

TOWN OF OAK CREEK

ORDINANCE NO. 630

AN ORDINANCE AMENDING AND MODIFYING THE OAK CREEK LAND USE CODE AT VARIOUS SECTIONS

WHEREAS, the Oak Creek Planning Commission held a public meeting on December 10, 2014 and forwarded a recommendation to the Oak Creek Board of Trustees on various proposed amendments to the Town of Oak Creek Land Use Code (Land Use Code) to be considered at a duly noticed public hearing; and

WHEREAS, notice of a public hearing was published on January 4, 2015 in the Steamboat Pilot, a paper of general circulation in the Town; and

WHEREAS, the Oak Creek Board of Trustees held a public hearing on January 8, 2015 to consider the Planning Commission's recommendation and to hear public comments regarding the proposed amendments to the Land Use Code. Public comment was received at said public hearing; and

WHEREAS, Trustee Gagne made a motion to approve as amended the recommendation of the Planning Commission regarding amendments to the Land Use Code with the finding of fact that the proposed changes to the Town of Oak Creek's Land Use Code are in conformance with the purpose and intent of the Town of Oak Creek's Comprehensive Plan. Trustee Gustafson seconded the motion. The motion passed unanimously.

NOW, THEREFORE, be it ordained by the Board of Trustees of the Town of Oak Creek as follows:

SECTION 1. AMENDMENTS. The Oak Creek Land Use Code codified as Chapter 17 of the Oak Creek Municipal Code is hereby amended as follows:

A. The following section is added to Chapter 17.01 as follows (addition is underlined):

17.01.06 Appendices

Attached hereto as Appendices B, C, D and E are the Bylaws for the Oak Creek Planning Commission, Town of Oak Creek Land Use Checklist and Application Forms, Town of Oak Creek Land Use Code Fee Schedule, and Oak Creek Parcels – Routt County Assessor 2014 applicable to applications and petitions under this code. The Appendices may from time to time hereafter be amended by resolution of the Oak Creek Board of Trustees. Amendments to these Appendices are not subject to the public hearing and notice requirements of Section 31-23-305, Colorado Revised Statutes, as the Appendices are attached to the Land Use Code for convenience only and are not a part thereof.

B. Chapter 17.02 is renumbered as follows, and various the language therein is amended (additions are underlined, deletions are struck-through):

17.02.01	17.02.005	Accessory dwelling
17.02.02	17.02.010	Accessory use or structure
17.02.03	17.02.015	Affordable housing
17.02.04	17.02.020	Affordable housing unit for rent
17.02.05	17.02.025	Affordable housing unit for sale
17.02.06	17.02.030	Agricultural use
17.02.07	17.02.035	Applicant
17.02.08	17.02.040	Area of special flood hazard
17.02.09	17.02.045	Auto-oriented commercial use
17.02.010	17.02.050	Base flood elevation (BFE)
17.02.010.01	17.02.055	Basement
17.02.011	17.02.060	Bufferyard
17.02.012	17.02.065	Building height
17.02.013	17.02.070	Channel
17.02.014	17.02.075	Commercial use
17.02.080	17.02.014.01	Conditional letter of map revision (CLOMR)
17.02.015	17.02.085	Conditional Use
17.02.016	17.02.090	Cottage industry
17.02.016.01	17.02.095	Critical facility
17.02.017	17.02.100	Density (gross)
17.02.018	17.02.105	Density (net)
17.02.019	17.02.110	Development
17.02.020	17.02.115	Dwelling unit
17.02.021	17.02.120	Duplex
17.02.021.01	17.02.125	Effective Date
17.02.021.02	17.02.130	FEMA
17.021.03	17.02.135	Fence
17.02.022	17.02.140	Fill
17.02.023	17.02.145	Final plan submission
17.02.024		Floodplain development permit
17.02.025	17.02.155	Flood insurance rate map (FIRM)
17.02.026	17.02.160	Flood insurance study
17.02.027	17.02.165	Flood or flooding
17.02.028	17.02.170	Floodplain or flood-prone area
17.02.029.01	17.02.175	Floodplain ordinance administrator
17.02.029.02	17.02.180	Floodplain administrator development permit
17.02.029.03	17.02.185	Floodplain development permit ordinance
17.02.030		Floodproofing
17.02.030.01		Floodway
17.02.031	17.02.190	Historic structure or building
17.02.032	17.02.195	Impervious surface
<u>17.02.200</u>		<u>Industrial</u>
17.02.033	17.02.205	Industrial, light
17.02.034	17.02.210	Institutional use

17.02.215 Junkyard

- ~~17.02.034.01~~17.02.220 Letter of map revision (LOMR)
- ~~17.02.034.02~~17.02.225 Letter of map revision based on fill (LOMR-F)
- ~~17.02.035~~17.02.230 Live-work unit
- ~~17.02.036~~17.02.235 Lot
- ~~17.02.037~~17.02.245 Lowest floor
- ~~17.02.038~~17.02.250 Manufactured home
- ~~17.02.039~~17.02.255 Manufactured home park or subdivision

