Title 17 COMMUNITY DEVELOPMENT CODE

Title 17 of Town of Mountain Village Municipal Code

Town of Mountain Village, Colorado
Community Development Department
As Amended August 26, 2019
Contents

Title 17  COMMUNITY DEVELOPMENT CODE __________________________________ 1

CHAPTER 17.1  CHAPTER 1 GENERAL PROVISIONS ____________________________ 6
17.1.1  Enabling Authority _______________________________________________ 6
17.1.2  Definitions of the CDC ____________________________________________ 6
17.1.3  Purposes of the Community Development Code _________________________ 6
17.1.4  Applicability of the Community Development Code and Conformance Required _____ 6
17.1.5  Town Comprehensive Plan ___________________________________________ 7
17.1.6  Administration of the Community Development Code ____________________ 8
17.1.7  Amendments to the Community Development Code _____________________ 8
17.1.8  Code Interpretation _______________________________________________ 9
17.1.9  Alternative Review Process for Government Projects ___________________ 9
17.1.10  Community Development Code Rules of Construction ___________________ 9
17.1.11  Void Permits ____________________________________________________ 10
17.1.12  Emergencies ____________________________________________________ 10
17.1.13  Community Development Department Fees ____________________________ 10
17.1.14  Compliance with Other Applicable Laws _______________________________ 10
17.1.15  Relationship to Private Covenants ___________________________________ 11
17.1.16  Relationship to Original, County Planned Unit Development _______________ 11
17.1.17  Severability _____________________________________________________ 11
17.1.18  Violations and Penalties ____________________________________________ 11
17.1.19  Appeals _________________________________________________________ 13

CHAPTER 17.2  COMMUNITY DEVELOPMENT CODE GOVERNANCE ____________ 14
17.2.1  Purpose ___________________________________________________________ 14
17.2.2  Town Council ____________________________________________________ 14
17.2.3  Design Review Board ______________________________________________ 14
17.2.4  Community Development Department __________________________________ 17

CHAPTER 17.3  ZONING AND LAND USE REGULATIONS ____________________ 18
17.3.1  Purpose ___________________________________________________________ 18
17.3.2  Zone Districts Established __________________________________________ 18
17.3.3  Use Schedule ______________________________________________________ 20
17.3.4  Specific Zone district Requirements ____________________________________ 27
17.3.5  Official Zoning Map ________________________________________________ 35
17.3.6  Zoning designations ________________________________________________ 35
17.3.7  Density Limitation _________________________________________________ 36
17.3.8  Density Transfer and Density Bank Policies ____________________________ 36
17.3.9  Workforce Housing Requirements ______________________________________ 37
17.3.10  Platted Open Space Requirements _____________________________________ 39
17.3.11  Building Height ___________________________________________________ 41
17.3.12  Building Height Limits _____________________________________________ 42
17.3.13  Maximum Lot Coverage ____________________________________________ 43
17.3.14  General Easements Setbacks _________________________________________ 44
17.3.15  Hotbed Development and Condominium-Hotel Regulations ______________ 46
17.3.16  Site Maintenance __________________________________________________ 47
17.3.17  Nonconforming Uses of Land _________________________________________ 47
17.3.18  Nonconforming Structures ___________________________________________ 47
17.3.19  Lot Reduction, Prohibition Against Establishing New Nonconforming Uses ________ 49
17.3.20  Nonconforming Building Sites ________________________________________ 49
### CHAPTER 17.4  DEVELOPMENT REVIEW PROCEDURES 50

- 17.4.1 Purpose 50
- 17.4.2 Overview of Development Review Processes 50
- 17.4.3 Development Review Procedures 51
- 17.4.4 General Provisions Applicable to All Development Application Classes 63
- 17.4.5 Appeals 70
- 17.4.6 Conceptual Worksession Process 72
- 17.4.7 Minor Revision Process 73
- 17.4.8 Renewals 74
- 17.4.9 Rezoning Process 75
- 17.4.10 Density Transfer Process 78
- 17.4.11 Design Review Process 79
- 17.4.12 Planned Unit Development Regulations 84
- 17.4.13 Subdivision Regulations 94
- 17.4.14 Conditional Use Permits 105
- 17.4.15 Alternative Review Process for Governmental Projects 109
- 17.4.16 Variance Process 112
- 17.4.17 Vested Property Rights 113
- 17.4.18 Annexation 115

### CHAPTER 17.5  DESIGN REGULATIONS 116

- 17.5.1 Purpose and Intent 116
- 17.5.2 Applicability 116
- 17.5.3 Development Application Process 116
- 17.5.4 Town Design Theme 116
- 17.5.5 Building Siting Design 117
- 17.5.6 Building Design 118
- 17.5.7 Grading and Drainage Design 127
- 17.5.8 Parking Regulations 130
- 17.5.9 Landscaping Regulations 135
- 17.5.10 Trash, Recycling and General Storage Areas 151
- 17.5.11 Utilities 152
- 17.5.12 Lighting Regulations 154
- 17.5.13 Sign Regulations 158
- 17.5.14 Private and Public Art 170
- 17.5.15 Commercial, Ground Level and Plaza Area Design Regulations 171
- 17.5.16 Ridgeline Lots 179
- 17.5.17 Industrial Zone designation Design Regulations 180

### CHAPTER 17.6  SUPPLEMENTARY REGULATIONS 181

- 17.6.1 Environmental Regulations 181
- 17.6.2 Special Event Regulations 189
- 17.6.3 Condominium-Hotel Regulations 194
- 17.6.4 Home Occupation Regulations 198
- 17.6.5 Telecommunications Antenna regulations 199
- 17.6.6 Road and Driveway Standards 201
- 17.6.7 Busking 210
- 17.6.8 Solid Fuel Burning Device Regulations 212
- 17.6.9 Open Burning Regulations 212

### CHAPTER 17.7  BUILDING REGULATIONS 214

- 17.7.1 General 214
17.7.2 Administrative provisions
17.7.3 Permits
17.7.4 Fees
17.7.5 Inspections
17.7.6 EPlans Review and Required Construction Documents
17.7.7 Certificate of Occupancy
17.7.8 Building Board of Appeals
17.7.9 Contractor Licensing Regulations
17.7.10 International Building Code
17.7.11 International Residential Code
17.7.12 International Energy Conservation Code
17.7.13 International Mechanical Code
17.7.14 International Fuel Gas Code
17.7.15 International Property Maintenance Code
17.7.16 National Electric Code
17.7.17 International Plumbing Code
17.7.18 International Existing Building Code
17.7.19 International Fire Code
17.7.20 Construction Mitigation
17.7.21 Snow and Ice Removal Regulations

CHAPTER 17.8 DEFINITIONS

CHAPTER 17.9 APPENDIX

17.9.1 Appendix 3-1, Primary Plaza Areas and Primary Pedestrian Routes
17.9.2 Appendix 5-1, Town Adopted IDF Curves
17.9.3 Appendix 5-2, Ski Resort Boundary
17.9.4 Appendix 8-1, Village Center Emergency Access Routes
17.9.5 Appendix 17-1, Dead End Fire Apparatus Access Road Turnaround

Adopting and Amending Ordinances Table

<table>
<thead>
<tr>
<th>Ordinance No.</th>
<th>Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013-01</td>
<td>February 21, 2013</td>
<td>Original CDC Adoption</td>
</tr>
<tr>
<td>2014-01</td>
<td>January 16, 2014</td>
<td>Adoption of Building Regulations in Chapter 17.7</td>
</tr>
<tr>
<td>2014-04</td>
<td>March 20, 2014</td>
<td>Miscellaneous Amendments</td>
</tr>
<tr>
<td>2015-02</td>
<td>January 15, 2015</td>
<td>Smart Building Program, Snowmelt Limitations and Mitigation</td>
</tr>
<tr>
<td>2015-03</td>
<td>April 23, 2015</td>
<td>17.2.12 to allow CUP to establish antenna height, 17.4.9(E)(2)-(3) To Correct an Omission and Not Require Replat with Rezone.</td>
</tr>
<tr>
<td>2015-05</td>
<td>May 21, 2015</td>
<td>Ski Lift Criteria in 17.4.14(F)(3), Open Burning Regulations in 17.6.9 and Single-Family Zone District Provision in 17.3.4(F)(4)</td>
</tr>
<tr>
<td>2015-11</td>
<td>October 15, 2015</td>
<td>Amendment to vending cart regulations in 17.5.15(E)</td>
</tr>
<tr>
<td>2015-13</td>
<td>October 29, 2015</td>
<td>Cell on Wheels (17.6.5) Standards and Criteria for Review</td>
</tr>
<tr>
<td>2016-04</td>
<td>March 16, 2016</td>
<td>Amending 17.6.6. Acceptance of Access Tracts by the Town</td>
</tr>
<tr>
<td>2016-08</td>
<td>August 18, 2016</td>
<td>Amending 3.04.040 Update the Statutory Reference</td>
</tr>
<tr>
<td>2016-10</td>
<td>September 22, 2016</td>
<td>Amending 17.3.4 (F) Specific Zone District Requirements – Single-Family Zone District</td>
</tr>
<tr>
<td>2017-01</td>
<td>February 16, 2017</td>
<td>Amending 17.5 Design Regulations</td>
</tr>
<tr>
<td>Year</td>
<td>Date</td>
<td>Description</td>
</tr>
<tr>
<td>-------</td>
<td>--------------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>2017-03</td>
<td>March 16, 2017</td>
<td>Amending 17.4 Development Review Procedures Establishing a Two-Step Design Review Procedure</td>
</tr>
<tr>
<td>2017-05</td>
<td>June 20, 2017</td>
<td>Ordinance to Adopt the 2017 National Electric Code with Amendments</td>
</tr>
<tr>
<td>2018-04</td>
<td>April 14, 2018</td>
<td>Ordinance Amending the Community Development Code (CDC) at Section 17.7.7, Amending the Building Board of Appeals to Provide Clarifying and Ministerial Amendments</td>
</tr>
<tr>
<td>2018-05</td>
<td>June 14, 2018</td>
<td>Ordinance Amending the Community Development Code (CDC) at Section 17.5.6.C.3, Amending the Roof Material Section Recitals</td>
</tr>
<tr>
<td>2018-10</td>
<td>December 13, 2018</td>
<td>Ordinance Adopting Minor Revisions and Corrections to Title 17 of the Community Development Code (CDC); Approving Housekeeping Amendments.</td>
</tr>
<tr>
<td>2019-04</td>
<td>June 13, 2019</td>
<td>An Ordinance Amending the Community Development Code (CDC) at Sections 17.5.12: Lighting Regulations and 17.5.15: Commercial, Ground Level and Plaza Area Design Regulations, and Chapter 17.8: Definitions to Accomplish the Foregoing.</td>
</tr>
<tr>
<td>2019-05</td>
<td>June 13, 2019</td>
<td>An Ordinance Amending the Community Development Code (CDC) at Section 17.5.6.C.3, Roof Material</td>
</tr>
</tbody>
</table>
CHAPTER 17.1  CHAPTER 1  GENERAL PROVISIONS

17.1.1  ENABLING AUTHORITY

This Title 17 of the Municipal Code shall be known as the Town of Mountain Village Community Development Code ("CDC"). The CDC is adopted based on all legal power and home rule authority vested in the Town of Mountain Village ("Town") under Article XX of the Constitution of the State of Colorado, the Town of Mountain Village Home Rule Charter ("Town Charter") and all land use regulatory and zoning power authorized by statute or common law for the regulation of land uses, annexations, subdivisions and improvements.

17.1.2  DEFINITIONS OF THE CDC

CDC definitions are provided in Chapter 8.

17.1.3  PURPOSES OF THE COMMUNITY DEVELOPMENT CODE

The purposes of the CDC are to:

A.  Promote and protect the health, safety and welfare of citizens and visitors;
B.  Implement the Comprehensive Plan;
C.  Preserve open space and protect the environment as envisioned in the Comprehensive Plan;
D.  Emphasize the natural beauty of the town's surroundings;
E.  Foster a sense of community as envisioned in the Comprehensive Plan;
F.  Promote the economic vitality of the town as envisioned in the Comprehensive Plan;
G.  Promote the resort nature and tourism trade of the town as envisioned in the Comprehensive Plan;
H.  Ensure that uses and structures enhance their sites and area compatible with the natural beauty of the town's setting and its critical natural resources as envisioned in the Comprehensive Plan;
I.  Protect property values within the town;
J.  Promote good civic design and development as envisioned in the Comprehensive Plan;
K.  Create and preserve an attractive and functional community as envisioned in the Comprehensive Plan; and
L.  Establish and enforce comprehensive, efficient, clear and consistent standards, regulations and procedures for the planning, evaluation, approval and implementation of land uses and development within the town.

17.1.4  APPLICABILITY OF THE COMMUNITY DEVELOPMENT CODE AND CONFORMANCE REQUIRED

A.  The CDC shall apply to all lots and land located within the incorporated area of the town.
B.  Approvals required by the CDC shall be obtained prior to commencing development or a change in land use unless such activities are specifically exempt from the need to submit development applications and obtain development permits as set forth in this CDC.
C.  Certain development activities are exempt from the need to obtain a development permit from the Town as provided for in the CDC.
D.  Development that is exempt from the need to obtain a development permit may need to obtain a building permit as required by the Building Codes.
E. All approvals granted by the review authority shall be in conformance with the provisions of this CDC, the Municipal Code, the Town Charter and all other applicable Town ordinances and regulations.

F. The owner, developer or its agent shall be responsible to ensure conformance with the applicable, currently adopted and effective CDC regulations.

17.1.5 TOWN COMPREHENSIVE PLAN

A. Certain development review processes as set forth in the CDC require a development application be found to be in general conformance with the principles (goals), policies and actions contained in the Town of Mountain Village Comprehensive Plan (“Comprehensive Plan”).

B. When a development review process requires general conformance with the Comprehensive Plan, a finding of general conformance with the Comprehensive Plan shall be made by the review authority taking into consideration the facts, circumstances and other relevant evidence associated with the respective development application under consideration. The review authority shall exercise its discretion in making such finding.

C. The Comprehensive Plan future land use map shall be implemented by:

1. Ensuring all development applications that are required to be in general conformance with the Comprehensive Plan are compliant with the land use plan policies and future land use map of the Comprehensive Plan; and

2. Ensuring that the ski resort operator and golf resort operator’s land will be rezoned in the future to be in general conformance with the land use plan policies and the future land use plan as set forth in the Comprehensive Plan, including but not limited to the public benefit number 9 in the Comprehensive Plan public benefits table, that requires the ski resort operator and golf resort operator’s land to be rezoned to be consistent with the six open space classifications shown on the future land use plan and as set forth in this CDC.

D. In rendering a decision on general conformance of a development application, the review authority's findings shall reference the relevant provisions of the Comprehensive Plan considered to support the basis for the review authority’s decision.

E. The Town Council may initiate amendments to the Comprehensive Plan from time to time in accordance with the requirements of C.R.S. § 31-23-206, since elements of the community vision and factors affecting land use may change over time.

F. Amendments to the Comprehensive Plan shall meet the following process steps:

1. The initiation of a Comprehensive Plan amendment may only be initiated if the Town Council finds:
   a. That the community visions and factors affecting land use have substantially changed since the adoption of the Comprehensive Plan;
   b. Adequate financing and resources are available to complete the amendment.

2. The Planning Division shall prepare or commission the preparation of comprehensive surveys, studies and plans on existing conditions and probable future growth and other necessary studies that will be needed to amend the Comprehensive Plan.

3. Citizen participation is the most important element of amending or creating a Comprehensive Plan. Therefore, the Comprehensive Plan amendment process shall include significant and meaningful public participation elements.
4. The Town Council may appoint a task force to amend the Comprehensive Plan, with the goal to include key community members to review information and conduct public meetings to develop the Comprehensive Plan amendment. If no task force is appointed, the Town Council will carry out the review of information and conduct public meetings to develop the Comprehensive Plan amendment.

5. The Community Development Department shall refer the proposed Comprehensive Plan amendment to certain Town departments, such as Public Works, Transportation and Police departments. Referrals may also be sent to relevant outside agencies for review and comment, such as San Miguel County and utility companies.

6. A Comprehensive Plan amendment is a legislative process.

7. The Town Council is designated by the CDC as the Planning and Zoning Commission of the Town; therefore, the Town Council is charged with conducting at least one public hearing on a proposed Comprehensive Plan amendment prior to adoption, with notice of such public hearing provided as set forth in the public hearing noticing requirements.

8. The Town Council's adoption of a Comprehensive Plan amendment shall be by resolution.

9. The Town Council shall pass a motion to amend the Comprehensive Plan by a supermajority vote.

10. Technical noncompliance with the procedures and criteria stated in this section shall not invalidate an adopted master plan.

17.1.6 ADMINISTRATION OF THE COMMUNITY DEVELOPMENT CODE

A. The Director of Community Development is designated by the Town as the code administrator of the CDC, and is responsible for its consistent and lawful application and interpretation.

1. In the absence of a Director of the Community Development, the Town Manager may appoint another Town employee, agent, or other entity as the code administrator of the CDC for its application and interpretation.

B. Unless otherwise provided by a provision of the CDC, the CDC shall be administered and enforced by Community Development Department staff that shall be responsible for processing development applications and assisting the applicable review authority in determining each development application's compliance with the provisions of this CDC and any other applicable ordinances and regulations of the Town.

1. In the absence of the Community Development Department, the Town Manager may appoint another Town department as the department responsible for processing development applications and assisting the applicable review authority as set forth herein.

17.1.7 AMENDMENTS TO THE COMMUNITY DEVELOPMENT CODE

The CDC may be amended pursuant to the following CDC amendment process:

A. An amendment to the CDC may only be initiated by the Town Council, the DRB, the Director of Community Development or through an ordinance enacted by an initiative of the people as set forth in the Town’s Charter.

B. Unless initiated by an ordinance enacted by an initiative of the people as set forth in the Town Charter, CDC amendments shall be reviewed by the DRB to make a recommendation to the Town Council with notice of the DRB consideration shown on the DRB meeting agenda.
C. The Town Council will review and act on all amendments to the CDC pursuant to the Town’s ordinance adoption process with notice of such Council meeting as set forth in the public hearing noticing requirements.

17.1.8 CODE INTERPRETATION

A. The Director of Community Development is authorized to make written, official interpretations of the CDC as needed and shall maintain a public file of such interpretations.
B. Written code interpretations shall be in conformance with the purpose of the CDC. Such code interpretations shall not have the effect of waiving requirements specifically provided for in the CDC.
C. Code interpretations shall be incorporated into the CDC as time and resources allow.

17.1.9 ALTERNATIVE REVIEW PROCESS FOR GOVERNMENT PROJECTS

The Town Council may authorize variations from the provisions of the CDC for a government project on a case-by-case basis pursuant to the Alternative Review Process.

17.1.10 COMMUNITY DEVELOPMENT CODE RULES OF CONSTRUCTION

A. Nothing herein shall be construed as creating any rights, legal standing or protection for any lot owner or other party, except as expressly provided for herein.
B. All provisions, words and phrases shall be construed in accordance with their common meaning and usage; however, words and phrases that have acquired a technical or particular meaning, whether by ordinance, definition or otherwise, shall be construed and applied according to such meaning. All provisions shall be read and considered as a whole in order to ascertain and fulfill the legislative intent of this CDC.
C. Where any provision imposes a greater or lesser restriction or requirement upon a given subject matter than a general or other provision, the provision imposing the more restrictive or greater regulation shall be deemed controlling.
D. The following rules of construction shall be applied when administering the provisions of the CDC:

1. The words “shall” or “will” are mandatory.
2. The word “may” is permissive.
3. Words used in one tense or form shall include other tenses and derivative forms.
4. Words in the singular number shall include the plural number, and words in the plural number shall include the singular number.
5. The masculine gender shall include the feminine, and the feminine gender shall include the masculine.
6. The time within which an act is to be done shall be computed by excluding the first and including the last day: If the last day is a Saturday, Sunday or legal holiday observed by the Town, that day shall be excluded. Unless otherwise stated in this CDC, “day” means a working weekday.
7. The end of a day shall be 5:00 P.M. local time.
8. The word "week" shall mean seven (7) days. The word "month" shall mean a calendar month. The word "year" shall mean a calendar year.
9. The word "person" includes individuals, firms, corporations, associations, trusts and any other similar entities.
10. Whenever a provision appears requiring a Town department, employee or official to do some act or perform some duty, it shall be construed that the head of the department or other Town officer may designate, delegate and authorize professional-level subordinates to perform the required act or duty, unless the terms of the provision or section specify otherwise.

11. The Director of Community Development shall determine allowed uses when the provisions of the CDC refer to “other similar uses,” with such determinations made in writing pursuant to code interpretation.

12. The review authority shall determine if a practicable alternative exists in its sole discretion when the phrase “to the extent practical” is used, and the review authority may require the applicant for the development application to submit a practicable alternatives analysis to ensure no other alternative exists.

13. When the phrase “such as” is used in the CDC, it shall be inferred that the list following the phrase is not an all-inclusive list, with other options allowed to be considered by the respective review authority.

17.1.11 VOID PERMITS

Every employee of the Town charged with the duty or authority to issue a permit shall only issue a permit in compliance with all applicable provisions of this CDC and all Town-adopted codes, ordinances and regulations. A permit, certificate or license issued by an employee in error or which does not comply with the provisions of this CDC or Town-adopted codes, ordinances and regulations is null and void. A permit, certificate or license issued in reliance upon any materially false statement in the development application, supporting documents or oral statements made on the record shall be null and void. Any materially false statement made in a development application, supporting documents or oral statements made on the record shall constitute a violation of this CDC, and each materially false statement shall be considered a separate violation of this CDC, which may result in the Town imposing the penalties set forth herein.

17.1.12 EMERGENCIES

The Town Council may temporarily suspend or alter the operation and applicability of any provision of Title 17 by an emergency ordinance adopted in accordance with the Town Charter in the event of a natural or man-made disaster or catastrophe.

17.1.13 COMMUNITY DEVELOPMENT DEPARTMENT FEES

A. Fees for processing development applications as required by the CDC shall be as set forth in the fee resolution adopted by the Town Council.
B. Applicants shall be required to pay for certain professional consulting fees as provided for in the CDC, including but not limited to Town Attorney fees, professional engineer fees and referral fees by state agencies.
C. All required fees shall be paid at the time of submitting a development application.
D. All other fees incurred while reviewing a development application shall be paid prior to staff issuing a development permit.

17.1.14 COMPLIANCE WITH OTHER APPLICABLE LAWS

Nothing in this CDC shall be construed as exempting any person from other laws and regulations of the Town, the State of Colorado or the United States. To the extent the requirements the CDC conflict with state law, the provisions of the CDC shall prevail.
17.1.15 RELATIONSHIP TO PRIVATE COVENANTS

Persons owning property within the boundaries of the town may have private covenants or declarations imposed on their lot that may affect the use or development of their lot. Any such covenant or declaration constitutes a private-party agreement between the lot owner imposing the covenant and subsequent owners. The Town does not have the authority or obligation to enforce such covenants or declarations. In the event of a conflict between private covenants or declarations and the provisions of this CDC, the provisions of this CDC shall prevail.

17.1.16 RELATIONSHIP TO ORIGINAL, COUNTY PLANNED UNIT DEVELOPMENT

A. Prior to Mountain Village’s incorporation in 1995, a certain area of Mountain Village was included in a Planned Unit Development within the unincorporated area of San Miguel County ("Mountain Village PUD"). As such, land use jurisdiction within the Mountain Village PUD was vested in San Miguel County.

B. In March 1995, the Town of Mountain Village was incorporated as a Colorado home rule municipality. Upon incorporation, San Miguel County lost all jurisdictional land use rights in the Mountain Village PUD. At that time, the Town obtained land use jurisdiction within the incorporated area of the town, including all rights to enforce, amend or repeal the Mountain Village PUD as the local government with police power jurisdiction.

C. In recognition of the vesting of land use jurisdiction with the Town, the Town Charter was adopted, inter alia, to provide the foundation to self-government in Mountain Village, including but not limited to a specific “…power and continuing obligation to establish comprehensive and flexible land use standards, including density, zoning, construction, design and enforcement regulations, in order to provide for the present and future needs of the Town.”

D. In accordance with the foregoing Town Charter provision, the original Mountain Village Land Use Ordinance was adopted on June 20, 1995 ("Original Land Use Ordinance"), with the following preamble:

1. “This Ordinance is hereby enacted by the Town Council of the Town of Mountain Village, hereafter referred to as the “Town Council”, under the authority granted in the Town’s Home Rule Charter, and by the State of Colorado under the Home Rule powers granted in Article XX of the Colorado Constitution.”

E. The CDC is intended to enact the land use authority authorized by the Town Charter and to entirely supersede and replace the Original Land Use Ordinance, as subsequently amended from time to time, and the Mountain Village PUD for the purpose of land use regulation within Mountain Village.

17.1.17 SEVERABILITY

If any part of the CDC or the development application or enforcement thereof with respect to any person or circumstance is held invalid by a court of competent jurisdiction, the remainder of the CDC and its application to other persons or circumstances shall not be affected thereby.

17.1.18 VIOLATIONS AND PENALTIES

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1 Town Charter section 3.6(b).
Any person aggrieved by a violation or apparent violation of the provisions of the CDC or the Building Codes may file a written or verbal complaint with the Planning Division that shall then investigate the complaint as soon as reasonably possible and take appropriate action within a reasonable period of time.

A. The development or the use of any land that is contrary to any provision of this CDC or the Building Codes constitutes a violation of the Town laws and shall be subject to the fines and penalties set forth herein.

B. The review authority shall not process, review or hear any development application, except for appeals, for any lot on which there has been issued a CDC or Municipal Code violation.

C. Until such time as the appropriate staff has issued the required permit(s) or otherwise given written approval specific to any work to be undertaken, it is a violation of the Town laws to (a) commence any activity related to development or landscaping; (b) store building materials, earth or fill on any site; (c) construct entrances or parking lots; (d) commence the moving, structural alteration, conversion, extension or enlargement of any structure, including accessory structures, fences or walls; (e) cut and/or remove trees; or (f) commence any other improvement regulated by this CDC.

D. Any person, as well as the owner or lessee of a lot that undertakes any activity that is in violation of the Town-approved plans without the appropriate amendment or modification approved by the review authority may be required to remove or remedy the violation or obtain approval of the required development application in addition to being subject to the penalties imposed pursuant to the terms of this CDC.

E. Any person that violates any provision of this CDC, as well as the owner or lessee of the lot on which the violation has occurred, may be subject to the penalties imposed pursuant to the terms of this CDC.

F. The Town staff is authorized to serve a written notice of violation or order on the owner of the lot affected by the violation and the person responsible for the violation of the provisions of the CDC or in violation of a permit or certificates issued under the provisions of the CDC. Such written order shall direct an immediate abatement and discontinuance of the violation within an established timeframe.

G. The party responsible for committing the violation or the owner or lessee of the lot on which the violation occurred, or both, may be cited for such violation and shall be held liable for the payment of any costs incurred by the Town as a result of such violation, including but not limited to reasonable attorneys’ fees incurred by the Town in connection with the violation.

H. The Town may issue a stop work order to immediately stop and enjoin further work in violation of the CDC in order to protect the public health, safety and welfare.

I. The Town may institute appropriate action to prevent, enjoin, abate or remove any violation of the CDC or any permit or certificates issued under the provisions of the CDC to prevent the use or occupancy of the building, structure or land, or to prevent any illegal act or use on a lot.

J. Violations of or failure to comply with the provisions of this CDC constitute a misdemeanor punishable by a fine of up to five thousand dollars ($5,000) per violation. One or more violations may be found to arise from the same conduct or failure to comply with the CDC. Multiple violations may result in the imposition of fines exceeding five thousand dollars ($5,000). Each day that a violation occurs or continues to exist is considered a separate offense and shall be subject to an additional fine.

K. Jurisdiction of actions seeking to impose fines and penalties pursuant to this CDC shall be in the Town’s Municipal Court (“Municipal Court”), and procedure for such actions shall be in accordance with the Colorado Municipal Court Rules of Procedure or such other rules as may be adopted and deemed appropriate by the Municipal Court. The Municipal Court shall have the authority to impose fines established by the CDC in excess of the jurisdictional limitations imposed by the Colorado Municipal Court Rules of Procedure. Complaints initiating such actions may be filed by the Town Manager, Director of Community Development or their designee.
L. Any party violating the provisions of this CDC and/or the owner or lessee of the lot on which the violation has occurred may also be subject to a court order requiring that the impacts resulting from a violation of this CDC be mitigated. Such mitigation shall be in conformance with a mitigation plan established by the Municipal Court. All costs incurred for implementing the mitigation plan established by the Municipal Court shall be the sole responsibility of the party violating CDC and/or the owner or lessee of the lot on which the violation has occurred and shall be in addition to any other penalties assessed for the violation.

1. The Municipal Court order shall also stipulate that if any party refuses to comply within thirty (30) days of receipt of written court order of the violation of the mitigation plan established by the Town, the Town may enter onto the lot and elect to perform the work required by the mitigation plan. If the Town does perform this work, the costs of doing so shall be assessed as an additional cost against the party violating the provisions of this CDC and/or the owner or lessee of the lot on which the violation has occurred. If such costs are not timely reimbursed to the Town, the Town may file suit in the County or District Court of San Miguel County, Colorado, to recover such costs. In any such action, the Town shall be entitled to recover its reasonable attorneys’ fees, expert witness fees and any other costs.

M. In addition to the fines and penalties imposed for violation of this CDC, the Municipal Court shall assess costs against a party found to be guilty, which costs shall include but not be limited to reasonable attorneys’ fees incurred by the Town in the investigation, documentation and prosecution of the violation.

N. Whenever the Municipal Court imposes penalties or costs under this CDC, the Municipal Court may, pursuant to C.R.S. §18-1.3-506, make such additional orders or requirements as it deems necessary or appropriate in order to guarantee the payment of such penalties or costs.

O. Appeals from Municipal Court actions shall be made pursuant to C.R.S. § 13-10-116.

P. The DRB or the Town Council will not have any jurisdiction in any matter pending before a court of competent jurisdiction.

Q. No Person, entity or related entity, as defined by the Municipal Code, delinquent in the payment of any money owed to the Town, in any amount or for any purpose, including, but not limited to, any delinquent taxes, required Town licenses or permit fees, Court fines, costs or judgments, fees, surcharges or assessments, or Town parking tickets or other assessments, may apply for a development application under this CDC, until payment in full has been received by the Town.

R. In addition to any other rights under this section, the Town shall have the right to assert a lien against the lot on which the violation has occurred for the amount of any mitigation costs incurred by the Town and for the Town’s costs in investigating and prosecuting any violations under this section including its reasonable attorneys’ fees. The Town shall have the right to foreclose any lien imposed in the manner provided under Colorado law. In any action commenced by the Town to foreclose a lien imposed, the Town shall be entitled to recover its reasonable attorneys' fees, expert witness fees and any other costs.

17.1.19 APPEALS

Any person subject to an order or notice of violation of the CDC issued by the Town staff, or the Town Manager or its designee or who is aggrieved by a decision of any Town administrative official with respect to the provisions of this CDC may appeal the decision to the Town Council in accordance with the appeal procedures. Appeals of administrative decisions of the building official or administrative provisions of the Building Codes shall be done in accordance with the Building Codes.
CHAPTER 17.2 COMMUNITY DEVELOPMENT CODE
GOVERNANCE

17.2.1 PURPOSE

The purpose of Chapter 2 is to establish the rules regulating the governing boards and staff responsible for processing and considering a development application submitted pursuant to the CDC, which consists primarily of the Town Council, DRB and Community Development Department staff.

17.2.2 TOWN COUNCIL

A. In addition to any authority granted by state law, the Town Charter or the Municipal Code, the Town Council shall have the following powers and duties under the CDC related to the review of development applications:

1. Rezonings;
2. PUDs;
3. Certain density transfers;
4. Certain subdivisions;
5. Conditional use permits;
6. Variances;
7. Vested property rights;
8. Annexations;
9. Alternative review process;
10. Conceptual worksessions (not a formal development application);
11. Appeals of DRB or Planning Division staff actions; and,
12. Certain general easement development applications

B. The Town Council serves as the Town’s Planning and Zoning Commission with such powers and duties as conferred on such commissions by Colorado Revised Statutes, including but not limited to Title 31, Article 23, Part II and Part III.

17.2.3 DESIGN REVIEW BOARD

A. The DRB has been established, pursuant to the Town Charter and the CDC, as the Town’s architectural review board and as the Planning and Zoning Advisory Board. The DRB shall have the following powers and duties under the CDC related to the review of development applications:

1. Approval of certain Design Review Process development applications;
2. Approval of variations to certain Design Review Process development applications;
3. Approval of specific design elements as provided for in the Design Regulations;
4. Recommendations to the Town Council on certain development applications for rezonings, certain PUDs, density transfers, certain subdivisions, conditional use permits, variances and annexations; and
5. Conceptual worksessions (not a formal development application).
B. Seven (7) regular members to the DRB shall be appointed by the Town Council. The maximum number of years that a member may serve shall be twelve (12) consecutive years, subject to reappointment by the Council pursuant to section D below. In accordance with the provisions of the Town Charter, three (3) members are to be appointed in odd numbered years, and four (4) members are to be appointed in even numbered years. Up to two (2) alternate members may be appointed by the Town Council for two (2) year terms. Alternate members shall only vote when one of the seven (7) regular members cannot vote due to a prohibition in the Town’s Code of Ethics or when a regular member is absent from a meeting. Any appointed alternate members shall actively participate in the discussion of agenda items, site visits and other DRB activities.

C. The Council shall strive to appoint at least three (3) or more members of the DRB who are lot owners or residents of Mountain Village; however, residency is not a requirement for appointment but is preferred. The term for a DRB member shall be for two (2) years.

D. Vacancies that may occur on the DRB shall be filled by appointment of the Town Council pursuant to the following procedures:

1. **Solicitation for DRB Members:** Upon the occurrence of a vacancy and prior to the expiration of a term, the Planning Division shall advertise the position at least one (1) time in a newspaper of general circulation or provide notice of such vacancy by electronic means.

2. **Advising Applicants During Selection Process:** It shall be the responsibility of the Planning Division to advise DRB applicants of the time commitment required for DRB membership. Applicants shall indicate their ability to meet this commitment prior to consideration of their candidacy by the Town Council.

3. **Interviews:** If an existing DRB member does not wish to seek reappointment, resigns or is removed by the Town Council as provided for in section F below, the DRB shall interview all first-time applicants for such position at a meeting. The DRB shall provide a recommendation of appointment to the Town Council. The Town Council may elect to interview any or all applicants prior to making an appointment to the DRB.

4. **Town Council Appointment of Members:** The Town Council shall make an appointment as soon as practicable after the close of the application period. The Town Council shall strive to select individuals with varying professional and civic backgrounds that represent a cross section of the community, such as architects, laypersons-residents, merchants, hoteliers-property managers, landscape architects, civil engineers and contractors. The Town Council shall also consider DRB members based on willingness to be active participants, a desire to fulfill DRB duties and the ability to positively interact with fellow DRB members, staff, the Town Council, other applicants and the public in a thoughtful and respectful manner.

5. **Annual Review of Membership:** All DRB members whose terms are expiring shall be notified in writing prior to the expiration of the term and extended an invitation to re-apply.

6. **Oath of Office:** Each appointed DRB member shall take the Oath of Office for a DRB member.

E. DRB members shall serve without compensation, except reasonable out-of-pocket expenses, provided the Town has budgeted for said expenses and such expenses are approved in advance by the Town.

F. DRB members serve at the pleasure of the Town Council and may be removed from office upon a majority vote of the Town Council. A DRB member may also be removed by the Town Council, upon recommendation from the DRB, for failure to attend three (3) consecutive meetings in any one (1) year without justification or for failure to carry out the duties of a DRB member.
The DRB shall elect from its membership a chair and vice-chair whose term of office in such capacity shall be for one (1) year with eligibility for re-election. Officers shall be elected annually by majority, hand vote of the DRB at the first regular meeting of each calendar year.

1. **DRB Chair.** The chair shall preside at all meetings and shall be the chief executive officer of the DRB.

2. **Vice-Chair.** The vice-chair shall act as chair during absences of the chair. The vice-chair shall serve as chair, if that position becomes vacant, until such time as the DRB shall elect a new chair.

3. **Temporary Chair.** The DRB will elect a temporary chair when the chair and vice-chair cannot preside at a meeting.

G. DRB may request the Town Council appoint one (1) or more committees or task forces to examine specific issues, to conduct research and develop recommendations on matters of concern to the DRB, or to assist the DRB in carrying out its duties. The purpose of such groups shall be to encourage greater involvement of citizens in the planning process and to utilize individuals having special expertise and an interest in the community. The work of any committee or task force shall be performed by its members without the assistance of staff unless such staff assistance is approved by the Town Council.

H. Regular meetings of the DRB shall be held on the fourth Thursday of each month unless there is a conflict in such meeting date, in which case, a new DRB meeting date will be established in the annual DRB meeting calendar. The DRB may conduct special meetings, in addition to regularly scheduled meetings, as circumstances may require and as determined by the Director of Community Development. The agenda of all DRB meetings and site visits shall be noticed by:

1. Publication in a newspaper of general circulation in San Miguel County, or by publication on the Town’s website; and
2. Posting of the agenda at any of the Town’s official public notification boards.

I. **DRB Conduct of Business**

1. **Quorum.** A simple majority of DRB members shall constitute a quorum. No business shall be transacted by the DRB unless a quorum is present. A quorum is not necessary for the DRB to conduct worksessions, continue agenda items or for discussion items. A quorum shall be considered to be maintained if a quorum is present at the start of the agenda item, but cannot be maintained due to a member's inability to participate due to a conflict of interest under or other recusal required by the Municipal Code's code of ethics or the need for member to leave the meeting. The DRB may continue an item to the next regularly scheduled meeting where a full quorum cannot be maintained due to a member’s inability to participate if the number of members drops below three (3) members.

2. **Voting Requirements.** Actions of the DRB shall be approved by the affirmative vote of a majority of the DRB members present at a meeting at which a quorum is present. A tie vote of the DRB on any matter before it shall constitute a failure to approve that matter. Other motions may be made after a tie vote, and if the DRB still has a tie vote after three (3) motions, the tie vote will be considered a denial of the development application before the DRB. Proxies are not permitted. A DRB member may vote to approve minutes for a meeting that member did not attend. A member may not vote on a development application that has been considered at a series of meetings, at which that member was not present at all meetings where the development application was considered, unless that member has listened to the recording of the meetings from which
he or she was absent.

3. **Record.** Community Development Department staff shall create a public record of the DRB meetings and maintain such record as required by the Town’s Record Retention Schedule.

J. Every member of the DRB shall be governed by the Town’s Code of Ethics as may be adopted and amended from time to time by the Town Council.

K. The Town shall provide necessary staff support and supplies to the DRB, within the amounts annually budgeted and appropriated for such staff and expenses, and pay all budgeted and approved expenses incurred.

L. A DRB member may present planning applications before the DRB provided such member has disclosed a conflict of interest pursuant to the code of ethics and has recused themselves from the DRB for discussion and voting on such application.

17.2.4 **COMMUNITY DEVELOPMENT DEPARTMENT**

A. The Community Development Department is charged with the duty of enforcing the CDC.

B. It shall be the duty of the Director of Community Development or his/her designee to ensure all proposed development and land use comply with the CDC. The Director of Community Development shall also submit recommendations for any needed changes in the CDC.

C. Planning Division staff shall have the following powers and duties under the CDC related to the review of development applications:

1. Minor revisions;
2. Renewals;
3. Certain density transfers;
5. Certain special event development applications;
6. Vending cart development applications;
7. Plaza uses development applications;
8. Certain subdivision development applications;
9. Minor PUD amendments;
10. Planning Division review and approval of building permits;
11. Oversight of conditions for development projects in the town to ensure on-going compliance;
12. Oversight of development agreements to ensure on-going compliance; and

D. Building Division staff shall have the following powers and duties under the CDC as the reviewing and approving body on all development applications as required by the Building Codes, including but not limited to:

1. Foundation permits;
2. Building permits;
3. Mechanical permits;
4. Plumbing permits; and
5. Electrical permits.
CHAPTER 17.3  ZONING AND LAND USE REGULATIONS

17.3.1   PURPOSE

The purpose and intent of the Zoning and Land Use Regulations is to create a zoning scheme that is consistent with the Town’s Comprehensive Plan in order to insure compatibility of land uses, efficient and economical use of land and adequate light and air in development projects. These regulations are also intended to:

A. Establish zone districts and zone district requirements and incorporate by reference the Official Zoning Map;
B. Specify accessory and conditional land uses that are permitted within each zone district;
C. Outline specific zoning designations to be applied to each lot;
D. Preserve the person-equivalent Density Limitation in the Original PUD Boundary;
E. Provide for density transfers and the establishment and regulation of the Town density bank;
F. Preserve the platted open space requirement and provide for rezoning of open space for development as envisioned in the Comprehensive Plan;
G. Establish building height, site coverage, general easement and setback requirements;
H. Establish requirements for rezoning hotbed sites identified in the Comprehensive Plan; and
I. Provide regulations concerning nonconforming uses, structures and lots.

17.3.2   ZONE DISTRICTS ESTABLISHED

A. Zone Districts

The following zone districts are established for use within the Town:

a. Active Open Space Zone District ("AOS"):
   i. Limited use, ski resort active open space ("class 1 AOS");
   ii. Limited use, golf course active open space ("class 2 AOS");
   iii. Full use, ski resort active open space ("class 3 AOS");
   iv. Resource conservation active open space ("class 4 AOS"); and
   v. Right-of-way active open space ("class 5 AOS").

b. Passive Open Space Zone District ("POS");
c. Civic Zone District ("CV");
d. Multi-Family Zone District ("MF");
e. Maintenance-Public Works Zone District ("MPW");
f. Single-family Zone District ("SF");
g. Single-family Common Interest Community Zone District ("SFCI");
h. Village Center Zone District ("VC"); and
i. PUD Zone District ("PUD").

2. These zone districts were established in order to implement the Comprehensive Plan’s land use plan policies including but not limited to the land uses envisioned in the future land use plan map.

a. The Comprehensive Plan future land use map shall be implemented by:
   i. Ensuring all development applications that are required to be in general
conformance with the Comprehensive Plan are compliant with the land use plan policies and future land use map of the Comprehensive Plan (Please refer to the Town Comprehensive Plan regulations in Chapter 1); and;

ii. Ensuring that the ski resort operator and the golf resort operator’s land will be rezoned in the future to be in general conformance with the land use plan policies and the future land use plan as set forth in the Comprehensive Plan, including but not limited to the public benefit number 9 in the Comprehensive Plan public benefits table, that requires Telluride Ski Resort operator and Telluride Golf Resort operator’s land to be rezoned to be consistent with the six open space classifications shown on the future land use plan and as set forth in this CDC.

B. Zone District Descriptions and Land Uses

The following sections provide a description of the zone districts and the general uses allowed within each zone district. The land uses allowed in each zone district are more specifically set forth in the land Use Schedule.

1. Active Open Space Zone Districts’ Classifications. Active open space has the following zone district classifications:

   a. Limited Use Ski Resort Active Open Space (Class 1 AOS)
      The Class 1 AOS Zone District is intended to provide open space areas limited to active recreational uses, recreational trails, ski resort uses limited to snowmaking systems, ski runs, ski events and related activities, tramways and related facilities and other similar uses that involve limited vertical development.

   b. Limited Use Golf Course Active Open Space (Class 2 AOS)
      The class 2 AOS Zone District is intended to provide open space areas limited to golf course facilities and related activities, such as greens, tees, fairways, golf cart paths, infrastructure, waterworks, irrigation, pump houses, electrical, lightning shelters, recreational trails and similar uses.

   c. Full Use Ski Resort Active Open Space (Class 3 AOS)
      The class 3 AOS Zone District is intended to provide open space areas with more intensive land uses than those permitted in the class 1 AOS and class 2 AOS zone districts that are typically associated with the operation and maintenance of a ski resort and the community at large, which are limited to ski resort uses, active recreation uses, recreational trails, community infrastructure, equestrian facilities, workforce housing, telecommunications antenna and similar uses.

   d. Resource Conservation Active Open Space (Class 4 AOS)
      The class 4 AOS Zone District is intended to provide open space areas limited to passive open space uses such as recreational trails, picnicking areas, nature interpretation, nature viewing and similar uses.

   e. Right-of-Way and Access Active Open Space (Class 5 AOS)
      The class 4 AOS Zone district is intended to provide open space areas limited to roadways, driveways, vehicular signage, utilities, parking, infrastructure, telecommunications antennas, recreational trails, ski runs and associated infrastructure at road-ski run intersections, community infrastructures and similar uses.

2. Passive Open Space Zone District. The Passive Open Space Zone District ("POS") is intended to provide open space areas limited to passive open space uses, land in a natural
state, environmental restoration such as wetland mitigation and forest management, fire mitigation, subsurface utilities and infrastructure, and similar uses.

3. **Civic Zone District.** The Civic Zone District ("CV") is intended to provide civic land uses limited to municipal facilities, community facilities, workforce housing, hotbed development in accordance with the Comprehensive Plan, and similar uses. This zone district shall only be applied to the Town Hall Subarea and is expressly prohibited elsewhere, including but not limited to the ski resort operator’s shops area located off of Prospect Creek Drive.

4. **Multi-Family Zone District.** The Multi-family Zone District ("MF") is intended to provide higher density multi-family uses limited to multi-family dwellings, hotbed development, recreational trails, workforce housing and similar uses.

5. **Maintenance-Public Works Zone District.** The Maintenance-Public Works Zone District ("MPW") is intended to provide land for public works uses limited to community infrastructure, recreational trails, maintenance facilities, public works facilities and similar uses. This zone district, or a PUD zone district with the same land uses, shall be applied to any rezoning of the ski resort operators shops area located off of Prospect Creek Drive.

6. **Single-Family Zone District.** The Single-family Zone District (SF) is intended to provide lower density single-family residential areas limited to single-family dwellings and similar uses. Non-subdivideable duplex zoning designations are permitted to continue within the single-family zone district on lots 213, 245 and 257B unless such lots are rezoned to the have a single-family zoning designation.

7. **Single-Family Common Interest Community Zone District.** The Single-family Common Interest Community Zone District ("SFCI") is intended to provide lower density, single-family residential areas limited to single-family dwellings that are platted as single-family lots subject to limitations set forth in the Subdivision Regulations, and similar uses.

8. **Village Center Zone District.** The Village Center Zone District ("VC") is intended to provide for a mix of high intensity and high density land uses in the Village Center limited to commercial, multi-family, recreational trails, active recreation uses, recreational facilities, parking facilities, visitor-oriented uses, conferencing facilities, cultural facilities and uses, workforce housing, resort support and similar uses.

9. **PUD Zone District.** The Planned Unit Development ("PUD") Zone District is intended to provide for a development to achieve the new land uses envisioned in the Comprehensive Plan and/or the PUD purposes set forth in the PUD Regulations, with a variety of land uses as envisioned in the Comprehensive Plan.

### 17.3.3 USE SCHEDULE

A. The Town of Mountain Village Land Use Schedule ("Use Schedule"), Table 3-1, establishes specific permitted, accessory, conditional and not permitted land uses for each zone district.

1. The Use Schedule lists the following notations:

   P = permitted use;
   A = accessory use;
   C = conditional use;
   PM = permitted with Planning and Building division staff approval of construction mitigation plan (Staff may classify to conditional use based on impacts and extent of construction staging);
   PT = permitted use in Town Hall Plaza only;
   SE = special event development application required; and
   PVC = permitted Village Center only
2. Blank cells in the Use Schedule under each of the respective zone districts indicate that the use appearing next to that blank cell is expressly prohibited in that zone district.

3. The Director of Community Development shall render the final administrative decision concerning the scope, application and meaning of terms in this Use Schedule.

4. Any conforming land use in the Use Schedule, or any use approved pursuant to section B below can be proposed as a permitted, accessory or conditional land use in the PUD Zone District as a part of a PUD development application as set forth in the PUD Regulations.

Table 3-1: Town of Mountain Village Land Use Schedule

| Use/Zone                                      | C | L | A | S | 1 | A | O | S | 2 | A | O | S | 3 | A | O | S | 4 | A | O | S | 5 | A | O | S | POS | SF, SFCI | MF | MPW | CV | VC |
| **Commercial (Sale of Goods)**                |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| Bakery                                        | P |   | P |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| Bar, Lounge, nightclub                       | P |   | P |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| Book, hobby/toy store                        | P |   | P |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| Clothing store                                | P |   | P |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| Coffee shop                                   | P |   | P |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| Delicatessen/café                             | P |   | P |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| Drug store/pharmacy                           | P |   | P |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| Florist                                       | P |   | P |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| General commercial, retail                    | P |   | P |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| Grocery store                                 | P |   | P |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| Home decorating                               | P |   | P |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| Jewelry store                                 | P |   | P |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| Liquor store                                  | P |   | P |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| Novelty, curio and souvenir                   | P |   | P |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| Restaurant (no drive through)                 | P |   | P |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| Farmers’ market                               | P |   | P |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| Special events                                 | P |   | P |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| Sporting goods and rentals                     | P |   | P |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| Vending carts                                  | P |   | P |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| **Professional Services**                     |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| Bank, financial institution                   | P |   | P |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| Beauty, barber shop                           | P |   | P |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| General office                                | P |   | P |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| Insurance                                     | P |   | P |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| Medical center or medical offices             | P |   | P |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| Real estate office                            | P |   | P |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| Office                                        | P |   | P |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| Private school                                | P |   | P |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |

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**Residential and Lodging Uses**

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**B. Uses Not Listed in Use Table**

1. No development permit or building permit shall be issued for a use not listed in the Use Schedule unless the Director of Community Development determines that the proposed use either:

   a. Similar to, or is closely related to, a land use classification set forth above and does not have greater impacts; or

2 Permitted only where industrial zoning is allowed as a legal non-conforming use.
b. The proposed use falls within the zone district descriptions and general uses section set forth above or the specific zone district requirements sets forth below.

2. For uses that are clearly not listed as a permitted, accessory, or conditional use by the Zoning and Land Use Regulations, the Director of Community Development shall make determination of whether the use is allowed as a code interpretation.

C. Primary Use Establishment Prior to Accessory Use

1. The primary use on a lot must be established prior to or concurrent with any proposed accessory use. An accessory use shall not be permitted on a lot until the primary use is established.

2. For adjoining lots owned by the same owner where a primary use has been established on one lot, an accessory use shall not be established on the adjoining lot unless the lot line is vacated pursuant to the Subdivision Regulations, and any density is transferred pursuant to the density transfer.

D. Prohibited Uses

1. Horses, all-terrain vehicles, snowmobiles, motor bikes or other motorized vehicles shall not be allowed to be used or operated within or on a lot except as otherwise specifically permitted by rules and regulations of the Town or the CDC.
   a. Exceptions:
      i. Those motorized vehicles specifically permitted for the uses and activities deemed necessary by ski resort operator, golf resort operator and the Town for the safe and efficient operation of the ski area, golf course, hotel and accommodations are allowed;
      ii. Police Department equestrian patrolling;
      iii. The use of a licensed motorcycle that is operated on roadways and driveways; and
      iv. Stabling and riding horses of horses are allowed within or on a lot only upon issuance of an equestrian conditional use permit.

2. No trailer, trailer house, mobile home or recreational vehicle may be allowed on a lot and used as a residence, either permanent or temporary. Camping for the purpose of residing or for recreational purposes on a private or public lot within the town is similarly prohibited unless granted through a camping conditional use permit.

3. Non-domesticated animals shall not be allowed to be kept within or on a lot except as otherwise specifically permitted by rules and regulations of the Town and the State of Colorado.

4. Domesticated animals that do not comply with the Town laws in the Municipal Code.

5. No lot shall be used for the purpose of mining, quarrying, drilling, boring or exploring for or removing oil, gas or other hydrocarbons, mineral, rocks, stones, gravel or earth. A site’s resources can be used during construction to create construction materials during excavation, such as the creation of gravel by crushing rock, provided a conditional use permit is approved for such use, and a building permit is subsequently issued.

17.3.4 SPECIFIC ZONE DISTRICT REQUIREMENTS

A. Active Open Space Zone Districts
1. **Conditional Use Permit Required.** As a condition to the commencement of any conditional use listed in the Use Schedule on a lot within one of the active open space zone districts, or a change in use of an existing active open space use, a conditional use permit shall be obtained. Uses not listed in the Use Schedule shall follow the requirements of the closest related listed use as determined by the Community Development Department.

2. **Application of CDC Regulations to Development.** In addition to the requirements for a conditional use permit, any proposed new development in one of the active open space zone districts may be evaluated on the most comparable Zoning and Land Use Regulations, Design Regulations and other requirements of the CDC applicable to the proposed development. The review authority shall have the final determination of the applicable regulations to the development.

3. **Mitigation for New or Amended Uses on Active Open Space.** The following criteria shall be met for new uses in any of the active open space zone districts:
   
   a. The proposed use provides for design requirements to minimize and mitigate visual impacts to the extent practical, such as requirements for natural colors and natural materials that blend into the surrounding backdrop, adequate landscaping and buffering to surrounding uses, the minimization of building height and reduced glazing to prevent excessive glare or light;
   
   b. The proposed use minimizes and mitigates lighting impacts to the extent practical with exterior lighting prohibited, and where required by a Building Codes or for safety, lighting has been designed in accordance with the Lighting regulations;
   
   c. The proposed use minimizes and mitigates noise levels to the extent practical; and
   
   d. The proposed project provides for access standards that minimize and mitigate the access impacts of the proposed access route.

4. **Permitted Uses.** Lots in the active open space zone districts shall be used for uses set forth in the Use Schedule for each active open space zone district and other similar uses.

5. **Accessory Buildings or Structures.** Permitted accessory buildings or structures shall be directly related to the specific uses set forth in the use table as determined by the Planning Division.

6. **Accessory Uses.** Permitted accessory uses include those typically associated with active open space uses, such as benches, picnic areas, signs, nature interpretation and other similar uses.

B. **Passive Open Space Zone District**

1. **New Use Process.** As a condition to the commencement of any permitted use of a lot within the passive open space zone district as limited in the Use Schedule (Table 3-1), or a change in use of an existing passive open space use, a conditional use permit shall be obtained.

2. **Permitted Uses.** Lots in the passive open space zone district shall be used for passive open space uses and other similar uses.

3. **Accessory Buildings or Structures.** No building, structures shall be allowed in the passive open space zone district.

4. **Accessory Uses.** Permitted accessory uses include those typically associated with the specific uses allowed in the active open space zone district as set forth in the Use Schedule.
C. Civic Zone District

1. **Permitted Uses.** Lots in the Civic Zone District shall be used for the construction of municipal buildings and facilities, transportation facilities, commercial uses, offices and hotbed development as envisioned in the Comprehensive Plan, and other similar uses.

2. **Accessory Buildings or Structures.** Permitted accessory buildings or structures include transportation buildings, storage buildings and other similar structures.

3. **Accessory Uses.** Permitted accessory uses include home occupations pursuant to the Home Occupation Regulations, surface parking as limited by the Parking Regulations, and other similar uses.

D. Multi-Family Zone District

1. **Permitted Uses.** Lots in the Multi-family Zone District shall be used for the construction of multi-family dwellings, including lodge units, efficiency lodge units, condominium units, workforce housing units, hotel units, hotel efficiency units, accessory commercial uses as limited below and other similar uses.

2. **Accessory Buildings or Structures.** Permitted accessory buildings or structures include hot tubs, saunas, swimming pools, gazebos, art and similar uses. Detached storage buildings are expressly prohibited in the Village Center, and are only allowed in other projects for trash and recycling structures or buildings, bike storage/common community storage (such as bicycles), and similar situations.

3. **Accessory Uses.** Permitted accessory uses include home occupations pursuant to the Home Occupation Regulations, surface parking as limited by the Parking Regulations, and other similar uses.

4. **Commercial Area Limitation.** Commercial area is limited to restaurants and gift shops that primarily serve the guests and owners of a development, or as otherwise provided in the Comprehensive Plan.

E. Maintenance-Public Works Zone District

1. **Permitted Uses.** Lots in the maintenance-public works zone district shall be used for municipal facilities such as maintenance shops, storage, infrastructure, fueling, offices and other similar uses.

2. **Accessory Buildings or Structures.** Permitted accessory buildings or structures include telecommunications antennas, storage buildings, fuel islands, snow storage/disposal and other similar buildings.

3. **Accessory Uses.** Permitted accessory uses include golf course maintenance, ski resort maintenance, infrastructure and other similar uses.

F. Single-Family Zone District

1. **Permitted Uses.** Lots in the single-family zone district may be used for the construction of one (1) single-family dwelling unit and one (1) accessory dwelling unit.

   a. Three (3) lots in the single-family zone district have a zoning designation of non-subdivideable duplex: Lot 213, Lot 245 and Lot 257B, with the following allowances and limitations to such lots:

      i. Two (2) dwelling units may be constructed;

      ii. One (1) dwelling unit shall be designated as a major duplex unit, and one
(1) dwelling unit shall be designated as minor duplex unit;

iii. The square footage of the minor duplex unit may not exceed seventy-five percent (75%) of the square footage of the major unit;

iv. Dwelling units may be either detached or combined into one (1) structure; and

v. Accessory dwelling units shall not be allowed.

2. **Accessory Buildings or Structures.** Permitted accessory buildings or structures include hot tubs, saunas, swimming pools, gazebos, art, ski tramways approved pursuant to the Conditional Use Permit Process, outdoor kitchens, play equipment, fire pits, tennis courts and typical court fencing, ice skating rinks approved pursuant to the Conditional Use Permit Process, fenced dog areas, and similar uses. Storage buildings are expressly prohibited, except the DRB may approve a trash and recycling bin storage building at the end of a driveway longer than 100 feet provided such is designed in accordance with the Design Regulations.

a. All accessory buildings or structures shall be located in the rear yard to the extent practical.

b. Accessory buildings or structures shall not exceed 500 sq. ft. in size or floor area, as applicable.

c. Design requirements applicable to accessory dwelling units are in the Single-Family zone district.

d. Buffering is provided for high activity level buildings or structures, such as hot tubs, swimming pools and tennis courts to mitigate the adverse visual and noise impacts.

3. **Accessory Uses.** Permitted accessory uses include home occupations pursuant to the Home Occupation Regulations, firewood storage in the rear yard when a valid fireplace permit is held, ski surface parking as limited by Parking Regulations, private outdoor projection system onto the wall of a building to show movies or other media that is not visible from a public way or adjoining lot (buffering required), and other similar uses.

4. **Further Subdivision Prohibited and Rezoning Limited.** A single-family lot may not be further subdivided and additional density may not be transferred onto a single-family lot by the Rezoning Process or otherwise. This prohibition does not prohibit lot line adjustments, lot line vacations or correction plats, which do not create additional lots. Single-family lots may only be rezoned to the Passive Open Space District.

5. **Accessory Dwelling Unit.** Accessory dwelling units are permitted in the Single-Family Zone District provided such units shall:

a. Only be allowed if the primary single-family dwelling unit exists or is constructed concurrently;

b. Comply with the Design Regulations;

c. Have the following floor area limitations:

   i. A maximum of 800 sq. ft. of floor area if the primary single-family dwelling unit on the lot is 4,000 sq. ft. or less of floor area; and

   ii. If the primary single-family dwelling unit is in excess of 4,000 sq. ft., the accessory dwelling unit is limited to twenty percent (20%) of the floor area of the primary single-family dwelling unit or 1,500 square feet of floor area, whichever is less.
d. Be physically attached (roof forms and foundation) to the primary single-family dwelling unit if the lot is less than or equal to 0.75 acres. Lots that are greater than 0.75 acres may develop an accessory dwelling unit that is detached from the main single-family dwelling unit;

e. Provide separate access to the unit, a kitchen facility separate from the main single-family dwelling unit, and off-street parking as required by the Design Regulations; and

f. Be located on a lot so as to minimize visual impacts to existing buildings on lots immediately adjacent to the proposed unit to the extent practical.

G. Single-Family Common Interest Community Zone District

1. Permitted Uses. Detached single-family dwellings are permitted in the Single-family Common Interest Community Zone District provided:

a. The official land use and density allocation list shows the lot to currently have condominium density, and such area has already been platted as a condominium community with owners now desiring to convert to a common interest community;

b. Three (3) or more single-family units are located in the same common interest community;

c. The detached single-family condominium dwellings are located in a common interest community;

d. The common interest community contains common elements such as parking areas, roads, tennis courts, driveways or amenity areas;

e. The Town has reviewed and approved concurrent rezoning and subdivision plat development applications to create the single-family common interest community, with 100% of all owners participating in the subdivision and rezoning processes;

f. The detached single-family dwellings meet the Design Regulations for single-family dwellings; and

g. A plat note and development agreement related to the concurrent subdivision approval prohibiting lot line vacations and lot line adjustments that would allow for a larger home than the original condominium subdivision would have allowed based on the application of the requirements of the CDC.

2. Accessory Buildings. Permitted accessory buildings or structures include hot tubs, saunas, swimming pools, gazebos, art, outdoor kitchens, play equipment, fire pits, tennis courts and typical court fencing, ski tramways approved pursuant to the Conditional Use Permit Process, fenced dog areas and other similar uses. Storage buildings are expressly prohibited.

a. All accessory buildings or structures shall be located in the rear yard to the extent practical.

b. Accessory buildings or structures shall not exceed 500 sq. ft. in size or floor area, as applicable.

c. Buffering is provided for high activity level buildings or structures, such as hot tubs, swimming pools and tennis courts to mitigate the adverse visual and noise impacts.
3. **Accessory Uses.** Permitted accessory uses include home occupations pursuant to the Home Occupation Regulations, firewood storage in the rear yard when a valid fireplace permit is held, surface parking to meet the Parking Regulations, private outdoor projection system onto the wall of a building to show movies or other media that is not visible from a public way or adjoining lot (buffering required), and other similar uses. Accessory dwelling units are expressly prohibited.

H. **Village Center Zone District**

1. **Permitted Uses.** Lots in the Village Center Zone District shall be used for the construction of multi-family dwellings, including lodge units, efficiency lodge units, condominium units, workforce housing units, hotel units, hotel efficiency units, commercial uses, resort support uses, conference uses, plaza uses, special events, tramways, ski resort uses and other similar uses. Lots may also be used for a surface parking lot pursuant to the Conditional Use Permit Process.

2. **Accessory Buildings or Structures.** Permitted accessory buildings or structures include hot tubs, saunas, swimming pools, plaza uses and other similar uses. Storage buildings are expressly prohibited.

3. **Accessory Uses.** Permitted accessory uses include home occupations pursuant to the Home Occupation Regulations, and other similar uses.

4. **Plaza Level Use Limitations.**

   a. Limitations:

   i. The following are the only uses permitted to be fronting onto the plaza level in a primary plaza area or a primary pedestrian route:

      (a) Retail stores and establishments;
      (b) Restaurants and bars; and
      (c) Multi-family or mixed-use entrance areas and lobbies.

   ii. No offices or dwelling unit shall be operated or located in a plaza level space that is fronting onto a primary plaza area or a primary pedestrian route unless:

      (a) A conditional use permit development application is approved that allows an office use for a limited duration; or
      (b) The Town approves a PUD that allows for either an office or a dwelling.

   iii. For all other plaza areas in the Village Center, commercial and office uses are allowed on the plaza level, and dwelling units are only permitted by requesting such as part of a PUD or a conditional use permit development application.

   iv. All offices, businesses and services permitted by this section shall be operated and conducted entirely within a building, except for permitted unenclosed parking or loading areas, and plaza uses permitted by the Public Works Department.

   v. When less than 50% of a building façade on plaza level space is not directly abutting a primary plaza area or a primary pedestrian path, and the main door of such space is located outside one of these areas, the
space may be used for other permitted commercial uses.

5. **Uses Kept Primarily in the Building.** All uses permitted by this section shall be operated and conducted entirely within a building except for exterior uses permitted by this CDC.

6. **Town Building Footprint Lots.**

   a. Lot line perimeters of building footprint lots in the Village Center Zone District are permitted to increase or decrease in size, pursuant to the Subdivision Process, by up to twenty-five percent (25%) of the platted square footage of the lot provided the resulting replat:

      i. Does not negatively impact and accentuates the pedestrian areas;
      ii. Considers impacts on sun and shade in the surrounding plaza areas;
      iii. Provides a building design in compliance with the Design Regulations;
      iv. Considers and mitigates any impact caused by the lot line adjustment on neighboring properties; and
      v. Removes the “TF” designation on the recorded plat.

   b. Notwithstanding the foregoing, a building footprint lot may also be increased or decreased pursuant to the PUD Process without limitation provided the PUD Regulations and other applicable CDC requirements are met.
7. **Required Improvements for Adjacent Public Areas**

All new development on lots within the Village Center shall be required to construct improvements that enhance and improve the adjacent open space, town plaza areas and common area, as applicable.

a. The required improvements shall extend thirty (30) feet from the building dripline and/or encompass the area of disturbance, whichever is greater.

b. Open space areas shall be enhanced as determined by the review authority by additional landscape plantings, appropriate revegetation and/or the creation of new town plaza areas and/or trails and other improvements as envisioned in the Comprehensive Plan.

c. Town plaza areas shall be improved with new or repaired paver systems and landscaping as determined by the Town, having as a goal the enhancement and improvement of town plaza areas consistent with the Design Regulations.

d. Unless otherwise determined by the Town to be unnecessary or unwanted, snowmelt systems shall be required to be installed by the developer and operated and maintained by the subsequent lot owner(s) for all new or improved town plaza areas unless such areas are landscaped with planting beds or other landscaping that does not necessitate snow melting.

e. Design and construction specifications shall be reviewed and approved by applicable Town departments consistent with this CDC and applicable industry construction standards.

f. Adjacent plaza area improvements shall be maintained by the development’s owners’ association. Any such maintenance responsibilities shall be specifically set forth in the development agreement as well as the governing documents of the owners’ association.

g. The developer shall obtain adjacent property owner permission when the adjacent areas to be improved and maintained are owned by a third party, non-Town entity.

I. **PUD Zone District**

1. **Permitted Uses.** Permitted uses include all of the land uses envisioned in the Comprehensive Plan, including but not limited to multi-family dwellings, hotbed development, commercial development, recreational facilities and other similar uses.

2. **Accessory Buildings or Structures.** Permitted accessory buildings or structures include hot tubs, saunas, swimming pools and other similar uses. Storage buildings are expressly prohibited.

3. **Accessory Uses.** Permitted accessory uses include home occupations pursuant to the Home Occupation Regulations, and other similar uses.

4. **Plaza Level Use Limitation.** The plaza level use limitations shall be the same as provided for in the Village Center Zone District, except the PUD may request other uses otherwise prohibited by the plaza level use limitations.

5. **Uses Kept Primarily in the Building.** All land uses permitted by this section shall be operated and conducted entirely within a building except for exterior uses permitted by this CDC.

6. **Required Improvements for Adjacent Public Areas.** The required improvements for adjacent public areas shall be the same as for the Village Center Zone District.
17.3.5 OFFICIAL ZONING MAP

A. The boundaries of zone districts and their application within the Town as established by this CDC are depicted on the Official Zoning Map. The Official Zoning Map is a part of this CDC and is incorporated herein by reference.

B. The Town Council may amend the Official Zoning Map from time to time to create a new map as a legislative process, provided the zone districts assigned to a lot are not changing.

C. The Official Zoning Map shall be updated to reflect new zone districts applied to a lot as a part of the Rezoning Process without the need for any public meeting, with the Town Mayor authorized to sign such amended map.

17.3.6 ZONING DESIGNATIONS

A. Each lot within the town has one or more of the following zoning designations that establish the permitted uses and density for that lot:

1. Commercial;
2. Condominium;
3. Efficiency lodge;
4. Employee apartment;
5. Employee condominium;
6. Employee dorm;
7. Employee single-family;
8. Hotel;
9. Hotel efficiency;
10. Industrial lodge;
11. Non-subdivideable duplex;
12. Open space:
   a. Passive open space;
   b. Limited ski use active open space (Class 1 AOS);
   c. Limited golf course active open space (Class 2 AOS);
   d. Full use active open space (Class 3 AOS);
   e. Resource conservation active open space (Class 4 AOS); or
   f. Right-of-way active open space (Class 5 AOS).
13. Parking;
14. Single-family; and,
15. Single-family common interest community.

B. Zoning designations are specified in the definitions Chapter of the CDC.

C. It is intended that the zoning designations limit the permitted uses allowed on a lot more than the broad zone district requirements with specific density allocations on a lot as set forth on the official land use and density allocation list and adopted resolutions affecting a lot.

D. Where there is a conflict between the official land use and density allocation list and a currently effective resolution on a lot, the currently effective resolution shall prevail.

E. A lot may not be zoned to include the industrial zoning designation because the Comprehensive Plan envisions the slow phase out of industrial uses from the town over time. Lots with this zoning designation prior to the effective date of the CDC are considered legal, conforming uses.
F. A lot may not be rezoned to include the non-subdivideable zoning designation because there are only three (3) lots with this designation at the time of adopting the CDC, and the Town desires to ensure the integrity of the single-family zone district.

17.3.7 DENSITY LIMITATION

A. By agreement between San Miguel County and the Town, the total density allowed within the Original PUD Boundary, either platted or banked, is 8,027 person equivalents (“Density Limitation”).

B. Density transfers, subdivisions, PUDs and rezonings within the Original PUD Boundary shall not increase the Density Limitation.

1. Density in the incorporated area of the town outside the Original PUD Boundary is not included in the Density Limitation calculation.

2. Commercial floor area is not limited by the Density Limitation and may be proposed in locations in accordance with the Comprehensive Plan.

3. New workforce housing density created by the Town subject to the workforce housing restriction is not included in the Density Limitation calculation.

C. The person-equivalent density is calculated based on the actual unit-to-person equivalent density conversion factors listed in Table 3-2.

<table>
<thead>
<tr>
<th>Zoning Designation</th>
<th>Actual Unit</th>
<th>Person-Equivalent Density</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family</td>
<td>1</td>
<td>4.0 person equivalents</td>
</tr>
<tr>
<td>Single-family common interest community</td>
<td>1</td>
<td>3.0 person equivalents</td>
</tr>
<tr>
<td>Non-subdivideable duplex</td>
<td>1</td>
<td>6.5 person equivalents</td>
</tr>
<tr>
<td>Condominium</td>
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<td>1</td>
<td>3.0 person equivalents</td>
</tr>
<tr>
<td>Employee dorm</td>
<td>1</td>
<td>1.0 person equivalents</td>
</tr>
</tbody>
</table>

17.3.8 DENSITY TRANSFER AND DENSITY BANK POLICIES

A. The density bank was created for the purpose of preserving undeveloped density for future development.

B. Density may be transferred from one lot to another lot or to the density bank provided the density transfer is approved pursuant to the density transfer and rezoning processes as concurrent development applications, except for MPUD development application that may defer density transfer to the final PUD plan stage.

C. If all of the density assigned to a lot is not utilized as a part of a subdivision, rezoning, design review or other process as provided for in the CDC, such unused density shall be transferred to the density bank except for workforce housing density that must be built on a site as provided for in the workforce housing requirements set forth below.

D. Density that is transferred to the density bank is not assigned to a specific lot, but retains the zoning designation from the original lot to which it was assigned unless it was rezoned to a new zoning designation during the density transfer.
1. The owner of record of density in the density bank shall be responsible for all dues, fees and any taxes associated with the assigned density and zoning until such time as the density is either transferred to a lot or another person or entity.
2. The density bank shall be administered and maintained by the Planning Division and shall be made a part of the official land use and density allocation list.

E. Density transfers within the Original PUD Boundary are required for either an increase or decrease of density on a lot.

1. A development application for the decrease of density assigned to a lot shall not be approved unless the rezoning development application includes a request to transfer the unused density to the density bank or there is a concurrent rezoning transferring the unused density to another lot.
2. A rezoning development application to increase density on a lot shall include a proposed density transfer from the density bank or another lot, except for MPUD development application that may defer density transfer to the final PUD plan stage.
3. Density transfers are not required for rezoning outside the Original PUD Boundary.

17.3.9 WORKFORCE HOUSING REQUIREMENTS

A. Lots or dwelling units with employee apartment, employee condominium, employee single-family or employee dorm zoning designations (collectively "workforce housing") are restricted to occupancy exclusively by persons who are employed within the Telluride R-1 District and their spouses and children.

B. Workforce housing shall be required to enter into an workforce housing restriction on use, zoning and occupancy with the Town that will constitute a covenant that runs in perpetuity as a burden thereon and shall be binding on the owner and on the heirs, personal representatives, assigns, lessees, licensees and any transferee of the owner.

1. The form and content of the workforce housing restriction shall be reviewed and approved by the Town by resolution and may be amended by resolution from time to time.
2. Each lot or development that must provide workforce housing shall be subject to the workforce housing restriction in effect at the time of submitting a development or redevelopment application.
3. The workforce housing restriction shall be executed and recorded prior to the issuance of any certificate of occupancy.
4. For workforce housing developed after the effective date of the CDC, the workforce housing restriction shall run with the property in perpetuity and shall not be lost in the event of foreclosure.
5. For workforce housing developed prior to the effective date of this CDC, the old duration of the workforce housing restriction and covenant ran for an initial period of fifty (50) years and, at the option of the Town Council or its designee, may be extended for an additional period of fifty (50) years after public hearing and comment on the proposed extension.
6. The workforce housing restriction and covenant shall be administered by the Town, or its designee, and shall be enforceable by any appropriate legal or equitable action including, but not limited to specific performance, injunction, abatement or eviction of non-complying owners, users or occupants or such other remedies and penalties as may be provided by Colorado law or the ordinances of the Town.
C. Certain lots are required to construct and provide workforce housing units concurrent with the free-market development allowed on a lot. Such lots with workforce housing are designated on the official land use and density allocation list.

1. Workforce housing density assigned to a lot on the official land use and density allocation list or by an effective resolution shall be built concurrent with any free-market units on that lot, and workforce housing density cannot be transferred to the density bank or to another lot unless the Town Council determines, in its sole discretion, that the workforce housing density cannot be built on a site due to a practical hardship.

   a. If the Town Council determines a practical hardship exists, the applicant shall be required to transfer the unbuilt workforce housing density to the density bank pursuant to the rezoning and density transfer processes.

   b. The owner of workforce housing density shall be responsible for all dues, fees and any taxes associated with that density and zoning until such time as the density is transferred to a lot pursuant to the rezoning and density transfer process.

D. The Comprehensive Plan also identifies the need to provide workforce housing as a part of the development of certain parcels as shown in each subarea plan’s development table. Such workforce housing shall be developed in accordance with the Comprehensive Plan policies and be subject to the workforce housing restriction.

E. Lots that were developed prior to the effective date of the CDC shall be subject to the workforce housing restriction in effect on the property unless a property owner elects to convert to a newer workforce housing restriction.

1. Workforce housing developed prior to the effective date of the CDC is subject to an employee housing restriction that has a provision that removes the deed restriction upon foreclosure by a Public Trustee.

2. Even if the workforce housing restriction is removed upon foreclosure, a rezoning is required to change the zoning designation from an employee housing designation to a free-market zoning designation.

3. During the review of any zoning amendment that involves a foreclosed workforce housing unit that has a deed restriction that is effectively removed upon foreclosure, the Town shall determine if the workforce housing density assigned to the lot was a part of the original density in the Density Limitation or if such is considered workforce housing bonus density that was granted after the Town’s incorporation. If it is workforce housing bonus density, the Town Council may in its sole discretion either deny a zoning amendment because the change to a free-market unit would increase the Density Limitation, or require the applicant to transfer the needed density from the density bank or another lot prior to approving the ordinance approving the zoning amendment. Any denial of a rezoning in this situation shall allow the continuation of the employee housing zoning designation as an unrestricted free-market unit since such is not encumbered by a deed restriction.

4. Free market housing may only be allowed on active open space in the event that the employee housing deed restriction is terminated in the event of foreclosure by the holder of the promissory note secured by a first deed of trust (other private seller financing) on an workforce housing unit and subject to the issuance of a public trustee’s or sheriff’s deed to the holder of the promissory note or governmental agency guaranteeing, insuring, or acquiring the promissory note from the holder.
a. In the event of the foreclosure of a workforce housing unit located on a lot zoned as active open space, the Town Council shall not rezone such to a non-open space zone district and/or to another non-workforce housing zoning designation unless:

i. The applicant provides Replacement Open Space that is deed restricted in perpetuity; and,

ii. The applicant transfers density from the density bank for the unit to ensure the Density Limitation is not exceeded by the rezoning.

5. Workforce housing units pay half the tap fee of a free-market unit, therefore any foreclosure action that results in a rezoning development application to a free-market condominium shall only be approved by the Town if the full tap fee is paid.

17.3.10 PLATTED OPEN SPACE REQUIREMENTS

A. Preservation as to Acreage and General Location. Active and passive open space shall be preserved as to acreage and general location as depicted on the 2012 Open Space Map and documented in the associated open space table as recorded at Reception Numbers 426871, 426872, and 426873 (“2012 Open Space Map”).

B. Open Space Percentage Requirement. Active and passive open space within the Original PUD Boundary as depicted on the 2012 Open Space Map shall not be less than sixty percent (60%) of the total acreage within the Original PUD Boundary, excluding village core open space unless such open space has otherwise been provided as Replacement Open Space as provided for in Section 1.5.

C. Prohibition on Rezoning of Passive Open Space. Passive open space within the Original PUD Boundary as shown on the 2012 Open Space Map shall be maintained and shall not be rezoned, nor shall the acreage of such passive open space be reduced below 151.3 acres.

D. Rezoning of Active Open Space Permitted. Active open space as depicted on the 2012 Open Space Map may be rezoned and replatted as envisioned in the Comprehensive Plan provided:

1. Any such rezoning or replatting is contemplated by and consistent with the Comprehensive Plan.

2. The active open space to be rezoned or replatted is replaced by an equal amount of acreage that is not depicted as such on the 2012 Open Space Map, with such replacement acreage to be zoned as active open space (“Replacement Open Space”);

3. The Replacement Open Space is provided through either (a) a simultaneous land use application; or (b) the Replacement Open Space acreage has previously been designated by the Town as Replacement Open Space;

4. The Replacement Open Space is located within any subarea plan as depicted on the 2012 Open Space Map, or Lot 420 subject to compliance with the provisions of section I below, in which case the Replacement Open Space shall be deemed to be in the same general location as the active open space parcels that have been rezoned and replatted for resort development purposes; and,

5. San Miguel County receives a courtesy referral of any such application and has 21 days following such referral to provide comments to the Town.

E. Village Core Replacement Open Space. Village core open Space as depicted on the 2012 Open Space Map may be used as Replacement Open Space within the Mountain Village Center Subarea Plan provided:
1. All of the foregoing criteria are met; and
2. The 2012 Open Space Map is amended to depict the Replacement Open Space.

F. **Replacement Open Space Outside of a Subarea Plan.** Replacement Open Space for rezonings or replattings meeting the foregoing criteria may be proposed to be located outside of any subarea plan provided that:

1. Following delivery of the courtesy referral set forth in section D.5 above, the Town and San Miguel County enter into negotiations to determine if agreement can be reached on whether or not the proposed Replacement Open Space is within the “same general location” as contemplated in section A above.
2. Failure of the Town and San Miguel County to agree on whether or not the proposed Replacement Open Space is within the “same general location” shall not preclude the Town from processing and approving any such application in accordance with the CDC however any such processing and approval shall be subject to the rights of the parties to the 1999 Stipulated Settlement Order in *BOCC v. Town of Mountain Village*, 97 CV 133, as recorded at reception number 329093 on September 8, 1999, in the public records of the San Miguel County Clerk and Recorder’s Office (“Stipulated Settlement Order”).

G. **Reduction of Active Open Space.** Active open space may be reduced if it is rezoned to passive open space.

H. **Lot Line Adjustments.** Lot line adjustments that affect open space are permitted, subject to the approval of the Town, but only to the extent that there is no net loss of open space as required herein.

I. **Lot 420 Rezone.** Subject to and in accordance with the CDC, the owner of Lot 420 shall be eligible to rezone that portion of Lot 420 that does not retain the current single-family residential zoning, approximately 30 acres, to passive open space subject to the condition that the rezoned passive open space shall be conveyed to the Town. Upon the rezoning of Lot 420 to open space and TSG’s conveyance of the portion of Lot 420 rezoned to open space to the Town, the owner of Lot 420, subject to and in accordance with the CDC, shall then be eligible for the rezoning and replatting of the following designated active open space parcels for development purposes consistent with the Comprehensive Plan: Parcel A-1, Lots 122, 123, and 128; Parcel A-3 Peaks Northwest Addition; Parcel A-4 Telluride Conference Center Expansion; Parcel D Pond Lots; Parcel G Gondola Station; Parcel J Recreation Center/Multipurpose Facility; Parcel K Meadows Magic Carpet; Parcel O TSG Clubhouse; Parcel E Ski School; Parcel F Town Hall East; Parcel E Big Billie’s Apartments. The Town’s approval of any proposed rezoning and replatting of the Lot 420 to open space, as well as its approval of the rezoning and replatting of the TSG active open space parcels specified in this paragraph shall be expressly contingent upon an applicant’s development application to the Town satisfying the parameters set forth in the Comprehensive Plan in Table 7, Mountain Village Center Development Table, Table 8, Town Hall Center Development Table or Table 9, Meadows Development Table, as applicable. Should the Town find and determine that TSG’s development application(s) satisfy the provisions of this paragraph, and the requirements of the Town’s Land Use Ordinance, or its successor then in effect, then the open space resulting from the rezoning and replatting of Lot 420 shall be used to offset the open space required to allow a parcel to be rezoned from open space to another zoning classification. The Town and San Miguel County expressly understand and acknowledge that the provisions of this section I is an exception to the County’s stated position regarding changes to the “acreage and general location” of platted open space as set forth in sections A through G above and that nothing in this section, shall limit or impair San Miguel County’s enforcement rights granted to it pursuant to the Stipulated Settlement Order.
17.3.11 BUILDING HEIGHT

A. General

The building height requirements of this section shall apply unless other building heights are specified in an approved PUD development agreement or on a recorded plat.

B. Method for Measuring Building Height

Building height shall be measured vertically at a right angle to the horizon line from any point on a proposed or existing roof or eave (including but not limited to the roofing membrane) to the natural grade or finished grade, whichever is more restrictive, located directly below said point of the roof or eaves.

