artisan and photography studios and galleries.
3. Auto, recreational vehicle, boat and truck sales.
5. Boarding and rooming houses.
6. Childcare centers.
7. Entertainment facilities and theaters.
8. Funeral homes.
9. Gas, oil and other hydrocarbon well drilling and production.
10. Golf courses.
13. Limited indoor recreation facilities.
15. Lodging establishments.
16. Long-term care facilities.
17. Manufacturing, assembly or packaging of products from previously prepared materials.
18. Manufacturing of electric or electronic instruments and devices.
19. Medical and dental offices and clinics.
20. Motor vehicle service and repair (minor repairs).
22. Personal and business service shops.
23. Research, experimental or testing laboratories.
24. Restaurants with drive-through service.
25. Retail and supply yard establishments with outdoor storage.
27. Small grocery stores.
28. Veterinary hospitals (large animals).

E. Building Height Limit. Three and one-half stories or thirty-five feet (35’) in building height.

F. Area Regulations. The area regulations are as follows:
   1. Minimum floor area: No minimum requirements.
   2. Minimum lot area: No minimum requirements.
   3. Minimum lot frontage: No minimum requirements.
   4. Minimum front setback: A 20-foot front yard setback is required.
   5. Minimum rear setback: A 20-foot rear yard setback is required.


7.20.140 I-2 Industrial District.

A. Intent. This zoning district is intended to provide a location for a variety of employment opportunities such as manufacturing, warehousing and distributing, indoor and outdoor storage and a wide range of commercial and industrial operations. The Industrial District also accommodates complementary and supporting uses such as convenience shopping and child care centers. Locations for this zone require good access to major arterial streets and adequate water, sewer and power.

B. Principal Uses. Permitted principal uses in the I-2 District shall be as follows:
   1. Accessory buildings and accessory uses.
2. Auto, RV, boat and truck storage.
3. Motor vehicle washes.
4. Clubs and lodges.
5. Community facilities.
6. Enclosed mini-storage facilities.
7. Equipment rental.
8. Motor vehicle fueling stations.
10. Heavy industrial uses.
11. Light industrial uses.
12. Manufacturing and preparing food products.
13. Manufacturing, assembly or packaging of products from previously prepared materials.
14. Manufacturing of electric or electronic instruments and devices.
15. Motor vehicle service and repair establishments (minor and major repairs).
16. Parking lots and parking garages (as principal use).
17. Parks and open space.
18. Plant nurseries and greenhouses.
19. Plumbing, electrical and carpenter shops.
20. Public facilities with or without business offices and repair and storage facilities.
21. Research, experimental or testing laboratories.
22. Restaurants/standard and fast food with drive-through facilities.
23. Retail and supply yard establishments with outdoor storage.
24. Veterinary facilities, with large and small animal clinics.
25. Warehouse, distribution and wholesale uses.
26. Wireless telecommunications facilities (as permitted in Section 16.03.120 of this Code).
27. Workshops and custom small industry uses.

C. Limitations. Any use in this district shall conform to the following requirements:

1. All manufacturing and similar uses shall be carried on entirely within a completely enclosed structure.
2. Dust, fumes, odors, smoke, vapor and noise shall be confined to the site.
3. All emissions from the manufacturing or similar uses shall comply with the federal and state air pollution laws.
4. Light fixtures in parking areas shall be hooded and mounted not more than twenty-five (25) feet above the ground level and oriented in such a manner as not to shine into residential areas. Lighting shall conform to the requirements in Section 16.02.200 of this Code.
5. Outdoor storage, equipment and refuse areas shall be concealed from view from abutting rights-of-way and from adjoining residential districts.
6. Travel and parking portions of the lot shall be surfaced with asphalt, concrete, compressed gravel or equivalent, maintainable surfaces with appropriate erosion control.
D. Conditional Uses. Permitted conditional uses in the I-2 District shall be as follows:

1. Accessory dwelling when associated with a permitted use.
2. Adult uses including product sales and entertainment.
3. Artisan and photography studios and galleries.
4. Automobile, recreational vehicle, boat and truck sales.
5. Licensed bars and taverns.
6. Childcare centers.
7. Convenience shopping and retail establishments.
8. Dry cleaning plants.
9. Entertainment facilities and theaters.
10. Equipment, truck, trailer rental establishments with outdoor storage.
11. Gas, oil and other hydrocarbon well drilling and production.
13. Limited outdoor recreational facilities.
15. Open-air farmers’ markets.
16. Public and private schools including colleges, vocational training and technical training.
17. Public facilities provided that business offices and repair and storage facilities are not included.
18. Public facilities with business offices and repair and storage facilities.
20. Research, experimental or testing laboratories.
21. Resource extraction, processes and sales establishment.
22. Restaurants with drive-through service.
23. Sales and leasing of farm implements, heavy equipment sales, mobile/manufactured homes, and heavy excavation equipment.
25. Veterinary hospitals.

E. Building Height Limit. Three and one-half stories or thirty-five feet (35’) in building height.

F. Area Regulations. The area regulations are as follows:

1. Minimum floor area: No minimum requirements.
2. Minimum lot area: No minimum requirements.
3. Minimum lot frontage: No minimum requirements.
4. Minimum front setback: Measured from the front property line there shall be a front setback of not less than 50 feet for all principal structures.
5. Minimum rear setback: Measured from the rear property line there shall be a 50-foot setback.
6. Minimum side setback: Measured from the side property line there shall be a minimum 30-foot setback.
Chapter 7.24 Development Standards

7.24.010 General Provisions.
7.24.020 Application of Community Design Standards.
7.24.030 Design Elements.
7.24.040 Compact Urban Growth.
7.24.050 Neighborhood Design Principles.
7.24.060 Lots and Blocks.
7.24.070 Streets.
7.24.080 Parking.
7.24.090 Sidewalks.
7.24.100 Easement and Utility Standards.
7.24.110 Setback Requirements (All Districts).
7.24.120 Parks and Open Space.
7.24.130 Contribution for Public School Site.
7.24.140 Public Sites and Dedication Requirements.
7.24.150 Landscape Design.
7.24.160 Buffering and Screening Techniques.
7.24.170 Fences and Walls.
7.24.190 Commercial and Industrial Architecture.
7.24.200 Mobile Homes.
7.24.220 Lighting.
7.24.230 Environmental Considerations.
7.24.240 Impacts or Nuisances.
7.24.250 Sanitary Sewer.
7.24.260 Potable Water.
7.24.270 Fire Hydrants.
7.24.280 Public Improvements Agreements.
7.24.290 Conveyance of Water Rights as Part of Subdivision and/or Annexation.
7.24.300 Wireless Telecommunications.
7.24.310 Oil and Gas Standards.
7.24.010   General Provisions.

A.  Applicability. All development applications shall comply with the applicable standards contained in
this article.

B.  Relation to Zone District Standards. In the event of a conflict between a standard or requirement
contained in the Density and Dimensional Chapter 7.20 and text in Chapter 7.24, the standard in the
chart in Chapter 7.20 shall prevail.


7.24.020   Application of Community Design Standards.

The Planning Commission and the Council will evaluate each proposal based on these principles
and the context within which each 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 in this section unless it can be demonstrated that an acceptable alternative meets
one or more of the following conditions:

1.  The alternative better achieves the stated intent;
2.  The intent cannot be achieved by application of the principle in this circumstance;
3.  The effect of other principles will be improved by not applying a particular principle;
4.  Strict application or unique site features make the principle impractical.


7.24.030   Design Elements.

A.  Compact Urban Growth. 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 remains usable, natural areas are preserved, and public
infrastructure and utilities are used as efficiently as possible.

B.  Neighborhood Design. 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 an inviting public space,
and the interconnectedness of the streets both 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 repetition of one or two styles.

C.  Streets and Sidewalks. 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. Where feasible and appropriate within the downtown area, continue Hayden's existing
block pattern to form a grid or modified grid pattern that is adapted to the topography, natural
features and environmental considerations.

D.  Parks and Open Space. Use natural open spaces and developed public space (such as parks and
plazas) to organize and focus lots, blocks and circulation patterns and create an identity for each
neighborhood.

E.  Site Design, Architecture and Landscaping. Encourage innovative, quality site design, architecture,
and landscaping in order to create new developments that can be integrated into the existing
community and reflect the traditional patterns of the region. Promote the use of native species and
xeriscaping in landscaping, revegetation and reclamation.
F. 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. The Town promotes the use of native species in landscaping, revegetation and reclamation.

G. Water Conservation. Use raw or non-potable water for irrigation and incorporate water saving measures in building design and landscaping. Developments are required to use storm water management techniques that address both water quality and quantity.


7.24.040 Compact Urban Growth.

A. Intent. The Town encourages a density pattern that tapers from more intense use of the core area to lower densities on the periphery of the growth management area. This policy will accomplish several goals, including:
   1. Improving air quality by reducing vehicle miles traveled and by promoting alternatives to the private automobile;
   2. Preserving natural areas and features, particularly at the edges of the Town;
   3. Making possible the efficient use of existing infrastructure and cost effective extensions of new services;
   4. Encouraging in-fill development and reinvestment in built-up areas of Hayden.

B. General Provisions.
   1. No development shall be approved unless it is located within the established Growth Management Area and is consistent with the Town Comprehensive Plan.
   2. The Town shall grow by designing interconnected neighborhoods. The original downtown area needs to be strengthened by the development of commercial, service and mixed-use projects.


7.24.050 Neighborhood Design Principles.

A. Intent. To encourage the creation of viable neighborhoods that connect with each other and the integration of new projects into the existing community. New streets, bikeways, sidewalks, paths and trails should connect adjacent neighborhoods.

B. Neighborhood Structure. Elements to consider integrating into new neighborhoods include:
   1. Streets, sidewalks and trails within new neighborhoods should connect to adjacent neighborhoods and 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, building architecture, etc.
   3. A mixed-use neighborhood center where appropriate.
   4. A variety of housing types, sizes, densities and price ranges.
   5. A variety of land uses that include a transition of development intensity.
   6. Pedestrian and bike connections throughout residential neighborhoods that are linked to commercial or civic centers and open space systems.
   7. Parks, open space and public plazas that are well integrated into the neighborhood.
C. General Provisions. The following principles contribute to Hayden's small town character. New projects will be evaluated with consideration to these existing 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 Town.

1. Each neighborhood has a center. It is important that every neighborhood have activity centers that draw people together. Activity centers include natural features, park areas and public buildings.

2. Mix of types of dwelling units. A mix of dwelling unit types shall be distributed throughout the development. Housing types and the size of lots shall be varied to enable people to remain in the neighborhood as their needs change.

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.

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.

5. Design streets as public spaces. 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 tree lawn area and may be further reinforced by walls, hedges, landscaping or fences which define front yards. 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. Access. "Gated" neighborhoods or developments that restrict public access shall not be permitted. Privately maintained streets shall have a public access easement.

7. Define the transition between public and private spaces. 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.

8. 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.
9. 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 mile from center to edge.

10. 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.

11. 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.


7.24.060 Lots and Blocks.

A. Intent. The intent of the block and lot standards is to continue the Town’s existing block pattern in a manner that is compatible with site-specific environmental conditions.

B. General Provisions.

1. Blocks. Streets shall be designed to create blocks that consider interconnectedness, topography, solar orientation, views, and other design features.

2. Lot Dimension and Configuration.

   a. Lot size, width, depth, shape, and orientation and minimum building setback lines shall conform to this chapter and shall facilitate the placement of buildings with sufficient access, outdoor space, privacy and view.

   b. Depth and width of properties shall be adequate to provide for off-street parking, landscaping and loading areas required by the type of use and development contemplated.

   c. Lot frontage. All lots shall have frontage that is either adjacent to or directly accessible to a street. Street frontage shall typically not be less than twenty-five (25) percent of the lot depth. Flag lots are prohibited unless otherwise approved by the Council.

   d. Corner lots. Corner lots for residential use shall have extra width to accommodate the required building setback and utility easements on both street frontages. For a corner lot, the front of the lot is defined as the side having the shortest street frontage. In the case of a reverse corner lot, both sides abutting a street shall maintain a front yard setback.

   e. Double frontage. Residential lots that front on two streets (double frontage) shall not be permitted.

   f. Side lot lines. Side lot lines shall be substantially at right angles or radial to road right-of-way lines or centerlines.

   g. Residential lot access to adjacent street.

      i. Driveway access to a local or collector street from a single-family detached residential lot shall be limited to one driveway curb-cut or driveway access of no greater than twenty (20) feet in width. A circular drive in which each access to the local or collector street is less than ten (10) feet in width, separated at least thirty (30) feet and which is constructed as an integral part of the overall architectural design of the single family residence may be considered as a single driveway access.

      ii. Driveway access to a local street from a single-family detached residential lot shall be greater than thirty (30) feet from the intersection of the local street and a collector street or one hundred fifty (150) feet from the intersection of the local street and an arterial street as measured from the intersecting right-of-way lines.
iii. Driveway access to a collector street from a single-family detached residential lot shall be greater than seventy-five (75) feet from the intersection of the collector street and a local street, another collector.

iv. Street, or an arterial street as measured from the intersecting right-of-way.

v. Lines.

h. Commercial, business and industrial lot access to adjacent street.

i. Driveway access to a local or collector street from a multi-family residential, commercial, business or industrial lot shall be greater than one hundred twenty-five (125) feet from any street intersection as measured from the intersecting right-of-way lines;

ii. Driveway access to an arterial street from a commercial, business or industrial lot shall be not less than one hundred (100) feet from any intersection on the arterial street, or from another commercial, business or industrial lot's access as measured from the intersecting right-of-way lines, or driveways; or

iii. Driveway access to a local street, collector street or arterial street from a multi-family residential, commercial, business or industrial lot may be allowed by the Town at its sole discretion.


7.24.070 Streets.

A. Intent. The intent of the street standards is to establish a safe, efficient, attractive transportation system that promotes all modes of transportation and is sensitive to the environment.

B. General Provisions. The local street system of any proposed development shall be designed to be safe, efficient, convenient, attractive, and consider all modes of transportation that will use the system. Streets should be an inviting public space and an integral part of community design. Local streets shall provide for both intra- and inter-neighborhood connections to knit developments together. All streets should interconnect to help create a comprehensive network of public areas to allow free movement of cars, bicycles and pedestrians.

1. Street Connections. All streets shall be aligned to join with planned or existing streets consistent with the Town Comprehensive Plan. All streets shall be designed to bear a logical relationship to the topography of the land. Intersections of streets shall be at right angles unless otherwise approved by the Town.

2. Tree-Lined Streets. All streets shall be lined with trees on both sides with the exception of rural roads and alley.

3. Street Layout. The street layout shall form an interconnected system of streets, where feasible primarily in a grid or modified pattern adapted to the topography, unique natural features, environmental constraints, and peripheral open space areas. The street layout shall emphasize the location of neighborhood focus points, other internal open space areas, gateways, and vistas. The use of cul-de-sacs and other roadways with a single point of access shall be minimized. The integration of traffic calming features within and adjacent to residential areas shall be utilized when appropriate.

4. Controlling Street Access. A strip of land between a dedicated street and adjacent property shall not be reserved for the purpose of controlling access to such street from such property.

5. Visibility at Intersections. No shrubs, ground cover, berms, fences, structures, or other materials or items greater than twenty-four (24) inches in height shall be planted, created or maintained at
street intersections within the site distance triangle. Trees shall not be planted in the site distance triangle.

6. Pedestrian Crossings at Street Intersections and Mid-Block. Pedestrian crossings shall be accessible to handicapped individuals and mid-block crossings may be required at the direction of the Council.

7. Access. Access to all subdivisions shall be from a public street system. Driveways shall not be permitted to have direct access to arterial streets or the state highway.

8. Street Right-of-Way Dedication. The full width of right-of-way for all streets being platted must be conveyed to the Town after final acceptance unless otherwise approved by the Town.

9. Perimeter Streets. When a street is dedicated which ends on the plat, the street right-of-way must be dedicated to the boundary of the plat.

10. Street Names. Names of new streets shall not duplicate names of existing streets in Hayden. However, new streets which are extensions of, or which are in alignment with, existing streets within the Town shall bear the names of such streets. Street naming and property address numbering will be coordinated between the Applicant, Town of Hayden and Routt County.

C. Street Standards. Streets shall conform to the adopted Town of Hayden Construction Specifications for Public Improvements and all other applicable laws, rules and regulations.

1. General Design Standards. Where curb and gutter is required, it shall be constructed per the Colorado Department of Transportation Specifications.
   a. Design of streets, curbs and gutters shall be in accordance with the Americans with Disabilities Act (ADA) standards.
   b. Streets shall be designed in accordance with the American Association of State Highway and Transportation Officials Policy on Geometric Design of Highways and Streets, 1990 and shall conform to the adopted Town of Hayden Construction Specifications for Public Improvements.
   c. The layout of arterial and collector streets shall be per the Town's Master Transportation Plan unless otherwise approved by the Council.
   d. Where future extension of a street is anticipated but not existing, a temporary turnaround having a minimum outside diameter of one hundred ten (110) feet shall be provided.
   e. The maximum allowable length of closed-end streets (cul-de-sacs) in single-family residential and multi-family residential developments shall be six hundred (600) feet unless otherwise approved by the Council.
   f. Right-of-way widths shall be specified in the Town's Master Transportation Plan.

2. Arterial Streets Design.
   a. Arterials shall be at a minimum of one (1) mile intervals in both north-south and east-west directions.
   b. Arterials shall be designed to accommodate present and future transportation requirements.
   c. Arterial streets shall align and connect across intersecting arterials to distribute traffic and provide continuity.
   d. Typical adjacent land uses:
      i. Business parks.
      ii. Community commercial.
      iii. District and community parks.
iv. High density residential.
v. Industrial developments.

3. Collector Streets.
   a. Within each one (1) mile arterial segment, collector streets shall divide the north-south and east-west arterials at approximately the half mile point.
   b. Intersections of collector streets and arterial streets shall be aligned to distribute traffic and provide continuity for bike routes.
   c. Typical adjacent land uses:
      i. Agriculture.
      ii. Business parks.
      iii. Community parks.
      iv. Industrial.
      v. Low, medium and high density residential.
      vi. Middle and high schools.
      vii. Neighborhood commercial.

4. Local Streets.
   a. Where practical, local streets shall generally follow a modified grid pattern adapted to the topography, unique natural features, environmental constraints, and peripheral open space areas. These streets shall generally parallel the arterial and collector street system, provide a variety of route options, interconnect to allow traffic to disperse in an equitable manner and be as narrow as possible without sacrificing the ability to accommodate expected traffic and services. Local street cross-sections will generally include a four-foot tree lawn adjacent to the roadway.
   b. Local streets must provide for both intra- and inter-neighborhood connections.
   c. Typical adjacent land uses.
      i. Business parks.
      ii. Elementary schools.
      iii. Pocket parks.
      iv. Neighborhood parks.
      v. Residential.

5. Rural local street.
   a. Rural local streets are intended to serve rural locations as approved by the Council.
   b. A driveway access crossing the borrow ditch of a rural local street shall contain a culvert of sufficient size to safely pass the designed stormwater drainage flows.
   c. A portion of the borrow ditch may fall outside of the rural local road right-of-way in order to obtain a borrow ditch cross-section sufficient to contain the designed storm water flows and/or to be sufficient in depth for the driveway access culvert.
   d. Typical adjacent land uses:
      i. Agriculture.
      ii. Estate subdivisions.

6. Alleys.
a. Alleys shall be treated as public ways and any lot having access from an alley shall also front upon a public street.

b. Garages, accessory dwellings above garages and rear yards may access the collector and local street system via an alley.

c. Typical adjacent land uses:
   i. Accessory units above garages.
   ii. Garages.
   iii. Parking lots with landscaped edges.
   iv. Rear yards.


7.24.080 Parking.

A. Intent. The intent of this section is to provide adequate parking for motor vehicles while minimizing the visual impact of parking lots and structures.

B. General Provisions. In all zone districts, off-street parking facilities for the storage of 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.

1. Surface. All parking and driveway areas and primary access to parking facilities shall be surfaced with asphalt, concrete or similar materials.

2. Integrate Parking Lots with Surroundings. Parking lots shall not dominate the frontage of pedestrian-oriented streets, interfere with designated pedestrian or bicycle routes, or negatively impact surrounding neighborhoods. The pedestrian character of streets and buildings shall be maximized through continuity of buildings and landscape frontage.

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

4. Landscaping. Parking lots shall be landscaped, screened and buffered as provided in this chapter.

5. Shared-Access. Where feasible, and in order to reduce traffic and vehicle turning movements on major streets, parking lots shall share access drives and cross-access easements with adjacent property with similar land uses.

6. 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, sidewalks or strike against or damage any wall, vegetation, utility or other structure.

7. 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.

8. Striping. All parking areas shall be striped to identify individual parking spaces.

9. Lighting. All parking area lighting shall be full cutoff 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.

10. 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.

11. Adjacent On-Street Parking in the CBD: Central Business District. In order to promote a pedestrian scale and encourage a perception of safety in the CBD: Central Business 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.

C. Paved Off-Street Parking Requirements.

1. Paved off-street parking shall be provided according to the minimum requirements as specified below:

<table>
<thead>
<tr>
<th>Use</th>
<th>Required Parking Must Be Outside of Rights-of-Way</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family detached</td>
<td>2 spaces</td>
</tr>
<tr>
<td>Townhouse and duplex</td>
<td>1 space per bedroom, up to 2 per unit</td>
</tr>
<tr>
<td>Apartment dwellings</td>
<td>1 space per bedroom, up to 2 per unit</td>
</tr>
<tr>
<td>Accessory dwellings</td>
<td>1 space per bedroom, up to 2 per unit</td>
</tr>
<tr>
<td>Office/business uses</td>
<td>1 space for every 500 square feet of gross floor area</td>
</tr>
<tr>
<td>Institutional/churches</td>
<td>1 space for every 4 seats in the main auditorium</td>
</tr>
<tr>
<td>Business park/industrial</td>
<td>1 space each for the maximum number of employees present at any one time plus space to accommodate all trucks and other vehicles used in connection with the facility</td>
</tr>
<tr>
<td>Bed and Breakfast</td>
<td>1 space per rental unit plus 2 spaces per residence</td>
</tr>
<tr>
<td>Business, professional or public office building, studio, bank, medical or dental clinic</td>
<td>Three parking spaces, plus one additional parking space for each four hundred square feet of floor area over one thousand square feet</td>
</tr>
<tr>
<td>Hotel</td>
<td>One parking space for each sleeping room or suite, plus one space for each two hundred square feet of commercial floor area contained therein</td>
</tr>
<tr>
<td>Restaurant, nightclub, cafe or similar recreation or amusement establishment</td>
<td>One parking space for each one hundred square feet of gross leasable area</td>
</tr>
</tbody>
</table>
2. 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 in this article. Required parking in the CBD: Central Business district can be met with on-street and shared parking.

3. The location of required off-street parking facilities for other than residential uses shall be within four hundred (400) feet of the building they are intended to serve when measured from the nearest point of the building or structure.

D. Location of Spaces for Residential Uses.

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

2. Required off-street parking in residential zones shall not lie within the front yard setback or within any required side yard setback adjacent to a street. (Driveway spaces within these setbacks cannot be counted for required off-street parking.)
   a. 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.
   b. Front-loading garages shall be set back not less than twenty-two (22) feet from the back of the sidewalk and required off-street parking spaces shall not encroach upon the sidewalk or road right-of-way.

E. Handicap Parking Spaces.

1. Handicap parking spaces shall be required for all retail, office, business, multi-family, industrial and institutional uses.

2. Handicap parking spaces shall be designated as being for the handicapped with painted symbols and standard identification signs.

3. Handicap parking spaces shall be located as close as possible to the nearest accessible building entrance.

4. Number of handicap parking spaces:

<table>
<thead>
<tr>
<th>Total Parking Spaces in Lot</th>
<th>Minimum Required Number of Handicap Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-25</td>
<td>1</td>
</tr>
<tr>
<td>26-50</td>
<td>2</td>
</tr>
<tr>
<td>51-75</td>
<td>3</td>
</tr>
<tr>
<td>76-100</td>
<td>4</td>
</tr>
</tbody>
</table>
### Title 7 Development Code

<table>
<thead>
<tr>
<th>101-150</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>151-200</td>
<td>6</td>
</tr>
<tr>
<td>201-300</td>
<td>7</td>
</tr>
<tr>
<td>301-400</td>
<td>8</td>
</tr>
<tr>
<td>401-500</td>
<td>9</td>
</tr>
<tr>
<td>501-1000</td>
<td>2% of total</td>
</tr>
<tr>
<td>1000 and over</td>
<td>20 plus 1 for every 100 over 1000</td>
</tr>
</tbody>
</table>

For every eight (8) handicap parking spaces are must be at least one (1) van accessible space. If there is only one (1) handicap parking space, that space must be van-accessible.

### F. Handicap Parking Space Dimensions.

1. Parking spaces must be eight (8) feet by eighteen (18) feet with a five-foot wide access aisle.
2. Van-accessible spaces must be eight (8) feet by eighteen (18) feet with an eight-foot wide access aisle.
3. Parking spaces for the physically handicapped that are parallel to a pedestrian walk which is handicap accessible may have the same dimensions as those for standard vehicles.

### G. Parking Stall Dimensions.

Parking stalls for automobiles shall meet the following standards. All dimensions represent the minimum requirement for any required parking space.

<table>
<thead>
<tr>
<th>PARKING STALL DIMENSIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking Angle (A)</td>
</tr>
<tr>
<td>---------------------</td>
</tr>
<tr>
<td>45°</td>
</tr>
<tr>
<td>60°</td>
</tr>
<tr>
<td>90°</td>
</tr>
<tr>
<td>0° (parallel)</td>
</tr>
</tbody>
</table>
H. 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 (2) percent 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 commercial areas, however, a grouping of spaces shall be provided 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 structure, which is permanently attached to the pavement.

4. Bicycle parking facilities shall be located so as not to interfere with pedestrian traffic or access to buildings.

I. Lieu of Parking. Within the CBD: Central Business District zone, off-street parking requirements may be satisfied by payment of an in-lieu parking fee at a rate as established by the Town.

1. The payment shall be equivalent to the estimated cost to the Town of providing the required parking spaces to serve the proposed use and shall be in a total amount as acceptable to the Town. Such payment shall be made before issuance of a Building Permit. Fee revenue shall be deposited in the Parking Fund designated solely for the purpose of constructing, expanding, repairing, and enhancing municipal parking facilities to provide public parking.