17.02.260 Medical marijuana establishment

- ~~17.02.040~~17.02.265 Mixed use building
- ~~17.02.041~~17.02.270 Mobile home
- ~~17.02.042~~17.02.275 Mobile Home Park
- ~~17.02.043~~17.02.280 Mobile home, permanent foundation
- ~~17.02.044~~17.02.285 Multi-family dwelling
- ~~17.02.045~~17.02.290 Net buildable area
- ~~17.02.046~~17.02.295 New construction
- ~~17.02.047~~17.02.300 ~~Non-buildable lot~~[Reserved]
- ~~17.02.048~~17.02.305 Nonconforming lot
- ~~17.02.049~~17.02.310 Non-conforming use
- ~~17.02.049.01~~17.02.320 No-rise certification
- ~~17.02.050~~17.02.320 Obstruction
- ~~17.02.051~~17.02.325 Office
- ~~17.02.052~~17.02.330 Open space
- ~~17.02.053~~17.02.335 Permit authority
- ~~17.02.054~~17.02.340 Plat
- ~~17.02.055~~17.02.345 Regulations
- ~~17.02.055.5~~17.02.350 Retail marijuana establishment
- ~~17.02.056~~17.02.355 Residential
- ~~17.02.057~~—~~Sales tax-generating commercial~~
- ~~17.02.058~~17.02.360 Setback
- ~~17.02.059~~17.02.365 Setback, front yard
- ~~17.02.060~~17.02.370 Setback, rear yard
- ~~17.02.061~~17.02.375 Setback, side yard
- ~~17.02.062~~17.02.380 Sign
- ~~17.02.063~~17.02.385 Single-family dwelling
- ~~17.02.064~~17.02.390 Site specific development plan
- ~~17.02.065~~17.02.395 Snow storage space
- ~~17.02.066~~17.02.400 Start of construction
- ~~17.02.067~~17.02.405 Structure
- ~~17.2.067.01~~17.02.410 Substantial damage
- ~~17.02.068~~17.02.415 Subdivision or resubdivision
- ~~17.02.068~~17.02.420 Substantial improvement
- ~~17.02.068.01~~17.02.425 Threshold planning quantity (TPQ)
- ~~17.02.069~~17.02.430 Use

~~17.02.070~~17.02.435 **Watercourse**

~~17.02.070.01~~17.02.440 **Water surface elevation**

~~17.02.071~~17.02.445 **Wetlands**

For the purposes of this code, certain terms or words are herein defined and they shall have the meaning ascribed to them, unless otherwise more specifically defined, or it is apparent from the context that a different meaning is intended. Unless specifically defined below, all words or phrases used in this code shall be interpreted so as to give them the meaning they have in common usage, and to give this code its broadest application.

17.02.005 ~~17.02.01~~**Accessory dwelling** means an independent dwelling unit with sleeping area, bath, and kitchen that is integrated within a single-family dwelling or located in a detached accessory structure, such as garages, carriage houses or agricultural-type outbuildings, located on the same lot as the single-family dwelling. Accessory dwellings shall be limited to six hundred and fifty square feet in floor area. There shall not be more than one accessory dwelling located on a lot in addition to the single-family dwelling. Lots with accessory dwellings shall have one access per lot, unless located on an alley, in which case there may be a maximum of one access from the alley and one from the street.

17.02.010 ~~17.02.02~~**Accessory use or structure** means a use or structure that is related to, but only secondarily, the principal use or structure located on that site.

17.02.015 ~~17.02.03~~**Affordable housing** means, unless otherwise set forth in an agreement between the town and applicant, a development project in which: (1) at least seventy-five percent of the gross acreage to be developed under the plan is to be developed as residential dwelling units; (2) at least ten percent of said dwelling units or spaces (the “affordable housing units”) are to be available for rent or purchase on the terms described in the definitions of affordable housing unit for rent or affordable housing unit for sale (as applicable); (3) the construction of the dwelling units or spaces is to occur as part of the initial phase of the project and (i) prior to the construction of the market rate units or (ii) on a proportional basis, according to the same ratio as the number of affordable units bears to the number of the market rate units; and (4) the units will be required by binding legal instrument acceptable to the town and duly recorded with the Routt County Clerk and Recorder, to be occupied by and affordable to low-income households for at least twenty years.

17.02.020 ~~17.02.04~~**Affordable housing unit for rent** means a dwelling unit which is available for rent on terms that would be affordable to households earning eighty percent or less of the median income of Routt County residents, as adjusted for family size, and paying less than thirty percent of their gross income for housing, including rent and utilities. The unit must be occupied by and be affordable to such low-income household(s) for a period of at least twenty years.

17.02.025 ~~17.02.05~~**Affordable housing unit for sale** means a dwelling unit which is available for purchase on terms that would be affordable to households earning eighty percent or less of the median income of Routt County residents, as adjusted for family size and paying less than thirty-

eight percent of their gross income for housing, including principal, interest, taxes, insurance, utilities and homeowners' association fees. The unit must be occupied by and affordable to such low-income household(s) for a period of at least twenty years or permanently.

17.02.030 ~~17.02.06~~ **Agricultural use** means use and working of land, ground or soil for the production of food and/or fiber, including farming for food or cash crops and the raising of farm animals. ~~Keeping and raising of chickens in accordance with Ord. 600, 2010 and optional grow premises as such may be defined by the State of Colorado shall not be interpreted as agricultural use by this definition.~~ The keeping or harboring of chickens in accordance with Section 6.08.020, Oak Creek Municipal Code; and medical or retail marijuana cultivation as such may be defined by the State of Colorado shall not be interpreted as agricultural use by this definition.

17.02.035 ~~17.02.07~~ **Applicant** means any individual, partnership, corporation, association, company or public body, including the federal government, or any political subdivision, agency, corporation or instrumentality of the state of Colorado, applying for a land use approval or flood hazard area permit pursuant to these regulations. An applicant for a land use change approval or development approval must either be the owner or have the right to possess the land for which the approval is sought or submit documents to the town which evidence that the applicant will become the owner of the land subsequent to approval of the development or will have the right to possession of the land.

17.02.040 ~~17.02.08~~ **Area of special flood hazard** means land within the one hundred year floodplain; i.e., subject to a one percent chance of flooding in any given year.

17.02.045 ~~17.02.09~~ **Auto-oriented commercial use** means commercial uses of a property that require automobile access through the development parcel for purposes other than parking, such as drive-thru banks, ~~or~~ restaurants or car washes.