1. If the existing pre-construction grade has been disturbed prior to development, the Director of Community Development may establish the natural grade. 
2. If the Planning Division determines that there are minor irregularities in the natural grade, these areas shall not be used in determining compliance with the building height limitation set forth herein, and the surrounding typical natural grade shall be used. 
3. Window wells and similar building appurtenances installed below grade that extend out five (5) feet or less (as measured from the outside of retaining wall) shall not be counted as the finished grade for the purposes of calculating building height if such features do not add to the perceived height of a building.

C. Maximum Average Height

1. Maximum average height shall be measured from the finished grade to a point on the roof plane midway between the eave and ridge. 
2. On complex buildings with multiple heights and/or buildings with multiple heights on sloping sites, the maximum average height shall be determined by taking the average of heights at equal intervals around the perimeter of a building. Those intervals shall be no more than twenty (20) feet. When multiple roofs occur within any interval, the height for that interval shall be measured from the finished grade or natural grade (whichever is most restrictive) to a point on the highest primary roof midway between the eave and the ridge. For purposes of determining the maximum average height on complex buildings, a roof shall have a horizontal projection of at least ten (10) feet. This definition does not intend to allow strategies to circumvent the intention of the maximum average height limitation through such relationships as high-rise structures surrounded by low secondary roofs.

D. Plan Submittal Requirements

1. All development applications subject to the building height limits established by this CDC shall submit the following information to ensure the requirements set forth herein are met:

   a. A certified topographic survey of the building site with one (1) or two (2) foot contour intervals in a United States Geological Survey (“USGS”) datum prepared by a Colorado public land surveyor. Such survey shall be prepared to ensure that the Town can certify elevations, floorplans and overall height based on reliable site plan datum. The USGS datum shall be indicated as a note on the topographic survey stating what datum was used and how it was derived.
b. Notwithstanding the foregoing, the Planning Division may waive the submission of existing topographic data if a proposed building is:

i. Located on slopes that are ten percent (10%) or less; and,
ii. The proposed building or structure and any associated roof appendages are not within five (5) feet of the maximum height allowed by the underlying zoning district.

c. A site plan of the building site that shows the following information with a maximum scale of one inch (1") equals thirty (30) feet:

i. Natural grade in a dashed line;
ii. Finished grade in a solid line;
iii. The building height measurement points that show the USGS elevations of the existing and finished grades where the building height and the average building height are proposed to be measured;
iv. Outline of the building façade including the exterior wall assembly;
v. Outline of the roof dripline and the corresponding mean sea elevation for all horizontal eaves in a USGS datum;
vi. A roof plan showing roof ridgelines and the corresponding mean sea level elevations in a USGS datum; and
vii. The roof appendages and the corresponding mean sea level elevations in a USGS datum.

d. Elevation drawings of all facades of a proposed building or structure that show:

i. The maximum roof or structure height in mean sea level elevation in a USGS datum based on the certified topographic survey datum as specified above;
ii. The natural grade of the site in a dashed line;
iii. The finished grade of the site in a solid line; and
iv. The ridgeline elevations in mean sea elevation.

17.3.12 BUILDING HEIGHT LIMITS

A. Table 3-3 establishes the maximum building height and average building height limits for each zone district and some specific lots.

B. Antennas mounted to a structure or building shall not be more than ten percent (10%) higher than the actual, as-built building or structure height to which such antenna is mounted. For example, a building that is of 40 feet high can have an antenna that extends no more than four (4) feet above the roof. Freestanding antenna maximum structure height shall be established by the review authority.
Table 3-3, Building Height Limits

<table>
<thead>
<tr>
<th>Zone District or Lot Number</th>
<th>Maximum Building Height in feet. See Footnote 1 &amp; 2</th>
<th>Maximum Average Building Height in feet. See Footnote 1 &amp; 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-Family</td>
<td>35</td>
<td>30</td>
</tr>
<tr>
<td>Single-Family common interest community (See: Footnote 4)</td>
<td>35</td>
<td>30</td>
</tr>
<tr>
<td>Multi-Family (See: Footnote 5)</td>
<td>48</td>
<td>48</td>
</tr>
<tr>
<td>Maintenance-Public Works</td>
<td>48</td>
<td>48</td>
</tr>
<tr>
<td>Civic</td>
<td>48</td>
<td>48</td>
</tr>
<tr>
<td>Village Center</td>
<td>60</td>
<td>48</td>
</tr>
<tr>
<td>Lot 128</td>
<td>As built height</td>
<td>As built height</td>
</tr>
<tr>
<td>Ridgeline area lots (See: Footnote 3)</td>
<td>45</td>
<td>30</td>
</tr>
<tr>
<td>Ridgeline Lots (See: Footnote 3)</td>
<td>35</td>
<td>30</td>
</tr>
</tbody>
</table>

1 The ridge of a gable, hip, gambrel or similar pitched roof may extend the maximum building height up to five (5) feet above the specified maximum height limit, except on ridgeline lots.
2 Chimneys, flues, vents or similar structures may extend up to five (5) feet above the specified maximum height excluding unscreened telecommunications antenna with the height of such structures set forth in the telecommunications antenna regulations.
3 Please refer to ridgeline lot requirements in the Design Regulations, which include additional restriction on the maximum building height. See Forever is permitted a higher building height pursuant to a PUD development agreement.
4 Height maximums listed under Single-Family and Single-Family Common Interest Community also apply to single-family dwellings platted as condominium dwelling units (See: Single-Family Condominium Dwelling definition.).
5 Height Maximums listed under Multi-Family apply to Multi-Family Dwelling Units (See: Multi-Family Dwelling Unit Definition.).

C. When a proposed development is approved that is five (5) feet or less from the maximum building height or maximum average building height set forth in this section or otherwise specified in a PUD development agreement or on a recorded plat, the review authority approval and building permit shall include a condition that a monumented land survey shall be prepared by a Colorado public land surveyor to establish the maximum building height and the maximum average building height, including but not limited to natural grade, finished grade and the building height measurement points (in USGS datum) prior to the Building Division conducting the required framing inspection.

17.3.13 Maximum Lot Coverage

A. Maximum lot coverage for buildings in all zone districts is set forth in Table 3-4:

Table 3-4. Maximum Lot Coverage

<table>
<thead>
<tr>
<th>Zone District</th>
<th>Maximum Lot Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family with lots &lt; 1 acre</td>
<td>40%</td>
</tr>
<tr>
<td>Single-family with lots &gt; 1 to 5 acres</td>
<td>30%</td>
</tr>
<tr>
<td>Single-family with lots &gt;5 acres</td>
<td>20%</td>
</tr>
<tr>
<td>Single-family common interest community</td>
<td>40% for each lot in the condominium community</td>
</tr>
<tr>
<td>Civic &amp; maintenance-public works</td>
<td>65%</td>
</tr>
</tbody>
</table>

43
### Table: Zone District vs. Maximum Lot Coverage

<table>
<thead>
<tr>
<th>Zone District</th>
<th>Maximum Lot Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Multi-family outside the Village Center</td>
<td>65%</td>
</tr>
<tr>
<td>Village Center</td>
<td>No lot coverage limit due to high density nature of Comprehensive Plan.</td>
</tr>
<tr>
<td>Active open space classifications</td>
<td>Established by DRB at time of development. Review based on size of open space lot and on lot coverage set forth above for single-family and multi-family zone districts.</td>
</tr>
</tbody>
</table>

### 17.3.14 GENERAL EASEMENTS SETBACKS

**A.** The majority of all lots outside the Village Center Zone District are burdened by a sixteen (16) foot general easement creating a building setback sixteen (16) feet around the perimeter of the lot.

**B.** For lots outside the Village Center Zone District where a general easement does not exist and lots where the general easement has been vacated, the review authority may require the establishment of a building setback as determined by the DRB at the time of review of a development application.

1. The review authority may not require a setback for such lots if the Town has established other design allowances by a recorded development agreement or other legally binding approval that establishes a different general easement setback or other setback.

**C.** All general easement setbacks or other setbacks shall be maintained in a natural, undisturbed state to provide buffering to surrounding land uses and to maintain the ability to conduct any of the general easement allowed uses.

**D.** All above- and below-grade structures or structural components (soil nailing, etc.), earth disturbance, or ground level site development such as walks, hardscape, terraces and patios shall be located outside of the general easement setback or other setbacks on each lot within the allowable building area of a lot.

**E.** The following development activities are permitted in the general easement setback or other setbacks subject to the applicable review process and Design Regulations:

1. Review authority approved accessways for direct access, including driveways, walkways, and ski trails and ski lifts for ski area access.
   a. Accessway impacts to the general easement shall be minimized to the extent practical, such as a perpendicular crossing of the easement setback area.
   b. Accessways shall not exceed the minimum Town standards for construction, such as the minimum width.

2. Utilities;
   a. To the extent practical, all utilities shall follow a driveway alignment.

3. Address monuments;
4. Natural landscaping without any man-made materials or hardscape;
5. Fire mitigation and forestry management without substantial earthwork;
6. Construction staging provided:
   a. The area proposed for such staging is devoid of naturally occurring trees or other naturally occurring vegetation; or
b. The DRB is approving disturbance in the general easement for another proposed improvement such as a driveway, utility cut, or skier access, and the area can be used for staging until the approved improvement is constructed; and

7. Other uses as provided for in the definition of general easement.

F. The DRB may waive the general easement setback or other setbacks and allow for prohibited activities provided:

1. The applicant has demonstrated that avoiding grading and disturbance in the general easement setback would create a hardship, and there is not a practicable alternative that allows for reasonable use of the lot;
2. The disturbance in the general easement setback is due to natural features of the site, such as steep slopes, wetlands and streams;
3. No unreasonable negative impacts result to the surrounding properties;
4. The general easement setback or other setback will be revegetated and landscaped in a natural state;
5. The Public Works Department has approved the permanent above-grade and below-grade improvements;
6. The applicant will enter into an encroachment agreement with the Town with the form and substance prescribed by the Town; and
7. Encroachments into the general easement setback or other setbacks are mitigated by appropriate landscaping, buffering and other measures directly related to mitigating the encroachment impacts.

G. Planning Division staff is authorized to review and approve soil disturbance, grading and structures in the general easement setback provided it finds:

1. Such activities were approved by the Town as a part of a prior approval or were found to lawfully exist;
2. The owner of the lot is simply trying to maintain or improve prior approved or lawful encroachments into the general easement setback; and/or
3. The lot owner enters into a revocable encroachment agreement with the Town if one does not exist.

H. The DRB reserves the right, at the time of Design Review Process, to impose setbacks up to twenty (20) feet for tennis courts, swimming pools, hot tubs and other areas of active use. Noise for such uses shall be buffered from adjacent properties.

I. All buildings will be required to maintain or provide for the required Building Codes’ setbacks.

J. The DRB reserves the right, at the time of Design Review Process, to impose greater setback requirements of up to ten (10) additional feet (i.e., a maximum of twenty-six (26) feet) for the protection of trees and natural rock outcroppings and other significant natural and environmentally sensitive features that are located in the general easement setback or other setbacks and to safeguard surrounding significant natural and environmentally sensitive features from the impacts of construction. If construction outside of the general easement or other setbacks will not impact trees or other significant natural and environmentally sensitive features in the area of the general easement setback or other setbacks, disturbance may be permitted by the DRB provided the disturbed area is re-landscaped.
K. When a proposed development is approved that is five (5) feet or less from the general easement setback, other setback or a lot line, the review authority approval shall include a condition that a monumented land survey shall be prepared by a Colorado public land surveyor to ensure there are no above-grade or below-grade encroachments into the general easement setback.

L. One function of the general easement is to provide for skier access to the ski area.

1. A lot owner may seek skier access to the ski area by the general easement through an intervening lot(s) only if the Town Council approves a class 5 development application for such request, and provided the following criteria are determined by the Council to be met:

   a. No disturbance or snow grooming activity is proposed or shall occur in the general easement on the intervening lot(s) without the permission of the intervening lot owner(s).
   b. There is adequate buffering and setback between the general easement and any existing home(s) on the intervening lot(s).
   c. The owner(s) of the intervening lots are notified of the Council’s consideration of the class 5 development application following the public hearing notifying requirements’ mailing notice details, with at least 30 days notice provided prior to the Town Council meeting at which the development application will be considered.
   d. The location of the access to the ski area is approved ski resort operator if there is any disturbance or snow grooming activity creating a formal entry into the ski area.

M. The review authority may not apply a general easement or setback to a subdivision, lot or development if the Town has previously established a general easement for the whole subdivision, or different setbacks, easements or other restrictions that limit development to a certain area of a lot.

17.3.15 HOTBED DEVELOPMENT AND CONDOMINIUM-HOTEL REGULATIONS

A. Any rezoning, subdivision, density transfer, PUD (SPUD or MPUD) or PUD amendment process and related Design Review Process development applications shall be in general conformance with the Comprehensive Plan’s hotbed policies and the hotbed policies of the CDC, including the Condominium-hotel Regulations.

B. Any development application on a site identified as a flag hotel site in a subarea plan’s development table shall include a rezoning development application to rezone such site to the PUD Zone District to ensure the provision of hotbed development as envisioned in the Comprehensive Plan pursuant to the Condominium-hotel Regulations and to allow variations to the requirements of the CDC to strive to achieve the density and building heights listed in each subarea plan’s development table consistent with the policies set forth in the CDC.

C. Other lots not identified by the Comprehensive Plan for a flag hotel may submit a rezoning development application following the class 4 development application process to apply the Condominium-hotel Regulations to a lot as an overlay zoning requirement upon a property.

1. The development application for a rezoning shall include the appropriate homeowners association consent and a copy of resolution of the homeowners association consenting to such application.
D. The Condominium-hotel Regulations are set forth in the supplementary regulation of the CDC and are considered a part of these Zoning and Land Use Regulations.

17.3.16 SITE MAINTENANCE

A. A lot owner, or owner of improvements on a lot, shall maintain that lot or improvements in a clean, safe and orderly condition and in compliance with any Town approvals granted under this CDC or the prior land use regulations. If the lot or improvements owner fails to perform any acts of maintenance or repair, the owner will be in non-compliance with this CDC and subject to the enforcement provisions contained herein.

B. Neither the Town nor any of its designees or employees or agents shall be liable for any incidental or consequential damages for failure to inspect any lot or improvements or portion thereof or to repair or maintain the same.

17.3.17 NONCONFORMING USES OF LAND

A. A use of land is considered nonconforming, when at the adoption of this CDC or any amendment hereto, such use is otherwise lawful but would not be permitted under this CDC or amendment hereto. The nonconforming use shall be permitted to continue in strict accordance with all standards and requirements of such lawful approval so long as it remains otherwise lawful subject to the following conditions:

1. No such nonconforming use shall be enlarged or increased or otherwise extended, which would result in the nonconforming use’s occupancy of a greater land area than was occupied on the effective date of adoption of this CDC or amendment hereto.

2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel other than that occupied by such use at the effective date of adoption of this CDC or amendment hereto.

3. The nonconforming use is discontinued for a period of one (1) year, regardless of any intent to resume such nonconforming use. Neither such nonconforming use nor any other nonconforming use shall thereafter be reestablished or commenced. Any subsequent use of such land shall conform to the regulations specified by this CDC for the zone district in which such land is located.

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

5. Projects with final approval(s) prior to the effective date of this CDC shall be built in accordance with the development regulations and standards in effect at the time of approval.

17.3.18 NONCONFORMING STRUCTURES

A. A structure is considered nonconforming, when at the adoption of this CDC or any amendment hereto, such structure is otherwise lawful but would not be approved under this CDC or amendment hereto. The structure may continue to exist so long as it remains otherwise lawful subject to the following conditions:

1. No such nonconforming structure may be enlarged or altered, the effect of which is to increase its nonconformity. However, any structure or portion thereof may be altered, the effect of which is to decrease its nonconformity.

2. In the event fifty percent (50%) or more of such nonconforming structure or nonconforming portion of such structure should be damaged or destroyed by fire or other
peril and such structure is not repaired or replaced within one (1) year from the date of loss, it shall be reconstructed in conformity with the provisions of this CDC.

3. In the event such structure is relocated for any reason, whether on the same lot or other lot, it shall thereafter conform to the regulations for the zone district in which it has been relocated.

4. Ordinary repairs and maintenance of a structure containing a nonconforming use are permitted.
17.3.19 LOT REDUCTION, PROHIBITION AGAINST ESTABLISHING NEW NONCONFORMING USES

A. No lot or parcel of land, nor any interest therein, shall be transferred, conveyed, sold, subdivided or acquired either in whole or in part that would result in the creation of a new nonconforming use or act to avoid, circumvent or subvert any provision of this CDC or result in the creation of a parcel or lot that fails to meet the minimum requirements for a legal building site as described in this CDC.

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

C. A land use legally established prior to the effective date of this CDC or prior to any amendments hereto shall be permitted to continue in strict accordance with all standards and requirements of such approval for the time period specified in the permit or for the time provided by the terms of the CDC in effect when the lot was developed.

D. Projects approved prior to the effective date of this CDC shall be built in accordance with the development regulations and standards in effect at the time of approval.

17.3.20 NONCONFORMING BUILDING SITES

Building sites lawfully established pursuant to regulations in effect prior to the effective date of this CDC that do not conform to the minimum lot area and dimension requirements prescribed by this CDC for the zone district in which they are situated shall remain lawful building sites subject to the site development standards prescribed by this CDC. No such site shall be further reduced in area or dimension.

17.3.21 DEVIATION FROM ZONING AND LAND USE REGULATIONS

Deviation from these zoning standards and the provisions of the CDC may be permitted in accordance with the PUD Regulations.
CHAPTER 17.4 DEVELOPMENT REVIEW PROCEDURES

17.4.1 PURPOSE

The purpose of the Development Review Procedures is to provide a clear, transparent, consistent, predictable and efficient review process for certain development activities within Mountain Village that are governed by this CDC.

17.4.2 OVERVIEW OF DEVELOPMENT REVIEW PROCESSES

A. There are five (5) development review processes that are used for evaluating land use development applications governed by the CDC:

1. Class 1 application: Staff development application review process;
2. Class 2 application: Staff-DRB chair development application review process;
3. Class 3 application: DRB development application review process;
4. Class 4 application: DRB-Town Council development application review process; and
5. Class 5 application: Town Council development application review process.

B. Table 4-1 summarizes the types of development applications that fall under each class of application and associated review authority:

<table>
<thead>
<tr>
<th>Development Application Type</th>
<th>Application Class</th>
<th>Review Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minor revision Process</td>
<td>Class 1</td>
<td>Planning Division Staff</td>
</tr>
<tr>
<td>Renewals</td>
<td>Class 1</td>
<td>Planning Division Staff</td>
</tr>
<tr>
<td>Rezoning Process</td>
<td>Class 4</td>
<td>DRB Recommendation &amp; Town Council Action</td>
</tr>
<tr>
<td>Density Transfer Process</td>
<td></td>
<td></td>
</tr>
<tr>
<td>From lot, or density bank, to a lot</td>
<td>Class 4</td>
<td>DRB Recommendation &amp; Town Council Action</td>
</tr>
<tr>
<td>Within the density bank</td>
<td>Class 1</td>
<td>Planning Division Staff</td>
</tr>
<tr>
<td>Design Review Process</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Class 1</td>
<td>Planning Division Staff</td>
</tr>
<tr>
<td></td>
<td>Class 2</td>
<td>DRB Chair</td>
</tr>
<tr>
<td></td>
<td>Class 3</td>
<td>DRB</td>
</tr>
<tr>
<td>Site Specific PUD (SPUD)</td>
<td>Class 4</td>
<td>DRB Recommendation &amp; Town Council Action</td>
</tr>
<tr>
<td>Conceptual PUD</td>
<td>Class 4</td>
<td>DRB Recommendation &amp; Town Council Action</td>
</tr>
<tr>
<td>Sketch PUD</td>
<td>Class 3</td>
<td>DRB</td>
</tr>
<tr>
<td>Final PUD</td>
<td>Class 4</td>
<td>DRB Recommendation &amp; Town Council Action</td>
</tr>
<tr>
<td>Master PUD (MPUD)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Outline PUD</td>
<td>Class 5</td>
<td>Town Council</td>
</tr>
<tr>
<td>Final PUD</td>
<td>Class 4</td>
<td>DRB Recommendation &amp; Town Council Action</td>
</tr>
</tbody>
</table>
C. Certain development applications are not associated with an application class, and have their Alternative Review Process outlined in a specific section of the CDC, such as the Alternative Review Process for governmental projects, appeals and worksessions.

D. In the event a development application is submitted and can be processed pursuant to the provisions of this CDC, but the application class is not listed in the development application table or set forth in the CDC as a development application class or alternative review, the Director of Community Development shall determine the application class such application shall follow.

### 17.4.3 DEVELOPMENT REVIEW PROCEDURES

The following Development Review Procedures shall apply to all classes of development applications except where a section of this CDC has a unique development process contained therein. The following Development Review Procedures shall be in addition to any specific review procedures that may be required for a specific type of development application outlined in this CDC.

#### A. Step 1: Presubmittal Meeting

The purpose of a presubmittal meeting is to provide an applicant with a list of required information and plans that must be submitted with a development application and to discuss potential opportunities and issues with CDC regulations prior to a formal submittal.

1. **Class 1 and 2 Applications.** Presubmittal meetings are not required for class 1 or 2 development applications; however, an applicant or the Planning Division may request such a meeting based on the nature and scope of a development application.

2. **Class 3, 4 or 5 Applications.** Prior to submitting a class 3, 4 or 5 development application, a presubmittal meeting shall be scheduled with the Planning Division to review the submittal documents, information and studies that must be submitted and to
discuss potential issues with CDC regulations. This meeting may, at the discretion of the Planning Division, require a conceptual site plan showing key plan elements (building layout, parking area layout, access, lot layout, etc.). The applicant will be provided with a development application submittal information packet and a checklist of submittal requirements at the presubmittal meeting.

3. **Waiver of Presubmittal Meeting.** The Planning Division may waive the presubmittal meeting requirement based upon the nature and scope of a proposed development application.

B. **Step 2: Development Application Submittal for All Application Classes.** A development application may be submitted to the Planning Division following the presubmittal meeting for class 3, 4 and 5 development applications unless a presubmittal meeting was waived by the Planning Division, in which case the application may be submitted at any time. A development application for class 1 and 2 applications may be submitted at any time unless a presubmittal meeting was required by the Planning Division. The application shall include all the submittal requirements of the development application submittal form, including but not limited to all applicable fees, required plans and other submittal documents required by the CDC.

C. **Step 3: Development Application Completeness Check**

1. **Completeness and Compliance Review.** The Planning Division shall determine the completeness of a development application according to the submittal requirements of this CDC and the application requirements of the Department within seven (7) calendar days following the submittal of an application ("Completeness Check Deadline").

2. **Advisement of Development Application Status.** If an application is determined to be complete, it shall be accepted by the Planning Division as a complete development application and the formal review process shall commence. If the application is determined incomplete, the applicant shall be notified in writing of the specific deficiencies and the review process shall not commence until all noted deficiencies are corrected. No public notice shall be issued for a public hearing as required below until an application has been deemed complete. The Planning Division shall provide written notification of either the acceptance or rejection due to incompleteness of an application by the Completeness Check Deadline. An incomplete application may be returned to an applicant if an application is not made complete within twenty-one (21) calendar days following the original submission date.

D. **Step 4: Development Application Referral and Review**

1. **Class 1 and 2 Applications.** The formal review process for a development application shall commence with the Referral and Review Process. The Referral and Review Process shall be a fifteen (15) calendar day process from the date of a complete development application. The Referral and Review Process may be compressed by the Planning Division if responses to all referrals are received and the Planning Division also completes its development application review prior to the end of the fifteen (15) day review period.

   a. Referral agency comments shall be forwarded to the applicant.

   b. Within the first five (5) calendar days of the review period a referral agency may request an extension of time to review a development application for good cause. The Planning Division shall determine if any requested extension is warranted and notify the referral agency and applicant of its decision and the number of
days allowed for the extended review time, if any, within three (3) business days of such request.

2. **Class 3, 4 and 5 Applications.** The formal review process for a development application shall commence with the Referral and Review Process. The Referral and Review Process shall be a twenty-one (21) calendar day process from the date of a complete development application.

   a. Within the first ten (10) calendar days of the review period a referral agency may request an extension of time to review a development application for good cause. The Planning Division shall determine if any requested extension is warranted and notify the referral agency and applicant of its decision and the number of days allowed for the extended review time, if any, within three (3) business days of such request.
   
   b. Referral agency comments shall be forwarded to the applicant.

3. **Additional Review Time for All Development Application Classes.** The Planning Division has the authority to determine, based on the complexity of a development application and staffing demands related thereto, if additional review time is required for the Referral and Review Process for all development application classes. The Planning Division shall inform an applicant if additional time is required within seven (7) calendar days from the date of a complete development application for class 1 and 2 applications, and within fourteen (14) calendar days for class 3, 4 and 5 applications.

4. **Referral Agencies.** The Planning Division shall be responsible for referring development applications to the agencies listed in the referral agency table, Table 4-2, below unless the Planning Division determines a referral is not necessary based on the nature of the development application.

   a. **No Comment.** If a referral agency fails to respond by the date requested on the referral form, its failure to respond shall be interpreted as “no comment” in which case it shall be presumed that such referral agency does not take issue with the development application.
   
   b. **Use of Referral Agency Comments.** Concerns raised by referral agencies related to specific regulatory requirements shall be considered by the review authority in making a decision. Referral agency recommendations not related to specific regulatory requirements of an agency may be addressed provided such recommendations are within the criteria for decision used by the review authority when considering a development application.

**Referral Agency Table 4-2**

<table>
<thead>
<tr>
<th>Referral Agency</th>
<th>Class 1</th>
<th>Class 2</th>
<th>Class 3</th>
<th>Class 4</th>
<th>Class 5</th>
</tr>
</thead>
<tbody>
<tr>
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<td>X</td>
<td>X</td>
<td>X</td>
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</tr>
<tr>
<td>Town Plazas and Environmental Services Dept.</td>
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<td>XEP</td>
<td>XEP</td>
<td>XEP</td>
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</tr>
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<tr>
<td>Mountain Village Cable</td>
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<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Transportation Department</td>
<td>XT</td>
<td>XT</td>
<td>XT</td>
<td>XT</td>
<td>XT</td>
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<tr>
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<tr>
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<td>X</td>
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</tr>
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<td>San Miguel Power Association</td>
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</tr>
<tr>
<td>Source Gas</td>
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<td>X</td>
<td>X</td>
<td>X</td>
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</tr>
<tr>
<td>Qwest</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>
Referral Agency | Class 1 | Class 2 | Class 3 | Class 4 | Class 5
--- | --- | --- | --- | --- | ---
Colorado Geologic Survey |  |  |  | X | 
San Miguel County |  |  |  | XMR | XMOS
Town of Telluride |  |  |  |  | XMR
San Miguel Regional Housing Authority |  |  |  |  | 
Colorado State Forest Service |  |  |  |  | 
United States Army Corps of Engineers |  |  |  |  | 
United States Forest Service |  |  |  |  | 

XEP: Mandatory referral for a determination of the existence of wetlands on or adjacent to the site or lot related to development applications that involve grading or exterior construction activity and comments if there are wetlands in the area of the site or lot.

XL: Referrals for development applications with legal agreements or issues.

XT: Referrals for development applications with transportation impacts.

XR: Referrals for development applications with recreation impacts.

XMR: Mandatory referral for Design Review Process development applications on ridgeline lots.

XMOS: Mandatory referral for rezonings, subdivisions and lot line vacations that affect active or passive open space.

E. **Step 5: Planning Division Follow-up Communication**

All Development Application Classes. Within seven (7) calendar days following the completion of the Referral and Review Process in step 4, the Planning Division shall provide the applicant with a written communication summarizing the comments of the referral agencies received by the Planning Division during, and, if warranted by the conclusions of the review, may provide guidance and suggestions to the applicant regarding staff’s analysis of measures necessary to attain compliance with the applicable criteria for decision and requirements of the CDC. The Planning Division’s written correspondence to an applicant represents only an administrative review of the development application through the Referral and Review Process. Staff may identify additional issues at any time prior to final approval.

F. **Step 6: Applicant Plan Revisions**

1. **Plan Revisions.** If upon conclusion of the Referral and Review Process in step 4 it is determined that revisions to a development application are necessary in order to comply with the requirements of the CDC, the applicant shall be provided with an opportunity to revise the development application.

   a. **Required Plan Revisions.** An applicant shall revise the development application to address the requirements of the CDC unless a variance or a PUD is being requested as a part of the development application (required plan revisions). Examples of such requirements include but are not limited to setbacks, general easements, building height, lot coverage and permitted uses. The subsequent public hearing shall not be scheduled until required plan revisions are made and submitted to the planning division.

   b. **Discretionary Plan Revisions.** Certain requirements and criteria of the CDC are more discretionary and subject to individual opinion and judgment, such as the need to provide adequate buffering, minimize visual impacts or minimize wetland impacts (discretionary plan revisions). An applicant will be encouraged by the Planning Division to amend the development application to address the discretionary plan revisions in order to be compliant with the requirements and criteria of the CDC.

2. **Progression to Step 7.** A development application shall not progress to step 7 or other
subsequent steps until all the required plan revisions have been addressed by an applicant, and the applicant has either revised the plans to address the required discretionary plan revisions, or provided a written narrative on why the development application either does not need to be amended to address a discretionary requirement of the CDC, or a written explanation of how the development application meets the discretionary requirements.

G. Step 7: Schedule Review Authority Public Hearing

1. Class 1 and Class 2 Applications. Class 1 and 2 development applications do not require a formal public hearing with the review authority. Therefore, no public hearing is required.

2. Class 3, 4 and 5 Applications.
   a. A public hearing shall be scheduled with the review authority in accordance with this section if the Planning Division determines that a class 3, 4 or 5 development application has met the following public hearing threshold requirements:
      i. The development application has addressed any required plan revisions;
      ii. The applicant has amended the development application to address any discretionary plan revisions or provided a written narrative why the development application does not need to be amended to address such discretionary requirements; and
      iii. The development application contains sufficient detail to allow a thorough review of the proposal by the review authority per the applicable requirements of this CDC and the applicable criteria for decision.
      iv. For Class 3 applications, an Initial Architecture and Site Review hearing has been scheduled prior to the scheduled date for the Final Review public hearing.
   
   b. Certain class 5 applications are exempt from the need to conduct a public hearing as outlined in step 10 and the public hearing noticing requirements.
   c. Class 3 applications will require a two-step process consisting of an Initial Architecture and Site Review hearing, followed by a public hearing for final approval at a subsequent Design Review Board meeting.

3. Scheduling Development Application on Agenda. A development application shall be scheduled before the review authority at its next regular meeting, considering the required notice period, where adequate time is available on the agenda to conduct a public meeting or hearing, as applicable. Notwithstanding the foregoing, scheduling of the meeting or public hearing, whichever situation applies, shall occur within 60 calendar days after the Planning Division determines that the public hearing threshold requirements have been met.

H. Step 8: Public Noticing

1. Class 1 and 2 Applications. Class 1 and 2 development applications do not require public noticing.

2. Class 3, 4 and 5 Applications. Noticing of class 3, 4 and 5 development application public hearings shall be in accordance with the public hearing noticing requirements.
a. Certain class 5 development applications as outlined in step 10 are exempt from the public noticing requirements because a public hearing is not required.
b. The Initial Architecture and Site Review hearing of the Class 3 Design Review process may be noticed concurrently with the Final Review public hearing.

I. Step 9: Preparation of Staff Report

1. Class 1 and 2 Applications. Class 1 and 2 development applications do not require the preparation of a formal staff report. Notwithstanding the foregoing, the Planning Division may elect to prepare a report on such development applications.

2. Class 3, 4 and 5 Applications. The Planning Division shall prepare a staff report for the review authority for class 3, 4 and 5 development applications that analyzes the development application as per the applicable requirements and criteria for decision of this CDC. Such staff report shall be included as part of the application packet materials for the review authority.

J. Step 10: Review Authority Public Hearing or Meeting

1. Class 1 and 2 Applications. No public hearing or meeting is required for class 1 or 2 development applications prior to taking action.

2. Class 3 Applications. Prior to taking any action on a class 3 development application, the DRB shall hold at least one (1) Initial Architecture and Site Review hearing and at least one (1) Final Review public hearing held at a subsequent DRB agenda for the purpose of considering recommendations from the Planning Division, the Design Review Board, other agencies and testimony from the applicant and the public.

3. Class 4 Applications. A class 4 development application shall first be reviewed by the DRB, which shall make a recommendation to the Town Council. Thereafter, the Town Council shall render a final decision on such development applications.

   a. Prior to taking any action and making a recommendation on a class 4 development application, the DRB shall hold at least one (1) public hearing for the purpose of considering recommendations from the Planning Division, other agencies and testimony from the applicant and the public.

   b. Prior to taking any action on a class 4 development application, the Town Council shall hold at least one (1) public hearing for the purpose of considering recommendations from the Planning Division, DRB, other agencies and testimony from the applicant and the public.

4. Class 5 Applications That Require a Public Hearing. Prior to taking any action on the following class 5 development application, the review authority shall hold at least one (1) public hearing for the purpose of considering recommendations from the Planning Division, other agencies and testimony from the applicant and the public:

   a. Outline MPUD development applications;

5. Other Class 5 Applications. Minor subdivision and other class 5 development applications do not require a public hearing.

K. Step 11: Review Authority Action on a Development Application
1. **Class 1 or Class 2 Applications.**
   a. The Planning Division shall issue a written decision on class 1 or 2 development applications within seven (7) calendar days after the Planning Division determines a development application can proceed to step 7 as outlined under step 6 above.
   b. The Planning Division’s action on class 1 or 2 development applications shall be based on a finding of compliance with the specific requirements of this CDC for the type of development application under review and shall be for approval, conditional approval or denial.
   c. Approval of class 1 or class 2 development applications may include conditions of approval.

2. **Class 3 Applications.** The following options are available to the review authority when acting on class 3 development applications:
   a. **Initial Architecture and Site Review.** The Design Review Board shall review and approve an Initial Architecture and Site Review application before the application is allowed to proceed to a subsequent agenda for a public hearing and Final Review. However, the public hearing and Final Review may be noticed concurrently with the Initial Architecture and Site Review application and such public hearing shall be continued in the event the Sketch Review application hearing is not approved before the noticed date for the Final Review public hearing.
   b. **Final Review.** After the DRB approves the Initial Architecture and Site Review application a public hearing shall be held on a subsequent agenda. The DRB shall have the following options for action:
      i. **Approval.** The DRB shall approve a proposed Class 3 development application if it determines that it meets the applicable requirements and criteria of the CDC.
         (a) The DRB’s recommendation of approval of a class 3 development application shall be made by motion, approved by a majority vote of the DRB and recorded in the DRB summary of motions.
         (b) The review authority may attach conditions of approval.
      ii. **Denial.** The DRB shall deny a proposed class 3 development application if it determines that it does not meet the applicable requirements and criteria of the CDC.
         (a) The DRB’s denial of a class 3 Final Review development application shall be made by resolution.
         (b) The DRB’s recommendation of denial of a class 3 development application shall be made by motion, approved by a majority vote of the DRB and recorded in the DRB summary of motions.
      iii. **Continuance.**
         (a) The public hearing may identify additional issues that relate to applicable requirements or criteria for decisions set forth in this CDC, and the applicant may be required by the review authority to address such new issues prior to taking formal action on a
development application. Where development application revisions are required by the review authority, the review authority shall determine, at its public hearing or meeting, the timeline for submitting such revisions or new information to the Planning Division and continue the public hearing or meeting to a date certain, which will allow sufficient time for proper analysis and preparation of a supplemental staff report by the Planning Division.

(b) If a hearing is continued, the applicant shall submit, at least 14 calendar days prior to the continued hearing (unless otherwise specified by the review authority provided there is enough time to review the revised plans and prepare a staff report), any additional required submittal documents or new information to address the review authority’s concerns per the applicable requirements and criteria for decision set forth in this CDC. Failure to address such requirements in the required timeframe shall result in a further continuance of the application.

(c) A public hearing continued to a certain date, time and location is not required to be renoticed.

iv. **Tabling.** If continuance is not appropriate or if more than two months are needed to address development issues or questions, the DRB may table a development application for good cause or to allow additional information and materials to be submitted that will allow for a comprehensive review. Tabled development applications require renoticing in accordance with the public hearing noticing requirements prior to recommencing the public hearing process.

3. **Class 4 and 5 Applications.** The following options are available to the review authority when acting on Class 4 or 5 development applications:

a. **Approval.** The review authority shall approve a proposed Class 4 or 5 development applications if it determines that it meets the applicable requirements and criteria of the CDC.

i. The review authority’s approval of a Class 4 or 5 development application shall be made by resolution, and such resolution may be recorded in the records of the San Miguel County Clerk and Recorder at the discretion of the Town Attorney.

ii. The DRB’s recommendation of approval of a Class 4 development application shall be made by motion, approved by a majority vote of the DRB and recorded in the DRB summary of motions.

iii. The review authority may attach conditions of approval.

b. **Denial.** The review authority shall deny a proposed Class 4 or 5 development application if it determines that it does not meet the applicable requirements and criteria of the CDC.

i. The review authority’s denial of a Class 4 or 5 development application shall be made by resolution.

ii. The DRB’s recommendation of denial of a Class 4 development application shall be made by motion, approved by a majority vote of the
DRB and recorded in the DRB summary of motions.

c. Continuance.

i. The public hearing may identify additional issues that relate to applicable requirements or criteria for decisions set forth in this CDC, and the applicant may be required by the review authority to address such new issues prior to taking formal action on a development application. Where development application revisions are required by the review authority, the review authority shall determine, at its public hearing or meeting, the timeline for submitting such revisions or new information to the Planning Division and continue the public hearing or meeting to a date certain, which will allow sufficient time for proper analysis and preparation of supplemental staff report by the Planning Division.

ii. If a hearing is continued, the applicant shall submit, at least 14 calendar days prior to the continued hearing (unless otherwise specified by the review authority provided there is enough time to review the revised plans and prepare a staff report), any additional required submittal documents or new information to address the review authority’s concerns per the applicable requirements and criteria for decision set forth in this CDC. Failure to address such requirements in the required timeframe shall result in a further continuance of the application.

iii. A public hearing continued to a certain date, time and location is not required to be renoticed.

d. Tabling. If continuance is not appropriate or if more than two months are needed to address development issues or questions, the review authority may table a development application for good cause or to allow additional information and materials to be submitted that will allow for a comprehensive review. Tabled development applications require renoticing in accordance with the public hearing noticing requirements prior to recommencing the public hearing process.

L. Step 12: Notice of Action

1. **Class 1 and 2 Applications.** With respect to Class 1 and 2 applications, the Planning Division shall send written notice of its decision to the applicant within five (5) calendar days after the date action is taken. Notice to the applicant shall include any conditions of approval or findings for denial. Failure to send written notice within five (5) calendar days shall not invalidate the action taken, but shall extend the period in which the applicant may submit an appeal by the number of days that giving of notice is delayed beyond five (5) calendar days.

2. **Class 3 Applications.** The Planning Division shall send written notice of the DRB’s decision to either approve or deny a Final Review development application to the applicant within fourteen (14) calendar days after the date action is taken. Notice to the applicant shall include any conditions of approval or findings for denial. Failure to give notice within seven (7) calendar days shall not invalidate the action taken, but shall extend the period in which the applicant may submit an appeal by the number of days that giving of notice is delayed beyond seven (7) calendar days.

3. **Class 4 and 5 Applications.** The Planning Division shall send written notice of the Town Council’s decision to either approve or deny a development application to the applicant within fourteen (14) calendar days after the date action is taken. Notice to the
applicant shall include any conditions of approval or findings for denial.

M. Step 13: Effective Date and Appeal

1. **Class 1 and 2 Applications.** Action on class 1 and 2 applications shall become effective on the date a decision is rendered unless an appeal is filed within seven (7) calendar days.

2. **Class 3 Applications.** Action on class 3 applications shall become effective seven (7) calendar days from the date a decision is rendered unless an appeal is filed in accordance with the appeal procedures within this seven (7) day period.

3. **Class 4 and 5 Applications.** The Town Council’s action on Class 4 and 5 applications shall become effective on the date a decision is rendered.
   
   i. In certain instances which require the recording of a legal instrument, the Town Council action shall not be effective until any required resolution or other required legal instruments are recorded. Recording shall occur as soon as practicable after the Council hearing approving the development application.

   b. Decisions of the Town Council shall be final, subject only to judicial review by a court of competent jurisdiction in accordance with the Colorado Rules of Civil Procedure.

4. **Appeal and No Issuance of Permits**

   a. Appeals to the Town Council on Class 1, 2 and 3 applications shall be filed, and hearings thereon shall be conducted in accordance with the appeal procedures.

   i. If a decision to approve a class 1, 2 or 3 application is appealed pursuant to the appeal procedures, building permits or other development permits shall not be issued until the appeal is heard by the Town Council and it takes action to uphold or modify the approval.

   ii. If the appeal results in a denial of a development application, a new and substantially modified development application must be submitted if an applicant desires to continue pursuing the development of a property absent a change in the CDC regulations or Comprehensive Plan policies.

   b. The Town Council’s approval or denial of class 4 or 5 development applications, or appeals of class 1, 2 or 3 development applications shall constitute final administrative Town action on a development application.

   i. If the Town Council denies a development application, a new and substantially modified development application shall be submitted if an applicant desires to continue pursuing the development of a property absent a change in the CDC regulations or Comprehensive Plan policies.

(a) An applicant cannot submit the same development application that was denied by the Town Council for a period of three (3) years from the date of denial.

N. Step 14: Length of Validity

1. **Class 1, 2 and 3 Applications.** Approval of class 1, 2 and 3 applications shall lapse
eighteen (18) months from the effective date of the approval (except for renewals as outlined below) unless a development permit is issued by the Town and either: (a) a building permit is issued, and the Director of Community Development determines substantial construction has occurred on the project; (b) a certificate of occupancy or certificate of completion is obtained; or (c) the development application resulted in a final action that does not expire, such as a density transfer. If a certificate of occupancy or certificate of completion is obtained on a class 1, 2 or 3 development application, the approval shall remain valid for the life of the project provided the use continues to comply with the requirements of the CDC in effect when the project was completed, unless the development application is amended or revoked in accordance with the procedures outlined in this CDC.

a. An applicant may seek one (1), six (6) month renewal prior to lapse of the approval in accordance with the renewal procedures. If a renewal development application is approved by the Town, the approval shall lapse six (6) months after the expiration date of the original approval.

b. Class 1, 2 or 3 development applications that have lapsed shall be required to submit a new development application, which shall be governed by the requirements of this CDC in effect at the time of the new submittal.

c. If construction ceases on a development leaving a partially finished project, the Town may initiate the revocation procedure.

i. During the revocation procedure, the Town may apply conditions to mitigate adverse impacts in conjunction with relief provided by the CDC and the Building Codes.

2. **Class 4 Applications.**

a. **Class 4 Applications General.** The Town Council’s approval of a class 4 application shall lapse after eighteen (18) months from the date of approval unless one (1) of the following actions occurs within said time period:

i. Any required plat, development agreement or other legal instruments are executed and recorded; or

   (a) A PUD development agreement shall set forth the length of validity for such agreement and any associated vested property rights according to the PUD Process.

ii. The activity and/or use described in the development application has substantially commenced or been constructed, whichever situation applies in accordance with development application and the associated approval.

Once one of these actions occurs, the class 4 application shall remain valid for length stated in the approving resolution or associated development agreement unless it is amended or revoked in accordance with the procedures outlined in this CDC.

b. **Length of Validity for Conditional Use Permits.**
i. If no time period is stated in a resolution approving a conditional use permit, the permit shall be valid for five (5) years unless a development agreement or resolution has been approved in accordance with the CDC, which may specify a longer period of approval.

ii. The Town Council may limit the maximum length of validity for all conditional use permits to allow for periodic reviews of such uses per the requirements and criteria for decision of this CDC.

iii. If activities allowed by a conditional use permit have ceased for at least one (1) year, such permits shall expire and these activities cannot resume unless a development application is filed and approved in accordance with the procedures for review of new conditional use permits.

iv. A conditional use permit shall remain valid for length stated in the approving resolution or associated development agreement unless the approval is amended or revoked in accordance with the procedures outlined in this CDC.

3. **Class 4 or 5 Applications.**

   a. Approval of a class 4 or 5 application shall lapse after eighteen (18) months unless one of the following has occurred:

      i. The required legal instruments have been executed and recorded, such as the required resolution, ordinance, density transfer, subdivision plat, PUD development agreement, development agreement or any other legal instruments required by the Town as a part of the development application approvals; or

         (a) A PUD development agreement shall set forth the length of validity for such agreement and any associated vested property rights according to the PUD Process.

      ii. The approving ordinance is subject to a petition and referendum and is revoked by a vote in accordance with the Town Charter.

   b. Once the required actions occur, the approval shall remain valid as stated in the legal instruments unless the approval is amended or revoked in accordance with the procedures outlined in this CDC.

      i. Subdivision plats and associated resolutions, and rezoning and ordinances shall be valid in perpetuity unless the approvals are amended or revoked in accordance with the procedures outlined in the CDC.
17.4.4 GENERAL PROVISIONS APPLICABLE TO ALL DEVELOPMENT APPLICATION CLASSES

A. Merits of Each Development Application

Every development application as set forth in the CDC shall be reviewed on its individual merits in relation to the criteria for decision and the applicable requirements of the CDC. Therefore, no precedence is set by the approval of a development application.

B. Authority to Initiate a Development Application

Any owner or anyone who has written permission from an owner in a form deemed acceptable by the Planning Division may submit a development application. Special rules apply to submitting a PUD development application and for PUD amendments.

C. Communication

Written notice or communication of any matters as provided for in this CDC for any purpose, including without limitation notice of action, and follow up communication on a development application shall adhere to the standards as set forth in this section. Communication may be provided by either surface mail, e-mail or other electronic communication. The time period for any such notice process shall be as set forth in the provisions of this CDC related to such particular process, and receipt of such notice shall be presumed to be the date of such electronic transmission unless conclusively established to the contrary.

D. Conditions of Approval

1. The review authority may impose or attach any reasonable conditions to the approval of a development application to ensure a project will be developed in the manner indicated in the development application and will be in compliance with the standards and criteria established within this CDC.
   
a. Conditions for class 1 and 2 applications shall be related to outstanding technical requirements of this CDC or referral agency comments not adequately addressed by the initial development application.
   
b. Class 3, 4 and 5 applications may also include, in addition to technical conditions to address specific requirements of this CDC, conditions to ensure that a development application meets the criteria for decision, mitigates adverse impacts of the use or protects public health, safety and welfare.

2. Conditions shall be tied to the applicable criteria for decision, applicable legal requirements and may consist of one (1) or more but are not limited to the following:
   
a. Development Schedule. If the review authority determines that a development schedule is warranted, the conditions may place a reasonable time limit on any activities associated with the proposed development or any portion thereof. Upon good cause shown by the applicant, the Town may allow for administrative amendments to any development schedule and the associated legal instruments. Notwithstanding the foregoing, some development schedules are integral to the review authority’s approval, and, if so determined by the Planning Division with respect to a proposed amendment to a development schedule, only the review authority that took action on the original approval may approve an amendment to
such development schedule.

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

c. Dedications. The conditions may require conveyances of title or easements to the Town, public utilities, a homeowners association or other appropriate entity for purposes related to ensuring general conformance with the Comprehensive Plan and the public health, safety and welfare, which may include but not be limited to land and/or easements for parks, utilities, pedestrian/bikeways, schools, trails, roads, transportation and other similar uses. The Town may also require construction of all facilities to public standards and the dedication of public facilities necessary to serve the development.

d. Homeowner's Association. A condition may require the creation of a homeowners association to hold and maintain common property or common improvements in a condominium community.

e. Public Improvements, Improvements Agreement and Public Improvements Guarantee. When public improvements are involved in a development application, conditions shall require the public improvements, an improvements agreement consistent with the public improvements policy, and a financial guarantee in an amount to be determined by the Town to ensure that all public improvements and related infrastructure are completed as approved.

f. Indemnification/Covenants. The conditions may require the recording of covenants and/or deed restrictions on the subject property or the indemnification of the Town in certain instances.

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

h. Other Conditions. Other conditions may be required, as determined by the Town to be necessary to ensure that the development is constructed in compliance with applicable Town regulations and standards.

E. Revocation of Approval

Class 1, 2, 3, 4 and 5 Applications. The Planning Division, in consultation with the Town Attorney’s Office, may revoke a class 1, 2, 3, 4 or 5 application approval if construction or activities authorized by a development application cease for at least eighteen (18) months or for failure to comply with conditions of approval, or for a threat to the public health safety or welfare provided, however, prior to any such revocation, the developer shall receive a thirty (30) day written notice of the pending revocation stating the grounds for revocation, during which time the developer shall have the opportunity to either cure the violation to the satisfaction of the Town, default or appeal the administrative decision. The Revocation Process in this section shall not apply to a legally recorded PUD development agreement, plat or executed rezoning ordinance.

F. Maximum Time Limits for Development Application Processing

1. Class 1, 2, 3, 4 and 5 Applications. Unless an extension is granted, class 1, 2, 3, 4 and 5 applications shall receive a final decision from the review authority within one (1) year from the date such an application is filed and accepted by the Planning Division as a complete development application unless the development application is withdrawn.

2. Failure to Amend Development Application. If an applicant fails to amend the application to address required plan revisions, discretionary plan revisions or to address a
review authority’s continuance or tabling conditions, the Planning Division shall schedule the development application for review and action by the appropriate review authority and provide the appropriate notice as required by this CDC.

3. Extension. The Director of Community Development may extend the one (1) year review period for any development application upon a determination that good cause exists for such extension due to: 1) the complexity, size or other extraordinary physical characteristics of the proposed development, or 2) other exceptional circumstances applicable to the particular development application.

G. Revisions

1. Certain class 1, 2, 3, 4 or 5 application approvals may be granted an administrative minor revision or modification by the Planning Division subject to the Revision Process.
2. Revisions or modifications that are found by the Planning Division to not be minor per the Revision Process shall be considered a new proposal and be evaluated in accordance with the applicable development review process outlined in this CDC.

H. Expiration of Preexisting Approvals and Development Applications

1. Expired Development Applications. Development application approvals that have expired shall have to resubmit a new development application following the requirements of this CDC and be subject to the applicable requirements of this CDC in effect at the time of submittal or as otherwise provided for by law.
2. Preexisting, Inactive Development Applications. Inactive development applications that were submitted prior to March 25, 2012, that have not had final action by the review authority are considered null and void.

I. Public Hearing Noticing Requirements

This section sets forth the public hearing noticing requirements for various public hearings as provided for in this CDC.


   a. Adjacent property owner address lists and PUD owner address lists for PUD amendments shall be obtained from either San Miguel County’s Geographic Information System (“GIS”) or from the records of the San Miguel County Clerk and Recorder within thirty (30) calendar days of the date of the required mailing. If more than sixty (60) calendar days have passed after the date an adjacent property owner list was provided to the Planning Division as required by this section, an applicant shall provide an updated list to the Planning Division based on the most recent GIS records.

   b. Adjacent property owner lists shall be compiled by measuring a set radial distance from all the property boundaries of a project as set forth in the public noticing requirements set forth below.

   c. Where there are multiple owners of a property, such as a timeshare, notification shall only be required to be sent to the manager of the timeshare or to the primary contact of record according to the GIS records.

   d. Notice of public hearings shall be deemed given and effective upon substantial compliance with the requirements for notice as set forth in this section, including without limitation the procedural requirements for mailing notice and the
substantive requirements regarding the information to be contained in such notices. Upon substantial compliance with the requirement for notice as set forth in this section, any failure of the Town, applicant or other party to strictly comply with the noticing requirement set forth in this section for any public hearing shall not deprive the review authority of jurisdiction to hear the matter at such public hearing or in any other manner invalidate actions taken by such review authority at such meeting.

e. Notwithstanding the foregoing, the requirements for the timing of the notice and for specifying the time, date and place of a hearing or other public review shall be strictly construed. The description of the property shall be sufficiently accurate to allow a reasonable person to determine the location of the property in question.

f. If questions arise at a review authority’s hearing regarding the adequacy of notice in relationship to specific requirements of this CDC, the review authority shall make a formal finding regarding whether there was substantial compliance with the notice requirements of the CDC before proceeding with the hearing or other public review. All objections to such noticing provisions shall be made at the commencement of any such hearing or else shall be deemed waived.

g. Failure of a party to receive written notice after it is mailed in accordance with the provisions of this CDC shall not invalidate any subsequent action taken by a review authority.

h. The required legal notice of a vested property right may be combined with the notice for any other required, concurrent hearing to be held on the site-specific development plan for the subject site or lot.

2. Public Noticing Requirements. Notice as required by this section shall be given as prescribed below prior to the initial hearing held by the review authority. Development applications shall be noticed in substantial compliance with the following provisions:

a. **Class 1 and 2 Applications.** No legal notice of these administrative development application processes is required.

b. **Class 3 Applications.** Notice of the Initial Architecture and Site Review hearing and Final Review public hearing(s) shall be: 1) sent to all property owners within 400 feet of the property boundaries in accordance with the public hearing noticing requirements and the mailing notice details at least fifteen (15) days prior to the Initial Architecture and Site Review hearing and Final Review public hearing with such notices able to be noticed concurrently 2) posted in accordance with the posted notice details, and 3) listed on the review authority agenda.

c. **Class 4 Applications.** Notice of the public hearing(s) shall be: 1) sent to all property owners within 400 feet of the property boundaries in accordance with the public hearing noticing requirements and the mailing notice details at least thirty (30) days prior to the initial public hearing, 2) posted in accordance with the posted notice details, and 3) listed on the review authority agenda.

i. If the Director of Community Development determines that a final MPUD or major PUD amendment development application affects only a portion of the property within a MPUD, SPUD or PUD, then, notwithstanding any other provisions of this section, notice shall be mailed to owners within 400 feet of the affected site or to those owners that are determined to be potentially affected.
d. **Class 5 Applications.** Notice of the following development application public hearing(s) shall be: 1) sent to all property owners within 400 feet of the property boundary in accordance with the public noticing requirements and the mailing notice details, at least thirty (30) days prior to the initial public hearing, 2) posted in accordance with posted notice details; and, 3) listed on the review authority agenda:

i. Outline MPUD development applications;
ii. Unless deemed necessary by the Code Administrator, no legal notice is required for the following class 5 development applications:

(a) Minor subdivisions.
(b) Other class 5 applications.

e. **Mineral Estate Notification:** An applicant, for any application outside of the Original PUD Boundary, shall provide notice to mineral estate owners as required by C.R.S. § 24-65.5-100, et seq., as currently enacted or hereinafter amended.

3. **Additional Public Notice Requirements for Specific Development Review Applications**

a. **Vested Property Right.** Notice of the review authority’s public hearing for a vested property right may be combined with the notice for any other required, concurrent hearing to be held on the site-specific development plan for the subject site or lot.

b. **CDC Amendments.** Notice of the review authority’s public hearing for the proposed CDC amendment shall be: 1) listed on the review authority agenda, and 2) listed as a public notice on the Town’s website at least fifteen (15) calendar days prior to the initial public meeting.

c. **Adoption or Amendments to Master Plans.** Notice of the Town Council’s public hearing for the proposed adoption of or amendments to the Comprehensive Plan shall be: 1) listed on the Council’s agenda, and 2) published as a legal advertisement at least once in a newspaper of general circulation in the town at least fifteen (15) calendar days prior to the initial public meeting.

4. **Mailing Notice Details**

a. Mailing of the property owner notice is the responsibility of the applicant who shall obtain a copy of the adjacent property owner letter form from the Planning Division.

b. The mailing of all notices shall be by first-class mail, postage prepaid.

c. If a condominium development is located within the prescribed distance of the subject property, the applicant shall provide notice to the condominium association and every condominium unit property owner or part owner who owns at least a fifty percent (50%) interest in a condominium unit.

d. Prior to the mailing of notice, the applicant shall deliver to the Planning Division a copy of the notice for review and approval.

e. If for any reason a development application is not placed on the agenda for the date noticed, the applicant shall re-notice the revised scheduled meeting date at
least fifteen (15) days prior to the revised meeting date.

f. The applicant shall execute an affidavit of mailing in a form provided by the Planning Division with a copy of the notice and the property owner mailing list attached thereto.

g. If notice required by this section is determined to be improper or incomplete, the applicant shall be required to re-notice adjacent owners at least thirty (30) days prior to a revised scheduled meeting date.

h. Notices shall be deemed delivered when deposited for delivery with the United States Postal Service.

i. Notices shall include, at a minimum, the following information:

   i. Name and address of the applicant;
   ii. Type of development application(s);
   iii. Address and legal description of the subject property;
   iv. Date, time and place of the DRB and/or Town Council meeting;
   v. Detail summary of the development application under consideration;
   vi. Description of any requested variations to the standard requirements of the CDC;
   vii. Vicinity map;
   viii. Identification of the review authority that will conduct the public hearing; and

ix. Such other information deemed necessary by the Planning Division in order to inform the public of the nature of the development application.

5. Posted Notice Details

a. At least fifteen (15) days prior to the meeting date, the applicant shall post a public notice sign on the property that is the subject of the development application.

b. The public notice sign shall be provided by the Planning Division and shall be posted on the property by the applicant in a visible location adjacent to public rights-of-way or public space.

c. The posted notice shall only indicate that the property is the subject of a pending land use development application before the Town and shall provide a contact phone number with the Town to obtain information regarding the development application.

d. More than one notice may be required to be posted on the property affected by the development application if the Planning Division determines that because of the size, orientation or other characteristics of the property additional posted notice is necessary.

e. The applicant shall be responsible for returning the sign to the Planning Division following the meeting date.

f. The Planning Division may require a security deposit for the sign.

g. The applicant shall execute an affidavit of posting the notice in a form provided by the Planning Division.

J. Submittal Requirements

1. The Planning Division shall publish submittal requirements for each type of development review process as provided for by this CDC. Submittal requirements shall be based on the requirements of this CDC and criteria for decision.
a. The Planning Division may amend the submittal requirements from time to time by publishing new submittal requirements.

2. Situations will occur when all of the listed submittal requirements will not be needed and situations when items not listed as submittal requirements will be needed in order for the Town to have sufficient information to fully evaluate the impacts of a development application. The Planning Division is therefore authorized to determine, based on the nature of a development application, whether to waive submittal requirements or require additional submittal requirements that are not addressed in the published submittal requirements.

K. Concurrent Processing

Applicants with developments that require the submittal of more than one (1) type of development application may request concurrent processing. A determination on a request for concurrent processing shall be made by the Director of Community Development based on administrative efficiency and the complexity of the development proposal. In the instance of concurrent processing, the applicant's submittal shall meet the submittal requirements for each class of development application submitted. Fee adjustments in the case of a concurrent submittal may be authorized by the Director of Community Development.

L. Fees

1. **Fee Schedule.** The Town Council shall, from time to time, adopt a fee resolution setting forth all development application fees and associated permit fees. Fees for submittals not listed in the fee schedule resolution shall be determined by the Director of Community Development on a case-by-case basis determined by the similarity between the submittal and the development applications listed on the fee schedule together with the estimated number of hours of staff time the review of the submittal will require. No development application shall be processed, nor any development or building permits shall be issued until all outstanding fees or moneys owed by the applicant, lot owner, developer or related entity, as defined by the Municipal Code, to the Town, in any amount for any purpose, including but not limited to any fees, delinquent taxes, required Town licenses, permit fees, court fines, costs, judgments, surcharges, assessments, parking fines or attorney’s fees are paid to the Town.

2. **Town Attorney Fees.** The applicant shall be responsible for all legal fees incurred by the Town in the processing and review of any development application or other submittal, including but not limited to any Town Attorney fees and expenses incurred by the Town in the legal review of a development application together with the legal review of any associated legal documents or issues. Legal expenses so incurred shall be paid for by the applicant prior to the issuance of any permits.

3. **Property or Development Inquiries.** The Town requires that Town Attorney legal fees and expenses be paid for all development or property inquiries where a legal review is deemed necessary by the Town. The developer or person making the inquiry, whichever the case may be, shall be informed of this obligation and execute a written agreement to pay such legal expenses prior to the Town Attorney conducting any legal review. A deposit may be required by the Director of Community Development prior to the commencement of the legal review.

4. **Other Fees.** The applicant shall be responsible for all other fees associated with the review of a development application or other submittal conducted by any outside professional consultant, engineer, agency or organization and which are deemed
necessary by the Town for a proper review.

5. **Recordation Fees.** The Community Development Department will record all final plats, development agreements and other legal instruments. The applicant shall be responsible for the fees associated with the recording of all legal instruments.

M. **Requirement and Cost for Special Studies**

The Town Council, DRB or Director of Community Development shall have the authority to require special studies, as deemed necessary, to be prepared for all development applications to address a requirement or criteria for decision under this CDC. Examples of such studies include, but are not limited to analyses for traffic impacts, wetlands, steep slopes or visual impacts. The applicant may cause such studies to be prepared by a third-party consultant engaged directly by the applicant; however, the Director of Community Development may require in his or her sole discretion that an independent third-party consultant be hired by the Town to conduct or review the required studies. The cost of said independent study shall be paid for by the applicant proposing the project.

17.4.5 **APPEALS**

A. **Purpose and Intent**

The purpose and intent of this section is to provide a process for the appeal of class 1, 2 and 3 applications and for certain administrative decisions as set forth in the CDC.

B. **Applicability**

The Appeals Process is applicable to an administrative decision on class 1 or 2 applications, administrative decisions as authorized by this CDC (excepting the Building Codes that have a specific appeal procedure), and for DRB action on class 3 applications.

C. **Standing to Appeal**

The following persons shall be deemed to have standing to appeal a decision:

1. The applicant or the owner of the property of the subject development application;
2. Any party in interest who testified at any required public hearing on the development application;
3. Any party in interest who submitted written comments on the application before final action was taken, excluding persons who only signed petitions or form letters;
4. Any person who was entitled to receive the required public notice, if any;

D. **Appeal Procedures**

1. **Deadline to File Appeal.** In order to initiate an appeal pursuant to this section, a “notice of appeal” shall be filed with the Planning Division within seven (7) calendar days following one of the following events, as applicable:

   a. **Administrative Decisions.** The appeal of a final, administrative decision as authorized by the CDC, including but not limited to action on class 1 and 2 applications and zoning violations, shall be made within seven (7) calendar days of the date of receiving notice of the written decision. A written decision shall be deemed to have been delivered when it is either emailed or deposited in the U.S.
b. **DRB Decisions.** The appeal of a final decision of the DRB shall be made within seven (7) calendar days of the date the DRB made the final decision.

2. **Required Contents of the Notice of Appeal.** The notice of appeal shall describe the contested action, contain the appellant’s name, address and telephone number; and specify the grounds for the appeal as it relates to the applicable criteria for decision and/or requirements of this CDC. Failure to specify a ground for appeal in the notice of appeal shall bar consideration of the appeal by Town Council. The notice of appeal shall be accompanied by a fee as set forth in the fee resolution.

3. **Effect of Appeal.** The proper and timely filing of a notice of appeal shall temporarily stay the subject administrative decision or decision of the DRB, pending the determination of the appeal, unless the Town administrative official or the DRB, as applicable, certifies in writing to the Town Manager that a stay will pose an immediate threat to the health, safety or welfare of persons or property or defeat the lawful purpose of the decision; in which event, a stay shall not enter, and such order shall be subject to immediate enforcement according to its terms. Notwithstanding the foregoing, the timely filing of a notice of appeal shall under no circumstances stay a stop work order.

4. **Scheduling Hearing.** Upon receipt of a notice of appeal, the Planning Division shall schedule a hearing before the Town Council on the appeal within a reasonable period of time but not more than sixty (60) days following receipt of the notice of appeal and the required fee. Public notice of the appeal shall be done in accordance with the public hearing noticing requirements.

5. **Disclosure.** In order to ensure adequate notice to all parties to an appeal and for the efficient presentation of evidence, the parties to the appeal shall exchange a list of witnesses who may be called upon to offer testimony at the hearing, with copies thereof delivered to the Planning Division at least twenty (20) days prior to the hearing date. This disclosure shall include the name, address and telephone number of each witness and a brief summary of the subject matter of each witness’s testimony. Also, at least twenty (20) days prior to the hearing date, the parties to the appeal shall exchange a brief which outlines the legal basis such party relies upon for their appeal and list of documents that may be offered into evidence to support such appeal and shall deliver copies thereof to the Town. Not less than ten (10) days prior to the hearing date, the parties may update their respective list of witnesses and documents by exchanging such updates with each other and delivering such updated list to the Community Development Department. The failure to make the required disclosure of a witness or document shall exclude the testimony of the undisclosed witness and the introduction into evidence of the undisclosed document at the hearing.

6. **Appellant Notice.** The Town Council shall hear all appeals at a public meeting with no less than thirty (30) days’ prior written notice to the appellant and any other affected party.

7. **Town Council Hearing.** The burden shall be on the appellant to demonstrate by clear and convincing evidence that the action of the DRB, the building official or the Town administrative official was in error, unjustified, an abuse of discretion or otherwise not in accordance with the terms of the CDC.

   a. Unexcused failure on the part of the appellant or the appellant’s representative to appear at the scheduled hearing shall result in a dismissal of the appeal and an affirmation of the decision.

   b. Any appeal heard pursuant to this section shall be an evidentiary hearing with appellant and appellee being given an opportunity to present oral and
documentary evidence previously disclosed in accordance with the CDC. Unless otherwise extended by the Town Council, appellant shall have thirty (30) minutes for the presentation of evidence and may reserve ten (10) minutes of the allotted thirty (30) minutes for rebuttal. Likewise, unless otherwise extended by the Town Council, the appellee shall have thirty (30) minutes for the presentation of evidence and may reserve ten (10) minutes of the allotted thirty (30) minutes for rebuttal. Town Council shall then be permitted to examine the appellant and appellee for such period of time as it deems reasonable and necessary and shall thereafter discuss the evidence presented amongst themselves.

c. The appellant shall be responsible for securing the attendance of a court reporter at the hearing at appellant's sole cost and expense. The transcript prepared by the court reporter, the documents introduced into evidence by appellant and appellee and the findings of fact and conclusions of law rendered by the Town Council shall constitute the record on appeal from this final administrative decision. Any party wishing to obtain a copy of the transcript shall do so at their own expense.

8. **Town Council Decision.** Not more than thirty (30) days following the conclusion of the hearing, the Town Council shall issue written findings of fact and conclusions of law.

a. The Town Council may reverse, affirm or modify the appealed decision, and Town Council shall have all powers vested in the DRB or Town administrative officials to impose reasonable conditions to be complied with by the appellant as part of the decision. A copy of the Town Council’s decision shall be mailed to the appellant.

b. Decisions of the Town Council shall be final, subject only to judicial review by a court of competent jurisdiction in accordance with the Colorado Rules of Civil Procedure.

17.4.6 **CONCEPTUAL WORKSESSION PROCESS**

A. **Purpose and Intent**

The purpose and intent of this section is to provide a process for both the DRB and the Town Council to have an informal, non-binding review of a conceptual development proposal. The conceptual worksession is further intended to provide venue for the analysis of potential issues, areas of concern and to evaluate possible development alternatives.

B. **Applicability**

The Conceptual Worksession Process is applicable to any developer who desires to present conceptual plans to the DRB or Town Council. The Conceptual Worksession Process is also a required step in certain development review processes prior to submitting a formal development application.

C. **Review Process**

1. The Conceptual Worksession Process shall consist of the following steps:

   a. Pre-submittal meeting;
   b. Conceptual worksession submittal;
   c. Planning Division completeness check;
   d. Referral and review;
e. Planning Division follow-up communication;
f. Applicant plan revisions;
g. Schedule public meeting;
h. Publish review authority agenda; and
i. Conduct public conceptual worksession(s)

2. The steps outlined above shall generally follow the similar steps outlined in the Development Review Procedures.

D. Criteria for Decision

The review authority for a conceptual worksession shall evaluate the proposed concept plans based on the applicable criteria for decision for the future, formal development application(s) that will need to be submitted.

E. General Standards

1. Legislative Process. The Conceptual Worksession Process is not considered a land use development application under the CDC, since this process is to evaluate a conceptual development proposal prior to a developer or owner submitting a formal development application. As such, conceptual worksessions are considered a legislative matter and not a pending land use development application, with the DRB and the Town Council free to discuss the conceptual worksession development application outside of the public meetings.

2. Action. No formal action is taken by the DRB or the Town Council on conceptual worksessions because such provide informal opportunities for developers to obtain input.

3. Worksession Disclaimer. Any comments or general direction by the DRB or the Town Council shall not be considered binding or represent any promises, warranties, guarantees and/or approvals in any manner or form. A conceptual worksession shall not be construed as a comprehensive review of the proposal under discussion, and as such, additional issues and/or concerns will most likely arise as part of the formal development review process.

17.4.7 MINOR REVISION PROCESS

A. Purpose and Intent

The purpose and intent of this section is to provide an administrative process for minor plan revisions for approved class 1, 2, 3, 4 and 5 development applications.

B. Applicability

The Minor Revision Process is applicable to any approved class 1, 2, 3, 4 and 5 development application where the developer requests a minor revision of the approved plans.

C. Review Process

Minor Revision Process development applications shall be processed as class 1 applications.

D. Criteria for Decision
1. The following criteria shall be met for the review authority to approve minor revisions to an approved development application:
   a. The proposed revision does not increase the amount of originally approved, gross building floor area more than ten percent (10%) of the total approved by the review authority;
   b. The proposed revision does not materially alter the bulk and massing of buildings, increase the visual impact of the development or materially alter a project’s design;
   c. The proposed revision does not significantly change the location of uses, the layout of streets or driveways, parking areas, trails or pathways or other improvements;
   d. The proposed revision does not significantly increase the level of environmental impact caused by the proposed development, including but not limited to increasing the amount of slope disturbance or impact wetlands;
   e. The proposed revision does not significantly alter the development application or plans reviewed and approved by the review authority or any conditions or findings made by such review authority in approving the development application; and
   f. The proposed revision meets all applicable Town regulations and standards.

2. It shall be the burden of the applicant to demonstrate that submittal material and the proposed development substantially comply with the revision review criteria.

3. If the Planning Division is unable to find that the proposed revision meets the applicable criteria listed above, such revision shall be considered a new proposal and shall be evaluated in accordance with the applicable development review process outlined in this CDC.

4. A proposed revision may not be approved by the Planning Division if it seeks to revise: 1) PUD text or exhibits, excepting scrivener’s errors; 2) a development agreement, excepting scrivener’s errors; 3) a site-specific development plan; 4) a rezoning; 5) an official plat approved by the Town Council, or other revisions that are determined by the Director of Community Development to be significant.

17.4.8 RENEWALS

A. Purpose and Intent

The purpose and intent of this section is to provide an administrative process for renewals of approved class 1, 2, 3, 4 and 5 development applications.

B. Applicability

The Renewal Process is applicable to any approved class 1, 2, 3, 4 or 5 development application that has not yet lapsed and the developer seeks to extend the approval.

C. Review Process

Renewal of development applications shall be processed as a class 1 development application.

D. Criteria for Decision and Related Requirements
1. The following criteria shall be met for the review authority to approve the renewal of an approved development application:

   a. The renewal is for a currently valid review authority approval, and the approval will expire within three (3) months. Renewals shall not be granted for development applications that have more than three (3) months until their expiration unless good cause is shown to warrant an early renewal;

   b. If new CDC provisions applicable to the project have been adopted since the original approval or new issues are found per CDC regulations, the Planning Division may impose additional conditions at the time of renewal necessary to satisfy such new requirements and criteria for decision of the CDC. If such CDC regulations require plan revisions, then such revisions shall be evaluated in accordance with the minor Revision Process; and

   c. The proposed renewal meets all applicable Town regulations and standards.

2. It shall be the burden of the applicant to demonstrate that submittal material and the proposed development substantially comply with the renewal review criteria.

3. If the Planning Division is unable to find that the proposed revision meets the applicable criteria listed above, such revision shall be considered a new proposal and shall be evaluated in accordance with the applicable development review process outlined in this CDC.

E. General Standards

1. Number of Renewals. Only one (1), six (6) month renewal shall be permitted. Upon expiration of the renewal, the applicant must submit a new development application and follow the required development review process as provided for by this CDC.

2. Length of Validity. If a renewal development application is approved by the Town, the approval shall lapse six (6) months after the expiration date of the original approval.

17.4.9 REZONING PROCESS

A. Purpose and Intent

The purpose and intent of this section is to provide procedures and policies for a rezoning development application to change either the zone district or the zoning designation(s) of a lot.

B. Applicability

The Rezoning Process is applicable to any development application that proposes to change the zone district, zoning designation and/or the density allocation assigned to a lot.

C. Review Process

1. Step 1: Conceptual Worksession. A conceptual worksession application shall be submitted prior to submitting a formal rezoning development application.

   a. The Director of Community Development may waive the requirement to submit a conceptual worksession due to limited size, scale or other matters that limit the issues associated with a rezoning development application.
2. **Step 2: Rezoning Development Application.** Rezoning development applications shall be processed as class 4 applications.

**Criteria for Decision**

3. The following criteria shall be met for the review authority to approve a rezoning development application:
   a. The proposed rezoning is in general conformance with the goals, policies and provisions of the Comprehensive Plan;
   b. The proposed rezoning is consistent with the Zoning and Land Use Regulations;
   c. The proposed rezoning meets the Comprehensive Plan project standards;
   d. The proposed rezoning is consistent with public health, safety and welfare, as well as efficiency and economy in the use of land and its resources;
   e. The proposed rezoning is justified because there is an error in the current zoning, there have been changes in conditions in the vicinity or there are specific policies in the Comprehensive Plan that contemplate the rezoning;
   f. Adequate public facilities and services are available to serve the intended land uses;
   g. The proposed rezoning shall not create vehicular or pedestrian circulation hazards or cause parking, trash or service delivery congestion; and
   h. The proposed rezoning meets all applicable Town regulations and standards.

4. It shall be the burden of the applicant to demonstrate that submittal material and the proposed development substantially comply with the rezoning review criteria.

**D. General Standards**

1. **Ordinance Required for Zone District Amendment.** Any change to the zone district, on a lot shall be by duly adopted ordinance.
   a. All ordinances for a rezoning shall include a map reflecting the new zoning and associated boundaries.
   b. A rezoning shall not become effective until thirty (30) days following the adoption of the rezoning ordinance.

2. **Ordinance Required for Change in Density or Zoning Designation.** Any change to the density or zoning designation assigned to a lot shall be by duly adopted ordinance that shall be recorded in the records of the San Miguel County Clerk and Recorder.
   a. To the extent multiple recorded resolutions and/or ordinances exist with respect to the zoning designation of a lot, the most recently recorded resolution or ordinance shall prevail and shall have the effect of voiding all prior recorded resolutions and ordinances.
   b. **Zoning on Plats.** If the current, recorded plat for the lot(s) affected by the rezoning lists either the zone district, zoning designation and/or associated density, the rezoning ordinance shall include a statement that the zoning set forth in the rezoning ordinance shall prevail over any inconsistent plat notations on all validly recorded plats for the lots affected by such rezoning.

3. **Official Zoning Map Amendment.** Rezonings affecting the zone district boundaries

76
shall be shown by the Town on the Official Zoning Map as soon as reasonably practicable following the effective date of a rezoning. The Official Zoning Map, as amended by the rezoning, shall be signed by the Town Mayor and attested by the Town Clerk.

4. **Official Land Use and Density Allocation List Amendment.** Rezonings that change the zoning designations or density allocations on a lot shall be reflected on the official land use and density allocation list as soon as reasonably practicable following the effective date of a rezoning.

5. **Density Transfer**

   a. Density may be transferred from one lot to another within the Town, provided that the existing or proposed zone district of both lots allows for the increase or decrease in density, and provided that the density transfer is approved pursuant to the Rezoning Process, PUD Process or the MPUD Process.

   b. Density may be increased or decreased on a lot by transferring density to or from the density bank, or by transferring density to or from another lot if such transferor lot is made a part of the Rezoning Process, PUD Process or the MPUD Process.

6. **Rezoning Limitations**

   a. Zoning designations assigned to density within the density bank may be changed to another zoning designation during the Rezoning Process when it is being transferred to a lot.

   b. Workforce housing density may not be rezoned to free market units except when the WHR is lost as provided for in the Zoning and Land Use Regulations.

   c. Workforce housing density assigned to a lot or property has specific requirements as set forth in the workforce housing requirements.

   d. Lots or units subject to the workforce housing restriction may only request a rezoning to change the zoning designation to either: (1) employee apartment, employee single-family, employee condominium or employee dorm; or (2) for whole lots only, the PUD Zone District to allow for a mix of workforce housing and free-market dwellings.

   e. Single-family zoning designations within the density bank may be rezoned to any zoning designation as a part of a rezoning and density transfer development application where the density is being transferred from the density bank to a lot.

   f. Lodge, efficiency lodge, hotel and hotel efficiency zoning designations may not be rezoned to condominium zoning designations.

   g. Rezoning of a condominium unit from residential to commercial, or vice-versa, whether or not there is any change to the exterior of the building, requires a rezoning of the affected unit(s).

   h. Lots outside the Village Center rezoning to any zoning designation with multi-family dwellings may be required to have a transportation plan and may be required to provide certain amenities on site, such as outdoor spa facilities, playgrounds, fitness facilities and/or a common area gathering place as conditions of approval.

   i. In development applications that propose removing density from a Village Center and multi-family lot, the applicant must prove the existence of a practical difficulty that prohibits the build out of the platted density. Financial hardship or expense shall not be considered a practical difficulty for the purpose of this section.
7. **Town Initiated Rezonings**

The Town Council may initiate the rezoning of private property by passing a motion directing staff to prepare and process a rezoning development application for specifically identified lots, following the Rezoning Process established by this section as a class 4 application.

### 17.4.10 DENSITY TRANSFER PROCESS

#### A. Purpose and Intent

The purpose and intent of this section is to provide procedures and policies for a density transfer development application to transfer density from:

1. A lot to another lot in the town;
2. A lot to the density bank;
3. The density bank to a lot; or
4. Within the density bank, from one entity to another entity.

#### B. Applicability

The density transfer process is applicable to any owner or developer that proposes to conduct one of the activities outlined above.

#### C. Review Process

Density transfers shall be processed as follows:

1. **Class 1 Application.** A density transfer within the density bank, from one entity to another entity, shall be processed as a class 1 application.
2. **Class 4 Application.** Density transfers from a lot to another lot, a lot to the density bank or the density bank to a lot shall be processed as class 4 applications, concurrent with the required Rezoning Process.

#### D. Criteria for Decision

1. **Class 1 Applications.** The following criteria shall be met for the review authority to approve a transfer within the density bank:
   
   a. The applicant has submitted a copy of the effective and valid official density bank certificate;
   b. The density bank certificate contains the density sought to be transferred;
   c. The applicant has provided a copy of the properly recorded density conveyance document to the Planning Division showing the conveyance of the density;
   d. The density transfer meets the density transfer and density bank policies; and
   e. The proposed transfer within the density bank meets all applicable Town regulations and standards.
2. **Class 4 Applications.** The following criteria shall be met for the Review Authority to approve a density transfer:

   a. The criteria for decision for a rezoning are met, since such density transfer must be processed concurrently with a rezoning development application (except for MPUD development applications);
   b. The density transfer meets the density transfer and density bank policies; and
   c. The proposed density transfer meets all applicable Town regulations and standards.

3. It shall be the burden of the applicant to demonstrate that submittal material and the proposed development substantially comply with the density transfer review criteria.

E. **General Standards**

1. **Density as a Property Interest.** Density in the density bank is considered a property interest by the Town, and may be bought or sold subject to meeting the applicable requirements of the CDC.

2. **Density Bank Certificate.** Upon the approval of a density transfer within the density bank, the Town shall issue a new density bank certificate to the new owner and to the original owner if the transfer does not involve all of the density shown on the density transfer certificate.

3. **Official Land Use and Density Allocation List.** The Planning Division shall update the official land use and density allocation list upon the approval and effective date of a density transfer.

**17.4.11 DESIGN REVIEW PROCESS**

A. The purpose and intent of the Design Review Process is to ensure that development is planned and designed to fit within the overall design context of the town. These regulations are also intended to:

1. Promote public health, safety and welfare;
2. Require quality building, landscaping and site design that enhances the character of the town;
3. Ensure development meets the Zoning and Land Use Regulations and other applicable requirements of this CDC;
4. Foster a sense of community;
5. Promote the economic vitality of the town;
6. Promote the resort nature and tourism trade of the town; and
7. Protect property values within the town.

B. **Applicability and Exemptions**

1. **Applicability.** The Design Review Process is applicable to any developer, owner, agent or person that plans on conducting one of the following activities:

   a. The construction or alteration of a building or structure;
   b. New landscaping or alterations to existing landscaping;
   c. Any clearing, grading or other movement of land;
   d. Any dredging, filling, grading, paving or excavation;
e. The improvement or alteration of any lot, property or open space, whether temporary or permanent;
f. New development;
g. All exterior modifications to existing development; or
h. The application of new paint or stain on a building or structure.

2. Exemptions.

a. The following activities are exempt from the need to submit to a Design Review Process:

i. Landscaping to replace dead or diseased vegetation that was already approved by a previous Design Review Process development application;
ii. Landscaping that involves the planting of flowers without any expansion of the irrigation system;
iii. The placement of play equipment and similar uses in the rear yard that are not custom built on site, such as a swing set or a trampoline; and
iv. Any activity or building permitted by another development review process that has the same detail as the Design Review Process, including but not limited to conditional use development applications and site-specific PUD development applications.

(a) The Planning Division shall determine if an activity or building is approved via another development review process that has the same detail as the Design Review Process prior to an activity being exempt from the Design Review Process.
(b) Such written determinations shall be made either concurrent with the non-Design Review Process development application or by a separate written request after a development application has been approved.
(c) Examples of this include a facility that has detailed plans (grading, landscaping, floor plans, elevations, etc.) approved via the Conditional Use Permit Process and, therefore, would not be required to also conduct a Design Review Process.

v. Seasonal decorations that comply with any limitations in the CDC, such as the Lighting Regulations and be installed for no more than 60 days for all events except for winter seasonal decorations that may be installed for no longer than five (5) consecutive months.

b. Even though an activity may be exempt from the Design Review Process, such activities shall still comply with the applicable requirements of the Design Regulations and this CDC.

c. Even if an activity is exempt from the Design Review Process, it shall be the responsibility of the owner, developer or agent of a lot or property to ensure the activity, development, structure or improvements are constructed in compliance with the Design Regulations and the CDC.