2. When an applicant wishes to offer a fee-in-lieu of parking, the applicant must coordinate with the Zoning Administrator and/or Town Engineer to determine how parking for the proposed use will...
be made available. A statement of the agreed upon plan for a fee-in-lieu of parking and manner of parking provision must be included with the application.

3. Any off-street parking supplied in this manner shall run with the land (not be invalidated by change in ownership), and any subsequent change in use that requires more parking shall require subsequent action by the property owner to satisfy any additional parking requirements. No refund of any fee-in-lieu of parking shall be made when there is a change in use requiring less parking. Final acceptance of any fee-in-lieu is at the complete discretion of the Town.


7.24.090 Sidewalks.

A. Intent. The intent of the standards for sidewalks, multi-use pathways and trails is to assure a safe, convenient, and attractive pedestrian/bicycle system that minimizes conflicts between vehicles, bicycles and pedestrians.

B. General Provisions.

1. Interconnected Network. A sidewalk network that interconnects all dwelling units with other dwelling units, non-residential uses, and common open space shall be provided throughout each development. Sidewalks shall be separate and distinct from motor vehicle circulation routes to the greatest extent possible. The pedestrian circulation system shall include gathering/sitting areas and provide benches, landscaping and other street furniture where appropriate.

2. Sidewalks Required. In all zone districts, except for the O district, sidewalks are required along both sides of a street. Within the O district, sidewalks are required along one side of the street unless the development is served by rural streets.

3. Sidewalk Width. Sidewalks shall be a minimum of five (5) feet wide when adjacent to local streets; a minimum of five (5) feet wide along one side and eight (8) feet wide along the other side of collector streets; and a minimum of eight (8) feet wide along arterial streets. A four-foot wide detached sidewalk is the preferred sidewalk alternative within local street rights-of-way. Sidewalks adjacent to storefronts in commercial areas shall be ten (10) to fifteen (15) feet in width, or consistent with the average sidewalk width on a block if building in an area with existing sidewalks.

4. Sidewalk Location. Sidewalks shall be located within the right-of-way unless otherwise authorized by the Council.

5. Sidewalk Materials. Sidewalks shall be constructed of concrete, brick, slate, colored/textured concrete pavers, concrete containing accents of brick, or some combination thereof that is compatible with the style, materials, colors, and details of the surrounding buildings. Asphalt shall not be used for sidewalks. Sidewalks must be constructed of approved materials of sufficient strength to support light maintenance vehicles. If used as a secondary emergency access, sidewalks must also be able to support a fire truck (60,000 lbs.).

6. Sidewalk Installation. Sidewalks and related improvements shall be installed or constructed by the subdivider in accordance with plans and specifications approved by the Town and, after installation or construction; they shall be subject to inspection and approval by the Town.

7. Accessibility. Sidewalks and plazas shall be accessible to disabled individuals as required by this Code and the Americans with Disabilities Act.

8. Walkways. Walkways through a subdivision block shall be not less than eight (8) feet in width, shall be within a dedicated right-of-way not less than twenty (20) feet in width, and shall be flanked with appropriate landscaping. Walkways along buildings and within parking lots shall be raised and curbed where suitable. A direct pedestrian connection to building entries, public space and parking areas shall be provided from public sidewalks. Walkways shall be
constructed of the same materials as sidewalks, except that walkways internal to asphalt surfaced parking lots may be of asphalt construction. Walkways crossing driveways in parking lots shall be clearly delineated by a change in pavement color, texture or paint striping.

9.  Lighting. All sidewalks and other pedestrian walkways shall have appropriate lighting, using poles and fixtures consistent with the overall design theme for the development.

10. Multi-Use Pathways (Bikeways). Multi-use pathways shall be provided to link internal open space areas with peripheral open space areas and shall connect to multi-use pathway routes throughout the community. Multi-use pathway routes shall be designated between residential areas and commercial and employment centers and schools. Multi-use pathways on local streets may be delineated by painted "bicycle only" lanes. Sidewalks that may be used as a multi-use pathway are required on arterial and collector streets. All other multi-use pathways shall be a minimum of eight (8) feet wide and shall be of concrete construction or where approved by the Council, compressed gravel (crusher fines) or asphalt paving. Bike racks shall be provided at the entry to open space areas.

11. Trails. Trails shall be provided within open space areas and be designed to connect to other open space areas. Trails shall be a minimum of eight (8) feet in width. A trail may be flanked on one side by a soft surface path a minimum of four (4) feet in width. The soft surface path shall be constructed with a minimum depth of eight (8) inches of compressed gravel, and crowned and compacted with edging to contain the trail material.


7.24.100 Easement and Utility Standards.

A. Utility Easement Width. Utility easements shall measure five (5) 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 ten (10) 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.

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. 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 underground facilities. Transformers, switching boxes, meter cabinets, pedestals, ducts and other facilities necessarily appurtenant to such underground utilities shall be placed underground or on the surface but not on utility poles. Screening or fencing is required to the satisfaction of the Council. Electric transmission and distribution feeder lines and necessary appurtenances thereto may not be placed above ground unless they are carrying greater than 115 kV. Upon approval of the Town, such facilities shall be placed within easements or rights-of-way provided for particular facilities.

D. Street Lighting. Street lighting shall be installed as provided in this Code and as specified in the Town of Hayden Construction Specifications for Public Improvements. Associated underground lighting supply circuits shall be installed. The minimum requirement shall be two hundred fifty (250) 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 Council.
7.24.110   Setback Requirements (All Districts).

A.  On double frontage lots, both streets shall be considered street frontages for purposes of calculating front yard setbacks.

B.  On corner lots, one side of the lot (generally that with the shortest length) with street frontage shall meet the applicable front yard setback.

C.  For purposes of setback calculations, a two-family dwelling shall be construed as one building occupying one lot.

D.  On oddly-shaped lots with a dwelling sited "square" to the roadway, side setbacks may be less than required above but with no less than a five-foot (5') setback per each side yard.

E.  On a vacant lot bordered on two sides by previously constructed legal nonconforming buildings which do not meet the required front yard setback for the zoning district, the required front yard setback for the vacant lot shall be calculated as the average front yard setback of the two adjacent buildings. Where a vacant lot is bordered on only one side by such a legal nonconforming building, the required front yard setback shall be calculated as the average of the front yard setback of the adjacent building and the minimum front yard setback for the zoning district.

F.  Permanent features allowed within setbacks shall include:

1.  Cornices, canopies, eaves or other similar architectural features if they extend no more than two feet into a required setback and if they do not encroach into or overhang an easement;

2.  Steps or ramps to the principal entrance and necessary landings, provided they do not extend more than six feet into the required setback;

3.  Landscaping;

4.  Fences and walls, subject to height and other restrictions of this article;

5.  Utility service lines to a structure and utility lines, wires and associated structures within a utility easement;

6.  Fire escapes, provided they do not extend more than six feet into the required setback;

7.  Uncovered patios, porches and decks not more than thirty inches above grade, provided they do not extend more than thirty percent of the required setback distance into the required setback area; and

8.  Open or covered patios, porches, and decks attached to residential dwellings greater than thirty inches in height may extend no more than five feet into a required front or rear setback or five feet into a required side yard setback adjacent to a street, provided they do not encroach into or overhang an easement or property line and do not obstruct any sight distance triangle.


7.24.120   Parks and Open Space.

A.  Intent. To ensure that a comprehensive, integrated network of parks and open space is developed and preserved as the community grows.

B.  Types of Parks and Open Space.

1.  Plazas. A plaza is typically located in a commercial or industrial area to serve as a gathering place. A plaza is usually bordered by buildings and may feature seating, formal landscape
plantings and amenities such as fountains or public art. Developers are responsible for developing and providing the appropriate amenities for each plaza.

2. Pocket Parks. Every residential development, at Town discretion, shall either provide land for a pocket park or provide a fair share, cash-in-lieu contribution for land or improvements in a nearby park that will serve the neighborhood. This can be credited toward the land dedication required at the time of subdivision. A pocket park shall be at least one-half acre and include playground equipment, sprinklered landscaping and be maintained by a homeowner's association or the landowner.

3. Neighborhood Parks. Every residential development shall, at Town discretion, either provide land for a neighborhood park or provide a fair share, cash-in-lieu contribution for land or improvements in a nearby park that will serve the neighborhood. This can be credited toward the land dedication required at the time of subdivision. A Homeowner's Association, the landowner or the Town at its discretion shall be responsible for the development and maintenance of the park. A neighborhood park shall be at least 5 acres and include active play areas and sprinklered landscaping.

4. Community Park. Community parks serve the residents of several neighborhoods. Community parks are to be located on or near arterial streets, at the edge of residential areas or in non-residential areas. The developer shall dedicate land for, or make a cash in lieu contribution for land and improvements in accordance with the requirements of this chapter. A community park shall be at least 20 acres and include an active play area, ball fields, and sprinklered landscaping in the majority of the park.

5. Trails. The trail system shall link neighborhoods, parks, schools, open spaces, employment centers, community facilities and neighboring communities and thus provide important transportation connections as well as recreational opportunities and access. Developers must provide trail connections to both the Town's trail system and destinations within the neighborhood.

6. Regional Open Space. Hayden's regional open space system includes: drainage ways, floodplains, natural areas, natural area buffer zones, wetlands, subsidence areas, agriculture preservation areas and lands of archeological or historic significance. Public access to these areas will generally be limited to trails, educational signs and similar improvements.

7. Storm Drainage Facilities. Storm drainage facilities, including stormwater detention and stormwater retention ponds, may function as open space for active recreation, trail corridors or habitat enhancement areas if they are designed appropriately. Credit toward the open space dedication requirements will be considered on a case-by-case basis by the Council at the time of platting.

C. General Provisions.

1. Open space should serve as the neighborhood focus. Open space, such as the Town drainage ways and developed parks and plazas, shall be used to organize lot, block and street patterns and to enhance surrounding developments.

2. Public Access. Areas designated as public open space shall be both visibly and physically accessible to the community. Adequate public access shall be provided to all public open space, natural and developed, directly from the public street and trail system. Pocket parks and plazas shall be integrated into the neighborhood design and be accessible to pedestrians and bicyclists.

3. Buildings shall front public open space. Development adjacent to open spaces shall front onto the area as much as possible, so that the open space areas are not enclosed by back yards. Open space and trail areas shall have a minimum of three hundred (300) feet of street frontage unless otherwise authorized by the Council.

4. Buffering. Appropriate buffering and setbacks shall be used between environmental resources and proposed development to ensure that the proposed development does not degrade the
existing habitat. Developers shall provide an open space buffer zone around all natural areas unless otherwise authorized by the Council. The size of the buffer zone shall be in accordance with studies prepared by the Colorado Division of Wildlife or a qualified wetland/wildlife ecologist employed by the Town and paid for by the developer.

5. Ownership and Maintenance of Open Space. Ownership and maintenance of public open space shall be determined by the Town on a case by case basis through the review process.
   a. Generally, the Town shall own and maintain neighborhood parks, community parks and public trails.
   b. Pocket parks, landscaped outlots and private recreational facilities shall be owned and maintained by a homeowners’ association or the landowner.
   c. Environmentally sensitive, archaeological and historic resources may be dedicated to and maintained by the Town, if approved by the Council.
   d. Stormwater detention and retention areas that function as open space shall be owned and maintained by a homeowners’ association or the landowner, unless otherwise approved by the Town.
   e. Areas designated as open space shall be maintained according the designated function of the area. Applicants shall work with the Natural Resources Conservation Service to develop a management plan which addresses: irrigation, revegetation, erosion control, and weed management. If the area is to remain in private ownership, a mechanism which will assure maintenance will be funded in perpetuity must be in place at the time of final plat.
   f. Open space protection. Areas designated as open space shall be protected by conveyance to the Town as provided on the plat and by this chapter, deed restriction or other appropriate method to ensure that they remain open in perpetuity and cannot be subdivided or developed in the future without approval of the Town.

D. Open Space Requirements.

1. Open space includes:
   a. Areas within the community designated for the common use of the residents of an individual development and/or the community at large;
   b. Areas designated for preservation and protection of environmental resources including floodplains, natural drainage ways, and wetland areas;
   c. Areas impacted by subsidence;
   d. Areas designated for agricultural preservation;
   e. Areas of archeological and historic significance; and
   f. Areas of critical or important habitat as defined by the Colorado Division of Parks and Wildlife.

2. Required open space shall not include the following:
   a. Required setback areas around oil and gas production facilities;
   b. Disconnected remnants of land created by division of sites into lots or parcels that do not qualify as functional open space or that preserve environmental resources, unless approved by the Council;
   c. Private yards;
   d. Tree lawns; or
   e. Required parking lot landscaping associated with all uses, except parking specifically designated for access to open space areas and within commercial/industrial projects.
3. Amount of Open Space Required. The amount of functional open space required in each development will be based on the density of the development, the recreational requirements of the anticipated users and the anticipated opportunities for public recreation within walking distance of the site (¼ mile). In addition to the streets, all residential subdivisions shall dedicate to the Town a minimum of 20% of the gross land area for public parks, trails and functional open space at the time of subdivision.

   a. All residential developments. For such residential developments, the developer shall provide:

      i. A minimum of 20% of the gross land being subdivided for use as functional open space including: pocket or neighborhood parks, plazas, trails, recreational amenities, homeowner association owned landscaped areas (excluding parking lots), natural areas and amenities for residents or other civic purposes;

      ii. The land for 1 pocket park for every 20 dwelling units or portion thereof which shall be constructed in the subdivision or a fair-share, cash-in-lieu contribution for the cost of the pocket park that will serve the development;

      iii. The land for 1 neighborhood park for every 200 dwelling units or portion thereof which shall be constructed in the subdivision within one-quarter (¼) mile radius of the proposed homes; or a fair-share, cash-in-lieu contribution for the cost of the neighborhood park that will serve the development;

      iv. Land for 1 community park, or the fair-share, cash-in-lieu contribution for the cost of any regional community park for every dwelling unit which shall be constructed in the subdivision; and

      v. An internal trail system and trails as designated in the Town Trails Map.

4. Commercial and Industrial Developments. In addition to streets the developer of lots one-half acre in size or larger shall provide:

   a. A minimum of fifteen percent (15%) of the gross land being subdivided as functional open space which may include: plazas, trails, landscaped areas (including parking lots), natural areas and other civic purposes; and

   b. Trails as designated on the Town Trails Map.

5. Planned Unit Developments (PUD). In addition to streets, the developer shall provide:

   a. A minimum of twenty-five percent (25%) of the gross land being developed as open space which may include: pocket parks, trails, homeowner association or landowner owned landscaped areas (excluding parking lots), natural areas and amenities for residents and other civic purposes;

   b. An internal trail system and trails designated on the Town Trails Map.


7.24.130 Contribution for Public School Site.

To meet the increased need for schools as a result of increased housing, the subdivider shall dedicate land areas or sites suitable for school purposes, or provide cash-in-lieu of land in the amount specified for every dwelling unit which may be constructed within the subdivision to serve the elementary, middle, and high school public school needs of the residents of such dwelling units. The Town may elect that public school sites may be transferred and conveyed to the Town or school district pursuant to stipulations in intergovernmental agreements between the Town and school district.

   A. For single-family dwelling units, the amount of land shall be 1.84 acres per 100 dwelling units;
B. For duplex or triplex dwelling units, the amount of land shall be 1.40 acres per 100 dwelling units;
C. For multi-family dwelling units, other than duplex or triplex units, the amount of land shall be 0.64 acres per 100 dwelling units;
D. For condominium and townhome units, the amount of land shall be 0.82 acres per 100 dwelling units; and
E. For mobile homes, the amount of land shall be 1.10 acres per 100 dwelling units.


7.24.140 Public Sites and Dedication Requirements.

The developer of residential projects shall dedicate public sites for open space, parks, schools, or other civic purposes in accordance with the requirements of this section to serve the proposed subdivision and future residents thereof.

A. Land Dedication. Payments and dedications made under the requirements of this section shall be made payable or dedicated to the Town. Dedication of such sites and land areas to the Town shall be free and clear of all liens and encumbrances. The applicant shall provide for the installation of the streets adjacent to the park and school sites, the installation of water, sewer and other public utilities to the park and school sites, and overlot grading of the park and school sites.

B. Fee-in-Lieu of Dedication. If there is not sufficient property on the plat to provide land for the entire school or park facility required, with the approval of the Council, the subdivider may, in lieu of dedication of all or part of the land requirements, pay fees in lieu of the equivalent land areas which would have been dedicated to public facilities. Fees are to be calculated in the following manner:

1. Fees shall be calculated based on the full market value of the land assuming the plat has been approved and proper zoning exists.
2. Full market value shall be determined by mutual agreement between the subdivider and the Council. In the event of inability of any of the above parties to agree on the value of the subject land, the subdivider shall submit to the Town a written appraisal from a qualified appraiser meeting the value requirements set forth herein. Said appraisal shall be made by an individual or entity that does not have a financial interest in the subdivision and shall be a member of the Appraisal Institute (MAI), a member of the Society of Real Estate Appraisers (SRA), or such other qualified person mutually agreeable to the Manager and the applicant. The applicant shall pay the cost of said appraisal.
3. Such appraisal may be submitted during the review period of the final plat. If the Council believes that the appraised value is not accurate, it may obtain its own appraisal from a qualified appraiser, or determine the fair market value by such procedure as the Council deems appropriate.
4. All fees-in-lieu of dedications are to be paid prior to the approval of the final plat unless otherwise agreed by the Council.
5. For subdivisions that are platted in phases, the above calculations can be made on a phase-by-phase basis through methods to be devised by the Council realizing that by virtue of developing one (1) phase, the value of the undeveloped adjacent phase will increase. The subdivider has the option of paying the fees for all phases upon the due date of fees for the first phase.

C. Unacceptable Land for Dedication. Unless otherwise determined by the Council in its sole discretion, land areas that are not acceptable in determining the fulfillment of the requirements for the provision of land areas for public purpose facility sites shall include the following:

1. Natural drainageways, streams, gullies and rivers including all lands within the 100-year floodplain.
Title 7 Development Code

2. Rights-of-way and/or easements for irrigation ditches and aqueducts.
3. Steep, rugged and hazardous geological land areas, and such other areas as are not conducive for use as the intended park or school site.


7.24.150 Landscape Design.

A. Intent. To preserve Town's special character, and integrate and enhance new development by promoting 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; and
   5. Is environmentally sensitive by preserving existing trees, using water conservation techniques, planting native species (when appropriate), and enhances valuable habitat.

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

1. Tree Lawns. Landscape improvements in urban settings shall create an orderly, irrigated, managed landscape. All urban neighborhoods shall have tree-lined streets. Trees in tree lawns shall include a mix of species, be aligned in straight rows, and 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. Landscape improvements in environmentally sensitive areas and lower density, rural developments shall be native looking and informal. Trees along rural streets shall be planted to create irregular clusters of trees to reinforce the design and character of each project and frame views.

2. 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:
   a. Configured to maximize connections 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.
   b. 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.
   c. Consistent with the character of the proposed development and the surrounding area to reinforce neighborhood identity.
   d. Enhance natural features, drainage ways and environmental resources.
   e. Designed for mature landscapes and shall provide appropriate visibility for cars and pedestrians.
   f. Preserve and frame views both into and out of the neighborhood.
g. Incorporate the elements of gateway, path and destination into the design of landscapes. Gateways are entries that provide transitions from one 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.

h. No more than twenty-four (24) inches high when located in a sight distance triangle.

3. Environmental Considerations.
   a. Landscapes shall use the following xeriscape design principles to facilitate water conservation:
      i. Well-planned planting schemes;
      ii. Appropriate turf selection to minimize the use of bluegrass;
      iii. Use of mulch to maintain soil moisture and reduce evaporation;
      iv. Zoning of plant materials according to their microclimatic needs and water requirements;
      v. Improve the soil with organic matter if needed;
      vi. Efficient irrigation systems; and
      vii. Proper maintenance and irrigation schedules.
   b. 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.
   c. Landscapes shall consist of a variety of species to enhance biodiversity. No one species may make up more than twenty-five (25) percent of the total non-grass plant materials on the site.
   d. 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.
   e. Where possible, trees shall be located to provide summer shade and limit winter shade on walks and streets.
   f. A combination of plantings, berms, walls and fences shall be used as appropriate to buffer sensitive habitat.
   g. Weed control will be practiced on all areas disturbed by construction and those areas shall be reseeded to prevent erosion. 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. Weed control shall be a continual responsibility of the owner during all phases of land clearing and construction.
   h. All automatic irrigation systems must be installed with moisture sensors.
   i. Every effort shall be made to prevent the spread of noxious weeds.

   a. Provide trees, shrubs and groundcover plantings along the sides of new buildings. The size and intensity of plantings shall be appropriate to the building or structure.
   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.
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.

e. Landscaped areas in commercial parking lots are limited to drip irrigation for trees and shrubs with no impact or spray heads permitted. For grass areas, only drought tolerant grasses shall be permitted.

5. Plant Materials.

a. The minimum planting sizes on all required landscaping shall be two (2) inch caliper deciduous trees, one and one-half-inch caliper ornamental trees, six-foot tall evergreen trees and five-gallon shrubs.

b. 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. A variety of plant species should be installed to prevent the spread of disease.

c. All plants shall conform to standards for measurements, grading, branching, quality, ball and burlapping as stated in the current edition of the American Standard for Nursery Stock, American Association of Nurserymen, Inc., (AANASNS) and the Colorado Nursery Act of 1965 (CNA).

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

a. Use of non-treated water for irrigation is encouraged if a permanent, suitable supply is available.

b. Required landscaping in urban developments shall be irrigated with a permanent irrigation system, which contains moisture sensors.

c. Irrigation systems shall be drip irrigation where possible. All irrigation systems shall be designed to prevent overspray and runoff onto paved or other non-landscaped areas.

d. Temporary irrigation may be used to establish native grasses and vegetation.

7. Guarantee of Installation. Required landscape improvements shall be installed prior to issuance of a Certificate of Occupancy (C.O.) 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.

8. Maintenance. 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.

C. Landscaping Design Standards.

1. Landscaping within the right-of-way and required common open space. The developer or assigns shall provide:

a. Tree lawns—an average of at least one (1) deciduous or ornamental tree for every forty (40) linear feet of block frontage or portion thereof. Trees shall be planted within the tree lawn with adequate spacing to allow for the mature spread of the trees.

b. Collector and local streets—live groundcover including a combination of grass, trees, flowers, grass 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.
Title 7 Development Code

2. Business/commercial development landscaping standards.
   a. Landscape improvements within the CBD and C zone districts shall be designed to
      enhance the overall appearance of the development and to integrate the project with
      adjacent land uses and into the surrounding neighborhood. A minimum of fifteen (15)
      percent of the site (gross) shall be landscaped area.
   b. The developer or assigns shall provide:
      i. Site trees—plant a minimum of one (1) tree per one thousand (1,000) square feet of
         landscaped area, distributed on the site.
      ii. 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 (½) of the required shrubs at the rate of one (1) tree for
          six (6) shrubs.
      iii. Groundcover—establish irrigated grass turf maintained to appropriate standards for
           active recreation in areas that will function for active recreation. Where appropriate,
           use native grass for areas that will not function as active recreation areas. Native
           grass must be weed free and maintained at a maximum height of eight (8) inches.
           There shall be a minimum of seventy-five (75) percent live materials between the
           building and the street unless otherwise approved by the Town. For active recreation
           areas a turf type tall fescue or a brome/fescue mix will be used.
      iv. Landscape setback to parking lots—fifteen (15) feet from arterials and other streets.
          The purpose of the setback is to provide a buffer between the street and parking
          areas.
   c. Screen loading areas. Loading areas (including vehicles being loaded), service and storage
      areas visible from the public right-of-way or adjacent property must be screened from view
      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.
   d. The building owner or occupant shall maintain the yard and landscaping within the adjacent
      road right-of-way in accordance with Town regulations.
   e. When an applicant wishes to offer a fee-in-lieu of landscaping, the applicant must
      coordinate with the Town Planner and Public Works Director to determine how landscaping
      for the proposed use will be made available. A statement of the agreed upon plan for a fee-
      in-lieu of landscaping must be included with the application. Final acceptance of any fee-in-
      lieu is at the complete discretion of the Council.

3. Industrial development landscaping standards.
   a. Landscape improvements within the I-1 and I-2 districts shall be designed to enhance the
      overall appearance of the development and to integrate the project with adjacent land uses
      and into the surrounding neighborhood. A minimum of fifteen (15) percent of the site
(gross) shall be landscaped area. The potential waiver of landscape requirements on the subject property is an option per Section 7.24.140.C.2.d. above.

b. The developer or assigns shall provide:

i. Site trees—plant a minimum of one (1) tree per one thousand five hundred (1,500) square feet of landscaped area, distributed on the site.

ii. Shrubs—plant a minimum of one (1) shrub per three hundred (300) square feet of landscaped area. Group shrubs and distribute throughout the site. Trees may be substituted at the discretion of the Planning Commission at site plan review.

4. State Highway corridor landscaping standards. The developer or assigns shall provide:

a. Landscape setback to parking lots—provide a fifteen-foot landscape setback from the highway right-of-way. The purpose of the setback is to provide a buffer between the highway and parking areas. Signage may be included in this setback.

b. 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 (½) of the required shrubs at the rate of one (1) tree for six (6) shrubs.

5. Central Business District (CBD) landscaping standards. Downtown landscaping is intended to provide an attractive environment for people to walk and shop. The developer or assigns shall provide a combination of window boxes, planters, trees, benches, etc., as appropriate to enhance building entries and the streetscape.

6. 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. All parking lots with ten (10) spaces or more shall be subject to these requirements. 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. Groundcover—limit areas of irrigated turf. Grass is discouraged in areas less than ten (10) feet wide. Install a grass buffer (native grass where possible) around the perimeter to filter runoff and improve water quality.

d. Landscape setback to parking lots—fifteen (15) feet from arterials and other streets. The purpose of the setback is to provide a buffer between the street and parking areas and to screen the parking from the street.

e. 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.

D. Storm Drainage Facilities.

1. Intent. To promote innovative and effective land and water management techniques that protect and enhance water quality.

2. General Provisions.

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

b. It shall enhance the overall appearance of the project, prevent erosion and improve water quality of storm water runoff whenever possible.
c. 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 Council.

d. The use of planting strips and shallow landscaped depressions (bio-swales) in parking lots and along roads is encouraged to help trap and remove pollutants from storm water runoff.