17.02.050 ~~17.2.010~~ **Base flood elevation (BFE)** means the elevation shown on a FEMA Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30 and VE that indicates the water surface elevation resulting from a flood having a one percent chance of being equaled or exceeded in any given year. In the context of this code, base flood is used interchangeably with one hundred year floor, or one percent change flood.

17.02.055 ~~17.02.010.01~~ **Basement** means any area of a building having its floor sub-grade (below ground level) on all sides.

17.02.060 ~~17.02.011~~ **Bufferyard** means required yard areas, plantings and/or structures; such as fencing, which may be required between land uses to eliminate or minimize conflicts between them and to mitigate potential nuisances such as dirt, litter, noise, glare of lights, signs, unsightly buildings, parking areas, odor, or danger from fires or explosions. For example, an intense use such as a junkyard would require considerable buffering where the adjacent use is residential. Essentially, a bufferyard is a setback with required plantings or structures.

17.02.065 ~~17.02.012~~**Building height** means the distance from the existing or finished grade (measured at the lowest point of the structure's footprint), whichever is lowest, to the top of the highest point of the structure's roof.

17.02.070 ~~17.02.013~~**Channel** means the physical confine of stream or waterway consisting of a bed and stream banks, existing in a variety of geometries.

17.02.075 ~~17.02.014~~**Commercial use** means a use of property with its primary purpose to produce income from the sale directly to the public or indirectly to other establishments of goods or services in commerce.

17.02.080 ~~17.2.014.01~~**Conditional letter of map revision (CLOMR)** means FEMA's comment on a proposed project that does not revise an effective floodplain map that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.

17.02.085 ~~17.02.015~~**Conditional Use** means a use allowed in the indicated performance district that is evaluated under the conditional use review criteria and that may be subject to additional conditions, requirements and standards imposed by the Town as part of the review process pursuant to Section 17.03.017, only permitted with approval of the town board.

17.02.090 ~~17.02.016~~**Cottage industry** means a commercial business occupation conducted within a single-family residence, where such occupation is clearly secondary to the main residential character of the dwelling unit or the neighborhood, provided that: (1) there is no outside storage of goods or materials, (2) not more than twenty-five percent of the gross floor area of the dwelling unit or thirty-five percent of a single outbuilding is for cottage industry use, (3) the cottage industry employs no more than two persons including its owner, (4) the cottage industry is owned and operated by a person residing in the home, and (5) there is no external display or advertising, except for one sign no larger than two square feet.

17.02.095 ~~17.02.016.01~~**Critical facility** means a structure or related infrastructure, but not the land on which it is situated, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.

17.02.100 ~~17.02.017~~**Density (gross)** means the total number of dwelling units divided by the total acreage contained within the site upon which the dwelling units are proposed to be constructed.

17.02.105 ~~17.02.018~~**Density (net)** means the total number of dwelling units divided by the total net buildable area of the site upon which the dwelling units are proposed to be constructed.

17.02.110 ~~17.02.019~~**Development** means any construction or activity that changes the basic character or topography of the land on which the construction or activity occurs including, but not limited to: any man-made change to improved or unimproved real estate; construction of, or

substantial improvement to buildings or other structures; mining, dredging, filling, grading, paving, excavating, drilling, or channel rectification; as well as construction of a dam, wall, embankment, levee, dike, pile, abutment or projection.

17.02.115 ~~17.02.020~~ **Dwelling unit** means one or more rooms in a structure designed for human occupancy and equipped with a kitchen and a bathroom.

17.02.120 ~~17.02.024~~ **Duplex** means a single building containing only two separate single-family residential dwelling units, with the two units either side-by-side or in an over-under configuration, where the two units are connected by a common wall a minimum of twelve feet in length.

17.02.125 ~~17.02.021.04~~ **Effective date** means the date upon which final approval is given or other specific date as detailed in such approval and that all fees associated with the application are paid.

17.02.130 ~~17.02.021.02~~ **FEMA** means the Federal Emergency Management Agency, the agency responsible for administering the National Flood Insurance Program.

17.02.135 ~~17.02.021.03~~ **Fence** means any structure constructed of wood, metal, wire, brick, masonry, stone or other solid material that marks a boundary or area.

17.02.140 ~~17.02.022~~ **Fill** means placement of materials of any kind by artificial means.

17.02.145 ~~17.02.023~~ **Final plan submission** means the application and supporting materials required for all developments of major impact by Section 17.03.13(B).

~~17.02.024 Flood development permit means a permit required before construction, substantial improvement, or development in an area of special flood hazard as required by Section 17.06.09(B).~~

17.02.155 ~~17.02.025~~ **Flood insurance rate map (FIRM)** means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community, as such map may be amended from time to time. This map number is 08107C0785D with the effective date of February 4, 2005.

17.02.160 ~~17.02.026~~ **Flood insurance study** means the official report provided by the Federal Emergency Management Agency that includes flood profiles for studied flooding sources that can be used to determine Base Flood Elevations for some areas.

17.02.165 ~~17.02.027~~ **Flood or flooding** means a general and temporary condition of partial to total inundation of normally dry land areas resulting from an unusual or rapid accumulation of runoff or surface waters from any source; overflow of streams, rivers, or other inland waterways; or mudslides or mudflows that occur from excess surface water that is combined with mud or other debris that is sufficiently fluid so as to flow over the surface of normally dry land areas (such as earth carried by a current of water and deposited along the path of the current.)

17.02.170 ~~17.02.028~~ **Floodplain or flood-prone area** means any land area susceptible to being inundated as the result of a flood, including the area of land over which floodwater would flow from a spillway of a reservoir.

17.02.175 ~~17.02.029~~ **Floodplain ordinance** means the ordinance contained in Section 17.06 and referred to as the town's floodplain management or special flood hazard area regulations.