C. Review Process

1. Class 1 Applications.
a. The following types of Design Review Process development applications shall be processed as class 1 applications:
   i. Design revisions or remodeling that are minor in nature, does not alter the massing of the structure and does not compromise the intent of the Design Regulations or approved plans provided the developer provides a courtesy notice to all property owners within 400 feet of the lot affected by the redevelopment;
   ii. Roofing replacement;
   iii. Insubstantial landscaping and grading development applications;
   iv. Sign permits;
   v. Bridges for recreational or pedestrian paths;
   vi. Fire mitigation and forestry management projects;
   vii. New or modified lighting on all buildings and structures;
   viii. The replacement of a lift with a new lift provided the capacity of the lift is not changing;
   ix. Minor golf course improvements or landscaping, such green or tee replacements; and
   x. Minor ski resort improvements such as replacing or installing a snowmaking line.

b. If any is design variation is sought pursuant to Design Variation Process for one of the development applications set forth above, such development application shall be processed as a class 3 application.

c. The review authority may elect to elevate a Design Review Process development application to either a class 2 or 3 application based on complicating factors, complex design or other similar considerations.

   i. If the review authority elects to elevate a Design Review Process development application to a class 3 application, no public notice of such application is required.

2. Class 2 Development Applications:

a. The following types of Design Review Process development applications shall be processed as class 2 applications:

   i. Building additions that do not increase the floor area by more than twenty-five percent (25%) of the primary structure;
   ii. Design revisions or remodeling that are more significant in nature, minimally alters the massing of the structure and does not compromise the intent of the Design Regulations or approved plans provided the developer provides a courtesy notice to all property owners within 400 feet of the lot affected by the redevelopment;
   iii. New or remodeled, non-residential buildings or structures with less than 2,500 sq. ft. of floor area; and
   iv. Substantial landscaping and grading development applications;

b. If any is design variation is sought pursuant to Design Variation Process for one of the development applications set forth above, such development application
shall be processed as a class 3 application.

c. The review authority may elect to elevate a Design Review Process development application to a class 3 application based on complicating factors, complex design or other similar considerations.
   i. If the review authority elects to elevate a Design Review Process development application to a class 3 application, no public notice of such application is required.

3. **Class 3 Development Applications.** All other Design Review Process development applications not listed above shall be processed as class 3 applications. Class 3 applications consist of two steps as outlined below.
   a. **Initial Architecture and Site Review.** The intent of the Initial Architecture and Site Review is to allow the DRB a preliminary review of the composition of the project to determine whether it is responsive to the Town Design Theme; fits within the context of the existing neighborhood and to identify potential variations. The review is not a public hearing and no action will be taken.
      i. **Initial Architecture and Site Review Disclaimer.** Any comments or general direction by the DRB shall not be considered binding or represent any promises, warranties, guarantees and/or approvals in any manner or form. An Initial Architecture and Site Review shall not be construed as a comprehensive review of the proposal under discussion, and as such, additional issues and/or concerns will most likely arise as part of the final review process.
   b. **Final Review.** Held on a subsequent agenda after the Initial Architecture and Site Review, the Final Review is a public hearing to determine the project’s consistency with the Town Design Theme and compliance with the CDC.

D. **Criteria for Decision**

1. The following criteria shall be met for the review authority to approve a Design Review Process development application:
   a. The proposed development meets the Design Regulations;
   b. The proposed development is in compliance with the Zoning and Land Use Regulations;
   c. The proposed development complies with the road and driveway standards;
   d. The proposed development is in compliance with the other applicable regulations of this CDC;
   e. The development application complies with any previous plans approved for the site still in effect;
   f. The development application complies with any conditions imposed on development of the site through previous approvals; and
   g. The proposed development meets all applicable Town regulations and standards.

2. It shall be the burden of the applicant to demonstrate that submittal material and the proposed development substantially comply with the Design Regulations.

E. **General Standards**

1. **Licensed Architect Required.** All development applications for a structure or building to
be constructed, altered or modified within the town are required to be stamped by a Colorado licensed architect.

a. If allowed by the CRS 12-25-301 et seq, the Director of Community Development may exempt a remodeling development application from this requirement if he/she determines that such remodeling is minor in nature and without any modification to a building's mass, or for a remodeling that is simply proposing the replacement of exterior materials and associated minor alterations.

2. **Master Development Plan.** Development applications with several phases are required to receive approval of a master development plan pursuant to the class 3 application process. Each phase will require review per the applicable Design Review Process set forth above and the Design Regulations. Design review development applications for each phase will conform to the approved master development plan.

a. The master development plan shall be used as a guide for the subsequent development of sites and the design and location of buildings and grounds within the project. All plans subsequently approved by the DRB in accordance with the Design Regulations shall substantially conform to the master development plan approved by the DRB.

3. **DRB Design Review Prior to Building Permit.** A building permit for a project that requires Design Review Process shall not be issued unless such project has been reviewed and approved pursuant to the Design Review Process and the Design Regulations.

4. **Non-Conforming Lots or Buildings:** A Design Review Process development application shall require the applicant to bring the existing building(s), structure(s), landscaping and other site elements into compliance with the current Design Regulations and CDC requirements. The Town shall only seek to bring a lot, site or building into compliance with the CDC in direct proportion to the development application to ensure that the costs of compliance are fair and balanced to the level of originally requested improvements.

5. **Design Variation Process.**

a. The DRB may grant design variations to the following Design Regulations sections:

i. Building siting design;
ii. Grading and drainage design;
iii. Building design;
iv. Landscaping regulations;
v. Trash, recycling and storage areas;
vi. Lighting regulations;
vii. Sign regulations; and
viii. Commercial, ground level and plaza area regulations.

b. A design variation request shall be processed concurrently with the applicable Design Review Process development application.

c. A design variation request shall outline the specific variations requested and include the section number.

d. A design variation request shall provide a narrative on how the variation request
meets the design variation criteria for decision.

e. The following criteria shall be met for the review authority to approve a design variation:

i. The design variation is compatible with the design context of the surrounding area;

ii. The design variation is consistent with the town design theme;

iii. The strict development application of the Design Regulations(s) would prevent the applicant or owner from achieving its intended design objectives for a project;

iv. The design variation is the minimum necessary to allow for the achievement of the intended design objectives;

v. The design variation is consistent with purpose and intent of the Design Regulations;

vi. The design variation does not have an unreasonable negative impact on the surrounding neighborhood; The proposed design variation meets all applicable Town regulations and standards: and

vii. The variation supports a design interpretation that embraces nature, recalls the past, interprets our current times, and moves us into the future while respecting the design context of the neighborhood surrounding a site.

g. Cost or inconvenience alone shall not be sufficient grounds to grant a design variation.

f. It shall be the burden of the applicant to demonstrate that submittal material and the proposed development substantially comply with the design variation process.

6. **DRB Compliance Inspection.** No owner, lessee or their agent or assignee shall apply for a certificate of occupancy (CO), temporary certificate of occupancy (TCO), final building approval or other similar occupancy approvals from the Building Division unless the applicant has received final inspections for compliance conducted by the Planning Division staff, and staff has signed the Building Division inspection card.

   a. In the event that paving and/or landscaping cannot be constructed without unreasonable delay, a TCO may be issued, if the applicant complies with the landscape completion policy in the Design Regulations.

17.4.12 **PLANNED UNIT DEVELOPMENT REGULATIONS**

A. **Purpose and Intent**

The purpose and intent of the Planned Unit Development ("PUD") Regulations is to:

1. Permit variations from the strict application of certain standards of the CDC in order to allow for flexibility, creativity and innovation in land use planning and project design;
2. Allow for a creative planning approach to the development and use of land and related physical facilities to produce a better development;
3. Provide for community benefits;
4. Promote and implement the Comprehensive Plan;
5. Promote more efficient use of land, public facilities and governmental services; and
Encourage integrated planning in order to achieve the above purposes.

**B. Overview of the PUD Process**

1. A PUD may be created in either of two ways: the Site-specific PUD Process (“SPUD”) or the Master PUD Process (“MPUD”).
   
   a. The SPUD results in approval of rezoning to a PUD district and a detailed set of design plans, a PUD development agreement, a subdivision (if needed), a density transfer (if needed), a site-specific development plan and a vested property right.
   
   b. The MPUD results in the approval of rezoning to a PUD district and a PUD development agreement that outlines permitted land use, density, maximum height and floor area, required community benefits and a vested right, but which requires a detailed final plan for individual phases prior to actual development.

2. The primary steps in the SPUD Process are:
   
   a. Conceptual PUD review (DRB and Town Council);
   
   b. Sketch PUD review (DRB);
   
   c. Final PUD rezoning ordinance and PUD development agreement (DRB and Town Council);
   
   d. Concurrent subdivision and density transfer, as applicable; and
   
   e. Final PUD review.

3. The primary steps in the MPUD Process are:
   
   a. Conceptual worksession (DRB and Town Council);
   
   b. Outline MPUD rezoning ordinance and outline PUD development agreement (DRB and Town Council);
   
   c. Final MPUD approval and final MPUD development agreement for all or portions of the outline MPUD (DRB and Town Council); and
   
   d. Subdivision and density transfer, as applicable.

4. **PUD Development Agreement Required.**
   
   a. An application for approval of a final PUD plan shall include a proposed PUD development agreement setting forth, at a minimum, the permitted uses, density, maximum building height and massing, zoning designations, CDC and Design Regulations variations, rezonings, density transfers, subdivisions, requirements for the construction of any public improvements and facilities, timetable and schedule of development, phasing requirements and conditions, any proposed conditions of approval and a statement establishing a vested property right.
   
   b. The final PUD development agreement and any other required legal instruments, including but not limited to subdivision plats, easements and maintenance agreements shall be executed by the owner(s) of the property included in the PUD development application, the Director of Community Development, the Town Manager and the Mayor and shall be recorded in the records of the San Miguel County Clerk and Recorder at the applicant's expense.

C. **Applicability**
The SPUD Process is available only for a single parcel of land or contiguous parcels of land, where the owner/owners of the site desire to develop the site as a unified development which achieves the goals of the Comprehensive Plan through the flexibility afforded by the SPUD Process. The MPUD Process is available only for a large-phased PUD project where the property included in the MPUD development application need not be contiguous and the owner/owners desire to achieve the goals of the Comprehensive Plan through the flexibility afforded by the MPUD Process. To the extent of conflict between these PUD Regulations and C.R.S. 29-67-101 et seq., these regulations shall supersede that statute.

D. Review Process

1. SPUD:
   a. **Step 1, Conceptual SPUD.** The conceptual SPUD is processed as a class 4 application.
      i. The purpose of the conceptual SPUD is to provide the DRB, the Town Council, the applicant and the public an opportunity to engage in an exploratory discussion of the SPUD development proposal (including proposed uses, density, maximum building height and floor area and community benefits), to raise issues and concerns and to examine alternative approaches to development.
         (a) The DRB shall focus its review and comments on design-related issues pursuant to the Design Regulations.
         (b) The Town Council shall focus its review on the other issues associated with a SPUD, such as mass and scale, public benefits, density, and general conformance with the Comprehensive Plan.
      ii. Conceptual SPUD approval authorizes the applicant to submit a sketch PUD development application.
      iii. Conceptual SPUD approval is effective for a period of twelve (12) months from the date of approval, unless the Town Council, upon request of the applicant, grants an extension of the approval.
   b. **Step 2, Sketch SPUD.** The sketch SPUD is processed as a class 3 application.
      i. The purpose of the sketch SPUD is for the applicant to present its development application to the DRB with Design Review Process plans that are designed/engineered solutions to the issues and concerns identified during the conceptual SPUD stage and to address the criteria for decision.
      ii. Sketch SPUD approval authorizes the applicant to submit a final PUD application.
      iii. Sketch SPUD approval shall be effective for a period of twelve (12) months from the date of approval, unless the DRB, upon request of the applicant, grants an extension of the approval.
   c. **Step 3, Final SPUD.** The final SPUD is processed as a class 4 application.
      i. The purpose of the final SPUD is for the applicant to address to the DRB
and Town Council, in a detailed manner, all issues and concerns raised during the sketch PUD stage and to present the Final SPUD plans and associated documents for consideration.

(a) The DRB shall focus its review and comments on design-related issues pursuant to the Design Regulations.
(b) The Town Council shall consider all issues associated with the SPUD, such as mass and scale, public benefits, density, and general conformance with the Comprehensive Plan.

ii. Final SPUD approval shall include approval of an ordinance rezoning the property to a SPUD and approving the SPUD development agreement.

iii. Final SPUD approval shall remain in effect for three (3) years following the date of the Town Council ordinance approving the PUD, unless the time frame is extended by Town Council. The Town Council may approve a longer vesting period for a final SPUD based on unique circumstances or development objectives.

d. **Concurrent Review.** Separate rezoning, density transfer and design review process development applications are not required to be submitted concurrent with a SPUD development application; such applications are considered a part of the overall SPUD development application process. If a subdivision is necessary for the proposed SPUD, a subdivision application shall be concurrently processed with a SPUD per the Subdivision Regulations.

e. **Rezoning.** A SPUD application shall concurrently request to rezone to the PUD Zone District.

f. **Final SPUD Development Agreement.**

i. The final SPUD development application shall be accompanied by a proposed development agreement for consideration by Town Council. The SPUD development agreement shall include:

(a) Proposed, permitted and accessory uses;
(b) Density and zoning designations;
(c) Maximum and average building heights;
(d) Floor area;
(e) Permitted variations to the CDC;
(f) Massing as reflected in associated design review plans;
(g) Required hotbed mix (if any per the Comprehensive Plan);
(h) Maximum building height and floor area;
(i) Any project phasing; and,
(g) A list of community benefits for the entire SPUD agreement, which specifies which dedications, conditions, contributions etc. are to be made and the triggers of such benefits in connection with any phasing of the project. The development agreement must specify the individual trigger for the required conveyance or payment of the listed community benefit. The final SPUD development agreement shall also address providing the needed requirements for security and completion and warranty of improvements as for any development.
g. **Vested Rights.** Approval of a SPUD plan application by the Town Council may constitute a site-specific development plan and a vested property right if a developer requests such a concurrent vested property rights development application.

2. **MPUD Review Process:**

   a. **Step 1: Conceptual Worksession with Town Council.** A conceptual worksession application shall be submitted prior to submitting a MPUD development application to discuss overall proposed development, phasing, uses and densities and community benefits. No outline MPUD application may be submitted until the conceptual worksession has been completed.

   b. **Step 2: MPUD Development Application for Outline MPUD.** The outline MPUD shall be processed as a class 5 application, with the following additional requirements:

      i. **Development Agreement.** The development application shall be accompanied by a proposed development agreement for consideration by Town Council. The MPUD development agreement shall include:

         (a) Proposed, permitted and accessory uses;
         (b) Density and zoning designations for each included parcel;
         (c) Required hotbed mix (if any per the Comprehensive Plan);
         (d) Maximum and average building heights;
         (e) Floor area;
         (f) Permitted variations to the CDC;
         (g) The general building massing for each parcel include in the MPUD.
         (h) Project phasing; and
         (i) A list of community benefits for the entire MPUD shall be made a part of the development agreement, which specifies which dedications, conditions, etc. are to be made in connection with each parcel or phase of the project when brought in for final MPUD approval. The development agreement must specify the individual trigger for the required conveyance or payment of the listed community benefit.

      ii. **Density.** Allowed densities are approved subject to density transfer; applicant may choose to process a density transfer at this stage for all or a part of the entire property, which is the subject of the outline MPUD application.

      iii. **Rezoning.** A MPUD application shall concurrently request to rezone to the PUD Zone District.

      iv. **Application of Zoning Designations.** Zoning designations assigned to the property in a MPUD can occur at the outline MPUD stage or the final MPUD stage.

      v. **Subdivision.** Typically not addressed until final MPUD stage; however, applicant may choose to process a subdivision of all or a part of the entire property, which is the subject of the outline MPUD application.

      vi. **Town Council Action.** Town Council approves, with or without conditions of approval, or denies. The form of approval is a rezoning
ordinance and an outline MPUD development agreement that shall be recorded in the records of the San Miguel County Clerk and Recorder.

vii. **Vested Rights.** Approval of an outline MPUD plan application by the Town Council shall constitute a vested property right to the extent covered by the outline PUD development agreement, including zoning, permitted uses, density, maximum building height and floor area.

viii. ** Concurrent Review.** The owner or developer of a MPUD may submit concurrent development applications for density transfer, subdivision and design review that are processed concurrently with the final MPUD per the applicable Development Review Procedures. If not, then the required outline MPUD development agreement shall include a requirement to submit such applications in the future in a logical, phased manner.

c. **Step 3: Final MPUD Plan Stage.** The final MPUD plan development applications shall be processed as a class 4 application to allow individual parcels or phases of the outline MPUD to be brought forward for final approval and development, with the following additional requirements:

i. **Final PUD Plan Development Applications.** The final MPUD plan stage shall include subdivision, density transfer and Design Review Process applications (as set forth below), to the extent such applications have not already been approved for the site/phase under consideration pursuant to the outline MPUD Process.

(a) The Town Council’s approval of final MPUD plan development applications shall be by resolution recorded in the records of the San Miguel County Clerk and Recorder.
(b) In the event there is a conflict between the Development Review Procedures, regarding PUD development applications and the PUD Regulations, the PUD Regulations shall prevail.

ii. **Final MPUD Development Agreement.** This agreement is in addition to and supplements the outline MPUD development agreement, providing the needed requirements for security and completion and warranty of improvements as for any development. This agreement shall repeat the time frame for actual conveyance, construction or payment, as appropriate, and of the relevant community benefits for this phase or parcel, as originally set forth in the development agreement executed as a condition of outline MPUD approval.

iii. **Vested Rights.** Approval of a final PUD plan application by the Town Council shall constitute a site-specific development plan and a vested property right and replaces the vesting period given at the outline stage with respect to that phase, to the extent covered by the PUD development agreement, including zoning, permitted uses, density and building height and floor area.

iv. **Challenge.** The final MUPD plan approval is subject to review under C.R.C.P. §106(a)(4), but not subject to referendum.

E. **Criteria for Decision**
The following criteria shall be met for the review authority to approve a rezoning to the PUD Zone District, along with the associated PUD development agreement:

1. The proposed PUD is in general conformity with the policies, principles and standards set forth in the Comprehensive Plan;
2. The proposed PUD is consistent with the underlying zone district and zoning designations on the site or to be applied to the site unless the PUD is proposing a variation to such standards;
3. The development proposed for the PUD represents a creative approach to the development, use of land and related facilities to produce a better development than would otherwise be possible and will provide amenities for residents of the PUD and the public in general;
4. The proposed PUD is consistent with and furthers the PUD purposes and intent;
5. The PUD meets the PUD general standards;
6. The PUD provides adequate community benefits;
7. Adequate public facilities and services are or will be available to serve the intended land uses;
8. The proposed PUD shall not create vehicular or pedestrian circulation hazards or cause parking, trash or service delivery congestion; and
9. The proposed PUD meets all applicable Town regulations and standards unless a PUD is proposing a variation to such standards.

F. PUD Relationship to the CDC

The development regulations and standards contained in an approved PUD and its associated development agreement shall supersede the provisions of the CDC to the extent of conflict. Where an approved PUD development agreement does not address specific CDC standards, the specific provisions contained in the CDC shall apply as determined by the Planning Division, subject to a final determination by the relevant review authority. In making this determination, the Planning Division and review authority shall consider the original intent of the PUD, the type of use, intensity of use, type of structure and similar factors to identify the situation covered by the CDC closest in comparison to the situation in the PUD. Notwithstanding the foregoing, when possible, the PUD and the CDC should be read to be consistent with one another.

G. PUD Community Benefits

1. One or more of the following community benefits shall be provided in determining whether any of the CDC requirements should be varied or if the rezoning to the PUD Zone District and concurrent (for SPUD) or subsequent (for MPUD) rezoning, subdivision, or density transfer request should be granted for a PUD:
   a. Development of, or a contribution to, the development of public benefits or public improvements, or the attainment of principles, policies or actions envisioned in the Comprehensive Plan (unless prohibited under number 2 below), such as benefits identified in the public benefit table.

2. The provision of hotbeds, commercial area, workforce housing or the attainment of other subarea plan principles, policies and actions on development parcels identified in a subarea plan development table shall not be considered community benefits as required by this section, and are instead required in order to achieve general conformance with the
Comprehensive Plan.

H. Comprehensive Plan Project Standards

Each final SPUD or MPUD plan shall include specific criteria and requirements to satisfy the following Comprehensive Plan project standards:

1. Visual impacts shall be minimized and mitigated to the extent practical, while also providing the targeted density identified in each subarea plan development table. It is understood that visual impacts will occur with development.
2. Appropriate scale and mass that fits the site(s) under review shall be provided.
3. Environmental and geotechnical impacts shall be avoided, minimized and mitigated, to the extent practical, consistent with the Comprehensive Plan, while also providing the target density identified in each subarea plan development table.
4. Site-specific issues such as, but not limited to the location of trash facilities, grease trap cleanouts, restaurant vents and access points shall be addressed to the satisfaction of the Town.
5. The skier experience shall not be adversely affected, and any ski run width reductions or grade changes shall be within industry standards.

I. General Standards

1. Authority to Initiate. A development application for a PUD may be filed only by the owner(s) of fee title to all land to be included within such PUD or other person holding written consent thereto from the owner(s) of all land to be included in such PUD, or any combination thereof. No PUD may be approved without the written consent of the landowner(s) whose property is included in the PUD.
2. Eligible Property.
   a. SPUD. A development application for a SPUD may be made for a single parcel of land or contiguous parcels of land controlled by a single landowner or by a group of landowners to be developed as a unified plan pursuant to the PUD Regulations.
   b. MPUD. A development application for a MPUD may be made for either a single parcel of land, contiguous parcels of land or noncontiguous parcels of land controlled by a single landowner or by a group of landowners to be developed as a unified project.
3. Minimum PUD Size. There is no minimum land area or property size to be included in a SPUD or MPUD application.
   a. SPUD. The minimum density to be included in a SPUD is ten (10) dwelling units. Commercial, public and other non-residential projects may also be proposed as part of an SPUD.
   b. MPUD. The minimum density to be included in a MPUD is fifty (50) dwelling units. Commercial, public and other non-residential projects may also be proposed as part of an MPUD.
5. Rezoning Ordinance Required. Any PUD application shall be required to request rezoning to the PUD Zone District as a part of the PUD Process. The PUD development
review process is a Rezoning Process, and a concurrent rezoning development application shall not be required. Because a PUD results in a rezoning to the PUD Zone District, any PUD approval shall be by ordinance.

a. All ordinances for rezonings that change the zone district to PUD shall be accompanied by a map that shows the new zoning and the boundaries of such district.

b. A PUD development agreement shall not become effective or be recorded until thirty (30) days after the date of the ordinance approving the same.

6. **Prior-Approved PUDs.**

a. PUDs approved prior to the effective date of the CDC are valid and enforceable under the terms and conditions of the approved development agreements. Modifications to such PUDs may be proposed pursuant to the PUD amendment process.

b. A developer of a PUD approved prior to the effective date of the CDC may propose to create a new PUD pursuant to the PUD Regulations following the process and requirements set forth herein.

7. **Density Transfer.** An increase in density shall require the transfer of density to the property from the density bank or other lot(s) within the town boundaries, except for the creation of additional workforce housing, subject to the workforce housing restriction.

a. For SPUD, a separate density transfer development application is not required.

b. For outline MPUD, the PUD development agreement shall require a separate density transfer application unless a concurrent density transfer is requested at the outline MPUD stage.

c. All density transfer requests shall conform to the Density Limitation and the CDC.

8. **Landscaping and Buffering.** The landscaping and public spaces proposed for the PUD shall provide buffering of uses from one another to minimize adverse impacts and shall create attractive public spaces consistent with the character of the surrounding environment, neighborhood and area.

9. **Infrastructure.** The development proposed for the PUD shall include sufficient infrastructure, including but not limited to vehicular and pedestrian access, mass transit connections, parking, traffic circulation, fire access, water, sewer and other utilities.

10. **Phasing.** Each phase (if any) of the development proposed for the PUD shall be self-sufficient and not dependent upon later phases. Phases shall be structured so that the failure to develop subsequent phases shall not have any adverse impacts on the PUD, the surrounding environment, neighborhood and area.

J. **Vested Rights**

1. The PUD Zone District applied to property included in a PUD shall be valid in perpetuity unless the Town Council rezones such land to another zone district, upon application by the owner or on Town Council’s own motion.

2. The PUD development agreement shall establish a vested property right to allow for development envisioned in the PUD development agreement as provided for in the PUD Regulations.
3. Upon the expiration of the vesting period set forth in the relevant PUD development agreement, the agreement shall require the owner(s) or developer(s) to submit a new SPUD or MPUD development application, as applicable, in order to proceed with development.

K. Guarantee of Public Improvements

A PUD developer shall be responsible for the construction of all infrastructure, public facilities and improvements that are necessary for the development of the PUD or that are required as a condition of approval of the PUD or by the CDC. The developer shall also be responsible for entering into an improvements agreement for the construction of public improvements in a form and amount satisfactory to the Town. The guarantee of public improvements shall be contained in the PUD development agreement and be in general conformance with the public improvements policy set forth in the Subdivision Regulations.

L. Enforcement of the PUD Plan

1. By the Town. The PUD development agreement shall run with and be a burden upon the land to which it applies. The rights and obligations set forth in the PUD development agreement shall run in favor of the Town and shall be enforceable at law or in equity by the Town without limitation on any power or regulation otherwise granted by law.

2. By Residents, Occupants and Owners. Those provisions of the PUD plan expressly running in favor of the residents, occupants and owners of the PUD, whether recorded by plat, covenant, easement or otherwise, may be enforced at law or in equity by such residents, occupants or owners acting individually, jointly or through an organization designated in the PUD plan to act on their behalf.

3. Relinquishment of Resident and Owner Rights. Residents and owners in a PUD may, to the extent and in the manner expressly authorized by the provisions of the PUD, modify, remove or release their rights to enforce the provisions of the plan, but no such action shall affect the right of the Town to enforce the provisions of the plan.

M. Modification or Revocation of a PUD by the Town

1. The PUD development agreement shall provide for the right of the Town to modify or revoke a PUD for failure to comply with specific PUD requirements.

   a. In order to modify or revoke a PUD the Town shall follow the same Development Review Procedures required to create a PUD as outlined in the PUD Regulations.

   b. The owner(s) of property within the PUD boundary shall be notified of any modification, revocation or rezoning initiated by the Town.

2. Any Town Council action modifying or revoking a PUD development agreement will leave the PUD Zone District, density and zoning designations on a site, nullify the PUD development agreement and shall require the submission of a new PUD development application to allow any further development. The modification or revocation shall consider the effect of the modification or revocation on the completed development areas within the PUD which have been issued a certificate of occupancy and sold to a bonafide third party purchaser who is not affiliated with the original applicant or developer.
N. Planned Unit Development Amendment Process

1. Type of Amendment

   a. Minor Amendments. A proposed PUD amendment is considered minor, as determined by the Director of Community Development, if it meets the following criteria for decision:

      i. The PUD amendment is not substantial and maintains the intent and integrity of the PUD development agreement and the associated plan sets, including but not limited to the required community benefits, or other public benefits or improvements outlined in the PUD development agreement;

      ii. The PUD amendment does not change the density, zoning designation, increase the floor area or significantly alter any approved building scale and mass of the development; and

      iii. The PUD amendment will not result in a net decrease in the amount of open space nor result in a change in character of any of the open space proposed within the PUD.

   b. Major PUD Amendments. A PUD amendment that is not classified as a minor amendment is considered a major amendment.

O. Review Process

   a. Minor Amendments. Minor PUD amendment development applications shall be processed as class 1 development applications.

   b. Major Amendments. Major PUD amendment development applications shall be processed as class 4 development applications.

2. Authority to Initiate a PUD Amendment

   a. Amendments to a PUD plan may be initiated by any of the following persons or entities acting alone or together:

      i. The owners of fee title to at least sixty-seven percent (67%) of the real property within the PUD;

      ii. An individual or entity having written permission of the property owner(s) described in section I.1 above; or

      iii. The Town.

3. Criteria for Decision. The criteria for decision for a PUD amendment are the same as for the creation of a PUD.

17.4.13 SUBDIVISION REGULATIONS

A. Purpose and Intent

   The purpose and intent of the Subdivision Regulations is to:

   1. Provide for the orderly, integrated and efficient development of the town;
2. Provide safe, adequate and efficient pedestrian and vehicular traffic systems and circulations;
3. Ensure the provision of adequate and efficient water, sewer and fire fighting infrastructure;
4. Avoid land with geologic hazards, such as flooding, debris flows, soil creep, mud flows, avalanche and rockfall;
5. Encourage the well-planned subdivision of land by establishing standards for the design of a subdivision;
6. Improve land records and survey monuments by establishing standards for surveys and plats;
7. Coordinate the construction of public facilities with the need for public facilities;
8. Provide and ensure the maintenance of open space and parks;
9. Provide procedures so that development encourages the preservation of ridgelines, steep slopes, perennial streams, intermittent streams and wetlands or similar geologic features;
10. Promote the health, safety and general welfare of the residents of the town;
11. Promote and implement the Comprehensive Plan;
12. Promote more efficient use of land, public facilities and governmental services; and
13. Encourage integrated planning in order to achieve the above purposes.

B. Applicability

The Subdivision Regulations shall apply to the subdivision of all real property within the town.

C. General Prohibition

It shall be unlawful for any person to develop, lease or sell any real property in the town unless it has been subdivided in accordance with these regulations and a subdivision plat has been recorded in the records of the San Miguel County Clerk and Recorder pursuant to the Subdivision Regulations.

1. Prohibited Conveyances. No interest in a parcel of land shall be transferred, conveyed, sold, subdivided or acquired for the purpose of creating or extending nonconformity or avoiding or circumventing any provision of the Subdivision Regulations.
2. Prohibited Development. All development, buildings and structures shall be located on an approved subdivision lot, or on a condominium land unit created prior to the effective date of the CDC, or created after such date in accordance with the CDC. The use of rights-of-way or access tracts for intended uses is not prohibited hereunder. The lot lines established in subdivision shall not be altered by conveyance of a part of a lot, nor shall any part of a lot be joined with a part of any other lot, unless such conveyance or joinder is made in accordance with these regulations.

D. Review Process

1. Major Subdivisions. Major subdivisions shall be processed as class 4 applications.
   a. The Director of Community Development may require, and an applicant may request, a conceptual worksession with the DRB and/or the Town Council on a major subdivision application.

2. Minor Subdivisions. Minor subdivisions shall be processed as class 5 applications.
3. Staff Subdivisions. Staff subdivisions shall be processed as class 1 applications.
E. Criteria for Decision

1. **Major Subdivisions.** The following criteria shall be met for the review authority to approve a major subdivision:

   a. The proposed subdivision is in general conformance with the goals, policies and provisions of the Comprehensive Plan;
   b. The proposed subdivision is consistent with the applicable Zoning and Land Use Regulations and any PUD development agreement regulating development of the property;
   c. The proposed density is assigned to the lot by the official land use and density allocation, or the applicant is processing a concurrent rezoning and density transfer;
   d. The proposed subdivision is consistent with the applicable Subdivision Regulations;
   e. Adequate public facilities and services are available to serve the intended land uses;
   f. The applicant has provided evidence to show that all areas of the proposed subdivision that may involve soil or geological conditions that may present hazards or that may require special precautions have been identified, and that the proposed uses are compatible with such conditions;
   g. Subdivision access is in compliance with Town standards and codes unless specific variances have been granted in accordance with the variance provisions of this CDC; and
   h. The proposed subdivision meets all applicable Town regulations and standards.

2. **Minor Subdivisions.** The following criteria shall be met for the review authority to approve a lot line vacation, lot line adjustment, easement vacation or similar subdivision:

   a. The lots resulting from the adjustment or vacation are in compliance with Town Zoning and Land Use Regulations and Subdivision Regulations;
   b. The proposed subdivision is in general conformance with the goals, policies and provisions of the Comprehensive Plan;
   c. Subdivision access is in compliance with Town standards and codes unless specific variances have been granted in accordance with the variance provisions of this CDC;
   d. Easements are not affected, or have been relocated to the satisfaction of the utility companies and/or the benefited party under the easement or, in the case of vacated easements, the easement is no longer necessary due to changed conditions, and the easement vacation has been consented to by the benefited party under the easement; and
   e. The proposed subdivision meets all applicable Town regulations and standards.

3. **Staff Subdivision Review of Condominium Map or Townhouse Plat or Amendments.** The following criteria shall be met for the review authority to approve a condominium map or townhouse plat, and an amendment to such plats. General conformance with the Comprehensive Plan shall not be required for staff subdivisions.

   a. The proposed map or plat is consistent with the current recorded plat for the lot(s);
   b. The proposed map or plat is consistent with the final or amended DRB approved
plans for the development project;
c. The proposed map or plat is consistent with the Town zoning regulations;
d. If applicable, the condominium or townhouse governing documents have
adequate provisions for the maintenance of common area elements, and adequate
easements exist for utilities, access, emergency access and drainage; and
e. The proposed subdivision meets all applicable Town regulations and standards.

4. **Staff Subdivision Review of Correction Plat.** The following criteria shall be met for
the review authority to approve a correction plat:

a. The correction plat is necessary to correct technical or clerical errors in the
previously approved and recorded final plat; or
b. Such errors include errors in legal descriptions, acknowledgments, dedication
language, plat notes and other items, which are the result of scrivener’s error and
do not result in a substantive change to the previously approved plat;
c. The correction plat is consistent with prior Town approvals; and
d. The proposed subdivision meets all applicable Town regulations and standards.

5. It shall be the burden of the applicant to demonstrate that submittal material and the
proposed subdivision development substantially comply with the subdivision review
criteria.

F. **Subdivision Design Standards and General Standards**

1. **Lot Standards**

a. **Minimum Frontage.** Each lot shall provide frontage onto a Town right-of-way,
access tract or other public easement. The minimum frontage shall be fifty (50)
feet to the extent practical.

i. Village Center lots are exempt from this requirement.

ii. Condominium maps, townhouse plats and amendments to such maps or
plats are exempt from this requirement.

b. **General Vehicular and Utility Access.** Each lot shall have access that is
sufficient to afford a reasonable means of ingress and egress for utilities and
emergency vehicles as well as for all traffic requiring access to the property and
its intended use. Such access shall be provided either by a public or private street
or by driveway, as applicable, meeting the requirements of the Town road and
driveway standards contained in and the applicable requirements of the
Subdivision Regulations.

i. **Driveway Allowed.** Driveway access is allowed if:

   (a) A maximum of three (3), single-family, detached dwelling units
       by a common driveway, which then connects to either a public or
       private street;
   (b) A development located on one lot that is contiguous with an
       existing or planned, public or private street;
   (c) Easements for common driveways that shall be either platted or
provided by an access tract or another legal mechanism approved by the Town; and

(d) Maintenance of the driveway and any associated common improvements, such as parking areas, landscaping and lighting shall be guaranteed by a legal instrument approved by the Town, such as a condominium declaration or other Town approved legal instrument.

ii. Public or Private Street Required. A public or private street meeting the requirements of the CDC shall be provided for all subdivisions that do not meet the criteria in section i above.

c. Minimum Lot Size. Every subdivision shall provide for lot sizes that are in general conformance with either the surrounding lot sizes for related land uses, or the lot sizes envisioned in the Comprehensive Plan. Each lot shall contain sufficient land area to be buildable given the intended use and the requirements of the CDC.

d. Solar Access. To the extent practical, all lots in a subdivision shall be designed to have solar access.

e. General Easement. Each lot shall provide for a sixteen (16) foot, general easement that is consistent with the general easement requirements set forth in the Zoning and Land Use Regulations.

f. Design of Lots. The lengths, widths and shapes of lots shall be designed with the following considerations:

i. Development patterns envisioned in the Comprehensive Plan;
ii. Limitations and opportunities of topography;
iii. Convenient and safe access and circulation, including public, emergency, construction, maintenance and service access;
iv. Provision of adequate building area on each lot that meets the requirements of the Subdivision Regulations and the CDC; and
v. Availability of utility service and utility system design and capacity.

2. Environmental Standards

a. Protection of Distinctive Natural Features. To the extent practical, subdivisions shall be designed to protect and preserve distinctive natural features, such as ridgelines, steep slopes, perennial streams, intermittent streams and wetland areas. Such areas shall be left in their natural state and protected by either the use of disturbance envelopes, the establishment of open space lots where development is prohibited or some other protective measures acceptable to the review authority.

b. Designing Subdivisions to Fit the Topography of the Land. To the extent practical, subdivisions shall be designed so that the layout of lots, the placement of building envelopes, the alignment of roads, trails, driveways, walkways and all other subdivision features shall utilize a design philosophy that generally reflects the existing natural topographic contours of the property.

c. Areas Subject to Environmental Hazard. Lots proposed for development and access roads to such development shall avoid areas subject to avalanches, landslides, rockfalls, mudflows, unstable slopes, floodplains or other areas subject to environmental or geologic hazards unless these hazards are mitigated.
to the satisfaction of the review authority. All mitigation measures shall be
designed by a Colorado professional engineer. To the extent identified hazards
cannot be mitigated to the satisfaction of the review authority, the subdivision
plat shall reflect those areas as non-developable.

3. **Drainage.** Subdivision drainage shall be designed and constructed in accordance with
the drainage design standards.

**G. Fire Protection**

1. **Water Supply and Fire Flow.** Water supply and fire flow requirements for all buildings
in a subdivision shall comply with all requirements of the Fire Code.
2. **Hydrants.** Fire hydrants shall be provided in accordance with the Fire Code.
3. **Fuel Reduction Plans/Forest Management Plans.** Fire mitigation and forest
management plans to reduce fire hazards and improve forest health may be required by
the review authority for subdivisions that include forested or treed areas.
4. **Installation of Facilities.** When fire protection facilities are required by the Town to be
installed by the developer, such facilities, including but not limited to all surface access
roads necessary for emergency access, water supply and fire hydrants shall be installed
and made serviceable prior to and shall remain serviceable at all times during any
construction within the subdivision.

**H. Street Improvements**

As a condition of approval of any subdivision, the developer shall be required to provide and/or construct
the following improvements and any improvements specified in a PUD development agreement:

1. **Access Plan Required.** As part of any plat submittal, the developer shall include a
preliminary road and/or driveway layout (as applicable) and shall identify approximate
grades, cuts and fills.
   a. The developer shall indicate the intended means of providing access to each lot
      in the proposed subdivision and prepare engineered access plans for such access
      consistent with the Subdivision Regulations and the other applicable provisions
      of this CDC.
   b. The extent of the easements or rights-of-way proposed to be acquired shall be
      sufficient to demonstrate the ability to construct an access road meeting Town
      road and driveway standards for the proposed subdivision.

2. **Construction of New Streets and Bridges Within the Subdivision.** The developer
shall be responsible for the construction of all new public or private streets or driveways
and any new bridges in accordance with the design and construction standards in the
Town road and driveway standards.
3. **Construction of New Streets and Bridges Outside of the Subdivision.** The developer
shall be responsible for the construction of streets and any bridges outside the subdivision
necessary to establish a connection between the subdivision and the existing street
system, with the design and construction standards in accordance with Town road and
driveway standards.
4. **Upgrading of Existing Intersections.** Where existing intersections provide access
between the subdivision and the existing intersections have a level of service of D or
below, as indicated by a traffic study, due to the added traffic of the new subdivision, the developer may be required by the Town to improve the intersection to achieve a level of service of C or above, as indicated by a traffic study, or to provide a proportional share of funding for such improvements as determined at the time of subdivision review.

5. **Pedestrian Connections.** The developer shall be responsible for all pedestrian access as required by the Subdivision Regulations, Town road and driveway standards, or the Comprehensive Plan.

6. **Drainage Improvements.** The developer shall be responsible for the all improvements as required by the drainage design standards, including but not limited to street drainage, required detention or retention; all of which may include, by means of example, culverts, drainage pans, inlets, curbs and gutters, weirs, etc. Required detention or retention systems for drainage from each lot in a subdivision can also be required for each lot in a subdivision with the required Design Review Process as a plat note, if the Town determines that there is sufficient lot area for such systems and the intended development, and if the subdivision improvements are providing proper drainage as required by these regulations.

7. **Traffic Control and Safety Devices.** The developer shall be responsible for the traffic control devices and crosswalks in conformance with the criteria contained in the Manual of Uniform Traffic Control Devices, including but not limited to signs and signals, street name signs, striping and pedestrian signage.

8. **Other Improvements.** The developer shall be responsible for any street improvement associated with a proposed subdivision that is not otherwise set forth in this section or, when a PUD, and this CDC or the Comprehensive Plan requires additional improvements in connection with a subdivision, the developer shall comply with those requirements.

9. **Maintenance of Improvements.** The developer shall be responsible for obligations relative to the maintenance of the improvements required by this section which shall be determined during the subdivision development review process. The developer may be required to provide for private maintenance of the improvements, if the improvements within the right-of-way are not accepted for maintenance by the Town or if the Town requires the maintenance of a street that is intended to serve primarily two (2) or less lots. In the event a developer desires to construct improvements that exceed Town design requirements, the developer may be required by the Town to pay for the maintenance of such improvements.

I. **Water, Sewage Disposal and Utilities**

1. **Evidence of Adequate Water and Sewer.** The developer shall consult with the Director of Public Works on water and sewer availability prior to submitting a subdivision application. The subdivision application shall include a statement from the Director of Public Works indicating that adequate water and sewer capacity exist to serve the intended uses, and that the developer has consulted with the Public Works Department in the design of the water and sewer system and all proposed connections.

2. **Water and Sewer System Design.** The proposed water and sewer system shall be designed in accordance with Town Water and Sewer Regulations.

3. **Other Utility Systems Design.** The developer shall submit a composite utility plan that meets the design requirements of other required utility agencies, including but not limited to Mountain Village Cable, San Miguel Power Association, Source Gas and Century Link or any successors or assigns of such entities.

   a. The developer shall submit evidence that provision has been made for facility sites, easements and rights of access for electrical and natural gas utility service
sufficient to ensure reliable and adequate electric or, if applicable, natural gas service for any proposed subdivision. Submission of a letter of agreement between the developer and utility serving the site shall be deemed sufficient to establish that adequate provision for electric or, if applicable, natural gas service to a proposed subdivision has been made.

4. **Utility Design Standards.** All utilities shall be located underground, including but not limited to all utility stub outs, unless located in a pedestal, transformer or other required above-grade utility structure.

   a. All above ground utility stub outs shall be located within pedestals that are painted to match the natural or man-made backdrop.
   b. The review authority may require that an approved above-ground utility feature be screened or buffered from surrounding area development.
   c. All freestanding electric, gas or other meters needed for a common utility shall be appropriately screened or buffered from all public rights-of-way.

5. **Required Utility Improvements.** As a condition of approval of any subdivision, the developer shall be required to provide the following water, sewage disposal and utility improvements:

   a. **Water Systems:** Construction of water system improvements required to serve the subdivision shall include the following:

      i. All water mains within the boundaries of the subdivision;
      ii. Water mains necessary to connect the subdivision with any existing water system intended to provide service to the subdivision;
      iii. All water system improvements required by Town Water and Sewer Regulations;
      iv. Pump stations needed for operation of the water system; and
      v. Individual service lines stubbed to each property lot line.

   b. **Sewer Systems:** Construction of sewage disposal system improvements shall include the following:

      i. All sewer mains within the boundaries of the subdivision;
      ii. Sewer mains necessary to connect the subdivision with any existing sewer system intended to provide service to the subdivision;
      iii. Lift stations needed for operation of the disposal system; and
      iv. Individual service lines stubbed to each property lot line.

   c. **Other Utilities:** Construction of electric lines, gas lines, cable lines or fiber optics as required by the various utility providers.

J. **Required Dedications and Easements**

1. **Dedication of Public and Private Streets, Sidewalks or Trails.** All streets, sidewalks and trails located within a subdivision shall be dedicated to the Town as public rights-of-way for access, utilities, snow storage, drainage and related infrastructure uses regardless of whether maintenance is to be public or private. Right-of-way dedications for public and private streets shall conform in width to the requirements of the Town road and
driveway standards, including sufficient width to include all drainage improvements, associated cut and fill slopes, intersections, curb returns, snow storage, retaining walls and other road appurtenances.

2. **Platting of Easements for Private Accessways.** Easements shall be platted for all common and shared driveways, parking areas, alleys or other common accessways. Easements for common accessways shall include, at a minimum, two (2) feet on either side of the required width of the travel surface in addition to the area determined to be necessary for snow storage, any associated cut and fill slopes and any drainage improvements.

   a. Public use of private streets, driveways and other common accessways shall be allowed in those instances where there is a commercial or other public facility located on the affected lot.

3. **Utility Easements.** The developer shall grant easements to the Town and applicable utility providers in such form as shall be required by the Town and the applicable utility provider.

4. **Ski-in/Ski-Out Easements.** In the case of newly created lots that are adjacent to an existing ski run where ski-in and ski-out access is desired by the developer or envisioned by the Comprehensive Plan, the developer shall secure a ski-in/ski out easement from the current ski resort operator, which easement shall be noted on the plat of the subdivision.

**K. Maintenance of Common Areas**

The developer shall enter into a covenant running with the development, in a form acceptable to the Town Attorney that shall include provisions guaranteeing the maintenance of common areas and improvements.

**L. Public Improvements Policy**

1. A developer shall be responsible for the construction of any public facilities or improvements that are necessary for the development requested under this CDC or that are required as a condition of approval of the development application(s). A developer shall also be responsible for submitting a financial guarantee for the construction of such public improvements and facilities in a form and amount satisfactory to the Town. The guarantee shall be contained in an improvements agreement and shall obligate the developer to construct the public improvements and facilities required by the Town according to a specific schedule.

2. The developer shall secure the faithful and diligent performance of its obligations with a pledge of security sufficient to provide a reasonable guarantee of not less than one hundred twenty-five percent (125%) of the current estimated cost of the public improvements and facilities, which estimate shall be approved by the Community Development Department staff.

3. The pledge of security may, at the option of the Town, be in the form of a cash deposit with the Town, an irrevocable letter of credit or other financial guarantee in a form approved by the Town whereby the Town shall have the unconditional and irrevocable right upon default by the developer to withdraw or acquire funds upon demand to partially or fully complete and/or pay for any of the public improvements or facilities. In no case shall the Town be obligated, pursuant to any improvements agreement, to complete any public improvements or facilities due to the developer's default, if the security should be determined inadequate.

4. The improvements agreement shall contain language by which the developer agrees to
repair any existing improvements or facilities damaged during construction and such other items, as the Town deems appropriate.

5. The improvements agreement may provide for the partial release of financial guarantee as improvements agreements line items are 100% completed, provided that no such partial or final release shall be granted until the improvements guaranteed have been inspected and accepted by the appropriate Town department, as evidenced by a written correspondence confirming completion.

6. The developer shall warrant the quality, workmanship and function of all public improvements and facilities for a period of two (2) years, or until July 1 of the year during which the second winter terminates after acceptance by the Town, whichever is greater.

7. In addition to any other remedies, in the event of default by the developer under the terms of the improvements agreement, no building permit, certificate of completion, certificate of occupancy, or Town approval shall be issued within the development until the default is corrected.

8. The improvements agreement shall be in a form and manner approved by the Town Attorney.

M. Subdivision, Road and Driveway Naming Requirements

Subdivision, road and driveway naming requirements outlined in this section shall apply to any new subdivision.

1. Requirement for Unique Names. Subdivisions, roads and driveways shall have unique names. As used herein, unique shall mean that there are no other subdivisions, roads or driveways in the County or the Town, either existing, platted or in the approval process, with the same or a similar name, unless the name is reserved through the Design Regulations process as provided for in this CDC. Names that sound similar are not considered unique (e.g., Beach and Peach, Bear Tree and Bearing Tree). The same root name with a different descriptor or suffix shall not be considered unique (e.g., Aspen Ridge and Aspen Valley).

2. Similar Sounding Names May Be Allowed. Similar sounding names may be recommended for approval at the discretion of the Director of Community Development for subdivisions within the same PUD, as long as they are distinctly recognizable (e.g., Gondola Station Lodge and Gondola Station Townhomes).

3. Names for Filings in the Same Subdivision. Separate filings of the same subdivision may have the same name, as long as they are given separate filing numbers (e.g., Gondola Station #1 and #2).

4. Basis of Names. New names are encouraged to have a historical, cultural, geographic or natural significance to the area.

5. Approval Authority. The Director of Community Development shall approve the names of all subdivisions, roads and driveways.

6. Changing Project Name. Once a name is approved and is designated as the name of the subdivision on the recorded plat or on an official Town or County map, it may only be changed through a new minor subdivision application. If a developer desires to change a project name prior to the recordation of the final plat, the new name must be reviewed and approved in accordance with this section.

N. Plat Standards

1. Required elements of a final subdivision plat shall include:
a. A scaled drawing of the boundary of the land parcel;
b. Recorded and apparent, visible rights-of-way;
c. All dimensions necessary to establish the boundaries in the field;
d. A statement by the land surveyor explaining how bearings, if used, were determined;
e. A statement by the land surveyor that the survey was performed by or under the surveyor’s direct responsibility, supervision and review;
f. A description of all monuments, both located and set, which mark the boundaries of the property and a description of all control monuments used in conducting the survey;
g. A block in the lower right-hand corner shall include the following: the preparation date; the names and addresses of the developer and engineer or surveyor who prepared the exhibit; and the number of the sheets and the total number of sheets;
h. A north arrow designated as true north and a written and graphic scale;
i. A vicinity map;
j. Title description or reference thereto at the bottom of the sheet;
k. The exact name of the subdivision at the bottom of the sheet followed by a general legal description stating the aliquot portion of the section, township, range and prime meridian; and the name of the PUD, if the subdivision has a currently effective PUD development agreement;
l. Streets and driveways that enter onto a street shall be named in accordance with the subdivision, road and driveway naming requirements;
m. Sheet size shall be 24” by 36” with a ½” border on all sides;
n. The names of abutting subdivisions or, in the case of abutting unplatted property, the notation "unplatted" shall appear;
o. If the area being subdivided is located within more than one (1) section, sufficient information shall be included on the plat so that the location of the section lines may be established;
p. Lengths of all lines shown on the plat shall be shown to an accuracy of hundredths of a foot, and angles and bearings to one (1) second of an arc;
q. Sufficient data shall be shown for all curved lines on the plat to enable reestablishment of the curves in the field;
r. This curve data shall include the following in tabular form for all circular curves:
   
   i. Radius of curve;
   ii. Central angle;
   iii. Arc length;
   iv. Chord bearing and length; and
   v. Notation of non-tangent curves.

s. Area of land within the boundary of the subdivision shall be shown on the plat to the nearest one-hundredth (1/100) of an acre;
t. All lands within the boundary of the subdivision shall be accounted for as a lot, tract, parcel, open space, street, right-of-way, alley or excepted parcel, and all areas of such lands shall be shown on the plat to the nearest one-hundredth (1/100) of an acre;
u. The boundary of the proposed subdivision and all lots within the subdivision shall be depicted in a heavy solid line. Excepted parcels within the boundary of the subdivision shall be designated "not included in this subdivision" or "not
v. Plat notes as may be required as conditions of approval or as otherwise recommended by the surveyor or attorney for the developer, subject to Town review and approval.

2. **Monument Standards.** Permanent monuments shall be set on the external boundary of the subdivision shall be set within 30 days of recording the plat. Block and lot monuments shall be set pursuant to CRS § 38-51-101. All monuments shall be located and described. Information adequate to locate all monuments shall be noted on the plat.

3. **Plat Notes and Certifications.** The content, form and manner for plat certificates and notes shall be set forth by the Town.

4. **Provision of Digital Plat Data.** Prior to presenting an approved final plat to the Town for required signatures, the developer shall be required to submit a digital file of the approved final plat to the Town to update and maintain their respective mapping programs. Such a digital file shall be in a digital format acceptable to the Town.

5. **Provision of Digital Copy Final Recorded Legal Instruments.** It shall be the responsibility of the developer to provide a digital copy of the final executed and recorded legal instruments affecting a proposed development, such as any plats, development agreement, easements or improvements agreements.

O. **Ad Valorem Taxes**

A subdivision shall provide a certification from the San Miguel County Treasurer that all ad valorem taxes which are not delinquent and are currently due and payable, applicable to the proposed subdivision, have been paid and there are no delinquent ad valorem taxes applicable to the proposed subdivision.

17.4.14 **CONDITIONAL USE PERMITS**

A. **Purpose and Intent**

The purpose and intent of this section is to establish policies and procedures for conditional uses and to establish the Conditional Use Permit Process.

B. **Applicability**

The Conditional Use Permit Process is available to any owner or developer who proposes to establish a conditional use as set forth in the land Use Schedule.

C. **Review Process**

1. **Step 1: Conceptual Worksession.** A conceptual worksession application shall be submitted prior to submitting a formal conditional use permit development application.
   a. The Director of Community Development may waive the requirement to submit a conceptual worksession due to limited size, scale or other matters that limit the issues associated with a conditional use permit development application.

2. **Step 2: Conditional Use Permit Development Application.** Conditional use permit development applications shall be processed as class 4 applications.
D. **Criteria for Decision**

1. The following criteria shall be met for the review authority to approve a conditional use permit:
   
   a. The proposed conditional use is in general conformity with the policies of the principles, policies and actions set forth in the Comprehensive Plan;
   
   b. The proposed conditional use is in harmony and compatible with surrounding land uses and the neighborhood and will not create a substantial adverse impact on adjacent properties or on services and infrastructure;
   
   c. The design, development and operation of the proposed conditional use shall not constitute a substantial physical hazard to the neighborhood, public facilities, infrastructure or open space;
   
   d. The design, development and operation of the proposed conditional use shall not have significant adverse effect to the surrounding property owners and uses;
   
   e. The design, development and operation of the proposed conditional use shall not have a significant adverse effect on open space or the purposes of the facilities owned by the Town;
   
   f. The design, development and operation of the proposed conditional use shall minimize adverse environmental and visual impacts to the extent possible considering the nature of the proposed conditional use;
   
   g. The design, development and operation of the proposed conditional use shall provide adequate infrastructure;
   
   h. The proposed conditional use does not potentially damage or contaminate any public, private, residential or agricultural water supply source; and
   
   i. The proposed conditional use permit meets all applicable Town regulations and standards.

2. It shall be the burden of the applicant to demonstrate that submittal material and the proposed development substantially comply with the conditional use permit review criteria.

E. **General Standards for Review**

1. **Location Determination.** The location of a conditional use shall be determined by a selection process by the review authority designed to identify a location that best serves the proposed use while minimizing potential adverse impacts.

2. **Conditional Use Permit Conditions.** In addition to the conditions of approval, conditional use permits may also include but not be limited to conditions on such items as:
   
   a. Performance standards for use;
   
   b. Limitations on hours of operation;
   
   c. Limitations on season of operation;
   
   d. Requirements for DRB review or Planning Division review on periodic basis; and/or
   
   e. Mitigation of noise, glare, visual and other adverse impacts.

F. **Standards for Certain Conditional Use Permits**
1. **Camping Conditional Use Permits.** Group camping requires the issuance of a camping conditional use permit. In addition to other applicable requirements of the CDC, camping conditional use permit request shall comply with the following standards:

   a. The entrance and exit locations shall have adequate site distances to ensure safe entry and exit based on speed of the road;
   
   b. An adequate plan for providing electrical service (if necessary), sanitary services and trash removal and other infrastructure as deemed necessary by the Town shall be provided;
   
   c. An adequate parking plan shall be provided; and
   
   d. A bond in the amount determined by the Town for the cleanup and restoration of the camping area shall be posted in an amount sufficient to restore the area to its prior condition will be provided prior to the camping event.

2. **Equestrian Conditional Use Permits**

   a. The boarding of horses shall require the issuance of an equestrian conditional use permit. In addition to other applicable requirements of the CDC, equestrian conditional use permits for the boarding of horses shall comply with the following standards:

      i. Lots proposed for an equestrian conditional use shall have a minimum size of four (4) acres;
      
      ii. One side of the lot must adjoin either active open space that has an approved, developed equestrian trail or United States Forest Service (USFS) land;
      
      iii. The owner of the lot must obtain permission in writing from the open space owner or the USFS to access approved, developed trails on public or private property;
      
      iv. The owner of the lot must also be the owner of any horse(s) proposed to be boarded on the lot unless the review authority allows for commercial boarding of horses; and
      
      v. The Town approves the equestrian use of the trail system in light of the overall trail system envisioned in the Comprehensive Plan.

   b. An equestrian conditional use permit shall include the following conditions:

      i. The riding or walking of horses is allowed only on approved, developed equestrian trails on active open space or on USFS land, with the open space owner’s written permission.
      
      ii. The boarding of horses on any lot shall neither threaten the health, safety and welfare of any individual, any horse or any wildlife within the town nor adversely affect the environment.
      
      iii. The owner shall be responsible for the prompt and proper disposal of excrement in such a manner that minimizes and mitigates odor, unsightliness and infiltration or other damage to the environment.
      
      iv. No structure, including a fence, related to the boarding, riding or maintenance of horses or the development of any horse path, equestrian trail or training area can occur within fifty (50) feet of a lot line that adjoins active open space or USFS land or within one hundred (100) feet of any other lot line. All development shall meet the requirements of the
Design Regulations.

v. Notwithstanding Article 5, the DRB may vary certain requirements and rules and regulations under this section for the commercial operation of sleigh rides, trail rides or carriage rides.

3. Ski Lifts (Tramways) Conditional Use Permits

a. The installation of a ski lift on a private single-family lot is strongly discouraged, and will only be permitted in situations where full compliance with the review criteria is satisfied thereby justifying the installation.

b. The installation of a ski lift that serves multi-family lots or three or more single-family lots are considered more appropriate as a conditional use and will be permitted in situations where full compliance with the review criteria thereby justifying the installation.

c. The installation of a ski lift on a private lot outside of the ski resort requires issuance of a ski lift conditional use permit. In addition to other applicable requirements of the CDC, ski lift conditional use permits shall comply with the following general standards and review authority criteria for decision:

d. **General Standards.** General Standards That Must Be Met Prior to Submitting for a Conditional Use Permit

   i. One side of the lot must immediately adjoin open space that is used for ski trail purposes;

   ii. The applicant has contacted adjacent property owners within 400 feet of the proposed lift to get input on the location, design and visual impacts prior to submitting the development application for the ski lift and shall affirm to the review authority that the applicant has satisfied these criteria. Nothing contained in this criteria shall require the consent or written response of adjacent property owners;

   iii. The owner of the lot must obtain permission in writing from the ski resort operator to build a ski lift that provides access to or from a ski trail.

Criteria for Decision

i. The property owner has demonstrated that special circumstances applicable to the lot such as size, shape, topography or other extraordinary or exceptional physical conditions that necessitates the installation of a lift;

ii. Visual impacts caused by the ski lift are minimized and mitigated, with the location and design carefully located and planned so that a ski lift is not readily visible to surrounding properties. In the event that a ski lift cannot be located and planned on a specific site so as to satisfy this criteria such ski lift shall not be permitted by the review authority. A ski lift serving a multifamily lot or three or more single family lots do not require the strict application of this criteria, however, such a ski lift shall still minimize the visual impacts to surrounding properties;

iii. Noise impacts are minimized and mitigated;

iv. Wildlife impacts are minimized and mitigated so as to not unreasonably
impact wildlife habitat and movement; and

v. The length of the proposed lift is the minimum possible length with longer lift lines strongly discouraged unless they are serving a multifamily lot of three or more single family lots.

e. **Lift Regulations.** Upon issuance of a ski lift conditional use permit, the lot owner will be required to abide by the following regulations:

i. The review authority can limit the operation time for a lift on a case-by-case basis to coincide with the operation of the ski resort.

ii. If the ski lift generates decibels in excess of the limitation placed on the ski lift conditional use permit, the use of the ski lift shall cease until the noise level is reduced.

iii. The owner of the ski lift will be responsible for maintaining the appropriate liability coverage for the ski lift and shall provide evidence of same to the Town.

iv. Appropriate safety and instructional signage must be maintained.

v. The ski lift must be operated in compliance with the operation plan submitted to and approved by the Town as a part of the conditional use permit that describes the operating, repair, maintenance and safety procedures for the ski lift.

vi. The ski lift shall be used solely by the owner(s) and guests of the lot(s) where the lift is located, and shall not be used for commercial purposes.

vii. The tramway shall be reviewed and approved by the Colorado Passenger Tramway Safety Board or its successor pursuant to applicable state regulations.

17.4.15 ALTERNATIVE REVIEW PROCESS FOR GOVERNMENTAL PROJECTS

A. **Purpose and Intent**

It is the purpose and intent of this section is to exempt government projects from all CDC regulations, except for the alternative process review requirements, and to establish an Alternative Review Process and standards for the review, analysis and approval for government projects eligible for such Alternative Review Process. The purpose in identifying and applying alternative review standards to CDC requirements for certain developments eligible for such treatment is to provide a more flexible, streamlined, efficient, thorough and coordinated review and approval process.

B. **Applicability**

The Alternative Review Process is available to government projects. Only those government project development applications determined by the Town Council to be reasonably necessary for the convenience or welfare of the public shall be eligible for review and approval pursuant to the Alternative Review Process.

C. **Review Process**

Alternative Review Process development applications shall be processed in accordance with the following steps:
1. **Determination of Government Project.** The Director of Community Development shall determine if a proposed development application may be eligible for consideration as a government project based on the following criteria:

   a. The government project is reasonably necessary for the convenience or welfare of the public; and

   b. The government project provides an essential public facility or provides essential services to the public that is in the best interests of the Town to be completed.

2. **Review and Referral Process.** The Planning Division shall send a referral of the proposed government project to affected Town departments and agencies and schedule a technical meeting consisting of the applicant, the applicant's agent, key Town staff members, consultants and any other persons deemed necessary by the Planning Division for the purpose of identifying and resolving any potential issues.

3. **Schedule Town Council Public Hearing:** The Planning Division shall schedule a review of the proposed government project at a Town Council meeting, with notice of the hearing provided to the DRB and to adjacent property owners in accordance with the public hearing noticing requirements.

4. **Staff Memo.** The Planning Division shall prepare a memo for the Town Council that: (a) outlines the reasons for consideration as an eligible project per the criteria for decision; (b) sets forth the conclusions of any referral comments; (c) includes the procedures the applicant would be required to follow if the project is determined not to be an eligible government project; (d) includes a recommendation on the alternative procedure to be followed should the project be determined to be an eligible government project; (e) evaluates the tentative list of CDC variations sought for the government project; and (f) includes a recommendation as to any DRB review and interested parties’ review necessary for the Town Council’s consideration of the government project.

5. **Town Council Action.** Following a public hearing, the Town Council shall by resolution (a) make a determination whether the proposed development meets the criteria for decision set forth in this section; (b) establish a procedure for review of the proposed project; (c) establish a task force team to review the development proposal and identify members of DRB and other interested parties (including at least two (2) members of the public at large) to be included as members of the task force team; (d) outline the initial list of CDC variations; and (e) establish a timeframe for the procedures to be used to review the proposed development.

   a. The Town Council in appropriate circumstances may include as part of the review process a separate referral to the DRB or other Town departments or entities for their separate review and recommendation.

   b. Should the Town Council determine that the proposed development is not reasonably necessary for the convenience and welfare of the public, the application shall be reviewed in accordance with the applicable Development Review Procedures and requirements of this CDC.

   c. The Town Council may amend the resolution at any time upon the request of the applicant, the Director of Community Development or upon its own motion.

6. **Community Development Technical Staff Review.** Following the Town Council approval of a resolution as set forth above, the Director of Community Development shall convene a staff-level, interdepartmental development review meeting for the purpose of identifying and resolving any potential issues associated with the provision of utilities.
and services, environmental constraints, site engineering, access and circulation and for providing any other technical information to the applicant that would assist in the preparation of an application for further review.

a. Following the technical staff review process, the Director of Community Development shall provide guidance to the applicant in preparing and submitting a formal development application to the DRB, Town departments and other interested parties identified by the Town Council for such reviews.

7. **Review of Application by Task Force Team.** The members of the task force team, composed of members of DRB, Town departments and interested parties identified by the Town Council resolution shall meet and review the development application using the standards of review identified in the Town Council-adopted resolution.

a. The chair of the task force team shall be the Director of Community Development.

b. The chair of the task force team shall prepare meeting agendas, coordinate meeting dates for the task force team and facilitate all meetings.

c. Following a review of the proposed development, and at such time as the Director of Community Development believes that further review would not significantly improve the overall development proposal, the Director of Community Development shall report to the Town Council the recommendations of the task force team. The Director of Community Development's report to Town Council shall include:

i. The proposed Alternative Review Process to be utilized for the government project;

ii. A specific list of any variations sought to specific requirements of the CDC, along with an analysis of the appropriateness of such variations;

iii. A recommendation as to whether the proposed development should continue to be considered to be a government project reasonably necessary for the convenience and welfare of the public;

iv. All of the land use decisions and approvals required for the proposed development;

v. A report of the deliberations and recommendations made by the task force team;

vi. An analysis of the proposed development per the criteria for decision;

vii. Any conditions of approval that may be necessary for the land use approvals;

viii. An analysis and finding(s) that any requested variances to the CDC are justified based on furthering the public interest or to implement the Comprehensive Plan; and

ix. A proposed ordinance that incorporates all of the applicable recommendations of the report, the requirements of this section and the criteria for decision.

8. **Town Council Adoption of Ordinance.** The Town Council, upon receipt of the report and proposed ordinance from the Director of Community Development, shall approve, approve with conditions or disapprove an ordinance granting a development order for the proposed development. The review shall be a public hearing for which notice has been provided pursuant to the public hearing noticing requirements.
a. Only those portions of CDC that are specifically incorporated in the ordinance granting final approval of a development order shall be applicable to a project determined to be reasonably necessary for the convenience or welfare of the public.

D. Criteria for Decision

1. The following criteria shall be met for the review authority to approve an Alternative Review Process and standards for the review, analysis and approval of a government project:

   a. The proposed government project is in general conformity with the policies of the principles, policies and actions set forth in the Comprehensive Plan;
   b. The proposed government project is reasonably necessary for the convenience and welfare of the public;
   c. The government project provides an essential public facility or provides essential services to the public that are in the best interests of the Town to be completed;
   d. The design, development and operation of the proposed government project will not have significant adverse effect to the surrounding property owners and uses; and
   e. The proposed renewal meets all applicable Town regulations and standards.

2. It shall be the burden of the applicant to demonstrate that submittal material and the proposed development substantially comply with the Alternative Review Process criteria.

17.4.16 VARIANCE PROCESS

A. Purpose and Intent

The purpose and intent of the variance process is to establish policies and procedure for granting a variance to the requirements of the CDC because the strict application of CDC requirements would cause exceptional and undue hardship on the development and use of lot due to special circumstances existing relative to the lot such as size, shape, topography or other extraordinary or exceptional physical conditions. Economic hardship alone is not sufficient justification for the granting of a variance. A variance is not required where a particular standard or provision of these regulations specifically allows for the review authority to grant administrative relief. It is the Town's intent that a variance be granted only under extraordinary circumstances.

B. Applicability

The variance process is applicable to any owner or developer who seeks a variance to the requirements of the CDC because the strict application of the CDC requirements would cause a hardship due to extraordinary or special circumstance on a lot.

1. A variance is not applicable to the Building Codes requirements. Please refer to the Building Codes appeals process.

C. Review Process

Variance development applications shall be processed as class 4 applications.
D. **Criteria for Decision**

1. The following criteria shall be met for the review authority to approve a variance:
   
a. The strict development application of the CDC regulations would result in exceptional and undue hardship upon the property owner in the development of property lot because of special circumstances applicable to the lot such as size, shape, topography or other extraordinary or exceptional physical conditions;
   
b. The variance can be granted without substantial detriment to the public health, safety and welfare;
   
c. The variance can be granted without substantial impairment of the intent of the CDC;
   
d. Granting the variance does not constitute a grant of special privilege in excess of that enjoyed by other property owners in the same zoning district, such as without limitation, allowing for a larger home size or building height than those found in the same zone district;
   
e. Reasonable use of the property is not otherwise available without granting of a variance, and the variance being granted is the minimum necessary to allow for reasonable use;
   
f. The lot for which the variance is being granted was not created in violation of Town regulations or Colorado State Statutes in effect at the time the lot was created;
   
g. The variance is not solely based on economic hardship alone; and
   
h. The proposed variance meets all applicable Town regulations and standards unless a variance is sought for such regulations or standards.

2. It shall be the burden of the applicant to demonstrate that submittal material and the proposed development substantially comply with the variance review criteria.

17.4.17 **VESTED PROPERTY RIGHTS**

A. **Purpose and Intent**

The purpose and intent of this section is to provide procedures and standards for review and approval of vested property rights in accordance with C.R.S. § 24-68-101 *et. seq.*, and to affect local control over the creation of vested property rights to the fullest extent permitted under the laws of the State of Colorado and the ordinances of the Town.

B. **Applicability**

The vested property rights process is applicable to any owner or developer that proposes to create a vested property right based on a site-specific development plan.

C. **Review Process**

Vested property right development applications shall be processed as class 4 applications.

D. **Criteria for Decision**

1. The following criteria shall be met for the review authority to approve a vested property
right:

a. A vested property right is warranted in light of relevant circumstances, such as the size and phasing of the development, economic cycles and market conditions;
b. The site-specific development plan is consistent with public health, safety and welfare;
c. The site-specific development plan provides for the construction and financing of improvements and facilities needed to support the proposed development;
d. The site-specific development plan meets the criteria for decision for concurrent, required development application(s); and
e. The proposed vested property right meets all applicable Town regulations and standards.

2. It shall be the burden of the applicant to demonstrate that submittal material and the proposed development substantially comply with the vested property right review criteria.

E. General Standards for Review

1. Required Legal Notice. The required legal notice of a vested property right may be combined with the notice for any other required, concurrent hearing to be held on the site-specific development plan for the subject site or lot.

2. Required Plan Notation. Each document that comprises a site-specific development plan shall contain the following language:

Approval of this site-specific development plan may create a vested property right pursuant to C.R.S. § 24-68-101-106 and subject to the Town of Mountain Village’s Community Development Code.

Failure to comply with the foregoing requirement shall negate the creation of a vested property right.

3. Conditions of Approval. The failure to comply with vested property right or other required, concurrent development applications’ conditions of approval may, at the option of the Town Council after public hearing thereon, result in the forfeiture of a vested property right.

4. Publication of Required Notice. Upon approval of a vested property right and a site-specific development plan, the Town shall publish, at the applicant’s expense, a notice describing generally the type and intensity of the use approved, the specific lot(s) affected and stating that a vested property right has been created. The notice shall be published once in a newspaper of general circulation within the Town not more than fourteen (14) days after approval of the site-specific development plan.

5. Duration. A property right, which has been vested as provided for in this section, shall remain vested for a period of three (3) years unless the Town Council in its sole discretion approves a longer vesting period based on the scale of the development application, or other special or unique circumstances or other development objectives.

6. Site-Specific Development Plan Subject to CDC and Building Codes. Approval of a vested property right and the associated site-specific development plan shall not constitute an exemption from or a waiver of any provisions of the CDC or Building Codes. The provisions of all duly adopted zoning ordinances, other land use and development ordinances, regulations, Comprehensive Plans and updates thereof shall apply in accordance with their terms to development under a site-specific development
plan except as otherwise provided in the vested property rights statute.

7. **Effect of Vested Property Right.**

   a. A vested property right, once established, shall preclude any zoning or land use action by the Town, which would alter, impair or diminish the development or use of the property as set forth in an approved site-specific development plan, except under the following conditions:

      i. With the consent of the applicant; or
      ii. Upon the discovery of the natural or man-made hazards on or in the immediate vicinity of the property, which could not reasonably have been discovered at the time of vested property rights approval and which, if not corrected, would pose a serious threat to the public health, safety and welfare; or
      iii. To the extent that compensation is paid, as provided in Title 24, Article 68, C.R.S.

   b. The establishment of a vested property right shall not preclude the application of ordinances or regulations, which are general in nature and applicable to all property subject to land use regulation by the Town, including but not limited to fee assessments and building, fire, plumbing, electrical, mechanical, water and sewer codes.

17.4.18 **ANNEXATION**

   A. In annexation proceedings, the Town may exercise all constitutional and statutory powers, all powers express and inherent in the Town Charter and any other powers it may lawfully assume. All annexations to the Town shall meet the requirements and comply with the procedures set forth in the Municipal Annexation Act of 1965, as amended, C.R.S. 31-12-101, et seq.

   B. All property annexed into the Town shall be required to apply for membership in the TMVOA.

   C. Zoning of land in the process of annexation shall be considered preliminary until annexation is completed. Final zoning may be accomplished simultaneously with annexation but must be accomplished no later than ninety (90) days after the effective date of annexation, notwithstanding any judicial appeal of the annexation. New zone districts and zoning designations, including those permitting mixed use, may be created by a concurrent CDC amendment with the Rezoning Process for annexed property. Upon approval by the Town Council, such new zone districts and zoning designations shall become part of this ordinance and shall be the zoning applicable to the annexed property or designated portion thereof.
CHAPTER 17.5 DESIGN REGULATIONS

17.5.1 PURPOSE AND INTENT

The Mountain Village Design Regulations (“Design Regulations”) have been established to achieve the following:

A. Provide clear, consistent, predictable and efficient design standards;
B. Promote public health, safety and welfare;
C. Preserve open space and protect the environment;
D. Enhance the natural beauty of the town’s surroundings;
E. Foster a sense of community;
F. Promote the economic vitality of the town;
G. Promote the resort nature and tourism trade of the town;
H. Ensure that uses and structures enhance their sites and area compatible with the natural beauty of the town’s setting and its critical natural resources;
I. Promote good civic design and development; and
J. Create and preserve an attractive and functional community.
K. Ensure through DRB review the compliance and compatibility with the town design theme.

17.5.2 APPLICABILITY

A. The Design Regulations apply to all new development and all development where there is an exterior alteration proposed or where an exterior alteration is required due to a change in use.
B. Workforce housing development shall be in accordance with the Design Regulations, except that the DRB may, at its discretion, vary the Design Regulations’ requirements.

17.5.3 DEVELOPMENT APPLICATION PROCESS

The Design Review Process is set forth in the Development Review Procedures in Chapter 4. Further, it is the overall intent of the Design Review Process that the DRB shall be responsible for ensuring the compliance and compatibility with the town design theme as a primary outcome of the process and the DRB may impose direction and/or conditions to applicants in order to ensure such compliance and compatibility. Applicants in the Design Review process shall be responsive to DRB directions and/or conditions regarding design review by providing meaningful responses and shall demonstrate such responses on plan sets prior to proceeding in the Design Review Process after such direction has been given.

17.5.4 TOWN DESIGN THEME

A. The town design theme is directed at establishing a strong image and sense of place for the community within its mountain setting.
B. Mountain Village is located in a fragile, high-alpine environment that contains forests, streams, wetlands and mountainous topography. The natural physical features and setting of the town shall inform the design of our buildings to promote harmony between people and nature that respects and blends with its surroundings and is integrated into the landscape.
C. Architecture and landscaping within the town shall be respectful and responsive to the tradition of alpine design and shall reflect sturdy building forms common to alpine regions.
D. Architectural expression shall be a blend of influences that visually tie the town to mountain buildings typically found in high alpine environments.

E. Architecture within the town will continue to evolve and create a unique mountain vernacular architecture that is influenced by international and regional historical alpine precedents. The Town encourages new compatible design interpretations that embrace nature, recall the past, interpret our current time, and move us into the future while respecting the design context of the neighborhood surrounding a site.

F. The key characteristics of the town design theme are:
   1. Building siting that is sensitive to the building location, access, views, solar gain, tree preservation, and visual impacts to the existing design context of surrounding neighborhood development.
   2. Massing that is simple in form and steps with the natural topography.
   3. Grounded bases that are designed to withstand alpine snow conditions.
   4. Structure that is expressive of its function to shelter from high snow loads.
   5. Materials that are natural and sustainable in stone, wood, and metal.
   6. Colors that blend with nature.

The Design Regulations set forth herein are intended to achieve these defining characteristics.

17.5.5 BUILDING SITING DESIGN

A. Design to Fit the Landscape.

Effective site planning is crucial to designing a building and development that blends into the existing landscape. Building siting shall respect and relate to existing land-forms and vegetation. Design solutions shall be site-specific, organizing the building mass in a way that relates to the terrain and functional constraints of the site.

   1. Siting of buildings and routing of driveways, utilities, walkways, drainage, etc., shall be designed to blend with the topography and avoid unnecessary disturbances to existing vegetation, ponds, streams and wetlands.
   2. Natural vegetation, ponds, streams and wetlands shall be preserved and protected to the extent practicable while still allowing for the owner’s envisioned development consistent with the Town regulations, standards and the Comprehensive Plan.
   3. Due to heavy snowfall experienced in the area, all site plans shall provide a snow shed and storage plan for roofs, walkways and drives. Areas of snow or ice shedding from roofs shall be shown along with methods to protect pedestrian and/ or vehicular traffic from injury or damage.

B. Residential Building Siting

   1. Buildings shall be sited based on the consideration of influences such as surrounding development, shade and shadow, views, solar exposure, natural vegetation, and water run-off.
   2. View corridors for proposed development shall be specifically preapproved by the review authority as a part of the overall landscape plan pursuant to the applicable requirements of the CDC.
   3. The review authority may require the creation of a building envelope to define the area in which all improvements must be located in order to protect the general easement, wetlands, steep slopes, golf course, open space, common areas and similar site features.
a. When a building envelope is required by the review authority, the applicant may be required by the review authority to submit a site improvement location certificate to ensure all development and improvements occur within the building envelope.

C. Village Center Building Siting

1. Building siting within the Village Center shall relate directly to the pre-established or proposed pedestrian walkways, malls and plaza areas. It is imperative that buildings form the walls of these exterior spaces and that circulation routes are uninterrupted, continuous and reinforced by adjacent buildings.

2. Development of a structure to the lot lines shall be allowed on building footprint lots provided Building Codes setbacks are met, adequate fire access is provided and the applicable requirements of the CDC are met.

D. Sites Adjacent to Open Space

Prior to the review authority approving the development of a site that proposes grading, clearing, direct drainage, direct access or other direct impact (as solely determined by the review authority) onto an adjoining open space, the applicant shall submit the proposed improvements on the open space to the owner of the affected open space for review and approval.

1. The owner of the open space shall provide the Town with written consent for the development application to proceed or all proposed improvements affecting the open space shall be deleted from the development application.

2. The applicant shall be required to enter into an open space impact agreement with the owner of the open space.

3. The Town may require easements for direct discharge, landscaping, access and similar improvements.

E. Golf Course Setbacks

Buildings shall be setback from the golf course fairways, tee boxes and greens. The DRB has the right, during the Design Review Process, to impose greater setback requirements if it determines that unique circumstances exist or if required for safety or aesthetic reasons.

F. Sites Adjacent to Common Areas

Prior to development of any site that will directly impact any developed common areas (pedestrian pathways, paver systems, retaining walls, light poles, sodded areas, etc.) by grading, clearing, direct drainage, direct access or other impact (as solely determined by the review authority) the applicant shall be required by the review authority to enter into a common area impact agreement.

17.5.6 BUILDING DESIGN

A. Building Form

1. The alpine mountain design shall be based on building forms that are well grounded to withstand the extreme natural forces of wind, snow and heavy rain. All buildings shall be designed to incorporate a substantially grounded base on the first floor and at finished grade. Examples of materials which evoke this form are stone, metal, stucco (for Village
Center only), or wood with dimensions that are ten inches (10") or greater for timber or
timber veneer and sixteen inches (16") or greater for log homes or log bases. Where the
base of a building meets natural grade, the materials must be appropriate to be adjacent to
accumulated snow.

2. Windows and doors in stone and stucco areas shall be recessed back from the face of the
exterior material by a minimum of five inches (5") with variations in the depth of the
window and door recessions provided throughout the building to convey the desired
heavy, thick massing.

   a. Window trim or built up areas around the windows shall not be included in the
measurement, such measurement to be made from the predominant face of the
exterior wall assembly.

3. The exterior material requirements reinforce the desired massing set forth in this section.

B. Exterior Wall Form

1. General (Applies to All Development)

   a. The overall form of residential exterior walls shall be simple in design.
   b. Walls need to portray a massing that is substantially grounded to the site.

2. Village Center Wall Form Additional Requirements

   a. The form of exterior walls within the Village Center shall form and define the
public spaces they confine as well as the interior uses of the building. Spaces
defined by the walls shall be contained courtyards and plazas or continuous
flowing streets. Angles shall be soft, repetitive 90-degree turns and open-ended,
disjointed spaces shall be avoided.
   b. Exterior walls along small commercial retail streets and plazas shall reinforce the
"village street" concept with relatively narrow frontages and/or vertical
"townhouse" proportions. Ground level, commercial spaces shall be
architecturally defined from office or residential spaces above.

C. Roof Form

1. Roof Design Elements

   a. The roof shall be a composition of multiple forms that emphasize sloped planes,
varied ridgelines and vertical offsets.
   b. Dormers may be included to add interest and scale to major roof areas and to
make habitable use of space within the roofs. Dormers may have gable or shed
forms.
   c. Roofs shall be designed and insulated to ensure valleys, areas over wall top plates
and other similar building spaces do not form ice dams and to prevent the need
for heat tracing.
   d. The DRB may require long ridgelines to be stepped to avoid long spans of
unbroken ridges when such elements are not in proportion to the design and scale
of the building, or to ensure the building design is following the topography of
the site.
e. Roof ridgelines shall, where practicable, step with the topography of the site following the stepped foundation.
f. The design of roofs shall reflect concern for snow accumulation and ice/snow shedding. Entries, walkways and pedestrian areas shall be protected from ice/snow shedding.
g. Eaves and fascia shall generally be responsive and proportional to the design of the building.

2. Roof Drainage

a. Where roofs drip onto pedestrian or other public areas, all multi-family, mixed use or commercial buildings shall provide a system of gutters, downspouts and permitted heat-tape to direct and channel roof run-off into the project’s landscape areas and to prevent ice build-up in pedestrian areas. In non-pedestrian or public areas, roofs may drip to cobble lined swales that direct water to the natural or proposed landscape.
b. All development within the Village Center shall be required to provide an integral guttering system designed into the roof or other DRB approved system of gutters, downspouts and heat-tape to contain roof run-off.
c. Within the Village Center, all building roof run-off shall be directed to storm sewers or drainage systems capable of handling the volume of run-off. Such system shall be kept and maintained by the owner and/or respective homeowners association in a clean, safe condition and in good repair.