3. Applicability. All storm drainage facilities shall be appropriately landscaped.

   a. 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. 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. Areas to be used for active recreation shall be seeded to a turf type tall fescue or brome/fescue mix or other drought tolerant grass acceptable to the Town and irrigated with a permanent irrigation system.
   b. Maximum side slope on drainage facilities shall be 4:1, minimum slope of the bottom of a drainage facility shall be one-half (½) percent.
   c. 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.
   d. Habitat and water quality enhancement including wetland plantings in low wet areas is encouraged.

5. Ownership and Maintenance. All drainage facilities shall be owned and maintained by the landowner or occupant unless otherwise approved by the Town.

E. Submittal Standards for Landscape Plans. All land development applications will be accompanied by the appropriate landscape plan:

<table>
<thead>
<tr>
<th>Type of Application</th>
<th>Conceptual Landscape Plan</th>
<th>Preliminary Landscape Plan</th>
<th>Final Landscape Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sketch Plan</td>
<td>Yes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Preliminary Plat/PUD</td>
<td></td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Final Plat/PUD</td>
<td></td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>Conditional Use Review</td>
<td></td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>Site Plan</td>
<td></td>
<td></td>
<td>Yes</td>
</tr>
</tbody>
</table>

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 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 plan. The scale shall not greater than 1"=50'.

c. Information required on the plan is listed in the table, which follows:

<table>
<thead>
<tr>
<th>Information Required</th>
<th>Concept</th>
<th>Preliminary</th>
<th>Final</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scale, north arrow, site boundary</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Existing and proposed streets</td>
<td></td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>Existing and proposed utilities and easements</td>
<td></td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Existing contours (2' intervals), can be USGS for conceptual landscape plan</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>General grading concepts for proposed improvements, typical cross-sections of streets and special treatment areas</td>
<td></td>
<td></td>
<td>Y</td>
</tr>
<tr>
<td>Proposed contours (2' intervals)</td>
<td></td>
<td></td>
<td>Y</td>
</tr>
<tr>
<td>Describe the design intention</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Describe the general character and location of proposed landscaping and open space and how it meets the purpose of these regulations</td>
<td></td>
<td></td>
<td>Y</td>
</tr>
<tr>
<td>Illustrate how the open space network and pedestrian circulation system</td>
<td>Y</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Existing site features including ditches, trees, shrubs and groundcovers and any drainageways, wetlands or wildlife habitat present on the site. Indicate which plants will be preserved, the method of preservation and which will be removed || Y | Y | Y

Proposed landscaping including: trees, shrubs, groundcover, walks, fences. Show which plantings are deciduous and evergreen || Y

Indicate which areas will be irrigated and method of irrigation || Y | Y

Typical detail drawings at 1"=20' to illustrate perimeter treatment, buffering, typical front yard, and any special treatment areas on the site || Y

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 || Y | Y

Detailed planting plan indicating location, species, size and quantity of all proposed plantings and groundcover. 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 groundcover, 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.) || Y

F. Prohibited Plant Materials List. The following trees are prohibited in the Town: Russian Olive, Lombardy Poplar, Siberian Elm, Boxelder Maple, cotton-bearing Cottonwood, Salt Cedar or Tamarisk


7.24.160 Buffering and Screening Techniques.

A. Intent. To integrate adjacent land uses and provide seamless transitions from one use to another through the use of building orientation and access, landscaping, appropriate architectural elements, and non-buildable buffer areas.

B. General Provisions.
1. Special consideration shall be given to adjacent land uses of different intensities. It shall be the responsibility of the developer of the more intensive use to insure that the transition from one use to another is attractive, functional and minimizes conflicts between the current and planned uses.

2. It is the responsibility of the developer of the higher intensity use to demonstrate that the uses will be compatible. This can be accomplished through the effective use of shared access and parking, appropriate building orientation and setbacks, landscaping, architectural treatment, buffer areas, and limited use of fencing and screening walls. Special consideration shall be given to the impact of aesthetics, noise, lighting and traffic.

3. Buffering of up to 100 feet of non-buildable area may be required between any development and adjacent natural or environmentally sensitive areas or different uses. The actual amount of any buffer area 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, buffering and landscaping shall be incorporated to 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 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;
   b. Constructed to allow for collection without damage to the development site or the collection vehicle; and,
   c. Provide an area for recycling as well as disposal of solid waste.

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.


7.24.170 Fences and Walls.

A. Intent. To ensure that walls and fences are attractive and in character with the neighborhood. The creation of fence "canyons" along streets, parks or other public areas is prohibited.

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.

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 or architectural purposes. Hedges may be used in the same manner and for the same purposes as a fence or wall.
   b. Fences used in front yards shall be at least fifty (50) percent open. Allowable fences are split rail, wrought iron, picket, or other standards residential fences of a similar nature approved by the Town.
   c. Solid fences shall be constructed to meet the wind design criteria of the adopted Uniform Building Code, using a basic wind speed of eighty (80) 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 is prohibited unless specifically allowed by the Council. Chain link fencing with or without slats shall not be used as a fencing material for screening purposes.

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.

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 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 five (5) 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 twenty-four (24) inches high when located within the site distance triangle, and fences or walls within this site distance triangle shall not be solid.
   f. In the Industrial (I-1 and I-2) zone districts, a chain link fence may be permitted so long as it is not higher than six (6) feet anywhere on the premises and the visibility at the intersection and from public ways meet the requirements of this article.
   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 (50) percent open.
   h. **Maintenance.** Dilapidated, unsightly or dangerous fences shall be removed or repaired when so ordered by the Town. 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 Town. Hedges shall not encroach upon sidewalks or street rights-of-way.

i. Permits for fences that encroach onto the public right-of-way shall be revocable at the discretion of the Town.


A. Intent. Architecture plays an important part in developing an identity for neighborhoods and dwellings. The Town of Hayden wants to build upon the architectural traditions of the region, yet allow for diversity of expression. In addition, the Town wants to encourage a variety of housing types, sizes and prices in each neighborhood to allow people to remain in their neighborhoods as their housing needs change.

B. Housing Diversity/Neighborhood Identity. Housing diversity is an important goal for new residential development in Town. In support of this, the integration of detached and attached single-family dwellings and multifamily dwellings within neighborhoods, even in the same block, is encouraged. Developers shall submit scaled elevation and perspective views of the type of residential units that might be constructed on a typical residential block.

C. Multi-Family Stacked Units, Including Condominiums and Apartments. The intent of this section is to build multi-family stacked units that achieve a balance between repetition and variety. Each multi-family dwelling containing more than three (3) dwelling units shall feature a variety of massing proportions, wall plane proportions, roof proportions and other characteristics. The following specific standards shall apply to multi-family stacked units, including condominiums and apartments:

1. Individual Building Identity. For all developments of three (3) or more multi-family stacked buildings, a floor plan may be repeated; however, identical building facades must not be replicated more than twice within the development. Before building may commence on a block and prior to the issuance of a building permit within the block, the applicant shall illustrate how the development will comply with the requirements set forth in this section.

2. Articulation. Each multi-family dwelling or condominium shall be articulated with projections, recesses, covered doorways, balconies, box or bay windows and/or other similar features, dividing large facades and walls into human-scaled proportions. Each multi-family building shall feature walls that are articulated by a least two (2) of any of the following elements within every thirty-six-foot length of the facade:
   a. Recesses, projections or significant offsets in the wall plane;
   b. Distinct individualized entrances;
   c. Chimneys that project from the wall plane;
   d. Balconies and/or other outdoor living space; or
   e. Bay or box windows.

3. Roofs. Each multi-family building shall feature a combination of primary and secondary roofs. Primary pitched roofs shall be articulated by at least one (1) of the following elements:
   a. Changes in plane and elevations;
   b. Dormers, gables or clerestories; or
   c. Transitions to secondary roofs over entrances, garages, porches, or bay windows.

4. Color. For all developments, there shall be no more than two (2) similarly colored structures placed next to each other along a street or major walkway.
5. Garages. No street-facing facade shall contain more than four (4) garage fronts. Resident garages or parking that is internal to the block is encouraged. On-street parking should be made available for visitors.

D. Finished Grade Requirements. The intent of this section is to eliminate extreme slopes from the edge of buildings that limit the useable area of the lot after a building is built. All residential buildings shall not have more than a 3% overall slope change from natural to finished grade. Finished grade must not exceed 5% from any exterior wall of the building. If natural grade is greater than 5%, finished grade must not be more than 1% above of natural grade from that wall of the residence.


7.24.190 Commercial and Industrial Architecture.

A. Intent. The Town has distinctly different downtown, commercial and industrial types of development contemplated within its Planning Area. They are different in character, purpose, and the proposed mixture of uses. The design considerations vary for each type, although there are many common design elements. The General Provisions section below outlines both common elements and the specific design considerations by type of use. With respect to the CBD: Central Business District, the Town's historic buildings have established a pattern of downtown development where buildings are located close to the sidewalk, forming a generally continuous street facade. Pedestrian movement is the primary focus. Building height, architectural details, front setbacks, parking location, wall articulation, and sidewalks establish the architectural edges that define this area as a walkable commercial corridor.

B. General Provisions.

1. Connections. Commercial developments must be linked with surrounding areas by extending city streets, sidewalks, and/or paths directly into and through the development, thereby providing convenient, direct pedestrian, bicycle and vehicle access to and from all sides of the development.

2. Accessibility. Developments must be accessible to pedestrians and bicyclists as well as motorists. Site plans shall equally emphasize the following:
   a. Pedestrian access to the site and buildings;
   b. Gathering areas for people; and
   c. Auto access and parking lots.

   The emphasis must not be placed solely on parking and drive-through functions.

3. Walkways. Walkways must be located and aligned to directly and continuously connect areas or points of pedestrian origin and destination, and not be located and aligned solely based on the outline of a parking lot configuration that does not provide such direct pedestrian access.

4. On-Street Parking. Streets and other elements of the site plan shall be designed so that on-street parking is a functional part of the development (except along arterial streets).

5. Building Orientation. Where possible, buildings in the CBD: Central Business District shall be located to front on and relate primarily to streets. Building setbacks from local and collector streets should be minimized in order to establish a visually continuous, pedestrian-oriented streetfront. If a minimized setback is not maintained, the larger setback area shall have landscaping, low walls or fencing, a tree canopy and/or other site improvements along the sidewalk designed for pedestrian interest, scale and comfort.

6. Pedestrian Scale. The establishment of buildings on isolated "pad sites" surrounded by parking lots and driveways, and that offer mainly auto-oriented signage to define entrances, is not allowed in the CBD Zone District.
7. Thematic Architectural Styles. Standardized "corporate" or strongly thematic architectural styles associated with chain-type restaurants and service stores are not allowed unless they accommodate the desired image for the Town and are compatible with adjacent structures and uses.

8. Location of Parking Lots. Parking requirements in the CBD: Central Business District shall be provided to the greatest extent possible by spaces at the rear or sides of the building.

9. Blank Walls. Blank, windowless walls are discouraged. Where the construction of a blank wall is necessary, the wall shall be articulated.

10. Wall Articulation.
   a. Walls shall not have an uninterrupted length exceeding fifty (50) feet. Pilasters, texture transitions, windows and stepping of the wall plane are required.
   b. All exterior elevations shall maintain the integrity of the adjacent dwellings architectural character and detailing.
   c. Continuous cornice lines or eaves are encouraged between adjacent buildings.
   d. Buildings with flat roofs shall provide a parapet with an articulated cornice.

11. Facade Treatment. The architectural treatment of the front facade shall be continued, in its major features, around all visibly exposed sides of a building. Blank walls at side and/or rear elevations visible to the general public are not allowed unless the Town determines there are adequate building or landscape features to conceal the view of the blank wall.


13. Awnings. Fixed or retractable awnings are permitted. Canvas is the preferred material, although other water proofed fabrics may be used; metal, wood or aluminum awnings shall not be used unless otherwise approved by the Council. No portion of any awning, awning support, or awning decoration may be less than 7 feet above grade.

14. Screening. All air conditioning units, HVAC systems, exhaust pipes or stacks, elevator housing and satellite dishes, other telecommunications receiving devices and any other apparatus placed on the roof of a building shall be thoroughly screened from view from the public right-of-way and from adjacent properties by using walls, fencing, roof elements including pipe chases, and landscaping. In addition, all trash facilities, loading and parking areas shall be screened from public view by landscaping, building elements or approved fencing.

15. Architectural Details. All materials, colors, and architectural details used on the exterior of a building shall be compatible with the building's style and with each other.

C. CBD: Central Business District Architectural Standards.

1. Setbacks. Buildings shall abut the front property line. Building facades may be recessed if an arcade or similar structure abuts the front setback. Architectural projections including cornices, balconies, canopies and entry features may encroach into public rights-of-way, subject to permits as required by Town Codes.

2. Multi-Story, Mixed-Use Structures. Commercial uses shall be contained in multi-story (two to three stories) mixed-use structures with commercial/retail uses on the ground level and above and/or apartment dwellings or offices on the upper levels. Such building shall vary in terms of footprint and architectural elevation.

3. Entries. Transparent entries and large store-front windows are strongly encouraged. Recessed and other styles of window openings are desired.

4. Windows. Street-level storefront windows are strongly encouraged. Office and residential windows organized in a generally regular pattern are encouraged.
5. Awnings/Canopies. Awnings or canopies, which provide a generally consistent cover along the pedestrian walk, are strongly encouraged. Signage is allowed on awnings. Arcades are desired to maintain a more continuous weather protected walk.

6. Historic Buildings. Where feasible, historic structures shall be preserved and restored to allow for reuse as businesses.

7. Additional Architectural Standards. Where applicable, it is recommended that projects in the CBD zone district meet the architectural standards identified below in Section 7.24.180.(d): Commercial District Architectural Standards.

D. C: Commercial District Architectural Standards.

1. Design of Developments with Internal Orientation. In multiple-building developments, where setbacks are increased to accommodate independent development with internal orientation, primary building entrances are encouraged to face walkways, plazas, or courtyards that have direct, continuous linkage to the street without making people walk through parking lots. However, it may be necessary for such direct pedestrian access ways to cross drive aisles. Driveway crossings must place priority on the pedestrian access.

2. Connections. Where it is not possible or appropriate to extend a Town street or sidewalk directly into development or bring the building up to a Town sidewalk, buildings shall be shaped and designed to form pleasant, direct connections to adjacent land uses.

3. Requirement for Four-Sided Design. A building's special architectural features and treatments shall not be restricted to a single facade. All sides of a building open to view by the public, whether viewed from public or private property shall display a similar level of quality and architectural interest.

4. Building Form. The design of all buildings shall employ textured surfaces, projections, recesses, shadow lines, color, window patterns, overhangs, reveals, changes in parapet heights, and similar architectural features to avoid monolithic shapes and surfaces and to emphasize building entries. Designs shall not contain unbroken flat walls of fifty (50) feet or greater in length.

   a. Buildings having single walls exceeding fifty (50) feet in length shall incorporate one or more of the following for every fifty (50) feet:

      i. Changes in color, graphical patterning, changes in texture, or changes in material;
      ii. Projections, recesses and reveals;
      iii. Windows and fenestration;
      iv. Arcades and pergolas;
      v. Towers;
      vi. Gable projections;
      vii. Horizontal/vertical breaks; or
      viii. Other similar techniques.

5. Exterior Building Materials and Colors. Intense, bright or fluorescent colors shall not be used as the predominant color on any wall or roof of any primary or accessory structure. These colors may be used as building accent colors.

6. Roof Materials. All sloping roof areas with a pitch of three in twelve (3 in 12) or greater, and visible from any public or private right-of-way, shall be surfaced with attractive and durable materials.

7. Orientation of Pedestrian Entries. All office, hotel and motel structures shall be oriented so that pedestrian entries face the nearest adjacent street.

E. Industrial (I-1 and I-2) Architectural Standards.
Title 7 Development Code

1. Intent. Industrial uses shall provide the opportunity to develop industrial facilities and business parks. In addition, the following standards shall apply:
   a. A building’s special architectural features and treatments shall not be restricted to a single facade. All sides of a building open to view by the public, when viewed from public right-of-way shall display a similar level of quality and architectural interest.
   b. Building massing and form:
      i. Office and entry spaces shall be distinguished from the building mass.
      ii. Large, square, "box-like" structures are prohibited. Architectural elements with smaller forms stepping outwards and down are permissible.
      iii. Loading areas shall not front any street or public right-of-way.
      iv. Parking requirements shall be provided to the extent possible at the rear or sides of the building.
   c. Wall articulation. Walls shall not have an uninterrupted length exceeding fifty (50) feet. Pilasters, texture transitions, windows and/or stepping of the wall plane are required.
   d. Siting structures.
      i. Structures shall be sited to avoid a "wall" affect along public rights-of-way and along adjacent property lines. This can be achieved by varying the building setbacks and clustering buildings.
      ii. Where multiple buildings are proposed on a development parcel, buildings shall be oriented to allow views into the project and shall preserve high quality views through the project (e.g. views of the mountains).


7.24.200 Mobile Homes.

A. Intent. To establish design standards for mobile homes, including Mobile Home Parks and Mobile Home Subdivisions.

B. General Provisions. Mobile homes shall comply with the following standards:
   1. The mobile home must be partially or entirely manufactured in a factory.
   2. The mobile home must be not less than fourteen (14) feet in width and twenty-nine (29) feet in length.
   3. The mobile home must be set on an excavated, backfilled, engineered foundation enclosed at the perimeter so that the top of the perimeter wall sits no more than twelve (12) inches above finish grade. The foundation shall be similar in appearance and durability to a masonry foundation of a site-built dwelling. The foundation shall provide an anchoring system for the mobile home that is totally concealed under the structure.
   4. The mobile home must have brick, wood or cosmetically equivalent exterior siding on all exterior walls which provides a consistent, continuous facade from the bottom of the soffit (top of the wall section) downward to the top of the exposed perimeter foundation. The exterior siding of the mobile home must have the same appearance as materials commonly used on residential dwellings. Metal siding must be painted or anodized.
   5. The mobile home must have a pitched roof with a pitch of at least a nominal three in twelve. The roof must be covered with shingles, shakes, or tile. Eaves of the roof must extend at least one (1) foot from the intersection of the roof and the exterior walls.
   6. The mobile home must have windows with wood, vinyl coated or anodized aluminum frames.
7. The mobile home must have color-coordinated body and trim. Colors of both the factory components and the site-built components shall be the same.

8. The transportation mechanisms including the wheels, axles and hitch must be removed.

9. No mobile home shall be occupied for dwelling purposes unless it is properly placed in a mobile home space and connected to water, sewage, electric and gas utilities, as appropriate.

10. All mobile homes shall be certified pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974," 42 U.S.C. § 5401 et seq., as amended or shall be certified by the Colorado Division of Housing pursuant to C.R.S. § 24-32-701 et seq.

11. All mobile homes shall have an enclosed crawl space underneath the mobile home and shall not provide a shelter for rodents or create a fire hazard. No enclosed crawl space shall be used for storage unless the storage area is surfaced with concrete. Adequate access and ventilation shall be provided in accordance with the Guidelines for Manufactured Housing Installation.

12. Additions to increase the floor area of mobile home shall not be permitted except for patios, porches, garages, decks or carports. Garages may be detached or attached.

13. Prior to occupancy, the Building Official shall inspect each mobile home to determine compliance with the Municipal Code. No occupancy shall be permitted or certificate of occupancy issued until said inspection and all connections to public utilities have been made. The owner or home builder shall pay to the Town a building permit fee for each residential structure as may be required by the Municipal Code. Installation procedures and the building permit fee shall be in accordance with the then current Guidelines for Manufactured Housing Installation, including appendices, published by the International Conference of Building Officials for mobile homes and as adopted by the Town.

14. All additions shall comply with minimum yard requirements, and a building permit shall be required in advance for any such addition.

C. Design Standards. The following standards shall apply if in conflict with other standards in this Development Code:

1. Street Design Standards.
   a. All interior streets in a mobile home development shall be privately owned and maintained by the owner of the development and shall be a minimum width of twenty-two (22) feet from back of curb to back of curb, including the width of gutter pans. Private streets shall have a public access easement suitable for use by emergency vehicles.
   b. Primary through streets shall be thirty-four (34) feet from back of curb to back of curb with a four-foot detached sidewalk on one side being located six (6) feet from the back of curb.

2. Parking. Every mobile home space shall have two (2) off-street parking spaces adjacent to the mobile home. There shall be one (1) additional parking space for each mobile home space within one hundred (100) feet for use of occupants and guests.

3. Pedestrian Circulation. Developer shall provide for a system of pedestrian circulation within the development. The system shall connect with existing sidewalks, if any are adjacent to the property. The system shall be designed to link residential units with recreation facilities, school bus stops and existing sidewalks in the neighborhoods. Detached sidewalks within the mobile home residential development shall be a minimum of four (4) feet in width.

4. Street and Sidewalk Lighting. All streets and sidewalks shall be lighted in accordance with the standards contained in this Development Code.

5. Access and Circulation. A mobile home development shall have two means of access to public streets at the perimeter of the site. Internal circulation may be provided by public or private streets, driveways and alleys. Each mobile home space shall be provided access to the internal circulation system. No mobile home space shall have direct access to a public street on the perimeter of the site.
6. Sidewalk Between Street and Mobile Home. Concrete sidewalks shall be provided between the mobile home and the adjacent street sidewalk; except, the paved parking area may satisfy this requirement provided a sidewalk is provided from the parking area to the mobile home.

7. Traffic Control.
   a. Pursuant to C.R.S. § 42-4-1102, the Town elects to impose and enforce stop sign regulations, speed limits and parking restrictions posted in accordance with the Manual of Uniform Traffic Control Devices upon all highways and streets which are privately maintained in mobile home developments. The owner of the mobile home development shall provide such signs as may be required by a Traffic Engineer, and agrees to erect and maintain such signs in conformity with the Model Traffic Code.
   b. The stop sign placement, speed limits and parking restrictions shall be determined by a Traffic Engineer, but shall be consistent with the provisions of C.R.S. §§ 42-4-1101 to 42-4-1104 et seq., C.R.S. § 42-4-1204, and C.R.S. § 42-4-1208.
   c. There shall be posted at each entrance to any such Mobile Home Park a sign giving notice of such enforcement in the following text: "NOTICE: Stop sign, speed limit and parking regulations enforced by the Town of Hayden."
   d. When all signs are in place, stop sign, speed limits and parking regulations shall be enforced and violations thereof punished in accordance with the provisions of the Model Traffic Code then in effect.

   a. All public utilities shall be installed in accordance with the applicable Town or District standards.
   b. All public utility distribution lines shall be placed underground.
   c. A Mobile Home Park may have multiple master meters for water service.
   d. Each mobile home space shall have its own meter for water and electrical service.

9. Mobile Home Space Landscaping. The Developer shall provide front and rear mobile home space landscaping for each mobile home space, including but not limited to, sod and irrigation system and trees and shrubs. The Developer shall provide the Town with a graphic representation of "typical" mobile home space landscaping for each of the mobile home designs to be located in the mobile home development.

10. Mobile Home Residential Development Perimeter and Common Space Landscaping. The Developer shall landscape the perimeter and common open space of the mobile home development in accordance landscaping plans submitted to the Planning Commission for review and approval.

11. Community Space. No less than ten (10) percent of the gross site area shall be reserved for and devoted to improved recreation areas and facilities provided in a location or locations convenient to all mobile home spaces.

12. Tenant Storage.
   a. A separate uniform tenant storage structure may be provided for each space, located on each space.
   b. There may be a maximum of two hundred (200) square feet of storage area provided for each mobile home space.
   c. Design and location of tenant storage shall enhance the appearance of the park and the exterior siding of the structure shall have the same appearance as materials commonly used on residential dwellings.
13. Street Names, Addressing, Mail Delivery. All streets shall be named on the MHR development plan and submitted by the owner to the Town, Routt County and U.S. Post Office for approval. Each space shall be numerically designated for address and mail purposes and signs furnished and installed by the mobile home residential developer. Cluster postal boxes will be provided at a central location(s) convenient to the residents. No individual street-side mail boxes are permitted unless otherwise approved by the Town.

   a. The owner of the mobile home residential development shall be responsible for the promulgation and enforcement of rules and regulations governing solid waste storage and handling that meet or exceed state or federal regulations.
   b. The owner shall provide containers for the storage of solid wastes awaiting collection for each mobile home space. Containers are to be sized to completely contain twice the anticipated volume of solid wastes that are generated on the premises. Containers are to be watertight, impervious to insects and rodents and are to be kept off the street, curb, sidewalk and all other public ways, and concealed from public view, except on collection day.

D. Miscellaneous.
   1. Single Ownership of a Mobile Home Residential Development. A mobile home residential development may not be converted to another use other than such uses provided for in the MHR development plan without the approval of the Council and meeting the appropriate lot size, lot width, setback and other requirements of the new use.
      a. The land within a mobile home residential development shall remain in a unified ownership and the individual ownership of lots or portions of lots shall not be transferred.
      b. No dwelling unit other than a mobile home shall be located within a mobile home residential development.
   2. Conformance of Mobile Home Residential Development to State Law. A mobile home residential development and its operation shall conform to the provisions of the Mobile Home Park Act, C.R.S. § 38-12-201 et seq.
   3. Business License. The owner or operator of a mobile home residential development shall obtain a business license as provided in the Municipal Code.


A. RV Park Development Standards.
   1. Site Conditions. Conditions of soil, groundwater level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors or other adverse influences, and no portion subject to unpredictable flooding, subsidence or erosion shall be used for any purpose which would expose persons or property to hazards.
   2. Soil and Groundcover. Exposed ground surfaces in all parts of the recreational vehicle park shall be paved, or covered with stone screening or other solid materials, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.
   3. Drainage Requirements. A storm drainage plan shall be developed for the recreational vehicle park.

B. RV Park Size and Density.
1. Park Size. The minimum area for a recreational vehicle park is five (5) acres. The maximum area allowed is ten (10) acres.

2. Park Density. The maximum density shall not exceed twelve (12) recreational vehicles per acre.

3. Minimum Site Size. Each recreational vehicle site shall contain a minimum of one thousand five hundred (1,500) square feet and shall have a minimum width of twenty-five (25) feet.

4. Site Pads. Each site shall contain a vehicle parking pad of concrete or asphalt paving. Minimum length of the parking pad shall be thirty-five (35) feet. No part of a recreational vehicle or other unit placed on the lot pad shall be closer than five (5) feet to the edge of the lot.