17.02.180 ~~17.02.029.01~~ **Floodplain administrator** means the designated individual or, in lieu of a designated individual, the town board, appointed as floodplain administrator to administer, implement and enforce the provisions of the Floodplain Ordinance and other appropriate sections of 44 CFT (National Flood Insurance Program Regulations) pertaining to floodplain management.

17.02.185 ~~17.02.029.02~~ **Floodplain development permit** means a permit required before construction or development begins in an area of special flood hazard to ensure that proposed development projects meet the requirements of the National Flood Insurance Program and these regulations.

17.02.190 ~~17.02.31~~ **Historic structure or building** means any principal or accessory structure or building that is in excess of fifty years old.

17.02.195 ~~17.02.032~~ **Impervious surface** means surfaces which do not absorb water. Impervious surfaces consist of all buildings, parking areas, driveways, roads, sidewalks and other areas of concrete or asphalt. In the case of lumber yards, areas of stored lumber constitute impervious surfaces.

17.02.200 ~~17.02.033~~ **Industrial use** means enterprises engaged in the processing, manufacturing, fabrication, assembly, servicing, preparation, treatment, packaging, research, storage, warehousing and distribution of products that may not be entirely enclosed within a structure. ~~compounding, assembly, packaging, treatment or fabrication of materials and products, from processed or previously manufactured materials. Warehousing, wholesaling and distribution of the finished products are allowed. In addition, it shall include trucking and equipment repair facilities, construction and excavation companies, storage facilities, optional grow premises and marijuana infused products as such may be defined by the State of Colorado, and similar enterprises.~~

17.02.205 **Industrial, light** means enterprises engaged in the manufacturing, processing, fabrication, assembly, servicing, preparation, treatment, packaging, research, storage, warehousing and distribution of products that are totally enclosed within a building or structure.

17.02.210 ~~17.02.034~~ **Institutional use** means a use that is funded and operated by a government entity or other nonprofit organization and that provides a community-wide or regional service to the public.

17.02.215 **Junkyard** means an open or enclosed area on which any junk, inoperative vehicles, machinery, or similar scrap material of any type are stored or dismantled. This definition also includes scrap metal processors, auto-wrecking yards, construction materials, salvage, scrap, and recycle yards, and temporary storage of automobile bodies or parts awaiting disposal as a normal part of a business operation when the business has such materials located on the premises on a customary basis. Junkyards shall, for purposes of this Land Use Code, be considered industrial uses.

17.02.220 ~~17.02.034.04~~ **Letter of map revision (LOMR)** means FEMA's official revision of the effective flood insurance rate map (FIRM). LOMR's are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective ~~ive~~^{five} base flood elevations, or areas of special flood hazard.

17.02.225 ~~17.02.034.02~~ **Letter of map revision based on fill (LOMR-F)** means FEMA's modification of the areas of special flood hazard shown on the flood insurance rate map (FIRM) based on ~~the~~^{eh} placement of fill outside the existing regulatory floodway.

17.02.230 ~~17.02.035~~ **Live-work unit** means a mixed-use unit consisting of commercial or light industrial functions and a residential dwelling function, provided that 1) the residential portion of the unit is only occupied by the owner or employees of the commercial or light industrial business occupying the unit; and 2) the business unit employs no more than three persons in addition to the persons residing in the unit; and 3) all parking requirements are satisfied.

17.02.235 ~~17.02.036~~ **Lot** means a designated parcel, tract or area of land established by plat or subdivision of at least a sufficient size to meet minimum requirements for use, street frontage coverage and area, and to provide required yards and other open spaces in the performance district in which the lot is located, and which has direct access onto a public or private street.

17.02.240 **Lot, buildable** means a lot that meets the applicable requirements for building including, but not limited to, dimensional standards for use, direct access onto a public or private street, and any site specific restrictions imposed as part of a land use approval or has received non-conforming lot approval per Section 17.08.06 of these regulations.

17.02.245 ~~17.02.037~~ **Lowest floor** means the lowest floor of the lowest enclosed area (including basement). Any floor used for living purposes which includes working, storage, sleeping, cooking and eating, or recreation or any combination thereof. This includes any floor that could be converted to such a use such as a basement or crawl space. The lowest floor is a determinate for the flood insurance premium for a building, home or business. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements.

17.02.250 ~~17.02.038~~**Manufactured home** means a single-family dwelling which is partially or entirely manufactured in a factory; is not less than twenty-four feet in width and thirty-six feet in length; is installed on an engineered, permanent foundation; has brick, wood or cosmetically equivalent exterior siding and a pitched roof; and complies with the US Housing and Urban Development or Unified Building Code standards, as applicable, or meets or exceeds equivalent requirements and performance engineering standards.

17.02.255 ~~17.02.039~~**Manufactured home park or subdivision** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

17.02.260 **Medical marijuana establishment** means a medical marijuana center, a medical marijuana-infused products manufacturer, or an optional premises cultivation operation as such may be more fully defined in the Colorado Medical Marijuana Code.

17.02.265 ~~17.02.040~~**Mixed use building** means a building designed, planned and constructed for use partly for residential use and partly for commercial or office uses including, but not limited to, retail, public uses, personal service or entertainment uses.

17.02.270 ~~17.02.041~~**Mobile home** means a movable residential dwelling unit manufactured in one or more sections and designed to be transportable after fabrication on its own wheels, attached wheels, or low boy, suitable for year-round occupancy, and containing a flush toilet, sleeping accommodations, a tub or shower bath, kitchen facilities, plumbing and electric connections provided for attachment to appropriate external systems. Presectionalized, modular or prefab housing which does not meet the definition of a “manufactured home,” as defined herein shall be regarded as a mobile home. Each mobile home shall bear a manufacturer’s label certifying that the mobile home has been inspected in accordance with the requirements of the Department of Housing and Urban Development and is constructed in conformance with the federal manufactured home construction and safety standards in effect on the date of manufacture.