3. Roof Material

a. All roofing material shall be of a type and quality that will withstand high alpine climate conditions.
b. The review authority may require class A roofing materials as a fire mitigation measure.
c. Permitted roof material outside the Village Center include:

i. Metal roof material limited to the following: rusted, black or gray standing seam, bonderized or corrugated metal (not reflective);
ii. Zinc;
iii. Minimum 1/2" slate; and
iv. Copper;

   (a) Copper shall only be considered when it is proposed with a brown patina finish.
   (b) The brown patina finish shall be completed prior to issuing a certificate of occupancy.

v. Synthetic roofing material that accurately emulate wood shake, concrete and slate tile or any other roofing material permitted or existing in Mountain Village.

   (a) Synthetic roofing material shall be:

      (i) Durable;
      (ii) High strength, both material and shape;
(iii) Low absorption or permeability
(iv) High freeze/thaw damage resistance;
(v) Color throughout the tile (not surface applied); and high-quality design that fits within the architectural context of the building and the architectural context of the surrounding area.

d. The following roofing material outside of the Village Center shall be approved by the DRB as a specific approval that is processed as a class 3 development application if the DRB finds the roofing material is consistent with the town design theme and the applicable Design Regulations:

i. Solar roof tiles so long as they are contextually compatible in design, color, theme and durability (non-reflective).

e. Village Center roofing material will require a class 3 development application and building specific design review. The following roof materials shall be approved by the DRB if the DRB finds the roofing material is consistent with the town design theme and applicable Design Regulations:

i. Burnt sienna concrete tile.
ii. Earth tones compatible with burnt sienna concrete tile in color and texture.
iii. Brown patina copper
iv. Standing seam or bonderized metal (dark grey or black) (not rusted)
v. Zinc
vi. Solar roof tiles so long as they are contextually compatible in design, color, theme and durability (non-reflective).
vii. Some variation of roof material color is permissible by specific DRB approval as long as it is contextually compatible in design, color, theme and durability.

f. Modification to roof materials on dormers and secondary roof forms may be reviewed as a class 1 development application.

i. Permitted roof materials are listed in e.i-vii above.
ii. Bevel edged corrugated (not rusted) metal may be approved so long as it is contextually compatible in design, color, theme and durability.

g. The following requirements are applicable to all roofing:

i. Metal roofing surface shall not reflect an excessive amount of light when viewed against direct sunlight.
   Unless the DRB grants a specific approval for a non-rusted metal roof, corrugated and standing seam roofing materials shall be pre-treated to produce rusting prior to placement on the roof, and prior to the issuance of a certificate of occupancy.

h. The installation or re-installation of wood shakes, glazed tile and asphalt shingles is prohibited, except for the repair or replacement of roof areas that are 25% or less of the total roof surface area.
i. Roof flashing, Gutters Downspouts and Similar Hardware:
   
i. In the Village Center, all exposed metal flashing, gutters, downspouts and other roof hardware shall be copper except when structural requirements dictate the use of stronger materials such as for snow fences.

   ii. In all other areas, other metal guttering besides copper may be approved by the review authority to allow it to match roofing material, such as the use of rusty steel guttering on a rusty metal roof.

   iii. When steel or iron are used, they shall be either rusted to match the roof or finished with a baked-on enamel paint or, subject to the prior approval of the review authority, a silicon modified alloy or special epoxy paint system of a color approved by the review authority.

4. Pedestrian Protection. Due to the potential for heavy snow accumulation, snow shedding shall be expected from sloping roofs onto the adjoining finished grades. It is therefore important that people, structures and improvements be protected from these potential impact loads.

   a. All building entries and shop fronts shall be located at gable ends of buildings or shall be protected by secondary roofs, arcades, balconies or similar structures when they are subject to snow or ice shedding.

   b. Structures, improvements and other pedestrian/public areas shall be protected by structural snow retention devices and other measures, such as snow fences and heat traced gutters.

   c. Snow retention devices shall be designed by a registered, Colorado professional engineer to support structural loads.

   d. Raised planters, retaining walls or similar landscape features shall be used to direct pedestrians away from any snow or ice shed areas and shall be required where a potential volume of snow shed or an especially hazardous area exists due to the height and slope of the roof aspect and similar site-specific considerations.

   e. Mechanical and safety devices shall be provided to safely accommodate snow removal in accordance with federal occupational regulations.

5. Nonreflective Material. All roof material shall be a non-reflective natural earth or rusted tones that blend with the natural backdrop to the extent practicable.

D. Chimneys, Vent and Rooftop Equipment Design

   1. Chimney forms shall relate to the overall building.

   2. All fireplace flues shall be enclosed; and have a chimney cap that allows the proper draft to flow past the cap as required by any applicable codes and not simply left as exposed metal or clay flues. Chimney enclosures are generally made of stone, stucco or rusted or painted metal, or metal treated to create a natural patina, to complement the roof material.

   3. All wood-burning fireplaces shall require the installation of a spark arrester.

   a. Wood-burning fireplaces are only permitted on certain lots as limited by the Solid Fuel Burning Device Regulations.

   4. All flues and vents shall be consolidated to the extent allowed by the Building Codes to
minimize the visual impacts caused by excessive chimneys, flues and vents.

5. Vents shall be located on the roof plane that is furthest away from the adjoining public ways.

6. Vents on the roof or on a wall shall be located and designed to ensure the lack of obstructions from accumulating snowfall.

7. Exhaust vents from commercial kitchens, locker rooms and any other space that may emit undesirable odors shall be designed and located so as to vent from the roof of buildings and thus mitigate odors. The review authority has the right to require improvements, such as air cleaners (scrubbers), to any system that does not in its judgment perform satisfactorily.

8. Rooftop heating and air conditioning equipment, large vent stacks, elevator penthouses, mechanical equipment and building vents and flues shall be designed to be compatible with the overall design of the structure, consolidated into vent enclosures and concealed or screened from public view. Building vents and flues that cannot be consolidated into vent enclosures and/or concealed due to the Building Codes shall be wrapped with an appropriate metal to match the exterior materials of the building so as not to be obtrusive.

9. Exhaust vents and air conditioning equipment must be located to ensure emitted noise is directed away from public and habitable spaces.

E. **Exterior Wall Materials.** A mix of materials including natural stone, stucco (only in the Village Center), steel and wood shall be the primary exterior materials. Proposed exterior materials shall be compatible with surrounding area development.

1. **Stone.** In addition to achieving the building massing requirements, stone walls shall meet the following standards:

   a. All buildings with wood or other approved exterior materials shall have thirty-five percent (35%) minimum stone walls.

   b. The stone for building additions shall be included into the overall stone calculation for the entire building and must comply with the stone percentage requirements stated herein.

   c. The designs shall show stone that is distributed to enhance the overall architecture.

      i. Stone incorporated in retaining walls that are an integral part of the building design may be included in the building's exterior stone material calculation.

      ii. A narrative that describes the pattern, grout, block size and color of the proposed stone and color picture of the proposed stone and setting pattern shall be provided as a part of the Design Review Process application for approval by the review authority.

      iii. Any review authority approval for stone shall include a condition that a four foot (4’) by four foot (4’) mock up board be prepared by the development mason for the review authority to approve the final stone material and setting pattern consistent with the review authority approval. Such mock up shall be provided prior to the installation of any stone and prior to the town conducting the framing inspection (if any), or other trigger point developed by the review authority.

2. **Wood.** Wood siding (horizontal or vertical), wood shingles, log, log siding and heavy timbers, and timber veneers are acceptable exterior wood materials. In addition to
achieving the building massing requirements, wood siding shall meet the following standards:

a. Log and log siding shall be a minimum sixteen inches (16") in diameter on the first and lower floor elevations as provided under the building design standards, and nine inches (9") in diameter on upper floors. When milled logs are used, hand-hewed logs are preferred. When log siding, heavy timber or wood siding are used, corner detailing shall be provided.

b. Heavy timber shall be a minimum size of eight inches by eight inches (8" x 8").

c. Wood siding shall be a minimum size of one inch by eight inches (1" x 8") in dimension and either painted or stained. Reclaimed barn wood shall be an average of eight inches (8") in width.

d. Board and batten wood siding shall not be the predominant siding pattern. When board and batten siding is proposed the minimum size shall be one inch by eight inch (1" x 8") boards and one inch by eight inch (1" x 8") battens.

3. **Metal.** The review authority may review and approve metal as a siding material, soffit material and fascia material as specific approvals in a development application.

a. Permitted metal siding types include rusted corrugated, rusted sheet metal panels, zinc panels, copper panels and other metal types reviewed and approved by the DRB.

b. Copper metal shall be treated to produce a patina prior to the issuance of a certificate of occupancy.

c. Corrugated metal shall be treated to produce rusting prior to the issuance of a certificate of occupancy.

4. **Stucco.** Stucco is only allowed in the Village Center. In addition to achieving the building massing requirements, stucco siding shall meet the following standards:

a. The primary exterior wall finish in the Village Center shall be stucco with a minimum use of twenty-five percent (25%) stone and a maximum of twenty percent (20%) wood as an exterior wall material.

b. Stucco walls shall portray a building of mass and, therefore, must be used over large surfaces rather than on small isolated areas. Stucco walls shall have a smooth undulating surface with soft rounded corners and deeply recessed doors and windows to reinforce the building mass.

c. Two-coat or three-coat stucco construction shall be detailed on the Design Review Process and construction plans.

d. Stucco colors shall be primarily light earth tones and are subject to the approval of the review authority.

e. Exterior Insulation Finished System or "EIFS" is prohibited due to the high alpine conditions and the prevalent water damage issues occurring in past EIFS installations.

5. **Non-combustible Materials.** The Town Building Codes may require certain non-combustible wall assemblies or synthetic materials. In such circumstances, the DRB may approve non-combustible materials as a specific approval provided it finds such materials are compatible with the town design theme and surrounding area development.

6. **Sustainable Green Building Materials.** The DRB may approve sustainable green building materials as a specific approval provided it finds such materials are compatible
with the town design theme and surrounding area development.

7. **Prohibited Exterior Materials.** The following exterior materials are prohibited:

   a. Rough sawn plywood, aluminum, fiberglass, T-111 panels, plastic and/or vinyl siding.
   b. Concrete is limited as an exterior materials for structural elements such as exposed lintels or beams, or as board form concrete with review authority specific approval. Other areas of concrete shall be faced with stone, wood, stucco or metal per the exterior material requirements set forth in this section.

F. **Exterior Color**

Exterior material color shall harmonize with the natural landscape within and surrounding the town. Color shall be natural, warm and subtle. Roofs may be rusted, black or gray standing seam or corrugated metal. Any colors used on details such as trim, fascia and timbers can be stronger and provide contrast to the more subtle tones of large wall or roof areas.

G. **Glazing.** Window design must be responsive to the energy code and site conditions. Each window wall composition will be evaluated on the basis of whether it is an integral part of the structure’s complete design. Windows shall be designed to meet the following standards:

1. Window openings and patterns shall be responsive to good solar design principles. The design of exterior walls shall also respond to solar exposures.

   a. The maximum window area of a building shall be forty percent (40%) of the total building façade area. Window placement and size shall be sensitive to light spill to adjacent properties.

2. Combinations of windows shall be used to establish a human scale to building facades in the Village Center.

3. Windows within grounded base forms shall appear to be punched into walls. Window patterns and reveals need to be carefully studied to create interest and variety.

   a. All windows in stone or stucco walls shall be recessed so that the exterior face of the glass is set back a minimum of five inches (5") from the outside face of the exterior wall assembly.

      i. Built-out eyebrows shall not be used to circumvent the intent of the window recess requirement.

   b. Within the Village Center, the depth of reveals shall vary from the five inches (5") as set forth above with reveals greater than ten inches (10") being more desirable.

4. Window openings and trim shall be consistent in proportion and scale with the associated building. Materials shall vary in detailing and color while still being compatible with overall building design. Transitional details must be provided that clearly describe connection of glazing to walls.

5. For residential windows above the pedestrian (ground) level within the Village Center, uninterrupted, maximum glass area shall not exceed sixteen (16) square feet.

6. Village Center windows at pedestrian (ground) level are also governed by the Commercial, Ground Level and Plaza Area Design Regulations..
7. Windows shall have double or triple glazing or high technology glass as required by the Building Codes.
8. Window frames and trim shall be painted or stained wood, anodized, painted or clad aluminum or patina copper clad.
   a. Aluminum is allowed as painted clad material only.
   b. The use of vinyl windows is prohibited.
9. Divided-lit windows shall be either individual glass lites with real mullions unless special divided-lit windows with interior spacer bars are otherwise approved by the review authority; or simulated divide lite windows. The use of removable grid (false mullions) is prohibited.
10. The use of mirrored glass is prohibited.
11. If shutters or grills are used on exterior walls, they shall be operable and not merely ornamental.

H. Doors and Entryways
1. For single-family development, doors and entryways shall use handcrafted materials whenever possible. The primary entrance doorways shall establish interest, variety and character and shall be reviewed by the review authority on an individual basis.
2. Within the Village Center and multi-family development, glass, metal and wood doors shall be used to establish interest, variety and character for the tenant spaces.
3. Flush metal doors will not be permitted unless the review authority determines that such doors are semi-concealed from public ways.
4. All doors shall meet the applicable energy code requirements of the Building Codes.
   a. Hollow metal doors are not permitted.
5. The exterior face of a door shall be recessed a minimum of five inches (5") from the outside face of a grounded base.
6. Garage doors shall be rich and interesting. Wood or metal sectional overhead doors of raised panel design may be used.
   a. Hollow metal doors, metal overhead doors of plain panel or roll-up doors similar to those of a service truck are prohibited.
   b. Wood garage doors, other than wood sectional overhead doors, shall be reviewed on an individual basis.
   c. The exterior face of the garage door shall be recessed a minimum of seven inches (7") from the outside face of the exterior wall assembly.

I. Decks and Balconies
1. Decks and balconies shall be designed to enhance the overall architecture of the building by creating variety and detail on exterior elevations. Combinations of covered decks, projecting balconies and bay windows shall be used.
2. Long, continuous bands of balconies are prohibited.
3. Whenever possible, balconies and decks shall be located in areas of high sun exposure while at the same time preserving views and solar access.

J. Required Surveys and Inspections
The following surveys and inspections shall be conducted by the Planning Division or the Building Division to ensure development is constructed in accordance with the review authority approved plans:

1. As required by CDC Section 17.3.12.C, when building height is within five (5) feet or less of the maximum building height or maximum average building height the developer shall submit a monumented land survey that is prepared by a Colorado public land surveyor to establish the maximum building height and the maximum average building height, including but not limited to natural grade, finished grade and the building height measurement points (in USGS datum) prior to the Building Division conducting the required framing inspection.

2. As required by CDC section 17.3.14, when an approved development has a structure, building, grading, hardscape or other similar improvement within five (5) feet or less from the general easement setback, other setback or a lot line, the developer shall submit a monumented land survey prepared by a Colorado public land surveyor to ensure there are no above-grade or below-grade encroachments into the general easement setback prior to the Building Division conducting the required footing or foundation inspection as applicable.

3. Prior to the Building Division conducting the required framing inspection, a four foot (4’) by eight foot (8’) materials board will be erected on site consistent with the review authority approval to show:
   a. The stone, setting pattern and any grouting with the minimum size of four feet (4’) by four feet (4’);
   b. Wood that is stained in the approved color(s);
   c. Any approved metal exterior material;
   d. Roofing material(s); and
   e. Any other approved exterior materials

This materials board shall remain on the site in a readily visible location until the project receives a certificate of occupancy or a temporary certificate of occupancy.

4. Prior to or concurrent with the Building Division conducting the foundation and framing inspections, the Planning Division shall conduct site inspections to ensure the development is proceeding in accordance with the approved plans.

5. Prior to the issuance of either a certificate of occupancy or a temporary certificate of occupancy, the Planning Division shall inspect the site to ensure the development is constructed in accordance with the approved plans, including but not limited to all exterior materials, windows, exterior lighting, landscaping, drainage and massing.

6. Prior to the Building Division conducting the required footing or foundation inspection for an accessory dwelling unit, a monumented land survey prepared by a Colorado public land surveyor to ensure that an accessory dwelling unit will contain the maximum floor area as approved by the review authority. Such a survey may also be required by the review authority for any other land use that has a maximum or minimum size established by the CDC a PUD or by a development agreement with the Town.

17.5.7 GRADING AND DRAINAGE DESIGN

A. All grading within a project shall relate to and blend into the surrounding natural landscape, natural and existing topography, existing roads, drainage swales and other human-made grading.
B. Grading and drainage plans shall be provided for all new development and redevelopment, and shall be prepared by a registered Colorado professional engineer.

1. If grading is required adjacent to an unimproved (unpaved) road, finished road grades are required to be reviewed and approved by Public Works.
2. The Director of Community Development may waive this requirement for development that does not change any grading on the site, or for minor grading changes.

C. The extent of cuts and fills shall be limited to protect the surrounding vegetation. All cut and fill areas shall feather into the natural topography within the confines of the property boundary.

D. Features such as streams, ponds, drainage systems and wetlands shall be protected by appropriate erosion or sediment controls (i.e., straw-bale check dams, silt fencing, etc.) unless such features have been approved for alteration pursuant to applicable CDC regulations.

E. Maximum cut and fill slopes cannot exceed 3:1 without the stamped recommendation of a soils engineer and specific approval of the review authority.

F. Slopes that are steeper than 2:1 shall require a retaining structure. Retaining structures may be geogrids, geotextiles, reinforced slope, boulders or concrete.

   1. In areas visible from public view, retaining structures shall be constructed of boulders or concrete walls faced with preapproved stone veneer or with preapproved stone walls.
   2. If boulders are to be used for retaining an embankment, landscaping shall be planted between the boulders to soften the appearance.

G. Erosion controls using best management practices and revegetation shall be incorporated into the design of all development to minimize erosion.

   1. Best management practices may include but not be limited to selective thinning of vegetation, construction of temporary diversion ditches, silt fencing and/or dust suppression.
   2. If the cumulative area of disturbance equals or exceeds one (1) acre, on-site erosion control shall be planned and executed in conformance with the Colorado Department of Public Health and Environment, Water Quality Control Division, storm water discharge regulations.

H. All site plans shall show surface drainage patterns consistent with the existing road and drainage swale grades and culvert crossings.

   1. Modifications to existing natural drainage patterns shall be specifically approved by the review authority, Public Works and any other governing agency having jurisdiction together with the consent of the owners of any affected properties.

I. In areas where drainage swales are created to direct run-off, erosion-control blankets shall be used to slow velocity of run-off, decrease erosion and promote quick revegetation.

J. In all areas, run-off from impervious surfaces, such as roofs and paved areas, shall be directed toward natural or improved drainage channels, storm sewers in high density areas and where approved by the review authority, or shallow sloping vegetated areas.

   1. Detention ponds or systems shall be required prior to consolidated or re-channeled run-off entering natural streams, wetlands or ponds.
   2. Detention ponds or systems shall be sized in accordance with the drainage design calculations set forth herein using a triangular hydrograph with falling limb at twice the
rising limb (twice the time of concentration) with storage volume the difference between historic and developed conditions.

K. Due to the extreme daily temperature changes that are experienced in the town and sharp temperature contrasts between shade and sun exposures, it is mandatory that snowmelt and water run-off be designed to prevent ice buildup in pedestrian and vehicular areas.

L. All multi-family, mixed-use or commercial projects shall be required to:

1. Provide a drainage study prepared by a Colorado professional engineer with storm water run-off calculations that determines the volume of run-off from impervious surfaces;

   a. All drainage shall be designed to in accordance with this drainage design standard to accommodate a 25-year frequency, storm run-off utilizing the maximum head, as determined by the upper-most ponding elevation chosen to prevent flood damage to upstream properties. Inlets and other facilities draining the road surface shall be designed to accommodate 10-year frequency storm run-off. The following methods may be used for estimating peak flows:

      i. Run-off from stream records;
      ii. Soil conservation service method, applicable to watersheds smaller than 1,000 acres, expresses run-off in terms of geographical position, drainage areas and land use (See CDOT Roadway Design Manual);
      iii. Rational method, applicable to watersheds smaller than 200 acres, uses the following formula:

         \[ Q = C_i A_d, \]

         where \( Q \) = run-off, ft³/sec;
         \( C \) = a "run-off" coefficient, expressing the ratio of rate of run-off to rate of rainfall;
         \( I \) = intensity of rainfall, in/hr, for a duration equal to the time of concentration; and
         \( A_d \) = drainage area in acres.

         (a) Table 5-1 establishes coefficients for the rational formula. Rainfall intensity is obtained from records of nearby weather stations, reduced to a graph showing rainfall intensity vs. rainfall duration for various recurrence intervals. Rainfall intensity is based on estimates of the acceptable frequency of occurrence and the time required for water to reach the outlet from the most remote point in the basin.

         | Type of Drainage Area                     | C       |
         |------------------------------------------|---------|
         | Concrete or Bituminous Pavement           | .8 - .9 |
         | Gravel Roadways                           | .4 - .6 |
         | Bare Earth (high values for steep slope)  | .2 - .8 |
         | Turf Meadow                               | .1 - .4 |
         | Forest                                    | .1 - .2 |

         (b) The Town-adopted IDF curves are set forth in Appendix 5-1.

2. All surface drains shall be a minimum eight inch (8") drain grate.

3. Development in the Village Center for infill lots may propose the use of a master
drainage plan when drainage as required by this section cannot be accommodate on-site, with floodwater attenuation provided off-site when practicable.

M. Drainage plans shall require the review and approval of Public Works.
N. The applicant shall propose specific clearing limits in the plans submitted for DRB review that incorporate laybacks that conform to the general easement requirements set forth in Chapter 3.

17.5.8 PARKING REGULATIONS

A. Required Number of Parking Spaces.

1. Parking spaces shall be provided on-site for development as set forth in Table 5-2.

Table 5-2, Required Parking Table

<table>
<thead>
<tr>
<th>Zoning Designation</th>
<th>Required Number of Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family</td>
<td>2 enclosed spaces in garage and 2 surface parking spaces</td>
</tr>
<tr>
<td>Condominium unit (Village Center)</td>
<td>1 space per unit</td>
</tr>
<tr>
<td>Condominium unit (Multi-family)</td>
<td>1.5 spaces per unit</td>
</tr>
<tr>
<td>Single-family common interest community</td>
<td>2 spaces per unit</td>
</tr>
<tr>
<td>Employee condo/apt. unit (Village Center)</td>
<td>1 space per unit</td>
</tr>
<tr>
<td>Employee condo/apt. unit (outside Village Center)</td>
<td>1.5 spaces per unit</td>
</tr>
<tr>
<td>Hotel unit</td>
<td>0.5 space per unit</td>
</tr>
<tr>
<td>Hotel efficiency unit</td>
<td>0.5 space per unit</td>
</tr>
<tr>
<td>Lodge unit</td>
<td>0.5 space per unit</td>
</tr>
<tr>
<td>Efficiency lodge unit</td>
<td>0.5 space per unit</td>
</tr>
<tr>
<td>Commercial space (low intensity commercial)</td>
<td>1 space per 1,000 sq. ft.</td>
</tr>
<tr>
<td>Commercial space (high intensity commercial)</td>
<td>1 space per 500 sq. ft.</td>
</tr>
<tr>
<td>Industrial</td>
<td>2 space per 1,000 sq. ft.</td>
</tr>
</tbody>
</table>

2. For single family, the review authority may allow for tandem spaces as the two (2) surface spaces for smaller lots less than 0.75 acre where non-tandem parking is not feasible due to unique site conditions such as steep slopes, wetlands and unique shaped lots, and may waive the two (2) surface spaces for smaller lots when tandem parking is not feasible.

3. All parking shall be located outside of the general easement setback unless an encroachment is approved by the DRB as provided for in Chapter 3.

4. No less than one (1) space, but no more than five (5) spaces shall be provided for homeowners association maintenance vehicles. Such spaces shall be retained by the homeowners association as a general common element and shall be available for services such as housekeeping, cleaning, deliveries, maintenance, repair and minor construction. The spaces shall be signed for service vehicle use.

5. For uses not listed, the parking requirements shall be determined by the review authority based upon the parking requirements of a land use that is similar to the proposed use, other Town parking requirements or professional publications. A parking study may also be submitted by an applicant to assist the review authority in making this decision.

6. Alternative Parking Requirement
a. The Town recognizes that the minimum parking requirements set forth in this section are based on standard parking requirements applied in similar jurisdictions, and that parking demands for a use may change over time due to changes in key variables that impact the amount of required parking, such as the number of people travelling to the town by airplanes and mass transit ground transportation. It is, therefore, important to allow alternative parking requirements to be proposed by a developer. Alternative parking requirements may be approved by the review authority for class 3, 4 or 5 development applications subject to the following findings:

i. The alternative parking requirements shall be sufficient to meet the parking demand for the proposed uses; and

ii. The alternative parking requirements shall not be detrimental to the public health, safety and welfare.

b. Any developer proposing alternative parking requirements shall submit a parking study prepared by a qualified parking or transportation consultant that confirms that the proposed minimum parking requirements shall provide sufficient parking spaces to serve the proposed uses.

c. The review authority shall determine the final parking requirements concurrent with the required development application.

B. Provision of Required Parking Spaces. Required on-site parking shall meet the following standards:

1. All parking shall be contained within the lot(s) upon which the proposed development is located and off of public and private right-of-ways and the general easement. The use of the road right-of-way for the parking of vehicles is strictly prohibited.

2. Each required parking space shall be for the parking of licensed, operable motor vehicles only and shall be used only as approved.

   a. Such motor vehicles shall be registered to the property owner or the property owner’s guests or invitees.

   b. The parking of unlicensed motor vehicles, trailers, equipment, storage or other obstruction of a parking space is prohibited.

   c. No required parking space may be sold, leased or otherwise used separately from the development and must be retained to supply parking spaces for the approved uses.

      i. Required parking spaces shall be designated as either a limited common element or a general common element on the condominium map.

         (a) Where a zoning designation has a parking requirement for a full parking space, such parking space may be designated as a limited common element and signed and reserved for the use of a specific unit owner.

         (b) Where a zoning designation has a parking requirement for 0.5 space per unit (e.g. 1.5 spaces per unit), such parking spaces shall be pooled together and designated as a general common element and not be assigned or conveyed for individual unit
owner use.

ii. Development may provide for additional parking spaces beyond the required parking which may be condominiumized and individually sold provided such parking is designated on the proposed development plans for review and approval by the review authority.

3. **Type of Parking Area.** Required parking spaces areas shall be designed as underground parking.

   a. Parking plans that provide for surface parking shall be considered by the DRB on a case-by-case basis as a part of the required development application process, excluding development surface parking plans in the Village Center or the Village Center Subarea Plan where all parking spaces shall be designed and developed as underground parking.

   i. The DRB may approve surface parking lots as an interim use in the Village Center on future development sites that provide an interim use of a site until development.

   b. All development shall meet or exceed seventy percent (70%) of the required number of parking spaces for the project in an underground parking garage.

C. **Parking Area Design Standards**

1. **Parking Space Sizes**

   a. Angled parking that is between thirty degrees (30°) and ninety degrees (90°) to the driving aisle shall be nine feet (9’) in width by eighteen feet (18’) in length.

   b. Accessible parking spaces as required by the Building Codes shall be nine feet in width (9’) by eighteen feet (18’) in length with a five foot (5’), striped aisle and signage.

   i. Accessible parking spaces shall be counted as part of the required parking spaces.

   c. Up to ten percent (10%) of the required parking may be provided in designated compact motor vehicle spaces that measure nine feet in width (9’) and sixteen feet in length (16’). Compact motor vehicle spaces shall be designated as a general common element and be signed as compact parking spaces.

   d. The minimum clearance for each parking space shall be seven and one-half feet (7.5’) as measured from the surface of the parking space to the garage roof or to hanging plumbing, mechanical equipment or other constructed improvements.

2. **Garage Back-Out.** Garages that are designed to have cars backing out shall have a minimum of twenty-five feet (25’) of backup space for vehicles exiting a garage.

3. **Aisle Width.** The driveway and aisle width for either surface lots or parking garages shall be twenty-two feet (22’).

4. **Maximum and Minimum Parking Area Grade.** The minimum parking area grade for a surface parking lot is one-half percent (0.5%) and maximum grade for a parking area is six percent (6%), with a maximum grade of two percent (2%) for accessible parking spaces. Parking garages maximum grades shall be six percent (6%) unless a Colorado
professional engineer determines that a higher grade will provide for safe parking and not result in motor vehicle damage or pedestrian injury.

5. **Access to Parking Spaces.** Each required parking space shall have unobstructed access from a road or alley or from an aisle or drive connecting with a road or alley without requiring the movement of another vehicle unless the review authority approves tandem parking.

6. **Parking Area Surfacing.** Parking surfaces shall be asphalt, concrete, pavers or cut or tumbled stone blocks.

7. **Tandem Parking.** The review authority may authorize tandem parking in a parking garage on a case-by-case basis for a maximum of two (2) cars deep if either 24-hour valet parking service is provided, or if a key lock box is provided by the property owner that is accessible by all owners, tenants or guests residing in the associated building.

   a. Valet services, for the purpose of compliance with this section, shall be defined as a service performed by the association and/or property owner providing attendants who receive, park and return motor vehicles to property owners, guests or customers. The provision of such valet services shall be placed as a deed restriction on the property and shall run with the land, and shall be denoted on the condominium plat and general declarations and as provided for in any required development agreement. If valet parking associated with an existing development is proposed to be terminated by the association and/or owner, the parking plan shall be revised and submitted to the review authority for consideration and approval.

8. **Pedestrian Corridor.** A striped pedestrian corridor having a minimum width of ten feet (10’) shall be established in front of the main building entry(s).

9. **Lighting.** Lighting shall be provided in parking garages. Lighting shall be LED or other energy efficient lighting, and installed and maintained so as to avoid glare or reflection into abutting or facing properties and to avoid interference with the safe operation of vehicles moving within the garage. A lighting plan detailing the location and specifications of all lighting to be provided together with an isofootcandle diagram prepared by a qualified consultant shall be submitted to the Town as a part of the development application.

10. **Loading/Unloading Area.** Parking plans or site-plans for multi-family, commercial or mixed-use development shall provide for and reflect the location of loading/unloading areas on the premises.

   a. Spaces shall be a minimum of twelve feet (12’) in width by fifty-five feet (55’) in length, with fourteen feet (14’) of overhead clearance from street level.

   b. The loading/unloading area size may be increased by the review authority to accommodate more than one delivery vehicle at once for projects containing more than 100 units or commercial space.

   c. Loading and unloading areas shall be located to minimize impacts on the site, adjacent roads and adjacent land uses.

   d. Loading and unloading areas shall be located and designed so that the vehicles shall:

      i. Maneuver safely and conveniently to and from public right-of-way; and

      ii. Complete loading and unloading operations without obstructing or interfering with any public right-of-way, parking space or parking lot aisle.
e. All loading/unloading areas shall be striped and signed as delivery areas.
f. All delivery vehicles shall be capable of loading and unloading on site.
g. Truck loading and unloading may not take place on public rights-of-way except in areas specifically designed and approved by the review authority and applicable Town departments for this activity and shall at no time interfere with the normal flow of motor vehicle or pedestrian traffic on any public road.
h. In the Village Center or the Village Center Subarea Plan, the loading/unloading area shall be located within the associated parking garage in order to minimize visual and noise impacts.

11. **Alternative Energy Fueling.** The review authority may require the developer to install safe alternative energy fueling stations within a parking area, such as the installation of electric vehicle charging stations.

12. **Surface Parking Area Landscaping.** Any surface parking area approved by the review authority consistent with this section shall include landscape buffering from surrounding uses and shall also provide for required snow storage areas that do not damage landscaping.

13. **Snow Storage.** Snow storage areas shall be equal to twenty-five percent (25%) of the paved area, functional and located adjacent to the area of snow removal.

   a. The amount of snow storage area required may be reduced by the amount of any snowmelt area approved by the Town (Snowmelt areas are limited by the Building Regulations).

14. **Striping and Signage.** A development application that proposes either surface and/or garage parking shall include a detailed plan that provides the following:

   a. Parking spaces striping based on the dimensional requirements set forth above;
   b. An overall signage plan for accessible parking, compact, homeowners association, assigned parking, directions, no parking, loading/unloading area, traffic control and other needed signs;

   i. Accessible parking spaces that are required due to the provision of an accessible dwelling unit may be reserved for such unit provided the required parking as set forth in Table 5-2 is for a whole space. Otherwise, the accessible parking space shall be included in the overall parking requirements and be designated as a general common element.

   c. Signage maintenance to ensure legibility; and
   d. Repainting of striping and markings in parking areas as frequently as is necessary so striping and markings are clearly visible.

15. **Maintenance of Parking Areas.** It shall be the responsibility of the developer to provide a mechanism for the maintenance of the required parking areas.

16. **Sand and Oil Traps.** Sand and oil traps shall be provided in all parking garage drainage systems with the discharge into the required on-site drainage system. Such traps shall be maintained by the homeowners association or owner and memorialized in any declaration for the affected lot(s).

D. **Parking Payment In-Lieu**
1. **Foundation to Parking Payment-In-Lieu Request.** In lieu of the required on-site parking, an applicant may propose and the Town Council may allow a payment-in-lieu of such required parking in those cases where:

   a. Site constraints prohibit the provision of on-site parking; or
   b. A development furthers the goal of the Comprehensive Plan; or
   c. A development provides for desired economic development as envisioned in the Comprehensive Plan.

   Examples of such situations include expansion of commercial area in the Village Center by existing building additions.

2. **Criteria for Decision.** The Town Council may approve a request for a parking payment-in-lieu if such application meets all applicable Town regulations and standards and subject to a finding by the Town Council that:

   a. The proposed off-premise parking is in general conformance with the Comprehensive Plan;
   b. The required parking cannot be located on-site due to site-specific physical constraints or site design requirements, or the Town Council determines the project provides for desired economic development;
   c. The property is located in close proximity to a pre-existing parking facility or a public transportation route; and
   d. Parking is available in one of the Town-owned parking garages.

3. **Development Agreement.** In the event that the Town Council approves a parking payment-in-lieu, a development agreement shall include provisions regarding:

   a. The required payment of the payment-in-lieu fees including the amount and timing of the payment, which payment shall be made no later than the date of the issuance of the building permit; and
   b. The required payment of a one-time operations and maintenance fee including the amount and timing of such payment.

4. **Rate.** The payment in-lieu rate and operations and maintenance fee shall be set forth by the Town Council on a case-by-case basis.

5. **Parking Fund.** All parking payment-in-lieu fees and maintenance and operation fees shall be deposited into the parking fund and shall be used to fund either a reduction of any existing debt service on a Town parking garage or to construct or maintain parking facilities.

17.5.9 **LANDSCAPING REGULATIONS**

A. **Purpose and Intent.** The Landscaping Regulations are intended to:

   1. Provide adequate and appropriate plant materials on a project site to enhance the relationship of the project to its site and context;
   2. Preserve existing significant trees and existing vegetation on a site to the extent practicable;
   3. Conserve water by requiring landscaping plans to be based on a “permaculture” concept with a holistic approach to landscape design integrating the local geography and site
ecology with the design and installation of landscaping;
4. Utilize native species in landscape design so that native species continue to dominate the town’s high alpine environment; and
5. Mitigate the impacts of site development with landscape designs that will buffer the development from abutting properties and from the public way to the extent practical.

B. Foundation to Landscaping Design

1. The foundation to landscaping design shall be based on fitting the desired building or development into the surrounding landscape in accordance with the building site design and grading and drainage design standards as sensitively as possible to preserve trees and natural vegetation while still achieving the envisioned land use pattern in the Comprehensive Plan and within the design parameters set forth by the CDC. New landscaping shall fill in the developed/graded area of a site as a transition from the building hardscape and the outside living areas to the natural environment while also complying with the Fire Mitigation and Forestry Management Regulations.

2. In more developed high-density areas, the landscaping foundation shall also be based on creating a sense of place, visual interest, functionality and a landscape transition into the lower density and open space areas.

3. Permaculture design shall be the foundation to landscape design to preserve water supply, reduce energy use and maintain the native, montane and subalpine life zones landscape.

4. Any developer or homeowner installing landscaping should be aware that the town is located in a high alpine and arid environment with limited availability of water and precipitation which may require the Town to impose conservation measures related to exterior watering due to drought conditions or other constraints on the Town’s water system.

C. Permaculture Landscaping Regulations

1. Landscaping plans shall be based on permaculture applying the following six (6) principles:

   a. Suitable planning and design;
   b. Practical lawn areas;
   c. Efficient irrigation;
   d. Soil protection and improvements;
   e. Appropriate plantings; and
   f. Maintenance to reduce water requirements.

2. Suitable Planning and Design. A landscaping plan shall be designed and prepared by an American Society of Landscape Architecture certified designer or a landscape professional with experience in creating and planting landscape plans in montane and subalpine life zones to meet the following requirements:

   a. Address a site’s microclimates consistent with the planting requirements table, views from within a building and from outside living areas (decks, patios or terraces) on the lot where the landscaping is proposed, such as and views from surrounding lots and surrounding public areas;
   b. Reclaim the areas disturbed by development activities with planting mirroring or respecting the natural pattern of surrounding landscaping;
   c. Take advantage of storm water run-off for watering plants by designing roof
drainage to integrate into landscaped areas through drainage swales integrated into landscaped areas;

d. Meet the Fire Mitigation and Forestry Management Regulations;

e. Create a transition to the native vegetation that remains on a site;

f. Integrate with the natural mountain landscape and the inherent form, line, color and texture of the local plant communities;

g. Meet the building site design standards and the grading and drainage standards;

h. Address the context of the site with appropriate plantings, such as landscape transitions to open space, golf course or open ski run areas:

i. The review authority may require trees to be planted as screens on sites adjacent to golf courses for buffering and errant golf ball directional control.

ii. To the extent practical, building elements shall be softened and blended into the landforms and vegetation of the site through effective use of planting.

iii. Planting shall be used in transitional and outlying areas to define open space.

i. Include exterior living spaces, such as patios and terraces that are well defined by vertical and horizontal landscape elements;

j. Integrate indoor and outdoor living spaces through windows, the use of retaining walls, walkways, patios, doors and landscape areas;

k. Respect views and solar exposure to adjacent properties to the extent practicable while still providing for development envisioned in the Comprehensive Plan; and

l. Buffer or screen above-grade utilities (transformers, phone pedestals, meters, etc.), parking areas, loading and unloading areas, trash/recycling enclosures and other unsightly permitted uses.

i. Screening provided by fences and buffering provided by landscaping can have both positive and negative effects and, therefore, shall be carefully considered in the design of the landscape.

3. Practical Lawn and Planting Bed Areas. Formal lawn and planting bed areas consume more water than the natural landscape since such areas often have non-native plant species. Therefore, formal lawn and planting bed areas shall be proportional to the home and the lot.

a. All disturbed areas shall be replanted with a native grass seed mix.

b. Undisturbed areas shall be left and maintained in a natural state.

c. All areas to be revegetated with native grass seed mix may be irrigated until the grass is established, but no more than one (1) full growing season with any such extra irrigation installed on a separate zone that will be permanently shut off after successful revegetation.

4. Efficient Water Use

a. The irrigation system shall be designed by a qualified landscape professional that has extensive experience in designing irrigation systems to be efficient and to uniformly distribute the water. Specific criteria that shall be considered in the design include soil type, slope, root depth, plant materials, microclimates,
weather conditions, water source (e.g. quantity, quality and pressure), peak demand and watering windows. To conserve and protect water resources, the irrigation designer shall select appropriate equipment components that meet state and local code requirements and site requirements.

b. To conserve and protect water resources, the installed components shall meet the irrigation design specifications, manufacturer’s specifications, CDC requirements and the Town’s Water and Sewer Regulations. The installation shall result in an efficient and uniform distribution of the water.

c. The irrigation system shall be regularly maintained by a qualified professional to preserve the integrity of the design and to sustain efficient operation. The irrigation system shall be regularly serviced to maintain the performance of the system designed. To conserve and protect water resources and the environment, the serviced components shall meet the irrigation design specifications, manufacturer’s specifications and state and local code requirements. The maintenance shall result in sustaining an efficient and uniform distribution of the water.

d. The irrigation schedule shall be managed to maintain a healthy and functional landscape with the minimum required amount of water. To conserve and protect water resources and the environment, the irrigation schedule shall be changed as required to provide supplemental water to maintain a functional and healthy turf and landscape with the minimum required amount of water.

e. Irrigation systems shall include:

i. A backflow preventer by a Colorado licensed plumber that is installed after receiving a plumbing permit from the Town;

ii. Interior and exterior drain valves and an interior drain;

iii. Head-to-head or double coverage;

iv. A master control valve;

v. A flow control device to prevent water loss in the event of a break in the irrigation system;

vi. Self-sealing heads to reduce run out after zone shuts down; and

vii. Low-angle spray heads to reduce wind effect and misting on areas of turf and low-growing vegetation.

f. Irrigation systems shall be designed to implement less frequent watering for a longer period of time to increase saturation depth and promote deep root growth unless the topography requires a different practice.

g. Irrigation systems shall be designed and operated in accordance with Table 5-3.

Table 5-3, Irrigation System Design

<table>
<thead>
<tr>
<th>Landscape Type</th>
<th>Required Irrigation System Design and Operation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trees and Shrubs</td>
<td>1. Drip only.</td>
</tr>
<tr>
<td></td>
<td>2. Shut drip zones off two (2) full growing seasons after plant establishment.</td>
</tr>
<tr>
<td>Lawn Area/Turf</td>
<td>1. Spray heads.</td>
</tr>
<tr>
<td></td>
<td>2. Separate site zone required.</td>
</tr>
<tr>
<td>Perennials and garden planting beds</td>
<td>1. Spray heads.</td>
</tr>
<tr>
<td></td>
<td>2. Use soaker hose, low volume mist and/or emitters equipped with adjustable nozzles to limit over/under watering within a specific zone.</td>
</tr>
<tr>
<td>Landscape Type</td>
<td>Required Irrigation System Design and Operation</td>
</tr>
<tr>
<td>---------------</td>
<td>-----------------------------------------------</td>
</tr>
<tr>
<td>Revegetation</td>
<td>1. Rotors (Review authority may require temporary irrigation and prohibit long-term watering of revegetated areas)</td>
</tr>
</tbody>
</table>

All Landscaping Types

1. Irrigation control equipment shall include an automatic irrigation controller having program flexibility such as repeat cycles and multiple program capabilities. Automatic irrigation controllers shall have battery backup to retain the irrigation programs.
2. June through September, irrigation shall occur before 9 a.m. and after 7 p.m. unless otherwise limited by a Town law or policy.
3. Separate water meter installed at irrigation system control area, branched off of water service line to the home.
4. Tap and pressure reduction valve locations and plan notes describing the type of backflow prevention device shall be used.
5. Sprinklers and rotors shall be installed so as to minimize overspray onto paved surfaces, structures and non-vegetated areas and minimize run-off of irrigation water.
   a. Sprinkler spacing shall not exceed fifty-five percent (55%) of the sprinkler’s diameter of coverage.
6. Plants with similar water requirements shall be irrigated on the same zone.
7. To the extent practical, pop-up sprinklers and rotors will not be mixed in the same zone.
8. A rain sensing shutoff device shall be installed to avoid irrigation during periods of sufficient rainfall. Said equipment shall consist of an automatic sensing device or switch that will override the irrigation cycle of the system when adequate rainfall has occurred. It must be place where it is exposed to unobstructed natural rainfall.
9. Irrigation plans shall show sprinkler spacing and diameter of coverage.

h. Water Features. All water features constructed in the town shall contain water reserve tanks and/or catch basins to reduce the loss of water in the case of power failure or leaks.

5. Soil Protection, Improvements and Erosion Control

a. The following measures shall be followed to protect and enhance topsoil and to mulch new plantings:
   i. Prior to excavation, topsoil shall be stripped and stored on the site or in a location approved by the review authority.
   ii. Good quality topsoil shall be replaced in areas requiring landscaping or revegetation.
   iii. Topsoil shall be spread to a minimum depth of four inches (4").
   iv. A soil amendment, such as fully composted manure, shall be rototilled into all areas that will be sodded or seeded.

(a) Amendments shall be tilled into the soil to a six to eight inch (6"-8") depth.
(b) The rate of application of soil amendment shall be three (3) cubic yards per 1,000 square feet.

v. Newly seeded areas shall be protected from wind and water erosion through the use of weed free mulches. Acceptable mulches are, straw, hydro-mulch and, when needed, biodegradable erosion-control netting.

(a) Nylon netting is prohibited.

b. The review authority shall require a detailed erosion control and revegetation plan prior to approving a final development application. These plans shall explain in detail the measures to be used to permanently stabilize and revegetate disturbed areas during and after site development. The erosion control plan shall adhere to the following requirements:

i. To the extent practical, road and driveway cuts shall be revegetated within thirty (30) days of the disturbance to avoid unsightly scars and weed infestation on the landscape.

ii. To the extent practical, utility cuts shall be revegetated within two (2) weeks after installation of utilities to prevent weed infestation.

iii. Erosion control plans shall be based on standard best management practices to ensure there is no detrimental impact or run-off to any ponds, streams or wetlands.

iv. Erosion-control netting will be required on slopes 3:1 or steeper and in drainage swales.

v. Drainage swales shall include rip-rap as needed to reduce erosion.

6. Appropriate Plantings

a. Minimum Plant Sizes. All trees and shrubs shall meet the minimum plant size requirements as set forth in Table 5-4. The review authority may approve no more than 10% of the proposed trees and shrubs with less than the minimum plant size when it is determined the overall landscaping meets the purpose and intent of the Landscaping Regulations, and specific landscaping requirements set forth herein.

<table>
<thead>
<tr>
<th>Landscaping Type</th>
<th>Minimum Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deciduous Trees – Single Stem</td>
<td>3 inches caliper diameter at breast height (&quot;dbh&quot;)</td>
</tr>
<tr>
<td>Deciduous Trees – Multi-stem</td>
<td>2.5 inches dbh</td>
</tr>
<tr>
<td>Evergreen Trees – Single-family lots</td>
<td>8 to 10 feet in height, with 30% 10 feet or larger.</td>
</tr>
<tr>
<td>Evergreen Trees – Multi-family lots</td>
<td>8 to 12 feet in height, with 30% 12 feet or larger.</td>
</tr>
<tr>
<td>Shrubs</td>
<td>5 gallon or larger massing of smaller shrubs</td>
</tr>
</tbody>
</table>

b. Naturalized Plantings

i. Trees shall be planted in large natural groupings or groves.

ii. On open lots with little or no existing vegetation, the review authority shall require several groupings of trees to help nestle the home into the site.
iii. In areas that are wooded, the review authority may require many groupings of trees, depending on the extent of the disturbance created by construction and the fire mitigation and forestry management regulations.

iv. On heavily wooded sites, the review authority may require the replacement of trees that have been removed or destroyed for construction, grading, etc. if permitted by the Fire Mitigation and Forestry Management Regulations. Site planning for heavily wooded areas shall promote smooth transitions from groomed areas along walkways, driveways and buildings to a more natural condition by blending with existing vegetation and landforms.

v. Upon completion of any home within the town, the review authority may require additional landscaping if, upon review of the completed site, the review authority determines that additional landscaping is necessary to ensure the architectural and natural integrity of the area.

vi. Planting details will be required and shall meet standards accepted by the Associated Landscape Contractors of Colorado.

c. **Diversity of Tree Plantings.** At least forty (40) percent of the trees on a landscaping plan shall be trees not typically found in landscaping in the town, such as lodgepole pine, limber pine, white bark pine, ponderosa pine, bristlecone pine and pinyon pine provided such trees fit within the life zone and a site’s micro climate.

d. **Quality of Plant Materials.** All plant material shall be required to meet the American standard for nursery stock.

e. **Native Species.** New plantings shall include primarily plant material indigenous to the Rocky Mountain montane and subalpine life zones as set forth in the native planting requirements table. It is important to note that the native planting requirements table is not a complete list of all montane and subalpine plants or hybridizations of such plants; therefore, other plants typically found in these life zones may be proposed as a part of the landscaping plan.

i. Other non-native species may be proposed for specific review authority approval if it is shown such species can survive the high alpine montane or subalpine life zones’ climates.

### Table 5-4, Native Planting Requirements Table

<table>
<thead>
<tr>
<th>Type of Native Landscaping</th>
<th>Common Name</th>
<th>Required Micro-Climate Planting Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deciduous Trees</td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Populous tremuloides</em></td>
<td>Quaking aspen</td>
<td>W, NE</td>
</tr>
<tr>
<td><em>Populous angustifolia</em></td>
<td>Narrow leaf cottonwood</td>
<td>W, NE</td>
</tr>
<tr>
<td><em>Prunus virginiana</em></td>
<td>Chokecherry</td>
<td>W, NE, SW</td>
</tr>
<tr>
<td><em>Prunus virginiana ‘shubert’</em></td>
<td>Canada Red Chokecherry</td>
<td>W, NE, SW</td>
</tr>
<tr>
<td><em>Acer ginnala</em></td>
<td>Amur maple</td>
<td>SW, W</td>
</tr>
<tr>
<td><em>Acer tatarica</em></td>
<td>Tatarian maple</td>
<td>NE, SW</td>
</tr>
<tr>
<td><em>Malus ‘dolgo’</em></td>
<td>Dolgo Crabapple</td>
<td>SW</td>
</tr>
<tr>
<td><em>Malus ‘spring snow’</em></td>
<td>Spring Snow Crabapple</td>
<td>SW</td>
</tr>
<tr>
<td><em>Malus ‘radiant’</em></td>
<td>Radiant Crabapple</td>
<td>SW</td>
</tr>
<tr>
<td><em>Alnus tenufolia</em></td>
<td>Alder</td>
<td>W, SW, NE</td>
</tr>
<tr>
<td>Type of Native Landscaping</td>
<td>Latin Name</td>
<td>Common Name</td>
</tr>
<tr>
<td>----------------------------</td>
<td>-----------------------------</td>
<td>--------------------------</td>
</tr>
<tr>
<td>Evergreen Trees</td>
<td>Picea engelmannii</td>
<td>Engelmann spruce</td>
</tr>
<tr>
<td></td>
<td>Abies lasiocarpa</td>
<td>Subalpine fir</td>
</tr>
<tr>
<td></td>
<td>Picea pungens</td>
<td>Colorado spruce</td>
</tr>
<tr>
<td></td>
<td>Pinus aristata</td>
<td>Bristlecone pine</td>
</tr>
<tr>
<td></td>
<td>Pseudotsuga menziesii</td>
<td>Douglas fir</td>
</tr>
<tr>
<td></td>
<td>Pinus ponderosa</td>
<td>Ponderosa pine</td>
</tr>
<tr>
<td></td>
<td>Pinus contorta latifolia</td>
<td>Lodgepole pine</td>
</tr>
<tr>
<td></td>
<td>Pinus edulis</td>
<td>Pinyon pine</td>
</tr>
<tr>
<td></td>
<td>Pinus flexilis</td>
<td>Limber pine</td>
</tr>
<tr>
<td></td>
<td>Pinus albicaulis</td>
<td>Whitebark pine</td>
</tr>
<tr>
<td></td>
<td>Abies concolor</td>
<td>White fir</td>
</tr>
<tr>
<td></td>
<td>Pseudotsuga menziesii</td>
<td>Douglas fir</td>
</tr>
<tr>
<td></td>
<td>Juniperus scopulorum</td>
<td>Rocky Mountain juniper</td>
</tr>
<tr>
<td>Deciduous Shrubs</td>
<td>Quercus gambelii</td>
<td>Scrub oak</td>
</tr>
<tr>
<td></td>
<td>Alnus tenufolia</td>
<td>Rocky Mountain elder</td>
</tr>
<tr>
<td></td>
<td>Lonicera involucrata</td>
<td>Twinflower honeysuckle</td>
</tr>
<tr>
<td></td>
<td>Cornus stolonifera coloradense</td>
<td>Colorado dogwood</td>
</tr>
<tr>
<td></td>
<td>Salix spp</td>
<td>Willow species</td>
</tr>
<tr>
<td></td>
<td>Acer glabrum</td>
<td>Rocky Mountain maple</td>
</tr>
<tr>
<td></td>
<td>Physocarpus monogynus</td>
<td>Scrubby ninebark</td>
</tr>
<tr>
<td></td>
<td>Rosa woodsii</td>
<td>Woods rose</td>
</tr>
<tr>
<td></td>
<td>Sambucus racemosa</td>
<td>Native red-berried elder</td>
</tr>
<tr>
<td></td>
<td>Kalmia polifolia</td>
<td>Bog Kalmia</td>
</tr>
<tr>
<td></td>
<td>Ribes inerme</td>
<td>Gooseberry</td>
</tr>
<tr>
<td></td>
<td>Ribes cereum</td>
<td>Wax Currant</td>
</tr>
<tr>
<td></td>
<td>Symphoricarpus oreophilus</td>
<td>Mountain snowberry</td>
</tr>
<tr>
<td></td>
<td>Amelanchier alnifolia</td>
<td>Serviceberry</td>
</tr>
<tr>
<td></td>
<td>Prunus virginiana melanocarpa</td>
<td>Native chokecherry</td>
</tr>
<tr>
<td></td>
<td>Rubus deliciousus</td>
<td>Boulder raspberry</td>
</tr>
<tr>
<td></td>
<td>Jamesia americana</td>
<td>Waxflower</td>
</tr>
<tr>
<td></td>
<td>Potentilla fruticosa</td>
<td>Shrubby cinquefoil</td>
</tr>
<tr>
<td>Evergreen shrubs</td>
<td>Juniperus communis</td>
<td>Common juniper</td>
</tr>
<tr>
<td>Perennials and Forbes</td>
<td>Phacelia sericea</td>
<td>Pincushion</td>
</tr>
<tr>
<td></td>
<td>Primula angustifolia</td>
<td>Fairy primrose</td>
</tr>
<tr>
<td></td>
<td>Castilleja rhexifolia</td>
<td>Rosy paintbrush</td>
</tr>
<tr>
<td></td>
<td>Pedicularis groenlandica</td>
<td>Little red elephant</td>
</tr>
<tr>
<td></td>
<td>Achillea lanulosa</td>
<td>Yarrow</td>
</tr>
<tr>
<td></td>
<td>Trollius laxus</td>
<td>Globeflower</td>
</tr>
<tr>
<td></td>
<td>Campanula rotundifolia</td>
<td>Harebells</td>
</tr>
</tbody>
</table>
### Type of Native Landscaping

<table>
<thead>
<tr>
<th>Latin Name</th>
<th>Common Name</th>
<th>Required Planting Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gentiana calycosa</td>
<td>Parry gentian</td>
<td>Site specific</td>
</tr>
<tr>
<td>Polemonium viscosum</td>
<td>Sky Pilot</td>
<td>Site specific</td>
</tr>
<tr>
<td>Polemonium delticatum</td>
<td>Jacob’s ladder</td>
<td>Site specific</td>
</tr>
<tr>
<td>Eriogonum flavum</td>
<td>Sulphur flower</td>
<td>Site specific</td>
</tr>
<tr>
<td>Geum triflorum</td>
<td>Avens</td>
<td>Site specific</td>
</tr>
<tr>
<td>Ranunculus adoneus</td>
<td>Snow buttercup</td>
<td>Site specific</td>
</tr>
<tr>
<td>Castilleja occidentalis</td>
<td>Yellow paintbrush</td>
<td>Site specific</td>
</tr>
<tr>
<td>Castilleja linariaefolia</td>
<td>Indian paintbrush</td>
<td>Site specific</td>
</tr>
<tr>
<td>Antennaria rosea</td>
<td>Pussytoes</td>
<td>Site specific</td>
</tr>
<tr>
<td>Linnaea borealis</td>
<td>Twinflower</td>
<td>Site specific</td>
</tr>
<tr>
<td>Sedum integrifolium</td>
<td>King’s crown</td>
<td>Site specific</td>
</tr>
<tr>
<td>Sedum rhodanthum</td>
<td>Queen’s crown</td>
<td>Site specific</td>
</tr>
<tr>
<td>Aquilegia elegantula</td>
<td>Western ed columbine</td>
<td>Site specific</td>
</tr>
<tr>
<td>Aconitum columbianum</td>
<td>Monkshood</td>
<td>Site specific</td>
</tr>
<tr>
<td>Aquilegia caerulea</td>
<td>Rocky Mountain columbine</td>
<td>Site specific</td>
</tr>
<tr>
<td>Thermopsis divaricarpa</td>
<td>Golden banner</td>
<td>Site specific</td>
</tr>
<tr>
<td>Geranium richardsonii</td>
<td>White geranium</td>
<td>Site specific</td>
</tr>
<tr>
<td>Ipomopsis aggregata</td>
<td>Scarlet gilia</td>
<td>Site specific</td>
</tr>
<tr>
<td>Dodecatheon pulchellum</td>
<td>Shooting star</td>
<td>Site specific</td>
</tr>
<tr>
<td>Calochortus gummisonii</td>
<td>Mariposa lily</td>
<td>Site specific</td>
</tr>
<tr>
<td>Pulsatilla patens</td>
<td>Pasque flower</td>
<td>Site specific</td>
</tr>
<tr>
<td>Penstemon strictus</td>
<td>Rocky Mountain penstemon</td>
<td>Site specific</td>
</tr>
<tr>
<td>Gaillardia aristata</td>
<td>Indian blanket</td>
<td>Site specific</td>
</tr>
<tr>
<td>Mahonia repens</td>
<td>Creeping holly</td>
<td>Site specific</td>
</tr>
<tr>
<td>Symphoricarpos various species</td>
<td>Snowberry</td>
<td>Site specific</td>
</tr>
</tbody>
</table>

W: Naturally wet areas, low points, swales, roof drainage areas, etc; located in cool damp and shady areas.
NE: North and east aspects; cooler and shadier microclimates.
SW: South and west exposures and aspects; full sun and dry locations.

#### f. Native Grass Seed Mix.

##### i. Seeding with the native grass seed mix or the wetland buffer mix, if applicable, is required in all disturbed areas on the perimeter of the building site and at utility and road cuts.

##### (a) Native Grass Seed Mix (General Revegetation)

- Western Yarrow: 5%
- Tall Fescue: 10%
- Arizona Fescue: 5%
- Hard Fescue: 5%
- Creeping Red Fescue: 10%
- Alpine Bluegrass: 15%
- Canada Bluegrass: 10%
- Perennial Ryegrass: 15%
- Slender Wheatgrass: 10%
- Mountain Brome: 15%
ii. Other low grow, wildflower mixes and other grass seed mixes and ratios may be approved by the review authority. All grass seed mixes shall not include any noxious weed seeds. A blend of grasses and/or wildflowers that have growing characteristics that provide quick cover, erosion control and potentially evolve into an indigenous climax plant community shall be specified for all areas. Seed mixes and ratios may be adapted to specific locations and microclimates. Any wildflower grass seed mix shall not include any daisy seeds.

iii. Seed shall be applied to disturbed areas within ten (10) days after topsoil has been spread and shall follow the recommended rates noted by suppliers.

iv. Slopes that are greater than 3:1 shall be netted with an appropriate material to prevent erosion and ensure successful revegetation.

g. Noxious Weeds.

i. The Town prohibits and regulates noxious weeds.

ii. Noxious weeds are identified in the noxious weed table, Table 5-5, or that is subsequently designated as a noxious weed by the State of Colorado, or the Town.

iii. Required Weed Eradication and Management

(a) **Class A Noxious Weeds.** The owner of any property in the town shall be responsible for the elimination of all list A noxious weeds in accordance with the Town Weed Management Plan, the Colorado Noxious Weed Management Act (CRS 35-5.5-101 through 119) and Rules Pertaining to the Administration and Enforcement of the Colorado Noxious Weed Act (8 CCR 1206-2).

(b) **Class B and Class C Noxious Weeds.** The owner of any lot in the town shall be responsible for implementing a weed management plan to stop the continued spread of the species. List B and C noxious weeds shall be managed in accordance with the Town Weed Management Plan, the Colorado Noxious Weed Management Act (CRS 35-5.5-101 through 119) and Rules Pertaining to the Administration and Enforcement of the Colorado Noxious Weed Act (8 CCR 1206-2).

iv. Right of Entry and Enforcement

(a) The Town, acting through its authorized agent, shall have the right to enter private lands to inspect for the existence of noxious weed infestation.
(b) If a noxious weed is identified on a lot, the Town shall enforce the noxious weed regulations as set forth in the enforcement provisions and as may be set forth from time to time in internal enforcement policies.

v. **Weed Certification Program.** All landscape contractors shall obtain weed certification from the Town to ensure noxious weed species are eradicated from any lot on which the contractor is either installing or maintain landscaping.
<table>
<thead>
<tr>
<th>Table 5-5, Noxious Weeds</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>List A Noxious Weeds</strong></td>
</tr>
<tr>
<td>African rue (Peganum harmala)</td>
</tr>
<tr>
<td>Camelthorn (Alhagi pseudalhagi)</td>
</tr>
<tr>
<td>Common crupina (Crupina vulgaris)</td>
</tr>
<tr>
<td>Cypress spurge (Euphorbia cyparissias)</td>
</tr>
<tr>
<td>Dyer's woad (Isatis tinctoria)</td>
</tr>
<tr>
<td>Elongated mustard (Brassica elongata)</td>
</tr>
<tr>
<td>Giant reed (Arundo donax)</td>
</tr>
<tr>
<td>Giant salvinia (Salvinia molesta)</td>
</tr>
<tr>
<td>Hydrilla (Hydrilla verticillata)</td>
</tr>
<tr>
<td>Japanese knotweed (Polygonum cuspidatum)</td>
</tr>
<tr>
<td>Giant knotweed (Polygonum sachalinense)</td>
</tr>
<tr>
<td>Bohemian knotweed (Polygonum x bohemicum)</td>
</tr>
<tr>
<td>Meadow knapweed (Centaurea pratensis)</td>
</tr>
<tr>
<td>Mediterranean sage (Salvia aethiopis)</td>
</tr>
<tr>
<td>Medusahead (Taeniatherum caput-medusae)</td>
</tr>
<tr>
<td>Myrtle spurge (Euphorbia myrsinites)</td>
</tr>
<tr>
<td>Orange hawkweed (Hieracium aurantiacum)</td>
</tr>
<tr>
<td>Purple loosestrife (Lythrum salicaria)</td>
</tr>
<tr>
<td>Rush skeletonweed (Chondrilla juncea)</td>
</tr>
<tr>
<td>Squarrose knapweed (Centaurea virgata)</td>
</tr>
<tr>
<td>Tansy ragwort (Senecio jacobaea)</td>
</tr>
<tr>
<td>Yellow starthistle (Centaurea solstitialis)</td>
</tr>
</tbody>
</table>

**List B Noxious Weeds**

| Absinth wormwood (Artemisia absinthium) |
| Black henbane (Hyoscyamus niger) |
| Bouncingbet (Saponaria officinalis) |
| Bull thistle (Cirsium vulgare) |
| Canada thistle (Cirsium arvense) |
| Chinese clematis (Clematis orientalis) |
| Common tansy (Tanacetum vulgare) |
| Common teasel (Dipsacus fullonum) |
| Corn chamomile (Anthemis arvensis) |
| Cutleaf teasel (Dipsacus laciniatus) |
| Dalmatian toadflax, broad-leaved (Linaria dalmatica) |
| Dalmatian toadflax, narrow-leaved (Linaria genistifolia) |
| Dame's rocket (Hesperis matronalis) |
| Diffuse knapweed (Centaurea diffusa) |
| European watermilfoil (Myriophyllum spicatum) |
| Hoary cress (Cardaria draba) |
| Houndstongue (Cynoglossum officinale) |
| Jointed goatgrass (Aegilops cylindrica) |
| Leafy spurge (Euphorbia esula) |
| Mayweed chamomile (Anthemis cotula) |
| Moth mullein (Verbascum blattaria) |
| Musk thistle (Carduus nutans) |
| Oxeye daisy (Chrysanthemum leucanthemum) |
| Perennial pepperweed (Lepidium latifolium) |
| Plumeless thistle (Carduus acanthoides) |
| Quackgrass (Elytrigia repens) |
| Russian knapweed (Aegilops repens) |
| Russian-olive (Elaeagnus angustifolia) |
| Salt cedar (Tamarix chinensis, T. parviflora, and T. ramosissima) |
| Scentless chamomile (Matricaria perforata) |
| Scotch thistle (Onopordum acanthium) |
| Scotch thistle (Onopordum tauricum) |
| Spotted knapweed (Centaurea maculosa) |
| Spurred anoda (Anoda cristata) |
| Sulfitz cinquefoil (Potentilla recta) |
| Venice mallow (Hibiscus trionum) |
| Wild caraway (Carum carvi) |
| Yellow nutsedge (Cyperus esculentus) |
| Yellow toadflax (Linaria vulgaris) |
| **List C Noxious Weeds** |
| Bulbous bluegrass (Poa bulbosa) |
| Chicory (Cichorium intybus) |
| Common burdock (Arctium minus) |
| Common mullein (Verbascum thapsus) |
147

### Common Plants

<table>
<thead>
<tr>
<th>Common St. Johnswort (Hypericum perforatum)</th>
<th>Perennial sowthistle (Sonchus arvensis)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Downy brome (Bromus tectorum)</td>
<td>Poison hemlock (Conium maculatum)</td>
</tr>
<tr>
<td>Field bindweed (Convolvulus arvensis)</td>
<td>Puncturevine (Tribulus terrestris)</td>
</tr>
<tr>
<td>Halogeton (Halogeton glomeratus)</td>
<td>Redstem filaree (Erodium cicutarium)</td>
</tr>
<tr>
<td>Johnsongrass (Sorghum halepense)</td>
<td>Velvetleaf (Abutilon theophrasti)</td>
</tr>
<tr>
<td>Wild proso millet (Panicum miliaceum)</td>
<td></td>
</tr>
</tbody>
</table>

### 7. Installation and Maintenance to Reduce Water Requirements

a. Irrigated lawn areas should be aerated two (2) times per year to increase the water absorption rates and provide a healthy lawn. Organics, fertilization and amendment incorporation at same time are encouraged.

b. Trees and shrubs shall be mulched upon initial planting and as needed to reduce water evaporation.

c. Trees and shrub holes shall be dug six inches (6") deeper than the root ball size to facilitate the placement of appropriate mulch material and facilitate growth.

d. Trees shall be staked and held in place by webbing and wire to ensure successful root establishment for a period of two (2) full growing seasons.

e. Burlap and wire shall be removed from the root ball prior to planting. If all of the wire cannot be removed due to the size of the tree, then two-thirds of the wire shall be removed from the upper portion of the root ball.

### D. General Landscaping Design Requirements

#### 1. Paths and Walkways

a. **All Development**

i. In those cases where multi-family, commercial or mixed-use development occurs adjacent to pedestrian paths and/or hiking and biking trails, development site plans shall provide linkages to those pedestrian paths and hiking and biking trails.

ii. Primary walkways adjacent to buildings shall be constructed of surface materials that are rich and interesting, using material such as flagstone, sandstone, granite cobbles, brick or concrete pavers.

iii. Paths and walkways shall be designed to ensure pedestrian safety and reflect consideration of snow and ice removal.

b. **Village Center and Village Center Subarea Plan Development**

i. As the town grows and establishes primary pedestrian circulation systems, it is imperative that all building development relates to proposed or existing exterior pedestrian flows and spaces within the plaza areas. Building frontage shall contain and direct pedestrian circulation in a continuous, uninterrupted sequence.

ii. Semi-private outdoor spaces, such as restaurant patios and courtyards, shall be integrated into development to the extent practical. These spaces shall be located and designed to reinforce pedestrian circulation when adjacent to primary public malls and plazas.
iii. Main pedestrian circulation routes shall be defined and provide secondary routes for the opportunity to explore and seek out unexpected areas.

iv. The scale of pedestrian areas shall be kept intimate with great care and attention given to materials and detailing. Special pavers, hardware, fountains and landscaping shall be emphasized. Distance between buildings and widths of public areas shall vary with narrow passages leading to courtyards and secondary plazas.

v. Secondary walkways and courtyards are strongly encouraged as part of building improvements. These secondary spaces can add interest to the by offering areas to be explored and discovered within the overall orientation of the major circulation system.

vi. Secondary walkways and courtyards shall be paved with a material consistent with or complimentary to the major pedestrian areas of the town. Surface materials shall be rich and interesting, using such materials as stone pavers and granite cobbles, or concrete pavers. Surface materials shall have a minimum width of eight feet (8') and be lighted for evening use. Vertical grade changes shall be made to accommodate walking in ski boots and shall, therefore, have grades no greater than five percent (5%) with access ramps no greater than eight percent (8%). Stairways shall meet the building regulation requirements for stairs.

vii. Wherever possible, connecting paths and walkways shall include points of interest and artwork along their routes through such items as sculpture, fountains, bridges, archways and plaza furniture.

viii. Development shall be required to coordinate the design and intent of all proposed pedestrian areas with appropriate Town departments.

ix. Owners of lots shall be required to develop any and all pedestrian areas and plaza areas to a maximum of thirty feet (30') out from the building footprint and/or the area of disturbance as determined by the review authority at the time of review and approval. The review authority may require additional development of pedestrian areas if, upon review of the completed site, the review authority determines that additional disturbance occurred during construction beyond which was identified at the time of review and approval of the development application.

x. Due to the extreme daily temperature changes that are experienced in the town and drastic temperature contrasts between shade and sun exposures, the review authority may require the developer to install, and require that any homeowners association operate and maintain a snowmelt system in primary plaza areas and pedestrian routes. The area of snowmelt may be limited in plaza areas and pedestrian routes to the extent practicable in order to minimize energy use as determined by the review authority. The extent of the snowmelt system shall be determined during the development application process. Under normal conditions snowmelt areas shall extend thirty feet (30') beyond the building footprint or cover the area of disturbance, whichever is greater unless reduced pursuant to this section by the review authority. (Ordinance 2015-02)

xi. The review authority shall require the developer of lots to install site furniture and fixtures a maximum of feet (30') beyond the building footprint. Secondary plaza areas shall be furnished and maintained by the developer and operator of the respective projects for general public
use.

xii. The Town may require the developer to enter into a maintenance agreement for plaza areas that require the maintenance of all improvements in such spaces to be maintained in good repair and a clean state. The maintenance agreement shall provide that all site furniture and fixtures located on Town property shall become the property of the Town.

2. Walls, Fences and Gates

a. Walls, fences and gates shall only be used to enclose private spaces, garden areas, dog areas, planting beds or service areas.

i. Dog areas shall not be readily visible from a public right-of-way or other public way and shall be proportional to the lot and the home.

b. Fences or walls shall not be permitted to specifically define lot boundaries.

c. Fences, walls and gates that restrict deer and elk migration are prohibited.

d. Walls, fences and gates shall be constructed from stone, stucco, metal or wood to meet the town design theme, and shall require the specific approval of the review authority. To the extent practical, walls shall be constructed to match the exterior material of the adjacent building.

i. Beyond fifteen feet (15’) from the dwelling, the wall or fence shall be constructed so as to not be readily visible, and disappear into the natural landscaping.

e. Temporary fencing may be used to protect planting beds or gardens from wildlife provided such fencing is not visible from a public way.

f. Guardrails required for roads, private access, etc. are also subject to the review authority approval consistent with the town design theme.

g. Gates, courtyards and staircases may be used to link buildings and landscape, to create semi-private spaces as transitions into private residences and to create semi-private spaces as compliments to the primary pedestrian streets.

h. Gates are not allowed to close driveway or access tract entrances.

3. Landscape Forms

a. Berms created by the deposit of dirt without appropriate contouring and shaping are prohibited.

b. To the extent practical, new landscape forms shall not exceed a slope of 3:1 and shall have rounded crests and roll gently into the existing grade at the toe of the slope.

c. New landscape forms or landscaping may not block vehicle sight lines at intersections.

d. Boulders shall be partially buried to appear pre-existing and not simply dumped.


a. Developers of multi-family, mixed use and commercial projects shall provide the
Town with a two (2) year landscaping financial guarantee on all plant materials planted as part of an approved landscape plan. The developer shall enter into an improvements agreement with the Town to ensure performance as required by this section. Any plant that is identified as dead or visibly dying by the Town during the two (2) year guarantee period shall be removed and replaced by the developer with a plant of equal size and quality, with such replacement to occur within 30 days, or such other longer time frame as approved by the Town due to extenuating circumstances. Any failure by the developer to remove and replace the dead or dying plant or tree within the required time frame shall result in the imposition of penalties as provided for in the CDC and/or the improvements agreement.

b. The developer or the developer’s successors in interest shall be responsible for maintaining the Town-approved landscaping plan and for the replacement of any dead or damaged landscaping unless a subsequent, modified landscaping plan is submitted by the owner for review and action by the review authority in accordance with the requirements of the CDC.

5. Landscape Completion Policy

a. For all development, no certificate of occupancy shall be issued for a project until the landscape and paving are completed in accordance with the approved plans and all construction debris, equipment, material, trailers, fencing and any other construction related items are removed from the site to the satisfaction of the Planning Division.

b. A temporary certificate of occupancy ("TCO") may be issued for a project conditioned upon:

i. All grading, landscaping and paving in the approved landscape plan being completed on or before the next occurring October 1st or such other date approved by the Town, that follows the issuance of such TCO;

ii. All other conditions for issuance of a TCO have been met as determined by the Planning and Building divisions; and

iii. A site being cleaned to the satisfaction of the Planning and Building divisions.

c. If the grading, landscaping and paving have not been completed before the next occurring October 1st, or such other time period approved by the town, the Building Division has the right to revoke the TCO.

d. The following requirements shall be met for single-family development prior to the issuance of a TCO:

i. The developer has executed the Town provided development agreement on the property that stipulates the TCO will be revoked if the required improvements are not completed by a date certain, along with a daily fine of $5,000 per day for each day the improvements continue to be incomplete.

ii. The developer has provided such other information as the Planning Division may reasonably require.

e. The following requirements shall be met for multi-family, mixed use, commercial or other non-single-family development prior to the issuance of a
TCO:

i. The developer has provided a signed contract between the contractor and the developer or lot owner for the installation of the landscape and paving in accordance with the approved plans. The contract shall provide a start date and a completion date for the landscaping and paving and shall reference that all work is to be completed in accordance with the approved plans;

ii. The developer has provided a cash financial guarantee deposited with the Town in an amount equal to 1 ½ times the amount of the contract price for completion of landscaping and paving;

iii. The developer has provided an executed improvements agreement;

iv. The developer has provided such other information as the Planning Division may reasonably require; and

v. No TCO shall be issued until the required contracts, financial guarantee, improvements agreements and other required information have been received, reviewed and approved by the Planning Division with the finding that the contract prices generally reflect typical construction prices in the area.

17.5.10 TRASH, RECYCLING AND GENERAL STORAGE AREAS

A. For all development, all trash containers shall be bear-proof, and trash and recycling containers shall be stored in an enclosure or garage as approved by the review authority.

1. In multi-family projects with individual garages accessed by an open driveway, a common trash enclosure is permitted if each individual unit does not have its own garage or enclosure specific to the individual unit.
2. Locations and design for trash storage shall be indicated on the site plan.
3. The applicant shall design the trash enclosure, the associated dumpster and, if applicable, the compactor to the specifications provided by the Town.

B. Trash and recycling containers and enclosures shall comply with the following regulations:

1. For single-family development, the minimal dimensions for trash and recycling enclosures shall be four feet by six feet (4' x 6').
2. For multi-family or mixed-use developments the minimal dimensions for trash and recycling enclosures shall be ten feet by twelve feet (10' x 12') if shared by more than four (4) units with a ceiling height of ten feet (10').
3. Enclosures shall be a roofed structure, fully enclosed, with operable gates consistent with the architectural theme, form and material of the building for which they serve. Gates may be constructed of wood or metal consistent with the architectural theme.
4. Enclosures shall be accessible by trash and recycling services year round and maintained by the owner(s) in a safe and attractive manner.
5. Enclosures shall be designed and located to ensure that trash pickup and recycling will occur at the enclosure.
6. Trash compaction units may be required for commercial, multi-family or mixed-use development containing twenty-five (25) or more units.
7. In the Village Center, all trash and recycling storage/removal receptacles shall be contained in the required underground parking garage and shall be appropriately vented.
C. **Storage Enclosure Required for Storage.** Such items as boats, motorcycles, trailers, campers, maintenance and recreational equipment, other equipment, materials, etc. shall be stored in an approved garage or a storage enclosure. Walls enclosing these items shall be consistent with the wall requirements set forth above.

D. **Village Center Storage.** No storage is allowed on a plaza area unless specifically approved by the review authority as a part of a development application, and such storage is screened or located in an approved enclosure.

17.5.11 **UTILITIES**

A. **General.** All utilities, plumbing and supply lines to and from any service shall be underground or otherwise kept from public view to create the least amount of impact on the site. Utility routing shall follow the driveway alignment unless the review authority finds that such routing is not feasible.

   1. Any removal of trees for utility installation shall require the approval of the review authority.
   2. Any area disturbed during utility construction shall be revegetated and landscaped in accordance with the Landscaping Regulations.
   3. Water, sewer, cable TV routing and tap connections shall be approved by Public Works prior to the approval of the review authority.
   4. Electric, gas and telephone shall be coordinated with the appropriate local utility companies.

   a. All other utilities shall be installed in accordance with the requirements of the utility provider, with referrals sent to the utility agencies as a part of the required development application.

   5. Meters, transformers and other utility boxes on all lots shall be concealed from view.

   a. Enclosures, plantings or other screening shall be designed in accordance with the Landscaping Regulations.

   6. Disturbance of the general easement and or road right-of-way for utility installations shall meet the general easement requirements set forth in Chapter 3.

B. **Auxiliary Power Sources and Generators**

Auxiliary power sources and portable generators for a backup system shall be stored in an approved garage or storage enclosure to mitigate visual and noise impacts.

   1. Such systems may only be used as a backup system to the primary power source of the residence and shall not be allowed as a primary power system.
   2. Such systems shall be powered by either natural gas, or fuel provided such fuel storage is contained within an enclosed structure that meets any applicable federal or state regulations.

C. **Propane Tanks**

   1. Propane tanks are prohibited within the town area after the effective date of the CDC except for:
a. Small tanks for outdoor grills that hold 20 pounds or less;
b. Town approved construction projects for temporary heating;
c. Special events; or
d. The operation or the ski resort by the ski resort operator.

D. Water and Sewer

1. The Town is the provider of water and sewer services within the town.
2. All existing pumping and storage systems and water and sewer transmission lines, excluding service lines, are owned and regulated by the Town.
3. Main transmission lines shall be located in easements or a right-of-way located in front of or adjacent to the lot depending on how the lot is located with respect to utility easements, unless physical or design constraints necessitate locating the lines within the lot boundaries.
4. The cost of water and sewer service line extension from the main transmission line is the responsibility of the developer or lot owner(s).
5. Meters, pressure reducing valves, and cross-connection devices shall be installed and regularly maintained by the developer or the developer’s successors in interest.
6. The construction and installation of all water and sewer lines shall comply with the Town’s Water and Sewer Regulations.

E. Cable Television and Satellite Dishes

1. Cable
   a. Mountain Village Cable is the provider of cable telecommunication and television services within the town.
   b. Main transmission lines shall be located in easements or a right-of-way located in front or adjacent to the lot depending on how the property is located with respect to utility easements, unless physical or design constraints necessitate locating the line within the lot.
   c. The cost of service line extension from the main transmission line and certain other cable system costs are the responsibility of the developer or lot owner(s).
   d. Cable utilities shall be installed in accordance with Mountain Village Cable Regulations.

2. Satellite Dishes
   a. Please refer to Telecommunication Antenna Regulations.

F. Electricity

1. San Miguel Power Association ("SMPA") or its successor is the provider of electric services within the town.
2. Primary services shall be available from a transformer location at or near the lot, as determined by SMPA.
3. The cost of electric service line extension from the main transmission line is the responsibility of the developer or lot owner(s).
4. Electric utilities shall be installed in accordance with Public Works rules, regulations and standards and shall be reviewed, approved and inspected by the Town and SMPA.
G. Telephone

1. Century Link or its successor is the primary provider of wired telephone services within the town. Other telephone providers may be available by internet or cable connectivity.
2. The cost of telephone service line extension from the main transmission line is the responsibility of the developer or lot owner(s).
3. Telephone utilities shall be installed in accordance with Public Works rules, regulations and standards and shall be reviewed, approved and inspected by the Town and Century Link.

H. Natural Gas

1. Source Gas or its successor is the provider of natural gas services within the town.
2. The cost of gas service line extension from the main transmission line is the responsibility of the developer or lot owner(s).
3. All utility line installation shall be in accordance with Public Works rules, regulations and standards and shall be reviewed, approved and inspected by the Town and Source Gas.
4. Gas meters shall be located on one side of a building and protected from snow and ice shedding by the installation of a shed roof or other roof form approved by the review authority.

17.5.12 LIGHTING REGULATIONS

A. Purpose and Intent

The purpose of the Lighting Regulations is to establish standards for minimizing the unintended and undesirable side effects of residential exterior lighting while encouraging the intended and desirable safety and aesthetic purposes of such lighting. It is the purpose of the Lighting Regulations to allow illumination that provides the minimum and safe amount of lighting that is needed for the lot on which the light sources are located. In addition, the purpose of this section is to protect the privacy of neighboring residents by controlling the intensity of the light source. All exterior lighting shall conform to the standards set forth below.

B. Limited Exterior Lighting

The basic guideline for exterior lighting is for it to be subdued, understated and indirect to minimize the negative impacts to surrounding lots and public rights-of-way. The location of exterior lighting that meets the requirements of this section shall only be allowed at:

1. Buildings where Building Codes require building ingress and egress doors;
2. Pedestrian walkways or stairs;
3. Plaza areas and other public areas where lighting is required;
4. Deck or patio areas;
5. Surface parking lots;
6. Signs;
7. Address identification or address monuments;
8. Flags;
9. Public art;
10. Driveways;
11. Street lights;
12. Swimming pools, spas and water features; and
13. Outdoor living spaces

C. **Prohibited Lighting.** The following exterior lighting is prohibited:

1. Architectural lighting;
2. Landscape lighting;
3. Up-lighting;
4. Flood lighting;
5. Other lighting not outlined above as permitted or exempt lighting;
6. Lighting that causes glare from a site or lot to any designated wetlands or other environmentally sensitive areas;
7. Lighting that causes glare from a site or lot to adjoining property; and
8. Lighting that produces glare to vehicles within a public right-of-way or access tract.

D. **Exemptions.** The following types of exterior lighting shall be exempt from the Lighting Regulations:

1. Seasonal lighting, providing individual lamps are less than seventy (70) lumens per linear foot of lighting;
   a. Seasonal lighting shall not detrimentally affect adjacent neighbors. If the Town determines that such lighting detrimentally affects adjacent neighbors, it may determine such lighting to be a nuisance and require the lighting to be removed.