5. Required Separation Between RV Vehicles. Recreation vehicles shall be separated from each other and from other structures by at least ten (10) feet. Any accessory structure such as attached awnings or carports for purposes of this separation requirement shall be considered to be part of the recreational vehicle.

6. Site Identification. Each site for the parking of the recreational vehicle shall be identified by numbers, a minimum of three (3) inches in height, posted in a conspicuous place at the front of the site.

C. Roadways and Parking.

1. Interior Roads. All interior two-way roads shall be twenty-eight (28) feet minimum width and all interior one-way roads shall be twenty (20) feet minimum width. All roads shall be paved with asphalt and crowned to facilitate drainage. Roadways shall be designed for the safe and convenient movement of vehicles.

2. Parking Requirements. At least one and one-half (1½) off-road parking spaces shall be provided in the park per recreation vehicle site. At least one (1) off-road parking space shall be provided at each site. No on street parking will be permitted.

D. Entrances and Exits.

1. Locations and Access. No entrance or exit from a recreational vehicle park shall be permitted through a residential district nor require movement of traffic from the park through a residential district.

2. Design of Access to Park.
   a. Entrances and exits to recreational vehicle parks shall be designed for the safe and convenient movement of traffic into and out of the park and to minimize marginal friction with free movement of traffic on adjacent streets.
   b. Each recreational vehicle park shall have a separate entrance and exit roadway, each of which shall not be less than twenty-eight (28) feet wide from flow line to flow line, shall be hard surfaced with asphalt or concrete and shall connect to a dedicated public right-of-way not less than forty (40) feet in width.

3. Access onto State Highways. Access onto state-controlled highways or roads will require a permit from the State Department of Transportation. The design of the access will be according to Department of Transportation requirements.

4. Distance from Intersection. Entrance driveways shall be located not closer than one hundred fifty (150) feet from the intersection of public streets.

E. Accessory Uses.

1. Management headquarters, recreational facilities, toilets, dumping stations, showers, coin-operated laundry facilities and other uses and structures customarily incidental to operation of a recreational vehicle park and campground are permitted as accessory uses to the park.
2. In addition, stores, restaurants and other convenience establishments shall be permitted as accessory uses in recreational vehicle parks in districts where such uses are not allowed as principal uses, subject to the following restrictions:
   a. Such establishments and the parking areas primarily related to their operations shall not occupy more than five (5) percent of the gross area of the park.
   b. Such establishments shall be restricted in their uses to occupants of the park.
   c. Such establishments shall present no visible evidence from any street outside the park of their commercial character which would attract customers other than occupants of the park.
   d. The structure housing such facilities shall not be located closer than one hundred (100) feet to any public street, but shall be accessible only from a street within the park.

F. Open Space and Recreational Areas.
   1. A general area or areas amounting to not less than ten (10) percent of the gross area of the recreational vehicle park, excluding any area dedicated as public right-of-way, shall be provided for recreation and open space use.
   2. Such areas shall not include any area designated as a recreational vehicle space, storage area, required yard, service building or sanitary facility or waste station area.
   3. Recreational facilities shall be included in the ten (10) percent requirement for open space.

G. Buffering, Setbacks, Screening and Landscaping.
   1. Yards and Setbacks. Each recreational vehicle park shall set aside along the perimeter of the park the following areas which shall be landscaped and used for no other purpose:
      a. Minimum front setback—twenty-five (25) feet except when the recreational vehicle park fronts on a state highway; then the minimum shall be fifty (50) feet.
      b. Minimum side setback—when abutting residential districts, the side setback shall be fifty (50) feet; when abutting a dedicated public right-of-way, the side setback shall be twenty-five (25) feet on the side street; when abutting any other zone district, the side setback shall be fifteen (15) feet along the interior lot line.
      c. Minimum rear setback—if the rear yard abuts a dedicated public right-of-way, the minimum shall be twenty-five (25) feet. If the rear yard abuts any other zoning district, the setback shall be fifteen (15) feet.

<table>
<thead>
<tr>
<th>Summary of Yard Setbacks</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>If yard abuts a:</strong></td>
</tr>
<tr>
<td>Front yard</td>
</tr>
<tr>
<td>Side yard</td>
</tr>
<tr>
<td>Rear yard</td>
</tr>
</tbody>
</table>
2. Landscaping. A landscaping plan illustrating the placement and type of trees and shrubs must be submitted as part of the park development plan. The design of the landscaping must mitigate the visual impact of the recreational vehicle park on the surrounding area.

3. Boundary Fencing. Except for the front boundary, each recreational vehicle park shall be enclosed by attractive fencing.

H. Utilities.

1. All Utilities Underground. All public utilities within the recreational vehicle park shall be underground.

2. Water Supply. The water supply for the recreational vehicle park shall be provided by a delivery system that is owned and operated by a local government authority. The water system shall be connected by pipes to all service buildings and all recreational vehicle spaces. The water distribution system within the park shall meet the following minimum standards:
   a. The water distribution system shall be designed, constructed and maintained in compliance with State Department of Health regulations and recommendations to provide a safe, potable and adequate supply of water.
   b. The distribution system shall not be connected to any non-potable water supply nor be subject to any backflow or back siphonage.
   c. The distribution system shall deliver water at a minimum pressure of at least twenty (20) pounds per square inch and a minimum flow of at least one (1) gallon per minute at all outlets.
   d. The distribution system shall deliver a minimum volume of one hundred (100) gallons per day per recreational vehicle site.
   e. Water service lines, riser pipes and valves shall be installed and protected from damage by freezing, ground movement, vehicles or other damage sources.
   f. The riser pipe at each recreational vehicle site shall be at least one-half (½) inch in diameter and shall extend at least four (4) inches vertically above the ground elevation. It shall be equipped with a one-half (½) inch valve outlet with a threaded male spigot for attaching a standard garden hose.
   g. Tent camping sites shall be provided with common use water faucets located no more than one hundred fifty (150) feet from any campsite.
   h. Drinking fountains, if provided, shall be approved angle jet type with adequate water pressure.
   i. Spillage, overflow, drainage or wastewater from faucets and drinking fountains shall be discharged to approved drains to prevent impoundment of water, creation of mud holes or other nuisance conditions.
   j. A water station for filling camping vehicle water storage tanks shall be provided at a rate of one (1) station for every one hundred (100) campsites. These shall be located not less than fifty (50) feet from a sanitary station. The station shall be posted with signs of durable material, not less than two (2) square feet, which state: POTABLE WATER—DO NOT USE TO FLUSH VEHICLE WASTE TANKS. Such water stations shall consist of at least a three-quarter-inch pipe and valve outlet and shall be protected against the hazards of backflow and back siphonage by an approved vacuum breaker located downstream from the shutoff valve. The fill hose shall be suspended so that no part of the hose and its appurtenances will come into contact with the ground. A sign shall be posted at the entrance of the park indicating the provision of a sanitary station and water station.

3. Sewage Disposal. Facilities shall be provided and properly maintained for the collection and disposal or treatment and disposal of sewage.
a. Where a public sewer system is available, all plumbing fixtures, building sewers and campground sewers shall be connected thereto. If a public sewer system is not available, a private sewage collection and disposal facility meeting requirements of the State Water Quality Control Commission, the State Department of Health and other applicable local government sewage disposal requirements shall be installed and all building sewers and campground sewers connected thereto.

b. Solid and liquid wastes shall not be discharged or otherwise disposed of on the surface of the ground or into any well, cave, open ditch, stream, lake or reservoir.

4. Sewage Collection.

a. Sewage collection lines shall be laid in trenches of sufficient depth to be free of breakage from traffic, ground movement, agricultural activity or other sources of damage, and shall be separated from the water supply system by a horizontal distance often (10) feet and a vertical elevation of two (2) feet below water lines at crossing points unless pressure sewers are used.

b. The sewer lines shall be constructed of approved materials with adequate vents, watertight joints and sufficient cleanouts. All sewer lines shall have a minimum diameter of six (6) inches, except that a sewer lateral which serves no more than twenty-five (25) individual sewer connections for individual camping vehicle lots or no more than five (5) toilet connections may be four (4) inches in diameter.

c. Sewers shall be installed at a grade of at least one-eighth-inch per foot to ensure a velocity of two (2) feet per second when flowing full. Horizontal drainage lines connecting with other horizontal drainage lines shall enter through forty-five degree (45°) "y" branches or other combinations of equivalent sweep.

d. Cleanouts or manholes shall be provided at the upper end of each main sewer line, at intersections of two (2) or more sewer lines, changes in grade or alignment of more than forty-five degrees (45°), and at intervals of not more than four hundred (400) feet.

e. Individual sewer connections shall meet the following requirements: A four-inch inside diameter sewer lateral and riser pipe with the surrounding ground graded to drain from the rim of the riser pipe. The sewer lateral shall be properly trapped and vented if camping vehicles without individually trapped and vented plumbing fixtures are accommodated.

f. Dependent camping vehicles with a drain hose less than three (3) inches in diameter shall be connected with reducers and a screw or clamp-type fittings.

g. Drain outlets from independent camping vehicles shall be capped or connected with a durable, readily cleanable, nonabsorbent, corrosion-resistant, drain hose having an inside diameter of not less than three (3) inches. The sewer service connection shall be installed and maintained with a grade not less then one-quarter (¼) inch per foot.

h. When the campsite is not occupied, the sewer riser pipe shall be adequately covered.

i. A flushing sink or other means of disposal shall be provided for disposal of liquid wastes from dependent camping vehicles, unless a sanitary waste station is provided and is conveniently located. The flushing sink shall be easily accessible and located at a distance of not more than three hundred (300) feet from any campsite. The sinks shall not be located in a room containing toilet, lavatory or bathing facilities, and toilets shall not be used for disposal of liquid wastes. Common-use faucets or hydrants and lavatories in service buildings shall not be used for cleaning fish and food, and for washing dishes, utensils, clothing or other articles of household use.

j. A sanitary waste station shall be provided for each one hundred (100) campsites or part thereof not equipped with individual sewer connections. Unless other approved means are used, the sanitary station shall be designed and constructed to include the following:
Title 7 Development Code

i. Easy ingress and egress from a service road for camping vehicles and located not less than fifty (50) feet from a campsite.

ii. Connection to the sewer system by a trapped four (4) inch sewer riser pipe and vented not more than ten (10) feet downstream from the trap by a four-inch vent, adequately supported and extending at least eight (8) feet above the ground surface.

iii. The sewage inlet surrounded by a curbed concrete apron or trough of at least three (3) by three (3) feet, sloped to the inlet, and provided with a suitable hinged cover milled to fit tight.

iv. A means for flushing the immediate area and a camping vehicle holding tank shall be provided at each sanitary waste station. It shall consist of a properly supported water riser pipe, terminating two (2) feet above the ground with a three-fourth-inch valved outlet which shall be protected against back siphonage and backflow by an approved vacuum breaker installation located downstream from the shutoff valve.

v. A sign, constructed of durable material and not less than two (2) feet square, posted adjacent to the water flushing outlet and inscribed with the warning: UNSAFE WATER FACILITY.

k. The plumbing shall be installed according to the most recent edition of the Uniform Plumbing Code as adopted by the Town.

5. Electricity and Natural Gas.
   a. An electric outlet approved by an electric utility shall be provided for each recreational vehicle space. The installation shall comply with all state and local electrical codes. Such electrical outlets shall be weatherproof.
   b. Street and yard lights shall be provided in such number and intensity as to ensure safe movement of vehicles and pedestrians at night. A light shall be located at each outside entrance of the service buildings, which shall be kept lighted during hours of darkness.
   c. Where natural gas is provided, the installation will comply with all applicable State and Town regulations.

6. Utility Plans. Plans for water, sewer, electricity and natural gas along with letters of approval from the appropriate utility provider must be submitted to the Council for approval.

I. Refuse Disposal.
   1. The storage, collection and disposal of refuse shall be performed so as to minimize accidents, fire hazards, air pollution, odors, insects, rodents or other nuisance conditions.
   2. Durable, watertight, easily cleanable refuse containers, sufficient to contain all the refuse, shall be provided at each service building and sanitary waste station, or at a central storage area readily accessible and located not more than three hundred (300) feet from any campsite. Refuse containers shall be provided at the rate of eight (8) cubic feet (60 gallons) for each five (5) campsites. Individual trash cans at each recreational vehicle site may be provided. All containers for refuse shall be covered with close-fitting, insect impervious covers.
   3. Refuse shall be collected and removed from the premises as often as necessary, but not less than once weekly, and disposed of at a lawful disposal site.
   4. No burning of refuse will be permitted at the recreational vehicle park.

J. Insect and Rodent Control. Insects and domestic rodents shall be controlled by elimination of breeding and harborage sources, proper sanitary practices, extermination, vermin proofing of buildings and other approved control methods.

K. Fire Prevention and Protection.
   1. All recreational vehicle parks shall comply with the current West Routt Fire District codes.
2. Hand fire extinguishers of a type approved by the West Routt Fire District shall be maintained in effective working order and located in convenient places in the ratio of one to eight (8) recreational vehicle spaces. The location of fire extinguishers must be approved by the Chief of the West Routt Fire District.

3. No outdoor fires will be allowed except in grills, ovens, stoves or park-provided fire boxes. Park-provided boxes must be approved by the West Routt Fire District. No open fires are allowed.

4. Fire hydrants shall be located so that every site within the park can be reached with three hundred (300) feet of hose or as approved by the West Routt Fire District.

L. Sanitary Facilities.

1. Sanitary facilities shall be provided and installed in accordance with the latest edition of the Uniform Plumbing Code adopted by the Town of Hayden.

2. Required toilet, lavatory and bathing facilities shall be provided in the following minimum numbers:

<table>
<thead>
<tr>
<th>Campsites</th>
<th>Toilets</th>
<th>Urinals</th>
<th>Lavatories</th>
<th>Showers</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>M</td>
<td>F</td>
<td>M</td>
<td>M</td>
</tr>
<tr>
<td>15</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>16—30</td>
<td>1</td>
<td>3</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>31—45</td>
<td>2</td>
<td>4</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>46—60</td>
<td>2</td>
<td>4</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>61—80</td>
<td>3</td>
<td>5</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>81—100</td>
<td>3</td>
<td>5</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>101—120</td>
<td>4</td>
<td>7</td>
<td>3</td>
<td>5</td>
</tr>
</tbody>
</table>

M = Male

F = Female

3. At least one (1) toilet and shower facility shall be provided to accommodate handicapped persons.

4. No portable toilets will be allowed in recreational vehicle parks.

M. Service Buildings.
1. Service buildings shall be constructed of easily cleanable, nonabsorbent materials, maintained in good repair and in a clean and sanitary condition. They shall be conveniently located at a distance of not less than ten (10) or more than four hundred (400) feet from any dependent camping vehicle lot or persons served in a recreational area.

2. Separate rooms containing required plumbing fixtures shall be provided for each sex and clearly marked “men” and “women.” If located in the same building, they shall be separated by a solid, sound-resistant wall extending from floor to ceiling. The entrances shall be so designed so that the plumbing fixtures are not visible from the outside. A landing shall be provided beyond each exterior door opening and shall have a width and length not less than the door opening. The floors of service buildings shall have a smooth, impermeable and easily cleaned surface, sloped to drain. Floor drains, properly trapped, shall be provided in all shower baths and shower rooms to remove wastewater and to facilitate cleaning. The walls and ceilings of such buildings shall be finished, and the walls shall have a smooth, nonabsorbent, easily cleanable surface extending to a height of four (4) feet in toilet rooms and six (6) feet in shower rooms.

3. Every service building shall have a minimum ceiling height of seven and one-half (7½) feet. In rooms with sloping ceilings, the required ceiling height shall be provided in at least fifty (50) percent of the rooms, and no portion of any room having a ceiling height of less than five (5) feet shall be considered as contributing to the minimum required areas.

4. Every service building shall have at least one (1) window with direct and unobstructed opening to the outside for natural light and ventilation, unless other approved means of light and ventilation to the outside air are provided.

5. When necessary for exclusion of flies, mosquitoes and other insects, all exterior openings of service buildings shall be protected with fly screening of not less than sixteen (16) mesh per square inch, unless other approved protective devices are provided.

6. Every service building shall be provided with at least one (1) ceiling-type light fixture, at least one (1) separate double convenience outlet adjacent to the lavatories, and a light fixture at the outside entrance of the service building. All lights shall have wall switches: no pull cords shall be allowed.

7. Illumination levels of at least thirty (30) foot-candles shall be maintained at lavatory mirrors and laundry room work areas, and at least five (5) foot-candles shall be maintained for general seeing tasks and at the service building entrance area.

8. Service buildings shall be provided with approved heating facilities which are properly installed, maintained in a safe working condition and capable of maintaining a room temperature of sixty-eight degrees Fahrenheit (68°F).

9. Toilets and showers shall be separately installed to be individually accessible and to permit simultaneous use.

10. Each toilet shall be individually partitioned with a door to ensure privacy. The compartment shall be at least thirty (30) inches in width with at least twenty-four (24) inches of clear space in front of a toilet. The dividing partitions shall be at least five (5) feet in height with not less than six (6) inches or more than twelve (12) inches separating the partition bottom and the floor. Toilets shall be provided with open-front seats.

11. Each shower shall be individually partitioned with a curtain, screen or door to afford privacy. Shower stalls shall not be less than thirty (30) inches by thirty (30) inches in area and shall be constructed to prevent water flow into the dressing room space. Shower floors shall be skid resistant or provided with disposable or with no slip impervious mats. Wooden racks (dust boards) over shower floors are prohibited. Where impervious mats are used, they must be cleaned, dried and kept off the shower floor when not in use.

12. Dressing room space, screened from view and equivalent to the size of the shower floor area, shall be provided adjacent to bathing facilities and shall be equipped with a bench and clothes hook.
13. Hot and cold water under pressure shall be supplied to all required plumbing fixtures, except that cold water only shall be supplied to toilets. Tempered water may be delivered to showers and sinks to conserve heated water and heating equipment. The system shall be designed to prevent discharge of water in excess of one hundred twenty degrees Fahrenheit (120°F) at shower heads.

14. Hot water heating facilities shall have the capacity to provide a minimum of three (3) gallons of hot water (one hundred degrees Fahrenheit (100°F) rise) per hour per each campsite during times of peak demands.

15. Required plumbing fixtures shall be maintained in good working order and in clean and sanitary condition. Every service room containing sanitary fixtures shall be provided with a wastebasket.

16. Toilets shall be provided with a toilet paper holder or dispenser and a supply of toilet paper and a covered receptacle, and lavatory areas shall be provided with clothes hooks, shelves and trash receptacles.

17. Service building construction shall conform to applicable provisions of the International Building Code and existing local building codes, regarding "Specifications for making buildings and facilities accessible to and useable by physically handicapped."

N. Safety.

1. All electrical wiring, equipment and appurtenances shall be installed and maintained in accordance with provisions of the National Electrical Code and the State of Colorado Electrical Inspector.

2. Liquid petroleum gas, fuel oil, gasoline and other flammable liquids shall be handled and used in a safe manner and shall not be stored inside or beneath any camping vehicle or within five (5) feet of a door of a camping vehicle.

3. The grounds, buildings and related facilities shall be constructed, maintained and used in accordance with applicable local and State fire prevention regulations.

4. Play equipment, when provided for children, shall be designed for safety, maintained in good repair and located in areas free from hazards.

O. Miscellaneous Regulations.

1. L.P. tanks on R.V. sites shall be limited to one hundred (100) pound size.

2. Storage buildings, lean-los, bins or other outside storage facilities shall not be allowed at recreational vehicle sites.

P. Permanent Occupancy.

1. No recreational vehicle shall be used as a permanent place of abode, dwelling or business or for indefinite periods of time. Continuous occupancy extending beyond three (3) months in any twelve month period shall be presumed to be permanent occupancy. No more than one dwelling for occupancy by the Park Manager shall be permitted.

2. Any action toward removal of wheels of a recreational vehicle except for temporary purposes of repair or to attach the trailer to the grounds for stabilizing purposes is hereby prohibited.

Q. Licensing and Inspection.

1. License Required. It shall be unlawful for any person to operate any recreational vehicle park within the limits of the Town unless he or she holds a valid recreational vehicle park license issued annually by the Council in the name of such person for the specific recreational vehicle park.
2. Application for License and Fee. Application for a recreational park license shall be filed each calendar year with the Town Clerk. Applications shall be in writing, signed by the applicant, and shall contain the following information:

   a. Name of applicant.
   
   b. Location and legal description of the recreational vehicle park.
   
   c. Complete plan drawn to scale showing all recreational vehicle lots, structures, roads, walkways and other service facilities. Plans shall be filed in subsequent years only if changes in the plan of the recreational vehicle park are to be made.
   
   d. Such further information as may be requested by Town of Hayden officials to enable them to determine if the proposed recreational vehicle park will comply with the requirements of this article or other applicable laws and ordinances.
   
   e. License fee: Annual license fee per Town fee schedule, plus an annual fee for each recreational vehicle site whether occupied or not.

3. License Transfer. Every person holding a license shall give written notice to the Town Clerk within twenty-four (24) hours after having sold, transferred, given away or otherwise disposed of interest in or control of any recreational vehicle park. Such notice shall include the name and address of the person succeeding to the ownership or control of such recreational vehicle park. Upon application in writing for transfer of the license and deposit of a fee of twenty-five dollars ($25.00), the license shall be transferred if the recreational vehicle park is in compliance with all applicable provisions of this article and regulations issued hereunder.

4. License to Be Posted. The license certificate shall be conspicuously posted in the office of the recreational vehicle park at all times.

5. Registration. All recreational vehicles in the park must have a current valid registration.

6. Inspection. The Building Official shall inspect each recreational vehicle park at least once annually to determine compliance with the provisions of this article and all other applicable ordinances, rules, regulations or codes. Such official shall have the authority to enter upon the premises for the purpose of such inspections at any reasonable time without notice to the owner or manager.

R. Revocation of License.

   1. When it appears to any police officer, the Fire District, the Building Official or the health officers that any person holding a license under this article has violated or may have violated any of the provisions hereof, a written notice shall be served on such licensee and/or recreational vehicle park manager in person or by registered United States mail specifying the manner in which it is believed he or she has violated or may have violated this article. Said notice shall require the owner and/or recreational vehicle park manager to appear before the Board at a time specified therein, not less than ten (10) days after the service of said notice, and show cause why such license should not be suspended or revoked.

   2. When appearing before the Council, the licensee or recreational vehicle park manager and members of any Fire, Police, Building or Health Departments holding jurisdiction in the Town may produce such evidence as may be relevant to determine whether the violation charged in the notice has been committed. If the Council finds from the evidence that such violation has not been committed, it shall so advise the licensee and/or recreational vehicle park manager and dismiss the charge. If the Council finds from the evidence that a violation has been committed, it shall so advise the licensee or recreational vehicle park manager and may forthwith put said person on probation for thirty (30) days. If the violation is not corrected within such probationary period, the Council may revoke or suspend the license held by such person or continue the probation for such period and on such conditions as it shall determine.
3. It shall be unlawful for any person whose license has been revoked or suspended to operate, continue to operate or offer to operate any recreational vehicle park after the date of such revocation or during the term of such suspension, as the case may be.

S. Responsibilities of Management.

1. Enforcement of Regulations. The owner or operator of any recreational vehicle park shall arrange for the management and supervision of such recreational vehicle park so as to enforce or cause compliance with the provisions of this article.

2. Maintenance. The owner, operator or attendant of every recreational vehicle park shall assume full responsibility for maintaining in good repair and condition all facilities of the recreational vehicle park as required herein.

3. Office. In every recreational vehicle park there shall be a designated office building in which shall be located the office of the person in charge of said park. A copy of all required Town of Hayden and State licenses and permits shall at all times be kept in said office.

4. Management Duties. It shall be the duty of the attendant or person in charge, together with the owner or operator, to:
   a. Keep at all times a register of all tenants (which shall be open at all times to inspections by state, county and federal officers and officers of the Town) showing for all tenants:
      i. Dates of entrance and departures.
      ii. License numbers of all recreational vehicles and towing vehicles or automobiles.
      iii. States issuing such license.
   b. Maintain the park in a clean, orderly and sanitary condition at all times.
   c. See that provisions of this article are complied with and enforced and report promptly to the proper authorities any violations of law which may come to his or her attention.
   d. Report to local health authorities all cases known to the owner to be infected with any communicable diseases.
   e. Pay promptly to the Town of Hayden all license fees required by Town ordinances or other laws.
   f. Prohibit the use of any recreational vehicle by a greater number of occupants than that which it is designed to accommodate.


7.24.220 Lighting.

A. Intent.

1. To create an attractive lighting system to enhance visibility and safety, while minimizing glare and contrast.
2. To encourage exterior lighting that is functional, aesthetically pleasing, and complimentary to the architectural style of buildings.
3. To preserve and enhance the region's dark sky while promoting safety, conserving energy and preserving the environment for astronomy.

B. General Provisions.

1. Evaluation of Exterior Lighting. Exterior lighting shall be evaluated in the development review process to ensure that the functional and security needs of the project are met in a way that does not adversely affect the adjacent properties or neighborhood. The degree to which exterior
night lighting affects a property owner or neighborhood will be examined considering the light source, level of illumination, hours of illumination, and need for illumination in relation to the effects of the lighting on the adjacent property owners and the neighborhood.

2. Light Style. The style of lights shall be consistent with the style and character of architecture proposed on the site. Light fixtures that illuminate signage shall be compatible with the architecture of the building on which they are placed.

3. Concealed Light Source. Light sources shall be concealed or shielded to the maximum extent feasible to minimize the potential for glare and unnecessary diffusion on adjacent property and away from the vision of passing motorists. All lights shall be directed downward and the light source shall be equipped with "cut-off" devices so that it will not be visible from any adjacent property and to ensure that ambient skyward light is eliminated. Accent and flagpole lighting shall be permitted to be directed upward as long as the light source is shielded and not visible from any adjacent property. Light fixtures installed under canopies, awnings, overhangs and the like shall be fully recessed.

4. Hours of Lighting Operation. All parking lot lighting fixtures and exterior building lights, except those required for security purposes, shall be extinguished within one (1) hour after the end of business hours and remain extinguished until one (1) hour prior to the beginning of business hours. If a portion of a parking lot is used after dark, only that portion shall be lighted.