17.02.275 ~~17.02.042~~**Mobile Home Park** means a tract or area of land, which may or may not be divided into lots, upon which mobile homes are placed.

17.02.280 ~~17.02.043~~**Mobile home, permanent foundation** shall be of one of the following types that is best suited to the placement, location and soils investigation as per current, adopted building codes:

- A. Anchor pier system utilizing at a minimum two-foot round piers. Depth of pier will depend on soil condition. Piers must be at least ten feet apart and parallel;
- B. Pad system utilizing at a minimum two foot by two foot pads, eight inches thick. Pads must be at least ten feet apart parallel;
- C. Soil could be excavated so as to allow the mobile home to set six inches above grade and supported by cement pads eight inches thick.
- D. The mobile home must be positively connected to the foundation, i.e. bolted, welded, clamped and able to sustain a minimum tensile strength of two thousand, eight hundred

pounds. Absolute drainage away from the mobile home should also be developed. It is advisable to work with the building inspector on foundation designs.

17.02.285 ~~17.02.044~~**Multi-family dwelling** means a residential building containing three (3) or more dwelling units with independent access to each unit and separate living, kitchen and sanitary facilities.

17.02.290 ~~17.2.045~~**Net ~~Buildable~~ buildable Area ~~area~~** means the gross site area as determined by actual on-site survey, minus roads, rights-of-way, ~~separate parcels that do not adjoin the rest of the development~~, land currently used for residential purposes, and environmentally restricted lands.

17.02.295 ~~17.02.046~~**New construction** means structures for which the “start of construction” commenced on or after the effective date of this land use code.

17.02.300 ~~17.02.047~~**~~[Reserved]~~ Non-buildable lot** ~~means a single, 25-foot wide lot that does not meet the minimum dimensions and required square footage for development as set forth in the Land Use Code.~~

17.02.305 ~~17.02.048~~**Non-conforming lot** means a lot that does not meet the dimensional standards for the district in which it is located and were lawfully established prior to the effective date of this code or subsequent amendment to it. ~~lot which is larger than a single, 25-foot wide lot, but which may have an irregular shape or dimensions and does not meet the minimum dimensions and required square footage for development as set forth in this Land Use Code, but which was legally established prior to the effective date of this code. Legal nonconforming lots may be allowed to be built upon based on a total square footage percentage ratio utilized by the planning commission.~~

17.02.310 ~~17.02.049~~**Non-conforming use** is any activity using land, buildings, signs and/or structures for purposes which were lawfully established prior to the effective date of this code or subsequent amendment to it and which would not be permitted to be established as a new use by the regulations of this code.

17.02.315 ~~17.02.049.01~~**No-rise certification** means a record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A no-rise certification must be supported by technical data and signed by a registered Colorado Profession Engineer. The supporting technical data should be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the ~~[Flood]~~Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM).

17.02.320 ~~17.02.050~~**Obstruction** means any development, stockpile, refuse or matter; in, along, across, or projecting into any floodway or flood hazard area which might impede, retard or change the direction of a flow of water in and of itself or by catching or collecting water borne debris.

17.02.325 ~~17.02.054~~**Office** means a building or part of a building, designed, intended or used for the practice of a profession, a business, or the conduct of public administration or the administration of an industry that is conducted on another site including the rental, lease or sale of real estate. This shall not include a commercial use, any industrial use, place of amusement or place of assembly.

17.02.330 ~~17.02.052~~**Open space** means land required by this code to remain undeveloped for passive recreation, agriculture and resource protection uses. Open space land shall not include driveways, streets or parking areas.

17.02.335 ~~17.02.053~~**Permit authority** means the board of trustees of the town of Oak Creek, Colorado.

17.02.340 ~~17.02.054~~**Plat** means a map and supporting materials prepared in accordance with Section 17.03.013 (C) as an instrument for recording of real estate interests with the county clerk and recorder.

17.02.345 ~~17.02.055~~**Regulations** mean the regulations adopted by the ordinance codified in this section and title.

17.02.350 ~~17.02.055.5~~**Retail ~~Marijuana-marijuana Establishment-establishment~~** means a retail marijuana store, a ~~retail~~-marijuana cultivation facility, a ~~retail~~-marijuana product manufacturing facility, or a ~~retail~~-marijuana testing facility as set forth in Section 16 of Article XVIII of the Colorado Constitution, or as may be more fully defined in the Colorado Retail Marijuana Code.

17.02.355 ~~17.02.056~~**Residential** means the use of land for housing and related accessory structures and uses.

~~17.02.057 **Sales tax-generating commercial** means a commercial use that generates sales tax through the sale of goods.~~

17.02.360 ~~17.02.058~~**Setback** means the required unoccupied and undeveloped space between the nearest projection of a structure and the property line of the lot on which the structure is located.

17.02.365 ~~17.02.059~~**Setback, front yard** means the distance a building or structure must be placed from the front lot line.

17.02.370 ~~17.02.060~~**Setback, rear yard** means the distance a building or structure must be placed from the rear lot line.

17.02.375 ~~17.02.061~~**Setback, side yard** means the distance a building or structure must be placed from the side lot line.

17.02.380 ~~17.02.062~~**Sign** means any object, device, display, structure, or part thereof, situated outdoors which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Signs do not include the flag or emblem of any nation, state, city, religious, fraternal, or civic organization; also merchandise and pictures or models of products or services incorporated in a window display, works of art which in no way identify a product, or scoreboards located on athletic fields.

17.02.385 ~~17.2.063~~**Single-family dwelling** means a dwelling designed for, or used as a dwelling unit exclusively by one family as an independent housekeeping unit. A single-family unit contains no more than one dwelling unit and does not include mobile homes.