2. Temporary lighting that is used for theatrical, television, performance area and construction sites;
3. Emergency lighting;
4. Special event lighting approved by the Town as a part of the required development application.
5. Swimming pool and/or hot tub lighting when it is established that no off-site glare shall occur;
6. Lighting of the United States Flag when there is no other down-light option to prevent upward glare;
7. Lighting within public right-of-way for the principle purpose of illuminating streets or roads. No exemption shall apply to any lighting within the public right-of-way when the purpose is to illuminate areas outside the public right-of-way;
8. Lighting required by the ski resort operator for the ordinary operation of the ski area snow making installation and operation.

E. **Lighting Design Regulations.**

1. **Full Cut-Off Fixture Design.** All exterior lighting shall be eighty-five degrees (85°) full cut-off fixtures that direct the light downward without any off-site glare, except as exempted in Section 17.5.12(D).
   a. Each exterior luminaire shall be fully shielded down directed light sources and shall not exceed 850 lumens, with the exception of residential outdoor pathway and recessed stairway lighting which shall not exceed 300 lumens per luminaire. Lighting for Town owned parking garages shall not exceed 5000 lumens per luminaire.
2. **Required Exterior Lighting Type.** LED lighting or other equivalent high efficacy lighting compliant with this section, shall be used for all exterior lighting. Any fixture with a 0-5 watt lamp shall have a minimum overall luminous efficacy of 30 lumens/watt; any fixture with a 6-15 watt lamp shall have a minimum overall luminous efficacy of 45 lumens/watt.

3. **Maximum Temperature.** The maximum correlated color temperature for all proposed lighting types regardless of lamp type, shall be a minimum of 2,400 degrees Kelvin and shall not exceed 3,000 degrees Kelvin, or may employ amber light sources, filtered LED light sources, or a suitable alternative - with the goal of having a warmer light source.

4. **Lighting for Parking Areas.** Lighting shall be provided for surface parking areas and underground parking garages.
   a. Surface parking lot lighting shall be located in landscaped areas to the extent practical.
   b. Parking area lights are encouraged to be greater in number, lower in height and lower in light level.
   c. Approved parking area lighting shall direct the light onto the parking lot areas only and ensure lower elevation development is protected from glare.

5. **Maximum Height Limit for Lights.** The following light fixture height limits shall be met to the extent practicable. The review authority may approve other heights based on site-specific considerations.
   a. The maximum height for a pole-mounted light fixture shall be twelve feet (12’), as measured from the immediate adjacent grade, either natural or finished. Pole-mounted light fixtures are not permitted or intended to be placed on buildings or structures in order to artificially increase the height allowance or circumvent maximum height allowances.
   b. The maximum height for a wall-mounted light fixture shall be seven feet (7’) above the directly adjacent walking surface or pathway, except for sign lighting that may be higher as reviewed and approved by the review authority to allow for proper illumination of the sign.
   c. The maximum height for public surface parking, above ground and/or underground parking garage area lighting shall be fifteen feet (15’) above the grade of the parking spaces that are intended to be illuminated. The town would encourage alternative lighting proposals to minimize parking area lighting impacts.

6. **Lighting on Upper Floors**
   a. Exterior lighting on second or higher stories shall be provided by wall-mounted fixtures, recessed wall or ceiling fixtures, or lighting that is louvered or otherwise designed to prevent off-site glare.
   b. Decks on second and upper floors that do not have stairs shall have only recessed wall or ceiling, in-rail or in-wall, louvered or concealed lighting that is directed towards the building or the deck/patio surface and not to the exterior yards.
   c. Exterior Lighting on second and upper floors shall require either a timer or sensor to reduce usage and energy loss during times of inactivity.
7. **Levels of Illumination:** Exterior Lighting, when in use, shall meet the following standards for illuminance of light consistent with the provisions listed below. A point-by-point photometric calculation listing the number, type, height, and level of illumination of all exterior lighting fixtures may be required as per Section 17.5.12(E)(9) prior to Design Review Board approval or staff approval to ensure compliance with these provisions.

   a. Parking lots, driveways, trash enclosures/areas, and group mailboxes shall be illuminated with a maximum average not to exceed four (4 fc) foot-candles of light.
   b. Pedestrian walkways and staircases shall be illuminated with a maximum average not to exceed two (2 fc) foot-candles of light or as otherwise required by building code.
   c. Exterior doors shall be illuminated with a minimum maintained one (1 fc) foot-candle of light, measured within a five (5’ 0") foot radius on each side of the door at ground level or as otherwise required by building code.
   d. In order to minimize light trespass on abutting residential property, illumination measured at the nearest residential structure or rear yard setback line shall not exceed the moon’s potential ambient illumination of one-tenth (0.1 fc) foot-candle.
   e. The use of exterior lighting shall be minimized in areas of important wildlife habitat and delineated wetlands, and lighting shall be designed so that it does not spill over or onto such critical habitat.

8. **Lighting Designer Required.** In the case of new development or remodeling subject to the Lighting Regulations, a Lighting Certified professional, a Certified Lighting Efficiency professional, an International Association of Lighting Designers member or similarly certified professional, or a licensed architect shall design all exterior lighting.

9. **Lighting Plan Required.** A detailed exterior lighting plan, separate from other required plans, shall be submitted with development application detailing the location and specifications of all lighting to be installed. New development of single-family dwellings having a gross floor area of less than 3,500 square feet as well as minor revisions to existing lighting plans shall be subject to only the requirements of 17.5.12(E)(9)(a) below unless it is determined by the Community Development Department that unique circumstances exist or if required for safety reasons.

   a. The exterior lighting plan shall describe the location, height above grade, type of illumination (such as LED, halogen, high pressure sodium, etc.), source, and temperature for each light source being proposed.
   b. An isofootcandle diagram prepared by a certified lighting professional or licensed architect as outlined above may be required and if required shall indicate the level and extent of the proposed lighting as per 17.5.12(E)(7).

10. **Additional Lighting Requirements for the Village Center.** Provisions for seasonal lighting shall be incorporated into the exterior lighting plan for all projects located within the Village Center.

   a. Additional lighting requirements for the Village Center are found within the Commercial, Ground Level and Plaza Area Design Regulations.

11. **Application.** All newly installed exterior lighting shall comply with the Lighting Regulations.
a. A redevelopment or remodel valued at fifty thousand dollars ($50,000) or more shall retrofit all existing exterior lighting to comply with the then current Lighting Regulations.
b. Notwithstanding the value of the redevelopment or remodel, if twenty-five percent (25%) or more of the exterior lights are to be replaced, all existing exterior lighting shall be retrofitted to comply with the then current Lighting Regulations.

17.5.13 SIGN REGULATIONS

A. Purpose and Intent

The purpose of the Sign Regulations is to preserve the town as a desirable community in which to live, vacation and conduct business and to create a pleasing, visually attractive built environment. It is also the purpose of these regulations to promote the public health, safety and welfare and prevent visual blight and unattractiveness through a comprehensive system of reasonable, effective, consistent, content-neutral and nondiscriminatory sign standards and requirements. The Sign Regulations are further intended to achieve the following:

1. Enhance the attractiveness and economic wellbeing of the town as a place to live, vacation and conduct business;
2. Address community desire to provide a high-quality tourist experience and retain the town’s premier status in an increasingly competitive resort market;
3. Enable the identification of places of residence and business;
4. Allow for the communication of information necessary for the conduct of commerce;
5. Encourage signs that are appropriate to the zone district in which they are located and are consistent with the category of use to which they pertain;
6. Permit signs that are compatible with their surroundings, aid orientation and ensure placement in a manner that conceals or obstructs adjacent land uses or signs;
7. Preclude signs from conflicting with the principal use of the site or adjoining sites;
8. Curtail the size and number of signs and sign messages to the minimum reasonably necessary to identify a residential or business location and the nature of any such business;
9. Establish sign size in relationship to the scale of the lot’s road frontage and building’s road frontage along which the sign is to be placed;
10. Protect the public from the dangers of unsafe signs and require signs to be constructed, installed and maintained in a safe and satisfactory manner;
11. Lessen hazardous situations, confusion and visual clutter caused by proliferation, improper placement, illumination, animation and excessive height, area and bulk of signs that compete for the attention of pedestrian and vehicular traffic; and
12. Regulate signs in a manner so as to not interfere with, obstruct vision of, or distract motorists, bicyclists or pedestrians.

B. Prohibited Signs

The following signs are expressly prohibited within the town:

1. **Billboards and Other Off-Premise Signs.** Except as specifically provided for by these sign regulations, signs advertising goods, products or services that are not located or sold on the lot or premise on which the sign is located excepting signs that project from a lot or premises into a plaza area, directory signs and other off-premise signs as
2. **Allowed by the Sign Regulations**;

3. **Flashing Signs**. Signs with lights or illumination that flashes, moves, rotates, scintillates, blinks, flickers, varies in intensity, varies in color, or uses intermittent electrical pulsations, except as provided for in this section;

4. **Moving Signs**. Signs with visible moving, revolving or rotating parts, visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic or mechanical means, including automatic, electronically controlled copy changes, except for image projector signs as allowed by the sign regulation;

5. **Obsolete Signs**. A sign which identifies or advertises an activity, business, product, service or special event no longer produced, conducted, performed or sold on the premises upon which such sign is located;

6. **Portable Signs**. Portable and wheeled signs, roof signs, search lights or beacons;

7. **Signs Causing Direct Glare**. A sign or illumination that causes any direct glare into or upon any public right of way, adjacent lot or building other than the building to which the sign may be accessory;

8. **Misleading Information Signs**. Signs containing untruthful or misleading information;

9. **Signs Creating an Optical Illusion**. Signs with an optical illusion of movement by means of a design that presents a pattern capable of reversible perspective, giving the illusion of motion or the changing of copy, except for image projector signs as allowed by the Sign Regulations;

10. **Signs Obstructing Egress**. A sign which obstructs any window or door opening used as a means of egress, prevents free passage from one part of a roof to any other part, interferes with an opening required for legal ventilation or is attached to or obstructs any standpipe, fire escape or fire hydrant;

11. **Signs on Parked Vehicles**. Signs placed on or affixed to vehicles and/or trailers that are parked on a public right of way, public property or private property so as to be visible from a right-of-way where the apparent purpose is to advertise a product, service or activity or direct people to a business or activity located on the same or nearby property. However, this is not in any way intended to prohibit signs placed on or affixed to vehicles and trailers, such as lettering on motor vehicles, where the sign is incidental to the primary use of the vehicle or trailer;

12. **Signs in Public Right-of-Way**. A sign in, on, over or above a public right-of-way that in any way interferes with normal or emergency use of that right-of-way. Any sign not authorized by the Town in a public right-of-way may be removed by the Town;

13. **Strings of Lights and Strip Lighting**. Strip lighting outlining commercial structures and used to attract attention for commercial purposes, and strings of light bulbs used in any connection with commercial premises unless the lights are shielded; and

14. **Unsafe Signs**. An unsafe sign is any sign that can be described by any one of the following:

   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;
   
   d. Is capable of causing electrical shock to persons likely to come into contact with it;
   
   e. In any way obstructs the view of, may be confused with, or purports to be an official traffic sign, signal or device or any other official government regulatory or informational sign;
   
   f. Uses any words, phrases, symbols or characters implying the existence of danger
or the need for stopping or maneuvering of a motor vehicle, or creates in any way an unsafe distraction for vehicle operators or pedestrians;
g. Obstructs the view of vehicle operators or pedestrians entering a public roadway from any parking area, service drive, public driveway, alley or other thoroughfare;
h. Is located on trees, rocks, light poles or utility poles, except where required by law; or
i. Is located so as to conflict with the clear and open view of devices placed by a public agency for controlling traffic or which obstructs a motorist’s clear view of an intersecting road, alley or major driveway.

15. **For Sale or For Rent Signs.** “For sale" or "for rent" signs or signs that make any references to a property being for sale or rent;

16. **Property Management Signs.** Property management signs that make a reference to a property being for rent;

17. **Signs Attached to Trees.** Any sign attached to a tree;

18. **Signs Attached to or Held by a Person.** Signs that are attached to a person or held by a person;

19. **Home Occupation Signs.** Signs for home occupations; and

20. **Other Signs.** All other types of signs not listed as permitted signs under the Sign Regulations.

C. **Lighting**

1. No sign shall be illuminated through the use of internal illumination, rear illumination, fluorescent illumination, except when used for indirect illumination and in such a manner as to not be directly exposed to public view.

2. Illumination of signs shall be designed, located, shielded and directed in such a manner that the light source is fixed and is not directly visible and does not cause glare or direct light from artificial illumination upon any adjacent public right-of-way, surrounding property, residential property or motorist’s vision.

3. All sign lighting shall be provided by LED or other energy efficient light.

4. Sign lighting shall be consistent with the Lighting Regulations.

D. **Temporary Signs**

1. **Open House Signs**

Open house signs are permitted on a temporary basis seven (7) days a week (Monday through Sunday). These signs may be placed on the lot for sale and along roadway right-of-ways (off public streets) directing one to the property for sale. The temporary open house sign shall be a freestanding sign. The area of the temporary sign shall not exceed ten (10) square feet of sign area, with each face of the sign counted. The height of the temporary sign shall not exceed four feet (4’) as measured from the grade at the base of the sign. Signs may be designed as to allow a brochure box to be attached. Open house signs shall not interfere with vehicular or pedestrian traffic in a right-of-way. Open house signs are limited to the hours of 10:00 a.m. to 8 p.m. A real estate sales person shall be present during the open house. The Town shall not be liable for any damage to the open house signs.

2. **Temporary Sales Signs**
Temporary sales signs announcing special sales of products and services shall be subject to the following:

a. The temporary sales sign shall be placed in the window or windows of the business holding the sale.
b. There shall be permitted not more than one (1) temporary sales sign in any window and a total of not more than three (3) temporary sales signs for each use.
c. Each sign shall not exceed three (3) square feet.
d. Temporary sale signs may be maintained for a period not to exceed fourteen (14) days and shall be removed on the day following the end of the sale.

3. Temporary Construction Signs

Temporary construction signs shall be allowed on projects that have received final approval from the review authority, obtained a building permit in accordance with the adopted Building Codes and have commenced construction. An allowance of one (1) temporary construction sign per building site shall be permitted subject to meeting the following standards:

a. The graphics, color selections and sign location are subject to Planning Division staff approval;
b. The sign shall be between the size of twenty-four inches tall by forty-eight inches wide (24” x 48”) to forty-two inches tall by sixty inches wide (42” x 60”), mounted on either a semi-permanent sign, u-shaped sign post or on the construction fence;
c. The sign shall contain the name of the project at the top of the sign, with a bigger font than all other sign content that stands out, with the project address below the project name. The sign shall also contain the business name and telephone number of the general contractor and may contain the content listed below. The same font size shall be used for the general contractor and other allowed sign content as follows with the sign text equally distributed, without a larger font for any of the entities involved in developing the project:
   i. Brief description of the project;
   ii. Project consultants;
   iii. Project developer;
   iv. Project lender;
   v. Contractor; and
   vi. “For information” followed by a phone number.
d. Logos shall be limited to any project logo, and any entity involved in the project as limited above. Logos shall be proportional to the font as limited above and not exceed 25% of the sign area unless the Planning Division approves a variation based on a finding that the logo is proportional to the sign content and sign size;
e. Real estate brokerages, real estate agents’ names and the word “sale,” “rent,” or any reference to the property being available for purchase or rent are prohibited on construction signs;
f. Only the project logo is allowed, which shall be limited to no more than twenty-five percent (25%) of the sign area; and
g. Temporary construction signs shall be removed within fifteen (15) days of issuance of a TCO or final certificate of occupancy, or if construction is abandoned, the sign shall be removed immediately.
4. **Banners**

Banners may be used as a sign on a temporary basis not to exceed two (2) weeks in duration in any six (6) month period and only upon prior review and consideration by the review authority. Banners may be used for events such as special events, grand openings, sales and other events. Graphics, size, color, location and duration of existence are subject to review and approval by the review authority. Banners shall be removed within three (3) days following the end of an event. The Town or TMVOA may place banners for longer time periods for community events, such as concerts or markets.

5. **Sandwich Boards**

Sandwich board signs shall not be larger than twelve (12) square feet, with the exception of open house signs that are limited as set forth above. A maximum of one (1) sandwich board sign per business shall be allowed provided the requirements of the Sign Regulations are met. Sandwich board signs may only be placed in plaza areas clear of established pedestrian access and emergency access routes and shall be located within a twenty-five foot (25') radius from the business’s main entry. The review authority shall approve all locations for sandwich board signs prior to their placement. Sandwich board signs shall be removed from all plaza areas at the close of each business day.

6. **Flags**

Flags attached to buildings or to other structures are permitted provided the review authority determines: (1) the placement of flag does not negatively impact the architecture of the building or the character of the area; (2) the flag placement allows for the visual opacity of the commercial storefront; (3) the flag is an official flag of a nation, the state of Colorado or the flag is for a brand hotel and is located on site or in close proximity to such hotel; and (4) the size of the flag does not exceed three feet (3’) in width and five feet (5’) in length.

7. **Special Event**

Temporary signs shall be allowed for special events provided such signs are approved as a part of the required special event development application. Special event signs may provide for off-premise signage for sponsors of the special event.

8. **Political Signs**

Political signs that do not exceed eight (8) square feet in sign area are permitted, with each face of the sign counted. The signs shall only be placed on a lot where the owner has provided permission for the sign placement. These signs shall be removed as soon as practicable following the election. Only one (1) sign per candidate or ballot measure per lot is allowed

E. **Permanent Signs**

1. **Business Identification Signs.** Business identification signs are permitted subject to the following standards:

   a. **Maximum Number.** There shall be no more than a combination of two (2) of the following four (4) types of signs for each business:

      i. Freestanding sign;
ii. Projecting sign;
iii. Wall and window signs; and
iv. Awning sign.

b. **Creative Design.** Business identification signs shall be creatively designed and colorful, incorporating graphics in coordination with lettering, and shall convey the main function of the business.

c. **Freestanding Sign Design**

i. **Limitations.** Freestanding signs are only allowed for a development or project that is located on a lot that allows for commercial or mixed use development where there is one (1) main business occupying such lot, such as a hotel business sign.

   (a) Freestanding business identification signs shall not be permitted on any Town-owned land.

ii. **Proportion and Maximum Size.** The maximum sign area for each freestanding building identification sign shall not exceed twenty-four (24) square feet and shall be in proportion to the scale of the building it serves.

iii. **Minimum Height.** Minimum lettering height shall be fifty-four inches (54").

iv. **Maximum Height.** Maximum height to the top of the freestanding building identification sign shall be ten feet (10').

v. **Maximum Lettering.** Letters for a freestanding business identification sign shall not exceed twelve inches (12") in height. The review authority may permit taller letters and/or a larger area if, in its sole judgment, it is appropriate for the relative scale of the building.

d. **Projecting Sign Design**

i. **Proportion and Maximum Size.** The total projecting sign area for each business shall not exceed ten (10) square feet in size.

ii. **Creative Design.**

   (a) Projecting sign design shall avoid long rectangular or square shapes and shall be three-dimensional.

   (b) Projecting signs shall be handcrafted and made from metals such as wrought iron, bronze, brass, copper, anodized aluminum or gold leaf or wood such as redwood, cedar or hardwood.

iii. **Maximum Lettering.** Letters for a projecting sign shall not exceed six inches (6") in height. The review authority may permit taller letters and/or a larger area if, in its sole judgment, it is appropriate for the relative scale of the building.

iv. **Minimum Clearance.** Pedestrian clearance for projecting signs shall be eight feet (8') above finished grade unless landscaping prohibits pedestrian flow under the sign.

e. **Wall and Window Sign Design**
i. **Proportion and Maximum Size.**

(a) The total wall and window sign area for each business shall not exceed ten (10) square feet in size.

(b) Total area of graphics coverage for business identification signs on a wall shall be relative to the size of the wall, building and surrounding architecture.

ii. **Minimum Height.** Minimum lettering height shall be fifty-four inches (54”).

iii. **Maximum Height.** Maximum height to the top of the sign shall be ten feet (10’).

iv. **Maximum Lettering.** Letters for a business identification sign shall not exceed six inches (6”) in height. The review authority may permit taller letters and/or a larger area if, in its sole judgment, it is appropriate for the relative scale of the building.

v. **Wall Sign Maximum Projection.** Wall signs shall not project more than twelve inches (12”) from the face of the building to which they are attached.

f. **Awning Signs**

i. **Maximum Sign Area.** Sign graphics on awnings shall be limited to fifteen percent (15%) of the surface area of the awning, or a maximum or ten (10) sq. ft., whichever is more restrictive.

ii. **Location Over Principle Entrance.** Awning signs shall only be located over the principal entrance to the business identified by said sign.

iii. **Design.** As a general rule, the awning shall extend no further than three (3) feet from each side of the entrance and project beyond the face of the building not more than eight feet (8’). Exceptions to the size shall be allowed if, under the sole judgment of the review authority, a larger awning is appropriate for the relative scale and proportion of the building.

iv. **Minimum Clearance.** Pedestrian clearance for projecting signs shall be eight feet (8’) above finished grade unless landscaping prohibits pedestrian flow under the sign.

2. **Project Identification Signs.** Multi-family, mixed-use or commercial development shall provide either a freestanding or wall-mounted project identification sign for project identification that lists the name of the building or project subject to meeting the following standards:

a. **Maximum Number.** One (1) project identification sign is permitted for a project. The review authority may allow more than one (1) project identification sign if it determines it to be appropriate for a specific building's location.

b. **Proportion and Maximum Size.** Total area of graphics coverage for a project identification sign on a wall shall be relative to the size of the wall, building and surrounding architecture, but shall not exceed twenty-four (24) square feet of sign area on each façade.

c. **Creative Design.** Project identification signs shall be creatively designed,
incorporating graphics in coordination with lettering.

d. **Minimum Height.** Minimum lettering height shall be fifty-four inches (54”).

e. **Maximum Height.** Maximum height to the top of the sign shall be nine feet (9’).

f. **Maximum Lettering.** Letters for a project identification sign shall not exceed twelve inches (12”) in height. The review authority may permit taller letters and/or a larger area if it determines it to be appropriate for the relative scale of the building.

g. **Wall Sign Maximum Projection.** Wall signs may not project more than twelve inches (12”) from the face of the building to which they are to be attached.

3. **Business Directory Signs**

a. **Maximum Number.** There shall be no more than one (1) business directory sign per lot.

b. **Maximum sign area.** The maximum permitted area of the business directory sign shall be as follows:

   i. For 1-5 businesses, one (1) square foot of sign area per business.
   
   ii. For 6-10 businesses, five (5) square feet, plus 1/2 square foot for each business over five (5) businesses.
   
   iii. For more than 10 businesses, 7 1/2 square feet, plus 1/4 square foot for each business over ten (10) businesses, to a maximum sign area of ten (10) square feet.

   c. **Proportion and Maximum Size.**

   i. The maximum sign area for a business directory sign shall not exceed twenty-four (24) square feet and shall be in proportion to the scale of the building it serves.

   d. **Minimum Height.** Minimum lettering height shall be fifty-four inches (54”).

   e. **Maximum Height.** Maximum height to the top of the sign shall be ten feet (10’).

   f. **Maximum Lettering.** Letters for a business directory sign shall not exceed twelve inches (12”) in height. The review authority may permit taller letters and/or a larger area if it determines it to be appropriate for the relative scale of the building.

   g. **Sign Type and Required Location.** The business directory signs may be wall signs or freestanding signs provided any freestanding business directory sign shall be located on a lot and not on any Town-owned property.

4. **Address Identification Signs.** The development or redevelopment of all lots within the town shall provide an address identification sign prior to the issuance of a certificate of occupancy, certificate of completion or other final approval step as provided for in this CDC, which shall meet the following standards:

a. **Freestanding Address Monument Required.** Each lot shall provide a freestanding address identification sign monument.

   i. Notwithstanding the foregoing, homes that are located close to and are visible from a town road may attach address identification numbers to the building if such is located within twenty feet (20’) of the roadway,
subject to review authority and Fire District approval. The numbers shall match the size, contract, illumination and maintenance requirements set forth below.

ii. Address identification signs may be incorporated into a stone retaining wall that is located in the general easement and is readily visible from a right-of-way or access tract.

b. **Lettering Size and Required Height.** Lettering and numbers shall be a minimum height of six inches (6") with the bottom of the letters and numbers no less than fifty-four inches (54") from the finished grade.

c. **Maximum Height.** The maximum height is six feet (6').

d. **Contrast.** Contrasting letters and numbers are allowed (i.e., black) to improve daytime visibility. Lettering shall have reflective material outline for nighttime visibility when lighting fails.

e. **Illumination.** The address lettering and numbers shall be illuminated with a concealed LED or other energy efficient light source that does not cause glare to motorists or surrounding properties.

f. **Location of Address Identification Sign Monument**

i. Address monuments shall be designed and located so as to be visible from the right-of-way or access tract that provides access to the driveway serving the development.

ii. Address monuments may be permitted by the review authority in the general easement provided the property owner enters into a revocable license agreement with the Town prior to the issuance of the required development permit or building permit.

iii. Address monuments may be located in a right-of-way or access tract if it is not possible to design such monument so as to be located on the lot it is to serve, or if the monument would not be readily visible from the right-of-way or access tract providing access to the driveway provided that:

(a) For right-of-ways or Town-owned access tracts, the property owner enters into a revocable license agreement as set forth in the Sign Regulations; and

(b) For private access tracts, the developer or lot owner secures a letter of permission from each owner having an interest in such access tract.

iv. Address identification signs shall be set back a sufficient distance from roadways, drives and access tracts in order to facilitate snow plowing and storage. The address identification sign shall remain visible for emergency vehicles.

g. **Addresses Only.** Only address numbers and letters are permitted. Names, project names or slogans of any nature are prohibited on the address monument.

5. **LED Signs.** LED signs may be placed on a window for “open” signs, product logos or graphics for goods or merchandise sold on the property provided:
a. The area of the LED sign counts towards the maximum sign area allowed for the type of window and/or wall sign.
b. The maximum area allowed for a LED sign shall be two (2) square foot per sign, with a maximum of two (2) LED signs per business.
c. The brightness of the LED sign shall not exceed 1,500 NITs unless the DRB grants a specific approval for a brighter LED sign.

6. **Neon Signs.** Neon signs may be used as window signs for “open” signs, product logos or graphics for goods or merchandise sold on the property and for business identification signs placed on a window or a wall provided:

a. The area of the neon sign counts towards the maximum sign area allowed for the type of window and wall sign.
b. The maximum area allowed for a neon sign shall be one (1) square foot per sign, with a maximum of two (2) neon signs per business.

7. **Image Projector Signs.**

a. The review authority may permit a business to have one (1) or more illuminated image projector signs that use digital graphics or art to advertise the business or a product sold in that business, subject to the following:

i. An image projector sign shall project only upon the property occupied by the associated business or a surrounding area within ten feet (10') of the building frontage occupied by the business;

ii. The sign area of the image projector sign shall be included within the overall allowed sign area for the use unless the review authority allows for additional sign area through the review process based on a finding that the sign area of the image projector sign, combined with the regular sign area allowed by the Design Regulations does not adversely impact the character of the surrounding area;

iii. Illumination from the projector mechanism shall not pose a hazard for pedestrians or motorists and shall be screened from view to the maximum extent feasible; and

iv. The projector shall be screened, built into the building, installed under an awning or blended into the building façade so as not to adversely impact the architecture of the building or the surrounding areas.

8. **Display Boxes.** Boxes for display of menus and real estate listings will be permitted but shall not exceed six (6) square feet in surface area. Display boxes shall not project more than eight inches (8") from the exterior wall surface of the building facade, and the location shall be specifically approved by the review authority. Any lighting of a display box shall completely screen the light source from pedestrians and not allow any direct bulb glare outside of the display box. Display boxes will be evaluated based on originality, creativity and the use of high quality handcrafted materials.

9. **Town Directory Signs.** The Town may install permanent town directory signs for the purpose of providing information, maps, directions and similar public information for residents and guests in the town. The design of these signs shall strive to meet the applicable sign Design Regulations set forth in Sign Regulations, with the final design subject to the approval of the review authority.

10. **Town Directional Signs.** The Town may install town directional signs to direct
pedestrians to businesses, plaza areas, buildings or similar geographic locations. The town directional signs will be installed at locations set forth by the Town with any business desiring to place a business name thereon submitting a request to the Town directional sign program, along with any required application forms or fees as set forth in the fee resolution. The Town directional sign program shall set forth the rules and procedures for the administration and enforcement of this program and may be adopted by the Town Council by resolution.

11. **Ski Resort and Golf Course Signs.** The ski resort operator and golf course operator may install permanent signs to provide information, maps, directions and similar public information for ski resort and golf course guests. The design of these signs shall strive to meet the applicable sign Design Regulations set forth in Sign Regulations with the final design subject to the approval of the review authority.

12. **Miscellaneous Signs**

   a. **Security System Signs.** Signs which identify a building as being protected by a security system or company may be allowed only when the sign does not exceed twelve (12) square inches and shall be attached directly to the building.

   b. **Traffic Control Signs.** Signs to control traffic that are installed in accordance with the MUTCD are exempt from the Sign Regulations.

**F. Sign Design and Materials**

1. Sign materials shall be of a high quality and able to endure the high mountain, alpine climate of the town.

2. Sign materials shall match or compliment the architecture, colors and materials for the building or project associated with the sign.

3. Project identification signs and address identification signs shall be made from metals such as wrought iron, bronze, brass, copper, anodized aluminum or gold leaf or wood such as redwood, cedar or hardwood.

4. Freestanding signs shall have a solid, heavy base and frame made from stone, stucco, metal, wood or other review authority approved material.

5. Sign inserts may also be a combination of wood and metal.

6. Applied letters and numbering shall be finished with metals such as wrought iron, bronze, brass, copper, anodized aluminum or gold leaf. Letter styles shall be creative and original with avoidance toward rigid uniformity.

7. In the Village Center, sign design shall be produced through artistic and imaginative effort. The goal is to display a broad range of imaginative designs, colors and a sense of quality for pedestrian streets and plaza areas. The review authority’s evaluation shall be based upon the design’s excellence, creativity, originality, timelessness and compatibility with the design theme of the town.

**G. Sign Location**

All signs shall be placed in the most highly visible location within the normal field of view of people, whether in vehicles for signs next to a road or on foot for signs seen from the plaza areas.

**H. Revocable Encroachment Agreement Requirement**

1. For any sign located on or projecting into and over Town property, right-of-way, plaza areas or the general easement, the review authority shall require the owner of property where the sign is to be located or the lot owner, as applicable, to enter into a revocable
encroachment and license agreement with the Town that includes indemnification for the Town from liability that may arise as a result of such signs.

2. The encroachment agreement shall be in a form and manner set forth by the Town and shall be recorded in the San Miguel County Clerk and Recorder’s Office at the developer’s expense.

3. The encroachment agreement shall be executed and recorded prior to the issuance of any building permit or development permit.

I. Maintenance

It shall be the responsibility of the lot owner(s), homeowners associations and business owners to maintain all signs in accordance with the Sign Regulations.

1. Snow and ice that obstructs the visibility of a sign shall be removed in a timely manner.

J. Sign Program

1. **Purpose and Intent.** The purpose and intent of a sign program is to allow for flexibility and creativity in the design of signs, and to have a unified and coordinated design of signs for all the businesses located within a development, lot or site.

2. **Applicability.** A sign program is applicable to any developer or property owner that desires to create signs with design standards that differ from the Sign Regulations and for which a design variation development application has not been submitted.

3. **Development Review Procedure.** A sign program shall be processed as a class 3 application.

4. **Criteria for Decision.** The following criteria shall be met for the review authority to approve a sign program:

   a. The proposed sign program assures that the color scheme, lettering style and type of materials used in signs within the sign program are consistent with and coordinated within a given project and/or area;

   b. The proposed sign program specifies, as applicable, the type, number, size, method of illumination and location of signs allowed in a development;

   c. The proposed sign program generally conforms to the basic sign requirements contained in Sign Regulations unless unique circumstances or special design or development objectives warrant standards that differ from the Sign Regulations of the CDC;

   d. The proposed sign program prevents visual clutter and the disruption of important scenic corridors or vistas;

   e. The proposed sign program protects the safety of motorists and pedestrians in a manner compatible with the surrounding environment;

   f. The proposed sign program is compatible with surrounding land uses and the neighborhood and will not create a substantial adverse impact on adjacent properties or infrastructure; and

   g. The proposed sign program meets all applicable Town regulations and standards.

5. **Development Agreement Required.** An approved sign program shall be incorporated into a development agreement.

K. Ski Resort Operator Off-Premise Signs and Sign Program
1. It is common for outdoor entertainment venues to have advertising, including the entire area of a comprising a ski resort and such advertising often advertises sponsorship products which may not be sold by such venue. Ski resorts commonly have such advertising and signage at base areas, gondola loading stations, on-mountain restaurants and bars, and on the ski lift safety bars. In order to have off-premise signs, the ski resort operator shall propose a sign program as provided for in these regulations that contains appropriate advertising and signage related to the ski resort and its sponsors, with size, scope and design determined solely by the DRB pursuant to the sign program process outlined herein.

2. The off-premise signage shall be located within the ski resort boundary on ski resort operator land zoned open space as set forth in Appendix 5-2.

3. The ski resort operator shall minimize the extent to which such signage readily visible from outside of the ski resort boundary, excepting plaza areas, with specific size, location, quality and other sign design standards as required by the DRB set forth in the sign program.

4. Such sign program may also address other typical ski resort signage.

17.5.14 PRIVATE AND PUBLIC ART

A. Private Art

1. Private art may be located on a lot provided:
   a. A class 1 development application is submitted and approved by the Planning Division;
   b. The private art is located in the rear yard and is not visible from a public right-of-way, recreational trail, ski trail, ski lift or other public way;
   c. The private art meets the Zoning Regulations, including but not limited to general easement setback; and
   d. The private art is no taller than ten feet (10’) from finished grade.

2. Private art that does not meet the criteria in section 1 above may be proposed as a class 3 application and shall be approved by the DRB only if it finds the private art meets the art criteria for decision.

B. Public Art

1. Public art may be located on a lot provided:
   a. A class 3 development application is submitted and approved by the DRB; and
   b. The DRB finds the public art meets the art criteria for decision.

2. Art Criteria for Decision
   a. The following criteria shall be met for the review authority to approve public art:
      i. The proposed public art is appropriate and fits within the high alpine mountain context and contributes towards achieving the town design theme;
      ii. The proposed public art has an appropriate scale with the surrounding development;
iii. The proposed public art is appropriate for public viewing;
iv. The proposed public art is constructed of high quality, durable materials that will withstand the high alpine environment; and
v. The proposed public art meets all applicable Town regulations and standards.

b. It shall be the burden of the applicant to demonstrate that submittal material and the proposed public art complies with the criteria for decision.

17.5.15 COMMERCIAL, GROUND LEVEL AND PLAZA AREA DESIGN REGULATIONS.

A. Plaza Use Design Regulations

1. Purpose and Intent

The exterior surface uses of the plaza areas shall be carefully designed for the enjoyment of the public with outdoor dining and seating areas, vending carts, ski and bike racks, media racks and other plaza uses contributing to the character and feel of the plaza areas. The design of plaza uses, therefore, shall be carefully considered. The Plaza Use Design Regulations are intended to establish design regulations for plaza uses on the plaza areas.

2. Applicability and Plaza Use Standards

a. The Plaza Use Design Regulations are applicable to any person or entity conducting a plaza use on a plaza area.
b. All uses on plaza areas shall require the review and approval of the Planning Division pursuant to the Design Regulations and the Town Plaza Use Design Standards (“Plaza Use Standards”).
c. The Town may amend the Plaza Use Standards without an amendment to the Design Regulations. Such amendments shall require a recommendation from the DRB and final action by Town Council. The DRB’s review and Town Council action on amendments to the Plaza Use Standards shall be adopted by resolution and shall, prior to adoption, require public notice by the placement of an advertisement on the Town website.

3. Review Process

Plaza use development applications shall follow the class 1 application process.

4. Criteria for Decision

a. The following criteria shall be met for the review authority to approve a plaza use development:

i. The plaza use meets the Plaza Use Design Regulations;
ii. The plaza use meets the Plaza Use Standards;
iii. The plaza use meets the applicable Design Regulations; and
iv. The plaza use meets all applicable Town regulations and standards.

b. It shall be the burden of the applicant to demonstrate that submittal material and
the proposed development comply with the criteria for decision.

5. General Standards

a. **Compliance with Plaza Use Standards.** Site furniture and fixtures in the Village Center shall be designed, installed, operated and maintained in accordance with the Plaza Use Standards.

b. **Maintenance of Plaza Areas.** All plaza uses and associated plaza areas (pavers, etc.) shall be maintained by the plaza use operator and kept clean and in good repair. This includes but is not limited to the removal of snow and the replacement of damaged pavers or other plaza improvements in the plaza area caused by the plaza use operator. Such maintenance requirement shall be set forth in the required plaza use license agreement.

c. **Non-Obstruction.** Plaza uses shall be placed so as to not obstruct or impede fire access routes, pedestrian ways, general building ingress and egress or pedestrian flow through the plaza areas.

6. **Outdoor Dining and Seating Area Standards.** The size, quantity and location of the outdoor dining and seating area shall be relative to the size of the business establishment, its frontage and the immediately adjacent plaza area.

a. Solar access should be considered in locating outdoor dining and seating areas such as sunny, sheltered pockets that take advantage of solar access.

b. Snow shed from the adjacent building(s) shall also be considered when locating outdoor dining and seating areas.

c. Outdoor dining and seating areas may be expanded from time to time for Town-approved special events.

d. Placement of tables shall be limited to the specified outdoor dining and seating area within an exclusive premise or within the boundaries of a valid resort-complex liquor license and as described and depicted within the license agreement as required.

e. The Town may set hours of operation, limitations on amplified music and similar measures to ensure there are no adverse impacts to residents and guests.

f. Furniture placed by a business for the intention of serving liquor shall have a defined barrier unless the business holds a valid resort-complex liquor license and the edge of the resort complex is clearly identified by a review authority-approved barrier or signage designed in accordance with the Plaza Use Standards. This barrier may be created through the placement of planters, pots, benches, bollards, stone walls and other elements in accordance with the Plaza Use Standards.

g. Any outdoor dining and seating area shall provide screening for any appliance or accessory use associated with food and beverage service such as cash register, warming trays, coffee burners, etc., unless the review authority approves an alternative plan. Such appliances and accessories shall be brought indoors following the close of each business day.

h. The review authority may approve the installation of structures or other improvements in outdoor dining and seating areas that are not outlined in the Plaza Use Standards provided the review authority finds that such structures are in accordance with the basic architectural theme of the Village Center or other plaza areas, and that the public health, safety and welfare will be protected.
7. **Outdoor Display of Merchandise.** Outdoor display of merchandise is permitted without Planning Division approval subject to such display meeting the Plaza Use Standards and shall be required to be removed at the close of each business day.

8. **Utility Use on a Plaza Area.** In the event a plaza use requires the use of an electric utility on a Town plaza area, an applicant shall apply to the Town for the use of the utility. If use of the utility is approved by the Town, the required license agreement shall ensure that the applicant shall pay for the electricity used in connection with the plaza use.

   a. For non-profit corporations as defined by federal law, the Town Manager or its designee may waive the utility fee on a case-by-case basis.

**B. Storefront Design**

1. **Storefront Design**

   a. Commercial frontages shall create an identity for the activity within the commercial space while contributing to a visually exciting and cohesive plaza scene. Individual tenant frontages shall have expressive and imaginative design within the overall architectural context of the associated building. "Catalogue" or stereotyped storefronts within the Village Center are prohibited. All commercial storefront alterations and new construction shall require the review and approval of the review authority.

   b. Development and redevelopment within the Village Center shall create pedestrian interest through the articulation of architectural features such as bay windows, balconies, arcades and dormers. The ground or pedestrian level shall be defined with textural elements and color that strengthen the scale and character of the resort.

   c. Window boxes and hanging baskets shall be incorporated into the design to add color, life and dimension to building fronts and window definition. Size and shape shall be relative to the building scale while proper clearance for pedestrians is allowed.

   d. Details of the storefront such as door and window hardware and light fixtures shall be fabricated from quality materials such as brass, copper, bronze, hardwoods and etched or leaded glass.

   e. Retail, commercial storefronts shall be clearly distinguishable from upper floors of a building.

2. **Color Selection.** While overall building color palettes are encouraged to be muted tones taken from the natural surroundings, the storefronts shall use rich and expressive colors that stand out from their background. These storefront facades shall be designed as distinct individual entities that relate to the business and are distinguished by architectural detail and creative application of color.

3. **Windows**

   a. Window openings and trim shall be consistent in proportion and scale with the associated building.

   b. The commercial storefront shall be designed with predominantly transparent glass but may include a small percentage of opaque materials.

   c. Window trim shall vary in detailing and color while still being compatible with
the overall architecture of the building.

d. Attention shall be paid to operable windows so as not to protrude into or obstruct pedestrian ways when in the open position. Operable windows may need to be recessed or sliding to avoid this occurrence.

4. **Lighting**

a. In general, lighting within commercial areas shall originate within the storefront windows and not be dependent on freestanding light fixtures. Direct light sources should be used only for accent of architecture, landscape, artwork or for the definition of entries and walkways consistent with the Lighting Regulations.

b. Window displays within storefront windows shall be illuminated so as to provide an indirect glow of light onto adjacent pedestrian walkways and plazas. Harsh light and glare from storefront windows or interiors shall be avoided.

c. Interior lights shall be baffled so that the light source shall not be seen from pedestrian areas.

d. Town-approved lights with a minimum correlated color temperature of 2,400K and a maximum correlated color temperature of less than 3,000K shall be used to light storefronts. With all lighting types, extreme care shall be taken to avoid glare and color distortion. Flashing, blinking or moving lights shall not be used in storefronts. Colored lighting and projector lighting of the interior of a storefront may be used for storefronts and displays with specific approval from the review authority.

5. **Vacant, Ground Level Commercial Space**

a. Owners of vacant, ground level commercial spaces within the Village Center are required to provide a decorative window display that masks the vacant interior from public view. Creative, colorful and varied window displays stimulating pedestrian interest that define the spirit and intent of the commercial space are encouraged.

b. Window displays for vacant, ground level commercial space within the Village Center requires the approval of the review authority pursuant to the class 1 application development review process.

C. **Odor Control and Outdoor Barbeques and Grills**

1. Due to the mixed-use nature of the Village Center, odor created from food service establishments that may conflict with residential uses is prohibited. Trash areas, grease trap clean-outs and restaurant vents shall be located away from pedestrian flow and residential entrances and windows to the extent possible.

2. Outdoor barbecues or grills are prohibited for use in commercial operations within the Village Center and plaza areas with the exception of (1) Town-approved special events provided, however, the outdoor barbeque(s) or grill(s) are approved as part of the special event application; or (2) a barbeque integrated into a vending cart as allowed by these regulations.

D. **Noise Control**

1. The mix of residential, commercial and entertainment facilities within the Village Center creates an active and vital environment that will generate noise, light and activities. To the extent possible, any Town-approved plaza use shall mitigate excessive impacts.
beyond normal plaza use.

2. Entries and windows shall be designed to limit noise escaping into the plaza area or immediately adjacent outdoor spaces. Nightclubs and other entertainment establishments shall be sound insulated from tourist accommodations or residential uses.

E. Vending Regulations

1. Purpose and Intent

The Vending Regulations are intended to regulate vending and the location, design and use of vending carts and to ensure such activities contribute to the vibrancy of our Village Center plazas.

2. Applicability

The Vending Regulations are applicable to any person or entity desiring to conduct food and retail vending on a plaza area in the town.

3. Review Process and Criteria for Decision

Vending locations will be approved and assigned by the “Vending Committee”. The Vending Committee shall consist of the Town Planning Director, Business Development Director, and Plaza Services Director. Complete applications shall be delivered to the Vending Committee and must be received by the seasonal deadline to be considered for approval.

The seasonal deadlines for applications to be considered shall be March 1st for the upcoming summer season and September 1st for the winter season. All applications filed after such deadlines shall not be accepted.

a. Diversity (in town and between vendors) of offered food, goods, wares, merchandise, services and hours of operation;
b. The number of summer and/or winter seasons the applicant has vended on public property in the town;
c. Appearance, quality, safety and attractiveness of the vending operation and display apparatus;
d. Compliance and performance with vending cart regulations;
e. It shall be the burden of the applicant to demonstrate that submittal material and the proposed vending business substantially comply with the Vending Regulations; and
f. The Vending Committee will have sole and absolute discretion in granting a vending permit and will base its decision on the town’s needs for vending at that time.

4. General Standards

a. Location and Number. The number of vending carts and associated vending permits in plaza areas shall be limited as follows:

i. Up to four (4) on Heritage Plaza; and
ii. One (1) on Sunset Plaza.

b. Additional Vending Carts. The Town Council may permit additional vending
c. **Vending Cart Season.** Vending carts are allowed throughout the year with no limitation on season, but with required operations vending carts as follows:

   i. **Summer Season:** Vending carts shall operate a minimum of four (4) days per week, four (4) hours per day from Memorial Day through Labor Day unless otherwise approved by the Vending Committee.

   ii. **Winter Season:** Vending carts shall operate a minimum of five (5) days per week, four (4) hours per day from the ski area opening until ski area closing unless otherwise approved by the Vending Committee.

d. **Required Hours of Operation.** Hours of operation are as follows:

   i. Vending hours shall be consistent throughout each season and shall meet the minimum requirements as set forth in section c above.

   ii. Applicants shall submit a plan for the hours and days of operations to be approved by the Vending Committee as part of the approval process. Any change in the scheduled days and/or hours of operation for approved vending operations, other than minor, temporary changes due to weather and sick days, shall be approved by the Vending Committee.

e. **Vending Cart Required.** Vending is only allowed from an approved vending cart. Vending cart must meet all applicable design standards per the Plaza Design Regulations.

f. **Vending Permit Required.** No person shall stage, operate or have present a vending cart within the town without a valid vending permit issued in accordance with this section.

g. **Limits on the Hours of Operation.** The Town may set hours of operation, limitations on and similar measures for vending activities to ensure no adverse impacts to residents and guests.

h. **Amplified Music Prohibition.** Amplified music for vending is prohibited.

i. **Special Event Vending.** A vending permit is not required for vending that is approved as a special event pursuant to the provisions regulating Special Events.

j. **License Agreement Required.** The vending permittee shall enter into a license agreement with the Town for the vending operation in such form, manner and content as determined by the Town.

   i. A license agreement having a term of more than one (1) year shall be reviewed annually by the Vending Committee.

   ii. License agreements may be issued for a term of up to three (3) years at the discretion of the Vending Committee.

   iii. Notwithstanding any other provisions therein, a vending cart license agreement shall provide for indemnification of the Town from any liability for damages resulting from the operation of the vending business and for general liability insurance in such amounts as determined by the Town and naming the Town as an additional insured.

k. **Required Documentation.** Once the Vending application has been approved by the Town, but prior to the issuance of a vending permit, the applicant shall submit the following prior to the commencement of operations:
i. Proof of insurance satisfactory to the Town;
ii. Town business license;
iii. Colorado sales tax license;
iv. For prepared food, San Miguel Environmental Department permit;
v. Cash security deposit with the Town in an amount determined by the Town for the purpose of guaranteeing the repair of any damage to plaza areas caused by the vending operation; and
vi. Executed license agreement as required by this regulation.

5. **Non-transferable.** The vending permit shall not be transferable or assignable.

6. **Non-interference.** No person engaged in vending shall make any unnecessary sounds or noise, nor obstruct any pathway or other public property, nor disturb or impede other persons or otherwise create any public nuisance. The use of radios, stereos or any other audio systems in connection with any vending is prohibited.

7. **Vehicles.** Private vehicles for vending are prohibited in the plaza areas for any purpose unless the Town has issued a plaza area access permit pursuant to the Municipal Code.

8. **Area Maintenance.** Vending permittee shall maintain both the permitted area, the immediate area surrounding the permitted area, the plaza area surface (washing down pavers, clean pavers, etc.) and the vending cart in a neat, clean and hazard free condition and to the town’s satisfaction.

9. **Cleaning.** Vending permittee shall clean the areas of the designated vending cart location that are covered by the permit by removing debris, trash, sweeping and washing down the location as needed to the satisfaction of the Town. The cleaning shall be conducted as frequently as each day, if necessary, to prevent debris or trash from being blown or scattered around the plaza area.

10. **Repair of Damage.** Vending permittee shall, to the satisfaction of the Town, repair and/or replace any damage to any portion of the permitted vending cart area only to the extent any damages shall be caused by or in connection with permittee’s use thereof, including without limitation the placement of personal property on the plaza area.

   a. All costs for such repair or replacement shall be the responsibility of the permittee.

   b. The Town, in its sole discretion, shall determine when the vending area is in need of repair or replacement due to the activities of permittee and/or its customers in the vending area.

   c. The Town may suspend a vending permit for failure to pay for damage or the payment of a required damage deposit.

11. **Snow Removal.** The vending permittee shall move the vending cart per request of the Town for snow removal and/or plaza maintenance when necessary.

12. **Recycling and Trash.** Trash removal fees for public trash generated by the vending permittee are included in the monthly permit fee as established in the fee resolution for Vending Carts. All back-of-house trash must be removed daily by the permittee.

13. **Public Seating Areas.** The vending permittee must make every reasonable effort to ensure their customers utilize the public seating area and do not take food items into the seating areas of neighboring restaurants.

14. **Monthly Vending Fees.** The vending permittee shall remit the monthly vending fee as set forth in the fee resolution, with such fee to be due and payable on the first of each month. Vending fees shall be prorated for partial months in each season.

15. **Plaza Location.** The Town has the right to relocate the site of the carts of vending permit holders within all of the designated plaza areas. The vending permit administrator
shall notify the vending permittee three (3) days prior to any vending cart relocation.

16. **No Encroachment.** Vending permittee shall have the obligation to prevent encroachment of the vending cart or any related vending equipment or permittee property onto areas of the plaza outside the designated vending cart location except for any approved storage location shown in the required license agreement.

17. **Abandon/Surrender.** A permittee without written authorization from the Town acknowledging extenuating circumstances, who fails to conduct vending operations during the required hours of operation for a period of two (2) consecutive weeks during the designated season, will be considered to have surrendered and abandoned his or her vending permit. The Town shall have the right to reassign that space to another applicant. The Town has the right to refuse to authorize an absence. The Town shall send written notice of the surrender and abandonment of the permit to the permittee.

18. **Utility Fees.** The Town may require a vending cart operator to pay utility fees if the vending cart operation uses electric utilities. The use of generators is prohibited.

19. **Revocation and Suspension.**

a. Any vending permit issued hereunder may be revoked or suspended by the Town Manager for a violation or breach of a term or condition of the permit, including, but not limited to:

i. Operation of a vending cart in a location other than that approved or outside the permitted area;

ii. Failure to pay monthly vending cart fee;

iii. Failure to clean areas of the designated vending cart location to town satisfaction;

iv. Failure to remain in operation during the minimum number of business hours or days;

v. Failure to maintain the design of a vending cart or vending cart signs in the condition as represented in the development application;

vi. Failure to pay for the repair and/or replacement of any damage to any portion of the permitted vending cart area caused by or in connection with permittee’s use thereof;

vii. Changing the use of the vending cart that does not comply with the approved application;

viii. Failure to remove vending cart from designated location as required by the vending permit;

ix. Permittee violates any provision of this CDC or other ordinance of the Town governing the activities permitted by the vending permit;

x. The permittee obtained the vending permit by fraud or misrepresentation; and/or

xi. The permittee is convicted of an offense that would create a danger to the public health, safety and welfare following issuance of the vending permit.

b. No permittee whose vending permit has been revoked may receive a refund of any part of the permit fee paid.

c. Upon revocation or expiration of any vending permit, the permittee shall remove all structures or improvements from the permit area and storage area and restore the area to its condition existing prior to issuance of the permit within forty-eight (48) hours of revocation or expiration of permit.
If the vending permit is revoked, the permittee may not apply for the same type of permit for one (1) year after the effective date of the revocation.

17.5.16 RIDGELINE LOTS

A. There are two (2) ridgeline areas of the town:

1. **The Ridge Area.** The ridge area consists of the following legally described lots as may be amended from time-to-time by replat: 161A-1R, 161A-2, 161A-3, 161A-4, 161D-1, 161D-2.


B. The following requirements apply to the ridge area as defined in section A.1 above:

1. All improvements are subject to a ridgeline covenant with San Miguel County as recorded at reception number 329093. The Town does not enforce the ridgeline covenant, with enforcement solely administered by San Miguel County.

2. The building height on Lot 161A-1R shall not exceed 35 feet (35’) along the ridgeline of such building.

3. Building height on other ridge area lots shall not exceed the lesser of:

   a. The height of forty-five feet (45’); or
   b. The maximum height allowed to the view plane limitation set forth in section 4 below.

4. Except for the existing building on Lot 161A-1R and gondola facilities, the development of ridgeline area lots shall be designed to ensure that no lighting or any part of any building or structure extends into the view plane as shown on the Coonskin View Plane drawing recorded at reception number 328113.

5. New development in the ridgeline area, excluding the existing building on Lot 161A-1R and gondola facilities, shall require (a) the erection of a story pole to reflect the maximum height of the proposed development where such development will extend closest to the view plane as described in section 4 above; and (b) the installation of a light to illuminate the story pole where off-site light would be visible from the highest window. The applicant for development shall provide written notice of the story pole erection to San Miguel County and the Town of Telluride.

6. To the extent practical, no exterior lights shall be installed on the east side of buildings. Any required exterior lighting shall be shielded, recessed, or reflected so that no lighting is oriented towards the east side of the building.

7. No solid fuel burning device shall be allowed in the building on Lot 161A-1R.

8. For all new development, or substantial modifications to existing development, a courtesy referral shall be provided to San Miguel County and the Town of Telluride consistent with the Referral and Review Process outlined in the Development Review Procedures. The Town is not bound by any referral comments from either jurisdiction.

The following provisions apply to ridgeline lots as defined in section A.1 above:
1. All structures shall have varied facades to reduce the apparent mass.
2. To the extent practical, foundations shall be stepped down the hillsides to minimize cut, fill and vegetation removal.
3. Building and roofing materials and colors shall blend with the hillside.
4. Colors and textures shall be used that are found naturally in the hillside.
5. Reflective materials, such as mirrored glass or polished metals, shall not be used.
6. To the extent practical, no exterior lights shall be installed on the east side of buildings. Any required exterior lighting shall be shielded, recessed, or reflected so that no lighting is oriented towards the east side of the building.

17.5.17 INDUSTRIAL ZONE DESIGNATION DESIGN REGULATIONS

In addition to meeting the Design Regulations set forth in this Chapter, all lots with the industrial zoning designation that are solely developing an industrial use shall meet the following design requirements:

A. Industrial Site Planning/Landscaping Requirements

1. The goal of designing a lot designated for industrial use is to create an effective and appropriate balance between efficient use of the industrial area and the need for an attractive and orderly surrounding for the nearby residents.
2. Siting on industrial lots shall take into consideration the residential uses surrounding the property and the overall context of the area. Any building shall be situated so that loading, work, storage and lay-down areas are buffered from the surrounding areas. Landscaping shall be used to screen loading, lay-down and work areas from the surrounding property owners.
3. The review authority may require fencing to screen area of the industrial use and any outdoor storage from the surrounding property owners.
CHAPTER 17.6  SUPPLEMENTARY REGULATIONS

17.6.1  ENVIRONMENTAL REGULATIONS

A.  Fire Mitigation and Forestry Management

1.  Purpose and Intent

The town’s forests are the predominant, important ecosystem in the town while also providing the naturally treed landscape context for development and scenery for residents and guests visiting the area. The purpose and intent of the Fire Mitigation and Forestry Management Regulations is to preserve and maintain a healthy forest ecosystem and landscape while also protecting buildings from wildfire. These regulations are also intended to promote and maintain forest health, vitality and diversity for generations to come.

2.  Applicability.  The following types of development shall create and implement a wildfire mitigation plan in accordance with this section:

   a.  All new building construction that will create a habitable space, including but not limited to commercial buildings that are occupied by employees or guests on a regular basis;

   b.  Additions that increase a building’s habitable floor area or number of stories that have a valuation of fifty thousand dollars ($50,000) or greater; or

   c.  Any alteration of the landscaping of a lot that has a valuation of fifty thousand dollars ($50,000) or more, including but not limited to the addition of decks, patios, walkways and water features.

3.  General Standards

   a.  All new development that must prepare a wildfire mitigation plan as required above shall submit the following plans and information on one (1) plan sheet as a part of the required Design Review Process development application:

      i.  Tree survey prepared by a Colorado licensed surveyor that shows all live trees that have a caliper of four inches (4”) or greater - diameter at breast height ("dbh") - within Zone 1 and 2 as defined below.  A tree survey is not required for Zone 3 as defined below.  The requirement of a tree survey will be waived for existing development that voluntarily creates a defensible space plan;

      ii.  Proposed wildfire mitigation plan based on the requirements of this section that shows all trees to be removed that have a four inches (4”) or greater dbh;

      iii.  Proposed landscape plan prepared by a qualified professional pursuant to the Design Regulations;

      iv.  Existing and finished grades in one foot contours with such grading based on a survey prepared by a Colorado licensed surveyor;

      v.  Proposed site plan and associated improvements; and

      vi.  Lot lines and dimensions.

   b.  Prior to submitting a development application pursuant to these Fire Mitigation
and Forestry Management Regulations, an applicant shall schedule a pre-
application meeting with Community Development Department staff to develop
the wildfire mitigation plan. Staff may require an inspection of the lot affected
by the application to assess forest health.

c. Town staff shall review and approve all wildfire mitigation plans to ensure they
meet the requirements of this section.

   i. Town staff shall reserve the right to augment or waive the requirements
      of this section if it is deemed impractical or impossible to implement a
      wildfire mitigation plan on a particular lot due to lot size, steepness of
      grade, erosion concerns and proximity to wetlands or negative impact to
      surrounding properties.

d. The following requirements shall be followed in creating the required wildfire
   mitigation plan:

   i. Zone 1 is the area that consists of fifteen feet (15") around the building
      as measured from the outside edge of the building’s dripline, including
decks, planters or patios attached to the building. The following
provisions shall apply in Zone 1:

      (a) All slash and flammable vegetation as identified by staff shall be
          removed from Zone 1.
      (b) All trees and shrubs located within Zone 1 shall be removed.
      (c) The following exceptions apply to Zone 1:

          (i.) A tree or shrub may remain within Zone 1 provided the
defensible space distance is measured commencing from
the vegetation’s drip edge rather than from the building
plane (so the tree is considered part of or an extension of
the structure), and provided the distance is not limited by
a lot line.
          (ii.) Flammable vegetation shall be allowed in planters
attached to the building so long as the planter is within
ten feet (10') of a building, and vegetation is not planted
directly beneath windows or next to foundation vents.

      (d) In the event Zone 1 encroaches upon the general easement, the
review authority shall allow the creation of defensible space as
required by this section.

   ii. Zone 2 is the area that extends from the outer edge of Zone 1 for the
distance specified in Figure 6-1, Fire Mitigation Zones, based on slope,
to the lot line, whichever is less.
The following provisions shall apply in Zone 2:

(iii.) Dominant and codominant live trees with a dbh of four inches (4") or greater shall be spaced with a ten foot (10') crown-to-crown separation. All ladder fuels and slash shall be removed from the ten foot (10') crown-to-crown separation area.

(iv.) All stressed, diseased, dead or dying trees and shrubs, as identified by staff, shall be removed except for standing dead trees that staff indicates need to be maintained since standing dead trees provide important wildlife habitat.

(v.) Shrubs over five feet (5') tall shall have an average spacing of ten feet (10') from shrub-to-shrub.

The following exceptions apply to Zone 2:

(i.) Groupings of trees or shrubs may be allowed provided that all of the crowns in such group of trees or the edge of the shrubs are spaced ten feet (10') from crown-to-crown or from edge of shrub to any trees or shrubs outside of such grouping.

(ii.) Aspens, narrowleaf cottonwoods, willows and other trees and shrubs listed in CSU Cooperative Extension Publication 6.305, Firewise Plant Materials as amended from time to time, may be spaced closer than the ten foot (10') crown-to-crown separation as approved by staff.

(iii.) Closer spacing of any trees may be allowed by staff upon a determination that the required ten foot (10') crown-to-crown spacing would put the remaining trees at undue risk of wind-throw or snow breakage.

(iv.) Tree removal for the creation of defensible space, if such tree removal is determined to be impractical by the Town due to steep slopes, wetland or other environmental constraints, and other mitigation is provided.

(c) Trees remaining within Zone 2 shall have branches pruned to a height of ten feet (10'), but notwithstanding said height requirement, branches need not be pruned to more than one-third (1/3) of the tree height with the following exceptions:
(i.) Aspen trees; and
(ii.) Isolated spruce and fir trees.

(d) In the event that Zone 1 or 2 extends upon the general easement, the review authority shall allow the removal of trees to implement the wildfire mitigation plan.

(e) Chipped wood and small timber may be spread throughout either Zone 2 or Zone 3 provided the wood chips have a maximum depth of two to three inches (2" - 3") and small timber has a diameter of three inches (3") or less and is cut up into lengths that are three feet (3') or less.

iii. Zone 3 is the area extending beyond Zone 2 to the edge of the lot subject to development. In Zone 3, all diseased, beetle infested, dead or dying trees, as identified by staff, shall be removed except for standing dead trees (aka tree snags) that staff indicates need to be maintained since standing dead trees provide important wildlife habitat.

(a) For lots greater than five (5) acres in size, the Town shall only require that Zone 3 be implemented for a distance of 500 feet from the outside edge of Zone 2. A lot owner may propose to implement Zone 3 for all of the lot.

e. Firewood may only be stored on a lot that has a solid fuel burning device permit issued by the Town that meets the following limitations:

i. Indoor storage can only occur within an enclosed room that is a part of the primary structure on the lot.

ii. Outdoor storage shall only occur in the rear yard.

iii. Up to ten (10) cubic feet of outdoor firewood storage may be located in Zone 1 or Zone 2.

iv. Outdoor firewood storage larger than ten (10) cubic feet shall have a minimum thirty foot (30') distance from the structure.

v. Outdoor firewood storage shall be screened from view from surrounding lots.

f. Prior to the issuance of any certificate of occupancy or certificated of completion, staff shall inspect the lot affected by the fire mitigation plan to ensure that such plan has been implemented in accordance with the approved wildfire mitigation plan.

g. The wildfire mitigation plan shall be maintained by the lot owner as required by this section.

4. Tree Preservation and Removal Policy

a. Subject to review and approval by the review authority trees shall only be removed from a lot for:

i. Approved development as permitted by the CDC;

ii. Approved fire mitigation;

iii. Approved forest management;
iv. View corridors from windows provided the removal of such trees is minimized;

v. Utilities provided it is not practical for the utilities to follow the driveway or other corridors where trees are being removed as allowed by this section;

vi. Renewable energy systems provided it is not possible to locate such on the buildings allowed on the lot, or within areas where trees are already being removed as allowed by this section;

vii. Ski area access as may be permitted by the review authority;

viii. Potential damage to a structure or other constructed improvement on a lot, such as a utility line or utility meter, tramway or snowmaking equipment; and/or

ix. Protection of the public health, safety or welfare.

b. No tree four inches (4") or greater dbh located on any lot within the town may be removed or materially altered without the prior written approval of the review authority.

i. All dead or live trees with a diameter of four inches (4") or greater shall be preserved on the site unless the review authority has approved the removal of such trees as a part of the required development application process.

c. A tree removal development application must be submitted to the Town prior to the removal or material alteration of any dead or living tree greater than four inches (4") dbh. Such development application shall include the information and plans as required by this section.

d. Trees, living or dead, to be removed from the general easement or open space must be marked and field inspected prior to removal.

i. Trees removed by the ski resort operator in the ordinary operation of the ski area or golf course, including without limitation trees removed for utility and snow making installation, are exempt from the requirements of this section provided notice and information is provided to the Planning Division and it determines that the tree removal is part of the ordinary operation of the ski area or golf course. Other tree removal that is deemed by the Planning Division to not be a part of the ordinary operation of the ski or golf course operations requires the submission of an tree removal development application pursuant to the requirements of this section and the CDC.

ii. The Town has the right to remove any trees on Town-owned lot for forest health or fire mitigation provided the trees to be removed have been marked and staff inspects and approves the proposed tree removal.

e. Any tree deemed by staff to be a hazard to any building, structure, public facility, roadway, adjacent lot, gas line, well head, telephone and/or electrical box shall be removed by the owner of the lot or the affected utility agency within a reasonable amount of time (as determined by the Town base on the nature of the hazard) after notification. Documentation of the hazard and the Town’s approval of the tree removal shall be provided prior to the removal of the hazard tree.
i. In cases of an emergency, a hazard tree may be removed without prior approval if photo documentation of the hazard is provided to the Town that clearly shows the emergency nature of the tree removal. Such emergency tree removal shall be reported and the required documentation provided within forty-eight (48) hours of the tree removal.

f. All development shall use the following best management practices to protect and preserve trees that will be retained on a project site:

i. All dead or live trees with a dbh of four inches (4") or greater that are to be saved that may be affected by construction shall be protected by placing and maintaining fencing at the tree’s dripline.

(a) The Building Regulations’ required construction mitigation plan shall show the location of all required fencing to protect trees in close proximity to grading or other construction activity.

ii. Developers shall use extreme care during grading and excavation to avoid damage or removal of existing trees and shrubs to be retained on a project site and to preserve their root structures.

(a) No vehicles shall be parked within the dripline of a tree or shrub to be retained.
(b) No accessway shall be constructed within the driplines of tree to be retained.
(c) No grading shall occur on a site until approved fencing is placed at the dripline of trees and shrubs to be retained on the project site.
(d) All trees to be retained shall be clearly marked on the project site to ensure such trees are not removed.

g. Timber and slash generated during development shall be removed from the site within thirty (30) days of cutting. No burning of wood or any other material is permitted.

5. Tree Removal Violation and Penalties

a. In addition to the violations and penalties as established in Chapter 1, each tree removed or materially altered in violation of this section shall constitute a separate violation of the CDC and shall be subject to a fine of no less than five thousand dollars ($5,000) per tree.

b. Any party that violates any provision of this section as well as the owner or lessee of the lot on which the violation has occurred shall be subject to the penalties imposed pursuant to the CDC.
B. Wetland Regulations

1. Purpose and Intent

The purpose and intent of the Wetland Regulations is to protect and preserve wetland areas to the extent practicable in order to protect important wetland functions and values, including but not limited to wildlife habitat, flood water attenuation, in-stream flow maintenance and recharge of ground water upon which the town relies for its water supply.

2. Standards

   a. Avoid disturbance to wetland areas to the extent practicable, and minimize and mitigate impacts where site conditions preclude the ability to avoid wetland impacts.

   b. Provide appropriate setbacks to wetland areas to the extent practicable. There will be situations where wetland fill or no wetland setbacks are appropriate to implement the Comprehensive Plan, allow for reasonable use, or for site-specific issues or project needs.

   c. If a developer proposes to cause disturbance or fill to a wetland area, the CDC required development application shall include a thorough, written evaluation of practical alternatives to avoiding any fill, excavation or disturbance of any wetland.

   d. The review authority shall only allow for wetland disturbance or fill if it is demonstrated that there is not a practicable alternative to avoiding such activities and if the following criteria are met:

      i. The proposed wetland disturbance is in general conformance with the Comprehensive Plan or is necessary to allow for reasonable use of the lot;

      ii. The applicant has provided a wetland mitigation plan that provides for replacing the wetland areas proposed for temporary disturbance, or, for wetland fill, replacement wetland areas with the same functions and values of the impacted wetland with the mitigation provided at an appropriate ratio of 1:1 or greater;

      iii. The United States Army Corps of Engineers (“USACE”) has reviewed the proposed wetland disturbance or fill and has either recommended approval to the Town or has approved the required federal permits;

      iv. The developer shall provide a conservation easement to the Town for the wetland area that requires it to maintain the wetland area over time; and

      v. The development has provided for specific best management practices to protect wetland resources not impacted by development from direct and indirect impacts.

   e. The review authority should allow for the reconfiguration of a lot with surrounding lots by the Subdivision Process to avoid wetland impacts if practicable.

   f. All development applications for lots that contain wetlands or that are in close to proximity of wetlands on adjoining lots shall, as a part of the applicable development application, submit a wetlands delineation performed by a USACE qualified consultant.
i. Written verification of the delineation from the USACE is required prior to the review authority issuing the final CDC required development approval.

(a) The review authority may also, as a condition of the final approval, require the submission of the USACE wetland delineation verification prior to the issuance of a development permit.

(b) USACE written approval of wetland delineations typically expire after five (5) years. A new wetland delineation approval letter from the USACE shall be submitted if the original wetland delineation approval has expired.

g. When a development is in close proximity to a wetland area that is protected by a conservation easement, the boundaries of such easement shall be shown on the existing conditions plan and all site plans.

h. When wetlands are identified on a lot, it shall be the responsibility of the lot owner to ensure that these areas are not impacted by any development.

i. Any development application that proposes wetland fill shall be referred to the USACE in accordance with the Referral and Review Process to ensure compliance with the federal wetland permitting process.

C. Steep Slopes

1. Purpose and Intent

The purpose and intent of these Steep Slope Regulations is to prevent the development of steep slopes that are thirty percent (30%) or greater to the extent practicable in order to protect water quality, visual resources and slope stability.

2. Standards

a. Building and development shall be located off slopes that are thirty percent (30%) or greater to the extent practical.

   i. In evaluating practicable alternatives, the Town recognizes that it may be necessary to permit disturbance of slopes that are 30% or greater on a lot to allow access to key viewsheds, avoid other environmental issues, buffer development and similar site-specific design considerations.

b. If a developer proposes disturbance to slopes that are thirty percent (30%) or greater, the CDC required development application shall include a thorough, written evaluation of practical alternatives to any fill, excavation or disturbance of any slopes thirty percent (30%) or greater.

c. The review authority shall only allow for disturbance to slopes thirty percent (30%) or greater if it is demonstrated that there is not a practicable alternative to avoiding such activities and if the following criteria are met:

   i. The proposed steep slope disturbance is in general conformance with the Comprehensive Plan;

   ii. The proposed disturbance is minimized to the extent practical;
iii. A Colorado professional engineer or geologist has provided:

(a) A soils report or, for a subdivision, a geologic report; or
(b) An engineered civil plan for the lot, including grading and drainage plans.

iv. And the proposal provides mitigation for the steep slope development in accordance with the engineered plans.

17.6.2 SPECIAL EVENT REGULATIONS

A. Purpose and Intent

The purpose of this section is to establish policies for permitting and regulating special events and to protect and promote the public health, safety and welfare. This section is intended to establish a non-discriminatory process by which the Town can regulate the holding of special events. This section is not intended to regulate speech or other forms of conduct protected by either the First Amendment to the United States Constitution or by the Colorado Constitution. The permitting process established by this section is intended to be content neutral and not subject matter based.

B. Applicability

The special event development review process is applicable to any development application that proposes a special event.

C. Review Process

Special event development applications shall be processed as class 1 applications except that the review authority for minor events shall be the Town Manager. The review authority for major events shall be the Town Mayor on behalf of the Town Council. The Town Manager or the Mayor may require a special event to go through the Conditional Use Permit Process due to size, duration, noise or other potential impacts to surrounding properties.

D. Criteria for Decision

The following criteria shall be met for the review authority to approve a special event permit:

1. The proposed special event will not pose an adverse impact to the public health, safety or welfare or the public interest;
2. The proposed special event will cause positive cultural, economic, environmental or social impacts;
3. Adequate sanitation and other required health facilities are or will be made available at or sufficiently near to the proposed special event area(s);
4. Sufficient parking, transportation and other required infrastructure, as determined on a case-by-case basis, are available to accommodate the number of participants reasonably expected for the event;
5. The proposed special event will provide for economic or other community benefits;
6. The proposed special event provides for recycling and other green initiatives to the extent practicable;
7. The application complies with the special event regulations;
8. The applicant has not been convicted of violating the CDC or had a previous special
event permit revoked by the Town within the previous two (2) calendar years; and

9. The proposed special event will not conflict with:

   a. A special event for which a permit has previously been issued or a special event that has submitted a complete development application unless the Town permits both events to occur on the same date, and the promoters of the events have mutually agreed to hold the events on the same date;
   b. A Town-sponsored event;
   c. An annual special event, which is reasonably expected to be held again, but for which an application has yet to be submitted; or
   d. An event protected by the First Amendment to the United States Constitution or by the Colorado Constitution that, due to its anticipated size, location, hours of operation, or other relevant factors, is reasonably expected to require such Town services or personnel as to make the holding of the proposed special event for which the application was submitted a potential risk to the public health, safety or welfare.

10. The holding of the proposed special event will not cause significant disruption in the ability of the Town to deliver or provide essential governmental services;

11. The applicant has provided an adequate marketing plan for the special event to ensure the event is marketed in such a way that the information reaches the intended participants in order to maximize economic or other community benefits, and does not substantially interfere with any construction or maintenance work scheduled to take place upon or along the town streets or lots; and

12. The proposed special event meets all applicable Town regulations and standards.

E. General Standards for Review

1. Special Event Permit Required. No person shall stage, hold, present or conduct a special event within the town without a valid special event permit issued in accordance with this section.

2. Exemptions. The requirements of this section shall not apply to:

   a. An indoor special event of any kind;
   b. A special event held by the Town;
   c. An event held at a Town park or facility considered "normal or regular" use of those Town facilities, such as a ball field, soccer field or activities at the Mountain Village Ice Rink; or
   d. An event protected by either the First Amendment to the United States Constitution or by the Colorado Constitution provided, however, that a person staging, holding, presenting or conducting such an event shall submit a development application and obtain a special event permit pursuant to this section, but there shall be no fee required and the deadline for submission of an application does not apply. The Planning Division may also modify any other requirement of this section with respect to such an application if necessary to comply with applicable law.

3. Application Requirements. In addition to the development application requirements set forth under the Development Review Procedures, the following timing limitation shall also be met:
a. A development application for a permit shall be filed with the Planning Division not less than thirty (30) days or more than three hundred and sixty-five (365) days before the special event is proposed to begin. The Planning Division may waive the minimum thirty (30) day filing period and accept an application filed within a shorter time period if (i) after due consideration of the date, time, place and nature of the special event, the anticipated number of participants and the Town services required in connection with the special event, the Planning Division determines that sufficient time exists for the proper investigation and review of the application; (ii) that the waiver will not present a hazard to public health, safety or welfare; and (iii) that the waiver will not create a substantial burden on the Town's staff or financial resources.

4. Building Permit May Be Required. An applicant may still be required to obtain a building permit depending on the size and scale of any temporary structures proposed to be used in connection with the special event. The need for a building permit will be determined by the Planning Division in consultation with the Building Division.

5. Town Fees, Charges and Deposits. If the application includes a request to use any Town lot or service in connection with the special event, the applicant shall pay to the Town any required charges, fees or deposits in connection with special event prior to the issuance of the special event permit, or such other time as may be set forth by the Town.

6. License Agreement. The Town Attorney or review authority may require an applicant to enter into a license agreement with the Town for the special event to detail key requirements of this section and legal protection for the Town. The license agreement shall ensure the requirements of this section are met and shall be in a form and manner as set forth by the Town.

a. The license agreement for the special event shall require the applicant to be responsible for repairing damage caused by the special event to Town or private lot.

7. Order of Processing. Complete applications shall be processed by the Planning Division in order of receipt. Notwithstanding the foregoing, an annual special event, which is reasonably expected to be held again, but for which an application has yet to be submitted, takes precedence over all other special event applications.

8. Relationship to Municipal Code Requirements. Notwithstanding anything contained in the CDC to the contrary:

a. A permit issued under this section is not a special events liquor license. If alcoholic beverages are to be served at the special event, the applicant must obtain the required permit or approval from the Town Liquor Licensing Authority.

b. All vendors at a special event must obtain a Town business license pursuant to the Municipal Code.

c. A special event permit may authorize the applicant to exceed the maximum noise levels set forth in the Municipal Code in connection with the holding of the special event. The Planning Division, in consultation with the Town of Mountain Village Police Department, may establish specific maximum noise levels for any such event.

d. Except as specifically provided in this section, in addition to a permit, an applicant must obtain all other required Town permits and approvals before
holding the special event authorized by the permit, including but not limited to a building permit, business license and/or liquor license (if serving alcoholic beverages).

e. No Design Review Process is required for temporary structures or signage associated with a special event.

9. **Revocation.** The Town may revoke a special event permit provided notice of the hearing for revocation of a permit shall be given by the Town Manager to the applicant in writing setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be personally served or may be emailed or mailed, postage prepaid, to the applicant at his/her local address as set forth on the application at least three (3) days prior to the date set for the hearing. The hearing board shall consist of the Town Manager and the Town Mayor.

a. In deciding whether a permit should be suspended or revoked due to a violation of the permit or the requirements of this section and in deciding what conditions to impose in the event of a suspension, if any, the hearing board shall consider:

i. The nature and seriousness of the violation;
ii. Corrective action, if any, taken by the applicant;
iii. Prior violation(s), if any, by the applicant;
iv. The likelihood of recurrence;
v. All circumstances surrounding the violation;
vi. Whether the violation was willful;
vii. The number of previous special events held by the applicant;
viii. The number of previous violations by the applicant; and
ix. Previous sanctions, if any, imposed against the applicant.

If the hearing board suspends or revokes a permit prior to the special event, the applicant may appeal the suspension or revocation in accordance with the Appeal Process.

10. **Cancellation**

a. The Planning Division, in consultation with the review authority, shall have the power to summarily suspend a special event permit during an event without any hearing if the Planning Division determines that:

i. An applicant has violated one or more of the terms and conditions of a permit or any applicable law and, based upon the available information, the Planning Division, in consultation with the Town Police Department, that such violation results in an immediate threat to the public health, safety or welfare; or
ii. Threatening weather conditions that would either (i) pose a threat to the public health, safety or welfare, or (ii) pose a threat to any Town-owned lot or property to be used in connection with this special event; or
iii. Drought conditions pose a threat to the public health, safety or welfare due to extreme fire hazard; or
iv. Holding or continuing the special event would pose a threat to the public health, safety or welfare due to any unforeseen, unanticipated, uncontrollable circumstances, acts of God or other force majeure situations.
b. No appeal is allowed from a summary suspension of a permit issued by the Planning Division pursuant to this section.

11. **Prohibition on Commercial and Advertising Special Events.** Special events held solely for the purpose of advertising a business or entity are expressly prohibited. All special events shall have as the primary component, cultural, economic, environmental or social value. Commercial vending is allowed at special events as approved by the Town.

12. **Ski Area Event Regulations:** Ski area events are classified as (a) ski and snow sports special events; (b) demonstration and small scale events; and (c) summer events.

a. The ski resort operator may, without a special event permit from the Town, conduct ski and snow sports special events and summer events on land it owns, and operates the ski resort on, during operating daylight hours if it ensures there is adequate infrastructure for the event, including without limitation, adequate parking, access, restrooms, and emergency service personnel. If Town resources or infrastructure are required for an exceptionally large ski and sports special event, the Town may require a special event application pursuant to these regulations.

i. The ski resort operator shall provide notice of a ski and snow sports special event or a summer event expected to have more than 2,000 attendees to the Town Police Department and Community Development Department, and the TFPD to ensure adequate services for the event.

ii. The ski resort operator shall provide a courtesy notice of all planned ski and snow sports special events and summer events to ensure adequate infrastructure is available, and that such event does not conflict with another special event.

b. The ski resort operator may, without a special event permit, conduct a demonstration and small scale event during operating daylight hours on land it owns if the following criteria are met:

i. No more than two (2) tents no greater than ten feet (10’) by ten feet (10’) in size are utilized for the event unless otherwise approved by the Planning Division in writing;

ii. No live music is performed;

iii. Amplified music or speaking meets the noise limitations in the Municipal Code;

iv. No commercial sales of goods or services occurs;

v. No vehicles are parked on the snow except for loading and unloading;

vi. If vehicle access is desired through a Town plaza area, the required permit has been obtained from the Town;

vii. The tents are set back 35 feet from the edge of any surrounding tramway cable;

viii. For demonstrations of products, the product is a product associated with snow sports, and is available for sale within the Village Center, such as ski or snowboard demonstrations, sunglass demonstrations, or snow shoe demonstrations.

ix. Off premise signage is prohibited except for demonstration sponsors, or event sponsors, with any signage compliant with the Sign Regulations or
any sign program for the ski resort operator.

The Ski Area Event regulations do not apply to outdoor dining areas within the town, which are governed by other provisions in the CDC.

17.6.3 CONDOMINIUM-HOTEL REGULATIONS

A. Purpose and Intent

The purpose of this section is to establish polices and requirements for condominium-hotels in order to provide for hotbed development as envisioned in the Comprehensive Plan and as required by the zoning regulations. In addition, an existing property may request the application of the Condominium-hotel Regulations as a zoning overlay as outlined in Chapter 3.

B. Applicability

The Condominium-hotel Regulations are applicable to any developer who proposes to rezone a site identified in the Comprehensive Plan as a flag hotel site in a subarea plan’s development table.

C. Review Process

Hotbed development and condominium-hotel development are evaluated pursuant to the applicable PUD Process outlined in the PUD Regulations.

D. General Standards for Review

1. Hotbed development on a flagship hotel site is created when the following requirements are met:

   a. The site is rezoned to the PUD Zone District;
   b. The target density of the subarea plan’s development table as envisioned by the Comprehensive Plan is met, with the hotbed mix and average room size as set forth in Table 6-1, with forty percent (40%) lodge units and forty percent (40%) efficiency lodge units.
   c. The Town Council may approve another configuration that differs from that shown in Table 6-1 if it finds that the project will still meet the target density in the applicable subarea plan development table and hotbeds will be provided. In no event should the amount of net floor area dedicated to condominium units be over twenty percent (20%) of the net floor area of the full development.
   d. The condominium-hotel will be restricted by a development agreement that can be enforced by the Town with such agreement including key requirements of the Condominium-hotel Regulations.