5. Height Standards for Lighting.
   a. Residential Zoning Districts. Light fixtures shall be mounted on concrete, fiberglass or painted metal poles no higher than sixteen (16) feet from the ground. Lighting mounted on a building or structure shall not exceed the height of the building or structure. Bollard-type lighting fixtures shall be between three (3) and four (4) feet high.
   b. Non-Residential Zoning Districts. Light fixtures shall be mounted on concrete, fiberglass or painted metal poles no higher than twenty-five (25) feet from the ground, unless a greater height, not to exceed the maximum building height in the applicable zone district, is approved by the Planning Commission or Council through a development application review process. Lighting mounted on a building or structure shall not exceed the height of the building or structure. Bollard-type lighting fixtures shall be between three (3) and four (4) feet high.

6. Excessive Illumination. Lighting within any lot that unnecessarily illuminates any other lot and substantially interferes with the use or enjoyment of such other lot is prohibited. Lighting unnecessarily illuminates another lot if it clearly exceeds the standards set forth in this section, if the light shines directly into a residence, or if the standards set forth in this section could reasonably be achieved in a manner that would not substantially interfere with the use or enjoyment of neighboring properties.

7. Exemption for Outdoor Recreational Uses. Because of their limited hours of operation and their unique requirements for nighttime visibility, ball diamonds, playing fields, tennis courts, and other similar outdoor recreational uses (both public and private, unless otherwise restricted by the Council) shall be exempt from the general provisions of this section. However, exterior lighting for such uses shall be extinguished no later than 11:00 p.m. The Manager shall have the authority to grant an exemption from these requirements for special events.


7.24.230 Environmental Considerations.

A. Intent. The intent of this section is to ensure that new development limits or mitigates its impact to wildlife and wildlife habitat and that it minimizes environmental impacts.

B. General Provisions.
Title 7 Development Code

1. Protection of Wildlife and Natural Areas. To the maximum extent practical, development shall be designed to ensure that disturbances which occur to any natural area as a result of development shall be minimized through the use of natural buffer zones. If any development materially disturbs a natural area, the development project shall mitigate such lost natural resource either on—or off-site at a 2:1 rate on a kind-for-kind basis and the mitigation shall be located in Town. Any such mitigation shall be roughly proportional to the loss suffered as a result of the disturbance.

a. Natural areas shall include: floodplains and floodways, natural drainage and water ways, significant native trees and vegetation, wildlife travel corridors and habitats, special habitat features such as raptor nest sites, key nesting, breeding or feeding areas for birds; fox and coyote dens, remnant native habitat, cottonwood galleries, and any wetland greater than one-quarter (¼) acre in size, as identified on the 1975 National Wetland Inventory.

b. The natural area buffer zone shall be used between natural areas and proposed development to ensure that the proposed development does not degrade the natural area. The size of the buffer zone shall be determined in conjunction with the Colorado Division of Wildlife or a Town approved wetland or wildlife ecologist. The Town may decrease this buffer when strict application of this subsection will impose an exceptional and undue hardship upon the property owner or developer.

c. Exceptions. The Council may allow disturbance or construction activity within the natural area or natural area buffer zone for the following limited purposes: mitigation of development activities, restoration of previously degraded areas, emergency public safety activities and utility installations when such activities and installations cannot reasonably be contained within other nearby develop areas, construction of a trail that will provide public access for educational or recreational purposes, or the enhancement of the habitat value and/or other natural resource values of a natural area.

d. Ecological Characterization. If the Town determines that the site likely includes areas with wildlife, plant life, and/or other natural characteristics in need of protection, the Town may require the developer to provide a report prepared by a professional qualified in the areas of ecology, wildlife biology, or other relevant discipline. The ecological characterization report should be included on the open space plan and describe the following:

i. The wildlife use of the natural area showing the species of the wildlife using the area, the times or seasons the areas is used by those species and the "value" (meaning feeding, watering, cover, nesting, roosting, perching) that the area provides for such wildlife species;

ii. The boundary of wetlands in the area and a description of the ecological functions and characteristics provided by those wetlands;

iii. Any prominent views from or across the site;

iv. The pattern, species, and location of any significant native trees and other native site vegetation;

v. The bank, shoreline and high water mark of any perennial stream or body of water on the site;

vi. Wildlife travel corridors; and

vii. The general ecological functions provided by the site and its features.

e. Wildlife Conflicts. If wildlife that may create conflicts for the future occupants of the development (including, but not limited to, beaver, deer and rattlesnakes) are known to exist in areas adjacent to or on the development site, then the development plan must, to the extent reasonably feasible, include provisions such as barriers, protection mechanisms for landscaping and other site features to minimize conflicts that might otherwise exist between such wildlife and the developed portion of the site. Any impacts to wildlife must be
C. Green Builder Guidelines. The Green Builder program establishes environmental standards for the construction and operation of buildings. The intent of this program is to promote building practices, which benefit the environment and the socio-economic well being of current and future residents.

1. There are five resource areas which are addressed by the Green Builder standards:
   a. Water (quality and quantity);
   b. Energy (quantity and type);
   c. Building materials (life cycle impacts);
   d. Solid waste (construction and operation impacts); and
   e. Health and safety.

2. Compliance. Compliance with the requirements of the Colorado Green Builder program is encouraged. Information is available from Green Builder program administration office at (303) 778-1400 or on the web at www.builtgreen.org.


7.24.240 Impacts or Nuisances.

A. Intent. The intent of this section is to ensure that new multi-family, commercial, or industrial developments limit or mitigate their impact on other properties. This Section is intended to allow these developments while preventing or substantially minimizing the occurrence of public nuisances that would have a detrimental effect on the property of another person or the community at large.

B. General Provisions. As part of the Site Plan review process, any multi-family, commercial, retail, entertainment, or industrial project must provide information related to the impact of that proposal on adjacent properties. This provision is intended to prevent an excessive, offensive, annoying, unpleasant, or obnoxious thing, act, or practice; or a cause or source of annoyance, especially a continual or repeated invasion by a use or activity which invades the property line of another so as to cause harm or discomfort to the owner or resident of that property. All business uses are expected to generate normal and acceptable impacts such as noise, traffic, etc.; this section is intended to address impacts that are excessive given the relationship of the proposed use to the overall nature of the larger residential setting found within commercially zoned lands in the Town. Examples of negative impacts or nuisances that may be generated by these types of development include but are not limited to:

1. Vehicular traffic;
2. Noise from business operations;
3. Dust;
4. Heat;
5. Glare;
6. Vibration;
7. Smoke;
8. Light;

Town staff or subject area experts hired by the Town will review all proposals regarding mitigation of any negative impacts or nuisances and provide direction to Applicants during the Site Plan review.
process. Approval of any Site Plan including a determination on whether or not impacts and nuisances have been mitigated will be per Section 17.16.100, Site Plan of the Development Code.


7.24.250   Sanitary Sewer.

All residential, commercial and industrial uses which have human occupancy shall have sanitary sewer. The sanitary sewer system shall be connected to an existing public sanitary sewer system and shall consist of a closed system of sanitary sewer mains and lateral branch connections to each structure or lot upon which a structure is to be built. Sanitary sewer lines are to be of sufficient size and design to collect all sewage from all proposed or portable structures within the subdivision or development.


7.24.260   Potable Water.

All residential, commercial and industrial uses, which have human occupancy, shall have potable water served by the Town or appropriate water district. The water system shall be of sufficient size and design to supply potable water to each structure or lot upon which a structure is to be built.


7.24.270   Fire Hydrants.

The subdivider shall install fire hydrants at street intersections and at other points as per the requirements of the West Routt Fire District and the Town.


7.24.280   Public Improvements Agreements.

A. Agreements and Improvements. A Public Improvement Agreement (PIA) stating that the applicant agrees to construct any required public improvements shown in the final plat or Site Plan (if applicable) documents together with security in a form approved by the Town Attorney is required. No subdivision plat shall be signed by the Town or recorded at the office of the Routt County Clerk, and no building permit shall be issued for development until a PIA between the Town and the applicant has been executed. Such agreement shall include a list of all agreed-upon public improvements and landscaping, 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 Council to ensure that all improvements will be completed in a timely, quality and cost-effective manner.

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 required by this Development Code and all applicable laws, rules and regulations, the applicant shall apply to the Town for inspection of improvements.

D. The following improvements shall be constructed unless waived by the Council.
   1. Road grading and surfacing.
   2. Curbs.
3. Street lights.
4. Sidewalks.
5. Sanitary sewer collection system.
6. Storm sewers or storm drainage system, as required.
7. Potable water distribution.
8. Fire hydrants.
9. Utility distribution system for public parks and open space.
10. Street signs at all street intersections.
11. Permanent reference monuments and monument boxes.
12. Underground telephone, electricity and gas lines.
13. Berm or fence along major arterial and collector streets.
14. Required landscaping, open space and park improvements.
15. Tree lawns.
16. Underdrains.
17. Trails.
18. Required floodway improvements.
20. Required off-site 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, plan or plat. However, the Council may extend such time for completion upon request from the applicant. Upon completion of such improvements within the required time and approval thereof by the Council, 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 in accordance with the terms and provisions of the PIA.

F. Partial Release of Security. During construction of required improvements, the applicant may from time-to-time request the release by the Town of a portion of the security for improvements that have been inspected and approved by the Town Engineer. The required warranty period shall commence upon completion and initial approval of all required improvements in accordance with the terms and provisions of the PIA.

G. Warranty. All workmanship and materials for all required improvements shall be warranted by the applicant as specified in the PIA and this Development Code.


7.24.290 Conveyance of Water Rights as Part of Subdivision and/or Annexation.

A. Intent and Purpose. It is the intent and purpose of this section to further the health, safety and welfare of the citizens of the Town by requiring the dedication of water rights prior to the extension of treated or raw water service to new customers and to thereby assure an adequate and stable supply of water to the Town service area; to prevent the abandonment of water rights to the detriment of the Town; to ensure the financial stability of the Town water utility; and to promote the general welfare of the public. This Section, in part, provides a supplemental requirement for annexation pursuant to the
B. Definitions. As used in this section, unless the context otherwise requires:

1. Equivalent residential unit (EQR) means a number related to the volume of water consumptively used by a single-family residential unit housing a statistical average of 3.5 persons and having not more than two thousand five hundred (2,500) square feet of irrigated lawn or garden. The water consumption for water uses not associated with use at a single family residence is considered to be equal to a volume of water, expressed in EQR units, as determined by the Town with guidance by the schedule provided in the Table of EQR's. The Town shall have sole and exclusive discretion in determining whether the basic dedication requirement should be increased or decreased, on a case by case basis, after consideration of the place, method, efficiency and operation of wastewater treatment for use served; provided, however, for residential uses, it is not the intent hereof for the Town to reassess the dedication requirement should such limits be exceeded.

The water consumption for each EQR is 1.0 acre-foot per year if wastewater is returned to the Yampa River system by the municipal wastewater treatment facilities serving the Town. For deliveries to customers utilizing wastewater treatment facilities which are 100 percent (100%) consumptive in nature without material effluent return flows to the Hayden River system, the water consumption for each EQR is 1.0 acre foot per year. For deliveries to water uses not utilizing the Town's municipal wastewater treatment facilities it is assumed that no return flows are generated to the Yampa River system; this presumption may be rebutted by a licensed professional engineer's analysis of actual return flow efficiency of the wastewater system to be utilized. If wastewater efficiencies are less than those of Town sewer facilities but greater than a system which is totally consumptive, the water consumption per EQR shall be modified by the appropriate fraction. The consumptive use as to all other residential, but not commercial, uses is considered to bear the same ratio to the consumptive use of an average single-family residence as the EQR value assigned to that use in the respective tables of EQR's in this section bears to the EQR value assigned to the single-family residence in the table of EQR's for the respective wastewater system utilized. Consumptive use for commercial uses shall be determined by a licensed professional engineer based upon the circumstances of each particular case.

2. Annexation means the act of attaching, adding, joining, or uniting a parcel of land to the legal entity known as the Town of Hayden.

3. Subdivide means to separate into smaller divisions a tract of land into two or more lots, tracts, parcels, sites, separate interests in common, condominium interests or other divisions for the purpose, whether immediate or for future, of transfer of ownership, or for building or other development, or for street use by reference to such subdivision or a recorded plat thereof.

4. Appurtenant means belonging to, accessory or incident to, adjunct, appended, or annexed to.

5. Dedication means the conveyance of a water right to the Town, made by the owner, and the acceptance of such conveyance by the Town in accordance with this section, for use by the Town through its municipal water system for service to the Town, its inhabitants, and water customers.

6. Water right means a decreed right to use in accordance with its priority a certain portion of the waters of the state by reason of the appropriation of the same.

7. Conveyance of water rights means the legal process by which legal title to the water rights to be dedicated is transferred to the Town by appropriate deed.

8. Transfer of water rights or change of use to municipal use means all actions required under the laws of the State of Colorado to be brought in the water court and elsewhere to change said water right for use through and within the Town's water system. Such actions may include, but not by way of exclusion or limitation, a change in use to municipal uses, a plan for augmentation, a change in the type, place, or time of use, a change in the point of diversion, a
change from a fixed point of diversion to alternate or supplemental points of diversion, a change from alternate or supplemental points of diversion to a fixed point of diversion, or any combination of such changes. Transfer of water rights includes transfer of conditional water rights as well as transfer of absolute water rights.

9. Lease means any grant for permissive use which results in the creation of a landlord-tenant relationship on a contractual basis.

10. Party means an individual, a partnership, a corporation, a municipality, or any other legal entity, public or private.

11. Historical use affidavit means a document which sets forth the following information concerning the water rights proposed for dedication:

   a. The name(s) and address(es) of the owner(s) of the water rights proposed for dedication;
   b. A legal description of the land to be annexed or provided with municipal water service;
   c. The total number of acres to be annexed, subdivided, replatted, or provided with municipal water service and the current use of the property;
   d. The total number of acres presently being irrigated and/or intended to remain in irrigation;
   e. A copy of all decrees concerning all water rights appurtenant to property and/or all water rights proposed for dedication;
   f. A copy of any legal decree or judgment which affects the title of those water rights entered since the owner received title to the water rights appurtenant to the property and/or proposed for dedication;
   g. A copy of the documents by which the owner received Title to the water rights appurtenant to the property and/or proposed for dedication;
   h. A copy of all diversion records of the water rights proposed for dedication; and
   i. The owner's statement as to the historic use of water rights appurtenant to the property and/or proposed for dedication.

12. Sufficient legal priority means that the water rights proposed for dedication may be reasonably expected to provide a dependable water supply throughout the season of use in the amount for which they are decreed, and that such water rights are reasonably expected to be transferable for use by the Town at its existing and proposed points of diversion for municipal use. In making this determination, factors to be considered shall include, but not by way of limitation, the adjudication date and appropriation date of water rights, the decreed use(s), the historic use of the water under the decree, the physical flow available, and the administration practices of the office of the State Engineer, and the location and amounts of other water rights which may be injured by any transfer, provided, however, that any water right proposed for dedication shall not be deemed to have sufficient legal priority unless the water right was lawfully adjudicated prior to January 1, 1900.

C. Basic Dedication Requirement.

1. Dedication and transfer of direct flow and/or water rights to the Town shall be required:

   a. Prior to the approval of the annexation of any land to the Town; or
   b. Prior to all extensions of municipally treated water service outside the Town limits as they existed on the effective date of this section as originally codified; or
c. Prior to the subdivision or replatting of any land now located within the Town, if such subdivision or replatting requires a change of zone district or if such subdivision or replatting creates an increase in density.

2. The dedication requirement shall be calculated in accordance with this section on forms provided by the Manager. Such forms shall be accompanied by a historical use affidavit. For those persons whose compliance with this section results in a total EQR of greater than thirty (30) EQR no historical use affidavit shall be required, but an engineering analysis, acceptable to the Town, of the historic use of the water rights proposed for dedication shall be required.

3. The basic water rights dedication requirement shall be 0.75 acre foot of historic consumptive use per year, over the course of a full calendar year, for a water right, or water rights, of sufficient legal priority and season of use to service each equivalent residential unit (EQR) of demand as calculated under the table of EQR's below as determined by the Town in its sole discretion. The actual annual demand of 0.56 acre foot of consumptive use water assumes actual diversion, without transit losses throughout the year; it is assumed that the 0.75 acre foot of historic consumptive use water is necessary to satisfy said demand after reasonable transfer and transit losses. The determination of suitability of a water right for transfer or fee-in-lieu of water right dedication shall be determined in the Town's sole discretion. Payment of a fee in lieu of water right dedication will be at the sole discretion of the Town and at a rate of payment consistent with the provisions of this section.

4. The basic requirement shall be satisfied by the person seeking approval of annexation, subdivision, replatting, or the extension of municipally treated water service, whether or not that person will be the ultimate user(s).

D. Table of EQR's Nature of Facility to Be Served EQR.

1. a. Single-family detached residence not to exceed 3,000 square feet, one full kitchen, two outside hose bibs and up to 2,500 square feet of irrigated lawn and garden watered by sprinkler or drip irrigation. 1.00
   b. Residentes over 3,000 square feet will be charged an additional .05 EQR for each increment of 100 square feet over 3,000 square feet of irrigated lawn and garden watered by sprinkler or drip irrigation. 0.05

2. a. An annual average water demand equal to 0.56 acre feet. 1.00
   b. An average monthly peak water demand equal to 22,000 gallons. 1.00
   c. A peak daily demand of 1,000 gallons. 1.00

3. Each additional 100 square feet of irrigated lawn and garden by sprinkler or drip irrigation. 0.02

4. Each additional 100 square feet of non-residential irrigated landscape by sprinkler or drip irrigation. 0.02

5. Multi-family residential units, including duplexes, apartments and condominiums:
   a. Buffet or studio apartment or condo with one kitchen up to 1,500 square feet. 0.60
   b. Up to and including two bedrooms with up to 1½ baths and one kitchen, up to 1,500 square feet. 0.80
   c. Three bedrooms with up to 2 baths and one kitchen, up to 3,000 square feet. 1.00
   d. Each additional 100 square feet or fraction thereof, in excess of the above limits will be assessed 0.03 EQR. There shall not be an adjustment for fractional increments of less than 100 square feet. 0.03
   e. Each coin operated washing machine up to 12 lbs. capacity. 0.35
f. Common area irrigation and amenities such as swimming pools, clubhouses and laundry facilities to be assessed on a case-by-case basis, at the Town's sole discretion, in addition to the EQR values expressed above.

6. There shall be no partial EQR credit granted for irrigation of less than 2,500 square feet of lawn or landscaping. Any uses described in subparagraph 1 of this Table, above, which do not utilize municipal water for any irrigation, shall be:
   a. Entitled to a reduction in EQR rating of 0.02 EQR per 100 square feet of lawn or landscaping which is irrigated with non-potable water from a non-municipal system. The maximum credit which can be obtained for residential uses is 25% of the total EQR dedication requirement due from the project. However, if credit for any percentage of total EQR is obtained under this Code provision, by irrigation from non-potable water from a non-municipal system, then the Town shall proportionately reduce the water delivered for the residential use;
   b. Prohibited from having more than one outside hose bib which shall be placed on the front of the residence and shall not be used for any watering of lawns and gardens; and

7. Each mobile home or mobile home space in a court with not more than 1,000 square feet of irrigated lawn and garden. 0.80

8. Transient rental units, hotels, motels or rental units within residences;
   a. Managers units: Uses single family or multi-family classification as applicable.
   b. Each additional room without cooking or kitchen facilities. 0.40
   c. Each additional room with cooking or kitchen facilities. 0.50
   d. Coin operated washing machine 12 lb. capacity or less. 0.30

9. Dormitories (per each rental bed space) without laundry or kitchen facilities. 0.10

10. Recreational vehicle parks:
    a. For each camping or vehicle space without sewer hook-up. 0.35
    b. For each camping or vehicle space with sewer hook-up. 0.40
    c. For common facilities, managers unit and related facilities, see categories above (spaces which have year round occupancy are to be evaluated as mobile home parks).

11. Bars and restaurants:
    a. For businesses with less than 25 seats. 1.50
    b. For each additional seat. 0.04

12. Service stations and gas stations:
    a. Full service station with 2 toilets, 2 lavatories and 1 hand wash bay. 1.00
    b. Demands in excess of the above are determined by projected volume.

13. Churches and nonprofit organizations with no residence or regular eating facilities. 1.00

14. Commercial retail stores with no processed water, no residences and no eating facilities of up to 5,000 square feet including two restrooms which have a total of two lavatories and two toilets (one each per restroom): 1.00
    a. For each additional toilet or urinal with manual flush. 0.30
    b. For each additional toilet or urinal with continuous flow. 1.00
    c. For each additional lavatory. 0.15
    d. For each shower or bath or combination. 0.30
e. For each manual operated drinking fountain. 0.10
f. For each continuous flow drinking fountain. 1.00
g. For each additional 1,000 square feet of floor space above 5,000 feet. 0.02

15. Commercial offices (such as banks, professional office space and other low traffic occupations) with no processed water, no residences, and no eating facilities of up to 7,000 square feet including two restrooms which have a total of two lavatories and two toilets (one each per restroom): 1.00
   a. For each additional toilet or urinal with manual flush. 0.30
   b. For each additional toilet or urinal with continuous flow. 1.00
   c. For each additional lavatory. 0.15
d. For each shower or bath or combination. 0.30
e. For each manual operated drinking fountain. 0.10
f. For each continuous flow drinking fountain. 1.00
g. For each additional 1,000 square feet of floor space above 7,000 feet. 0.14

16. Industrial, including warehouses up to 8,000 square feet which include two toilets (one each per restroom): 1.00
   a. For every 350 gallons/day of processed water with not more than 15% consumptive use. 1.00
   b. For each additional toilet or urinal with manual flush. 0.30
c. For each additional toilet or urinal with continuous flow. 1.00
d. For each additional lavatory. 0.15
e. For each shower or bath combination. 0.10
f. For each mop sink. 1.00
g. For each manual operated drinking fountain. 0.10
h. For each continuous flow drinking fountain. 1.00
   i. For each additional 1,000 square feet or floor space above 8,000 feet. 0.13

17. Schools including principal's administrative office and school staff but not including cafeteria, gymnasium or athletic field facilities:
   a. Up to 50 students. 1.00
   b. For each additional student. 0.02
c. Cafeteria, gymnasium and athletic requirements determined on a case-by-case basis at the Town's sole discretion. 0.02. The foregoing shall be based on the projected maximum usage of the school facilities and shall be subject to a periodic audit as required by this section.

18. Swimming pools up to 25,000-gallon capacity:
   a. Year-round operation. 1.00
   b. Summer only (less than 6 months). 0.50
c. For each additional 1,000 gallons of capacity. 0.02

19. Fire protection sprinkler systems. 0.00

20. Irrigation by sprinkler or drip system:
a. Residential per 100 square feet. 0.02

b. Commercial per 100 square feet. 0.02

c. Commercial or residential irrigation of more than 5,000 square feet of lawn or landscaping shall be subject to special rates imposed by the Town at the Town's sole discretion.

21. Car washes:

a. All car washes will be based on water delivery requirements and consumptive use projections with EQR's to be determined by the Town at the Town's sole discretion.

22. Commercial laundromats:

a. Each washer up to 12 lb. capacity. 0.35

b. For each additional pound of capacity over 12 lbs. 0.015

Uses which are not connected to the wastewater facilities of the Town will be evaluated by the location of the wastewater return point in setting, modifying or determining dedication requirements, in the Town's sole discretion. Additionally, uses which compute to be more than 3.0 EQR per tap connection are subject to review, calculations and assessment on an ad hoc basis by the Town after consideration of the anticipated water to be used.

E. Dedication of Water Rights for Open Space. The owner of any property proposed to be annexed or subdivided who dedicates property to the Town pursuant to this section to be used for open space, park, aesthetic, recreation, or irrigation purposes shall also comply with the provisions of this section for the property to be dedicated.

F. Procedure.

1. In accordance with the basic requirements set forth in this section, the Manager shall determine, after consultation with a person or persons skilled in the knowledge of water rights, whether the water rights proposed for dedication pursuant to the provisions of this section will be of sufficient legal priority under the laws of the State of Colorado to ensure the Town's ability to meet the service demands of the new user. This determination will be aided by a historic use affidavit or engineering report provided by the new user.

2. The Town shall have the right, in its sole discretion, to accept or reject any water rights proposed for dedication pursuant to the provisions of this section which the Council has determined do not have sufficient legal priority. If the Council determines that the water rights proposed fail to satisfy the basic determination requirement, the following alternatives, or combination thereof, may be used to otherwise satisfy the basic dedication requirement:

a. The person required to comply with the basic dedication requirement may pay to the Town a cash amount equal to the fair market value of the water rights necessary to satisfy the basic dedication requirement.

b. The Manager may, in his/her discretion, negotiate with the new user to establish other terms or conditions which shall constitute compliance with the basic dedication requirement of this section.

3. The new user shall dedicate the water rights determined by the Town by filing with the Council an offer thereof. It is the intent of this section that no water service shall be extended to a new user until the agreed to water rights have been dedicated to the Town; however, if there are matters pending resolution in the water court concerning the water rights to be dedicated, or if there is other delay beyond the control of the new user, the Manager shall have the discretion to approve the extension of such water service prior to the dedication of water rights to the Town.

4. Subject to negotiations with the Council, all costs and expenses attendant to the conveyance and transfer of water rights dedicated to the Town shall be borne by the new user. The Manager may, with the approval by the Council, to negotiate a one-time, up-front fee for small users to be paid by the developer and used by the Town for the costs of conveyance and transfer.
Otherwise, the Manager shall establish a deposit requirement to be held by the Town and maintained by the new user to pay for such costs.

5. Any decision of the Manager made hereunder shall be appealable at the next regularly scheduled meeting of the Council, whose determination shall be final.

6. If the owner of the property proposed to be annexed or subdivided desires to retain the land or any portion thereof in agricultural production or as open space prior to development, he may be permitted to lease back, on an annual basis, and for irrigation, aesthetic and recreational purposes only, the water rights transferred pursuant to this section. The terms of the lease shall be negotiated with the Council.

G. Option to Purchase.

1. Time. Any person required to comply with the basic dedication requirement shall also grant to the Town the option to purchase any and all water rights which are appurtenant to the land to be annexed but which are in excess of the basic dedication requirement. Said option may be exercised by the Town at any time for a period of one (1) year following the date of the grant to the Town with regard to any or all of the water rights subject to the grant.