17.02.390 ~~17.02.064~~**Site specific development plan** shall mean a plan that has been submitted to the town by an applicant or applicant's representative describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property, when approved as a site specific development plan by the Board by ordinance.

17.02.395 ~~17.02.065~~**Snow storage space** means an area within a parcel or parcels of property designed and intended for use as base where snow may be pushed or stored in order to clear roadways, sidewalks, and parking areas.

17.02.400 ~~17.02.066~~**Start of construction** means and includes substantial improvement, and means the date the building permit was issued; provided, the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred eighty days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

17.02.405 ~~17.02.067~~**Structure** means, generally, a walled and roofed building, including a gas or liquid storage tank, normally above ground and permanently or temporarily affixed to a site, including earth sheltered structures, open pavilions, mobile and manufactured homes, or any other structure requiring a permanent foundation.

17.02.410 ~~17.02.067.01~~ **Substantial damage** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure just prior to when the damage occurred.

17.02.415 ~~17.02.068~~ **Subdivision or resubdivision**

- A. Subdivision or resubdivision means any subdivision or redivision of a subdivision, tract, parcel, or lot of land into two or more parts by means of mapping, platting, conveyance, change or rearrangement of boundaries. Unless the method of disposition or division is adopted for the purpose of evading this code, the terms “subdivision” and “resubdivision” shall not apply to any division of land:
1. Which is created by order of any court in this state or by operation of law;
 2. Which is created by a lien, mortgage or deed of trust or any other security instrument;
 3. Which creates cemetery lots;
 4. Which creates an interest or interests in oil, gas, minerals or water which are now or hereafter severed from the surface ownership of real property; and
 5. Which is created by the acquisition of an interest in land in the name of a husband and wife or other persons in joint tenancy, or as tenants in common in any such interest shall be deemed for purposes of this section as only one interest.
- B. The town board may exempt from this definition any division of land if the board determines that such division is not within the purpose of this code.

17.02.420 ~~17.02.68~~ **Substantial improvement** means any repairs, reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent of the current fair market value of the structure before that “Start of construction” of the improvement. This includes structures that have incurred “Substantial damage”, regardless of the actual repair work performed.

The term “Substantial improvement” does not however, include:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions; or
- B. Any alteration of a structure listed on the National Register of Historic Places or on the Colorado State Historical Society’s List of Historic Places.

17.02.425 ~~17.02.068.01~~ **Threshold planning quantity (TPQ)** means a quantity designated for each chemical on the list of extremely hazardous substances that triggers notification by facilities to the State of Colorado that such facilities are subject to emergency planning requirements.

17.02.430 ~~17.02.069~~ **Use** means any man-made or man caused activity or structure existing on a parcel of land, whether that activity or structure is permanent or temporary.

17.02.435 ~~17.02.070~~**Watercourse** means a natural or artificial channel, depression, wash, slough, gulch, arroyo, stream, creek, or drainage way capable of containing or conveying water continuously, intermittently or periodically.

17.02.440 ~~17.02.070.01~~**Water surface elevation** means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

17.02.445 ~~17.02.071~~**Wetlands** are those areas which may be subject to the jurisdiction of the U.S. Army Corps of Engineers under Section 404 of the Federal Clean Water Act, P.L. 92-500, as amended.

- C. The following sections of Chapter 17.03 are modified as follows: (additions are underlined, deletions are struck-through):

17.03.04 Exemptions.

Certain activities or development may be exempt from development permit review. Exemption does not exempt any development or its use from any other applicable requirement of this code or the requirement to obtain a building permit and certificate of occupancy. Any person may request a written determination from the town ~~board~~ regarding whether a specific proposed development is exempt from one or more of the review processes contained in this article. Exemptions are as follows:

- A. Internal modifications to commercial, industrial, multi-family, and mixed-use structures. An alteration, modification, or change of a commercial, industrial, multi-family or mixed-use structure that is internal to the structure, does not alter or affect the exterior appearance of the structure.
- B. Agricultural practices. Agricultural practices in conformance with the applicable performance district.
- C. Temporary emergency measures. A temporary emergency measure necessary for the safety or protection of persons or property as determined by the town board.
- D. Tents. Erection of a tent or other fabric shelter having an area less than two hundred (200) square feet, or a canopy less than four hundred (400) square feet for a period of time not to exceed twenty-one (21) days, provided that such tent or structure is not utilized for any retail or commercial use.
- E. Routine maintenance. Maintenance of property and structures for the purposes of routine upkeep that does not result in noncompliance with this code. Routine maintenance does not include maintenance that modifies any approved development permit, regardless if a building permit is required. Examples of routine maintenance include, but are not limited to, roof replacement when the same or substantially similar materials are utilized, re-siding when the same siding materials are utilized, or replacement of existing facilities such as parking lots or trails when the same alignment/square footage will be maintained. Routine maintenance does not include development that requires review and approval of a land use change of no. minor or major impact-land-use change.