<table>
<thead>
<tr>
<th>Zoning Designation of Unit</th>
<th>Approximate Average Unit Size</th>
<th>Building Efficiency</th>
<th>Maximum Net Floor Area By Unit Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Condominium</td>
<td>1,250 sq. ft.</td>
<td>70%</td>
<td>20%</td>
</tr>
<tr>
<td>Lodge</td>
<td>800 sq. ft.</td>
<td>70%</td>
<td>40%</td>
</tr>
<tr>
<td>Efficiency Lodge</td>
<td>450 sq. ft.</td>
<td>55%</td>
<td>40%</td>
</tr>
</tbody>
</table>
2. Hotbed development on each flagship hotel site will be ensured by the following condominium-hotel requirements, which are a part of the Town’s Zoning Regulations for a hotbed development:

   a. Each condominium-hotel project shall be either: (i) operated and managed by, and/or (ii) franchised as an internationally or nationally recognized full service hotel operator/brand (as applicable) with significant experience in full service operations with existing broad marketing distribution capabilities (hotel operator) for the life of the condominium-hotel.

      i. The hotel operator shall be capable of operating the project in a manner consistent with the project operational standards. The hotel operator shall have a high level of name, brand awareness and marketing breadth with the general public and offer customers incentives such as a customer loyalty program.

      ii. Examples of internationally or nationally recognized full service hotel operators and brands include (but are not limited to) the following: Westin, Marriott (all full service brands), Hyatt (all full service brands), Hilton (all full service brands, including Waldorf Astoria), Fairmont, Intercontinental (all full service brands), Morgans Hotel Group, Wyndham, Le Meridien, Luxury Collection (Starwood) and similarly styled operators, as recognized by accepted industry standards and brands from time to time.

      iii. Prior to and as a condition of the issuance of a building permit, the developer of the condominium-hotel will notify the Director of Community Development of the proposed hotel operator which notice shall contain written confirmation from the hotel operator.

      iv. The Town Council shall review and take action on the proposed hotel operator at the next available meeting where the proposal can be placed on the agenda. In no event will a decision be rendered more than forty-five (45) days from the date of the developer’s notice to the Town Council.

      v. The Town Council action on a proposed hotel operator shall be based on the standards and guidelines for the hotel operator as set forth in this section by motion and recorded in the official minutes.

      vi. The Director of Community Development shall provide a written notice of the Council’s action and the grounds for such determination within seven (7) business days of the date of the Council meeting where action was taken.

      vii. After the Town Council’s decision on the hotel operator, the developer may meet with the Town Council to discuss and attempt to resolve the Town Council’s rejection of any proposed hotel operator.

      viii. The hotel operator may be changed by the condominium-hotel homeowners association from time to time. In the event that the developer or homeowners association elects to terminate the approved hotel operator at any time, the developer or homeowners association shall provide the Director of Community Development with: (a) thirty (30) days' prior written notice of such termination including the reasons for such termination (which shall be held in confidence by the Town); and (b) within one hundred eighty (180) days of termination of the hotel operator, notice of the replacement hotel operator, which notice shall
include a letter of intent from the replacement hotel operator. The Town shall promptly provide notice of acceptance or non-acceptance within forty-five (45) days of receipt of the notice and the failure to provide a response shall be deemed to be an approval of the replacement hotel operator by the Town. In considering the acceptability of the replacement hotel operator, the developer and Town shall adhere to the standards and guidelines of this section.

ix. In the event of a dispute between the developer or the homeowners association and the Town concerning the adequacy of the designation of a hotel operator consistent with this section, the parties shall mutually identify a qualified, neutral third-party recognized as an authority in the hospitality industry to mediate and resolve this dispute through a binding mediation process.

b. The condominium-hotel project shall provide certain full service amenities, facilities and services within the project, which are intended to help promote hotbed development for lodge and efficiency lodge units, such as a restaurant, bar, spa, concierge and similar full service hotel/lodging amenities. The provision of full service hotel/lodging amenities will be reflected in the development agreement with the Town.

c. Each lodge and efficiency lodge unit shall be incorporated in a condominium-hotel by the creation of a condominium community and each lodge and efficiency lodge unit and the condominium-hotel will meet the following conditions, restrictions and requirements, which shall be set forth in a development agreement with the Town and the condominium’s declaration:

i. The hotel operator shall be responsible for the implementation, management and operation of the condominium-hotel, including the national and international marketing of each of the condominium-hotel units (management and marketing program). The management and marketing program is intended to manage, market and promote the condominium-hotel project and the use and occupancy of the associated lodge and efficiency lodge units in the condominium-hotel as accommodation styled rooms. The management and marketing program is further intended to provide for the use and rentals of all lodge and efficiency lodge units, which are required to be made available to the general public as hotel-type lodging units except when the condominium-hotel units are occupied by an owner as allowed by this section.

ii. Condominium units in a condominium-hotel may also voluntarily be put into the accommodations rental pool and the management and marketing program.

iii. Each lodge and efficiency lodge unit in the condominium-hotel shall be included in the hotel operator’s management and marketing program and managed by the hotel operator. A separate unit management agreement for each unit must be executed at the time of closing on a lodge and efficiency lodge unit, consistent with this section and the required development agreement.

iv. The lodge and efficiency lodge units shall not be the primary residence of the owner.
(a) When not in use by the owner of a lodge or efficiency lodge unit, such units shall be included in the condominium-hotel’s accommodations rental pool and available for rental occupancy and accommodations by guests.

(b) The owner of a lodge or efficiency lodge shall provide lead-time on notice of occupancy to the hotel operator with February 28th as the deadline for providing intended summer occupancy dates and September 30th for winter occupancy dates.

(c) The owner may use their lodge or efficiency lodge unit at other times without any lead-time notice if the unit is not reserved for lodging purposes.

v. With respect to each lodge and efficiency lodge unit, the restrictions set forth in this section shall be reflected in a separate deed restriction for each lodge and efficiency lodge unit so that the owner of each unit is affirmatively stating that their unit(s) will be available to the hotel operator and their paying guests when not in use by the owner in accordance with the requirements of this section.

vi. The hotel operator and not the individual owners of lodge and efficiency lodge units will establish maximum room rental rates and yield manage the inventory, other than during owner’s allowed usage periods.

vii. Parking spaces in the condominium-hotel shall meet the Parking Regulations. An owner of a unit in a condominium-hotel shall not be allowed to park or store a vehicle in a parking space during times that the owner is not occupying their unit.

viii. A condominium-hotel project may consist of lodge and efficiency lodge units that are connected by lock-off doors between the individual units. When such a configuration of lodge and efficiency lodge units is desired in a lock-off configuration, the following requirements will be met:

(a) Doors that lock-off one unit from another unit shall be maintained as a separate, lockable door, and doors or locks shall not be removed for any reason;

(b) Each unit shall maintain a separately keyed entry from the other attached unit;

(c) Each unit shall be shown as a separate condominium unit on the condominium map with an owner allowed to own up to a maximum of three (3) units in a lock-off unit configuration;

(d) Each lock-off unit shall maintain a separate, unique unit designation in the common hallway; and

(e) Each unit shall contain a freestanding bed that does not include a sleeper sofa or Murphy bed.

ix. A block of lodge and efficiency lodge units may be owned by one (1) owner provided such units meet the requirements of this section.

x. Alteration or elimination of any walls shown on the condominium map, or changes to the individual rooms that eliminate the number of beds approved by the Town are prohibited unless such changes are reviewed and approved by the Town in accordance with these regulations and provided that such change will not reduce the number of beds available in the condominium-hotel project.
xi. The developer, in consultation with the Town-approved hotel operator, will establish uniform furniture, fixtures and equipment packages that will be provided for each of the lodge and efficiency lodge units exclusive of the condominium units. The furniture, fixture and equipment packages will be developed to insure a quality of decor, furniture, furnishings and appliances suitable to meet the condominium-hotel operational standards, which may include without limitation appropriate and suitable fixtures (including bathroom fixtures), cabinetry, carpeting, floor covering, paint, wall covering, furniture (including built-in furniture, if any), lighting, mirrors, decor items, color television, clock, radio, drapes, shades and other window treatments and any and all other fixtures, equipment, utilities and decorative accessories within the units. The design and content of the furniture, fixture and equipment packages may be offered in different variations and themes intended to achieve the condominium-hotel operational standards.

xii. “Project operational standards” means the standards for operating the project as determined by the hotel operator, in consultation with the developer and project homeowners association, consistent with the terms and conditions of the Town approvals and the operating standards customarily followed by the hotel operator for similar projects managed by hotel operator located in mountain resort locations which are intended to promote a high standard of quality. The project operational standards are intended to be followed for purposes of promoting the use and operation of the project as a full-service hotel within the hotel facilities unit and those residential condominium units participating in the rental management program. When developing and implementing the project operational standards, the hotel operator shall exercise its good-faith, commercially reasonable judgment and adhere to industry standards for similar projects located in mountain resort locations as well as the actual operational needs of the hotel and/or hotel guest. It is recognized and agreed that the project operational standards may vary from time to time given due consideration to winter periods, summer periods and shoulder seasons between winter and summer periods.

17.6.4 HOME OCCUPATION REGULATIONS

A. Purpose and Intent

The purpose of this section is to establish polices for permitting and regulating home occupations.

B. Applicability

The Home Occupation Regulations are applicable for any person or lot owner that desires to conduct a home occupation.

C. Review Process

Home occupation permits shall be processed as class 1 applications.
D. Criteria for Decision

The following criteria shall be met for the review authority to approve a home occupation permit:

1. The home occupation will be conducted entirely within a dwelling and carried on principally by the inhabitants thereof. Employees, other than inhabitants of the dwelling, shall not exceed one (1) person at any time;
2. The home occupation will be clearly incidental and secondary to the primary use of the dwelling unit for dwelling purposes and will not change the residential character thereof;
3. The total floor area used for the home occupation will not exceed one-fourth (1/4) of the gross residential floor area of the dwelling unit, nor will it exceed five hundred (500) square feet;
4. There will be no advertising, display or other indication of the home occupation on the premises;
5. Selling supplies or products on the premises will not be permitted;
6. There will be no exterior storage on the premises of material used in the home occupation;
7. There will be no noise, vibration, smoke, dust, odor, heat or glare noticeable at or beyond the lot line as a result of the home occupation;
8. A home occupation will not generate significant vehicular traffic and parking in excess of that typically generated by residential dwelling units;
9. No parking or storage of commercial vehicles will be permitted on the site;
10. The home occupation will not be injurious or detrimental to other properties in the vicinity; and
11. The proposed home occupation meets all applicable Town regulations and standards.

E. General Standards for Review

1. The conduct of a business out of a home shall require the issuance of a home occupation permit except for those home occupations that do not generate additional traffic or parking, such as a home office with only the dwelling unit occupant telecommuting that does not cause deliveries. In such instances no home occupation permit is required.
2. Home occupation permits shall be for a limited time period not exceeding five (5) years. Home occupation permits shall be renewable upon application subject to such regulations as shall be in effect at the time of application for renewal.

17.6.5 TELECOMMUNICATIONS ANTENNA REGULATIONS

A. Purpose and Intent

The purpose of this section is to establish polices for permitting and regulating telecommunications antennas. The provisions of this section are intended to be in compliance with the provisions of the Federal Telecommunications Act of 1996, are not intended to prohibit or have the effect of prohibiting the provision of personal wireless services and shall be implemented accordingly.

B. Applicability

The Telecommunications Antennas Regulations are applicable for any person or lot owner that desires to install or modify telecommunications antennas.
C. **Review Process**

New or substantially modified freestanding telecommunication antennas not attached to a building or a structure is a conditional use and shall be processed pursuant to the Conditional Use Permit Process as a class 4 application. Temporary, mobile facilities such as a cell on wheels (COW) that will be utilized for up to 180 days shall be processed pursuant to a Class 1 application. Minor modifications to a freestanding telecommunication antenna or new or modified telecommunications antennas mounted to existing buildings or structures shall be processed as Design Review Process class 1 applications.

D. **General Standards for Review**

1. **Freestanding Antenna Standards.** Freestanding antennas not mounted to a building or structure shall meet the following requirements.
   a. Visual impacts shall be mitigated to the extent practical;
   i. Visual mitigation techniques such as coloring, screening, stealth antennas and landscaping shall be used to the extent practicable.
   ii. The level of mitigation required will depend on the location of the proposed facility in relation to topographic features, important visual features, major public thoroughfares, public recreational areas, residential neighborhoods and other sensitive visual areas.
   iii. Implementation of a visual mitigation plan shall be included as a condition of any conditional use permit approval.
   b. Antenna height shall be minimized to the extent practical with the acceptable height permitted determined by the review authority as a part of the required conditional use permit process. (Ordinance 2015-03)
   c. The antenna shall be made available for the collocation of other telecommunication providers as a condition of approval with the goal to reduce the number of antennas in the town to the extent practical; and
   d. There are no other alternative antenna sites currently in existence in the Telluride/town region that provide for collocation and the desired telecommunication service, service area and telecommunication service provider’s technical needs.

2. **Attached Antenna Standards.** Antennas mounted to a building or a structure shall meet the following requirements:
   a. The design of antennas and associated telecommunication support facilities shall use materials, colors textures and screening that create compatibility with the surrounding built and natural environment;
   b. Visual mitigation techniques such as coloring, screening, stealth antennas and landscaping shall be used to the extent practicable;
   c. Signs shall be limited to those signs required for cautionary or advisory purposes only and not for advertising;
   d. The antenna shall not exceed a surface area of ten (10) square feet;
   e. Antennas mounted to a structure or building shall not be more than ten percent (10%) higher than the actual, as-built building or structure height to which such antenna is mounted. For example, a building that is of forty feet (40’) high can have an antenna that extends no more than four feet (4’) above the roof;
f. Antennas may not be located within any setbacks or the general easements without approval of a conditional use permit;
g. An applicant that desires to install an antenna that does not meet the requirements of this section may submit for a conditional use permit; and
h. Satellite dishes larger than thirty-six inches (36") are prohibited.

3. **Cell on Wheels Standards.** Temporary cell on wheels may be allowed in any district subject to the following requirements:

a. The term of the temporary permit shall not exceed 180 days unless otherwise authorized by the Community Development Director, or restricted by another provision of the Community Development Code. The permit may be renewed on an as-need basis with approval from the Community Development Director. The initial approval and renewal periods may not exceed one year.
b. COW’s may not be located within any general easement and be setback from any property line a minimum distance equal to the maximum height of the COW including antennas, unless there is approval from the adjoining property owner. For the purposes of this section, condominium boundaries shall not be considered a property line.
c. COW facility height including antennas shall not exceed 60 feet.

4. **Consideration of Radio Frequency Emissions.** The environmental effects of radio frequency emissions shall not be considered an appropriate concern of an adjacent lot owner provided the antenna complies with the regulations of the Federal Communications Commission regarding such concern.

5. **No Signal Interference.** Evidence shall be submitted to demonstrate that a proposed communication antenna complies with all specifications of the Federal Communications Commission with respect to preventing signal interference with other systems, facilities, towers or antennas in the area. After operation of the antenna commences, the antenna operator shall be required to investigate any electrical disturbances affecting operation of equipment beyond the boundaries of the antenna site and to resolve such disturbances if the disturbances are attributable to the use of the antenna.

6. **Federal and State Regulations.** Communication antennas shall comply with all applicable federal and state regulations. At the time application is made for a conditional use permit, site-plan or final plat approval, the applicant shall submit evidence showing he has obtained any required approvals or permits for commercial communication antennas from these agencies.

7. **Reclamation and Abandonment.** Notwithstanding the foregoing, any communication antenna that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of the lot where such antenna is located shall remove the same within ninety (90) calendar days of the issue date of the notice to remove the antenna.

17.6.6 **ROAD AND DRIVEWAY STANDARDS**

A. **Roadway Standards**

1. **Minimum Right-of-Way.** The minimum right-of-way width shall be sixty feet (60').
2. **Roadway Width.** The minimum roadway width shall be twenty feet (20'), with two foot (2') “v-pan” curbs.
a. Concrete “v-pan” curbs and gutters constructed of Class B concrete (as defined by CDOT standards) other review authority-approved material shall be provided on both sides of the road leading into the required drainage system.

i. Curbs and gutters or other shoulder materials shall be constructed of concrete drainage pans or other review authority-approved material that is compacted to withstand a twenty (20) ton load minimum. The shoulders shall pitch no more than two percent (2%) grade from the edge of the twenty foot (20’) travel roadway.

3. **Roadway Construction.** Roadways shall be designed and constructed in accordance with the specifications shown in Figure 6-2.

4. **Maximum Grade.** The maximum road grade shall be eight percent (8%) except:

a. The maximum roadway grade shall not exceed five percent (5%) for the first twenty feet (20’) from the edge of the public roadway or access tract.

b. Transitional sections not exceeding 500 feet in length may be allowed a maximum of 10 percent (10%) if approved by the Town in consultation with the Fire Marshal. Transitional sections exceeding eight percent (8%) shall not be within 500 feet of each other.

c. Transitional sections may be allowed a maximum grade up to twelve percent (12%) with the approval of the Town in consultation with the Fire Marshal, providing all structures are equipped with a fire sprinkler system meeting the requirements of the Fire Code.

d. Curves with a centerline radius of less than 250 feet shall not exceed eight percent (8%) grade.

5. **Turning Radius.** Curves with centerline radii of less than 250 feet shall not exceed eight percent. The minimum inside turning radii of a corner shall not be less than 100 feet (100’).

6. **Grading.** The maximum cut and fill slope shall be 3:1 without a soils report prepared by a Colorado professional engineer that shows steeper slopes are warranted. Slopes steeper than 2:1 shall require retaining walls that are designed by a Colorado professional
engineer.

a. The maximum retaining wall height shall be five (5') feet, with a minimum “step” in between walls of four (4') feet to allow for landscaping to soften the walls.
b. Retaining walls shall be setback from roadways at least five (5') feet, where practicable, to allow proper room for drainage, snow plowing and snow storage.
c. Roadways shall be crowned at two (2) to three (3) percent maximum grade.

7. **Live Load and Surfacing.** Roadways shall be designed, compacted and maintained to support the imposed loads of fire apparatus, twenty (20) ton minimum, and shall be surfaced so as to provide all-weather driving capabilities.

a. Approved roadway surfaces include asphalt, concrete or other materials as approved by the review authority.
b. Gravel is prohibited as a surface material for roadways.

8. **Emergency Turnarounds.** Dead-end roads shall be avoided wherever possible.

a. Where an emergency turnaround is the only alternative, the roadway shall provide an emergency turnaround as provided for in the Town adopted Fire Code or commentary to such code.
b. Adequate rights-of-way for snow storage, utilities and drainage shall be provided at turnarounds.
c. Dead-end streets shall not be longer than 600 feet.

9. **Sight Distance Triangles.** For safety and visibility purposes, a sight distance triangle shall be maintained at road and driveway intersections. The distances along the legs of the sight distance triangle shall be measured from the corner or intersection point along the right-of-way lines or along edge of driving surface for driveways as shown in Figure 6-3. For each intersection, the length of the legs of the triangle shall be determined by the classification of the roadways at the intersection as outlined in Table 6-2.

a. To minimize traffic hazards at road intersections and along curves by improving visibility for drivers of converging vehicles, no structures, retaining walls or earth berms, nor landscaping, parking or other obstructions more than three feet (3’) in height will be permitted within the sight distance triangle except for single-family residential accessways that may provide an address monument in such area.

<table>
<thead>
<tr>
<th>Type of Access</th>
<th>Length of Sight Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Driveways (No road intersection)</td>
<td>10 Feet</td>
</tr>
<tr>
<td>Local Access/Low Volume</td>
<td>30 Feet</td>
</tr>
<tr>
<td>Collector (San Joaquin, Benchmark, Adams Ranch Roads)</td>
<td>50 Feet</td>
</tr>
<tr>
<td>Arterial (Mountain Village Boulevard)</td>
<td>70 Feet</td>
</tr>
</tbody>
</table>
10. **Bridges.** Bridges shall conform to CDOT requirements and specifications. Plans shall be prepared by a qualified Colorado professional engineer.

   a. Bridges shall be stone faced and have railings and other design features in accordance with the town design theme.

11. **Traffic Control Devices.** Traffic control devices shall be installed and maintained in accordance with the Manual on Uniform Traffic Control Devices.

12. **Guardrails.** Guardrails shall be installed on the outside of curves as required by the Public Works Department. Guardrails shall be installed thirty (30) inches from the outside edge of the road curb. The following conditions may necessitate guardrail installation:

   a. Height of embankment exceeds ten (10') feet within ten (10) feet of the pavement;
   b. Side slopes exceed 4:1 within ten (10') feet of the pavement;
   c. Shoulder or pavement widths are substandard; or
   d. Roadside hazards exist.

13. **Revegetation.** Revegetation within road right-of-way shall be required utilizing grass seed mix specified in the Landscaping Regulations and shall be completed within forty-eight (48) hours after the completion of the project. Cut and fill slopes shall be treated to prevent erosion.

14. **Drainage.** Roadway drainage shall meet the following requirements:

   a. Retention or detention shall be provided to protect water quality and attenuate flood flows;
   b. Culverts shall be located at each natural draw or watercourse, as conditions warrant, to prevent excessive accumulation of flow in roadside ditches or along toe of slope; and
   c. All drainage shall be designed to in accordance with the drainage design standard.
15. **Sidewalks.** When a new roadway is required, the review authority may require the development to provide a sidewalk constructed of Class B concrete six (6') feet wide shall be provided on one side of the road with the location favoring the predominant pedestrian flow.

16. **Provision of Right-of-Way.** When a new roadway is required, the Town shall require a developer to either dedicate rights-of-way for public use for such new roadway, or require an easement that serves the same functions of a right-of-way, including but not limited to utilities, drainage, grading, snow storage and public access.

   a. Where the minimum right-of-way width does not include all of the required grading and drainage, easements for such road-related improvements shall be provided to ensure use and maintenance over time.

17. **Fire District Review.** All new roadways shall be required to be reviewed by the Telluride Fire Protection District to ensure compliance with the Fire Code.

18. **Engineer Required.** A Colorado professional engineer shall design all new proposed roadways, bridges and associated grading, utilities and drainage.

19. **Construction and Maintenance.** The design and construction paving of roadways shall be the responsibility of the developer. Roadways shall be maintained after construction by the lot owner(s) that obtain access from the roadway, including but not limited to snow plowing, resurfacing, sign maintenance, curbs and any landscaping.

   a. The Town may elect to maintain a roadway that is dedicated to the Town or that is dedicated by an easement, or it may also require the developer to provide a private maintenance function by a legal instrument that runs with the affected lot(s).

   b. Roadways shall be maintained in accordance with the CDC regulations in effect at the time of development approval.

20. **Road Cut Resolution.** Road construction and maintenance activities shall be in accordance with the effective Town road cut resolution.

21. **Variation.** The review authority may grant a variation to the roadway standards provided the review authority finds such exemption will not adversely affect public health, safety and welfare.

B. **Driveway Standards**

1. **Driveway Allowance.** A driveway may provide access for up to a maximum of three (3) single-family dwellings, or may also be used to provide access to a parking garage or any allowed surface parking lot serving multi-family, mixed-use, commercial or other development containing three or fewer buildings only one (1) lot directly from the main roadway.

   a. All other development shall only use a roadway to serve access per the roadway standards.

2. **Driveway Width**

   a. For driveways that service three (3) or fewer single-family dwellings, the minimum paved drive surface width shall be twelve feet (12') for driveway lengths less than 150 feet. Driveway lengths exceeding 150 feet which service three (3) or fewer single-family dwellings shall have a minimum paved surface of sixteen feet (16'). Shoulders may be required by the Fire Code.
b. For driveways that service multi-family, mixed-use, commercial or other development, the paved drive surface width shall be no less than twenty feet (20') with two foot (2') shoulders on each side.

i. Shoulders shall be constructed of concrete drainage pans or other review authority approved material that is compacted to withstand a twenty (20) ton load minimum. The shoulders shall pitch two (2%) percent grade from the edge of the twelve (12') foot driveway.

ii. Drainage pans are not required where a driveway is a drive aisle in a parking lot with the minimum width of such drive aisle twenty-four (24') feet.

3. Driveway Construction. Driveways shall be designed and constructed in accordance with the specifications shown in Figure 6-4.

4. Maximum Grade. Driveway grade shall not exceed eight percent (8%) except:

a. Garage entrances, parking and required fire apparatus turnaround areas shall not exceed five to six percent (5% - 6%) grades without specific approval from the review authority in consultation with the Telluride Fire Protection District and Public Works Department.

i. If driveways grades for such areas are approved greater than five to six (5% - 6%) percent, then the review authority may require that a snowmelt system be incorporated into the driveway design.

b. The maximum driveway grades shall not exceed five percent (5%) for the first twenty (20') feet from the edge of the public roadway or access tract.

c. Transitional sections not exceeding 500 feet may be allowed a maximum of ten (10%) percent if approved by the Town in consultation with the Fire Marshal. Transitional sections exceeding eight (8%) percent shall not be within 500 feet of each other. Curves with a centerline radius of less than 250 feet shall not exceed eight (8%) percent.

d. Transitional sections may be allowed a maximum grade up to twelve (12%) percent providing all residences are equipped with an approved fire sprinkler system meeting the Fire Code.

e. Curves with a centerline radius of less than 250 feet shall not exceed eight percent (8%) grade.

5. Driveway Fire Apparatus Access. A driveway shall extend to within 150 feet of all portions of the exterior walls of the first story of a building as measured by an approved route around the exterior of the building.

a. The Fire Marshal is authorized to increase the dimension of 150 feet (to 225 feet) where:

i. Driveways cannot be designed and installed in accordance with this section because of location on property, topography, waterways, non-negotiable grades or other similar site conditions; and

ii. The residence is equipped with an approved fire sprinkler system
b. The minimum, unobstructed vertical clearance for a driveway shall be thirteen feet six inches (13’ 6”).

**Figure 6-4, Driveway Design Specifications**

6. **Turning Radius.** The inside turning radii of a corner shall not be less than thirty-two feet (32’).

7. **Grading.** The maximum cut and fill slope shall be 3:1 without a soils report prepared by a Colorado professional engineer that shows steeper slopes are warranted. Slopes steeper than 2:1 shall require retaining walls that are designed by a Colorado professional engineer. Notwithstanding the foregoing, a maximum slope of 1.5:1 may be approved by the review authority based on a soils report prepared by a Colorado professional engineer if the aesthetic of such slope is determined to be appropriate.

   a. The maximum retaining wall height shall be five feet (5’), with a minimum “step” in between walls of four feet (4’) to allow for landscaping to soften the walls.

   b. Retaining walls shall be setback from driveways at least five (5) feet, where practicable, to allow proper room for drainage, snow plowing and snow storage.
8. **Live Load and Surfacing.** Driveways shall be designed, compacted and maintained to support the imposed loads of fire apparatus, twenty (20) ton minimum, and shall be surfaced so as to provide all-weather driving capabilities.

   a. Approved driveway surfaces include asphalt, concrete, pavers or cut or tumbled stone block or other materials as approved by the review authority.
   b. Gravel is prohibited as a surface material for driveways.

9. **Emergency Turnarounds.** The Fire Code may require emergency turnarounds for long driveways.

10. **Emergency Turnouts.** Driveways in excess of 200 feet in length and less than twenty (20') feet in width shall be provided with turnouts if required by the Fire Marshal.

   a. Required driveway turnouts shall be an all-weather driving surface at least ten feet (10') wide and forty feet (40') long and be compacted to withstand a twenty (20) ton load minimum.
   b. Driveway turnouts shall be located as required by the Fire Marshal.

11. **Sight Distance Triangles.** Sight distance triangles at driveway intersections shall be as set forth under the roadway standards above.

12. **Bridges.** Bridges shall conform to CDOT requirements and specifications. Plans shall be prepared by a qualified Colorado professional engineer.

   a. Bridges shall be stone faced and have railings and other design features in accordance with the town design theme.

13. **Traffic Control Devices.** Traffic control devices shall be installed and maintained in accordance with the Manual on Uniform Traffic Control Devices.

14. **Guardrails.** The review authority may require the installation of guardrails on the outside of curves as required by this section or as otherwise required by the Public Works Department. Guardrails shall be installed thirty (30) inches from the outside edge of the road curb. The following conditions may necessitate guardrail installation:

   a. Height of embankment exceeds ten feet (10') within ten (10) feet of the pavement;
   b. Side slopes exceed 4:1 within ten (10) feet of the pavement;
   c. Shoulder or pavement widths are substandard; or
   d. Roadside hazards exist.

15. **Revegetation.** Revegetation within road right-of-way shall be required utilizing grass seed mix specified in the Landscaping Regulations and shall be completed forty-eight (48) hours after the completion of the project to the extent practicable. Cut and fill slopes shall be treated to prevent erosion.

16. **Drainage.** Driveway drainage shall meet the following requirements:

   a. Culverts shall be located at each natural draw or watercourse, as conditions warrant, to prevent excessive accumulation of flow in roadside ditches or along toe of slope.
   b. Where culverts are required, they shall be at least eighteen inches (18") in diameter to minimize ice and debris build up.
c. Drainage shall be directed away from wetlands, steep slopes and other environmentally sensitive areas.

17. **Maximum Number of Curb Cuts.** Only one (1) curb cut for a driveway accessing a lot from the main road shall be permitted without specific approval from the review authority in consultation with the Public Works Department.

   a. Single-family lots that are proposed to be created or have been created from duplex lots will be required to utilize a single common driveway from the adjacent access-way.

18. **Public Works Review.** All driveway cuts shall be required to be reviewed and approved by the Public Works Department.

19. **Fire District Review.** All new driveways shall be required to be reviewed by the Fire District to ensure compliance with the Fire Code.

20. **Engineer Required.** A Colorado professional engineer shall design all new proposed driveways, bridges and associated grading and drainage.

21. **Construction and Maintenance.** The design and construction paving of driveways shall be the responsibility of the developer. Driveways shall be maintained after construction by the lot owner(s) that obtain access from the driveway, including but not limited to snow plowing, resurfacing, sign maintenance, curbs and any landscaping.

   a. Driveways shall be maintained by the lot owner(s) in accordance with the CDC regulations in effect at the time of development approval.

22. **Road Cut Resolution.** Driveway construction and maintenance activities shall be in accordance with the effective Town road cut resolution when work or maintenance is being conducted in a Town right-of-way or access tract.

23. **Variation.** The review authority may grant a variation to the driveway standards provided the review authority finds such exemption will not adversely affect public health, safety and welfare.

C. **Access Tract Standards**

1. **Roadway Construction.** Roadways or driveways within access tracts shall be designed and constructed in accordance with sections A and B and the specifications shown in Figure 6-5.

**Figure 6-5, Access Tract Design Specifications.**
2. **Acceptance of Access Tracts.** Pursuant to the class 5 development application process, the Town Council may accept an access tract that is offered for dedication by the owner(s) of such access tract provided:

   a. The roadway or driveway has been constructed to meet the specifications in Figure 6-5. This provision may be waived in the sole and absolute desecration of the Review Authority in exceptional circumstances by finding that the following conditions exist:

      i. The access tract was constructed prior to 2014.
      ii. Acceptance of the access tract not meeting the specifications would allow the Town to upgrade other Town owned infrastructure which upgrade would not be practical without acceptance of the access tract.
      iii. There is a public safety issue not directly related to the access tract being below the specifications set forth in Figure 6-5, which can be alleviated by the town accepting the access tract and making improvement of the access tract and surrounding area (acceptance of an access tract does not require or guarantee the Town will make such improvements)
      iv. More than ninety percent (90%) of the lots or condominium land unit are owned by parties other than the original or successor developer.
      v. Acceptance of substandard access tract shall not set a precedent for future acceptance as every access tract is uniquely situated.

   b. The Town determines that it is in the Town’s best interest to accept such access tract.

   c. The access tract serves three (3) or more lots or condominium land units.

17.6.7 **BUSKING**

A. **Purpose and Intent**

The purpose and intent of the busking regulations is to enhance vibrancy and to create a positive activity to the town’s plaza areas.

B. **Applicability**

The busking regulations apply to any person or entity that desires to conduct a busking activity in the town.

C. **Review Process**

Busking applications shall be processed as class 1 applications.

D. **Criteria for Decision**

1. The following criteria shall be met for the review authority to approve a busking application:

   a. The proposed busking activity meets the busking regulations; and
   b. The busker has signed the busking license agreement with the town prior to
conducting the busking activity.

c. The proposed busking activity meets all applicable Town regulations and standards.

2. It shall be the burden of the applicant to demonstrate that submittal material and the proposed busking application substantially comply with the busking regulations.

E. General Standards

1. **Performance Venue.** Busking shall be limited to the Village Center and town hall plaza areas.

2. **Performance Content:** All buskers shall only perform art that is appropriate for families. The performance of inappropriate art that is not suitable for families is strictly prohibited. Foul, lewd or profane language, art, dance or other form of expression is strictly prohibited.

3. **Limited Location.** Busking shall not block pedestrian corridors, the Village Center emergency access routes, roadways, crosswalks, driveways, stairways, curb cuts or handicapped access ramps, nor shall busking block access to buildings, parks, public conveyances, businesses or be within twenty feet (20') of a fire hydrant or within five feet (5') of any fire alarm or other emergency communication device, including public telephones, either by the licensee's location or by the location of any crowd that the licensee may draw.

   a. A performer may not create an undue interference with the passage of the public through a public area. If a performer attracts a crowd sufficient to obstruct a public way, a Police Department officer may disperse the portion of the crowd that is creating the obstruction.

   b. No buskers may perform less than fifty feet (50') away from another group of performers.

4. **Time and Days Permitted.** Busking is permitted seven (7) days per week from 12:00 p.m. to 8:00 p.m. unless otherwise approved by the Town as a part of the required busking license agreement.

5. **Noise.** Noise shall be limited as provided for in the Municipal Code Section 8.04.10. It shall be unlawful for any person to make, cause to be made or continued or to allow any unreasonable noise that could have the effect of annoying, injuring, endangering or interfering with the comfort, health, peace or safety of others.

6. **Busking and Other Approved Special Events.** When the Town has approved or will be approving a special event, busking may be conducted as a part of that event if the busker obtains written permission from the holder of the special event. Otherwise, busking shall not be performed during special events in the Village Center.

7. **Maximum Busking Group Size.** The maximum size of a performing group shall not exceed three (3) members unless otherwise approved by the Town in writing.

8. **Contributions.** A performer may request contributions of money at a performance, provided that no sign requesting contributions shall exceed twelve inches by eighteen inches (12" x 18"). Contributions may be received in appropriate receptacles, such as an open musical instrument case, box or hat.

   a. Performers may accept contributions in exchange for representations of their own work, however, no product may be offered at a fixed price with the exception of musical reproductions.
9. **Permit Required.** A busking permit shall be obtained prior to conducting busking.
   
a. A busking permit is non-transferable.
b. A busking permit must be displayed at the performing area.

10. **Copy of Regulations.** Each busker shall include a copy of the busking regulations with him/her at each performance.

### 17.6.8 SOLID FUEL BURNING DEVICE REGULATIONS

A. In order to install a solid fuel-burning device in the town, the lot owner must have or obtained a Town fireplace permit from the Town. The Town will issue no more than the one hundred (100) permits previously authorized and sold by Metro Services, plus any permits issued by San Miguel County prior to June 4, 1992. The Town shall also recognize and permit all solid fuel-burning devices that are proved by the lot owner to be installed prior to June 4, 1992, which did not require a permit from San Miguel County. Only one (1) solid fuel-burning device is allowed per permit.

1. All fireplaces or other solid fuel-burning devices intended for heating shall be constructed with provisions to convert to natural gas in the future should the permit be revoked or transferred to another location or should air quality in the town deteriorate to an unacceptable level.

2. No coal may be burned within the town except charcoal used only for cooking purposes.

3. All new or replacement solid fuel-burning devices shall be Environmental Protection Agency certified solid fuel-burning devices.

4. No outdoor, open, wood-burning fires shall be lighted or permitted on any lot except in a contained barbecue unit while attended. No open fires or barbecue units shall be lighted or permitted on any lot within the Village Center except when in conjunction with a special event on Village Center plaza areas or with specific approval from the Town. Such special event taking place on Village Center plaza areas shall require the approval of the Town.

### 17.6.9 OPEN BURNING REGULATIONS

A. Open burning of wood or slash in piles is strongly discouraged and will only be permitted in limited situations where the use of a curtain burner is not feasible.

B. Open burning of wood or slash in piles without the use of a curtain burner or similar enclosed burning device is limited to land zoned as open space unless approved as provided for herein. Such open burning shall only be allowed by the Town for fire mitigation and/or forestry management projects, or ski resort improvements pursuant to the class 1 development application process subject to meeting the Open Burning Regulations.

1. Open burning is prohibited on all lots that are not zoned as open space unless the review authority grants a specific approval for a lot that is larger than five (5) acres and the requirements contained herein are met.

C. An applicant for open burning shall submit the following:

1. Proof of written notice of intent to conduct an open burn specifying the location and
nature of the proposed open burn shall be sent to the Telluride Fire Protection District. Such notice shall be submitted at least ten (10) days prior to applying for an open burn to the Town. In the even the Telluride Fire Protection District objects to the open burn within ten (10) days after being provided notice, such open burn shall not be approved by the Town.

2. A written fire management plan must accompany an open burning permit request specifying the dates on which open burning is proposed to occur, time of the day and duration of burning, and a site plan showing the location of the proposed open burning and materials to be burned. The plan must also include an estimate of quantities and measures to be implemented to provide for protection of the public from any risk associated with the open burning. Such plan must also be accompanied by documentation evidencing the need for open burning, a description of why the open burning would be in the public interest and address the reclamation of the burn site.

3. A control plan showing how the burn will be monitored and the duration of the burn.

4. Technical specification for a curtain burner or similar enclosed device when such a device is proposed for the open burn.

5. Fire protection measures the applicant will use to control the burn.

6. A Town approved indemnification, holding the Town harmless from any loss or damage caused by the open burn.

7. A certificate of general commercial liability insurance in a form satisfactory to the Town, in the amount of not less than two million dollars ($2,000,000) per occurrence, naming the Town as an additional insured. The amount and type of insurance required by this section may be increased by a resolution of the Town Council.

D. The review authority shall issue a burn permit if, in its sole and absolute discretion, it finds that:

1. All of the submittal requirements have been fulfilled;
2. Fire protection and air quality measures provide sufficient safeguards to the community;
3. Weather and forest fuel conditions are predicted to allow the open burn without adverse impacts to air quality, or the spread of wildfire;
4. The review authority determines that the impact to regional air quality will be insignificant.
5. The TFPD or other referral agencies have not objected to the proposed burn permit;
6. For open pile burning, the review authority determines that no other method, including the use of curtain burners or hauling of materials can be effective in achieving the goal of the overall project for which the open pile burn is requested, given the specific circumstances of each application.
7. Any referral agency comments on the open burn have been addressed;
8. Indemnification and insurance have been provided to the Town prior to the issuance of the open burn permit.
9. The approval includes a condition that the applicant is required to notify and obtain approval from Mountain Village Police Department for each individual day on which open burning will occur.
10. The applicant has notified the public of the time and place for which the burn will take place using the Town approved manner for such notification.
CHAPTER 17.7 BUILDING REGULATIONS

17.7.1 GENERAL

A. All property within the Town of Mountain Village shall comply with the Building Regulations as set forth in this chapter.


17.7.2 ADMINISTRATIVE PROVISIONS

A. Referenced Codes and Standards. The codes shall be considered part of the requirements of the Building Regulations. Local amendments to the codes are set forth in these Building Regulations.

B. Rules of Construction. Where conflicting regulations exist between the Building Regulations and one of the adopted codes, the most stringent shall apply as determined by the Building Official.

1. Where enforcement of a codes provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing and manufacturer's instructions shall apply.

2. Where the codes or the Building Regulations specify differing materials, methods of construction or other requirements, the most restrictive, applicable requirement shall govern.

3. Where there is a conflict between the codes’ requirements and/or the Building Regulations, the Building Official is authorized to render interpretations and adopt policies and procedures in order to clarify the application of the Codes' provisions. Such interpretations and policies shall not have the effect of waiving requirements specifically provided for in the Building Regulations.

C. Building Division. The following replaces Section R-103.1 of the IRC and IBC, and related sections of the codes:

1. Administration. Administration of the Building Regulations falls under the Community Development Department, Building Division, with the Building Official designated as the code official under these regulations.

2. Building Official Appointment. The Building Official shall be appointed by the Community Development Director or its designee in consultation and with the consent of the Town Manager and consultation with the Human Resources Director.

3. Deputies. In accordance with the proscribed procedures of this Town and with the concurrence of the appointing authority, the Building Official shall have the ability to recommend to the Community Development Director and the Town Manager that the Town appoint inspectors, plan examiners and other employees. Such employees shall have the powers as delegated by the Town.
D. Building Official Roles and Responsibilities

1. Duties and Powers of the Building Official. The Building Official is hereby authorized to:
   a. Enforce the provisions of the codes and Building Regulations;
   b. Render interpretations of these codes;
   c. Adopt policies and procedures in order to clarify the application of the codes and Building Regulations provisions;
      i. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of the codes.
      ii. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in the adopted codes.
   d. Require that hazardous conditions in violation of the codes be corrected when the Building Official has found that conditions are hazardous to life or property;
   e. Investigate the cause, origin, and circumstances of any fire, flood, explosion, or any other hazardous condition;
   f. Require and review plans to ensure compliance with codes;
   g. Require that whenever any installation is covered or concealed without first obtaining the required permits and inspection the Building Official shall be authorized to require that such work be exposed for inspection;
   h. Order the immediate evacuation of any building deemed unsafe when such building has hazardous conditions that present imminent danger to building occupants;
   i. Order any electrical, mechanical or plumbing system or portion thereof, that has become hazardous to life, health, property, or has become unsanitary, the Building Official may order that such system either be removed or restored to a safe condition;
   j. A person shall not use or maintain a defective electrical, mechanical or plumbing system after receiving such notice; and
   k. Waive specific requirements of the Building Regulations or permit alternative methods when it is assured that equivalent objectives can be achieved.

2. Non-Interference. Persons shall not interfere with the Building Official carrying out any duties or functions.

3. Right of Entry. When the Building Official or his authorized representative has reasonable cause to believe that a violation of the Building Regulations is likely to exist in a structure or upon a premises and that entry into the structure or upon the premises is necessary to verify the violation, the Building Official or his authorized representative shall first make a reasonable effort to locate the owner or other person having charge or control of the structure, or premises, or portion thereof desired to be inspected, and request consent to enter and inspect. If such person cannot be located or if entry is refused, the Building Official or his authorized representative may seek entry by submitting a sworn affidavit to the proper court of Town, setting forth facts sufficient to support a reasonable belief that the violation is likely to exist, and that further investigation of the structure or premises is warranted. Any subsequent entry and inspection shall be conducted in accordance with an administrative search warrant if issued by the court. The foregoing provisions of this subsection, notwithstanding, consent to enter or administrative search warrant shall not be required in the following
circumstances:

a. To conduct inspections during regular business hours under an applied for issued building permit;

b. To make observations of the structure or premises in plain view from public property, public rights-of-way, public easements or from portions of the structure or premises which are open or accessible to the public, or in which the owner or occupant otherwise lacks a reasonable expectation of privacy; or

c. In emergency situations in which the Building Official or his authorized representative has reason to believe that the public health or safety is in imminent danger and could be jeopardized by any delay in securing entry.

4. **Cooperation of Other Officials and Law Officers.** The Building Official may request, and shall receive, the assistance and cooperation of other officials of the Town so far as is required in the discharge of the duties required by the Building Regulations or other pertinent law or ordinance.

5. **Stop Work Orders.**

a. If the Building Official finds that work or activity taking place on or within a project is contrary to the Building Regulations, the CDC, the Municipal Code, an adopted Town ordinance (collectively “Town laws”), or in an unsafe or dangerous manner, such work shall be immediately stopped until the situation is resolved and permission is obtained from the Building Official to continue.

b. Stop work orders shall require the payment of fees as set forth in the Town Council fee resolution.

c. The third issuance of a stop work order due to a violation of the Town laws may result in a suspension or revocation of a Town issued license, including but not limited to the required contractor’s license as set forth in these Building Regulations.

17.7.3 **PERMITS**

A. **Permits.** Where a permitted project involves more than one trade, a licensed general contractor shall be required to obtain the permit, supervise and or employ a qualified individual to supervise the project in accordance with Contractor Licensing Regulations.

B. **Expiration.** Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 90 days after issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The Building Official is authorized to grant, in writing, one or more extensions of time, for periods not more than 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

C. **Time Limitation of Permit Application.** An application for a permit for any proposed work shall be deemed to have been abandoned 90 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the Building Official is authorized to grant, in writing, one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.
D. **Validity of Permit.** The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any provisions the Building Regulations or of any other ordinance of the Town. Permits presuming to give authority to violate or cancel the provisions the Building Regulations, the CDC or other ordinance of the Town shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the Building Official from requiring the correction of errors in the construction documents and other data. The Building Official is also authorized to prevent occupancy or use of the structure when in violation of the Building Regulations, the CDC, the Municipal Code or of any other ordinances the Town.

E. **Revocation of License or Permit.** The Building Official shall have the authority to revoke an approval issued if any violation of the codes is found upon re-inspection. In the case of any false statements or misrepresentations submitted in the application or plans on which the permit or approval was based and or any attempt to defraud or otherwise deliberately or knowingly falsify records, reports, or applications, or other related activity in violation of the Town of Mountain Village Building Regulations, the CDC, the Municipal Code and ordinances shall be cause for suspension or revocation of any related licenses, certificates or permits issued by the Town. In addition, any such violation shall be subject to any other criminal or civil penalties.

F. **Open Permits.** If a contractor has failed to call for final inspection in order to complete the permit process and 90 days has passed without activity then the permit may either be revoked or in the judgment of the Building Official the contractor’s license may be put on probation and no further permits allowed for this individual or company until this outstanding permit is completed.

17.7.4 **FEES**

A. **Building Permit Valuations.** The applicant for a permit shall provide an estimated permit value at the time of work, for which the permit is being issued. Permit valuations shall be based on the use tax valuations set forth in Chapter 3 of the Municipal Code.

B. **Payment of Fees.** A permit shall not be valid until the fees and use taxes described by law have been paid, nor shall an amendment to a permit be released until the additional fee and use taxes, if any, has been paid. Any payment returned as insufficient funds or cancelled credit card transaction shall be considered unpaid and the applicant shall repay the fees in cash or certified funds prior to any work commencing. Failure to repay fees shall result in a stop work order if a project has already commenced.

C. **Plan Review Fees**

1. When submittal documents are required by the Building Regulations, a nonrefundable plan review fee deposit shall be paid at the time of submitting the submittal documents for plan review.
2. The plan review fees specified in this section are separate fees from the permit fees and are a document processing fee and are in addition to the permit fees.
3. When submittal documents are incomplete or changed to require additional plan reviews or when the project involves deferred submittal items, an additional plan review fee shall be charged at the rate set forth by the CDC, additional plan reviews, as it is amended from time to time.

D. **Investigation Fees for Work Without a Permit**

1. **Investigation.** Whenever any work for which a permit is required by the Building Regulations has commenced without first obtaining said permit, a special investigation shall be made by the Building Official before a permit may be issued for such work.
2. **Fee.** An investigation fee, in addition to the permit fee or stop work order fee, may be collected whether or not a permit is then or subsequently issued at the discretion of the Building Official. The investigation fee shall be equal to the amount of the permit fee required by the Building Regulations. The minimum investigation fee shall be set forth in the fee resolution.

3. **Compliance with Building Regulations and Refunds.** The payment of such investigation fee shall not exempt any person from compliance with all other provisions of the Building Regulations or from any penalty prescribed by law.

E. **Stop Work Order Fees**

Stop work order fees shall be as set forth in the fee resolution.

F. **TFPD Fees**

The Telluride Fire Protection District (“TFPD”) is the department of fire prevention as set forth herein for the IFC. The TFPD fees related to the administration and enforcement of the IFC shall be as set forth in the fee resolution.

### 17.7.5 INSPECTIONS

A. All construction or work for which a permit is required shall be subject to inspection by the Building Official or its designee, and all such construction or work shall remain accessible and exposed for inspection purposes until approved. In addition, certain types of construction shall have continuous inspection as specified in the International Building Code Chapter 16, Structural Tests and Special Inspections. Inspections that take place outside normal hours of operation shall pay a fee as set forth in the fee resolution. To avoid inspection delays the permit holder shall post the inspection card where visible from the street and post the job site address as required by the IFC. The permit holder is responsible for supplying ladders and safe access to the work for inspection.

B. If, due to excessive workload and manpower limitations, the Building Official is unable to perform a requested inspection during scheduled work hours on the working day following the inspection request, the Building Official may approve, in writing, special inspection reports, contractor certifications, or other satisfactory evidence of the work being completed substantially in compliance with the Building Regulations may be accepted in lieu of the required inspections noted below. When approved by the Building Official, trenches, footings or pads inspections of foundation walls and/or grade beams steel reinforcement inspections may be performed by a qualified architect or engineer serving as a special inspector. The Building Official may approve in writing the allowance for written, signed certifications from the contractor performing the work in lieu of the required inspections for damp-proofing, perimeter drain, insulation, and lath and/or wallboard fastening if all or a portion of the work cannot be inspected during scheduled work hours on the working day following the day of the inspection request. In addition to the called inspections specified above, the Building Official may make or require other inspections of any construction work to ascertain compliance with the provisions of the Building Regulations.

C. A re-inspection fee will be assessed for each inspection or re-inspection when such portion of work for which an inspection is called on is not complete or at time of re-inspection the required correction was not made. This subsection is not to be interpreted as requiring re-inspection fees the first time a job is rejected for failure to comply with the requirements of the Building Regulations, but as controlling the practice of calling for inspections before the job is ready for such inspection or re-inspection. Re-inspection fees may be assessed when the inspection card is not posted or otherwise available on the work site, the approved plans are not readily available to
the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the Building Official. To obtain a re-inspection, the applicant shall pay the re-inspection fee as set forth in the fee resolution. In instances where re-inspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

D. Work requiring a permit shall not commence until the permit holder or an agent of the permit holder has posted or otherwise made available an inspection card such as to allow the Inspector/Building Official to conveniently make the required entries thereon regarding inspection of the work. The inspection card shall be maintained and available by the permit holder until final approval has been granted by the Building Official. Loss of an inspection card shall result in the fee as set forth in the fee resolution.

E. When, in the opinion of the Building Official, certain geologic hazards or constraints, including but not limited to, landslides, rock falls, flash flooding, mudslides, avalanches, subsidence and/or soil creep exist or may exist with respect to a specific building proposal, a soil and/or geologic investigation may be required prior to the issuance of a building permit. Such investigation, when required, shall be documented by submittal to the Building Official of an acceptable written report, which is stamped and signed by a soils engineer and/or an engineering geologist within his field of expertise. Said report(s) shall contain specific recommendations regarding the building location and design. The relationships of: (1) site grading, structural integrity, and septic drain fields and (2) the geologic hazards or constraints, shall be considered in the report.

17.7.6 EPLANS REVIEW AND REQUIRED CONSTRUCTION DOCUMENTS

A. The Building Department shall receive pdf or other electronic plans and submittal requirements in accordance with posted ePlans process submittal requirement as set forth by the Building Official.

B. When the Building Official issues a permit, the reviewed red lined construction documents shall be issued to the applicant.

C. The permittee shall be responsible for providing an official approved plan set on the site of work and shall be open to inspection by the Building Official or his authorized representative. The red-lined job site plan set shall be full size easily legible paper documents.

17.7.7 CERTIFICATE OF OCCUPANCY

A. Use and Occupancy. No building or structure shall be used or occupied, and no permitted change in the existing occupancy classification of a building or structure or portion thereof shall be made until the Building Official has issued a Certificate of Occupancy (“CO”) therefor as provided herein.

B. Occupancy

1. Certificate of Occupancy. A CO shall be issued by the Building Official as set forth in the codes upon completion of the project and compliance with the Building Regulations, the CDC and other applicable Town laws.

   a. The CO shall be revoked by the Building Official for projects that fall under the Building Regulations that make the structure uninhabitable during the course of construction.

2. Temporary Occupancy. The Building Official is hereby authorized and may elect to issue a temporary certificate of occupancy ("TCO") before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely and there will be no danger to the public and the applicable provisions of the
Building Regulations and CDC are met. The Building Official, in conjunction with the Planning Division staff, shall set a time period during which the TCO is valid. The full CO must be obtained prior to the expiration of the TCO. If the conditions of the TCO are not met and a CO obtained, the right to occupy immediately ceases and the premises shall be vacated.

3. **Certificate of Compliance.** A certificate stating that materials and products meet specified standards or that work was done in compliance with approved construction documents. A certificate of compliance shall be issued in lieu of a CO when such work permitted is not designed for occupancy.

4. **Completion Certificate.** A completion certificate is issued by request at project completion involving additions, remodels or repair from flood, fire or natural disasters.

### 17.7.8 BUILDING BOARD OF APPEALS

A. **Name.** The name of this board shall be the Town of Mountain Village Building Board of Appeals (the “Board of Appeals”).

B. **Authority.** The authority of the Board of Appeals is strictly limited to hearing and deciding appeals of administrative orders, decisions or determinations made by the Town of Mountain Village (“Town”) Building Official (“Building Official”) relative to the application and interpretation of all duly adopted Building Codes and Regulation (collectively the “Building Regulations”). The Building Official shall be an ex officio member of and shall act as secretary but shall have no vote on any matter. The Board of Appeals bylaws for conducting its business are hereby created by Town of Mountain Village Town Council (“Town Council”). The Board of Appeals shall render all decisions in writing with findings in accordance with the adopted bylaws and Building Regulations.

C. **Appeal Procedures.** All appeals of decisions of the Building Official shall be filed in accordance with the applicable Building Regulation and shall be made in writing within seven (7) calendar days of the decision of the Building Official. Failure to file a written appeal within seven calendar days shall preclude the Board of Appeals from hearing any appeal and the decision of the Building Official shall stand as the final administrative decision of the Town.

D. **Appointments and Terms of Office.** The Board of Appeals shall be appointed by the Town Council and shall hold office at its pleasure. Appointments shall serve until they either (a) resign; (b) are no longer qualified; (c) are removed by the Town Council or (d) the Town Council elects to make new appointments to the Board of Appeals. Any member may be removed with or without cause by a majority vote of the Town Council. Any vacancy shall be filled by the Town Council. The Board of Appeals shall consist of five regular members and two alternates. Advertising for appointments will be consistent with the Town Council adopted policy.

E. **Attendance.** To ensure the orderly conduct of business, member attendance is vital. Except for emergency absences, medical condition absences and absences resulting from military leave of less than two continuous months, no current member shall miss more than three meetings in any twelve-month period upon any fourth absence within 12 months, other than for an emergency, medical condition or military leave of less than two months, as determined by the chair, the member shall be deemed to have resigned, and the Town Council shall appoint a replacement.

F. **Qualifications.** The Board of Appeals shall consist of a minimum of one Colorado licensed electrical contractor, one Colorado licensed plumbing contractor. Preference is given to applicants who have the following types of professional experience: an ICC certified general
contractor; certified architect; construction project manager; design professional or engineer. Qualifications include a minimum of five (5) years professional experience in their respective fields.

G. Officers. The Board of Appeals shall annually elect a chair from its number who shall preside over all hearings and proceedings. The elected chair shall not serve successive terms. A vice-chair elected annually by the Board of Appeals shall assume the chair's duties in the chair's absence.

H. Quorum and Voting. Quorum shall consist of three members, and a decision of a majority of the members shall control. Any absent member may join in a decision after he or she has considered the evidence presented in any hearings conducted during his or her absence. All decisions are final, subject only to appeal to a court of competent jurisdiction.

I. Duties.
1. Chair. The chair shall preside at all meetings and shall perform all duties usually incident to the office of Chair and such other duties as may be assigned to him or her from time to time by the Task Force. The Chair shall see to the execution of resolutions, procedures and policies approved by the Task Force.
2. Vice Chair. In the absence or disability of the Chair, the Vice Chair shall have all powers of and shall be subject to all restrictions upon the Chair. The Vice Chair shall perform such duties as shall from time to time be assigned by the Task Force.
3. Secretary. Secretarial duties will be maintained by the Town staff. Secretary responsibilities are as follows 1) to keep minutes of Board meetings and to keep records of the Board.

J. Meetings. The Board of Appeals shall hold an initial organization meeting as called by the chair. Further meetings shall be held as necessary in order to timely hear appeals as called by the Chair or the Building Official.

K. Rules of Order. Unless otherwise specified in these bylaws, the Board of Appeals will follow procedures outline in Robert's Rules of Order, Newly Revised.

L. Meeting Notices. The appointed staff member shall furnish advance notice of all meetings. Staff shall deliver, by the close of business the Friday before the next meeting, minutes of the previous meetings and copies of material to be studied or acted upon, including an agenda, and other items necessary for discussion. Meeting notices may be delivered via email. Meeting notices are also posted at town approved posting areas and on the town’s website consistent with town adopted public meeting posting location requirements.

M. Agenda. The appointed staff shall prepare the agenda with input from the Chair, and copies distributed in advance of the meeting. Other items of the agenda shall include but not be limited to disposition of minutes of the previous meeting, which may be distributed and approved via email by the board members due to the potential for long periods between meetings. The minutes and agenda shall be delivered to Board members as needed no later than 7 days in advance of the meeting.

N. Open to the Public. All meetings shall be open to the public, except for executive session as authorized in the Colorado Open Meetings law, C.R.S. 24-6-402.
A. **Adoption of Contractor Licensing Regulations.** The Town hereby adopts the following standards as the Contractor Licensing Regulations. The purpose of adopting the Contractor Licensing Regulations is to establish regulations that mandate and regulate the contracting community in Mountain Village, with the following main purposes:

1. Ensure that construction trades produce high quality buildings and structures;
2. Ensure safe and energy efficient buildings and structures that are built in accordance with the Town adopted International Code Council series of codes and the National Electrical Code;
3. Protect property owners and developers from fraudulent, corrupt and under qualified contractors; and
4. Create a pool of trained and qualified contractors to provide a high level of building service for property owners and developers.

B. **Applicability**

The scope of this regulation excludes State of Colorado Plumbing and Electrical Contractors that are licensed and regulated through the state. Every business, sole proprietor, corporation, building company or individual performing or providing construction related services that is required to obtain a permit by the Building Regulations shall be required to obtain maintain the required contractor certifications and Town building licenses as set forth in the Contractor Licensing Regulations.

C. **Required Contractor Certifications and Building License**

1. The following trades are required to obtain an International Code Council ("ICC") Certification in order for the Building Official to issue a Town building license. Only licensed contractors shall be eligible to submit for and obtain a permit as required by the Building Regulations.

   a. General Contractor (A) Exam in order to be issued permits for structures covered under the IBC;
   b. General Contractor (B) Exam for light commercial and residential permits issued under the IBC and IRC;
   c. Residential General Contractor (C) Exam for one-and two-family dwellings permits issued under the IRC;
   d. Master Mechanical Exam for all types of mechanical permits; and
   e. Roofing Contractor Exam for all roofing contractors or subcontractors or roofing permits.

   It is the general contractor’s and its firm’s responsibility to ensure it is obtaining the correct ICC certification. The Building Official may provide guidance on which certification is needed.

2. **General Contractor.** The following general contractor requirements shall be met:

   a. The general contractor shall be required to be certified and licensed as set forth herein.
   b. Each company must have at least one license holder with the currently adopted ICC Certification that matches their particular trade.
   c. All trades are required to have the current corresponding building code book on
site as adopted by the Town which regulates that particular trade.

d. The Town building license shall be renewed after the Town adopts the updated ICC codes by either (i) re-taking the applicable ICC test on the current code(s); or (ii) achieving .8 hours (equivalent to an 8 hour class) of continuing education credit, (“CEU”) for each code referenced in the Town building license.

3. **Renewal Fee.** The fee to renew a contractor’s license as required herein shall be set forth in the fee resolution. The fees shall be used by the Town to offset costs for contractor training classes that may count as a CEU.

4. **Required Town Business Licenses.** All contractors are required to have an active business license with the Town.

5. **Owner-Builder.** Home Owner–Builders that are conducting the building activities themselves, and subcontracting out small portions of the work are exempt from obtaining a Town building license.

   a. An owner-builder shall sign a Town approved homeowner permit affidavit.
   
   b. An owner-builder is deemed to be a person that will inhabit the SFD home as their main residence Two (2) or more years. The home may not be for sale or lease. The Town approved homeowner permit affidavit shall include a certification of the same and such affidavit shall be recorded in the records of the clerk and recorder’s office for San Miguel County, Colorado.

D. **Revoking of Building and or Business License.** The Town may revoke a Town building and/or general Town business license due to two or more violations of the Building Regulations. Upon a first and second offense, the Building Official shall notify the offending business and/or individual in writing of the violation. On the third offense, within a five year period, the Building Official may permanently or temporarily revoke the Town building and/or general business license.

E. **Insurance Requirements of Contractors:** Each Contractor, tree removal service or landscaping business, doing business in the town shall have the following minimum insurance coverage:

   - $1,000,000 in Employers Liability
   - $1,000,000 General Liability
   - $1,000,000 Each Occurrence the Town must be listed as an additional insured on the certificate of issuance.

17.7.10 **INTERNATIONAL BUILDING CODE**


B. **Amendments, Additions and Modifications.** The IBC 2012 Edition is hereby amended in sections: 17.01.030 through 17.01.200 as follows:

   1. **Section 101.** Section 101 of the IBC is hereby amended as follows:

   a. **“Section 101.1, Title.** These regulations shall be known as the IBC "Town of Mountain Village Building Code" and may be cited as such and will be referred to herein as “this code” or "the IBC”"
   
   b. **“Section 101.4.6.1, Energy.** The provisions of the 2012 IECC as set forth herein shall apply to all matters governing the design and construction of building for
energy efficiency. If a prescriptive method of compliance is chosen, then the prescriptive requirements of the 2012 IECC shall be followed. If there are conflicts between the codes the more stringent provision will prevail.”

2. **Section 103.1, Creation of Enforcement Agency.** Section 103.1 is hereby amended to read:

“The Building Division is hereby charged with enforcing the IBC, with the Building Official acting as the code official.”

3. **Section 103.2, Appointment.** Section 103.2 is hereby deleted in its entirety due to the administrative provisions set forth herein.

4. **Section A103.3, Deputies.** Section 103.3 is hereby deleted in its entirety due to the administrative provisions set forth herein.

5. **Section 202.** Section 202 of the IBC is amended by inserting the following definitions:

   a. “General Contractor: The general contractor shall be the main firm or person that contracts with the property owner or developer to undertake a project covered by the Building Regulations that is responsible for and all work on each job site and oversees the subcontracting trades not licensed pursuant to the Building Regulations”

   b. “Qualified Individual: An individual who has passed the International Code Council test which covers the applicable currently adopted code or has achieved ongoing training updates to the currently adopted codes in the form of a minimum of 8 classroom hours or 8 CEU’s to update their license in accordance with the Contractor Licensing Regulations.”

   c. “Plan Review Fee: The plan review fee is a document preparation fee applicable to all permits.”

6. **Section 1603.** Section 1603 is hereby adopted by inserting the following:

   a. “Section 1603. Add: Ground snow load is 130 lbs. min standard plus elevation per SEAC Guide, Wind speed is 90 MPH 3 sec. wind gust exposure C, seismic design class C, weathering is: severe, frost line depth is 48 inches, termites are slight to moderate, decay is slight, winter design temp is is-15 degrees F, ice shield underlayment required: YES, flood hazards - firm: NI A Mountain Village, air freezing index is > 1500 and mean annual temperature is 40 degrees F.”

   b. “Section 1609, Wind Loads. Buildings, structures and parts thereof shall be designed to withstand a minimum wind load of 90 mph with 3 second gust exposure. Section 1609.1.1 is only for reference since the minimum wind load is established herein.”

7. **Section 1613.** Section 1613 of the IBC is hereby adopted by inserting the following:

   “Section 1613.1. Add: Town of Mountain Village is seismic design class C.”

8. **Section 1800.** Section 1800 of the IBC is hereby amended by inserting the following:

   “Section 1801.3, Design Water Tables. The design water table shall be the measurement or prediction of the highest potential elevation of the water table at the building site where such measurement or prediction is based upon a report by a soils engineer or other
qualified professional and where the accuracy of such measurement or prediction considers the average annual rain fall or other sources or factors which may influence fluctuations in the water table for the area in which the subject building site is located. In cases where the water table may be artificially lowered, the design water table must be determined subsequent to the sub drain system, funds for maintenance, and individual or group responsibility for on-going maintenance.”

9. **Appendix A, Employee Qualifications.** Section A101 is hereby amended as follows:

   “**Section A101.4, Termination of Employment.** Employees in the position of Building Official, Inspector or Inspector shall be removed from office in accordance with the procedures for removal of employees as set forth by the Town of Mountain Village.”

10. **Section Appendix F, Rodent Proofing.** Appendix F is a reference standard hereby adopted into the 2012 IBC.

11. **Appendix I - Patio Covers.** Appendix I is a reference standard hereby adopted into the 2012 IBC.

12. **Other Appendices.** All other appendices of the IBC not adopted herein are hereby deleted in their entirety.

17.7.11 **INTERNATIONAL RESIDENTIAL CODE**


1. The IPC, IMC, NEC, IFGC, IFC and other adopted codes under these Building Regulations shall also apply to construction covered by the IRC.

B. **Amendments, Additions and Modifications.** The IRC 2012 edition is hereby amended as follows:

1. **Section R101.** Section R101 of the 2012 IRC is amended as follows.

   a. “**Section 101.1, Title.** These regulations shall be known as the "Town of Mountain Village Building Code" may be cited as such and will be referred to herein as "this code" or as the “IRC”.”

   b. “**Section 101.4.6.1, Energy.** The provisions of the 2012 IRC shall apply to all matters governing the design and construction of buildings for energy efficiency. The “local energy savings measures” shall be applicable to building or activities covered under the IRC. If a prescriptive method of compliance is chosen then the prescriptive requirements of the 2012 IRC must be followed. If there are conflicts between the codes the more stringent provision will prevail.”

   c. “**Section R 101.4.1, Appendages and Projections.** Unenclosed accessory structures attached to buildings with habitable spaces and projections, such as decks, shall be constructed as either non-combustible, heavy timber or exterior grade ignition resistant materials such as those listed as WUIC (Wildland Urban Interface Code) approved products.”

2. **Section 103.1, Creation of Enforcement Agency.** Section 103.1 is hereby amended to read:
“Section 103.1, Creation of Enforcement Agency. The Building Division is hereby charged with enforcing the IRC, with the Building Official acting as the code official.”

3. **Section 103.2, Appointment.** Section 103.2 is hereby deleted in its entirety due to the administrative provisions set forth herein.

4. **Section A103.3, Deputies.** Section 103.3 is hereby deleted in its entirety due to the administrative provisions set forth herein.

5. **Chapter 11, Energy Efficiency Section.** NII01 of the IRC is hereby amended by adding the following section:

   “Section NII01.2 International Energy Conservation Code. All IRC regulated heated buildings must be built to the IRC chapter 11 energy efficiency requirements and Local Energy Saving Measures as set forth herein. Where conflicts exist the most stringent requirement shall apply.”

6. **Chapter 14, Electrical.** Delete chapter 14 in entirety.

7. **M1901.2, Cooking Appliances.** Delete in entirety.

8. **1901.3, Prohibited Location.** Delete in entirety.

9. **Section G2415, Trenches.** Section G2415.13 is hereby amended as follows:

   “Section G2415, Trenches. The trench shall be graded so that the pipe has a firm, substantially continuous bearing on the bottom of the trench. Utility lines shall be located 3 feet horizontally away from any other utility lines. Each utility shall be bedded with 6 inches of pea gravel above and below the service line. Trenches shall have warning tape and or tracing wire as required by the Building Official.”
10. **Plumbing**

   a. **Section P2303.5.1, Rough Plumbing.** Delete the words “for piping other than plastic.”
   
   b. **Section P2706.1, Waste Receptors.** Add: “Waste Receptors used for condensate disposal are permitted in any readily accessible location.”
   
   c. **Section P2903.9.3, Fixture Valves and Access.** Add: Wall mounted sinks.
   
   d. **Section P3009, Gray Water Recycling Add:** “Gray water may only be used as an effluent for flushing fixtures.”

11. **Appendix A.** Sizing Capacities of Gas Piping Appendix A is a reference standard hereby adopted into the 2012 IRC.

12. **Appendix B.** Sizing of Venting Systems Serving Appliances Equipped with Draft hoods, Category 1 Appliances, and Appliances Listed for use and Type B Vents. Appendix B is a reference standard hereby adopted into the 2012 IRC.

13. **Appendix C.** Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems: Appendix C is a reference standard hereby adopted into the 2012 IRC.

14. **Appendix E.** Manufactured Housing Used as Dwellings: Appendix E is a reference standard hereby adopted into the 2012 IRC.

15. **Appendix G.** Swimming Pools, Spas and Hot Tubs: Appendix G is a reference standard hereby adopted into the 2012 IRC.

16. **Appendix H.** Patio Covers: Appendix H is a reference standard hereby adopted into the 2012 IRC.

17. **Appendix J.** Existing Buildings and Structures: Appendix J is a reference standard hereby adopted into the 2012 IRC.

18. **Appendix K.** Sound Transmission: Appendix K is a reference standard hereby adopted into the 2012 IRC.

19. **Other Appendices.** All other appendices of the IRC not adopted herein are hereby deleted in their entirety.

**17.7.12 INTERNATIONAL ENERGY CONSERVATION CODE**


**B. Alternative Methodologies.** A developer may propose to meet LEED Gold or higher certification as an alternative methodology to meeting the requirements of this section.

**C. Amendments, Additions and Modifications.** The IECC 2012 edition is hereby amended as follows:

1. **Section 103.1, Creation of Enforcement Agency.** Section 103.1 is hereby amended to read:

   “**Section 103.1, Creation of Enforcement Agency.** The Building Division is hereby charged with enforcing the IECC, with the Building Official acting as the code official.”

2. **Section 103.2, Appointment.** Section 103.2 is hereby deleted in its entirety due to the administrative provisions set forth herein.

3. **Section A103.3, Deputies.** Section 103.3 is hereby deleted in its entirety due to the administrative provisions set forth herein.
4. Section C101.1, Title. Section C101.01, Title is hereby amended as follows:

“This Section C101.1, Title. This Code shall be known as the International Energy Conservation Code of the Town of Mountain Village and shall be cited as “this code” or the “IECC”

5. Local Energy Saving Measures

a) Scope. The following requirements apply to all new residential construction, remodels, or additions, including without limitation single-family dwellings, multi-family dwellings, and mixed use developments.

b) Mandatory Requirements. All projects shall comply with the local energy savings measures as set forth herein unless the Building Official, after receiving and reviewing a proposal for alternative means from a Colorado Licensed Engineer, determines that the alternative proposal meets the required renewable offset requirements as set forth herein. The Town may retain an engineering consultant for verification as needed at the expense of the permit holder. (Ordinance 2015-02)

c) HERS Ratings.

i. All new detached single-family dwellings shall achieve the following Home Energy Rating System (“HERS”) ratings prior to the issuance of a building permit based on the gross floor area of the home:

(a) 7,000 sq. ft. or less: HERS rating of 60 or lower.
(b) 7,000 to 13,000 sq. ft.: HERS rating of 55 or lower
(c) 13,000 feet and larger: HERS rating of 50 or below.

ii. A confirmed HERS rating is required at or before CO.

d) Smart Building Program. (Ordinance 2015-02) The intent of the Smart Building Program (“Program”) is to reduce the amount of energy and greenhouse gas emissions produced in the community through the promotion of energy efficient designs and building practices.

i. The following incentives are provided to accomplish the intent of the Program:

(a) Renewable Energy. A renewable energy 20% building permit fee discount shall be provided when (1) there is no exterior energy use; and (2) at least 20% of the estimated energy use is offset by a renewable energy source.

(b) Exterior Energy Use: Buildings designed with no exterior energy use elements other than lighting are eligible for a 15% building permit fee discount, which shall be applied in addition to any other building permit fee discounts available. When this rebate is awarded, a covenant shall be recorded against the property for the benefit of the town, acknowledging the acceptance of the owner’s forfeiture of the right to install any exterior energy use items after obtaining the CO for a period of fifty years in a form acceptable to the town attorney’s office. If
during this period after CO it is found that exterior energy use items are desired by the owner and installed, the awarded building permit fee discount pursuant to this section shall be paid to the town per the terms of the covenant.

(c) **Interior Energy Use HERS Rating:** Buildings designed with a HERS rating below 50 are eligible for a building permit fee discount in addition to the building permit fees set forth herein. The discount calculation begins at a HERS rating of 50. A new building with a HERS rating of 50 would pay 100% of the building permit fee. The building permit fee would be reduced proportionately with the percentage reduction in the HERS rating. For instance a HERS score of 25 is a 50% reduction in the building permit fee. A HERS score of 0 would result in a 100% building permit fee discount. HERS ratings can be lowered by either on-site or off-site solar photovoltaic systems.

These three (3) owner incentives can be used collectively toward a building permit fee discount. Maximum collective building permit fee discount available with the Program efficient home design is a maximum cumulative discount of 100% of the building permit fee.

ii. **Exterior Energy Use.** The IECC or accepted performance compliance methods do not address exterior energy use. However, it is the intent of the Program to include all energy use on site in the evaluation of the building’s performance regarding energy use. Therefore, the energy required of exterior snowmelt systems, as well as site-built pools and spas must also be offset with renewable energy via the Offset Program (see below).

iii. **Program Scope.** The Offset Program shall apply to site built outdoor, spas, pools and all exterior energy used for snowmelt.

iv. **Snowmelt**

(a) All snowmelt anywhere on the property shall be offset via the Program except for:

(i.) Single-family Development: 1,000 square feet of exempt hydronic snow melt that shall be allowed without mitigation located only on the main drive and/or code required exit walkways, decks, stairs and landings.

(ii.) Multi-family, Mixed Use and Commercial Development: 1,000 sq. ft. plus 50 square feet per dwelling unit of exempt hydronic snow melt that shall be allowed without mitigation located only on the main drive(s), decks, amenity areas and/or code required exit walkways, stairs and landings.

(iii.) Attached single family units reviewed from the IRC (Duplex and Townhomes). 500 square foot of exempt per dwelling unit hydronic snowmelt shall be allowed without mitigation located only on the main drive and/or code required exit walkways, decks stairs and landings.

(iv.) Pedestrian routes and plaza areas in the Village Center provided such areas meet the Design Regulations.
(v.) Pool deck areas for multi-family or mixed-use hotbed development sites as envisioned in the Comprehensive Plan.

(b) **Definition of Exempt Snow-Melt Area.** Tubing installed to melt snow on a deck etc. where the intent is to remove snow from the walkable or drivable area shall be measured per the size of the entire potentially snow-melted area. For example if a 10’ x 20’ deck only has perimeter snow melt tubing, the entire area shall be counted toward the snow melt exemption.

(c) All snow melt systems shall be equipped with both moisture and temperature sensors to control operation per the IECC and IRC.

(d) Hydronic snow melt systems shall have a minimum of R-15 insulation on the non-snow melt side.

v. **Spas.** Factory built spas (hot tubs) that are in compliance with section 1604 of title 20 of the current California Energy Commission requirements and have a maximum standby energy use of 205 watts per hour are exempt. Spa energy uses above 205 watts per hour adjusted for local climatic conditions are included in renewable energy mitigation offset requirements. Proof that the site built spa meets this requirement may be provided by a town engineering consultant, if needed, and will be at the expense of the owner. The owner of said property shall have the option of providing energy from a town approved renewable energy system, or making payment in lieu, or a combination of both, in order to offset energy used by exterior energy use equipment with renewable energy sources.

vi. **Exterior Pools.** Exterior heated swimming pools must prove compliance with the currently adopted Energy Codes. The Council may waive the need to offset exterior pool heating for multifamily or mixed use hotbed projects that are envisioned in the Comprehensive Plan, or the town may use a portion of the project revenues to pay for part of or all of the energy offset.

vii. **Heated Garages.** Heated garages must prove compliance with the currently adopted Energy Codes. This can be accomplished with a free program known as RES-Check. The garage would be included in the Res-Check calculation with the heated home. The blower door test required as per R402.4.1.2 shall apply only to the homes habitable space and the air sealing for the garage shall be visually inspected.

viii. **Exterior Energy Use Calculation.** The total exterior energy use that must be offset with renewable energy, or payment made as a payment in-lieu as allowed in these regulations, will be calculated by the Town Building Official using the Build Smart Exterior Energy Calculation Spreadsheet (“Spreadsheet”) (Appendix 17-2). The Spreadsheet calculations were developed using the standard amount of energy used by the exterior systems and adjusted for local climatic conditions. Alternate and creative engineering solutions to reduce exterior energy use are encouraged and may be accepted as an offset method, when approved by the Building Official. The Spreadsheet will be updated regularly according to market fluctuations and may be amended and adopted by the annual Fee Resolution.
ix. **Renewable Energy Credit Calculation.** Renewable mitigation offsets may be produced on-site or off-site and must be approved by the town. On-site renewable energy methods receive double credit for offset purposes. For example, if a town approved renewable energy source such as solar, geothermal heat pump, etc. installed on-site produces 4KW then it will get credit for offsetting 8KW of exterior energy use. As new technology or other off-site renewable energy projects come on line, they may also be considered as approved systems by the Building Official. Where the necessary amount of renewable energy is unattainable on-site, a combination of renewable energy methods may be used.

x. **Payment In-lieu.** The town has the resources and ability to install renewable energy systems on public property or invest in off-site renewable energy systems that will offset exterior energy used in the community. If preferred by the property owner, the Town may accept payment from the owner of the affected property, in lieu of providing energy produced by a Town approved renewable energy system. Or, the town may accept partial payment in lieu from the affected property owner that provides only partial energy produced by a Town approved on-site or off-site renewable energy mitigation system. The owner shall make payment prior to receiving the building permit. The payment in lieu shall be calculated using the Spreadsheet.

xi. **Approved Renewable Energy Systems.** All renewable energy systems proposed as part of the Build Smart Renewable Mitigation Program must be approved in advance by the Building Official. An engineering analysis may be required for calculating the renewable energy mitigation credit produced by an on- or off-site system. Review of the system by a Town engineering consultant, if needed, will be at the expense of the owner.

(a) On-site renewable energy systems provided to offset exterior energy use will be required to be maintained and operated for the lifetime of the property, through a written agreement with the property owner and a covenant on the property.

(b) Off-site renewable mitigation shall only be approved by the Building Official if, through a written agreement: (1) the system is legally tied to the property using exterior energy use with the inability to transfer to another property; and (2) the Town can easily verify at any time the off-site renewable energy system continues to provide renewable energy as provided for herein, with no restrictions on the Town’s ability to access renewable energy utility information.

xii. **Shut-off Timers.** Exterior energy use items not mentioned shall be supplied with automatic shut-off timers.

xiii. **Appropriation of Funds.** All renewable mitigation program payments in lieu received by the town shall be deposited into a separate account with the Town to offset energy consumption for the benefit of the town’s citizens.

e) **Engineered Heating Systems.** All detached single-family dwellings with equipment that meets the requirements for commissioning per sub-section N
must have engineered heating systems. Where mechanical ventilation is required high efficiency energy recovery ventilators or heat recovery units shall be utilized for this purpose.

f) **Direct Vent Furnace.** When the scope of the work of an addition to a dwelling or a remodel of a dwelling requires replacement of a furnace, the furnace shall be replaced with a direct vent unit that has a minimum 92 percent AFUE.

g) **Direct Vent Boiler.** When the scope of the work of an addition to a dwelling or a remodel of a dwelling requires replacement of a boiler, the boiler shall be a direct vent unit that has a minimum 90 percent AFUE.

h) **Prohibition on Electric Heating.** Electric resistance heating shall not be used as the buildings primary heating source.

i) **Fireplaces.** Fireplaces must be EPA or California certified, and have tight fitting gasketed doors. Wood burning fireplaces shall meet the Solid Fuel Burning Device Regulations.

j) **Programmable Thermostats.** Programmable thermostats are required for all heating and cooling systems as per the 2015 IRC section N1103.2.1

k) **Automatic Exhaust Fan Switches.** Timers, humidistats or motion sensors are required for bath exhaust fans.

l) **Local Insulation Requirements.**

   i. Headers shall be insulated full open depth.
   ii. Framed corners must be capable of being insulated.
   iii. Shaft and knee walls for skylights shall be insulated as exterior walls and provided with adequate backing to support the insulation.

m) **Range Hood Ducting.** Range hoods are required and must be ducted to the exterior.

n) **Mechanical Systems Commissioning and Completion Requirements.** Engineering and commissioning of the mechanical and hot water heating systems shall be required on all residential where any of the following apply:

   i. The equipment input rating exceeds 200,000 btu.
   ii. The heated water exceeds 210 deg. F
   iii. The heated water or water glycol storage capacity exceeds 120 gallons

   Prior to the approval of the final mechanical inspection, the registered design professional shall provide evidence of mechanical systems commissioning and completion of the mechanical system installation to the Building Official.

o) **Systems Adjusting and Balancing.** HVAC systems shall be balanced in accordance with generally accepted engineering standards. Air and water flow rates shall be measured and adjusted to deliver final flow rates within the tolerances provided in the product specifications.

p) **Air Systems Balancing.** Each supply air outlet and zone terminal device shall be equipped with a means for air balancing in accordance with the International Mechanical Code. Discharge dampers are prohibited on constant volume fans and variable volume fans with motors of 10 hp (7.35 kW) and larger. Air systems shall be balanced in a manner to first minimize throttling losses then, for fans with system power of greater than 1 hp (735 W), fan speed shall be adjusted to meet design flow conditions.
Exception: Fans with fan motor horsepower of 1 hp (735 W) or less.

q) Hydronic Systems Balancing. Individual hydronic heating and cooling coils shall be equipped with means for balancing and measuring flow. Hydronic systems shall be proportionately balanced in a manner to first minimize throttling losses, then the pump impeller shall be trimmed or pump speed shall be adjusted to meet design flow conditions. Each hydronic system shall have either the capability to measure pressure or temperature across the pump, or shall have test ports at each side of each pump.

Exceptions: pumps with pump motors of 5 hp (3677 W) or less where throttling results in not greater than 5 percent of the nameplate horsepower draw above that required if the impeller were trimmed.

r) Functional Performance Testing. Functional performance testing shall be in accordance with the requirements of this section.

s) Equipment. Equipment functional performance testing shall demonstrate the installation and operation of components, systems, and system-to-system interfacing relationships in accordance with approved plans and specifications so that operation, function, and maintenance serviceability for each of the commissioned systems is confirmed. Testing shall include all specified modes of control and sequence of operation, including under full-load, part-load and all of the following emergency conditions:

i. Each mode as described in the sequence of operation.
ii. Redundant or automatic backup mode.
iii. Performance of alarms.
iv. Mode of operation upon a loss of power and restoration of power.