2. Price. The option price shall be that price agreed upon by the parties. If the parties do not agree upon an option price within thirty (30) days after the notice of the Town's intent to exercise its option is received by the owner, an appraisal at the Town's expense will establish the price that reflects the fair market value of the water right(s). The appraisal shall be conducted by one (1) appraiser appointed by the Town, one (1) appraiser appointed by the owner of the water rights, and a third (3rd) appraiser who shall be appointed by both parties. The average of the three (3) appraisals shall be the option price.

3. Right of First Refusal.

   a. Grant of Right. In addition to the grant of the option to purchase by the new user(s), there shall be a grant to the Town by the user(s) of a right of first refusal regarding the water rights subject to said option to purchase. If the Town for any reason should choose not to exercise its option to purchase, it shall retain said right of refusal, in the event the water rights are sold independently of the land, for a period of ten (10) years following annexation or final approval, or replatting, or extension of water service to a subdivision, whichever last occurs.

   b. Notice Period. If the owner of the water rights subject to said right of first (1st) refusal wishes to sell the water rights to a third (3rd) party, he shall give to the Town at least ninety (90) days notice of his intention to effect a sale of said water rights by delivering to the Town a bona fide written offer to purchase made by a third (3rd) party.

   c. Exercise of Right. During the ninety (90) day notice period provided for above, the Town shall enjoy its right of first (1st) refusal entitling it to purchase the water rights proposed for sale. If within ninety (90) days following notice by the owner of his intention to sell his water rights, the Town chooses to exercise its right to purchase, then the Town shall pay to the owner the price for the water rights as specified in the bona fide offer in accordance with the terms of such bona fide offer. In the event that the Town determines to not exercise its right to purchase the water rights offered for sale, the owner shall be free to sell the water rights to the third party; provided, however, that any such sale to a third party shall be for a price which is at least equal to that price which was tendered to and refused by the Town.


7.24.300 Wireless Telecommunications.

A. Intent. The intent of this section is to set forth standards for the construction and installation of wireless telecommunication facilities and infrastructure.
B. Height and Setback Requirements. In all performance districts where wireless telecommunications service facilities are allowed as uses by conditional review, the following apply:

1. Roof- or building-mounted commercial mobile radio service facilities may protrude no more than five feet above the parapet line of the building or structure, nor more than two and one-half feet outside of the building wall unless sufficient screening methods are demonstrated and accepted as part of the approval;

2. Roof- or building-mounted whip antenna(s) of no more than three inches in diameter, in groupings of five or less, may extend up to twelve feet above the parapet wall; and

3. Applicable zoning setback requirements of this article must be met. At a minimum, all freestanding facilities shall be set back at least three hundred feet from all residentially zoned properties or residential structures on properties otherwise zoned.

C. Accessory Buildings Requirements.

1. Accessory buildings located on the ground shall be no larger than four hundred square feet and must be constructed of durable, low maintenance materials, architecturally compatible and integrated with existing buildings and structures. Sites with greater than one hundred cubic feet of cabinet area, visible from a public right-of-way or residentially zoned or used area, must enclose the equipment in accessory buildings.

2. Accessory buildings and facilities are to be screened, to the extent possible, from public streets and sidewalks, either by screening, landscaping, location or other techniques deemed sufficient by the Town.

D. Building or Roof-Mounted Facilities Requirements. Building or roof mounted facilities are to be screened from public view, either by screening, location or other techniques deemed sufficient.

E. Freestanding Wireless Telecommunications Facilities Requirements. All freestanding wireless telecommunications facilities shall be designed and constructed in such a manner that they are:

1. Capable of serving, through original construction, expansion or replacement, a minimum of two users;

2. Constructed as a monopole, which tapers toward the top of the pole to the degree allowed by structural requirements, unless some other decorative type of structure is proposed and approved;

3. Of a neutral color, including fencing, buildings and cabinets, or to match existing buildings;

4. Hold only lighting required by the Federal Aviation Administration; and no signage;

5. No higher than fifty feet from the ground, with an additional twenty feet per co-locating user permitted, up to seventy feet. Exceptions may be granted upon request by the applicant; and

6. Constructed in accordance with a certified engineer's specifications and in compliance with all applicable U.B.C. provisions.


7.24.310 Oil and Gas Standards.

A. Intent. The intent of these regulations is to facilitate the development of oil and gas resources within the Town, while mitigating potential land use conflicts between such development and existing, as well as planned, land uses. Under Colorado law, the surface and mineral estates are separate and distinct interests in land and one may be severed from the other. Owners of subsurface mineral interests have certain legal rights and privileges, including the right to use that part of the surface estate reasonably required to extract and develop their subsurface mineral interests, subject to compliance with the provisions of these regulations and any applicable statutory and regulatory
Title 7 Development Code

requirements. The State has a recognized interest in fostering the efficient development, production
and utilization of oil and gas resources, and in the prevention of waste and protection of the
correlative rights of common source owners and producers to a fair and equitable share of
production profits. Similarly, owners of the surface estate have certain legal rights and privileges,
including the right to have the mineral estate developed in a reasonable manner. Municipal
governments have a recognized, traditional authority and responsibility to regulate land use within
their jurisdiction. These regulations are intended as an exercise of this land use authority.

B. General Provisions. The standards in this section 7.24.280 shall apply to all conditional use permits
granted for oil and gas wells, production, operations and related facilities.

C. Building Permit. Building permits must be obtained for all aboveground structures to which the
Town’s building codes apply pursuant to Title 15 Buildings and Construction.

D. Well Location and Set-Backs.

1. All wells shall be set at a distance from occupied dwellings, permitted buildings, or rights-of-way
   at not less than the minimum setback allowed by OGCC rules and regulations.

2. Notwithstanding the foregoing, but subject to the exception in subsection (3) below, in all areas
   of the Town, the following apply:

   a. A wellhead location shall be set back not less than three hundred fifty feet (350') from any
      occupied building or occupied building permitted for construction and shall be set back not
      less than seventy-five feet (75') from any public right-of-way.

   b. Production tanks and/or associated on-site production equipment shall be set back not less
      than three hundred fifty feet (350') from any occupied building or occupied building
      permitted for construction and shall be set back not less than seventy-five feet (75') from
      any public right-of-way.

   c. Location and setback requirements may be waived if an exception has been granted by the
      OGCC Director pursuant to Rule 603(b) of the Commission and a copy of waivers from
      each person owning an occupied building or building permitted for construction within three
      hundred fifty feet of the proposed location is submitted as part of the application for use by
      conditional review.

   d. When wells are existing, buildings shall not be constructed within the following distances:

      i. Buildings unnecessary to the operation of the well shall not be constructed within two
         hundred feet of any such well.

      ii. Any building to be used as a place of assembly, institution or school shall not be
          constructed within three hundred fifty feet (350') of any well.

   e. When wells are existing, lots and roads shall not be platted within the following distances:

      i. Lots shall not be platted within one hundred fifty feet of an existing oil or gas well or its
         production facilities.

      ii. Lots intended to be used as a place of assembly, institution or school shall not be
          platted to allow a building site within three hundred fifty feet of an existing oil or gas
          well or its production facilities.

      iii. Streets shall not be platted within seventy-five feet of an existing oil or gas well or its
           production facilities, provided however, that streets may cross collection flow lines at
           right angles.

      iv. Lots and streets may be platted over well and production sites that have been
          abandoned and reclaimed in accordance with Section 16.09.120 of this Code. Such
          platting shall only occur after the completion of the abandonment and reclamation
          process.
E. State Environmental Regulations. The approval of an oil and gas conditional use permit shall not relieve the operators from complying with all current applicable state and federal regulations and standards concerning air quality, water quality and waste disposal.

F. Noise.
   1. The conditional use permit application shall not relieve an operator from complying with all applicable state laws and regulations concerning noise.
   2. Exhaust from all engines, motors, coolers and other mechanized equipment shall be vented in a direction away from all occupied buildings to the extent practicable.
   3. Where a well and well site do not comply with the required setback or other requirements of this article or where the well and well site are in an area of particular noise sensitivity, additional noise mitigation may be required. An area of particular noise sensitivity includes but is not limited to the following: hospitals, dwelling units, nursing homes, hotels, churches and designated wildlife preserves. In determining noise mitigation, specific site characteristics shall be considered, including but not limited to the following:
      a. Nature, proximity, location and type of adjacent development;
      b. Prevailing weather patterns, including wind directions;
      c. Vegetative cover on or adjacent to the site; or
      e. Topography.
   4. The level of required mitigation may increase with the proximity of the well and well site to areas of particular noise sensitivity or the level of noise emitted by the well and well site. One or more of the following additional noise abatement measures may be required:
      a. Acoustically insulated housing or cover enclosing the motor or engine;
      b. Noise management plan identifying hours of maximum noise emissions, type, frequency and level of noise to be emitted, and proposed mitigation measures; or
      c. Any abatement measures required by the Commission for high-density areas, if applicable.

G. Visual Impacts/Aesthetics.
      a. To the maximum extent practicable, oil and gas facilities shall be located away from prominent natural features, such as distinctive rock and land forms, vegetative patterns, ditch crossings, Town or Routt County approved open space areas and other approved landmarks.
      b. To the maximum extent practicable, oil and gas facilities shall be located to avoid crossing hills and ridges or silhouetting.
      c. To the maximum extent practicable, the applicant shall use structures of minimal size to satisfy present and future functional requirements.
      d. To the maximum extent practicable, when clearing trees and vegetation for construction of oil and gas facilities, the applicant shall feather and thin edges of vegetation. Applicant shall replant cleared trees and vegetation to screen facilities to the maximum extent practicable.
      e. To the maximum extent practicable, the applicant shall locate facilities at the base of slopes to provide a background of topography and/or natural cover.
      f. The applicant shall replace earth adjacent to water crossings at slopes less than the normal angle of repose with the soil type of the site.
      g. To the maximum extent practicable, the applicant shall align access roads to follow existing grades and minimize cuts and fills.
h. Facilities shall be painted as follows:
   i. Uniform, non-contrasting, non-reflective color tones.
   ii. Color matched to land, not sky, slightly darker than adjacent landscape.
   iii. Exposed concrete colored to match soil color.

2. Special Visual Mitigation Measures. Where a well or well site does not comply with the required setback or other requirements of this article, or in areas of increased visual sensitivity, such as a location near an occupied subdivision, the applicant shall submit a visual mitigation plan including one or more of the following standards, as appropriate:
   a. To the maximum extent practicable, exterior lighting shall be directed away from residential areas, or shielded from said areas to eliminate glare.
   b. One or more of the following landscaping practices may be required, where practicable, on a site specific basis.
      i. Establishment and proper maintenance of ground covers, shrubs and trees.
      ii. Shaping cuts and fills to appear as natural forms.
      iii. Cutting rock areas to create irregular forms.
      iv. Designing the facility to utilize natural screens.
      v. Construction of fences for use with or instead of landscaping.

3. Other Special Mitigation Measures. The applicant shall keep the Town and private streets or roads reasonably free of mud or other materials during drilling and completion operations and during well operations. The applicant shall use its best efforts to keep the well site free of trash, litter and other refuse during and at the completion of drilling and shall not in any case bury said trash. The operator shall construct and manage pits in accordance with applicable state and federal regulations.

H. Abandonment and Plugging of Wells. The approval of a use permitted by conditional review shall not relieve the operator from complying with all Commission rules with respect to abandonment and plugging of wells. The operator shall provide the Town with Commission Form 4 at the time that it is filed with the Commission. The applicant shall abandon flow lines in accordance with applicable state rules and regulations.

I. Seismic Operations. The approval of a use permitted by conditional review shall not relieve the operator from complying with all Commission rules and regulations with respect to seismic operations. All notices which an operator is required to file with the Commission with respect to seismic operations shall be filed with the Town on a timely basis. The Town shall comply with the same confidentiality requirements which bind the Commission.

J. Signage. The approval of an oil and gas conditional use permit shall not relieve the operator from complying with all Commission rules with respect to signs. In addition, the operator shall maintain in good, readable condition all signs required by this Code in Article 7.

K. Reclamation. The operator is required to comply with all Commission rules and regulations with respect to site reclamation as a condition of the conditional use permit.

L. Geologic Hazard, Floodplain, Floodway Location Restrictions. All equipment at well sites and production sites in geological hazard and floodplain areas shall be anchored to the extent necessary to resist flotation, collapse, lateral movement or subsidence and to the extent necessary to comply with the Federal Emergency Management Act.

M. Access Roads. All private roads used to maintain access to the tank batteries or the well site shall be improved and maintained according to the following standards:
   1. Tank Battery Access Roads. Access roads to tank batteries shall be subject to review by the Town Engineer in accordance with the following minimum standards:
a. A graded gravel roadway having a prepared sub grade and an aggregate base course surface a minimum of six inches thick compacted to a minimum density of ninety-five percent of the maximum density determined in accordance with generally accepted engineering sampling and testing procedures. The aggregate material, at a minimum, shall meet the requirements for Class 3, Aggregate Base Course as specified for aggregate base course materials in the Colorado Department of Transportation's "Standard Specifications for Road and Bridge Construction," latest edition.

b. Graded so as to provide drainage from the roadway surface and constructed to allow for cross drainage of waterways (such as roadside swales, gulches, rivers, creeks and the like by means of an adequate culvert pipe). Adequacy of the pipe is subject to approval of the Town Engineer.

c. Maintained so as to provide a passable roadway free of ruts at all times.

2. Wellhead Access Roads. Access roads to wellheads shall be subject to review by the Town's Engineer in accordance with the following minimum standards:

a. A graded, dirt roadway compacted to a minimum density of ninety-five percent of the maximum density determined in accordance with generally accepted engineering sampling and testing procedures and approved by the Town Engineer.

b. Graded so as to provide drainage from the roadway surface and constructed to allow for cross drainage of waterways by means of an adequate culvert pipe. Adequacy of the pipe shall be subject to approval by the Town Engineer.

c. Maintained so as to provide a passable roadway generally free of ruts.

3. Public Access Roads. An extra-legal vehicle or load permit shall be required for all extra-legal vehicles or loads as defined in Sections 42-4-401 through 42-4-411, C.R.S., which use Town streets. Said permit, if required, shall be obtained from the Town Clerk prior to such use. The applicant shall comply with all Town and state regulations regarding weight limitations on streets within the Town, and the applicant shall minimize extra-legal truck traffic on streets within the Town.

N. Wildlife Impact Mitigation. When a well site or production site is located within a designated moderate (blue) or high impact zone (red) on the 1987 Cumulative Impact Maps prepared by the Colorado Division of Wildlife, the applicant shall consult with the Colorado Division of Wildlife to obtain recommendations for appropriate site specific and cumulative impact mitigation procedures. The operator shall implement such mitigation procedures as are recommended by Colorado Division of Wildlife after consultation with the Town. The applicant shall not engage in activities which, in the opinion of the Colorado Division of Wildlife, threaten endangered species.

O. Emergency Response Costs. As a condition of issuing a conditional use permit, the operator shall agree to reimburse the Town or the fire district for any emergency response costs incurred by the Town or the fire district in connection with activity at the well site or production site, except that the operator shall not be required to pay for emergency response costs where the response was precipitated by the mistake of the Town.

7.28.060 Measurement of Sign Area and Height.
7.28.070 Sign Design.
7.28.080 Sign Installation and Maintenance.
7.28.090 Standards for Specific Types of Signs.
7.28.100 Sign Standards by Zoning District.
7.28.110 Creative Signs.

7.28.010 Purpose, Intent.

The regulations in this article are intended to coordinate the use, placement, physical dimensions, and design of all signs within the Town. The purpose of these regulations is to:

1. Recognize that signs are a necessary means of visual communication for the convenience of the public and provide flexibility within the sign review/approval process to allow for unique circumstances and creativity.

2. Recognize and ensure the right of those concerned to identify businesses, services and other activities by the use of signs, and limit signs to those which are accessory and incidental to the use on the premises where such signs are located.

3. Provide a reasonable balance between the right of an individual to identify his or her business and the right of the public to be protected against the visual discord resulting from the unrestricted proliferation of signs and similar devices.

4. Protect the public from damage or injury caused by signs that are poorly designed or maintained and from distractions or hazards to pedestrians or motorists caused by the indiscriminate placement or use of signs.

5. Ensure signs are well designed and contribute in a positive way to the Town's visual environment, express local character, and help develop a distinctive image for the Town.

6. Encourage signs that are responsive to the aesthetics and character of their particular location, adjacent buildings and uses, and the surrounding neighborhood. Ensure signs are compatible and integrated with the building's architectural design and with other signs on the property.

7. Ensure signs are appropriate for the type of street on which they are located.

8. Bring nonconforming signs into compliance with these regulations.


7.28.020 Sign Permits and Administration.

A. Sign Permit Required. To ensure compliance with the regulations of this article, a sign permit shall be required in order to erect, move, alter, reconstruct or repair any permanent or temporary sign, except signs that are exempt from permits in compliance with Section 7.32.040 (Exempt Signs). In multiple tenant buildings, a separate permit shall be required for each business entity's sign(s). Separate building and electrical permits may be required for signs and will be determined on a case-by-case basis. Changing or replacing the copy on an existing lawful sign shall not require a permit, provided the copy change does not change the nature of the sign or render the sign in violation of this article.

B. Application for a Sign Permit.
1. **Sign Permit Application Requirements.** Applications for sign permits shall be made in writing on forms furnished by the Town. The application shall contain:
   a. The location by street number and the legal description of the proposed sign structure;
   b. Names and addresses of the owner, sign contractor and erectors;
   c. Legible site plans which include the specific location of the sign and setbacks to adjacent property lines and buildings;
   d. A detailed drawing indicating the dimensions, materials, and colors of the proposed sign structure. A certification by a registered professional structural engineer may be required by staff for a freestanding or projecting sign;
   e. A graphic drawing or photograph of the sign copy;
   f. A description of the lighting to be used, if applicable;
   g. Proof of public liability insurance covering freestanding signs and projecting wall signs;
   h. If the sign is to be located off the premises advertised, a written lease or permission from the property owner of the site on which the sign will be located; and
   i. Sign permit fee and plan check fee as established by the current fee schedule. The applicant shall pay all Town costs relative to the review of the application.

2. **Sign Permit Application Certification of Completion.** Within a reasonable period of the date of application submission, staff shall either certify the application is complete and in compliance of all submittal requirements or reject it as incomplete and notify the applicant in writing of any deficiencies.

3. **Staff Review and Approval.** When staff has determined the application to be complete, staff shall review the sign permit in accordance with the established review criteria and has the authority to approve, approve with conditions or deny the sign permit. Upon staff's approval of the sign permit, the sign permit and any building or electrical permits required for the sign shall be issued to the applicant.

C. **Sign Permit Review Criteria.** The following review criteria will be used by the Town to evaluate all sign permit applications:
   1. Sign meets the requirements of this article;
   2. Sign conforms to the requirements of the building and electrical code;
   3. Sign conforms to the size, height, material and location requirements of the Zoning Code for the zoning district in which it is located;
   4. Sign would not interfere with pedestrian or vehicular safety;
   5. Sign would not detract from the character of an architecturally significant or historic structure;
   6. Sign would not be located so as to have a negative impact on adjacent properties;
   7. Sign would not detract from the pedestrian quality of street or area; and
   8. Sign would not add to an over-proliferation of signs on a particular property or area.

D. **Appeal of Sign Permit Denial or Approval with Conditions.** Any appeal of Town's denial of a sign permit or approval with conditions shall be made to the Board of Adjustment in accordance with Section 7.16.250, Appeals.

E. **Waivers.** Any request for an increase in the maximum allowable area for a sign, or for signs not expressly permitted in these regulations, must be approved through a waiver granted by the Council.

7.28.030 Enforcement.

A. Discontinued Establishments; Removal of Signs. Whenever a business, industry, service or other use is discontinued, the sign(s) pertaining to the use shall be removed or obscured by the person or entity owning or having possession over the property within sixty days after the discontinuance of such use.

B. Illegal Signs.
   1. Penalties. Illegal signs shall be subject to the administrative remedies of the Town Code.
   2. Removal of Illegal Signs in the Public Right-of-Way. The Town may cause the removal of any sign within the public right-of-way or on property that is otherwise abandoned that has been placed there without first complying with the requirements of this article.
   3. Removal of Poorly Maintained Signs/Signs in Violation of Code. The Town may cause the removal of any sign that has become a hazard to public safety due to poor construction or maintenance. Signs in violation of any other provision of this Code may also be removed by the Town.
   4. Storage of Removed Signs. Signs removed in compliance with this article shall be stored by the Town for thirty days, during which they may be recovered by the owner only upon payment to the Town for costs of removal and storage. If not recovered within the thirty (30) day period, the sign and supporting structure shall be declared abandoned and title shall vest with the Town. The costs of removal and storage (up to thirty days) may be billed to the owner. If not paid, the applicable costs may be imposed as a tax lien against the property.


7.28.040 Exempt Signs.

A. Exempt Signs. The following types of signs are exempt from permit requirements of this article and may be placed in any zoning district subject to the provisions of this article. Such signs shall otherwise be in conformance with all applicable requirements contained in this article. All such signs (except government signs) shall be located outside a street right-of-way. Signs shall not interfere with traffic signs or the sight distance triangle at intersections. Evidence of permission to install a sign may be required as the Town investigates compliance with this article. All other signs shall be allowed only with permit and upon proof of compliance with this article.
   1. General. Signs that are not visible beyond the boundaries of the lot or parcel upon which they are located and/or from any public thoroughfare or right-of-way shall be exempt from the provisions of this article, except that such signs shall be subject to the safety regulations of the adopted version of the Uniform Building Code and all other Codes (electrical, mechanical, etc.) governing building construction in the Town.
   2. Address. Non-illuminated signs exceeding two square feet in area which identify the address and/or occupants of a dwelling unit or of an establishment.
   3. Architectural Features. Integral decorative or architectural features of buildings so long as such features do not contain letters, trademarks, moving parts or lights.
   4. Art. Integral decorative or architectural features of buildings, or works of art; so long as such features or works do not contain letters, trademarks, moving parts or lights.
   5. Banners. Banners applied to paper, plastic or fabric used to decorate or attract attention to a business establishment, provided:
      a. It is displayed in conjunction with a grand opening celebration for a period not to exceed thirty days; or
b. It is displayed in conjunction with a special sale for a period not to exceed thirty days in a one-year period.

c. It is displayed no more than two times per calendar year per establishment.

d. It is securely attached to the wall of the establishment, freestanding signs or light poles on private property.

e. One single-sided banner per street frontage per establishment shall be permitted.

6. Building Identification, Historical Markers. Non-illuminated signs constructed of metal or masonry which are permanently affixed to buildings or structures for the purpose of identifying the name of a building, date of erection or other historical information as approved by staff.

7. Bulletin Board. Bulletin board signs not exceeding fifteen square feet in gross surface area accessory to a church, school, public or nonprofit institution.

8. Construction. Temporary construction signs provided that:

   a. Signs in conjunction with any residential use shall not exceed eight square feet each.

   b. Signs in conjunction with all other uses shall have a maximum area of thirty-two square feet each.

   c. Only one such sign oriented per street front per premises shall be erected. Any two such signs located on the same premises shall be located at least one hundred feet apart as measured using a straight line.

   d. Such signs shall not be illuminated.

   e. Such signs shall only appear at the construction site.

   f. Such signs shall be removed within seven days after completion of the project.

9. Courtesy. Non-illuminated or indirectly illuminated signs which identify, as a courtesy to customers, items such as credit cards accepted, redemption stamps offered, menus or prices; limited to one two-sided sign for each use, not to exceed four square feet per face. Such signs may be attached to the building, as projecting or wall signs, suspended from a canopy or included as an integral part of a freestanding sign.

10. Decorations (Holiday). Temporary decorations or displays, when such are clearly incidental to, and are customarily and commonly associated with, any national, state, local or religious holiday or celebration. Such signs shall be displayed for not more than sixty days in any one year; and may be of any type, number, area, height, location, illumination or animation.

11. Directional. On-premises directional and instructional signs not exceeding six square feet in area each.

12. Doors. Signs affixed to door surfaces which identify the name and/or address of an establishment.

13. Farm Products. Temporary farm product signs provided that:

   a. One on-premises sign may be used. Said sign shall be located off the street right-of-way and at least ten feet away from any side lot line. Such sign shall have a maximum area of nine square feet and may not be illuminated.

   b. A maximum of two off-premises signs shall be permitted. Said off-premise signs may be no greater than four square feet each and shall not be illuminated. No such sign shall be allowed in the street right-of-way or within ten feet of any side lot line.

14. Flags. Flags, crests or banners of nations, or organizations of nations, or states and cities, or professional fraternal, religious, or civic organizations, except when displayed in connection with commercial promotion.
15. Garage, Estate, Yard Sale or Farm Auction. Signs which advertise a private garage or yard sale provided such signs are displayed no more than twice per year per dwelling unit for a period not to exceed five days (for auctions, 30 days).

16. Hazards. Temporary or permanent signs erected by the Town, public utility companies, oil and gas companies, or construction companies to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines and similar devices.

17. Memorial. Memorial signs, plaques or grave markers which are noncommercial in nature.

18. Merchandise. Merchandise, pictures or models of products or services which are incorporated as an integral part of a window display.

19. Mineral Extraction. Identification signs for any mining, oil and/or gas operation.

20. Notice Boards. Notice boards for public or religious institutions or other uses as approved by staff and primarily intended for pedestrians.

21. Political. Political signs displayed on private property in accordance with an official election or signs erected on behalf of candidates for public office provided:
   a. The total area of all such signs on a lot does not exceed sixteen square feet.
   b. All such signs may be erected no sooner than sixty days in advance of the election for which they were made, or, at the commencement of early voting for that election.
   c. The signs are removed within fifteen days after the election for which they were made.
   d. The property owner upon whose land the sign is placed shall give written permission for the placement of said signs and will be responsible for violations.

22. Public Information. Signs which identify restrooms, public telephones or provide instructions as required by law or necessity, provided the sign does not exceed two square feet in area or as approved by staff and is not illuminated, internally illuminated or indirectly illuminated. (This category shall be interpreted to include such signs as "no smoking," "restrooms," "no solicitors," "self-service" and similar informational signs.)

23. Religious Symbols. Religious symbols located on a building or lot used for organized religious services.

24. Regulatory Signs. Regulatory signs erected on private property, such as "no trespassing" signs, which do not exceed two square feet per face or four square feet in total surface area, limited to four such signs per use or per building, whichever is the greater number.