17.03.05 Land use changes of no impact.

These will be reviewed administratively by the town Public ~~works-Works director~~Director, ~~town~~Town Administrator/Clerk, and the District Fire Chief within the scope of their authority in accordance with the currently adopted International Fire and Building Codes in all cases and selected sections of this code where specifically referenced, and require no review by the planning commission and the board of trustees unless requested by the Public ~~works-Works director~~Director, ~~town~~Town Administrator/Clerk, and/or the District Fire Chief (see Section 17.03.11), and include:

- J. Changes in use of an existing commercial, institutional or industrial development or relocation of an existing commercial or industrial use within Performance Districts 2 or 7 only if all of the following conditions exist:
 - 5. The proposed use conforms generally to the Oak Creek ~~comprehensive-Comprehensive plan-Plan~~ and its components.
- K. Changes in use of an existing commercial, institutional or industrial development within Performance District 1 only if all of the following conditions exist:
 - 1. The proposed use is not from a ~~retail-or-~~commercial, institutional, light industrial or industrial use to residential uses;

17.03.06 Land use changes of minor impact.

These require only one review each by the planning commission and the board of trustees and include:

- I. Changes in use of existing commercial, institutional or industrial developments Performance Districts 2 or 7, if:
 - 1. The proposed business-development will be located in an existing structure; and
- J. Changes in use ~~in Performance District 1~~ that are not exempt, no impact or major impact.
- L. Establishment of any new medical marijuana or Retail Marijuana Establishment business if:
 - 2. Meets the applicable criteria for commercial uses located in the same Performance District; and

17.03.07 Land use changes of major impact.

These require review by the planning commission and the board of trustees and include:

- E. Annexation of land~~;~~
- F. ~~Public and quasi-public~~Institutional buildings, ~~(fire, school, police, etc.);~~

17.03.09 Public notice provisions.

- B. Notice by publication in newspaper. The town ~~Clerk~~ shall ~~give-cause~~ notice of any required public hearing ~~required~~ as follows:
- C. Surrounding property owner notice. Where required by statute or this code to give notice to surrounding property owners, the town ~~clerk~~ shall cause notification to be sent, at the applicant's expense, to surrounding property owners by mailing a written notice by first-class mail to those persons who have listed for taxation any real property located within three hundred (300) feet of the lot, parcel or property area that is the subject of the application or appeal. Notification of surrounding property owners shall be mailed no later than fifteen (15) days before the planning

commission hearing for a land use change of minor impact or thirty (30) days before the planning commission hearing for a land use change of major impact.

D. Notice by property posting.

3. The town ~~clerk~~ shall cause to be prepared, and the applicant shall post, signs upon the parcel under consideration which provide notice of the kind of action requested; the hearing authority; the time, date and location of hearing; and the location of the parcel by physical address, legal description or by Routt County Assessor Parcel number.
4. The applicant shall submit an affidavit of posting in the form provided by the town ~~clerk~~ prior to the scheduled meetings and hearings confirming that the property was properly posted.

17.03.012 Review procedure for land use changes of minor impact.

A. Application: Applicant submits Form D-2, Application for Minor Land Use Change, to the town ~~clerk~~ accompanied by the review fee on file with the town ~~clerk~~ and such other information required by this code for a complete application.

B. The town ~~clerk~~ shall cause notification to be sent to surrounding property owners as specified in section 17.03.09.C and shall forward referrals to appropriate referral agencies ~~including but not limited to such as~~ the town Public Works ~~department~~ Department, Oak Creek Fire Protection District, RE3-J School District, State of Colorado Division of Parks & Wildlife, Colorado State Engineer, or Colorado Geologic Survey no less than 15 days in advance of the planning commission meeting.

~~C. Town clerk submits completed Form D-2 to planning commission a minimum of one week before scheduled public hearing.~~

~~D.C.~~ Planning commission public hearing on application: After receipt of ~~all~~ application materials required by this code for a complete application by the town, the town clerk shall set the matter for public hearing before the planning commission. The planning commission shall consider the application and other information and materials submitted for their consideration at the public hearing and forward its recommendation to approve, deny or approve subject to conditions as a conditional use. ~~Conditional uses may be permitted subject to such e~~ Conditions and limitations as the town may prescribe ~~to ensure that the location and operation of the conditional uses will be in accordance with~~ the conditional use criteria listed in Section 17.03.017. As part of the conditional use approval, the planning commission may recommend that the board grant the ~~conditional use~~ approval for a limited time period and/or require periodic reviews of the development once completed to ensure compliance with the approved conditions.

~~E.D.~~ Board of Trustees public hearing and action on application. The board of trustees shall consider the application, other information and materials submitted for their consideration, and the recommendation of the planning commission at a public hearing and make a decision thereon within thirty (30) days of such public hearing; provided that during this time, the board determines that the application should be for a major land use change, in which case the procedure in Section 17.03.013 shall be followed. The board may place any conditions upon its approval, including without limitation, submission of performance bonds, deed restrictions, and improvement agreements.

17.03.013 Review procedure for land use changes of major impact.

A. Conceptual plan stage.

1. Application. Applicant submits Form D-3, Application for Major Land Use Change, to the town ~~clerk~~, accompanied by the review fee on file with the town ~~clerk~~ and such other information required by this code for a complete application. Applications for annexations, establishment or enlargement of mobile home parks, multi-family dwellings, and residential subdivisions shall also be accompanied by a fiscal impact analysis in accordance with Section 17.07.01(H)(2).
2. The town ~~clerk~~ shall cause notification to be sent to surrounding property owners as defined in Section 17.03.09(C).

~~3. Town Clerk submits completed Form D-3 to planning commission a minimum of one week before scheduled public hearing.~~

~~4.3.~~ Referral and Review.

- a. After receipt of ~~all~~ application materials required by this code for a complete application by the town, the planning commission may require review and recommendations from the Routt County ~~building inspector~~ Building Official, town ~~public~~ Public works ~~Works director~~ Director, the town consulting engineer or other professional consultants or local, state, or federal agencies and shall be responsible for all fees pertaining to the same.
- b. For annexation applications, the town ~~clerk~~ shall forward to the following applicable entities, one copy of ~~each form to the following agencies~~ the application materials. All referral agencies must forward their comments on the conceptual plan to the town in thirty (30) days.
 - i. Routt County Planning Department;
 - ii. Oak Creek Fire Protection District
 - iii. RE3-J School District;
 - iv. State of Colorado Division of Wildlife;
 - v. Colorado State Engineer;
 - vi. Colorado Geological Survey;
 - vii. Other persons or agencies required by the Board of Trustees.