Control. HVAC control systems shall be tested to document that control devices, components, equipment, and systems are calibrated, adjusted and operated in accordance with the approved plans and specifications. Sequences of operation shall be functionally tested to document that they operate in accordance with the approved plans and specifications.

u) Economizers. Air economizers shall undergo a functional test to determine that they operate in accordance with the manufacturer’s specifications.

v) Acceptance. Buildings, or portions thereof, shall not pass the final mechanical inspection until such time as the code official has received a final commissioning report from the design professional.

w) System Balancing Report. A written report describing the activities and measurements completed shall be provided.

x) Final Commissioning Report. A complete report, signed and sealed by the registered design professional, documenting that the mechanical and service water heating systems comply with the International Energy Conservation Code, the approved plans and manufacturer’s specifications shall be provided to the Building Official.

y) Site Built Spas and Pools. Site built pools and Spas shall be insulated equivalent to current California Energy compliant factory built hot tubs and spas or be offset by a Town approved renewable energy source.
17.7.13  INTERNATIONAL MECHANICAL CODE


B.  Amendments, Additions and Modifications. The IMC 2012 Edition is hereby amended as follows:

1.  Section 101. Section 101 of the IMC is hereby amended as follows:

"Section 101.1, Title. These regulations shall be known as the Mechanical Code of the Town of Mountain Village, Colorado, hereinafter referred to as "this code" or the “IMC.”"

2.  Section 103.1, General. Section 103.1 is hereby amended to read:

"Section 103.1, General. The Building Division is hereby charged with enforcing the IMC, with the Building Official acting as the code official.”

3.  Section 103.2, Appointment. Section 103.2 is hereby deleted in its entirety due to the administrative provisions set forth herein.

4.  Section A103.3, Deputies. Section 103.3 is hereby deleted in its entirety due to the administrative provisions set forth herein.

5.  Section 106. Section 106 of the IMC is hereby amended as follows:

Section 106.3.1, Construction Documents. Add: “A Colorado Licensed Professional Mechanical Engineer shall provide stamped drawings for approval to the Building Official. Exceptions may be allowed at the discretion of the Building Official.”

6.  Appendix A Chimney Connector Pass-Through. Appendix A is a reference standard hereby adopted into the 2012 IMC.

7.  Other Appendices. All other appendices of the IMC not adopted herein are hereby deleted in their entirety.

17.7.14  INTERNATIONAL FUEIL GAS CODE


B.  Amendments, Additions and Modifications. The IFGC, is hereby amended as follows:

1.  Section 101. Section 101 of the IFGC is hereby amended as follows:

"Section 101.1, Title. These regulations shall be known as the Town of Mountain Village Fuel Gas Code, hereinafter referred to as "this code" or the “IFGC”.

2.  Section 103.1, General. Section 103.1 is hereby amended to read:

"Section 103.1, General. The Building Division is hereby charged with enforcing the IFGC, with the Building Official acting as the code official.”
3. **Section 103.2, Appointment.** Section 103.2 is hereby deleted in its entirety due to the administrative provisions set forth herein.

4. **Section A103.3, Deputies.** Section 103.3 is hereby deleted in its entirety due to the administrative provisions set forth herein.

5. **Section 401.** Section 401 of the IFGC is hereby amended by inserting the following section:

   “**Section 401.1.2, Underground Installation.** Gas service lines shall be separated by 3 feet horizontally of undisturbed or compacted earth from other service lines such as water, sewer, electric and gas.

   Exception: The required separation distance shall not apply within the first five feet of the foundation and if the services lines are encased.”

6. **Appendix A, Sizing and Capacities of Gas Piping.** Appendix A is a reference standard hereby adopted into the 2012 IFGC.

7. **Appendix B, Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods, Category I Appliances and Appliances Listed for Use and Type B Vents.** Appendix B is a reference standard hereby adopted into the 2012 IFGC.

8. **Appendix C, Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems.** Appendix C is a reference standard hereby adopted into the 2012 IFGC.

9. **Other Appendices.** All other appendices of the IFGC not adopted herein are hereby deleted in their entirety.

17.7.15 INTERNATIONAL PROPERTY MAINTENANCE CODE


B. **Amendments, Additions and Modifications.** The IPMC is hereby amended as follows:

1. **“Section 101.1, Title.** These regulations shall be known as the Town of Mountain Village Property Maintenance Code, hereinafter referred to as "this code" or the “IPMC”.

2. **Section 103.1, General.** Section 103.1 is hereby amended to read:

   “**Section 103.1, General.** The Building Division is hereby charged with enforcing the IPMC, with the Building Official acting as the code official.”

3. **Section 103.2, Appointment.** Section 103.2 is hereby deleted in its entirety due to the administrative provisions set forth herein.

4. **Section A103.3, Deputies.** Section 103.3 is hereby deleted in its entirety due to the administrative provisions set forth herein.

5. **Section 103.5, Fees.** Section 103.5 is hereby deleted in its entirety due to the administrative provisions set forth herein.
A. The Town of Mountain Village hereby adopts and incorporates herein by reference as the Electrical Code of the Town, the National Electrical Code (“NEC”) “also known as NFPA 70 “as published by the National Fire Protection Association Inc, and adopted as the electrical code of the State of Colorado.

B. The NEC shall be reviewed to be re-adopted as the electrical code for the Town of Mountain Village when the State of Colorado adopts such updated versions as the electrical code for the State of Colorado.

C. Amendments, Additions and Modifications. “Previous editions and amendments of the National Electrical Code are replaced with the 2017 National Electrical Code which includes” amendments as follows:

1. The Building Division is charged with administering and enforcing the provisions of the NEC.

2. **200.6 Means of Identifying Grounded Conductors**
   Amend by inserting:
   (A) Sizes 6 AWG or Smaller. An insulated grounded conductor of 6 AWG or smaller shall be identified by one of the following means:

   Amend by deleting items 1-3 and replacing with:
   (1) A continuous white outer finish “for 120 volt ground to ungrounded single phase and three phase systems.”
   (2) A continuous gray outer finish “for 277 volt ground to ungrounded 3 phase systems.”
   (3) Three continuous white “for 120 volt” or gray stripes “for 277 volt” along the conductor’s entire length on other than green insulation or 3 wraps of corresponding phase tape at each termination point.

   (B) Sizes 4 AWG or Larger. An insulated grounded conductor 4AWG or larger shall be identified by one of the following means:

   Amend by deleting items 1-4 and replacing with:
   (1) A continuous white outer finish “for 120 volt ground to ungrounded single phase and three phase systems.”
   (2) A continuous gray outer finish “for 277 volt ground to ungrounded 3 phase systems.”
   (3) Three continuous white “for 120 volt” or gray stripes “for 277 volt” along the conductor’s entire length on other than green insulation or 3 wraps of corresponding phase tape at each termination point.

2. **210.5 (C) Identification of Ungrounded Conductors.**

   Amend by inserting the following:
   (A) Sizes 6 AWG or Smaller. An insulated grounded conductor of 6 AWG or smaller shall be identified by one of the following means:

   Amend by deleting items 1-3 and replacing with:
   (1) A continuous white outer finish “for 120 volt ground to ungrounded single phase and three phase systems.”
   (2) A continuous gray outer finish “for 277 volt ground to ungrounded 3 phase systems.”
(3) Three continuous white “for 120 volt” or gray stripes “for 277 volt” along the conductor’s entire length on other than green insulation or 3 wraps of corresponding phase tape at each termination point.

(B) Sizes 4 AWG or Larger. An insulated grounded conductor 4AWG or larger shall be identified by one of the following means:

Amend by deleting items 1-4 and replacing with:

1. A continuous white outer finish “for 120 volt ground to ungrounded single phase and three phase systems.”
2. A continuous gray outer finish “for 277 volt ground to ungrounded three phase systems.”
3. Three continuous white “for 120 volt” or gray stripes “for 277 volt” along the conductor’s entire length on other than green insulation or 3 wraps of corresponding phase tape at each termination point.

3. **Section 334.40 (B)**
   Shall be amended by inserting the following:
   (B) Devices of Insulating Material. Self-contained switches, self-contained receptacles, and nonmetallic-sheathed cable interconnector devices of insulating material that are listed “specifically for use in the occupancy group and type of construction installed and installed per installation instructions” shall be permitted to be used without boxes in exposed cable wiring and for repair wiring in existing buildings where the cable is concealed.

4. **Section 410.16 Luminaires in Clothes Closets** amend by inserting “and or built in bed furniture units”

5. **Section 426.4 Continuous Load.**
   Fixed outdoor electric deicing and snow-melting equipment shall be considered as a continuous load. “Overcurrent selection shall be based on zero degree start-up.”

6. **Section 695.1 Scope (A) Covered.**
   Amended by inserting the following:
   “(C) NFPA 13 D Residential water pump motors where amended.”

   **Section 695.6 (A) Supply Conductors Section (1)**
   Shall be amended by adding the following:
   “Supply Conductors for residential on site NFPA 13d sprinkler system pumps shall be physically routed outside the building. The conductors’ pumps and associated equipment shall be protected from potential damage by fire and protected from physical damage. Raceways where entering the building into the water pump room shall be EMT, IMC, or GRC and installed no higher than 3’ above the finished floor. All Boxes shall have threaded hubs. Motor whips shall be flexible metal conduit, liquid tight flexible metal conduit or type MC Cable.”

17.7.17 **INTERNATIONAL PLUMBING CODE**

**A. Adoption.** The Town hereby adopts and incorporated herein by reference as the plumbing code of the Town of Mountain Village, the International Plumbing Code ("IPC"), 2012 Edition, published by the International Code Council, Inc. 4051 West Flossmoor Road, Country Club Hills, IL 60478.
B. **Amendments, Additions and Modifications.** The International Plumbing Code, 2012 Edition is hereby modified as follows:

1. **Section 101.** Section 101.1 of the IPC is hereby modified to read as follows:

   “*Section 101.1, Title.* These regulations shall be known as the International Plumbing Code of the Town of Mountain Village, hereinafter referred to as "this code" or the "IPC".

2. **Section 103.1, General.** Section 103.1 is hereby amended to read:

   “*Section 103.1, General.* The Building Division is hereby charged with enforcing the IPC, with the Building Official acting as the code official.”

3. **Section 103.2, Appointment.** Section 103.2 is hereby deleted in its entirety due to the administrative provisions set forth herein.

4. **Section A103.3, Deputies.** Section 103.3 is hereby deleted in its entirety due to the administrative provisions set forth herein.

5. **Section 305.** Section 305 of the IPC is hereby amended as follows:

   “*Section 305.6.1 Sewer Depth.* Private sewage disposal systems are prohibited in the town. Building sewers shall be a minimum of 6 feet below grade.”

6. **Section 312.3, Drainage and Vent Air Test.** Section 312.3 of the IPC is hereby amended as follows:

   “*Section 312.3 Drainage and Vent Air Test.* The sentence “Plastic piping shall not be tested using air” shall be deleted.”

7. **Section 708.** Section 708 of the IPC is hereby amended as follows:

   “*Section 708.3 Where Required.* A minimum of one clean out shall be located outside the building within 10 feet of the outside foundation wall and in accordance with Sections 708.3.1 through 708.3.6.”

8. **Section 904.** Section 904 is hereby amended as follows:

   “*Section 904.1, Roof Extension.* All open vent pipes that extend through a roof shall be terminated at least 36 inches above the roof.”

9. **Appendix E, Sizing of Water Piping.** Adopt entire Appendix E.
10. **Appendix F, Structural Safety.** Adopt entire Appendix F.
11. **Other Appendices.** All other appendices of the IPC not adopted herein are hereby deleted in their entirety.

#### 17.7.18 INTERNATIONAL EXISTING BUILDING CODE

B. Amendments, Additions and Modifications. The International Existing Building Code, 2012 Edition is hereby modified as follows:

1. Section 101. Section 101 of the IEBC is hereby modified to read as follows:

   “Section 101.1, Title. These regulations shall be known as the International Existing Building Code of the Town of Mountain Village, hereinafter referred to as "this code" or the "IEBC".”

2. Section 103.1, General. Section 103.1 is hereby amended to read:

   “Section 103.1, General. The Building Division is hereby charged with enforcing the IEBC, with the Building Official acting as the code official.”

3. Section 103.2, Appointment. Section 103.2 is hereby deleted in its entirety due to the administrative provisions set forth herein.

4. Section A103.3, Deputies. Section 103.3 is hereby deleted in its entirety due to the administrative provisions set forth herein.

5. Section 116. Section 116 of the IEBC is hereby amended to read as follows:

   “Section 116.1, Emergency Measures 116.1. When in the opinion of the Building Official there is imminent danger of snow or ice falling from a building in a public area endangering the public or if failure or collapse of a building that endangers life, or when any building or a part of a building has fallen and life is endangered by the occupation of the building, or when there is actual or potential danger to the building occupants or those in proximity of any structure explosives, explosive fumes or vapors, or the presence of toxic fumes or vapors, or the potential of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official shall cause to be posted at each entrance to such structure a notice reading as follows: “This Structure is Unsafe and Its Occupancy Has Been Prohibited by the Code Official.” It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition, or of demolishing the same.”

17.7.19 INTERNATIONAL FIRE CODE


B. Amendments, Additions and Modifications. The IFC 2012 Edition is hereby amended as follows:

1. Section 103.1 General. Section 103.1 is hereby amended to read as follows:

   “Section 103.1 General. The Telluride Fire Protection District (“TFPD”) is hereby appointed by the Town to act as the department of fire prevention. The Building Division may also serve as the department of fire prevention as circumstances warrant.” The department of fire prevention shall be under the direction of the fire code official.”

2. Section 103.2 Appointment. Section 103.2 is hereby amended to read as follows:

   “Section 103.2 Appointment. “The fire code official shall be the TFPD appointed Fire Marshal. The Building Official may also act as the fire code official as circumstances warrant.”
3. **104.3 Right of Entry.** Section 104.3 is hereby amended to read as follows:

“104.3 Right of Entry. Whenever it is necessary to make an inspection to enforce the provisions of this code, or whenever the Fire Marshal has reasonable cause to believe that there exists in a building or upon any premises any conditions or violations of this code which make the building or premises unsafe, dangerous or hazardous, the Fire Marshal shall have the authority to enter the building or premises at all reasonable times to inspect or to perform the duties imposed upon the Fire Marshal by this code. If such building or premises is occupied, the Fire Marshal shall present credentials to the occupant and request entry. If such building or premises is unoccupied, the Fire Marshal shall first make a reasonable effort to locate the building owner or other person having charge or control of the building or premises and request entry. If entry is refused, the Fire Marshal has recourse to every remedy provided by law to secure entry. Said person who refuses entry is in violation of Section 18-8-106 of the Colorado Revised Statutes.”

4. **104.10.1 Assistance from Other Agencies.** Section 104.10.1 is hereby amended to read as follows:

“104.10.1 Assistance from Other Agencies Police and other enforcement agencies shall have the authority to render necessary assistance in the investigation of fires and the enforcement of this code when requested to do so by the Fire Marshal.”

5. **104.11.2 Obstructing Operations.** Section 104.11.2 is hereby amended to read as follows:

“104.11.2 Obstructing Operations. No person shall obstruct the operations of the fire department in connection with the extinguishment or control of any fire, or actions relative to other emergencies, or disobey any lawful command of the fire chief or officer of the fire department in charge of the emergency, or any part thereof, or any lawful order of a police officer assisting the fire department. Said person shall be in violation of Section 18-8-104 of the Colorado Revised Statutes.”

6. **105.1.1 Permits Required.** Section 105.1.1 is hereby amended to read as follows:

“105.1.1 Permits Required. Any property owner or authorized agent who intends to conduct an operational business, or install or modify systems and equipment which is regulated by this code, or to cause any such work to be done, shall first make application to the Fire Marshal and obtain the required permits. Permit fees, if any, shall be paid prior to the issuance of the permit. Issued permits shall be kept on the premises designated therein and shall be readily available for inspection by the Fire Marshal.”

7. **105.4.1 Submittals.** Section 105.4.1 is hereby amended to read as follows:

“105.4.1 Submittals. Construction documents and supporting data shall be submitted with each application for a permit and in such form and detail as required by this code, nationally recognized standards, and the Fire Marshal. The construction documents shall be prepared by a registered design professional where required by the statutes of the State and or the jurisdiction in which the project is to be constructed.”

8. **105.4.2.1 Fire Protection System Shop Drawings.** Section 105.4.2.1 is hereby amended to read as follows:
“105.4.2.1 Fire Protection System Shop Drawings. Shop drawings for the fire protection system(s) shall be submitted to indicate compliance with this code and the construction documents, and shall be approved prior to the start of installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9 and the appropriate NFPA standard.”

9. 105.4.2.1 Fire Protection System Shop Drawings. Section 105.4.2 is hereby amended to add a new section 105.4.2.2 as follows:

“105.4.2.2 Fire Alarm and Detection System Shop Drawings. Shop drawings for the fire alarm and detection system(s) shall be submitted to indicate compliance with this code, the TFPD Fire Alarm Policy, the construction documents, and the appropriate NFPA standard and shall be approved prior to the start of installation. Shop drawings shall contain all information as required by Section 907 of this code, the TFPD Fire Alarm Policy, and the appropriate NFPA Standard.”

10. 105.6.3 Aviation Facilities. Section 105.6.3 is hereby deleted in its entirety.
11. 105.6.11 Cutting and Welding. Section 105.6.11 is hereby deleted in its entirety.
12. 105.6.13 Exhibits and Trade Shows. Section 105.6.13 is hereby deleted in its entirety.
13. 105.6.16 Flammable and Combustible Liquids. Section 105.6.16 is hereby amended to delete sections 10 and 11 in their entirety.
14. 105.6.23 Hot Work Operations. Section 105.6.23 is hereby amended by deleting section number 3 in its entirety. All other sections remain in effect.
15. 105.6.25 Lumber Yards and Woodworking Plants. Section 105.6.25 is hereby deleted in its entirety.
16. 105.6.27 LP-Gas. Section 105.6.27 is hereby deleted in its entirety.
17. 105.6.32 Open Flames and Candles. Section 105.6.32 is hereby deleted in its entirety.
18. 105.6.34 Places of Assembly. Section 105.6.34 is hereby deleted in its entirety.
19. 105.6.39 Repair Garages and Motor Fuel Dispensing Facilities. Section 105.6.39 is hereby deleted in its entirety.
20. 105.6.43 Temporary Membrane Structures and Tents. Section 105.6.43 is hereby deleted in its entirety.
21. 105.6.45 Waste Handling. Section 105.6.45 is hereby deleted in its entirety.
22. 105.6.46 Wood Products. Section 105.6.46 is hereby deleted in its entirety.
23. 105.7.13 Solar Photovoltaic Power Systems. Section 105.7.13 is hereby deleted in its entirety.
24. 105.7.16 Temporary Membrane Structures and Tents. Section 105.6.16 is hereby deleted in its entirety.
25. Section 106.2.1 Inspections. Section 106.2.1 is hereby amended to read as follows:

“106.2.1 Inspection requests. It shall be the duty of the permit holder or their duly authorized agent to notify the Fire Marshal when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code. A minimum of 24 hours’ notice is required for all inspections.”

26. 107.2 Testing and Operation. Section 107.2 is hereby amended to read as follows:

“107.2 Testing and Operation. Equipment requiring periodic testing or operation to ensure maintenance shall be tested or operated as specified in this code, or other nationally recognized standards. The more stringent of the testing or operational requirements shall apply.”

27. 108.1 Board of Appeals Established. Section 108.1 is hereby amended to read as
follows:

“108.1 Board of Appeals Established. In order to hear appeals of orders, decisions or determinations made by the TFPD Fire Marshal relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The Board of Directors of the TFPD shall act as the board of appeals. The TFPD Fire Marshal shall be an ex officio member of the board of appeals but shall have no vote on any matter before the board. The board shall adopt bylaws and rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Fire Marshal and the Town Building Official.

108.1.1 Variances to the Provisions for Driveways and Fire Department Access. The board may, at its discretion, grant variances to the provisions of this code as it relates to driveways and fire department access, if in the determination of the Fire Marshal in consultation with the Community Development Department, the variance complies with the intent of the code. Variances may only be requested if the TFPD Fire Marshal determines, in consultation with the Community Development Department, that special conditions exist with the applicant’s site conditions.”

28. 108.3 Qualifications. Section 108.3 is hereby deleted in its entirety.
29. 109.4 Violation Penalties. Section 109.4 is hereby amended to read as follows:

“109.3 Violations and Penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in direct violation of the approved construction documents or directive of the TFPD Fire Marshal, Building Official or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than $3,000.00, or by imprisonment not exceeding 30 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.”

30. 111.4 Failure to Comply. Section 109.4 is hereby amended to read as follows:

“111.4 Failure to Comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than $3,000.00 or more than $10,000.00.”

31. Section 202 General Definitions. Section 202 is hereby amended to:

a. Add a definition of Driveway as follows: “Driveway. Shall provide access to Group R-3 occupancies only and shall meet the requirements of Section 503.7 of this code.

b. Amend the definition of Fire Chief as follows: “Fire Chief. The Chief of the department of fire prevention, or its duly authorized representative. A.K.A. Fire Marshal”

c. Amend the definition of fire code official as follows: “Fire Code Official. The TFPD Fire Marshal or other designated authority charged with the administration and Enforcement of the code, or a duly authorized representative. In the absence of the TFPD Fire Marshal or a TFPD duly authorized representative, the Building Official may act as the fire code official.”

d. Amend the definition of high rise building as follows: “High Rise Building. A
building with an occupied floor located more than 65 feet (19812mm) above the lowest level of fire department vehicle access.”

32. **307.1.1 Prohibited Open Burning.** Section 307.1.1 is hereby amended to read as follows:

“307.1.1 Prohibited Open Burning. Prescribed burning for the purpose of reducing the impact of wildland fire.”

33. **307.2 Permit Required.** Section 307.2 is hereby amended to read as follows:

“307.2 Permit Required. A permit shall be obtained from the Fire Marshal, for areas within incorporated town limits within the TFPD in accordance with Section 105.6 of this code and Ordinance #2012-1 San Miguel County Colorado, prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or a bonfire. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.”

34. **308.1.4 Open Flame Cooking Devices.** Section 308.1.4 is hereby amended to add one additional exception in sections 4 as follows:

4. Permanently installed and piped gas grill operating on natural gas that are installed and maintained per manufactures directions.”

35. **314.3 Highly Combustible Goods.** Section 314.3 is hereby amended to read as follows:

“314.3 Highly Combustible Goods. The display of highly combustible goods, including but not limited to fireworks, flammable or combustible liquids, liquefied flammable gasses, oxidizing materials, pyroxylin plastics and agricultural goods, in main exit access aisles, corridors, covered and open malls, or within 5 feet (1524mm) of entrances to exits and exterior exit doors is prohibited when a fire involving such goods would rapidly prevent or obstruct egress. The display and retail sale of fireworks shall comply with State of Colorado Statutes.”

36. **401.3.3 Delayed Notification.** Section 401.3.3 is hereby amended to read as follows:

“401.3.3 Delayed Notification. A person shall not, by verbal or written directive, require any delay in the reporting of a fire to the fire department. Said person is in violation of Colorado Revised Statute Section 18-8-111.”

37. **401.5 Making False Report.** Section 401.5 is hereby amended to read as follows:

“401.5, Making False Report. A person shall not give, signal or transmit a false alarm. Said person is in violation of Colorado Revised Statute Section 18-8-111.”

38. **401.8 Interference with Fire Department Operations.** Section 401.8 is hereby amended to read as follows:

“401.8 Interference with Fire Department Operations. It shall be unlawful to interfere with, attempt to interfere with, conspire to interfere with, obstruct or restrict the mobility of or block the path of travel of a fire department emergency vehicle in any way, or to interfere with, attempt to interfere with, conspire to interfere with, obstruct or hamper any fire department operation.
Said person is in violation of Colorado Revised Statute Section 18-8-104.”

39. **405.2 Frequency.** Section 405.2 is hereby amended to read as follows:

“405.2 Frequency. Required emergency evacuation drills shall be held at the intervals specified in Table 405.2 or more frequently where necessary to familiarize all occupants with the drill procedure. Occupancies regulated by the State of Colorado shall comply with the state requirements as a minimum.”

40. **407.1 General.** Section 407.1 is hereby amended to read as follows:

“407.1 General. The provisions of Sections 407.2 through 407.7 shall be applicable where hazardous materials subject to permits under Section 5001.5 are located on the premises or where required by the Fire Marshal or by State or Federal regulations.”

41. **407.6 Hazardous Materials Management Plan.** Section 407.6 is hereby amended to read as follows:

“407.6 Hazardous Materials Management Plan. Where required by this code, State or Federal regulations, each application for a permit shall include a Hazardous Materials Management Plan (HMMP) in accordance with Section 5001.5.1. The Fire Marshal is authorized to accept a similar plan required by other regulations.”

42. **408.3.1 First Emergency Evacuation Drill.** Section 408.3.1 is hereby amended to read as follows:

“408.3.1 First Emergency Evacuation Drill. The first emergency evacuation drill of each school year shall be scheduled and conducted per state regulations or within 10 days of the beginning of classes, whichever is more stringent.”

43. **408.7 Group I-3 Occupancies.** Section 408.7 is hereby amended to read as follows:

“408.7 Group I-3 Occupancies. Group I-3 occupancies shall comply with the requirements of Sections 408.7.1 through 408.7.4 and Sections 401 through 406 or State and or Federal regulations, whichever is more stringent.”

44. **503.1 Where Required.** Section 503.1 is hereby amended to read as follows:

“503.1 Where Required. Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3 and resolution 88-1 as adopted by the TFPD, and or the regulations of the local jurisdiction, whichever is more stringent.”

45. **503.1.1 Buildings and Facilities.** Section 503.1.1, Exception opening sentence only is hereby amended to read as follows:

“503.1.1 Buildings and Facilities. Exception: The Fire Marshal is authorized to increase the dimension of 150 feet (45720mm) to 225 feet (68580mm) where:…”, with no change to the three criteria.”

46. **503.2.3 Surface.** Section 503.2.3 is hereby amended to read as follows:
"503.2.3 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced to provide all weather driving capabilities. At a minimum fire apparatus access roads shall be compacted to withstand a 20 ton point load anywhere along its length and width."

47. **503.2.4 Turning Radius.** Section 503.2.4 is hereby amended to read as follows:

"503.2.4 Turning Radius. The inside turning radii for a fire apparatus access road shall not be less than 32 feet (9753.8mm)."

48. **503.2.5 Dead Ends.** Section 503.2.5 is hereby amended to read as follows:

"503.2.5 Dead Ends. Dead-end fire apparatus access roads in excess of 150 feet (45720mm) in length shall be provided with an approved area for turning around fire apparatus. See Appendix D for approved apparatus turnarounds."

49. **503.2.7 Grade.** Section 503.2.7 is hereby amended to read as follows:

"503.2.7 Grade. The grade of fire apparatus access roads shall be: Normal grades shall not exceed 8 percent. Transitional sections not exceeding 500 feet (152400 mm) in length may be allowed a maximum of 10 percent if approved by the Fire Marshal. Transitional sections exceeding 8 percent shall not be within 500 feet (152400 mm) of each other. Curves with a centerline radius of less than 250 feet (76200 mm) shall not exceed 8 percent grade.

EXCEPTION: Transitional sections may be allowed a maximum grade up to 12 percent with the approval of the Fire Marshal, providing all structures served by the fire apparatus access road other than Group U are equipped with a fire sprinkler system meeting the requirements of Sections 903.3.1.1, 903.3.1.2 or 903.3.1.3 as determined by the occupancy.”

50. **503.2.8, Angles of Approach and Departure.** Section 503.2.8 is hereby amended to read as follows:

"503.2.8 Angles of approach and departure. The angles of approach and departure for fire apparatus access roads shall be no more than a maximum of a 5 percent grade for a minimum of 20 feet (6096mm)."

51. **503.6 Security Gates.** Section 503.6 is hereby amended to read as follows:

"503.6 Security Gates. The installation of security gates across a fire apparatus access road shall be approved by the Fire Marshal. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained at all times. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200. Security gates shall not encroach into the required fire apparatus access road width as stated in Section 503.2.1 and Section D105 for aerial fire apparatus access roads."

52. **503.7 Driveways.** Section 503.7 is hereby established as a new section to read as follows:
"503.7 Driveways. Driveways shall be provided and maintained in accordance with Sections 503.7.1 through 503.7.2.

503.7.1 Driveways for R-3 Occupancies. An approved driveway shall be provided for every structure, or portion of a structure hereafter constructed or moved into or within the jurisdiction. The driveway shall comply with the requirements of this section and shall extend to within 150 feet (45720 mm) of all portions of the exterior walls of the first story of a structure as measured by an approved route around the exterior of the structure. A driveway shall serve no more than 3 R-3 structures.

EXCEPTION: The Fire Marshal is authorized to increase the dimension of 150 feet (45720 mm) to 225 feet (68580 mm) where:
1. The structure is equipped throughout with an approved automatic fire sprinkler system installed in accordance with Section 903.3.1.3; and
2. Driveway cannot be designed and installed per Section 503.7 because of the location on property, topography, waterways, non-negotiable grades or other similar conditions and the structure is equipped throughout with an approved automatic fire sprinkler system installed in accordance with Section 903.3.1.3.

503.7.2 Specifications. Driveways shall be installed and arranged in accordance with Sections 503.7.2.1 through 503.7.2.10.

503.7.2.1 Dimensions. Driveways shall have an unobstructed width of not less than 12 feet (4876.8 mm) and an unobstructed height of not less than 13 feet 6 inches (4114.8 mm), with shoulders measuring 2 feet (609.6 mm) on each side of a 12 foot (3657.6 mm) drive surface. The shoulders shall be compacted to withstand a 20 ton load minimum. The shoulders shall pitch at no more than a 2 percent grade from the edge of the normal drive surface.

503.7.2.1.1 Authority. The Fire Marshal, in consultation with the Community Development Department, shall have the authority to require an increase in the minimum width of driveways where they are inadequate for fire or rescue operations.

503.7.2.2 Surface. Driveways shall be designed and maintained to support the imposed loads of fire apparatus, 20 tons minimum, and shall be surfaced so as to provide all-weather driving capabilities.

503.7.2.3 Turning Radius. The inside turning radii of a corner shall not be less than 32 feet (9753.6 mm).

503.7.2.4 Dead end Driveways. Dead end driveways in excess of 150 feet (45720 mm) shall be provided with an approved fire apparatus turnaround. See Figure D 103.1 for approved fire apparatus turnarounds.

503.7.2.5 Driveways in Excess of 200 Feet (60960 mm) in Length. Driveways in excess of 200 feet (60960 mm) in length and less than 20 feet (6096 mm) in width shall be provided with turnouts in addition to an approved fire apparatus turnaround.

503.7.2.6 Turnouts. Driveway turnouts shall be an all-weather driving surface at least 10 feet (3048 mm) wide and 40 feet (12192 mm) long and be compacted to withstand a 20 ton load minimum. Driveway turnouts shall be located as required by the Fire Marshal.

503.7.2.7 Bridges and Elevated Surfaces. See Section 503.2.6.

503.7.2.8 Grades. Normal grades shall not exceed 8 percent. Transitional sections not exceeding 500 feet (152400 mm) may be allowed a maximum of 10 percent if approved by the Fire Marshal. Transitional sections exceeding 8 percent grade shall not be within 500 feet.
Curves with a centerline radius of less than 250 feet (76200mm) shall not exceed 8 percent.

EXCEPTION: Transitional sections may be allowed a maximum grade up to 12 percent providing all Group R-3 structures are equipped with an approved automatic fire sprinkler system meeting the requirements of Section 903.1.3.

503.7.2.9 Angles of Approach and Departure. The angles of approach and departure for driveways shall be no more than a maximum of a 5 percent grade for a minimum of 20 feet (6096mm).

503.7.2.10 Security Gates. The installation of security gates across a driveway shall be approved by the Fire Marshal. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and emergency operation shall be maintained operational at all times. Security gates shall not encroach into the required driveway width or height."

53. **505.1 Address Identification.** Section 505.1 is hereby amended to read as follows:

“505.1 Address Identification. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the Fire Marshal address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6mm) high with a stroke width of 0.5 inch (12.7mm). Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole of other sign or means shall be used to identify the structure. Address numbers shall be maintained. If local design requirements are more stringent they shall apply, however in no case shall less stringent requirements apply.”

54. **507.1 Required Water Supplies.** Section 507.1 is hereby amended to read as follows:

“507.1 Required Water Supplies. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction. Water supply systems in service at the time of the adoption of this code shall not be required to meet the distance requirement for hydrant spacing contained herein. However, installation of new hydrants on a pre-existing system, whether due to maintenance or expansion of the system, shall meet the distance requirements contained herein.”

55. **508.1.1 Location and Access.** Section 508.1.1 is hereby amended to read as follows:

“508.1.1 Location and Access. The location and accessibility of the fire command center shall be approved by the Fire Marshal.”

56. **510.2 Emergency Responder Radio Coverage in Existing Buildings.** Section 510.2 is hereby amended to read as follows:

“510.2 Emergency Responder Radio Coverage in Existing Buildings. Existing buildings that do not have approved radio coverage for emergency responders within the building, shall be equipped with such coverage when existing wired communication system cannot be repaired or is being replaced, or where not approved in accordance with section 510.1 Exception 1.”
57. **603.1 Installation.** Section 603.1 is hereby amended to read as follows:

“603.1 Installation. The installation of non-portable fuel gas appliances shall comply with the International Fuel Gas Code or the appropriate NFPA standard, whichever is more stringent. The installation of all other fuel-fired appliances, other than internal combustion engines, oil lamps and portable devices such as blow torches, melting pots and weed burners, shall comply with this section, the International Mechanical Code or the appropriate NFPA standard, whichever is more stringent.”

58. **603.1.2 Approval.** Section 603.1.2 is hereby amended to read as follows:

“603.1.2 Approval. The design, construction and installation of fuel-fired appliances shall be in accordance with the International Fuel Gas Code, the International Mechanical Code, or the requirements of the appropriate NFPA standard, whichever is more stringent.”

59. **603.3 Fuel Oil Storage Systems.** Section 603.3 is hereby amended to read as follows:

“603.3 Fuel Oil Storage Systems. Fuel oil storage systems shall be installed in accordance with this code, state and federal EPA regulations or the appropriate NFPA standard, whichever is more stringent. Fuel oil piping systems shall be installed in accordance with the International Mechanical Code, state and federal EPA regulations or the appropriate NFPA standard, whichever is more stringent.”

60. **603.3.1 Fuel Oil Storage in Outside, Above-Round Tanks.** Section 603.3.1 is hereby amended to read as follows:

“603.3.1 Fuel Oil Storage in Outside, Above-Round Tanks. Where connected to a fuel oil piping system, the maximum amount of fuel oil storage allowed outside above ground without additional protection shall be 660 gallons (2498L). The storage of fuel oil above ground in quantities exceeding 660 gallons (2498L) shall comply with NFPA 31 or state and federal EPA regulations, whichever is more stringent.”

61. **603.3.3 Underground Storage of Fuel Oil.** Section 603.3.3 is hereby amended to read as follows:

“603.3.3 Underground Storage of Fuel Oil. The storage of fuel oil in underground storage tanks shall comply with NFPA 31 or state and federal EPA regulations, whichever is more stringent.”

62. **603.8 Incinerators.** Section 603.8 is hereby amended to read as follows:

“603.8 Incinerators. Commercial, industrial and residential-type incinerators and chimneys shall be constructed in accordance with the International Building Code, the International Fuel gas code and the International Mechanical Code or state and federal EPA regulations, whichever is more stringent.”

63. **604.2.14 High-Rise Buildings.** Section 604.2.14 is hereby amended to read as follows:

“604.2.14 High-Rise Buildings. Standby power, light and emergency systems in high-rise buildings shall comply with the requirements of Sections 604.2.14.1 through 604.2.14.3, and Sections 403.4.8 through Section 403.3.9.1 of the IBC.”
64. **606.8 Detection Devices.** Section 606.8 is hereby amended to add three new subsections as follows:

“606.8.1 Detection Devices. Detection devices shall be connected to an alarm system(s) utilizing listed fire alarm signaling devices capable of generating a sound level of at least 15db above the ambient sound pressure level of the space in which they are installed and providing a distinctive audible and visual alarm.

606.8.2 Power and Supervision. Detection and alarm system(s) shall be powered and supervised as required for fire alarm systems in accordance with Section 907 of this code and the TFPD Alarm Policy.

606.8.3 Monitoring and Annunciation. Detection and alarm system(s) shall be remotely annunciated at an approved constantly attended location as required for fire alarm systems in accordance with Section 907 of this code, NFPA 72 and the TFPD Fire Alarm Policy.”

65. **Section 607.4 Elevator Key Location.** Section 607.4 is hereby amended to read as follows:

“607.4 Elevator Key Location. Keys for the elevator car doors and fire-fighter service keys shall be kept in a Knox Box key box which shall be located as directed by the Fire Marshal or his designee.”

66. **608.1 Scope.** Section 608.1 is hereby amended to read as follows:

“608.1 Scope. Stationary storage battery systems having an electrolyte capacity of more than 50 gallons (189L) for flooded lead-acid, nickel cadmium (Ni-Cd) and valve regulated lead-acid (VRLA), or more than 1,000 pounds (454kg) for lithium-ion and lithium metal polymer, used for facility standby power, emergency power or uninterruptable power supplies shall comply with this section, Table 608.1, and all pertinent state and federal regulations whichever is more stringent.”

67. **608.10 Hydrogen Sulfide Detection.** Section 608.10 is hereby amended to add a new section as follows:

“608.10 Hydrogen Sulfide Detection. An approved hydrogen sulfide detection system shall be installed in rooms containing a stationary battery system(s). The detection system shall be annunciated through the automatic fire alarm system and shall also be supervised by an approved central station service.”

68. **806.1.1 Exceptions:** Section 806.1.1, Exception 1 is hereby amended to read as follows:

“Exception 1:

1. Trees located in areas protected by an approved automatic sprinkler system installed in accordance with Section 903.1.1 or 903.3.1.2 and the appropriate NFPA standard, and having a smoke detection system installed in accordance with Section 907, the TFPD Fire Alarm Policy and the appropriate NFPA standard, shall not be prohibited in Groups A, E, M, R-1 and R-2 occupancies.”

69. **807.1.2 Exceptions:** Section 807.1.2, Exception 1, is hereby amended to read as follows:
“Exception: 1.

1. “In auditoriums in Group A, the permissible amount of decorative material meeting the flame propagation criteria of NFPA 701 shall not exceed 75 percent of the aggregate wall area where the building is equipped throughout with an approved automatic sprinkler system meeting the requirements of Section 903.1.1, the appropriate NFPA standard, and has a smoke detection system installed in accordance with Section 907, the TFPD Fire Alarm Policy, and the appropriate NFPA standard and where the decorative material is installed in accordance with Section 803.11 of the IBC.”

70. **807.4.3.1 Exceptions**: Section 807.4.3.1, Exceptions section, is hereby amended to read as follows:

“Exceptions:

1. Corridors protected by an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 and the appropriate NFPA standard, and the corridor is also protected by an approved smoke detection system installed in accordance with Section 907, the TFPD Alarm Policy and the appropriate NFPA standard.

2. Storage in metal lockers, provided the minimum egress width is maintained.”

71. **901.1 Scope.** Section 901.1 is hereby amended to read as follows:

“901.1 Scope. The provisions of this chapter shall specify where fire protection systems are required and shall, along with the latest editions of the appropriate NFPA standard, apply to the design, installation, inspection, operation, testing and maintenance of all fire protection systems. All design, installation testing and maintenance of said systems shall be performed by qualified and if required, by licensed personnel.”

72. **901.2 Construction Documents.** Section 901.2 is hereby amended to read as follows:

“901.2 Construction Documents. Construction documents and calculations, meeting the requirements of this chapter and the appropriate NFPA standard, shall be required for all fire protection systems. Permits shall be issued for the installation, rehabilitation and or modification of any fire protection system. Fees for said permits shall be per the fee resolution. Construction documents shall be submitted for review and approval prior to system installation.”

73. **901.6.2 Records.** Section 901.6.2 is hereby amended to read as follows:

“901.6.2 Records. Records of all system inspections, tests and maintenance required by the referenced standards shall be maintained on the premises for a minimum of 3 years and shall be copied to the Fire Marshal.”

74. **903.2.8 Group R.** Section 903.2.8 is hereby amended to read as follows:

“903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 and the appropriate NFPA standard shall be provided throughout all buildings with Group R fire area to include all Group R 3 occupancies over 3600 gross square feet. This section shall be superseded by Section P2904 of the International Residential Code upon its adoption, however at no time shall a multipurpose fire sprinkler system be accepted.”
75. **903.3.1.1 Exempt Locations.** Section 903.3.1.1 is hereby amended to read as follows:

“903.3.1.1 Exempt Locations. If approved by the Fire Marshal, automatic fire sprinklers shall not be required in the following rooms or areas where such rooms or areas are protected with an approved automatic fire detection system in accordance with Section 907.2 that will respond to visible or invisible particles of combustion. Sprinklers shall not be omitted from any room or area merely because it is damp, of fire-resistance rated construction or contains electrical equipment.”

76. **903.3.1.2.1 Balconies and Decks.** Section 903.3.1.2.1 is hereby amended to read as follows:

“903.3.1.2.1 Balconies and Decks. Sprinkler protection shall be provided for exterior balconies, decks and ground floor patios of dwelling units where the building is of Type V construction, provided there is a combustible roof or deck above. Sidewall sprinklers that are used to protect such areas shall be permitted to be located such that their deflectors are within 1 inch (25mm) to 6 inches (152mm) below the structural members and a maximum distance of 14 inches (356mm) below the deck of the exterior balconies and decks that are constructed of open wood joist construction.”

77. **903.4 Sprinkler System Supervision and Alarms.** Section 903.4, Exceptions section, is hereby amended to read as follows:

“Exceptions:

1. Automatic sprinkler systems protection one and two family dwellings may have control valves sealed or locked in the open position.
2. Limited area systems serving fewer than 20 sprinklers may have control valves sealed or locked in the open position.”

78. **903.4.1 Monitoring.** Section 903.4.1 is hereby amended to read as follows:

“903.4.1 Monitoring. Alarm, supervisory and trouble signals shall be distinctly different and shall be automatically transmitted to an approved central station, as defined by NFPA 72, or when approved by the Fire Marshal, shall sound an audible signal at a constantly attended location.”

79. **906.1 Where Required.** Delete Exception under Section 906.1, first criterion (No. 1) in its entirety.

Exception: In Group R-2 occupancies, portable fire extinguishers shall be required only in locations specified in Items 2 through 6 where each dwelling unit is provided with a portable fire extinguisher having a minimum rating of 1-A:10-B:C. **DELETE EXCEPTION ENTIRELY**

80. **907.2 Where Required- New Buildings and Structures.** Section 907.2 is hereby amended to read as follows, with the Exceptions deleted in their entirety:

“907.2 Where Required-New Buildings and Structures. An approved fire alarm system installed in accordance with the provisions of this code, NFPA 72, and the TFPD Fire Alarm Policy shall be provided in new buildings and structures in accordance with Sections 907.2.1 through 907.2.23 and provide occupant notification in accordance with Section 907.5, unless
other requirements are provided by another section of this code.”

81. 907.2.1 Group A. Section 907.2.1 Exception is hereby deleted in its entirety.
82. 907.2.2 Group B: Section 907.2.2 Exception is hereby deleted in its entirety.
83. 907.2.2.1 Group B Ambulatory Health Care Facilities: Section 907.2.2.1 Exception is hereby deleted in its entirety.
84. 907.2.3 Group E Exception: Section 907.2.3 Exceptions 1 through 3 are hereby deleted in their entirety.
85. 907.2.4 Group F. Section 907.2.4 Exception is hereby deleted in its entirety.
86. 907.2.6.1 Group I-1: Section 907.2.6.1 Exceptions 1 is hereby deleted in its entirety.
87. 907.2.6.3.3 Automatic Smoke Detection Units. Section 907.2.6.3.3 Exception 3 is hereby deleted in its entirety.
88. 907.2.7 Group M. Exception: Section 907.2.7 Exception 2 is hereby deleted in its entirety.
89. 907.2.8.1 Manual Fire Alarm System. Section 907.2.8.2 Exception 2 is hereby deleted in its entirety.
90. 907.2.8.2 Automatic Smoke Detection System. Section 907.2.8.1 Exception is hereby deleted in its entirety.
91. 907.2.8.3 Smoke Alarms. Section 907.2.8.3 is hereby amended to read as follows:

“Smoke Alarms. Single- and multiple-station smoke alarms shall be installed in accordance with Section 907.2.11, NFPA 72, and the TFPD Fire Alarm Policy. Smoke alarms shall sound throughout the guest rooms only while heat detectors shall activate the occupant notification appliances.”

92. 907.2.9.1 Manual Fire Alarm System. Section 907.2.9.1 Exception 2 and 3 are hereby deleted in their entirety.
93. 907.2.9.2 Smoke Alarms. Section 907.2.9.2 is hereby amended to read as follows:

“907.2.9.2 Smoke Alarms. Single- and multiple station smoke alarms shall be installed in accordance with Section 907.2.11, NFPA 72, and the TFPD Fire Alarm Policy. Smoke alarms shall sound throughout the dwelling unit only, while heat detectors shall automatically activate the occupant notification appliances.”

94. 907.2.9.3 Group R-2 College and University Buildings. Section 907.2.9.3 is hereby amended to read as follows:

“907.2.9.3 Group R-2 College and University Buildings. An automatic smoke detection system that activates the occupant notification system in accordance with Section 907.5, the TFPD Fire Alarm Policy, and NFPA 72 shall be installed in Group R-2 college and university buildings in the following locations:

1. Common spaces outside of dwelling and sleeping units.
2. Laundry rooms, mechanical equipment rooms, and storage rooms.
3. All interior corridors serving sleeping units or dwelling units.

Required smoke alarms in dwelling units and sleeping units in Group R-2 college and university buildings shall be interconnected with the fire alarm system in accordance with NFPA 72 and the TFPD Fire Alarm Policy.”

95. 907.2.10.1 Manual Fire Alarm System. Section 907.2.10.1 Exception 2 is hereby
96. **907.2.10.2 Automatic Smoke Detection System.** Section 907.2.10.2 Exceptions are hereby deleted in their entirety.

97. **907.2.10.3 Smoke Alarms.** Section 907.2.10.3 is hereby amended to read as follows:

“907.2.10.3 Smoke alarms. Single- and multiple-station smoke alarms shall be installed in accordance with Section 907.2.11, NFPA 72, and the TFPD Fire Alarm Policy.”

98. **907.2.11 Single-and Multiple-Station Smoke Alarms.** Section 907.2.11 is hereby amended to read as follows:

“907.2.11 Single- and Multiple-Station Smoke Alarms. Listed single- and multiple-station smoke alarms complying with UL 217 shall be installed in accordance with Sections 907.2.11.1 through 907.2.11.4, NFPA 72, and the TFPD Fire Alarm Policy.”

99. **907.2.13 High-Rise Buildings.** Section 907.2.13 is hereby amended to read as follows:

“907.2.13 High-Rise Buildings. High rise buildings shall be provided with an automatic smoke detection system in accordance with Section 907.2.13.1, NFPA 72, and the TFPD Fire Alarm Policy, a fire department communications system in accordance with Section 907.2.13.2, NFPA 72, and the TFPD Fire Alarm Policy, an emergency voice/alarm communications system in accordance with Section 907.5.2.2, NFPA 72, and the TFPD Fire Alarm Policy.”

100. **907.2.13.1 Automatic Smoke Detection.** Section 907.2.13 is hereby amended to read as follows:

“907.2.13.1 Automatic Smoke Detection. Automatic smoke detection in high rise buildings shall be in accordance with Sections 907.2.13.1.1, 907.2.13.1.1, NFPA 72, and the TFPD Fire Alarm Policy.”

101. **907.2.13.1.1 Area Smoke Detection.** Section 907.2.13.1.1 is hereby amended to read as follows:

“907.2.13.1.1 Area Smoke Detection. Area smoke detectors shall be provided in accordance with this section, NFPA 72, and the TFPD Fire Alarm Policy. Smoke detectors shall be connected to an automatic fire alarm system. The activation of any detector required by this section shall activate the emergency voice/alarm communication system in accordance with Section 907.5.2.2. In addition to smoke detectors required by Sections 907.2.1 through 907.2.10, smoke detectors shall be located in each mechanical equipment, electrical, transformer, telephone equipment or similar room.”

102. **907.2.13.2 Fire Department Communication System.** Section 907.2.13.2 is hereby amended to read as follows:

“907.2.13.2 Fire Department Communication System. Where a wired communication system is approved in lieu of an emergency responder radio coverage system in accordance with Section 510, the wired fire department communication system shall be designed and installed in accordance with NFPA 72 and the TFPD Fire Alarm Policy and shall operate between a fire command center complying with Section 508, elevators, elevator lobbies, emergency and standby power rooms, fire pump rooms, areas of refuge, and inside enclosed exit stairways. The fire
department communications device shall be provided at each floor level within the enclosed exit stairway.”

103. **907.2.14 Atriums Connecting More than Two Stories.** Section 907.2.14 is hereby amended to read as follows:

“**907.2.14 Atriums Connecting More Than Two Stories.** A fire alarm system shall be installed in occupancies with an atrium that connects more than two stories, with smoke detection installed throughout the atrium. The system shall be activated in accordance with Section 907.5, NFPA 72, and the TFPD Fire Alarm Policy. Such occupancies in Group A, E, or M shall be provided with an emergency voice/alarm communication system complying with the requirements of Section 907.5.5.5, NFPA 72, and the TFPD Fire Alarm Policy.”

104. **907.2.18 Underground Buildings with Smoke Control Systems.** Section 907.2.18 is hereby amended to read as follows:

“**907.2.18 Underground Buildings with Smoke Control Systems.** Where a smoke control system is installed in an underground building in accordance with the International Building Code, automatic smoke detectors shall be provided in accordance with Section 907.2.12.1, NFPA 72, and the TFPD Fire Alarm Policy.”

105. **907.3 Fire Safety Functions.** Section 907.3 is hereby amended to read as follows:

“**907.3 Fire Safety Functions.** Automatic fire detectors utilized for the purpose of performing fire safety functions shall be connected to the building’s fire alarm control unit where a fire alarm system is required by Section 907.2, NFPA 72 and the TFPD Fire Alarm Policy. Detectors shall, upon activation, perform the intended function and activate the alarm notification appliances and shall also notify the monitoring company’s signaling service. In buildings not equipped with a fire alarm system, the automatic fire detector shall be powered by normal electrical service and, upon activation, perform the intended functions. The detectors shall be located in accordance with NFPA 72 and the TFPD Fire Alarm Policy.”

106. **907.3.1 Duct Smoke Detectors.** Section 907.3.1 is hereby amended to read as follows:

“**907.3.1 Duct Smoke Detectors.** Smoke detectors installed in ducts shall be listed for the air velocity, temperature and humidity present in the duct. Duct detectors shall be connected to the building’s fire alarm control unit when a fire alarm system is required by Section 907.2, NFPA 72, and the TFPD Fire Alarm Policy. Activation of a duct smoke detector shall initiate a signal to the monitoring company’s signaling service and shall perform the intended fire safety functions in accordance with this code and the IMC. Duct smoke detectors shall not be used as a substitute for required open air detection.”

107. **907.3.1 Duct Smoke Detectors.** Section 907.4.1 is hereby amended to delete Exception 2 in its entirety.

108. **907.3.3 Elevator Emergency Operation.** Section 907.3.3 is hereby amended to read as follows:

“**907.3.3 Elevator Emergency Operation.** Automatic fire detectors installed for elevator emergency operation shall be installed in accordance with ASMA A 17.1, NFPA 72, and the TFPD Fire Alarm Policy.”
109.  **907.3.4 Wiring.** Section 907.3.4 is hereby amended to read as follows:

“The wiring to the auxiliary devices and equipment used to accomplish the above fire safety functions shall be monitored for integrity in accordance with NFPA 72, and the TFPD Fire Alarm Policy.”

110. **907.4.3.1 Automatic Sprinkler System.** Section 907.4.3.1 is hereby deleted in its entirety.

111. **907.5 Occupant Notification Systems:** Section 907.5 Exception is hereby deleted in its entirety.

112. **907.5.2.1 Audible Alarms:** Section 907.5.2.1 Exception is hereby deleted in its entirety.

113. **907.5.2.2 Emergency Voice/Alarm Communication Systems.** Section 907.6.2.2 is hereby amended to read as follows:

“The emergency voice/alarm communication systems required by this code shall be designed and installed in accordance with NFPA 72 and the TFPD Fire Alarm Policy. The operation of any automatic fire detector, sprinkler water flow device, or manual fire alarm box shall automatically sound an alert tone followed by voice instructions giving approved information for a general or staged evacuation in accordance with the building’s fire safety and evacuation plans required by Section 404. In high-rise buildings, the system shall operate on a minimum of the alarming floor, the floor above and the floor below. Speakers shall be provided throughout the building by paging zones. At a minimum, paging zones shall be provided as follows: 1. Elevator groups, 2. Exit stairways, 3. Each floor, 4. Areas of refuge as defined in Chapter 2.”

114. **907.6 Installation.** Section 907.6 is hereby amended to read as follows:

“The fire alarm system shall be installed in accordance with Sections 907.6.1 through 907.6.5.2, NFPA 72, and the TFPD Fire Alarm Policy.”

115. **907.6.1 Wiring.** Section 907.7.1 is hereby amended to read as follows:

“Wiring shall comply with NFPA 70 and 72 as to wiring size and installation of the wire, and the TFPD Fire Alarm Policy with regard to class/style of wiring to all devices in the system. Wireless protection systems utilizing radio-frequency transmitting devices shall comply with the special requirements for supervision of low-power systems in NFPA 72.”

116. **907.6.3 Zones.** Section 907.7.3 is hereby amended to read as follows:

“Each floor shall be zoned separately and a zone shall not exceed 22,500 square feet (2092m²). The length of any zone shall not exceed 300 feet (91,440mm) in any direction. Additional requirements for zoning shall be as specified in the TFPD Fire Alarm Policy.”

117. **907.6.5 Monitoring.** Section 907.6.5 is hereby amended to read as follows:

“Fire alarm systems required by this chapter or by the IBC shall be monitored by an approved supervising station in accordance with NFPA 72, and the TFPD Fire Alarm Policy.”

118. **907.6.5, Monitoring.** Section 907.7.5 Exception 3 is hereby deleted in its entirety.

119. **907.7 Acceptance Tests and Completion.** Section 907.7 is hereby amended to read as
“907.7 Acceptance Tests and Completion. Upon completion of the installation, the fire alarm system and all fire alarm components shall be tested in accordance with NFPA 72, and the TFPD Fire Alarm Policy.”

120. 907.7.2 Record of Completion. Section 907.7.2 is hereby amended to read as follows:

“907.7.2 Record of Completion. A record of completion in accordance with NFPA72 verifying that the system has been installed and tested in accordance with the approved plans and specifications shall be provided to the Fire Marshal and owner or owners representative at final inspection.”

121. 907.8.2 Testing. Section 907.8.2 is hereby amended to read as follows:

“907.8.2 Testing. Testing shall be performed annually unless required more frequently by NFPA 72. A copy of the test results shall be forwarded to the Fire Marshal’s office.”

122. 907.8.3 Smoke Detector Sensitivity. Section 907.8.3 is hereby amended to read as follows:

“907.8.3 Smoke Detector Sensitivity. Smoke detector sensitivity shall be checked within one year after installation and every alternate year thereafter unless required more frequently by the detector manufacturer or NFPA 72. Where the frequency is extended, records of detector-caused nuisance alarm and subsequent trends of these alarms shall be maintained. In zones or areas where nuisance alarms show an increase over the previous year, calibration tests shall be performed.”

123. 907.8.5 Maintenance, Inspection and Testing. Section 907.9.5 is hereby amended to read as follows:

“907.8.5 Maintenance, Inspection and Testing. The building owner shall be responsible to maintain the fire and life safety systems in an operable condition at all times. Service personnel shall meet the qualification requirements of NFPA 72 for maintaining, inspecting and testing such systems. A written record of such tests and inspections shall be maintained on the premises. A tag showing, at a minimum, the date of inspection, the company doing the inspection, and contact numbers for the company shall be affixed to the fire alarm control panel after each inspection.”

124. 909.20.1 Schedule. Section 909.20.1 is hereby amended to read as follows:

“909.20.1 Schedule. A routine maintenance and operational testing program shall be initiated immediately after the smoke control system has passed the acceptance tests. A written schedule for routine maintenance and testing shall be established. At a minimum routine testing and maintenance shall be performed annually.”

125. 913.4 Valve Supervision. Section 913.4 is hereby amended to delete method number 2 in its entirety.

126. 914.2.3 Emergency Voice/Alarm Communication System. Section 914.2.3 is hereby amended to add the following subsection:
“914.2.3.1 Emergency Responder Radio Coverage. Emergency responder radio coverage shall be provided in accordance with Section 510.”

127. 1024.1 General. Section 1024.1 is hereby amended to read as follows:

“1024.1 General. Approved luminous egress path markings delineating the exit path shall be provided in high-rise buildings of Group A, B, E, I, M, R-1, and R-2 occupancies in accordance with Sections 1024.1 through 1024.5.”

128. Chapter 25 Fruit and Crop Ripening. Chapter 25 is deleted in its entirety.
129. Chapter 27 Semiconductor Fabrication Facilities. Chapter 27 is deleted in its entirety.
130. Chapter 29 Manufacture of Organic Coatings. Chapter 29 is deleted in its entirety.
131. Chapter 36 Marinas. Chapter 36 is deleted in its entirety.
132. Appendix A Board of Appeals. Appendix A is deleted in its entirety since the TFPD establishes its own rules for the Board pursuant to Section 108.1
133. Appendix D Fire Apparatus Access Roads. Appendix D is hereby amended as follows:
   a. D103.1 Access Road Width with a Fire Hydrant. Amend to read as follows:
      “D103.1 Access Road Width with a Fire Hydrant. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 20 feet (6096 mm, exclusive of the shoulders.)”
   b. Figure D-103.1, Dead End Fire Apparatus Access Road Turnaround. Figure D103.1 is deleted in its entirety and is replaced by the TFPD designs as set forth in Appendix 17-2.
   c. D 103.3 Turning Radius. Amend to read as follows:
      “D103.3 Turning radius. The minimum inside turning radius shall be 32 feet (9753.6 mm).
   
   d. D103.4 Dead Ends. Amend to read as follows:
   e. “D103.4 Dead Ends. Dead end fire apparatus access roads in excess of 150 feet (45,720 mm) shall be provided with an approved turnaround in accordance with Figure D103.1.”
   f. D103, Minimum Specifications. Amend to add new subsection 103.7 Cul-du-Sacs as follows:
      “D104.7 Cul-du-Sacs. Cul-du-sacs or dead end roads shall not exceed 600 feet (182,880 mm) and shall be provided with a turnaround as shown in Figure D103.1.”
      Exception. Maximum length may be increased to 1200 feet (365.760 mm) providing all structures along the road have fire sprinkler and alarm systems meeting the requirements of Chapter 9 installed. A turnaround in accordance with Figure D103 shall be provided.”

C. Geographic Limits

1. That the geographic limits referred to in certain sections of the 2012 International Fire Code are hereby established as follows:
   a. Section 5704.2.9.6.1. Storage of Class I and Class II liquids in above ground
tanks outside of buildings is prohibited in all areas of the TFPD with a population density of one living unit or greater per acre. In the event of a conflict with Colorado State or Federal regulations, the more stringent regulations shall apply.

EXCEPTION. Tanks legally in existence at the time of the adoption of this resolution, providing they do not pose undo fire or safety hazards.

2. **Section 5706.2.4.4.** Storage of Class I and Class II liquids in above ground tanks is prohibited in all areas of the TFPD with a population density of one living unit or greater per acre. In the event of a conflict with Colorado State or Federal regulations, the more stringent regulations shall apply.

EXCEPTION: Tanks legally in existence at the time of the adoption of this resolution, providing they do not pose undo fire or safety hazards.

3. **Section 5806.2.** Storage of flammable cryogenic fluids in stationary containers is prohibited in all areas of the TFPD with a population density of one living unit or greater per acre. In the event of a conflict with Colorado State or Federal regulations, the more stringent regulations shall apply.

EXCEPTION: Tanks legally in existence at the time of the adoption of this resolution, providing they do not pose undo fire or safety hazards.

4. **Section 6104.2.** The storage of liquefied petroleum gas is restricted for the protection of heavily populated areas of the TFPD with a population density of one living unit or greater per acre. In the event of a conflict with Colorado State or Federal regulations, the more stringent regulations shall apply.

EXCEPTION: Tanks legally in existence at the time of the adoption of this resolution, providing they do not pose undo fire or safety hazards.

17.7.20 **CONSTRUCTION MITIGATION**

All development within the town shall comply with the Construction Mitigation Regulations

A. **CONSTRUCTION MITIGATION REGULATIONS**

1. A construction mitigation plan shall be submitted for development that requires storage, scaffolding, parking, trailers, equipment or other exterior development staging.

2. When a construction mitigation plan is required, the following plans and information shall be submitted to the Community Development Department as applicable:

   a. Site plan showing:

      i. Perimeter fencing with attached screening;
      ii. Tree protection for trees to be saved;
      iii. Limits of disturbance and fencing at such line;
      iv. Erosion control and water quality protection measures using best management practices consistent with the Grading and Drainage Design Regulations;
      v. Laydown/storage areas;
      vi. Parking areas;
vii. Crane location and swing radius;
viii. Portable toilet location(s);
ix. Construction trailer location(s);
x. Dumpster and recycling bin locations;
xi. Method to protect any surrounding plaza areas caused by heavy vehicles, construction or development; and
xii. Bear-proof trash can location.

b. Other information as required by the Community Development Department.

3. The construction mitigation plan shall be reviewed and approved by the Community Development Department in consultation with the Police, Public Works and other applicable Town departments.

4. The general easement shall be protected as approved by the Review Authority, with the goal to avoid locating construction activities in the general easement and the need to respect the neighbors and neighboring properties, especially in regard to the placement of dumpsters, portable toilets and other more intensive construction infrastructure.

5. Construction projects adjacent to rights-of-ways and pedestrian areas including, but not limited to, walkways, hiking and biking trails, plazas, restaurants, etc., shall provide screened, fencing or hoarding (with appropriate directional signage) and needed lighting to direct pedestrians away from potential hazards related to the construction site. Pedestrian protection adjacent to the construction site shall be the responsibility of the owner and owner's agent. The Building Official has the right to require additional fencing if deemed necessary to protect public safety or screen construction activity. All public pedestrian protection shall be provided per chapter 33 of the IBC.

6. Construction staging in accordance with these regulations may occur on an off-premise site provided property owners immediately adjacent to the site are provided written notification prior to the Community Development Department reviewing or approving the plan. The Community Development Department may require large-scale, off-site construction staging areas to be reviewed and approved by the DRB with public notice as required by the public hearing noticing requirements. Such large scale staging areas should be evaluated concurrent with the required development review process for efficiencies and a holistic evaluation and mitigation of impacts.

7. All construction projects shall progress and be completed as expeditiously as possible in order to minimize impacts to neighboring properties. (Ordinance 2015-02)

8. A permit for any approved work shall be deemed to have been abandoned six (6) months after the date of the permit, unless such approved work has been pursued in good faith or an extension permit extending this six (6) month period has been issued. The Building Official is authorized to grant on extension not exceeding six (6) months. The extension shall be requested in writing and justifiable cause demonstrated. (Ordinance 2015-02)

B. CONSTRUCTION HOURS AND NOISE

Blasting, pile driving, jack hammering, heavy equipment operations, and loud noises and in general are permitted between the hours of seven (7) in the morning and six (6) in the evening Monday through Saturday, excluding the holidays listed below. No construction activity may take place on Sundays, Monday through Saturday before seven (7) in the morning or after six (6) in the evening or the following holidays: New year's Day, Memorial Day, The Fourth of July, Labor Day, Thanksgiving Day, and Christmas Day, except in case of urgent necessity or an unique situation as determined by the Building Official or its designee Ensuring a secure site and changing out propane tanks for proper heating are permitted during prohibited construction times.
All proposed blasting, jack hammering, pile driving and similar loud construction noises shall be pre-approved by the review authority and scheduled as necessary depending on the site proximity to existing development, anticipated occupancy, surrounding density, and holidays to limit any negative impact. If blasting is required, the owner/owner's agent is required to take all necessary precautions and notify adjacent property owners, TFPD, local traffic, pedestrians, etc. prior to blasting.

C.  TEMPORARY STRUCTURES FOR CONSTRUCTION SITES

A small job office or trailer may be located on the site during construction. The location of any job office or trailer will be determined on the construction mitigation plan. The job office shall be removed from the site prior to receiving a CO.

D.  ENVIRONMENTAL CONTROLS

Areas defined on the topographical survey that require preservation methods, i.e., natural landforms, vegetation, streams, ponds, wetlands, shall be identified and preserved by the general contractor or person primarily responsible for the construction. These areas and the methods of preservation will be defined during the Design Review Process or other applicable development application applicable to the project. Erosion control measures shall be taken during construction to ensure soil stabilization, sediment control and timely re-vegetation. The general contractor or person primarily responsible for the construction is responsible for the implementation of all preservation techniques.

E.  CONSTRUCTION SITE MAINTENANCE

1.  Construction Site Maintenance. All construction sites in the Town shall be maintained in a good, clean and safe condition, including, but not limited to, the following minimum requirements:

   a.  Every lot for which a construction permit has been issued after the effective date of this section, or lesser part of the lot at the discretion of the Building Official, shall be enclosed by a 6-foot chain link fence faced with green mesh fabric or similar barrier.
   b.  The fence or barrier shall remain in place until such time as the Building Official has determined that the property is sufficiently secured so as to prevent a health or safety risk or danger.
   c.  The Building Official has the discretion and authority to modify these requirements, including but not limited to, requiring fencing of a different material, height or configuration if it is deemed necessary for the protection of public health and safety.

2.  Material Storage. Construction materials shall be stored, maintained and secured so as to prevent safety risk or danger.


   a.  The following materials shall be recycled for every construction project that requires a building permit:

      i.  Cardboard;
      ii.  Glass;
iii. Newspaper;
iv. Metal; and
v. Recyclable plastics.

b. The following permits do not need to provide recycling:

i. Mechanical permits;
ii. Electrical permits;
iii. Plumbing permits;
iv. Demolition permits; and
v. Other similar minor permits that do not generate large amounts of waste.

c. The construction mitigation plan shall show a comingled recycle bin for plastics, glass, newspaper and cardboard, with palettes or recycling dumpsters utilized for large quantities of cardboard.

d. Bins, dumpsters or pallets may be used to store recycle metal.

e. These recycling requirements shall not apply to demolition permits.

f. For demolition projects, the developer shall provide a two week opportunity for public salvage of building materials by placing a 1/8 page display ad in a newspaper of general circulation for two days in a seven day period. Such public salvage of building materials shall be a one week period commencing the day after the second ad is run in the newspaper. The developer may require the public salvaging materials to sign a hold harmless agreement to protect them from legal liability or damages.

4. Waste Disposal. Accumulated construction debris that is not recycled in accordance with these regulations shall be hauled away and disposed of in accordance with all applicable laws, on regular basis when full.

a. Dumpsters shall be securely covered at the end of each construction day or when high winds will blow material.

b. Debris from construction sites shall not be disposed of in dumpsters located at any other construction site within the town without the prior approval of the Building Official.

c. Except as approved as part of a construction mitigation plan, construction staging shall not occur in the public rights-of-way.

d. At least one separate bear proof poly cart trash can must be provided for non-construction debris and emptied on a regular basis. Food related garbage shall not be disposed in dumpsters.

e. All construction sites shall have a person designated to be regularly present at the subject property as having responsibility to assure that no litter or debris leaves the subject property and that all litter and debris is picked up before the end of every construction day.

f. It shall be unlawful to intentionally place, deposit, or otherwise dispose of construction debris in any public sewer. Intentionally placing, depositing, or otherwise disposing of construction debris in any public sewer will result in enforcement as provided.

5. Portable Toilets. Portable toilet facilities shall be provided for all new construction, major remodels and other projects when deemed necessary by the Building Official. Portable toilets shall meet the applicable IPC requirements. Any portable toilet facilities
shall be located, to the extent possible, at the rear of the construction site or out of plain view of any public right-of-way or neighbor. If the portable toilet facility cannot be located at the rear of the construction site and out of plain view of any public right-of-way or neighbor, the toilet facility must be fully screened from any public right-of-way or neighbor.

6. **Right-of-Way Closures.** A road closure permit shall be obtained prior to closing any sidewalk, street or other public right-of-way. Appropriate safety measures shall be used by the general contractor or owner’s agent as applicable.

7. **Parking and Site Access.** The parking of construction vehicles or equipment shall not occur in any manner so as to block access to or through any public sidewalk, street or rights-of-ways. The parking of construction vehicles on public streets shall be prohibited except as approved as part of a construction mitigation plan. Construction vehicles shall not use private driveways to turnaround. Construction materials shall not be stored on town streets or property unless approved by the Town as a part of the construction mitigation plan, and only after proving that no practicable alternative exists for storage on the development site.

8. **Construction Clean Up of Streets and Sidewalks.** All mud, dirt or debris deposited on any street, crosswalk, sidewalk or other public property as a result of excavation, construction or demolition shall be broom cleaned to the extent possible at the end of each working day and disposed of in accordance with all applicable laws. When determined by the Building Official to be appropriate and practicable, the applicant shall cause a gravel mat or other mud tracking device to be installed on the subject property, of a size and in a location sufficient to wash down all vehicles used on the subject property and to cause dirt and mud to be removed from the tires of such vehicles. The mud and dirt mitigation shall be located so as not to interfere with any use by the public of public rights-of-way and not to cause any nuisance or inconvenience to adjacent public or private property.

9. **Protection of Public Property.** Every construction site shall be maintained in a manner so as to avoid damage to the public right-of-way, infrastructure or other public property, including but not limited to the village curbs, alleys, streets, crosswalks, sidewalks, signs, street lights, sprinkler systems, sewers or other public infrastructure. Prior to the commencement of construction activities, the developer shall provide to the Town, video or photo documentation of the existing conditions prior to construction for the purpose of determining restoration obligations and compliance with this section. Any and all damage to the public right-of-way, infrastructure or other public property caused during the construction activities by the property owner, its contractors or agents shall be repaired, replaced or otherwise remedied by, and at the sole expense of, the property owner prior to the issuance of a CO. If Town infrastructure cannot be inspected during the winter months, a TCO may be issued until such inspection occurs.

10. **Air Quality Protection.** Airborne particles shall be controlled at the subject property at all times during work by means of a water truck and spraying equipment or other water source capable of spraying and thoroughly saturating all portions of the structure and surrounding property affected by the work. Such spraying shall be undertaken at all times as necessary to thoroughly control the creation and migration of airborne particles, including, without limitation, dust, from the subject property.

11. **Permission to Use Adjoining or Intervening Properties.** No permit issued pursuant to this chapter shall authorize or be construed to authorize any entry onto property adjoining or intervening the subject property or any work for which entry onto property adjoining the subject property is or may be necessary, unless a proper right of entry has been secured from the owner of such property and provided to the Building Official.

12. **Vehicle Storage.** Vehicles not being used on-site for construction purposes shall not be
left overnight on-site.

13. **Required Utility Locates.** Utility locates must be requested and marked for any work involving earth disturbing activity regardless of depth. Failure to have utilities properly located or any action that disturbs existing utilities, if the utilities were properly located, will result in the action contained in Section 20-6-(h) being taken.

**F. PENALTIES**

In addition to any violations and penalties set forth in the CDC, any violation of the Construction Mitigation Regulations shall result in the following actions being taken:

1. **1st Violation.** First violation – Documented warning.
2. **2nd Violation.** Second violation – All work must cease until the violation has been cured.
3. **2nd Violation of Same Rule.** Second violation of the same regulation within a 6 month period – a two (2) construction-days stop work order shall be issued. Work may resume at the permitted hour on the third construction-day if the violation has been cured.
4. **3rd Violation.** Third regulation violation within a 6 month period - A two (2) construction-days stop work order shall be issued. Work may resume at the permitted hour on the third construction-day if the violation has been cured.
5. **3rd Violation of the Same Rule.** Third violation of the same regulation within a 6 month period - A three (3) construction-days stop work order shall be issued. Work may resume at the permitted hour on the third construction-day if the violation has been cured.
6. **4th Violation.** Fourth regulation violation within a 6 month period - A three (3) construction-days stop work order shall be issued. Work may resume at the permitted hour on the third construction-day if the violation has been cured.
7. **4th Violation of the Same Rule.** Fourth or greater violation of the same regulation with a 6 month period – a five (5) construction-days stop work order shall be issued. Work may resume at the permitted hour on the fifth construction-day if the violation has been cured and after attending a meeting with the Building Official or its designee. At the meeting with the Building Official, a plan detailing how future violations of the Construction Mitigation Regulations will be prevented must be submitted and approved before work may resume.
8. **5th Violation.** Fifth or greater violation within a 6 month period – a five (5) construction-days stop work order shall be issued. Work may resume at the permitted hour on the sixth construction-day if the violation has been cured and after attending a meeting with the Building Official or its designee. At the meeting with the Building Official, a plan detailing how future violations of the Construction Mitigation Regulations will be prevented must be submitted and approved before work may resume.
9. **Stop Work Order Fees.** In addition, any stop work order shall result in a fee in the amount set by the fee resolution.

17.7.21 **SNOW AND ICE REMOVAL REGULATIONS**

**A. Purposes.** The purposes of the Snow and Ice Removal Regulations are to:

1. Protect the public health, safety and welfare by preventing falling snow and/or ice from the roofs of buildings within, adjacent to, or near plaza areas, public areas around buildings by requiring that the owners of such buildings engage in the installation or supplementation of roof-top snow-shed protection systems and regular snow and/or ice build-up inspection activities, and, if necessary, snow and ice removal activities;
2. Safeguard the Town-owned plazas and overall plaza areas;
3. Establish procedures under which snow and ice removal activities will occur;
4. Ensure that a building’s roof is not unsafe due to snow or icefall hazard as regulated by Section 116 of the IBC;
5. Ensure a building does not become unsafe to due roof snow and ice buildup; and,
6. Set forth rules for the enforcement of such requirements.

B. Applicability. These Snow and Ice Removal Regulations shall apply to all multi-family or mixed use buildings.

C. Roof Snow and Ice Management. The owner of each building shall ensure that each roof plane of a building does not shed snow or ice onto public area, plaza area sidewalk, or right-of-way. Each roof shall be constructed and maintained as follows:

1. Each roof-plane shall contain a snow guard system that is supplemented by a wire mesh retention system, all of which is designed and stamped by a qualified structural engineer which prevents the roof plane from shedding snow and/or ice to areas below the roof plane; or
2. In the event that it is demonstrated by a qualified structural engineer that a snow guard system is not a viable option for preventing snow and ice from shedding into areas below the roof plane, each roof plane shall contain heat tape or other heating system that is designed by a qualified engineer which prevents the roof plane from shedding snow and/or ice to areas below the roof plane.
3. If the Town determines that additional snow fences or other snow maintenance controls are required to protect a public area or a public plaza, the Town will require a building owner to arrange for the installation of the additional snow maintenance controls.

D. Requirements for Snow Inspection and Removal. During months that snow accumulates, the owner and any building manager of each building shall ensure that there are regular (not less than weekly) inspections of all eaves and other roof areas of the building that could result in the discharge of snow, and/or ice, and/or roof tiles, to public area, plaza area sidewalk, or right-of-way.

1. Upon identification of an overhead snow/ice safety removal issue as a result of such inspections, or upon being informed by a representative of the Town that an overhead snow/ice safety removal issue exists on a building, the owner or building manager shall proceed in accordance with the requirements set forth herein.
2. Upon identification of an overhead snow/ice safety removal issue, or upon being informed by a representative of the Town that an overhead snow/ice safety removal issue exists on a building, the owner or building manager of the building shall:
   a. Immediately cordon off the hazard area and notify the Community Development Department of the issue and cordoned off area...
      i. The hazard area shall be cordoned off using only appropriate fencing and/or Town approved barriers.
      ii. In the event that the cordoned off area is an entrance or egress, the building manager shall provide appropriate signage to direct users to alternative entrances or egress areas.
   b. Immediately schedule appropriate work crews to remove the identified hazard and ensure that diligent and reasonable efforts are being made to complete the snow removal activity within 24 hours of the identification of the hazard, or
within such longer period of time as is necessary for the snow removal in the reasonable judgment of the Building Official or other appropriate Town department, but in no event more than 72 hours.

c. Ensure that all such removal activities are safely completed, including but not limited to ensuring that at all times during the removal activities there is at least one worker posted at ground level to monitor pedestrian safety.

d. Snow and ice removal workers shall use appropriate safety devices as required by OSHA.

e. Snow and ice removal techniques should not damage the roof of buildings or infrastructure surrounding buildings, such as the use of a heavy hammer directly onto the roofing surface or dropping ice blocks onto electric transformers.

f. To the extent practical, snow removal should be planned for times when there is the least activity in public areas and public plazas. This could include early mornings (7am-9am) and weekdays when the presence of pedestrians is at a minimum.

3. Landscaped areas below a roof plane that can slide shall be blocked off by fencing installed pursuant to the Design Regulations, with appropriate permanent signage warning of the hazard. All signage shall comply with the Sign Regulations.

E. Snow and Ice Removal From Town and Private Property. A building owners or its property manager shall make arrangements to haul snow and ice removed from a roof or deck onto a plaza area, sidewalk or right-of-way immediately upon the conclusion of removal.

1. Absolutely no snow is allowed to be stored for any length of time on public plazas and public areas.

2. A building owner is liable for any damages caused to Town property, private property or pedestrians from snow and ice falling off your roof.

3. A plaza vehicle access permit is required from the Town Plazas and Environmental Service Department for any equipment needed to access the public plazas for snow removal.

4. Snow and ice may not be stored in a planter located on a public plaza or in planters where the required landscaping may be damaged or destroyed.

5. No vehicles over 10,000 pounds will be allowed in a plaza area. The Town shall require that haul trucks are staged at the perimeter of a plaza area to prevent paver damage. The plaza vehicle access permit will identify exact locations where your vehicles are approved for operation.

6. If your snow is not removed from plaza area in a timely manner, the Town Plazas and Environmental Service Department will remove it for you at a cost of $200 per hour or the then-in-effect rate as adopted in the fee resolution, to be billed directly to the business or property as applicable.

7. Any damage to Town property (including Plazas, planters, trees, landscaping) or private property resulting from roof snow and ice removal operation is the building owner’s responsibility to repair at such owner’s sole cost and expense. Care shall be taken to not disturb town property with a snow and ice removal program.
CHAPTER 17.8   DEFINITIONS

Access: A method of providing physical ingress or egress from a lot consistent with the requirements of the CDC.

Access Tract: A road that is approved by the Town and constructed to Town standards that is owned and maintained privately by the adjacent property owners for access, placement of utilities, snow storage, drainage and other typical right-of-way functions.

Accessory Building or Structure: A subordinate structure or building detached from the primary structure or building, the use of which is incidental and exclusive to that of the primary structure, that is located on the same lot as the primary building or structure.

Accessory Dwelling Unit: A subordinate and exclusive single-family dwelling to the primary structure meeting the requirements in Chapter 3. See dwelling unit definition.

Accessory Use: A use on a lot that is incidental and exclusive to that of the principle structure or building.

Active Open Space: An open space lot, tract or parcel zoned with active recreation uses and other permitted uses as set forth in the zoning regulations. Active open space has five (5) different classifications as provided for in Chapter 3.

Active Recreation Uses: Recreational activities, usually of a more formal nature and performed with other persons, often requiring equipment and built facilities and taking place at prescribed places, sites or fields, including facilities and improvements related thereto (such as lift structures and terminals). Examples include recreation associated with soccer fields, tennis courts, golf courses, frisbee golf, climbing walls, ice climbing facilities, snowboarding, skiing (alpine and nordic), athletic clubs, stables, athletic fields, picnic areas, facilities and improvements related to trails, mountain biking, tubing, ice skating, snow play, go-carts, arcades, miniature golf, lake activities, zip lines, alpine slide, bungee jumping, multi-purpose recreation, sports training facilities and similar recreational uses.

Adjoining: A lot or parcel of land that shares all or part of a common boundary line with another lot or parcel of land.

Agent: A person or organization who is either authorized to represent the owner of a property as evidenced by a written instrument or has property owner written permissions to pursue a development application.

Alter or Alteration: Any change, addition or modification in construction or occupancy or change in landscaping.


Appeal or Appealed: A de novo proceeding undertaken to have an administrative or DRB decision as enabled by the CDC reconsidered by bringing it to the Town Council.
Appeal Procedures: The process to appeal either an administrative decision as provided for in the CDC, or to appeal a decision of the DRB to the Town Council as set forth in Chapter 4. Appeals under the Building Codes are outlined in Chapter 7.

Applicant: The owner or authorized agent submitting for a development application approval under the CDC.

Art: A device, element or feature of which the primary purpose is to express, enhance or illustrate aesthetic quality, feeling, physical entity, idea, local condition, historical or mythical happening, or cultural or social value. Examples of artwork include sculpture, bas relief sculpture, murals or unique specially crafted lighting, furniture, pavement, landscaping or architectural treatment that is intended primarily, but not necessarily exclusively, for aesthetic purposes. Signs are not considered artwork.

Art, Private: Art that is proposed to be located on a privately owned lot.

Art, Public: Art that is proposed to be located in a plaza area, right-of-way or other public space where the art is intended to be enjoyed by residents and visitors.

ATM Center: A facility for automated teller machines that performs banking or financial functions.

Awning: A roof-like cover that is temporary in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

Barrier: A fence, gate, rope with bollards, planter or other permitted material used to separate an outdoor dining and seating area from the surrounding plaza area.

Best Management Practices: Methods, measures, practices, schedules of activities, maintenance procedures and other management practices to outline best construction and/or development practices on a site to prevent adverse impacts.

Building: Any structure used or intended for supporting or sheltering any use or occupancy.

Building Codes: The Town’s Building Codes adopted by ordinance at the time a building permit application is submitted and as provided for in the Building Regulations contained in Chapter 7.

Building Codes Appeals Process: The process to appeal a decision of Town staff in administering the requirements of the Building Codes, as such process is defined in the Building Codes.

Building Dripline: The area covered by the greatest horizontal projections of a building, including but not limited to eaves, fascia, stairs, drip edge and the exterior face of a wall assembly.

Building Footprint Lots: The following are undeveloped Lots that have been designated as TF on their respective plats: Lots 67, 69R2, 71R, 122 and 123.