25. Sale, Lease, Rent. Temporary signs used to offer for sale, lease or rent the land or buildings upon which the sign is located provided:
   a. One sign per street frontage advertising real estate ("For Sale," "For Rent," "For Lease" or "For Development") not greater than eight square feet in area in a residential district and thirty-two square feet in area in nonresidential districts may be located on the property being advertised so long as said sign is located behind the street right-of-way line. If the property so advertised lies on a corner lot or double frontage lot, then a second sign may be oriented along the second street so long as the two signs are at least one hundred feet apart as measured by the shortest straight line.
   b. In addition to the on-site real estate sign(s), a maximum of three directional signs, each not exceeding four square feet in area, shall be permitted off the subject premises. Such signs must be placed outside all existing right-of-ways. The message of said signs shall be limited to the name of the property or development being advertised, an address, a telephone number, a directional arrow, mileage to the subject property, and the terms "Lot/Home For Sale," "For Rent," "For Lease," "For Development," etc.
   c. No more than three temporary directional signs advertising a specific planned commercial or mixed use development, subdivision, multi-family development, etc. may also be
permitted offsite. Each such sign may have a maximum area of four square feet and shall be placed outside all existing right-of-ways.

d. All such temporary signs shall be removed within seven days after the real estate closing or lease transaction.

e. No sign allowed under this subsection shall be lighted.


27. Special Events. Temporary special event signs and banners for religious, charitable, civic, fraternal or similar non-profit or not-for-profit organizations provided that:

a. Signs shall be erected no sooner than thirty days prior and removed no later than seven days after the event.

b. No such sign shall exceed thirty-two square feet.

c. No such sign shall be illuminated.

d. All such signs shall be located off the street right-of-way, unless otherwise granted permission for such location by the Town or the Colorado Department of Transportation (CDOT). In no case may any such sign impede the view or travel of any motorists or pedestrians or be attached to any structure within the right-of-way (government signs, telephone poles, etc.).

28. Strings of Light Bulbs. Displays of string lights, provided:

a. They are decorative displays which only outline or highlight landscaping or architectural features of a building.

b. They are steady burning, clear, non-colored bulb lights. No blinking, flashing, intermittent changes in intensity or rotating shall be permitted.

c. They are no greater in intensity than five watts.

d. They shall not be placed on or used to outline signs, sign supports, awnings and/or canopies.

e. They shall not be assembled or arranged to convey messages, words, commercial advertisements, slogans and/or logos.

f. They shall not create a safety hazard with respect to placement, location of electrical cords or connection to power supply.

g. They shall be placed only on private property.

h. They shall be maintained and repaired so that no individual light bulb is inoperative. In the event the bulbs are not maintained or repaired, the string lights may be removed at the expense of the owner after giving notice to the owner pursuant to this article.

29. Text. No permit shall be required for text or copy changes on conforming or legal nonconforming signs specifically designed to permit changes of the text or copy; provided that no structural changes are made to the sign, and provided that the name of the business to which the sign belongs is not changed.

30. Time and Temperature. Signs displaying time and temperature provided they are not related to a product.

31. Traffic Control. Signs for the control of traffic or other regulatory purposes including signs for the control of parking on private property, and official messages erected by, or on the authority of, a public officer in the performance of his/her duty.

32. Vacancy and No Vacancy. All "vacancy" and "no vacancy" signs, where they are not illuminated, internally illuminated, indirectly illuminated or directly illuminated signs; provided that the area of the sign does not exceed two and one-half square feet per face. Also, signs
designed to indicate vacancy such as "yes," "no" or "sorry" shall also be exempt under the provisions of this paragraph if they meet the area requirement.

33.  Vehicular Signs. Signs displayed on trucks, buses, trailers or other vehicles which are being operated or stored in the normal course of a business, such as signs indicating the name of the owner or business which are located on moving vans, delivery trucks, rental trucks and trailers and the like, shall be exempt from the provisions of this article, provided that the primary purpose of such vehicles is not for the display of signs, and provided that they are parked or stored in areas appropriate to their use as vehicles.

34.  Vending Machine Signs. A sign permit shall not be required for vending machine signs provided that the advertisement upon the vending machine sign is limited to the product vended.


7.28.050   Prohibited Signs.

A.  Prohibited Signs. The following signs are inconsistent with the purposes and standards in this article and are prohibited in all zoning districts.

1.  Any sign incorporating bulbs, LED, plasma or other lighting technology that can create animated or changeable displays that comprise more than 25% of the total allowable sign face. Changeable displays shall not incorporate movement, the illusion of movement, animation effects, flashing or rotating lights, and shall comply with the provisions of Section 16.07.070 regarding sign design.

2.  Any sign that is erected in such a location as to cause visual obstruction or interference with motor vehicle traffic, bicycle traffic or traffic-control devices including any sign that obstructs clear vision in any direction from any street intersection or driveway.

3.  Mechanical or electrical appurtenances, such as "revolving beacons," that are designed to compel attention.

4.  Roof signs.

5.  Any sign other than traffic control signs erected, constructed, or maintained within, over or upon the right-of-way of any road or highway, except in the case of a sign for which a permit has been issued with the requirements of this article.

6.  Off-premises advertising signs or any other sign not pertinent and clearly incidental to the permitted use on the property where located, except for temporary subdivision directional signs and political signs, and except for signs permitted in Section 16.07.090 (standards for specific types of signs).

7.  Any sign which interferes with free passage from or obstructs any fire escape, downspout, window, door, stairway, ladder or opening intended as a means of ingress or egress or providing light or air.

8.  Any sign located in such a way as to intentionally deny visual access to an adjoining property owner's existing sign.

9.  Vehicle-mounted signs, including but not limited to, signs painted on or attached to semi-trailers or cargo containers when exhibited on public property or private property adjacent to public right-of-way for the purpose of advertising a business, service, or product for sale or rent. Vehicle-mounted signs used in connection with a special event are exempted from the requirements of this section during the duration of the special event only. Upon the conclusion of the special event, such signs must be dismantled. For the purposes of this subsection, the term special event shall mean a parade, circus, fair, carnival, festival, farmers' market or other
similar event of less than 10 days duration that is different in character from the customary or usual activities generally associated with the property upon which the special event is to occur.

10. Portable signs or signs not permanently affixed or attached to the ground or to any structure, except for real estate signs attached to posts driven into the ground, window signs and temporary barriers.

11. Rotating signs.

12. Searchlights.

13. Signs with optical illusion of movement by means of a design which presents a pattern capable of reversible perspective, giving the illusion of motion or changing of copy.

14. Inflatable freestanding signs or tethered balloons over three feet in diameter.

15. Electronic message boards except governmental signs.

16. Wind signs.

17. Any sign (together with its supporting structure) now or hereafter existing which, sixty days or more after the premises have been vacated, advertises an activity, business, product or service no longer produced or conducted upon the premises upon which such sign is located. If the sign or sign structure is covered or the identifying symbols or letters removed, an extension of time may be granted by the Building Official upon good cause for such extension being shown. (This provision shall not apply to permanent signs accessory to businesses which are open only on a seasonal basis, provided that there is clear intent to continue operation of the business.)

18. Any sign or sign structure which:
   a. Is structurally unsafe;
   b. Constitutes a hazard to safety or health by reason of inadequate maintenance or dilapidation;
   c. Is not kept in good repair; or
   d. Is capable of causing electrical shocks to persons likely to come in contact with it.

19. Any sign or sign structure which:
   a. In any other way obstructs the view of, may be confused with or purports to be an official traffic sign, signal or device or any other official sign;
   b. Uses any words, phrases, symbols or characters implying the existence of danger or the need for stopping or maneuvering a motor vehicle or bicycle;
   c. Creates in any other way an unsafe distraction for motor vehicle or bicycle operators; or
   d. Obstructs the view of motor vehicle or bicycle operators entering a public roadway from any parking area, service drive, private driveway, alley or other thoroughfare.


7.28.060 Measurement of Sign Area and Height.

A. Sign Surface Area. The area of a geometric shape enclosing any message, logo, symbol, name, photograph or display face shall be measured using standard mathematical formulas. Time and temperature devices shall not be included within the measurement of maximum sign area.
Sign Area Measurement

Figure 7-1

B. Sign Support. Supporting framework or bracing that is clearly incidental to the display itself shall not be computed as sign area.

C. Back-to-Back (Double-Faced) Signs. Back-to-back signs shall be regarded as a single sign only if mounted on a single structure, and the distance between each sign face does not exceed two feet at any point.

D. Three-Dimensional Signs. Where a sign consists of one or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture), the sign area shall be measured as their maximum projection upon a vertical plane. Signs with three-dimensional objects that exceed a projection of six inches from the sign face may be approved in compliance with Section 16.07.110 (Creative Signs).

E. Wall Signs. If a sign is attached to a wall, only that portion of the wall onto which the sign face or letters are placed shall be calculated in the sign area.

F. Sign Height. The height of a sign shall be measured from the highest point of a sign to the ground surface beneath it. When berms are used in conjunction with signage, the height of the sign shall be measured from the mean elevation of the fronting street.

Figure 7-2


7.28.070 Sign Design.

A. Design Compatibility.
1. **Creative Design Encouraged.** Signs shall make a positive contribution to the general appearance of the street and commercial area in which they are located. A well-designed sign can be a major asset to a building. The Town encourages imaginative and innovative sign design. The creative sign application procedure (Section 7.32.110) is specifically designed for artistic and unusual signs that might not fit the standard sign regulations and categories.

2. **Professional.** Signs shall be made by a professional sign company or other qualified entity acceptable to the Town.

3. **Proportionate Size and Scale.** The scale of signs shall be appropriate for the building on which they are placed and the area in which they are located. Building signs shall be harmonious in scale and proportion with the building facade they are mounted to.

4. **Sign Location and Placement.**
   a. **Visibility**—Signs shall not visually overpower nor obscure architectural features.

   b. **Integrate signs with the building and landscaping**—Carefully coordinate the sign with the architectural design, overall color scheme and landscaping. Signs shall be designed to complement or enhance the other signs for a building.
c. Unified sign band—Whenever possible, signs located on buildings with the same blockface shall be placed at the same height, in order to create a unified sign band. Locate wall signs at the first floor level only for retail uses.

d. Monument signs—Locate monument signs in a planter setting within a landscaped area at the primary entries to residential, commercial and industrial subdivisions to provide an overall project identity. A maximum of one (1) monument sign per entry is permitted.

e. Pedestrian-oriented signs—Pedestrian-oriented signs are encouraged. It is desirable to include a pedestrian-oriented sign as one of the permitted signs for a business. These signs are designed for and directed toward pedestrians so they can easily and comfortably read the sign as they stand adjacent to the business.

f. Road right-of-way—No sign shall be erected within the road right-of-way or near the intersection of any road(s) or driveways in such a manner as to obstruct free and clear vision of motorists, bicyclists or pedestrians or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device. Signs located at an intersection must be outside of the sight distance triangle.

5. Landscaping. Freestanding signs shall be landscaped at their base in a way harmonious with the landscape concept for the whole site. Landscaping shall form an attractive, dense cluster at the base of the sign that is equally attractive in winter and summer.

![Figure 7-4](image)

6. Reduce Sign Impact. Because residential and commercial uses generally exist in close proximity, signs shall be designed, located and/or screened with landscaping so that they have little or no impact on adjacent residential neighborhoods. Small-scale signs are encouraged.
B. Sign Illumination.
   1. Use illumination only if necessary.
   2. Sign illumination shall complement the design of the site.

   3. Use a direct light source. All lighted signs shall have their lighting directed in such a manner as to illuminate only the face of the sign. When external light sources are directed at the sign surface, the light source must be concealed from pedestrians’ and motorists’ "lines of sight."
4. Signs must be illuminated in a way that does not cause glare onto the street and adjacent properties. Signs shall be lighted only to the minimum level for nighttime readability and should not be so bright as to overpower an area.

5. All lighted signs shall meet all applicable electrical codes and the electrical components used shall bear the label of an approval agency. Additionally, electrical permits shall be obtained for electric signs.

6. Flashing, moving, blinking, chasing or other animation effects shall be prohibited on all signs except time and temperature signs.

7. Neon tubing is an acceptable method of sign illumination for window signs in commercial districts.

8. No commercial sign within five hundred linear feet of a pre-existing residential structure, and visible from that structure, may be illuminated between the hours of 11:00 p.m. and 6:00 a.m. A residence shall be deemed "pre-existing" for purposes of this section if it has a valid building permit in effect for construction of said structure or if construction of said structure was complete on or prior to the effective date of this article.


7.28.080 Sign Installation and Maintenance.

A. Installation.

1. Where possible, signs shall be mounted so that the mounting brackets and associated mounting hardware are concealed.

2. Projecting signs shall be mounted so they generally align with others in the block.

3. All signs and all components thereof, including sign structures and sign faces, shall be kept neatly painted, in a good state of repair and in compliance with all building and electrical codes in force at the time of installation. The Town may inspect any sign governed by this article and shall have the authority to order the painting, repair, alteration or removal of a sign which constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation or obsolescence.

4. Owners of projecting signs extending over public right-of-way shall be required to maintain public liability insurance in an amount to be determined appropriate by the Town, in which the Town is named as an "other insured."

B. Maintenance.
1. The owner of a sign and the owner of the premises on which such sign is located shall be jointly and severally liable to maintain such sign, including any illumination sources in neat and orderly condition, and in a good working order at all times, and to prevent the development of any rust, corrosion, rotting or other deterioration in the physical appearance or safety of such sign. The sign must also be in compliance with all building and electrical codes.

2. The owner of any sign regulated by this article shall be required to keep signs and supporting hardware, including temporary signs and time/temperature signs structurally safe, clean, free of visible defects and functioning properly at all times. Repairs to signs shall be equal to or better in quality of materials and design than the original sign.

3. The Town may inspect any sign governed by this article and shall have the authority to order the painting, repair, alteration or removal of a sign which constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation or obsolescence.


7.28.090 Standards for Specific Types of Signs.

A. Awning Signs. An awning sign is a wall sign which is painted, printed, stitched, sewn or stained onto the exterior of an awning. An awning is a movable or permanent shelter supported entirely from the exterior wall of a building and composed of non-rigid materials except for the supporting framework.

B. Canopy Signs. A canopy sign is a wall sign that is permanently affixed to a roofed shelter attached to and supported by a building, by columns extending from the ground or by a combination of a building and columns.
Title 7 Development Code

SIGNS

Figure 7-9

1. Maximum Area and Height. Sign area shall comply with the requirements established by Section 7.32.100 (Sign Standards by Zoning District). No canopy, with or without signage, shall extend above the roof line of any building. No canopy sign shall project above the top of the canopy upon which it is mounted. However, such signs may project horizontally from the face of a canopy the distance necessary to accommodate the letter thickness and required electrical equipment, but not more than twelve inches (measured from the bottom of the sign). Under-canopy signs which are perpendicular to the face of the building shall be deemed to be projecting wall signs. Under-canopy signs which are parallel to the face of the building shall be a minimum of eight feet above grade and shall be deemed to be flush wall signs.

2. Required Maintenance. Canopies shall be regularly cleaned and kept free of dust, debris and visible defects.

C. Freestanding Signs. A freestanding sign is a sign which is supported by one or more columns, uprights, poles or braces extended from the ground, or which is erected on the ground and shall also include a monument sign and pole signs but does not include a sign attached to a structure.

1. Location. The sign may be located only on a site frontage adjoining a public street. No freestanding sign in any zoning district can be erected closer than eight feet from any curbline, nor closer than four feet to any building. No freestanding signs in business and industrial districts may be located less than twenty-five feet from any property line adjacent to a residential zoning district line.

2. Maximum Area and Height. The sign shall comply with the height and area requirements established in Section 16.07.100 (Sign Standards by Zoning District).

3. Sign Mounting. The sign shall be mounted on one or more posts or have a solid monument-type base. Posts shall not have a diameter greater than twelve inches.

4. Pole Signs. Pole signs should not be so large as to obscure the patterns of front facades and yards.

D. Monument Signs. A monument sign is a permanent sign where the entire bottom of the sign is affixed to the ground, not to a building.

1. Location. The sign may be located only along a site frontage adjoining a public street.

2. Maximum Area and Height. The sign shall comply with the height and area requirements established in Section 16.07.100 (Sign Standards by Zoning District).

3. Design. The design of a monument sign shall be consistent with the overall scale of the building. The design and placement of the sign shall not obstruct traffic safety sight distance areas. Project monument signs shall contain only the name and address of the project which it identifies.
4. Landscaping Requirements. Landscaping shall be provided at the base of the supporting structure equal to twice the area of one face of the sign. For example, twenty square feet of sign area equals forty square feet of landscaped area. The Planning Commission may reduce or waive this requirement if it is determined that the additional landscaping would not contribute significantly to the overall aesthetic character of the project.

E. Off-Premises Signs. Off-premises signs, also known as off-site signs, are permitted with a conditional use permit.

1. Business District Identification Signs. A business district identification sign is an off-premises sign for the identification of a specific business district or center identified in the Comprehensive Plan or a business improvement or redevelopment area approved by the Board. Business district signs shall not:
   a. Interfere with pedestrian or vehicular safety;
   b. Detract from the pedestrian quality of the surrounding area; or
   c. Add to an over-proliferation of signs on one property or in an area.

2. Church and Civic Club Off-Premise Signs. A church or civic club off-premise sign is an off-premise sign intended to direct people to the church or civic club and/or state meeting dates and times. Such signs shall not:
   a. Interfere with pedestrian or vehicular safety;
   b. Detract from the pedestrian quality of the surrounding area;
   c. Add to an over-proliferation of signs on one property or in an area;
   d. Be allowed for any organization that has not proven "non-profit" status;
   e. Measure more than four square feet; or
   f. Number more than five for any organization.

F. Projecting Signs. A projecting sign is any sign supported by a building wall and projecting at least twelve inches or more horizontally beyond the surface of the building to which the sign is attached.

1. Location. Projecting signs shall be placed only on a ground floor facade, except for businesses located above the ground level with direct exterior pedestrian access. Mount projecting signs so they generally align with others in the block and fit with architectural detail of the structure. This helps to create a "canopy line" that gives scale to the sidewalk.

2. Maximum Area and Height. Projecting signs shall not be higher than the wall from which the sign projects if attached to a single story building, or the height of the bottom of any second story window if attached to a multi-story building. Projecting signs must have eight feet of vertical clearance, and may not extend more than four feet from the building wall except where the sign is an integral part of an approved canopy or awning. The size of projecting signs is limited to three feet wide and six square feet per face.
   a. Sign Structure. Sign supports and brackets shall be compatible with the design and scale of the sign.
   b. Quantity. The number of projecting signs is limited to one per business. Projecting signs are not permitted in conjunction with wall-mounted or pole signs.

G. Standard Brand-Name Signs. A standard brand-name sign is any sign devoted to the advertising of any standard brand-name commodity or service which is not the principal commodity or service being sold or rendered on the premises, or are not a part of the name or business concern involved.

1. Maximum Area. Not more than twenty percent of the total allowable sign area for any permitted use shall be devoted to the advertising of any standard brand-name commodity or service.
H. Time and/or Temperature Signs. A time and/or temperature sign is any sign intended to be displayed for a limited period of time and capable of being viewed from any public right-of-way, parking area or neighboring property.

1. Maximum Area. Time and/or temperature signs which do not exceed ten square feet shall not be required to be included in the allowable sign area permitted in Section 16.07.060 (Measurement of Sign Area and Height; Sign Setbacks); provided however, that any identification or advertising which is attached to or made part of the same sign structure shall be included in the allowable sign area for the premises.

2. Design. The sign shall be designed in a manner that is compatible with other signs on the site and with the structure on which it is placed.

3. Maintenance. It shall be the responsibility of the owner of such signs to maintain such signs and insure that they are kept accurate. If these conditions are not met, the sign shall be repaired or removed at owner's expense per Section 7.32.030(B).

I. Wall Signs. A wall sign is any sign painted on, incorporated in or affixed to the building wall, or any sign consisting of cut-out letters or devices affixed to the building wall with no background defined on the building wall.

1. Location. The sign shall not be placed to obstruct any portion of a window, doorway or other architectural detail. Locate wall signs on buildings at the first floor level only for retail uses. No part of a wall sign shall be located more than twenty-five feet above grade level.

2. Maximum Area and Height. Wall signs shall not be higher than the eave line of the principal building. The sign shall comply with the height and area requirements established in Section 7.32.100 (Sign Standards by Zoning District).

3. Projection From Wall. No sign part, including cut-out letters may project from the surface upon which it is attached more than required for construction purposes and in no case more than twelve inches.

4. Design. Wall signs shall identify the individual business, building or building complex by name or trademark only.

J. Window Signs. A window sign is a sign that is painted on, applied or attached to a window or that can be read through the window from the public right-of-way, placed at or below the second floor level.

1. Maximum Area. When a sign is displayed in a window and is visible beyond the boundaries of the lot upon which the sign is displayed, the total area of such sign shall not exceed:
   a. Twenty-five percent of the window or door area at the ground floor level; and
   b. Twenty-five percent of the total allowable sign area for the premises.

2. Lighting. All illuminated window signs shall be included in the total allowable sign area for the premises. Temporary posters announcing or advertising events sponsored by noncommercial organizations shall be exempt from limitations for window signs.


7.28.100 Sign Standards by Zoning District.

A. Residential Signs, RLD, RHD and MHR Zone Districts. Signs in the RLD, RHD and MHR zoning districts may include and shall be limited to:

<table>
<thead>
<tr>
<th>Type of Sign</th>
<th>Number of Signs</th>
<th>Maximum Area</th>
<th>Maximum Height of</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Type</td>
<td>per SF. or Freestanding</td>
<td>Area (sq. ft.)</td>
<td>Height (ft.)</td>
<td>Notes</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>-------------------------</td>
<td>----------------</td>
<td>-------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Identification Sign</td>
<td>1 per SF. duplex or mobile home</td>
<td>2</td>
<td>4'</td>
<td>Wall signs may be no higher than the eave line of the principal building</td>
</tr>
<tr>
<td>(Freestanding or Wall Sign)</td>
<td>1 per multi-family or triplex</td>
<td>16</td>
<td>6'</td>
<td>Wall signs may be no higher than the eave line of the principal building</td>
</tr>
<tr>
<td></td>
<td>1 per public or quasi-public use</td>
<td>20</td>
<td>8'</td>
<td>Wall signs may be no higher than the eave line of the principal building</td>
</tr>
<tr>
<td></td>
<td>1 per subdivision entrance (monument sign)</td>
<td>32 per face</td>
<td>6'</td>
<td>Direct illumination only: when placed on subdivision entry features. only the sign face shall be used to calculate the area</td>
</tr>
<tr>
<td>Bed and Breakfast</td>
<td>1 per street frontage</td>
<td>4</td>
<td>Below edge of roof 4' freestanding</td>
<td>May be lighted, name and address of facility only</td>
</tr>
<tr>
<td>Child Care Center</td>
<td>1</td>
<td>10</td>
<td>5'</td>
<td>Unlighted</td>
</tr>
<tr>
<td>Commercial Uses</td>
<td>1 per tenant space</td>
<td>1 for each lineal foot of building frontage: 25 maximum</td>
<td>6'</td>
<td>Direct light source only: may not be illuminated between 11:00 p.m. and 6:00 a.m. if within 500' of existing residential</td>
</tr>
<tr>
<td>(legal nonconforming only)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Home Occupation</td>
<td>1</td>
<td>4</td>
<td>5'</td>
<td>Unlighted</td>
</tr>
<tr>
<td>Temporary Signs</td>
<td>See Section 16.07.040, Exempt Signs</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
B. Business and Commercial Signs, HD and SC Zone Districts. Signs in the HD and SC zoning districts may include and shall be limited to:

<table>
<thead>
<tr>
<th>Type of Sign (Freestanding, Wall, Window, Awning, Canopy, Projecting)</th>
<th>Number of Signs</th>
<th>Maximum Area (sq. ft.)</th>
<th>Maximum Height of Freestanding Signs</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project entry monument sign: 1 per entrance</td>
<td>64 per face</td>
<td>6'</td>
<td>In place of project monument sign: not allowed on local or collector streets</td>
<td></td>
</tr>
<tr>
<td>Arterial street pole sign 1 even 1500' of street frontage</td>
<td>64 per face</td>
<td>12'</td>
<td>The sum of all wall signs on a given wall shall not exceed 5% of the wall area</td>
<td></td>
</tr>
<tr>
<td>Wall sign 1 per individual tenant building frontage</td>
<td>n/a</td>
<td>n/a</td>
<td>Allowed in place of a wall sign</td>
<td></td>
</tr>
<tr>
<td>Canopy or awning sign 1 per individual building tenant</td>
<td>Minimum 8' above finished grade</td>
<td></td>
<td>May be placed on the window or door, but not both: cannot exceed 25% of the total allowable sign area for the premises</td>
<td></td>
</tr>
<tr>
<td>Window sign 1 per business</td>
<td>25% of window or door area</td>
<td>n/a</td>
<td>Permitted at rear and loading door entrances</td>
<td></td>
</tr>
<tr>
<td>Information signs</td>
<td>5</td>
<td>6'</td>
<td>Pole signs adjacent to State Highway 1 per frontage, maximum of 2 with over 800' of street frontage</td>
<td>64 total</td>
</tr>
<tr>
<td>Pole signs adjacent to State Highway 1 per frontage, maximum of 2 with over 800' of street frontage</td>
<td>64 total</td>
<td>15'</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Title 7 Development Code

<table>
<thead>
<tr>
<th>Time and/or Temperature</th>
<th>1</th>
<th>10</th>
<th>6’ monument. 12’ pole</th>
<th>Identification or advertising that is part of sign structure must be included in allowable sign area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standard Brand-Name</td>
<td>Varies</td>
<td>See comments</td>
<td>6’ monument. 12’ pole</td>
<td>Not more than 20% of the total allowable sign area</td>
</tr>
<tr>
<td>Temporary Signs</td>
<td>See Section 7.32.040. <em>Exempt Signs</em></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