Building Height Measurement Points: The points on the natural grade and finished grade where the building height and average building height are measured. Building height measurement points shall be in a USGS datum.

Building Improvements: Improvements such as excavations, buildings, decks, patios, roof overhangs, play areas, swimming pools, tennis courts and enclosed parking areas.
**Building Massing Requirements:** The building massing requirements as set forth in the Design Regulations.

**Building Official:** The officer or other designated authority charged with the administration and enforcement of the Building Regulations.

**Building Permit:** A permit issued by the Town under the Building Codes, including but not limited to building permits, mechanical permits, plumbing permits, electrical permits and foundation permits.

**Building Regulations:** The regulations concerning building and construction standards as set forth in Chapter 7, or as may be adopted by ordinance.

**Building Site Design Standards:** The building and site design standards as set forth in the Design Regulations.

**Business License Holder:** A person or entity issued a business license in accordance with the Municipal Code.

**Busker:** The street performer who has applied for and received a busking license agreement to conduct busking pursuant to the busking regulations.

**Busking:** To play music or perform entertainment in a public place.

**Busking License Agreement:** The license agreement required by the Town for a busker to conduct busking.

**Busking Permit:** The permit issued by the Town in accordance with the busking regulations that allows for busking.

**Busking Regulations:** The regulations governing busking in the town as provided for in Chapter 6.

**Caliper:** See diameter at breast height ("dbh") definition.

**CDC Amendment Process:** The development application process for the Town Council to amend the Community Development Code.

**Certificate of Completion:** The certificate issued by the Planning Division or the Building Division for building permits that remain occupied during construction that documents a development was developed and completed in accordance with the requirements of the CDC and any conditions imposed on such as a part of the development application approval.

**Certificate of Occupancy:** The certificate issued by the Building Division that documents a construction project was completed in accordance with the Building Codes when the building was not occupied during construction.

**Certificate of Completion:** The certificate issued by the Planning Division or the Building Division for building permits that remain occupied during construction that documents a development was developed and completed in accordance with the requirements of the CDC and any conditions imposed on such as a part of the development application approval. Please also refer to Certificate of Compliance as such term is used in the Building Regulations, where certificate of completion in the CDC also means the certificate of compliance when such is related to a permit under the Building Regulations.
Certificate of Compliance. A certificate stating that materials and products meet specified standards or that work was done in compliance with approved construction documents. A certificate of compliance shall be issued in lieu of a certificate of occupancy when such work permitted is not designed for occupancy.

Class 2 Application: The development application process established for Class 2 applications as set forth in the development application procedures contained in Chapter 4.

Class 3 Application: The worksession process established for Class 3 applications as set forth in the development application procedures contained in Chapter 4.

Class 4 Application: The development application process established for Class 4 applications as set forth in the development application procedures contained in Chapter 4.

Class 5 Application: The development application process established for Class 5 applications as set forth in the development application procedures contained in Chapter 4.


Code Interpretation: The process used by the Director of Community Development in making written interpretation of this CDC as provided for in Chapter 1.

Commercial: See zoning designation definition.

Commercial, High Intensity: A commercial use that typically generates a higher demand for parking due to the intensity of the use, such as: Assembly areas - restaurant; bar; theater; auditorium; dance floor (including room or hall); church; chapel; assembly hall; bowling alley (assembly area only); stadium (bleacher area only); and swimming pool (including deck area); Laundromat; Offices - medical and dental (including clinics); financial institutions, banks and loan companies; and public buildings for administration (including city and county offices).

Commercial, Lot Intensity: Any commercial use that is not a high intensity.

Commercial Ground Level and Plaza Area Design Regulations: The commercial ground level and plaza area Design Regulations as set forth in the Design Regulations.

Common Interest Community: A common interest community created pursuant to C.R.S. Title 38, Article 33.3, Colorado Common Interest Ownership Act, where each dwelling unit owner is a part of a homeowners association that owns common elements, such as a road, driveway, amenity areas or open space.

Community Facilities: A non-commercial use established primarily for the benefit and service of the population of the community in which it is located, such as schools, transit facilities, fire stations, police stations, churches, libraries, parks and similar uses.

Community Infrastructure: Water wells, water storage tanks, water reservoirs, water treatment plants, utility transmission lines, water lines, sewer lines, storm drainage systems, retaining walls, benches, snow storage, landscaping, recreational trails, recreational facilities, transportation system facilities, parking lots, roads, rights-of-way and similar infrastructure.
Community Development Code or CDC: The current adopted Community Development Code and any subsequently adopted and effective ordinances amending such code.

Community Benefits: The dedications, conveyances, public improvements, exactions and conditions required to ensure that the impacts of a development project are adequately mitigated. Community benefits include, without limitation: additional affordable or employee housing; conveyance of land or easements for public purposes; construction and/or land, material or financial contribution to the construction of public facilities, such as public parking and transportation facilities, pedestrian improvements, streetscape improvements, lighting, public cultural facilities, parks, conference centers, public buildings and features; and other public facilities determined by the Town Council to meet the requirement for community benefit as set forth in the PUD Regulations.

Community Purposes: Means the community purposes set forth in the PUD Regulations.

Completeness Check Deadline: The deadline for the Planning Division to review an application as required by the CDC to ensure all of the submittal requirements have been provided.

Comprehensive Plan: The current adopted Town of Mountain Village Comprehensive Plan unless a specific CDC provision references the original adopted Town of Mountain Village Comprehensive Plan adopted on June 16, 2011.


Conceptual PUD: The first step in the creation of a site-specific PUD as set forth in the PUD Regulations.

Conceptual Worksession: The informal, nonbinding discussion meeting process with either the DRB or the Town Council to evaluate a potential development proposal in an open public manner.

Conditions of Approval: The conditions that may be applied by a review authority in approving a development application as provided for in Step 11 of the development application procedures and as outlined in the general provisions applicable to all development application classes contained in Chapter 4.

Conditional Use: Those uses that are generally compatible with the other uses permitted in a zone district but that require individual review of their location, design, configuration, density and nature, and intensity of use, operation, structures and parking circulation, and that may require the imposition of appropriate conditions in order to ensure the compatibility of the conditional use at a particular location and mitigate any potentially adverse effect on surrounding lands.

Conditional Use Permit: A permit to conduct a conditional use that was obtained pursuant to the Conditional Use Permit Process.

Conditional Use Permit Process: The development application procedure to obtain a conditional use permit for conditional uses.

Condominium Unit: See zoning designation and dwelling unit definitions.

Condominium, Single-Family. See zoning designation and dwelling unit definitions.
**Condominium Community:** A common interest community in which portions of the real estate are depicted and described as a condominium unit on a condominium map and condominium declaration, which unit(s) are designated for separate ownership, and the remainder of the real estate is designated for common ownership solely by the owners of the units. A common interest community is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

**Condominium-Hotel Regulations:** The regulations applicable to a development that is proposing a subdivision, density transfer, zoning amendment, PUD or PUD amendment on a site identified by the Comprehensive Plan as a flag hotel site in the development table.

**Condominium Map:** A graphic representation of a separate estate in an individual air space unit of a building together with an undivided interest in common area or common elements as defined by C.R.S. § 38-33-102 and C.R.S. § 38-33-103. Such map shall consist of all areas and uses of the building and grounds, plans illustrating the interior division of the buildings and the horizontal and vertical boundaries of all units, and a final condominium plat per the subdivision regulation plat standards in Chapter 4 of the CDC.

**Construction:** The placing of construction materials in position and fastened in a permanent manner.

**Construction Mitigation Plan:** Maps or plans and, if requested by the Town, a written narrative describing layout the site of construction to show such elements as fencing, laydown areas, construction trailers, parking and transportation, dumpsters/recycling bins, portable toilets, temporary power, topsoil storage, dust control and similar features consistent with the Building Codes.

**Construction, Start of:** The staging for construction, clearing or grubbing, excavation of land or installation of foundations, footings or grading.

**Contractor Licensing Regulations.** The Contractor Licensing Regulations as set forth in the Building Regulations that require the Town to issue a license to general contractors and certain trades as set forth under the regulations.

**Correction Plat:** A plat to correct technical, clerical or other errors on the recorded plat.

**Council:** See Town Council

**County:** Refers to San Miguel County, Colorado.

**Density:** The person equivalents that have been established for each type of dwelling unit or zoning designation as follows:

<table>
<thead>
<tr>
<th>Zoning Designation</th>
<th>Density (In Person Equivalents)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial</td>
<td>0</td>
</tr>
<tr>
<td>Condominium</td>
<td>3.0</td>
</tr>
<tr>
<td>Efficiency lodge unit</td>
<td>0.50</td>
</tr>
<tr>
<td>Employee apartment</td>
<td>3.0</td>
</tr>
<tr>
<td>Employee condominium</td>
<td>3.0</td>
</tr>
<tr>
<td>Employee dorm</td>
<td>1.0</td>
</tr>
<tr>
<td>Employee single-family</td>
<td>4.0</td>
</tr>
<tr>
<td>Hotel</td>
<td>1.5</td>
</tr>
<tr>
<td>Hotel efficiency</td>
<td>2.0</td>
</tr>
<tr>
<td>Industrial</td>
<td>0</td>
</tr>
<tr>
<td>Zoning Designation</td>
<td>Density (In Person Equivalents)</td>
</tr>
<tr>
<td>--------------------------------------------------------</td>
<td>---------------------------------</td>
</tr>
<tr>
<td>Lodge unit</td>
<td>0.75</td>
</tr>
<tr>
<td>Non-subdivideable duplex</td>
<td>6.5</td>
</tr>
<tr>
<td>Open space</td>
<td></td>
</tr>
<tr>
<td>Passive open space</td>
<td>0</td>
</tr>
<tr>
<td>Limited ski use active open space (Class 1 AOS)</td>
<td>0</td>
</tr>
<tr>
<td>Limited golf course active open space (Class 2 AOS)</td>
<td>0</td>
</tr>
<tr>
<td>Full use active open space (Class 3 AOS)</td>
<td>0</td>
</tr>
<tr>
<td>Resource conservation active open space (Class 4 AOS)</td>
<td>0</td>
</tr>
<tr>
<td>Right-of-way active open space (Class 5 AOS)</td>
<td>0</td>
</tr>
<tr>
<td>Parking</td>
<td>0</td>
</tr>
<tr>
<td>Single-family</td>
<td>4</td>
</tr>
<tr>
<td>Single-family common interest community</td>
<td>3</td>
</tr>
</tbody>
</table>

**Density Allocation:** The number of person equivalents or amount of commercial floor area or industrial floor area assigned to a specific lot in the town. Some lots do not have a maximum floor area or area (as applicable) for commercial or industrial uses allocated by the official land use and density allocation list or by a resolution, and in such cases the amount of commercial or industrial floor area or area allowed on a lot shall be that in existence as of the effective date of the CDC.

**Density Bank:** The density bank is owned and administered by the Town and was created for the purpose of preserving undeveloped density for future development. The density bank holds reserved, previously approved and platted density until such time as that density is transferred onto a lot for entitlement and subsequent development.

**Density Bank Certificate:** The official certificate issued by the Town to the owner of density in the density bank.

**Density Limitation:** The total maximum density within the boundaries of Original PUD Boundary, including zoned, platted or banked density is 8,027 person equivalents except for new workforce housing subject to the workforce housing restriction (Please refer to Chapter 3).

**Density Transfer:** The transfer of density from a lot to another lot, the transfer of density to or from the density bank, or the transfer of density within the density bank pursuant to the density transfer process and the density transfer and density bank policies.

**Density Transfer and Density Bank Policies:** The density transfer and density bank policies set forth in the Zoning Regulations contained in Chapter 3 to transfer density from one lot to another lot or into or out of the density bank.

**Density Transfer Process:** The development application process established in the development application procedures contained in Chapter 4.

**Design Review Board or DRB:** The Town of Mountain Village Design Review Board as provided for in the Town Charter and the CDC with the primary responsibilities of conducting the Design Review Process and also recommendations as the Planning and Zoning Advisory Board for the Town.

**Design Review Process or Design Review:** The development application process to review the proposed design of a development or applicable project pursuant to the Design Regulations.
**Design Regulations:** The development process and design requirements of the CDC to evaluate and approve proposed development.

**Design Variation:** A variation to the certain Design Regulations as set forth in the Design Regulations.

**Design Variation Process:** The process for the DRB to review and approve variations to the Design Regulations.

**Developer:** The legal or beneficial owner or owners, or successors and assigns of a lot or site included in a proposed development including the holder of an option or contract to purchase, the agent of the owner or other persons having enforceable proprietary interests in such land.

**Development:** Any of the following activities for which permission may be required pursuant to this CDC: (a) the division or re-division of a parcel of land into two (2) or more parcels; (b) the construction, reconstruction, demolition, conversion, structural alteration, relocation or enlargement of any buildings or structures; (c) any use or change in use of any buildings, land or water; (d) any extension of any use of land; (e) any clearing, grading or other movement of land; (f) any dredging, filling, grading, paving, excavation or drilling operations; (g) any alteration; (h) any improvement; (i) any redevelopment; (j) any landscaping or (k) the storage, deposition or excavation of materials.

**Development Application:** An application submitted in accordance with the CDC that has been determined to be a complete application containing all of the submittal requirements as set forth by the CDC.

**Development Application Procedures:** The procedures for processing development applications as required by this CDC as outlined in Chapter 4.

**Development Application Submittal Form:** The Town Council adopted document containing all of the submittal requirements for the type of development application as required by the CDC.

**Development Permit:** The permit that is issued by the Community Development Department to a project that has complied with the requirements of the CDC, received all CDC approvals and resolved any and all conditions of the Town approvals. A building permit shall not be issued until a development permit has been issued for the project.

**Development Table:** The Comprehensive Plan’s development table for each of the three (3) subareas that lists the target maximum building height, target hotbed mix, target condo units, target restaurant/commercial area and total target units.

**Diameter at Breast Height ("dbh"):** A measurement of the size of a tree equal to the diameter of its trunk measured four and one-half (4.5’) feet above the adjacent natural grade.

**Discretionary Plan Revisions:** Revisions to a development application that are recommended by the Planning Division in order to achieve compliance with discretionary requirements and criteria of the CDC.

**Disturbance Envelope:** An area on a subdivision plat, or an area defined by the review authority on a Design Review Process development application, that must contain all grading, clearing, excavation, development, drainage and other improvements provided, however, the following exceptions may be allowed outside of the disturbance envelopes:
1. Trails;
2. Driveways;
3. Utilities provided such should be located under the driveway, if practicable;
4. Grading improvements associated with the overall subdivision that were reviewed and approved by the Town;
5. Tree removal for required fire mitigation or forest health; and/or
6. Other improvements as may be allowed by the review authority provided the natural integrity of the lot is maintained and development constraints are avoided.

Domesticated Animal. Domesticated animals are defined as (1) any animal normally domesticated and kept inside a dwelling, including but not limited to parakeets, canaries or aquarium fish; and (2) any dog or cat not otherwise regulated by Town ordinances.

Drainage: The removal of surface water or ground water from a lot by drains, grading or other means. Drainage, sometimes referred to in terms of storm water management, also includes water quality protection through the control of run-off to minimize erosion, sedimentation and other pollutants (oil, etc.) during and after development and includes the prevention or alleviation of flooding through detention or retention. Please refer to drainage design standards.

Drainage Design Standards: The grading and drainage design requirements of the Town as provided for in Chapter 5.

Dwelling Unit: Dwelling unit means a building or a portion of a building containing a single unit providing living facilities for one (1) or more persons, including permanent provisions for living, sleeping, a kitchen as limited herein, and sanitation. Dwelling units are further classified as:

Accessory Dwelling Unit: A single-family dwelling that is located on the same lot as the primary single-family dwelling that meets the requirements for an accessory dwelling unit contained in Chapter 3. Each dwelling unit may have one (1) kitchen without size limitation. Wet bars are also allowed in common living rooms, entertainment rooms and similar common areas that cannot be locked-off from the dwelling unit.

Multi-Family Dwelling Unit: A building containing three (3) or more dwelling units on one (1) lot. Multi-family dwelling units include apartment units and condominium units and lodge units that may also be built with hotel units, hotel efficiency units and efficiency lodge units (Please refer to the zoning designation definition that contains specific allowances and limitations for each type of multi-family dwelling unit, that may limit kitchen and room configuration limitations for these unit types). When a kitchen size is not limited by a dwelling unit zoning designation definition, each dwelling unit may have one (1) kitchen without size limitation. For condominiums, wet bars are also allowed in common living rooms, entertainment rooms and similar common areas that cannot be locked-off from the dwelling unit.

Non-Subdivideable Duplex Dwelling Unit: A lot containing either (a) a detached building containing only two (2) dwelling units that are located on one (1) lot; or (b) two (2) detached buildings with each building only containing one (1) dwelling unit, both as limited under the single-family zone district requirements. Each dwelling unit may have one (1) kitchen without size limitation. Wet bars are also allowed in common living rooms, entertainment rooms and similar common areas that cannot be locked-off from the dwelling unit. A mother-in-law suite is permitted.
**Single-Family Condominium Dwelling**: A detached building containing only one (1) dwelling unit that is located within a condominium community with at least three (3) or more single-family dwelling units located on one (1) lot. Each dwelling unit may have one (1) kitchen without size limitation. Wet bars are also allowed in common living rooms, entertainment rooms and similar common areas that cannot be locked-off from the dwelling unit. A mother-in-law suite is permitted.

**Single-Family Dwelling Unit**: A detached building containing only one (1) dwelling unit that is located on one (1) lot unless such is in the single-family common interest community zone district where three (3) or more single-family dwellings in such community. Each dwelling unit may have one (1) kitchen without size limitation. In addition, one (1) additional kitchen is permitted for homes over 5,000 sq. ft. for the preparation of large meals for guests if such kitchen cannot be locked off from the dwelling unit. Wet bars are also allowed in common living rooms, entertainment rooms and similar common areas that cannot be locked-off from the dwelling unit. A mother-in-law suite is permitted.

**Easement**: A less than fee interest in land, which provides a person other than the owner of the land certain rights over that land, or any designated part of that land, for the purposes specified by such easement.

**Easement Vacation**: The vacation or removal of an easement shown on a recorded subdivision plat that is dedicated to or held by the Town Council.

**Effective Date of CDC**: The date the CDC was effective after the second reading of the ordinance adopting such code.

**Efficacy**: Luminous efficacy is a measure of how well a light source produces visible light. It is the ratio of luminous flux to power, measured in lumens per watt (lm/W).

**Efficiency Lodge Unit**: See zoning designation definition.

**Employee**: A person who is employed within the Telluride R-1 School District and maintains residence in the town as set forth in the employee housing or workforce housing restriction.

**Employee Apartment**: See zoning designation and dwelling unit definitions.

**Employee Condominium**: See zoning designation and dwelling unit definitions.

**Employee Dorm**: See zoning designation definition.

**Employee Single-Family**: See zoning designation and dwelling unit definitions.

**Enclosure**: A building that includes four (4) walls and a roof structure.

**Entertainment**: Includes but is not limited to touring exhibitions, concerts, performances of dance, music, drama and comedy, sporting exhibitions or contests, festivals, fairs, automotive displays and performances of skill or similar acts and exhibitions.

**Excavation**: Any act by which organic matter, earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed, and the conditions resulting therefrom.
Exclusive Premise: An establishment that has a defined barrier with seating and tables that serves customers of that establishment.

Existing Use or Structure: Any use of a lot, including any building or other structure thereon, that is located on the lot at any given point in time whether or not the use or structure conforms to the provisions of the CDC.

Exterior Lighting: Artificial outdoor illumination as well as outdoor illuminating devices or fixtures, whether permanent or temporary, including, but not limited to, illumination and illuminating devices or fixtures emanating from or attached to: the exterior of buildings, including under canopies and overhangs, within railings or stairs; structures, such as poles, fences, or decks; the interior or exterior of open-air structures or buildings such as gazebos, pergolas, and breezeways; and the ground, a tree, or other natural features.

Exterior Material Requirements or Exterior Wall Materials: The exterior material requirements as set forth in the Design Regulations.

Façade: The elevational surface of a building or structure.

Fascia: A band located at the top edge of a building but below the actual roofline and above the building wall and eave.

Fee Resolution: The Town Council adopted resolution that sets forth Town fees under the CDC.

Fence: A barrier of posts, wire, rails, boards, metal sheets or other material that is a barrier and used as a boundary or means of protection or confinement consistent with the Design Regulations.

Fill: Any act by which earth, sand, gravel, rock or other material is deposited, placed, replaced, pushed, dumped, pulled, transported or moved by man to a new location, and the conditions resulting therefrom.

Final MPUD Approval: Approval after Step 3 of the three-stage MPUD Process with a conceptual worksession and outline PUD as the prior steps.

Final PUD: The final step in the creation of a site-specific PUD as set forth in the PUD Regulations.

Finished Grade: See definition of grade.

Fire Code: The Town adopted Fire Code as provided for in the Building Regulations.

Fire District: See Telluride Fire Protection District.

Fire Mitigation and Forestry Management Regulations: The Fire Mitigation and Forestry Management Regulations set forth in Chapter 6 of the CDC.

Flag Hotel Site: A site identified in a Comprehensive Plan subarea plan for hotbed development in accordance with the Condominium-hotel Regulations.

Floor Area

1. **Floor Area, Gross**: The sum of all area(s) within the exterior walls of a building or portion thereof, measured from the exterior faces of the exterior walls, excluding the area
within attached or detached garages and attics or crawl spaces provided that such areas meet the following floor area exclusions:

a. Attic Areas: Attic areas shall have with a ceiling height of five feet (5') or less as measured from the topside of the structural members of the floor to the underside of the structural members of the roof directly above.

b. Attic Areas With Trusses: Attic areas created by construction of a roof with structural truss type members provided the trusses are spaced no greater than inches (30") apart.

c. Attic Areas with Non-truss System: Attic areas created by construction of a roof structure utilizing a non-truss system with spaces greater than five feet (5') in height if all of the following criteria are met:
   i. The area cannot be accessed directly from a habitable area within the same building level; and
   ii. The area shall have only the minimum access required by the Building Codes from the level below; and
   iii. The attic space shall not have a structural floor capable of supporting a "live load" greater than forty (40) pounds per square foot, and the "floor" of the attic space shall not be improved with decking.

d. Crawl Spaces: Crawl spaces accessible through an opening not greater than twelve square feet (12') in area with five feet (5') or less of ceiling height as measured from the surface of the earth to the underside of structural floor members of the floor/ceiling assembly above. Crawl spaces created by a "stepped foundation," hazard mitigation or other similar engineering requirement that has a total height in excess of five feet (5') may be excluded from floor area calculations at the discretion of the Planning Department.

e. Stairways: Stairs within a dwelling unit shall only be counted on every other level.

2. **Net Floor Area:** The floor area as measured from the exterior wall assembly and excludes commercial space, spas, dorm rooms and common areas.

**Foot-Candle:** ("FC") The basic unit of illuminance (the amount of light falling on a surface). Foot-candle measurement is taken with a hand-held light meter. One foot-candle is equivalent to the illuminance produced on one square foot of surface area by a source of one candle at a distance of one foot. Horizontal foot-candles measure the illumination striking a horizontal plane.

**Forestry Management:** The practice of managing forests for forest health and fire mitigation.

**Free Market Housing Unit:** A dwelling unit that is not restricted by the workforce housing restriction.

**Frontage:** The distance along which a property line of a lot adjoins a public or private road.

**Fronting:** A building façade that directly abuts a primary plaza area or principal pedestrian path as provided for in the plaza level use limitations.

**General Declaration:** The Amended and Restated General Declaration for the Telluride Mountain Village Owners Association as amended from time to time.
**General Easement:** There exists for the benefit of the TSG Ski & Golf, LLC ("TSG"), and/or its assigns, a perpetual easement sixteen feet (16") in width over, across and under all areas designated as sixteen foot (16’) general easement on this replat for any and all uses, improvements and activities deemed necessary by TSG; Mountain Village Metropolitan District; Telluride Mountain Village Resort Company, a Colorado non-profit corporation, doing business as the Telluride Mountain Village Owners Association (TMVOA) and the Town for the safe and efficient operation of the Telluride Ski Area, Telluride Golf Course and the Town, which include but are not limited to the following: utilities, drainage, electrical service, communication service, ski slope maintenance, bicycle access, skier access, roadway access, equestrian access, pedestrian access, golf cart access, snow making, waterways, slope maintenance, snow storage, retaining walls, snowmobile access, snow removal, snowcat access, water, sanitary sewer and storm sewer.

TSG and the TMVOA assigned their rights to certain general easements within the town to the Town at reception numbers 305359 and 339588, and is therefore not a party to the general easement as set forth in such legal instruments.

**General Easement Requirements:** The requirements and provisions for general easements as outlined in Chapter 3.

**General Provisions Applicable to All Application Classes:** Development application process requirements of the CDC as outlined in Chapter 4 that are used in conjunction with the Development Review Procedures.

**Glare:** Light entering the eye directly from a light fixture or indirectly from reflective surfaces that cause visual discomfort or reduced visibility to a reasonable person.

**Golf Course Uses:** Land uses related to the golf and related activities, such as greens, tees, fairways, golf cart paths, golf infrastructure, waterworks, irrigation, pump houses, electrical, lightning shelters and similar uses.

**Golf Resort Operator:** The Owner and Operator of the Telluride Golf Resort located within the town.

**Government Project:** A development that is funded 100% by government funds that is determined by the Town Council to be reasonably necessary for the convenience or welfare of the public where the applicant for development is the Town, an agent of the Town authorized by the Town Council to proceed under the Alternative Review Process or the Town or agent of the Town is a co-applicant with a private party for the development of land which constitutes an essential public facility, provides essential services to the public and that is in the best interests of the Town to be completed. By way of example and not limitation, the following types of developments may be determined to be reasonably necessary for the convenience or welfare of the public: (a) workforce housing projects developed by the Town by itself or in conjunction with an agent or private developer; (b) the development of public utilities; (c) park and recreational facilities development; (d) public and public works infrastructure improvements; (e) public buildings and structures; or (f) transportation improvements or Infrastructure.

**Grade, Finished:** The final elevation of the ground surface after development.

**Grade, Natural:** The elevation of the ground surface in its natural state before man-made alterations.

**Grading and Drainage Design Standards:** The grading and drainage design standards as set forth in the Design Regulations.
**Home Occupation:** An occupation carried on in a dwelling unit by the resident thereof, provided that the use is limited in extent and incidental and secondary to the use of the dwelling unit for residential purposes, that meets the home occupation standards set forth in Chapter 6.

Home occupations may include the following and similar: activities conducted principally by telephone or mail order, studios and activities producing light handcrafts or objects of art, teaching and tutoring instruction limited to two (2) pupils at a time, or dressmaking and apparel alterations. Home occupations shall not include the following: a clinic, funeral home, nursing home, tearoom, restaurant, antique shop, veterinarian’s office or any similar use.

**Home Occupation Permit:** The permit issued by the Town in order to conduct certain home occupations as provided for in the Home Occupation Regulations.

**Home Occupation Regulations.** The regulations pertaining to home occupations as set forth in Chapter 6 of the CDC.

**Home Occupation Standards:** The requirements applicable to a permitted home occupation as set forth in Chapter 6.

**Hotbed Development:** Development that provides lodging/accommodation type units that are available on a nightly basis for short-term rentals that are consistent with the hotbed development requirements contained in the Condominium-hotel Regulations. Such development may be composed of lodge units, efficiency lodge units and hotel units.

**Hotel Efficiency Unit:** See zoning designation definition.

**Hotel Unit:** See zoning designation definition.

**Image Projector Sign:** A sign that is projected onto a wall or plaza surface using an intense source of illumination to project the image.

**Improvements:** Any additions to raw land or buildings such as structures, streets, sewers, etc. See also development.

**Improvements Agreement:** The legal agreement required by the Town to ensure improvements as required by this CDC will be installed or constructed by the developer or subdivider, as applicable.

**Infrastructure:** Public facilities necessary to serve development, including but not limited to roads, potable water supply facilities, sewage disposal facilities, drainage facilities, electric facilities, natural gas facilities, telephone facilities and cable television facilities.

**Kelvin:** The measure of color temperature of a light source. Temperature is measured in degrees with warmer temperatures having a lower number and cooler temperatures having a higher number.

**Kitchen:** Any common room in a dwelling unit that is used, intended, or designed to be used for cooking or preparation of food. A kitchen shall not be located in a bedroom.

**Lamp:** A source of optical radiation (i.e., “light”), often called a “bulb” or “tube.” Examples include incandescent, fluorescent, high-intensity discharge (HID) lamps, and low-pressure sodium (LPS) lamps, as well as light emitting diode (LED) modules and arrays.
**Land Use Schedule:** The table in Chapter 3 that specifies the permitted, accessory and conditional uses for each zone district in the town.

**Landscaping:** The installation, alteration and maintenance of the landscape for an aesthetic or functional purpose that includes but is not limited to the preservation and maintenance of existing vegetation together with grading; the installation of new plantings of vegetation such as trees, shrubs and grasses; the installation of “hardscaping,” such as patios, terraces and walkways; the construction of minor accessory structures such as gazebos, fountains, pools, streams and fire-pit seating areas; and the installation of decorative landscaping materials, such as rocks, private art, mulch, edgings and similar landscaping materials.

**Landscaping Regulations:** The Landscaping Regulations that must be met for any new development of land that is subject to the Design Regulations as set forth in Chapter 5.

**LED Sign:** Electronic signs that use solid state, electronic technology to produce a bright display that typically involve moving copy, animation or other graphics.

**Light Pollution:** The material adverse effect of artificial light, including but not limited to, glare, light trespass, energy waste, compromised safety and security, and impacts on the nocturnal environment.

**Light Trespass:** An undesirable condition in which exterior light is cast across property lines to areas that are unwarranted or unwanted.

**Lock-Off Unit:** A one (1) room space with a bathroom within a condominium or lodge dwelling unit that may be designated to lock off from the remainder of the dwelling unit for use by a separate individual, family or group.

**Lodge Unit:** See zoning designation definition.

**Lot:** A parcel of real property within the incorporated area of the town that was legally created according to this CDC or prior governing land use regulations and recorded by means of a plat filed with the San Miguel County Clerk and Recorder.

**Lot Coverage:** The calculation of the total horizontal area of any building, carport, porte-cochere, or arcade and shall also include walkways, roof overhangs, eaves, exterior stairs, decks, covered porch, terraces and patios. Such horizontal measurement shall be from the building driplines and from the exterior surface of the total wall assembly, whichever is more restrictive.

**Lot Line Adjustment:** The minor adjustment of common property line(s) between adjacent lots, tracts or parcels for the purpose of accommodating the transfer of land, rectifying a disputed lot-line location and similar purposes. The resulting adjustment shall not create additional lots, parcels or tracts.

**Lot Line Vacation:** The elimination of a lot line between two (2) contiguous lots for the purpose of creating one (1) larger lot.

**Lumen:** A unit of measure used to quantify the amount of visible light produced by a lamp or emitted by a light fixture (as distinct from “watt”, a measure of power consumption).

**Luminaire:** A complete lighting unit consisting of one or more lamps, together with the components designed to distribute the light, to position and protect the lamps, and to connect the lamps to the electrical power supply; also called the lighting fixture or fixture.
Mailing Notice Details: The public notice mailing requirements listed in the mailing notice details section of the public hearing noticing requirements.

Major-Subdivision. See subdivision definition.

Metro Services. The Mountain Village Metro Services, a former quasi-governmental entity that provided certain governmental services, such as water, sewer and road maintenance. The Town of Mountain Village and Metro Services were merged, with the Town now performing these functions.

Minor-Subdivision. See subdivision definition.


Master PUD Process or MPUD Process: The process to create a master PUD as set forth in the PUD Regulations.

Manual on Uniform Traffic Control Devices or MUTCD: The most current version of the MUTCD adopted by or used by the Town that is published by the United States Department of Transportation, Federal Highway Administration.

Media Racks: The Town-approved, enclosed racks designed in accordance with the Plaza Use Standards that are in specific approved locations on plaza areas.

Mezzanine: A space constructed within a room, not to exceed one-third (1/3) of the area of the room, open and unobstructed to the room in which it is located, except for columns, posts and protective walls or railings not more than forty-four inches (44”) in height. The clear height above and below the mezzanine floor shall not be less than seven feet (?) and shall be allowed only on the top floor of the structure except in commercial space.

Minor Revisions: Minor revisions as set forth in the minor Revision Process in Chapter 4.

Minor Revision Process: The process to revise a development application that has minor revisions as set forth in Chapter 4.

Monumented Land Survey: A survey prepared by a Colorado licensed public land surveyor that finds or marks all property corners, property lines, existing improvements and construction and development improvements. The lot corners and lot lines included in the monument land survey may be limited down by the Planning Division to the area affected by development or construction.

Mother-in-Law Suite: A suite that is accessed from a common hallway in the home that does not contain a separate entrance, lock or the ability to lock off a common foyer that may contain a bedroom, small living area, and a limited kitchen facilities consisting of a sink, microwave, two-element burner and a six (6) cubic foot (maximum) refrigerator.

Mountain Village: When used as a freestanding phrase not referring to the Town of Mountain Village or a Town document, Mountain Village shall mean the geographic, incorporated area of the Town.

MPUD: A master PUD as set forth in the PUD Regulations.
**MPUD Development Agreement:** The binding agreement between the developer and the Town required as a condition of approval of an outline PUD, which agreement includes requirements for dedication and conveyance of community benefits associated with all phases of the MPUD and which details the uses and densities associated with the individual parcels and/or phases of the MPUD as provided for in the PUD Regulations.

**Multi-Family Zone District:** A lot zoned as multiunit or multi-family that permits multi-family development with the following limited zoning designations as specifically zoned on each lot: hotel units, hotel efficiency units, lodge units, efficiency lodge units, condominium units, commercial space, workforce housing units and parking together with such public and semi-public facilities, private recreation facilities and related visitor-oriented uses as may be appropriately developed on the property.

**Municipal Facilities:** Facilities and services traditionally provided by the Town, such as water services, police protection, fire protection, maintenance/shops and similar uses.

**Natural Grade:** See definition of Grade.

**Native Grass Seed Mix:** The native grass seed mix as set forth in the Landscaping Regulations section of the Design Regulations.

**Nonconforming Structure:** Any building or structure legally established pursuant to the land use regulations in effect at the time of its development that does not comply with the CDC regulations.

**Nonconforming Use:** Any use of land, building or structure that was established pursuant to the land use regulations in effect at the time of its development but which use does not comply with the CDC regulations.

**Non-Domesticated Animal:** Any animal that is not a domesticated animal (Please refer to domesticated animal definition).

**Non-Subdivideable Duplex Lot:** A lot with a zoning designation of non-subdivideable duplex that allows for the construction of two (2) dwelling units consistent with the accessory dwelling unit requirements in the single-family zone district.

**Noxious Weeds:** Noxious weeds are identified in the noxious weed table in the Landscaping Regulations or are subsequently designated as a noxious weed by the Air Quality and Natural Resource Commission of the State of Colorado.

**Office:** Includes a wide range of offices providing professional services and other activities that are customarily provided in an office environment: legal, accounting, investment and financial services, medical and dental and other health services, engineering, architectural and other design services, counseling and social services, insurance and real estate services and administration and sales for business, industry and government.

**Official Land Use and Density Allocation List:** The official land use and density allocation that includes all land and lots within Mountain Village, Colorado recorded October 6, 1995 at Reception No. 301133, as updated, amended and supplemented from time to time.

**Official Zoning Map:** The currently effective Town Council adopted zoning map of the town.
Official Zoning Map Amendment Process: The process to amend the Official Zoning Map as provided under the development application procedures contained in Chapter 3.

Original PUD Boundary: The boundary of the PUD prior to town incorporation. This boundary is shown on the 2012 Open Space Map that was adopted by the Town Council and is recorded at Reception Number 426872 and is incorporated into this CDC by reference.

Open Space: Collectively, all of the active open space and passive open space classifications as established under the zoning regulations.

Open Space Impact Agreement: The agreement required by the Town for an applicant to impact open space as provided for in the Design Regulations.

Open Space Map: The map complied by the planning division showing all of the open space located within the town as further defined in section 17.3.9.

Outdoor Dining and Seating Areas: A seating area that may be defined by the use of barriers used for dining and/or drinking beverages in a plaza area that meets the plaza use regulations and the Plaza Use Standards.

Outdoor Living Space: An area that extends the usable living area of the home and includes indoor elements such as furniture, kitchen areas, walls or enclosures, overhead cover or canopy, fireplaces, or other entertainment elements that are typically found indoors.

Outline MPUD Approval: Means Step 2 of the three-stage MPUD Process with a conceptual worksession the prior step and the final MPUD the third step.

Owner: An individual, firm, association, syndicate, partnership or corporation having sufficient proprietary interest to seek development of land.

Parking Regulations: The regulations for parking as set forth in the Design Regulations in Chapter 5 of the CDC.

Person Equivalent: The theoretical number of people assigned to each type of zoning designation unit that is used to calculate the Density Limitation based on the actual number of units built and planned within the Original PUD Boundary.

Parking Zoning Designation: See zoning designation definition.

Passive Open Space: Open space that is maintained in a natural, healthy state for passive recreation uses; land in a natural state; environmental restoration such as wetland creation/banking and forestry management and fire mitigation and other uses as set forth in the zoning regulations.

Passive Recreation Uses: Recreational activities not considered active recreational uses, which do not require any significant permanent physical improvements or facilities and are considered to be of minor impact to adjoining uses. Uses may include but are not limited to hiking, biking, nordic skiing, horseback riding, picnicking, and nature/interpretation and viewing, and improvements related thereto.

Permittee: The person, business or entity issued a vending permit that will be operating the vending activity pursuant to the Vending Regulations.
Planned Unit Development or PUD: An area of land controlled by one or more landowners to be developed under unified control or unified plan of development for a number of dwelling units, commercial, educational, recreational uses or any combination of the foregoing in a manner that allows for flexibility in the application of size, type of use, density, lot coverage, open space or other regulations established by the CDC as such plan may not correspond exactly to such regulations.

Planning and Zoning Advisory Board: The Town of Mountain Village Design Review Board.


Planning Division: The Mountain Village Planning Division located within the Community Development Department. Where the CDC states that the Planning Division will take an action, such actions shall be administrative actions as set forth in the development application procedures.

Planning Division Staff or Staff: The Planning Division of the Community Development Department.

Platted Open Space Requirement: The regulation setting forth the minimum open space requirements for the Town as set forth in Chapter 3.

Plaza Area: The at grade, improved areas in the Village Center and Town Hall Subarea (as defined by the Comprehensive Plan that area that are formally landscaped area with pavers or other hardscaped surface that are used by the general public for a wide array of public uses, such as special events, vending carts, outdoor dining and seating areas, and similar activities.

Plaza Level: The floor of the building that is located at grade on the first floor of a building in the Village Center that abuts either Town-owned property or open space improved or intended to be improved with pavers, landscaping and similar plaza area improvements.

Plaza Level Use Limitations: The limited uses allowed on the plaza level as outlined under the Village Center Zone District, specific zone district requirements as outlined in Chapter 3 of the CDC.

Plaza Uses: The surface uses of plaza areas for the following and similar uses: outdoor dining and seating areas and barriers for such uses; vending carts; ski valets; media racks; art; furniture, fixtures and equipment associated with plaza area uses such as trash and recycling receptacles, ski racks, bike racks, umbrellas, benches and tables; and signage related to the foregoing uses.

Plaza Use Design Regulations: The Plaza Use Design Regulations contained in Chapter 5 of the CDC.

Plaza Use Design Standards: The Town Council adopted Town of Mountain Village Plaza Use Design Standards as such standards are adopted by resolution and amended from time to time.

Posted Notice Details: The public notice posting requirements listed in the posting notice details section of the public hearing noticing requirements.

Primary Pedestrian Routes: The primary pedestrian ways in the Village Center that convey employees, residents and guests to and from primary plaza areas within the Village Center as more specifically mapped in Chapter 17.9, Appendix 3-1.

Primary Plaza Area: The following plaza areas: Heritage Plaza, The Beach, Reflection Plaza, Conference Center Plaza and Sunset Plaza and any additional plaza areas designated by the Town as a primary plaza area as more specifically mapped in Appendix 3-1.
Primary Use: The primary or predominant use of any lot, building or structure.

The Principal Ridgeline: The horizontal line formed by the meeting of the highest point of ground surface along two (2) sloping ground surfaces.

Public Benefit Table: The public benefits table in the Comprehensive Plan.

Public Hearing Noticing Requirements: The required public noticing steps for quasi-judicial applications, including without limitation the mailing notice details and the posted notice details.

Public Hearing Threshold Requirements: The criteria that must be met to schedule a public hearing as provided for in Step 7 of the development application procedures and as outlined in the general provisions applicable to all development application classes contained in Chapter 4.

Public Improvements: Development improvements that are public in nature that are required by a development agreement, PUD development agreement, Town approval conditions or as otherwise set forth in the CDC.

Public Improvement Policy: The Town’s policy concerning the need to provide a financial guarantee for public improvements as set forth in the Subdivision Regulations. Public improvements may be required for a PUD, a subdivision, rezoning, Design Review Process or other development application as provided for in the conditions of approval and the CDC.

PUD: See Planned Unit Development.

PUD Amendment: The amendment of a PDU as either a major PUD amendment or minor PUD amendment as set forth in the PUD Regulations.

PUD Amendment Regulations: The regulations to amend and approved and valid PUD.

PUD Community Benefits: The PUD community benefits section in the PUD Regulations that also relates to community benefits.

PUD Development Agreement: The binding agreement between the developer and the Town required as a condition of approval of a PUD setting forth specific land use, density, land use and design requirements consistent with the PUD Regulations and the requirements of the CDC.

PUD General Standards: The PUD general standards set forth in the PUD Regulations.

PUD Purpose and Intent: The PUD purpose and intent set forth in the PUD Regulations.

PUD Regulations: The regulations to create, amend, administer or revoke a PUD as set forth in Chapter 4.

Recreational Trails: Pedestrian paths, equestrian trails, hiking and biking trails and other similar recreational use trails.

Redevelopment: See development definition.

Referral and Review Process: One of the development application procedures’ steps to (a) send a development application to certain referral agencies as provided for in Chapter 4; and (b) review the development application against the requirements of the CDC.
Renewal: The renewal or extension or a soon to be expiring approval of a development application.

Renewal Procedures: The process to renew or extend a soon to be expiring development application.

Replacement Open Space: The provision of open space to replace open space that is being rezoned for development per the platted open space requirement as set forth in Chapter 3.

Required Plan Revisions: Revisions to a development application that must be made in order to meet the requirements of the CDC as provided for in Chapter 4.

Restaurant/Bar: An establishment oriented to the serving of food and/or beverages. Does not include establishments providing drive-in service, which are expressly prohibited.

Review Authority: The entity designated to take final action on an application pursuant to the provisions of the CDC, which includes the Town Council, DRB, Planning Division staff and Building Division staff.

Revocation Procedure: The procedure for the Town to revoke a development application approval as provided for in Chapter 4.

Rezoning: To change the zoning, zoning designation(s) or density allocation on a lot or site.

Rezoning Process: The rezoning development application to change the zone district and/or zoning designation on a Lot.


Ridgelines: A line connecting the highest point along a ridge and separating basins or small scale drainage systems from one another.

Ridgeline Lots: Ridgeline lot regulations as set forth in Chapter 5.

Ridgeline Multi-Family Lots: Ridgeline lot regulations as set forth in Chapter 5.

Ridgeline Single-Family Lots: Ridgeline lot regulations as set forth in Chapter 5.

Right-of-Way: An area dedicated to public use for pedestrian and vehicular circulation, which may also accommodate public utilities and similar uses.

Roofline: The highest horizontal line of a building or structure as defined by ridges, gables, dormers or parapets and excepting chimneys, antennas, cupolas and steeples.

Sale or Sell: The exchange of goods or services for money or other consideration, including the offering of goods or services for donation except when offered to express religious, social or political belief.

Sandwich Board Signs: Freestanding signs with signage on two (2) sides.

Seasonal Lighting: Lighting installed and operated in connection with the holidays or other seasonal traditions.
Service Commercial: Any establishment of which the primary activity is the provision of personal or professional service as opposed to products, such as attorney services, surveying services, title services, real estate services or beauty services.

Sign: Any object, device, display, structure or part thereof situated outdoors or indoors, which is used to advertise, identify, inform, display, direct or attract attention to an object, person, institution, organization, business, religious group, product service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images.

Off-premise Signs: Signs advertising goods, products or services that are not located or sold on the lot or premise on which the sign is located except for signs that project into a plaza area, directory signs and other off-premise signs as allowed by the Sign Regulations.

Sign Area: The area of the entire face of a sign shall be measured in determining sign area, including but not limited to the advertising surface and any framing trim or molding. On a two-sided sign where the faces are parallel to each other and separated by less than one (1) foot, only one (1) face is counted in calculating the sign area.

Single-Family Condominium Unit: See zoning designation and dwelling unit definitions.

Single-Family Dwelling Unit: See zoning designation and dwelling unit definitions.

Site: The entire area included in the legal description of the land on which a development activity is proposed in a development application.

Site Coverage: The total horizontal area of any building, carport, porte-cochere or arcade and shall also include walkways, roof overhangs, eaves, exterior stairs, decks, covered porch, terraces and patios. Such horizontal measurement shall be from the driplines of buildings and from the exterior surface of the total wall assembly.

Site-Specific Development Plan: The final approved development application plans for a development where (a) a development permit has been issued and no further development approvals are required except for a building permit as required by the Building Codes; and (b) an applicant has also concurrently sought and obtained a vested property right pursuant to the vested property rights process as set forth in Chapter 4.

Site-Specific PUD Process or SPUD: The process to create a site-specific PUD as set forth in the PUD Regulations.

Sketch PUD: The second step in the creation of a site-specific PUD (SPUD) as set forth in the PUD Regulations.

Ski Lift: Is a Passenger tramway that is device used to transport passengers uphill on skis, or in cars on tracks, or suspended in the air by the use of steel cables, chains, or belts, or by ropes, and usually supported by trestles or towers with one or more spans. "Passenger tramway" includes, but is not limited to, fixed-grip lifts, detachable-grip lifts, funiculars, chair lifts or surface lifts as defined in CRS 25-5-702.

Ski Resort Operator: The owner and operator of the Telluride Ski Resort.

Ski Resort Uses: ski slopes, ski trails, ski lifts, snow making facilities, ski area restaurants, ski racing structures, ski patrol facilities, ski area maintenance facilities, non-commercial refueling facilities,
explosives storage, gondola structures, lift structures, drainage ditches, drainage swales, drainage structures, access roads, service roads, maintenance roads, utility transmission lines, water wells, water lines, sewer lines, storm drainage systems, retaining walls, benches, snow storage, landscaping, recreational trails, recreational facilities, golf cart access and snowcat access.

**Solid Fuel Burning Device:** A device that allows for the burning of a wood product for heat, amenity or other purposes.

**Solid Fuel Burning Device Permit:** The permit needed in order to install or operate a solid fuel burning device.

**Solid Fuel Burning Device Regulations.** The solid fuel burning devices regulations as set forth in Chapter 6 of the CDC.

**Special Event or Event:** Any organized gathering of people either by express invitation or by implication for any purpose for a limited period of time for entertainment, conference activities, non-profit events, ski area events which is sponsored by a for-profit or nonprofit individual, group, organization or entity, and when the following criteria are met as solely determined by the Town:

1. The expenditure of Town resources or infrastructure is contemplated or is deemed necessary by Town personnel to maintain public health, safety and welfare; and
2. The event is expected to have a significant adverse visual, noise, environmental or other adverse impacts upon the immediate vicinity or surrounding area of the event.

Any special event on a Town plaza area, facility or land shall require a special event permit pursuant to the Special Event Regulations.

Special Events are further classified as either:

1. **Annual Special Event:** A special event that has been listed by the Planning Division on the Town's Official Annual Event Calendar that is reasonably expected to be held again in a given calendar year.
2. **Minor Event:** Any special event for which daily attendance is expected to be less than one thousand (1,000) people; or
3. **Major Event:** Any special event for which daily attendance is expected to be more than one thousand (1,000) people and/or the special event is to take place on multiple consecutive days.
4. **Ski Area Event:** Any special event conducted by or sponsored by the ski resort operator, which is typically associated with normal ski resort operations such as ski races, ski competitions, and ski related product demonstrations, that are to take place solely on land owned by the ski resort operator that is used for ski resort operations.

Weddings conducted entirely on private property that provide for adequate infrastructure that do not have any significant adverse impacts are not considered a special event.

**Special Event Permit:** The permit issued by the Planning Division in order for a person or entity to conduct a special event pursuant to the Special Event Regulations, except for ski area events that meet the criteria set forth in the Special Event Regulations.

**Specific Zone District Requirements:** The specific zone district requirements for each zone district as outlined in Chapter 3 of this CDC.
SPUD: A site-specific PUD as set forth in the PUD Regulations.


Staff: See Planning Division.

State: The State of Colorado.

Steep Slopes: Slopes that are thirty percent (30%) or greater.

Stipulated Settlement Order: The 1999 Stipulated Settlement Order in BOCC v. Town of Mountain Village, 97 CV 133, as recorded at reception number 329093 on September 8, 1999, in the public records of the San Miguel County Clerk and Recorder’s Office as may be amended by the parties to such order and approved by the San Miguel County District Court from time to time.

Streams, Intermittent: Those areas where waters produce a defined channel or bed that flows part of the year.

Streams, Perennial: Those areas where waters produce a defined channel or bed that flows year-round.

Stop Work Order: The administrative order to halt, cease and enjoin development, construction, work, use or activity that is in violation of the requirements of the CDC.

Structure: Anything constructed or built on a site whether temporary or permanent.

Subarea Plan: One of the three (3) subarea plans in the Comprehensive Plan within the three (3) subareas including the Village Center Subarea, the Town Hall Subarea and the Meadows Subarea.


Subdivider: Means any person, firm, partnership, joint venture, association or corporation participating as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a subdivision.

Subdivision: Any division or re-division of a lot, tract or parcel of land into two (2) or more parts, or the alteration of an existing lot’s easements or other platted subdivision elements by means of platting in accordance with the procedures and standards set forth in the Subdivision Regulations of this CDC. Subdivisions are further classified as follows:

  Major Subdivision: A subdivision that is not classified as a minor subdivision.

  Minor Subdivision: A subdivision for a lot line vacation, lot line adjustment, easement vacation or other minor subdivision amendment that is not a staff subdivision.

  Staff Subdivision: A subdivision for a condominium map, townhouse plat or correction plat.

Subdivision Regulations: The regulations that must be met for any subdivision or land as set forth in Chapter 4.

Summary of Motions: The record of the DRB’s formal motions on agenda items and general direction on other agenda items.
Supplementary Regulations: The land use regulations set forth in Chapter 6 that are considered a part of the zoning regulations.

Task Force Team: The team established by the Town Council to review a government project as provided for in the Alternative Review Process.

Tax-exempt Organization: Those groups that have been granted a 501(c)3 or other tax-exempt status by the Internal Revenue Service.

Telecommunication Antenna: Any system of wires, poles, rods, reflecting discs or similar devices used for the transmission or reception of electromagnetic waves when such system is either external to or attached to the exterior of a structure. Antennas shall include devices having active elements extending in any direction, and directional beam-type arrays having elements carried by and disposed from a generally horizontal boom that may be mounted upon and rotated through a vertical mast or tower interconnecting the boom and antenna support, all of which elements are deemed to be part of the antenna. Antennas shall include but not be limited to cellular on wheels (COWs) and cellular on light trucks (COLTs) facilities as well as dispatch carriers for specialized mobile radio (SMR) services and enhanced SMR (ESMR).

Telecommunication Antenna Regulations: The regulations for Telecommunications Antennas as set forth in Chapter 17.7 of the CDC.

Telluride Fire Protection District: The local fire protection district that provide fire fighting and ambulance service and also administers the adopted International Fire Code for the Town.

Telluride Mountain Village Owners Association or TMVOA: Telluride Mountain Village Resort Company, a Colorado non-profit corporation, doing business as Telluride Mountain Village Owners Association, which functions as the Master HOA within the Town.

Temporary: Any non-permanent improvement that will remain for a specified period of time as determined by the Design Review Process.

TFPD: See definition of Telluride Fire Protection District.

Town Attorney: The legal counsel representing the Town.


Town Council: The Town of Mountain Village Town Council as provided for in the Town Charter, Municipal Code and the CDC.

Town or Town of Mountain Village: The Town of Mountain Village, Colorado, government also referred to as the “Town.” When town has a lower case, such word is referring the geographic, incorporated area of Mountain Village.

Road and Driveway Standards: Standards and requirements for roadway and driveway design as provided for in Chapter 6 of the CDC.

Townhouse: Attached, structurally independent multi-family dwellings that are constructed to R-3 standards per the requirements of the Building Codes.
Townhouse Plat: A graphic representation of a separate estate in an individual lot that illustrates the
division of multi-family, townhouse dwelling units into individual lots together with an undivided interest
in common area, if applicable, as illustrated by a final plat per the subdivision regulation plat standards in
Chapter 4 of this CDC.

Tramways: Any mechanical device that is used to carry people, skiers and/or snowboarders from one
point to another. Ski lift shall include but not be limited to rope tows, J and T bars, platter lifts, chair lifts,
funiculars, cog-wheel trains, conveyor lifts and gondolas.

Use or Permitted Use: A use allowed in a zone district subject to the applicable regulations of the CDC.

Use Schedule: The table that outlines the land uses permitted, accessory, conditional and prohibited uses
in the town.

Variance: A variance to the requirements of the CDC that is granted because the strict application of
CDC requirements would cause exceptional and undue hardship on the development and use of lot due to
special circumstances existing relative to the lot such as size, shape, topography or other extraordinary or
exceptional physical conditions. Economic hardship alone is not sufficient justification for the granting
of a variance.

Variance Process: The variance development application process to grant a variance to the requirements
of the CDC except for the Building Codes and Building Regulations.

Variations: Differing standards and requirements to the CDC that may be granted pursuant to the PUD
Regulations as set forth in Chapter 4.

Vending: The act of selling or offering for sale goods, merchandise, food, wares or services from a
vending cart from an exterior location outside of a building.

Vending Cart: The required cart for the conduct of a vending activity that is designed and operated in
accordance with the Plaza Use Standards.

Vending Regulations: The regulations applicable to vending as set forth in Chapter 5.

Vending Permit A permit issued by the Town for vending cart operation on a plaza area as set forth in
the Vending Regulations as set forth in Chapter 5.

Vending Permit Administrator: The person or Town department appointed by the Town Manager to
administer the requirements of the Vending Regulations.

Vested Property Right: The right to undertake and complete the development and use of property under
the terms and conditions of a site-specific development plan or development agreement with the Town
Council approving all vested property rights.

Vested Property Rights Procedures: The process to create a vested property right for a site-specific
development plan as set forth in the vested property rights section in Chapter 4.

Village Center: A zone district consisting of the following lots as of the effective date of the CDC:

Village Center Lots: Lot 27A (Belvedere); Lot 28 (Lumiere); Lots 29A, 29B, 29-CR, 29D, 29E,
29F & 29GR (Telemark); Lot 33 (Dakota); Lots 34 & 35 (Kayenta); Lot 37 (Columbia); Lot 38-
50-51R (Hotel Madeline); Lot 41 (Granita); Lot 42-A (Blue Mesa Condominium); Lot 42-B (Blue Mesa Lodge); Lot 43R (Inn at Lost Creek); Lot 52 (Plaza); Lot 53A (Gondola Plaza Bldg.); Lot 53B (vacant); Lot 59R (Heritage Crossing); Lot 60R-AB (Le Chamonix); Lots 61R, 61B & 61C-D (Franz Klammer Lodge); Lot 65 (Centrum); Lot 67 (vacant); Lot 68R (Palmyra ); Lot 69R-1 (Westermere); Lot 69R-2 (vacant); Lot 71R (vacant); Lots 77R-1, 78R-1, 79R-1, 80R-1, 81-AR, 81-BR, 81-CR, 82R-1, 105R-1, 106R-1, 134R-1, 135R-2 & 136R-1 (See Forever); Lot 108 (Shirana); Lot 109R (Mountain Village Hotel PUD); Lot 128 (Peaks); Lot 129 (Courceheval); Lots 129-A1 and Lot 129A-2 (Village Creek); and Lot 161CR (vacant).

**Village Center Open Space or Village Core Open Space:** OS3-A, OS3-BR-2, OS3-CRR, OS3D, OS-3ER, OS-3F, OS-3J, OS-3K, OS-3L, OS-3V, open space on Lot 38-50-51R that does not have a legal description; OS-3XRR, OS-3Y, OS-3W, OS-4, OS-8A

Additional lots may be added to the Village Center Zone District, Village Center lots and Village Center open space by rezoning or PUD applications and approvals, which shall specify that the lots subject to such approvals become part of the Village Center and, for PUDs be subject to Village Center requirements set forth in the CDC unless otherwise provided for in the PUD.

**Village Center Emergency Access Routes:** The emergency access routes shown in Appendix 8-1 that provide for emergency vehicle access to the Village Center that must be kept open from activities unless a contingency plan is developed with the Telluride Fire District, such as a method to remove activities in a timely manner to allow emergency access.

**Weed Management Plan:** The Town’s adopted weed management plan as amended from time to time.

**Wet bar:** An area intended for the preparation and serving of beverages and food that is limited to common living rooms, entertainment rooms and similar common areas that cannot be locked-off from the dwelling unit. A wet bar shall not be located in a bedroom.

**Wetlands:** An area where water is at, near or above the land surface long enough to support aquatic or hydrophytic vegetation and which has soils indicative of wet conditions. Determination of wetlands area boundaries shall be according to the United States Army Corps of Engineers delineation requirements.

**Wood Burning Regulations:** The regulations limiting wood burning in the town consistent with the general declaration and settlement agreement.

**Workforce Housing:** Housing in workforce housing units (employee apartment, employee condominium, employee single-family or employee dorm zoning designations) provided for employees consistent with the workforce housing requirements of the CDC.

**Workforce Housing Requirements:** The regulations applicable to workforce housing as required by the CDC as set forth in Chapter 3.

**Workforce Housing Bonus Density:** Workforce housing density created after the incorporation of the Town that does not count towards the Density Limitation.

**Workforce Housing Restriction or "WHR" or Employee Housing Restriction "EHR:"** A Town ordinance or resolution adopted separately from the CDC that limits the use and occupancy of any individual dwelling unit or lot zoned employee apartment, employee condominium, employee single-family or employee dorm to an employee. New WHR applied by the Town after the effective date shall
be consistent with the requirements of the employee housing policies of the CDC and the Comprehensive Plan, and such restriction shall not be removed in the event of a foreclosure.

**Workforce Housing Unit:** Includes employee apartments, employee dorms, employee condominiums and employee single-family that are subject to the WHR.

**Yard:** An open space at grade between a building and an adjoining lot, right-of-way, access tract or access easement. Yard is defined as follows:

- **Yard, Front:** An open space extending across the full width of a lot extending from the front dripline of a building to the lot line.

- **Yard, Side:** An open space on either side of a building extending to the front yard, rear yard and the adjoining lot lines.

- **Yard, Rear:** An open space extending across the full width of a lot extending from the back dripline of a building to the rear lot line.

Where a lot has frontage on multiple sides of a lot, the Planning Division shall work with the developer on determining the applicable yards with front yards abutting against the frontages in most situations.

**Zoning:** The zoning designation assigned to a lot.

**Zoning Designation:** The specific type of uses permitted on a lot by lot basis as provided for in Chapter 3. Zoning designations are defined as follows:

- **Commercial:** A zoning designation that allows for a broad range of commercial operations and services where there is pecuniary gain, such as but not limited to the following: sale of food, beverages, dry goods, furniture, appliances, bakery, automotive and vehicular equipment, hardware, sporting goods, clothing, building materials, plant materials and garden supplies, equipment rental and personal services establishments including banks, attorneys, barber and beauty shops, day care, private schools, surveyors, laundry or dry cleaning pick up and drop locations, laundromats, photo studios, shoe repair shops, tailor shops, vehicular rental shops, offices, and arts and crafts studios.

- **Condominium:** A zoning designation that allows for multi-family dwellings dwelling located in condominium community.

- **Efficiency Lodge:** A zoning designation that allows for a habitable, one-room space with separate bath and limited kitchen facilities used primarily for short-term accommodations. Limited kitchen facilities may include a sink, microwave, two-element burner, and six (6) cubic foot (maximum) refrigerator. These units may be in a condominium community.

- **Employee Apartment:** A zoning designation that allows for employee apartment multi-family dwelling units that cannot be separately subdivided or conveyed as individual condominium units the occupancy of which is limited to employees and are encumbered by the workforce housing restriction.

- **Employee Condominium:** A zoning designation that allows for employee condominium multi-family dwellings, the occupancy of which is limited to employees and is encumbered by the workforce housing restriction within a condominium community.
**Employee Dorm:** A zoning designation that allows for employee dorm units that are within a building with individual sleeping rooms that provide sleeping and living accommodations with shared kitchen and recreational facilities and that cannot be separately subdivided or conveyed as individual units, the occupancy of which is limited to employees that are encumbered by the workforce housing restriction.

**Employee Single-Family:** A zoning designation that allows for single-family dwelling units, the occupancy of which is limited to employees and is encumbered by the workforce housing restriction.

**Efficiency Lodge:** A zoning designation that allows for a habitable, one-room space with separate bath and limited kitchen facilities used primarily for short-term accommodations. Limited kitchen facilities may include a sink, microwave, two-element burner, six (6) cubic foot (maximum) refrigerator, trash compactor and garbage disposal. These units may be in a condominium community.

**Hotel:** A zoning designation that allows for a one (1) room space with separate bath and limited kitchen facilities used primarily for short-term accommodations. Limited kitchen facilities may include a sink, microwave, two-element burner, and a six (6) cubic foot (maximum) refrigerator. These units may be in a condominium community.

**Hotel Efficiency:** A zoning designation that allows for a two (2) room space, or one (1) room plus a mezzanine, with separate bath and limited kitchen facilities used primarily for short-term accommodations. Limited kitchen facilities may include a sink, microwave, two-element burner and a six (6) cubic foot (maximum) refrigerator. These units may be in a condominium community.

**Industrial:** A legal, conforming zoning designation that allows for light manufacturing and assembly, including sheet metal fabrication and wood work; building and landscaping contractors and special trade contractors such as cabinetry, carpet and flooring, insulation, roofing, mechanical, plumbing and heating; wholesale sales and distributors; welding and machine shops; food service distribution; cleaning and janitorial supply; bulk storage and distribution facilities for fuels, explosives, pesticides, solvents, corrosives, paving, excavation, hauling and other contracting services involving heavy equipment, maintenance and repair of trucks and heavy equipment, electric utility substation, water treatment plant, water storage and distribution facilities, snow making facilities, ski area maintenance operations, cable TV operations and other service facilities. A lot shall not be re-zoned to include this zoning designation due to the Comprehensive Plan’s envisioned phase out of industrial uses from the town over time. Lots with this zoning designation prior to the effective date of the CDC are considered legal, conforming uses.

**Lodge:** A zoning designation that allows for a two (2) room space plus a mezzanine with up to two separate baths and a full kitchen. These units may be in a condominium community.

**Non-Subdivideable Duplex:** A legal, non-conforming zoning designation that allows for the construction of two (2) dwelling units as provided for in the Zoning Regulations and the single-family zone district. A lot may not be re-zoned to include this zoning designation in order to ensure the integrity of the overall single-family zone district. Lots with this zoning designation prior to the effective date of the CDC are considered legal, non-conforming uses.
Parking: A zoning designation that allows for parking uses, including but not limited to the following: private or public vehicle parking structures or surface parking, private office and commercial uses that are transportation, tourist or town-related and that are accessory to a parking structure, general access, utility installation and maintenance, drainage and transportation systems and all buildings and incidental facilities related to the use. Notwithstanding the above, no use is allowed that is incompatible with the general resort nature of the town.

Single-Family: A zoning designation that allows for the construction of a building containing one (1) dwelling unit and one (1) accessory dwelling unit (accessory dwelling unit can also be detached per accessory dwelling unit requirements) as provided for in the zoning regulations.

Single-Family Common Interest Community: A zoning designation that allows for a detached building containing only one (1) single-family dwelling unit that is located within a common interest community with at least three (3) or more single-family dwelling units in such community.

Single-Family Condominium: A zoning designation that allows for a detached building containing only one (1) dwelling unit that is located within a condominium community with at least three (3) or more single-family dwelling units located on a lot.

Zone District: A specifically delineated area or district that establishes the base zoning areas for the town with specific zone districts and associated Zoning Regulations specified in Chapter 3 and the CDC.

Zoning Regulations: The Zoning Regulations set forth in Chapter 3 of this CDC and associated supplementary regulations established in Chapter 6.
CHAPTER 17.9      APPENDIX

17.9.1      APPENDIX 3-1, PRIMARY PLAZA AREAS AND PRIMARY PEDESTRIAN ROUTES
17.9.2 Appendix 5-1, Town Adopted IDF Curves
Memorandum

To: Chris Hawkins  
From: Raul Passerini  
CC: File (1411-1.1)  
Date: July 30, 2013  
Re: Town of Mountain Village IDF Curves

Chris,

Enclosed please find the Intensity-Duration-Frequency (IDF) curves and associated tables developed for the Town of Mountain Village, Colorado. **Figure 1** displays the IDF curves with a logarithmic scale for the x-axis (storm duration). **Figure 2** presents the same IDF curves using logarithmic scales on both axes.

The curves were developed for the location of the centroid of the Town’s boundary (Latitude 37.9323 degrees; Longitude -107.8578 degrees). Precipitation frequency data was obtained from the NOAA Atlas 14, Volume 8, Version 2.

Please contact us if you have any questions or require additional assistance.

Thank you,
Town of Mountain Village
Intensity-Duration-Frequency Curves
Figure 1 Log Scale
Town of Mountain Village
Intensity-Duration-Frequency Curves
Figure 2 Log-Log Scale
## Precipitation Duration-Frequency-Depth and Intensity-Duration-Frequency Tables

### Site Name: Town of Mountain Village, San Miguel County, CO

### File: 1411-1.1

### Date: 7/26/2013

### Table 1. Precipitation Duration-Frequency-Depth (DFD)

<table>
<thead>
<tr>
<th>Duration</th>
<th>2-yr</th>
<th>5-yr</th>
<th>10-yr</th>
<th>25-yr</th>
<th>50-yr</th>
<th>100-yr</th>
<th>200-yr</th>
<th>500-yr</th>
</tr>
</thead>
<tbody>
<tr>
<td>5-min</td>
<td>0.19</td>
<td>0.24</td>
<td>0.29</td>
<td>0.38</td>
<td>0.46</td>
<td>0.56</td>
<td>0.67</td>
<td>0.83</td>
</tr>
<tr>
<td>10-min</td>
<td>0.28</td>
<td>0.35</td>
<td>0.42</td>
<td>0.56</td>
<td>0.68</td>
<td>0.82</td>
<td>0.98</td>
<td>1.21</td>
</tr>
<tr>
<td>15-min</td>
<td>0.34</td>
<td>0.42</td>
<td>0.52</td>
<td>0.68</td>
<td>0.83</td>
<td>1.00</td>
<td>1.19</td>
<td>1.48</td>
</tr>
<tr>
<td>30-min</td>
<td>0.43</td>
<td>0.54</td>
<td>0.66</td>
<td>0.87</td>
<td>1.05</td>
<td>1.27</td>
<td>1.52</td>
<td>1.89</td>
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<td>1-hr</td>
<td>0.53</td>
<td>0.65</td>
<td>0.78</td>
<td>1.01</td>
<td>1.22</td>
<td>1.46</td>
<td>1.73</td>
<td>2.14</td>
</tr>
<tr>
<td>2-hr</td>
<td>0.62</td>
<td>0.76</td>
<td>0.91</td>
<td>1.16</td>
<td>1.39</td>
<td>1.65</td>
<td>1.94</td>
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<tr>
<td>3-hr</td>
<td>0.69</td>
<td>0.84</td>
<td>1.00</td>
<td>1.25</td>
<td>1.48</td>
<td>1.74</td>
<td>2.03</td>
<td>2.46</td>
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<tr>
<td>6-hr</td>
<td>0.90</td>
<td>1.08</td>
<td>1.25</td>
<td>1.53</td>
<td>1.77</td>
<td>2.04</td>
<td>2.34</td>
<td>2.77</td>
</tr>
<tr>
<td>12-hr</td>
<td>1.21</td>
<td>1.45</td>
<td>1.68</td>
<td>2.02</td>
<td>2.31</td>
<td>2.61</td>
<td>2.94</td>
<td>3.42</td>
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<tr>
<td>24-hr</td>
<td>1.58</td>
<td>1.90</td>
<td>2.19</td>
<td>2.61</td>
<td>2.95</td>
<td>3.31</td>
<td>3.69</td>
<td>4.22</td>
</tr>
</tbody>
</table>

### Source: NOAA Atlas 14, Volume 8, Version 2 - Point Precipitation Frequency Estimates at the Centroid of Town of Mountain Village (LAT=37.9323; LON=-107.8578).

### Table 2. Precipitation Intensity-Duration-Frequency (IDF)

<table>
<thead>
<tr>
<th>Duration</th>
<th>2-Year</th>
<th>5-Year</th>
<th>10-Year</th>
<th>25-Year</th>
<th>50-Year</th>
<th>100-Year</th>
<th>200-Year</th>
<th>500-Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>5-min</td>
<td>2.28</td>
<td>2.88</td>
<td>3.48</td>
<td>4.56</td>
<td>5.52</td>
<td>6.72</td>
<td>8.04</td>
<td>9.96</td>
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<tr>
<td>10-min</td>
<td>1.68</td>
<td>2.10</td>
<td>2.52</td>
<td>3.36</td>
<td>4.08</td>
<td>4.92</td>
<td>5.88</td>
<td>7.26</td>
</tr>
<tr>
<td>15-min</td>
<td>1.36</td>
<td>1.68</td>
<td>2.08</td>
<td>2.72</td>
<td>3.32</td>
<td>4.00</td>
<td>4.76</td>
<td>5.92</td>
</tr>
<tr>
<td>30-min</td>
<td>0.86</td>
<td>1.08</td>
<td>1.32</td>
<td>1.74</td>
<td>2.10</td>
<td>2.54</td>
<td>3.04</td>
<td>3.78</td>
</tr>
<tr>
<td>1-hr</td>
<td>0.53</td>
<td>0.65</td>
<td>0.78</td>
<td>1.01</td>
<td>1.22</td>
<td>1.46</td>
<td>1.73</td>
<td>2.14</td>
</tr>
<tr>
<td>2-hr</td>
<td>0.31</td>
<td>0.38</td>
<td>0.46</td>
<td>0.58</td>
<td>0.70</td>
<td>0.83</td>
<td>0.97</td>
<td>1.20</td>
</tr>
<tr>
<td>3-hr</td>
<td>0.23</td>
<td>0.28</td>
<td>0.33</td>
<td>0.42</td>
<td>0.49</td>
<td>0.58</td>
<td>0.68</td>
<td>0.82</td>
</tr>
<tr>
<td>6-hr</td>
<td>0.15</td>
<td>0.18</td>
<td>0.21</td>
<td>0.26</td>
<td>0.30</td>
<td>0.34</td>
<td>0.39</td>
<td>0.46</td>
</tr>
<tr>
<td>12-hr</td>
<td>0.10</td>
<td>0.12</td>
<td>0.14</td>
<td>0.17</td>
<td>0.19</td>
<td>0.22</td>
<td>0.25</td>
<td>0.29</td>
</tr>
<tr>
<td>24-hr</td>
<td>0.07</td>
<td>0.08</td>
<td>0.09</td>
<td>0.11</td>
<td>0.12</td>
<td>0.14</td>
<td>0.15</td>
<td>0.18</td>
</tr>
</tbody>
</table>
17.9.3 Appendix 5-2, Ski Resort Boundary
Disclaimer
This information is a product of the Mountain Village Geographic Information Systems (GIS) Department and is intended for the display of relative positions and locations only. Users of this information hereby recognize, acknowledge and agree that it is not a guaranteed accurate, legal or surveyed representation of land. Users assume all risk and responsibility for any and all direct and indirect damages, including consequential damages, that may flow from the use of this information. Users further recognize, acknowledge and agree that the Mountain Village GIS Department has not made any representations, warranties, or guarantees of any kind that this information is survey accurate or fit to be used or relied upon for any particular purpose.
APPENDIX 8-1, VILLAGE CENTER EMERGENCY ACCESS ROUTES
17.9.5  APPENDIX 17-1, DEAD END FIRE APPARATUS ACCESS ROAD
        TURNAROUND
TFPD FIRE PREVENTION TURN AROUND STANDARDS

1" = 50'

CUL-DE-SAC TURN AROUND

90° HAMMER HEAD TURN AROUND

Y-TYPE TURN AROUND

ANGLED HAMMER HEAD TURN AROUND

*All roads are 20' min and driveways 16' min in width

Figure D103.1
### TMV Renewable Energy Mitigation Program - Outdoor Energy Use Worksheet

**Instructions:**

Fill in all grey cells that are relevant to your project. Go to Exhibit B (see tabs at bottom of page) and complete project checklist. Submit Exhibit A and B with your signature and check made out to "Town of Mountain Village" for the Renewable Energy Mitigation Fee, if required. Innovatively engineered energy efficient systems are encouraged to be submitted for reduced mitigation requirements.

#### Project Information:
- **Name:** TMV Example
- **Address:** Project Address
- **Town/County:** Mountain Village

#### Equipment Information:

<table>
<thead>
<tr>
<th>Equipment Type</th>
<th>Type</th>
<th>Efficiency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Heater</td>
<td>Gas</td>
<td>95%</td>
</tr>
<tr>
<td>Hot Tub Heater</td>
<td>Electric</td>
<td>90%</td>
</tr>
<tr>
<td>Pool Heater</td>
<td>Gas</td>
<td>90%</td>
</tr>
</tbody>
</table>

#### Exterior Energy Use

<table>
<thead>
<tr>
<th>Type of use</th>
<th>sq. ft.</th>
<th>Efficiency</th>
<th>kBtu/yr</th>
<th>Lbs CO₂/yr</th>
</tr>
</thead>
<tbody>
<tr>
<td>Snowmelt (driveway, main walkway)</td>
<td>0</td>
<td>95%</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Snowmelt (decks, &amp; other)</td>
<td>0</td>
<td>95%</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Hot Tub (built on-site)</td>
<td>33</td>
<td>100%</td>
<td>9273</td>
<td>5436</td>
</tr>
<tr>
<td>Pool</td>
<td>0</td>
<td>90%</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

**Total Carbon Usage:** 5436 Lbs CO₂/yr

#### Factory Built, Portable Exterior Spa Energy Use, (California Energy Commission, Section 1604)

<table>
<thead>
<tr>
<th>Model</th>
<th>Standby Watts @ 60 deg F (W/hr)</th>
<th>Standby Watts @ 40 deg F (W/hr)</th>
<th>Annual Standby Energy (kW/yr)</th>
<th>Lbs CO₂/yr</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spa Model</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Average spa</td>
<td>205</td>
<td>316</td>
<td>2768</td>
<td>5537</td>
</tr>
</tbody>
</table>

**Carbon Usage Above Average:** 0 Lbs CO₂/yr

#### Renewable Energy Production Credit (On-Site)

<table>
<thead>
<tr>
<th>Type of use</th>
<th>Installed capacity</th>
<th>kBtu/yr</th>
<th>Lbs CO₂/yr</th>
</tr>
</thead>
<tbody>
<tr>
<td>Solar Electric (PV) (kW)</td>
<td>0.0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Solar Hot Water (sq ft of panel or tubes)</td>
<td>0.0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Other Renewable Energy Generation (on-site) (kW)</td>
<td>0.0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

**Total Carbon Reduction (Double Credit):** 0 Lbs CO₂/yr

#### SMPA Community Solar Farm (Off-Site Renewable Energy)

<table>
<thead>
<tr>
<th>Type of use</th>
<th>Installed capacity</th>
<th>kBtu/yr</th>
<th>Lbs CO₂/yr</th>
</tr>
</thead>
<tbody>
<tr>
<td>Solar Electric (PV) (kW)</td>
<td>0.0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

**Total Carbon Reduction:** 0 Lbs CO₂/yr

#### Standard Systems: Snowmelt, hot tubs, pools, garages, & spas

<table>
<thead>
<tr>
<th></th>
<th>Lbs CO₂/yr</th>
</tr>
</thead>
<tbody>
<tr>
<td>Net Carbon Emissions</td>
<td>5436</td>
</tr>
<tr>
<td>Carbon Mitigation Rate</td>
<td>$1.17</td>
</tr>
<tr>
<td>Mitigation Percentage Required</td>
<td>100%</td>
</tr>
<tr>
<td>Carbon Mitigation Fee</td>
<td>$6,360</td>
</tr>
</tbody>
</table>

#### Innovatively Engineered Energy Efficient Systems

<table>
<thead>
<tr>
<th></th>
<th>kBtu/yr</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alternate Engineered Design Carbon Emissions</td>
<td>0</td>
</tr>
<tr>
<td>Reduction in Carbon Emissions</td>
<td>0</td>
</tr>
<tr>
<td>Carbon Mitigation Rate</td>
<td>$7.17</td>
</tr>
<tr>
<td>Mitigation Percentage Required</td>
<td>100%</td>
</tr>
<tr>
<td>Carbon Mitigation Fee Reduction</td>
<td>$0</td>
</tr>
</tbody>
</table>

**Total Carbon Mitigation Fee:** $6,360

**Name:** TMV Example

**Signature:** TMV Example

**Date:**
Project Checklist

This is to be completed by the owner and/or general contractor. By checking the box and signing this form you are certifying that your project meets the terms specified.
Complete only the sections that are relevant to the project.

General Requirements
☐ R-3 min. insulation on all hot water piping
☐ Sealed combustion gas boiler with 90% or better AFUE rated efficiency

Snowmelt Requirements
☐ R-15 min. insulation below snow melted slabs
☐ In-slab moisture and temperature sensor (no remote snow cup controls allowed)
☐ Other snowmelt is controlled by a minimum of 2 of the following: outdoor temp, slab temp,

Solar Hot Water Requirements
☐ R-3 min. insulation on all solar hot water piping
☐ R-14 min. insulation for all hot water storage tanks
☐ Temperature sensors provided at supply and return for panels and storage tank
☐ Solar hot water system must provide domestic hot water heating and/or space heating
☐ Systems with a panel area greater than 120 sq ft must provide space and/or pool heating

PV System Requirements
☐ PV systems are grid tied

Pool and Hot Tub Requirements
☐ R-12 min. insulated cover for hot tub
☐ Automatic cover for outdoor pool

Factory Built Portable Spa Requirements
☐ Must be built and certified to ANSI/APSP-14 standard

Name: TMV Example

Signature: ___________________________ Date: ___________________________
Calculation Values

Equipment Efficiency
Electric Heaters
100% efficient
Ground Source Heat Pump
350% efficient (3.5 COP)
All Other Equipment
100% (efficiency factored in at Exhibit A)

Snowmelt Energy Use
(Based on historic snowfall amounts and rates)
- 125 Btu/ft²-hr: Design load
- 600 Hrs/yr: Design run hours
- 45 Btu/ft²-hr: Clean up load
- 348 Hrs/yr: Clean up run hours
- 90.7 kBtu/ft²-yr: Nominal energy use

Solar Hot Water Production
(Based on hourly model with SRCC values)
- 750 Btu/ft²-day: Daily collection rate
- 365 Days/yr: Operation
- 274 Kbtu/ft²-yr: Nominal energy production
- 100 $/sq ft: Installed Cost

Solar Electric (PV) Production
(Based on NREL PVWatts II)
- 1917 kWh/kW installed: Annual collection rate
- 3.412 Btu/watt: Conversion
- 6541 kBtu/kW-yr: Nominal energy production
- 4,500 $/kW: Installed Cost

Hot Tub Energy Use
(Based on DOE Smart Pool and OIT Pool Models)
- 1 Hrs/day: Uncovered
- 102 Deg. F: Set point
- 281 kBtu/ft²-yr: Nominal energy use

Wind Production
- 10 mph: Average wind speed
- 155 kWh/month: Per kW installed
- 12 Months/yr: Operation
- 3.142 kBtu/kWh: Nominal energy production

Pool Energy Use
(Based on DOE Smart Pool and OIT Pool Models)
- 8 Hrs/day uncover June-Sept
- 8 Hrs/day uncover Dec 15-30
- 87 Deg. F: Operating set point
- 60 Deg. F: Idle set point
- 359 kBtu/ft²-yr: Nominal energy use

Carbon Conversions
- 12 lbs Carbon/CCF: (NG and Propane)
- 2 lbs carbon/kWh: (Elec)
- 80 Kbtu/CCF: (NG and Propane)
- 3.412 Kbtu/kWh: (Elec)
- 2000 Lbs/ton: (Carbon)

Mitigation Rate Calculation:
Rate w/ PV System:
\[
\left( \frac{\$4500}{kW} \right) \left( \frac{kw}{1917 kWh} \right) \left( \frac{Kwh}{2 lbs CO_2} \right) = \frac{\$1.17}{lb}
\]

Example Snowmelt Calc:
100 sq ft snowmelt with 92% efficient gas boiler
\[
Snowmelt = (100 \text{ sq ft}) \left[ \frac{125 \text{ Btu}}{\text{ft}^2 \cdot \text{hr}} \right] \left( \frac{600 \text{ Hr}}{\text{yr}} \right) \left( \frac{45 \text{ Btu}}{\text{ft}^2 \cdot \text{hr}} \right) \left( \frac{348 \text{ Hrs}}{\text{yr}} \right) \left( \frac{1 \text{ Kbtu}}{1000 \text{ Btu}} \right) \left( \frac{1 \text{ lb}}{92\% \text{ Eff}} \right) \left( \frac{80 \text{ Kbtu}}{1 \text{ CCF}} \right) \left( \frac{12 \text{ lbs CO}_2}{1 \text{ CCF}} \right) = 1478 \frac{\text{ lb CO}_2}{\text{ yr}}
\]
### SMPA Solar Farm Offset Calculation Worksheet

**How many panels at SMPA solar farm do I need to purchase?**

#### Data per Clean Energy Collective:
- Solar farm insolation rate: 1719 kWh/kW/yr
- Each panel has a capacity of: 235 Watts
- Each Panel produces: 404 kWh/yr

#### From REMP Calculation Worksheet:
- Total Carbon Emissions to mitigate: 5,436 Lbs CO₂/yr
- Equivalent Energy Use to mitigate: 2,718 kWh/yr

# of Panels needed: 7 panels