C. Business and Commercial Signs, AC Zone District. Signs in the AC zoning district may include and shall be limited to:

<table>
<thead>
<tr>
<th>Type of Sign</th>
<th>Number of Signs</th>
<th>Maximum Area (sq. ft.)</th>
<th>Maximum Height of Freestanding Signs</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Identification Sign (Freestanding, Wall, Window, Awning, Canopy, Projecting)</td>
<td></td>
<td></td>
<td></td>
<td>The sum of all wall signs on a given wall shall not exceed 5% of the wall area: cannot be 25’ above grade level or higher than the eave line of the principal building: first floor level only for retail uses</td>
</tr>
<tr>
<td>Wall sign or projecting sign 1 per individual tenant building frontage</td>
<td></td>
<td></td>
<td>n/a</td>
<td></td>
</tr>
<tr>
<td>Canopy or awning sign 1 per individual building tenant</td>
<td></td>
<td>10 if main business sign: 4 if an auxiliary business sign</td>
<td>Minimum 8’ above finished grade</td>
<td>May not be in addition to a wall sign: auxiliary on valance only</td>
</tr>
<tr>
<td>Window sign 1 per business</td>
<td></td>
<td>25% window or door area</td>
<td>n/a</td>
<td>May be placed on the window or door, but not both: cannot exceed 25% of the total allowable sign area</td>
</tr>
<tr>
<td>Type of Sign</td>
<td>Number of Signs</td>
<td>Maximum Area (sq. ft.)</td>
<td>Maximum Height of Freestanding Signs</td>
<td>Comments</td>
</tr>
<tr>
<td>------------------------------</td>
<td>-----------------</td>
<td>------------------------</td>
<td>-------------------------------------</td>
<td>----------------------------------------------</td>
</tr>
<tr>
<td>Identification Sign</td>
<td>1 project monument sign per entrance to site</td>
<td>64 per face</td>
<td>6'</td>
<td>No pole signs are permitted</td>
</tr>
<tr>
<td>Identification Sign (Freestanding Wall)</td>
<td>1 per individual tenant</td>
<td>16</td>
<td>n/a</td>
<td>May not exceed one per tenant or one per building entry: must be flush mounted: cannot be 25'</td>
</tr>
<tr>
<td>Time and/or Temperature</td>
<td>1</td>
<td>10</td>
<td>6' monument, 12' pole</td>
<td>Identification or advertising that is part of sign structure must be included in allowable sign area</td>
</tr>
<tr>
<td>Standard Brand-Name</td>
<td>Vanes</td>
<td>See comments</td>
<td>6' monument, 12' pole</td>
<td>Not more than 20% of the total allowable sign area</td>
</tr>
<tr>
<td>Temporary Signs</td>
<td>See Section 7.32.040, Exempt Signs</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**D.** Industrial Signs, 1-1 and 1-2 Zone Districts. Signs in the 1-1 and 1-2 zoning districts may include and shall be limited to:
Title 7 Development Code

<table>
<thead>
<tr>
<th>Building frontage</th>
<th>above grade level or higher than the eave line of the principal building</th>
</tr>
</thead>
<tbody>
<tr>
<td>Information signs</td>
<td>5 6' Permitted at rear and loading door entrances</td>
</tr>
<tr>
<td>Pole signs adjacent to State Highway: 1 every 600' of frontage. Max of 2 signs</td>
<td>64 total 15' Permitted along with entry monument sign: can be no closer than 150' from each other</td>
</tr>
</tbody>
</table>

**Temporary, Signs**

<table>
<thead>
<tr>
<th>Sign Type</th>
<th>Number of Signs</th>
<th>Maximum Area (sq. ft.)</th>
<th>Maximum Height of Freestanding Signs</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Identification Sign (Freestanding, Wall)</td>
<td>1 per principal use</td>
<td>48 per face</td>
<td>12'</td>
<td>Minimum setback equal to height of sign: minimum spacing 50' between signs on separate frontage, 300' between signs on same frontage</td>
</tr>
<tr>
<td>Temporary Signs</td>
<td>See Section 7.32.040 Exempt Signs</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**E. Open District Signs, O Zone District.** Signs in the O zoning district may include and shall be limited to:

<table>
<thead>
<tr>
<th>Type of Sign</th>
<th>Number of Signs</th>
<th>Maximum Area (sq. ft.)</th>
<th>Maximum Height of Freestanding Signs</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Identification Sign (Freestanding, Wall)</td>
<td>1 per principal use</td>
<td>48 per face</td>
<td>12'</td>
<td>Minimum setback equal to height of sign: minimum spacing 50' between signs on separate frontage, 300' between signs on same frontage</td>
</tr>
</tbody>
</table>

7.28.110 Creative Signs.

A. Purpose. This Section establishes standards and procedures for the design, review and approval of creative signs. The purposes of this creative sign program are to:

1. Encourage signs of unique design, and that exhibit a high degree of thoughtfulness, imagination, inventiveness, and spirit; and
2. Provide a process for the application of sign regulations in ways that will allow creatively designed signs that make a positive visual contribution to the overall image of the Town, while mitigating the impacts of large or unusually designed signs.

B. Applicability. An applicant may request approval of a sign permit under the creative sign program to authorize on-site signs that employ standards that differ from the other provisions of this article but comply with the provisions of this section.

C. Approval Authority. A sign permit application for a creative sign shall be subject to approval by the Planning Commission.

D. Application Requirements. A sign permit application for a creative sign shall include all information required by the Town, and the filing fee based on the same fee schedule as a building permit.

E. Design Criteria. In approving an application for a creative sign, the Planning Commission shall ensure that a proposed sign meets the following design criteria:

1. Design Quality. The sign shall:
   a. Constitute a substantial aesthetic improvement to the site and shall have a positive visual impact on the surrounding area;
   b. Be of unique design, and exhibit a high degree of thoughtfulness, imagination, inventiveness, and spirit; and
   c. Provide strong graphic character through the imaginative use of graphics, color, texture, quality materials, scale, and proportion.

2. Sign Context Criteria. The sign shall contain at least one of the following elements:
   a. Classic historic design style.
   b. Creative image reflecting current or historic character of the Town.
   c. Inventive representation of the use, name or logo of the structure or business.

3. Architectural Criteria. The sign shall:
   a. Utilize and/or enhance the architectural elements of the building; and
   b. Be placed in a logical location in relation to the overall composition of the building’s facade and not cover any key architectural features/details of the facade.


Chapter 7.32 Flood Regulations

Article I. - Title and Purpose

Article II. - Definitions

Article III. - General Provisions

Article IV. - Administration
Article V. - Provisions for Flood Hazard Reduction

--- (1) ---

Editor's note— Ord. No. 686, § 1, adopted May 3, 2018, amended Ch. 7.32 in its entirety to read as herein set out. Former Ch. 7.32, §§ 7.32.010—7.32.150, pertained to similar subject matter and derived from Ord. No. 679, § 2 (Exh. A), 11-16-2017; Ord. No. 685, § 1, 5-3-2018. (Back)
7.32.030 Statement of Purpose.

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

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

(Ord. No. 686, § 1, 5-3-2018)

7.32.040 Methods of Reducing Flood Losses.

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

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

(Ord. No. 686, § 1, 5-3-2018)

7.32.050—7.32.100 Reserved.

Article II. Definitions

7.32.110 General.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted to give them the meaning they have in common usage and to give this chapter its most reasonable application.
"100-year flood" means a flood having a recurrence interval that has a one-percent chance of being equaled or exceeded during any given year (1-percent-annual-chance flood). The terms "one-hundred-year flood" and "one percent chance flood" are synonymous with the term "100-year flood." The term does not imply that the flood will necessarily happen once every one hundred years.

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

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

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

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

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

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

"Base flood elevation (BFE)" means the elevation shown on a FEMA Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

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

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

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

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

"Community" means any political subdivision in the State of Colorado that has authority to adopt and enforce floodplain management regulations through zoning, including, but not limited to, cities, towns, unincorporated areas in the counties, Indian tribes and drainage and flood control districts.

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

"Critical facility" means a structure or related infrastructure, but not the land on which it is situated, as specified in Section 7.32.580, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood. See Section 7.32.580.
"Development" means any manmade change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

"DFIRM database" means database (usually spreadsheets containing data and analyses that accompany DFIRMs). The FEMA Mapping Specifications and Guidelines outline requirements for the development and maintenance of DFIRM databases.

"Digital flood insurance rate map (DFIRM)" means FEMA digital floodplain map. These digital maps serve as "regulatory floodplain maps" for insurance and floodplain management purposes.

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

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

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

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

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

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

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

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

"Flood insurance rate map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

"Flood insurance study (FIS)" means the official report provided by the Federal Emergency Management Agency. The report contains the flood insurance rate map as well as flood profiles for studied flooding sources that can be used to determine base flood elevations for some areas.

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

"Floodplain administrator" means the community official designated by title to administer and enforce the floodplain management regulations.
"Floodplain development permit" means a permit required before construction or development begins within any special flood hazard area (SFHA). If FEMA has not defined the SFHA within a community, the community shall require permits for all proposed construction or other development in the community including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed within flood-prone areas. Permits are required to ensure that proposed development projects meet the requirements of the NFIP and this floodplain management ordinance.

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

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

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

"Floodway (regulatory floodway)" means the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The Colorado statewide standard for the designated height to be used for all newly studied reaches shall be one-half foot (six inches). Letters of map revision to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.

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

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

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

"Historic structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
   a. By an approved state program as determined by the Secretary of the Interior; or
   b. Directly by the Secretary of the Interior in states without approved programs.
"Letter of map revision (LOMR)" means FEMA's official revision of an effective flood insurance rate map (FIRM), or flood boundary and floodway map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations (BFEs), or the special flood hazard area (SFHA).

"Letter of map revision based on fill (LOMR-F)" means FEMA's modification of the special flood hazard area (SFHA) shown on the flood insurance rate map (FIRM) based on the placement of fill outside the existing regulatory floodway.

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

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

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

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

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

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

"Mean sea level." For purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

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

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

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

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

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

"Special flood hazard area" means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year, i.e., the 100-year floodplain.

"Start of construction" means the date the building permit was issued, including substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

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

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. The value of the structure shall be determined by the local jurisdiction having land use authority in the area of interest. This includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:
1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions; or
2. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

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

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

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

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

(Ord. No. 686, § 1, 5-3-2018)

7.32.120—7.32.200 Reserved.

Article III. General Provisions
7.32.210 Lands to Which This Chapter Applies.
7.32.220 Basis for Establishing the Special Flood Hazard Area.
7.32.230 Establishment of Floodplain Development Permit.
7.32.240 Compliance.
7.32.250 Abrogation and Greater Restrictions.
7.32.260 Interpretation.
7.32.270 Warning and Disclaimer of Liability.
7.32.280 Severability.
7.32.290—7.32.400 Reserved.

7.32.210 Lands to Which This Chapter Applies.

The chapter shall apply to all special flood hazard areas and areas removed from the floodplain by the issuance of a FEMA letter of map revision based on fill (LOMR-F) within the jurisdiction of Town of Hayden, Colorado.

(Ord. No. 686, § 1, 5-3-2018)

7.32.220 Basis for Establishing the Special Flood Hazard Area.

The special flood hazard areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Town of Hayden," dated February 4, 2005, with accompanying flood insurance rate maps and/or flood boundary-floodway maps (FIRM and/or FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this chapter. These special flood hazard areas identified by the FIS and attendant mapping are the minimum area of applicability of this chapter and may be supplemented by studies designated and approved by the Town of Hayden. The floodplain administrator shall keep a copy of the flood insurance study (FIS), DFIRMs, FIRMs and/or FBFMs on file and available for public inspection.
7.32.230 Establishment of Floodplain Development Permit.

A floodplain development permit shall be required to ensure conformance with the provisions of this chapter.

7.32.240 Compliance.

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

7.32.250 Abrogation and Greater Restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, nor deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

7.32.260 Interpretation.

In the interpretation and application of this chapter, all provisions shall be:
1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under State statutes.

7.32.270 Warning and Disclaimer of Liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes.

This chapter does not imply that land outside the special flood hazard area or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.
7.32.280   Severability.

This chapter and the various parts thereof are hereby declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

(Ord. No. 686, § 1, 5-3-2018)

7.32.290—7.32.400   Reserved.

Article IV.   Administration

7.32.410 Designation of the Floodplain Administrator.

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

(Ord. No. 686, § 1, 5-3-2018)

7.32.420 Duties and Responsibilities of the Floodplain Administrator.

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

1. Maintain and hold open for public inspection all records pertaining to the provisions of this chapter, including the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures and any floodproofing certificate required by Section 7.32.430.

2. Review, approve, or deny all applications for floodplain development permits required by adoption of this chapter.

3. Review floodplain development permit applications to determine whether a proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.

4. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
5. Inspect all development at appropriate times during the period of construction to ensure compliance with all provisions of this chapter, including proper elevation of the structure.

6. Where interpretation is needed as to the exact location of the boundaries of the special flood hazard area (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the Floodplain Administrator shall make the necessary interpretation.

7. When base flood elevation data has not been provided in accordance with Section 7.32.220, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State, or other source, in order to administer the provisions of Article V.

8. For waterways with base flood elevations for which a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community’s FIRMs, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one-half foot at any point within the community.

9. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community’s FIRMs which increases the water surface elevation of the base flood by more than one-half foot, provided that the community first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision), fulfills the requirements for such revisions as established under the provisions of Section 65.12 and receives FEMA approval.

10. Notify, in riverine situations, adjacent communities and the State Coordinating Agency, which is the Colorado Water Conservation Board, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.

11. Ensure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

(Ord. No. 686, § 1, 5-3-2018)

7.32.430 Permit Procedures.

Application for a floodplain development permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to special flood hazard area. Additionally, the following information is required:

1. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;

2. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;

3. A certificate from a registered Colorado Professional Engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Section 7.32.520(2);

4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

5. Maintain a record of all such information in accordance with Section 7.32.420.

Approval or denial of a floodplain development permit by the Floodplain Administrator shall be based on all of the provisions of this chapter and the following relevant factors:
a. The danger to life and property due to flooding or erosion damage;
b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
c. The danger that materials may be swept onto other lands to the injury of others;
d. The compatibility of the proposed use with existing and anticipated development;
e. The safety of access to the property in times of flood for ordinary and emergency vehicles;
f. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
g. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
h. The necessity to the facility of a waterfront location, where applicable;
i. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
j. The relationship of the proposed use to the comprehensive plan for that area.

(Ord. No. 686, § 1, 5-3-2018)

7.32.440 Variance Procedures.

A. The Appeal Board, as established by the Community, shall hear and render judgment on requests for variances from the requirements of this chapter.

B. The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this chapter.

C. Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.

D. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

E. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this chapter.

F. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section 7.32.430 of this article have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

G. Upon consideration of the factors noted above and the intent of this chapter, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this chapter as stated in Section 7.32.030.

H. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

I. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
J. Prerequisites for granting variances:

1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

2. Variances shall only be issued upon:
   a. Showing a good and sufficient cause;
   b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
   c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

3. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

K. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

1. The criteria outlined in Section 7.32.440(A)—(I) are met; and
2. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(Ord. No. 686, § 1, 5-3-2018)

7.32.450 Penalties for Noncompliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor.

Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined or imprisoned as provided by the laws of Town of Hayden and/or Routt County. Nothing herein contained shall prevent the Town of Hayden from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. No. 686, § 1, 5-3-2018)

7.32.460—7.32.500 Reserved.

Article V. Provisions for Flood Hazard Reduction

7.32.510 General Standards.
7.32.520 Specific Standards.
7.32.530 Standards for Areas of Shallow Flooding (AO/AH Zones).
7.32.540 Floodways.
7.32.550 Alteration of a Watercourse.
7.32.560 Properties Removed from the Floodplain by Fill.
7.32.570 Standards for Subdivision Proposals.
7.32.580 Standards for Critical Facilities.

7.32.510 General Standards.

In all special flood hazard areas, the following provisions are required for all new construction and substantial improvements:

1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

5. All manufactured homes shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces;

6. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and

8. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(Ord. No. 686, § 1, 5-3-2018)

7.32.520 Specific Standards.

In all special flood hazard areas where base flood elevation data has been provided as set forth in (i) Section 7.32.220, (ii) Section 7.32.420(7), or (iii) Section 7.32.570, the following provisions are required:

1. Residential Construction. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated to one foot above the base flood elevation. Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado Professional Engineer, architect, or land surveyor. Such certification shall be submitted to the Floodplain Administrator.

2. Nonresidential Construction. With the exception of critical facilities, outlined in Section 7.32.580, new construction and substantial improvements of any commercial, industrial, or other nonresidential structure shall either have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities
(including ductwork), elevated to one foot above the base flood elevation or, together with attendant utility and sanitary facilities, be designed so that at one foot above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

A registered Colorado Professional Engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. Such certification shall be maintained by the Floodplain Administrator, as proposed in Section 7.32.430.

3. Enclosures. New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

Designs for meeting this requirement must either be certified by a registered Colorado Professional Engineer or architect or meet or exceed the following minimum criteria:

- A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- The bottom of all openings shall be no higher than one foot above grade.
- Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

4. Manufactured Homes. All manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home, electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), are elevated to one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

All manufactured homes placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of the above paragraph, shall be elevated so that either:

- The lowest floor of the manufactured home, electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), are one foot above the base flood elevation, or
- The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

5. Recreational Vehicles. All recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either:

- Be on the site for fewer than 180 consecutive days;
- Be fully licensed and ready for highway use; or
- Meet the permit requirements of Section 7.32.430, and the elevation and anchoring requirements for "manufactured homes" in subsection (4) of this section.
A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

6. Prior Approved Activities. Any activity for which a floodplain development permit was issued by Town of Hayden or a CLOMR was issued by FEMA prior to May 3, 2018 may be completed according to the standards in place at the time of the permit or CLOMR issuance and will not be considered in violation of this chapter if it meets such standards.

(Ord. No. 686, § 1, 5-3-2018)

7.32.530 Standards for Areas of Shallow Flooding (AO/AH Zones).

Located within the special flood hazard area established in Section 7.32.220, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

1. Residential Construction. All new construction and substantial improvements of residential structures must have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the community's FIRM (at least three feet if no depth number is specified). Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado Professional Engineer, architect, or land surveyor. Such certification shall be submitted to the Floodplain Administrator.

2. Nonresidential Construction. With the exception of critical facilities, outlined in Section 7.32.580, all new construction and substantial improvements of non-residential structures, must have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the community's FIRM (at least three feet if no depth number is specified), or together with attendant utility and sanitary facilities, be designed so that the structure is watertight to at least one foot above the base flood level with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy. A registered Colorado Professional Engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this section, as proposed in Section 7.32.430, are satisfied.

Within Zones AH or AO, adequate drainage paths around structures on slopes are required to guide flood waters around and away from proposed structures.

(Ord. No. 686, § 1, 5-3-2018)

7.32.540 Floodways.

Floodways are administrative limits and tools used to regulate existing and future floodplain development. The State of Colorado has adopted floodway standards that are more stringent than the FEMA minimum standard (see definition of Floodway in Article II). Located within special flood hazard area established in Section 7.32.220, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:
1. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed by a licensed Colorado Professional Engineer and in accordance with standard engineering practice that the proposed encroachment would not result in any increase (requires a no-rise certification) in flood levels within the community during the occurrence of the base flood discharge.

2. If subsection (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article V.

3. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a CLOMR and floodway revision through FEMA.

(Ord. No. 686, § 1, 5-3-2018)

7.32.550 Alteration of a Watercourse.

For all proposed developments that alter a watercourse within a special flood hazard area, the following standards apply:

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

2. Channelization and flow diversion projects shall evaluate the residual 100-year floodplain.

3. Any channelization or other stream alteration activity proposed by a project proponent must be evaluated for its impact on the regulatory floodplain and be in compliance with all applicable Federal, State and local floodplain rules, regulations and ordinances.

4. Any stream alteration activity shall be designed and sealed by a registered Colorado Professional Engineer or Certified Professional Hydrologist.

5. All activities within the regulatory floodplain shall meet all applicable Federal, State and Town of Hayden floodplain requirements and regulations.

6. Within the Regulatory Floodway, stream alteration activities shall not be constructed unless the project proponent demonstrates through a Floodway analysis and report, sealed by a registered Colorado Professional Engineer, that there is not more than a 0.00-foot rise in the proposed conditions compared to existing conditions Floodway resulting from the project, otherwise known as a No-Rise Certification, unless the community first applies for a CLOMR and Floodway revision in accordance with Section 7.32.540 of this article.

7. Maintenance shall be required for any altered or relocated portions of watercourses so that the flood-carrying capacity is not diminished.

(Ord. No. 686, § 1, 5-3-2018)

7.32.560 Properties Removed from the Floodplain by Fill.

A floodplain development permit shall not be issued for the construction of a new structure or addition to an existing structure on a property removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F), unless such new structure or addition complies with the following:
Title 7 Development Code

1. Residential Construction. The lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), must be elevated to one foot above the base flood elevation that existed prior to the placement of fill.

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

(Ord. No. 686, § 1, 5-3-2018)

7.32.570 Standards for Subdivision Proposals.

A. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be reasonably safe from flooding. If a subdivision or other development proposal is in a flood-prone area, the proposal shall minimize flood damage.

B. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet floodplain development permit requirements of Section 7.32.230; Section 7.32.430; and the provisions of Article V of this chapter.

C. Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Section 7.32.220 or Section 7.32.420 of this chapter.

D. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

E. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(Ord. No. 686, § 1, 5-3-2018)

7.32.580 Standards for Critical Facilities.

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

1. Classification of Critical Facilities. It is the responsibility of the Town Council to identify and confirm that specific structures in their community meet the following criteria:

   Critical facilities are classified under the following categories: (a) essential services; (b) hazardous materials; (c) at-risk populations; and (d) vital to restoring normal services.

   a. Essential services facilities include public safety, emergency response, emergency medical, designated emergency shelters, communications, public utility plant facilities, and transportation lifelines.

   These facilities consist of:
Title 7 Development Code

i. Public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage, and, emergency operation centers);

ii. Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions, and non-ambulatory surgical structures but excluding clinics, doctors offices, and non-urgent care medical structures that do not provide these functions);

iii. Designated emergency shelters;

iv. Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio, and other emergency warning systems, but excluding towers, poles, lines, cables, and conduits);

v. Public utility plant facilities for generation and distribution (hubs, treatment plants, substations and pumping stations for water, power and gas, but not including towers, poles, power lines, buried pipelines, transmission lines, distribution lines, and service lines); and

vi. Air transportation lifelines (airports (municipal and larger), helicopter pads and structures serving emergency functions, and associated infrastructure (aviation control towers, air traffic control centers, and emergency equipment aircraft hangars).

Specific exemptions to this category include wastewater treatment plants (WWTP), non-potable water treatment and distribution systems, and hydroelectric power generating plants and related appurtenances.

Public utility plant facilities may be exempted if it can be demonstrated to the satisfaction of the Town of Hayden that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same utility or available through an intergovernmental agreement or other contract) and connected, the alternative facilities are either located outside of the 100-year floodplain or are compliant with the provisions of this article, and an operations plan is in effect that states how redundant systems will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the Town of Hayden on an as-needed basis upon request.

b. Hazardous materials facilities include facilities that produce or store highly volatile, flammable, explosive, toxic and/or water-reactive materials.

These facilities may include:

i. Chemical and pharmaceutical plants (chemical plant, pharmaceutical manufacturing);

ii. Laboratories containing highly volatile, flammable, explosive, toxic and/or water-reactive materials;

iii. Refineries;

iv. Hazardous waste storage and disposal sites; and

v. Above ground gasoline or propane storage or sales centers.

Facilities shall be determined to be critical facilities if they produce or store materials in excess of threshold limits. If the owner of a facility is required by the Occupational Safety and Health Administration (OSHA) to keep a Material Safety Data Sheet (MSDS) on file for any chemicals stored or used in the work place, and the chemical(s) is stored in quantities equal to or greater than the Threshold Planning Quantity (TPQ) for that chemical, then that facility shall be considered to be a critical facility. The TPQ for these chemicals is: either 500 pounds or the TPQ listed (whichever is lower) for the 356 chemicals listed under 40 C.F.R. § 302 (2010), also known as Extremely Hazardous Substances (EHS); or 10,000
pounds for any other chemical. This threshold is consistent with the requirements for reportable chemicals established by the Colorado Department of Health and Environment. OSHA requirements for MSDS can be found in 29 C.F.R. § 1910 (2010). The Environmental Protection Agency (EPA) regulation "Designation, Reportable Quantities, and Notification," 40 C.F.R. § 302 (2010) and OSHA regulation "Occupational Safety and Health Standards," 29 C.F.R. § 1910 (2010) are incorporated herein by reference and include the regulations in existence at the time of the promulgation this chapter, but exclude later amendments to or editions of the regulations.

Specific exemptions to this category include:

i. Finished consumer products within retail centers and households containing hazardous materials intended for household use, and agricultural products intended for agricultural use.

ii. Buildings and other structures containing hazardous materials for which it can be demonstrated to the satisfaction of the local authority having jurisdiction by hazard assessment and certification by a qualified professional (as determined by the local jurisdiction having land use authority) that a release of the subject hazardous material does not pose a major threat to the public.

iii. Pharmaceutical sales, use, storage, and distribution centers that do not manufacture pharmaceutical products.

These exemptions shall not apply to buildings or other structures that also function as critical facilities under another category outlined in this article.

c. At-risk population facilities include medical care, congregate care, and schools. These facilities consist of:

i. Elder care (nursing homes);

ii. Congregate care serving 12 or more individuals (day care and assisted living);

iii. Public and private schools (pre-schools, K-12 schools), before-school and after-school care serving 12 or more children;

d. Facilities vital to restoring normal services including government operations. These facilities consist of:

i. Essential government operations (public records, courts, jails, building permitting and inspection services, community administration and management, maintenance and equipment centers);

ii. Essential structures for public colleges and universities (dormitories, offices, and classrooms only).

These facilities may be exempted if it is demonstrated to the Town Council that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same entity or available through an intergovernmental agreement or other contract), the alternative facilities are either located outside of the 100-year floodplain or are compliant with this chapter, and an operations plan is in effect that states how redundant facilities will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the Town Council on an as-needed basis upon request.

2. Protection for Critical Facilities. All new and substantially improved critical facilities and new additions to critical facilities located within the special flood hazard area shall be regulated to a
higher standard than structures not determined to be critical facilities. For the purposes of this chapter, protection shall include one of the following:

a. Location outside the special flood hazard area; or

b. Elevation of the lowest floor or floodproofing of the structure, together with attendant utility and sanitary facilities, to at least two feet above the base flood elevation.

3. Ingress and Egress for New Critical Facilities. New critical facilities shall, when practicable as determined by the Town Council, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event.

(Ord. No. 686, § 1, 5-3-2018)