~~5.4.~~ Planning commission Public Hearing on Application. The town clerk shall set the matter for public hearing before the planning commission, at which time the planning commission shall consider the application and other information and materials submitted for their consideration, and forward its recommendation to approve, deny or approve subject to conditions as a conditional use, or request a revised conceptual for further review. ~~Conditional uses may be permitted subject to such c~~Conditions and limitations as the town may prescribe ~~to ensure that the location and operation of the conditional uses will be in accordance with~~ shall consider the conditional use criteria. ~~The conditional use criteria~~ listed in Section 17.03.017. ~~will be used to review applications for conditional uses.~~ As part of ~~the conditional use~~ an approval, the planning commission may recommend that the board grant the conditional use approval for a limited time period and/or require periodic reviews of the development once completed to ensure compliance with the approved conditions. If the planning commission determines additional information from the applicant or any review agency is required prior to its action, the

public hearing shall be continued until such information has been received. The applicant is responsible for the above costs incurred by the town.

~~6-5.~~ Board of trustees public hearing and action. Upon receipt of the recommendation of the planning commission and other information and materials submitted for their consideration on the conceptual plan submission, the town clerk shall set the matter for public hearing before the town board. The board of trustees must act upon the conceptual plan submission within thirty (30) days of the public hearing before the board, unless additional information is required, in which case the board must act within thirty (30) days of its receipt. At any time during the review process, the board may elect to employ professional consultants to assist the board in its review of the application. The total cost of such consultants shall be paid by the applicant and the applicant shall be involved as to the projected fees for such services and consulted as per the applicant's intent to continue the application based on such information.

~~7-6.~~ Significance of Conceptual Plan Approval. Approval of a conceptual plan shall constitute approval of the general development concept only and shall not constitute approval of any detailed design engineering of submittals or proposed solutions to specific problems revealed in the review process. Upon approval of the conceptual plan, the applicant shall proceed with the preparation of the final plan in accordance with Section 17.03.013(B). Failure to proceed with file the a complete final plan application within twelve (12) months of conceptual plan approval shall require the applicant to commence the conceptual plan review procedure again, provided however, that for good cause shown, the board may extend the time period for filing the final plan application. The final plan application may be submitted in stages consistent with a master development plan outlined at the conceptual plan stage, if such master plan was approved by the board of trustees in connection with conceptual plan review.

~~8-7.~~ Significance of Disapproval of Conceptual Plan. Disapproval of the conceptual plan terminates the review process, which may only be reinitiated by making application, as described at Section 17.03.013.

B. Final plan stage.

1. Application. Applicant submits updated fiscal impact analysis (if new information has become available) to the town ~~clerk~~ and such other information required by this code for a complete application. Applicant submits to the town ~~clerk the~~ review fee and a retainer determined by the town ~~clerk~~ for which all fees associated with the final application, including but not limited to engineering fees, professional planner fees, etc., shall be billed against said retainer. Review fee shall be in accordance with the Fee Schedule approved by the town board and kept on file with the town Clerk.

2. Referral and Review. No less than thirty (30) days prior to the planning commission public hearing on the application~~Within five days of receipt of the completed final plan submission materials~~, the town ~~clerk~~ shall forward to the following applicable entities, one copy each of the following:

- a. Public ~~works~~ Works director~~Director~~;
- b. Town consulting engineer;
- c. Oak Creek Fire Protection District;
- d. Colorado Geological Survey;

- e. Other persons or agencies as may be required by the board of trustees;
- 3. All referral agencies must forward their comments on the final plan to the board of trustees within thirty (30) days.
- 4. Public Hearing. After receipt of all application materials and other such materials required by this code for a complete application, the town clerk shall set the matter for public hearing before the planning commission. The planning commission shall consider the application at a public hearing and shall forward a recommendation to approve, deny or approve with conditions to the board of trustees. If the planning commission determines additional information from the applicant or any review agency is required prior to its action, the public hearing shall be continued until such information has been received. The applicant is responsible for the above costs incurred by the town.
- 5. Action by the Board of Trustees. After receipt of the recommendation of the planning commission and other information and materials submitted for their consideration, the board of trustees shall consider the application at a public hearing. The board must act upon the final plan within thirty (30) days of the public hearing before the board, unless additional information is required, in which case the board must act within thirty (30) days of its receipt. The board may place any conditions upon its approval, including without limitation, submission of as-built drawings, performance bonds and deed restrictions.

17.03.015 Renewal of land use change approvals.

- A. A land use change approval may be renewed for a period not to exceed one year from its expiration date or abandonment date, whichever is later, by the planning commission. Application for renewal shall be submitted to the town ~~Clerk~~ at least thirty days before the planning commission meeting at which it is to be reviewed, and which shall be accompanied by the applicable renewal fee and such other information required by this code for a complete application.

17.03.016 Standards by which the planning commission and the board of trustees will be guided.

In reviewing all applications for development approvals, the planning commission and board of trustees shall be guided by the compatibility of the proposed land use with adjacent land uses and by the following additional considerations:

- A. Conformance of the proposed land use change with the policies and principles in the Oak Creek Comprehensive Plan Update, pursuant to C.R.S., 1973, Section 31-23-~~203~~206;

17.03.017 Conditional Use Review Criteria.

The town shall use the following criteria to evaluate applications for conditional uses:

- q. The conditional use will satisfy all applicable provisions of the land use code unless a variance or exception is being requested.

- D. Section 17.03.018 Review Process Chart is hereby revised and replaced with Exhibit A attached hereto.

E. Chapter 17.08 is revised as follows: (additions are underlined, deletions are struck-through):

Chapter 17.08 ~~Abatement of Nonconforming Uses~~Nonconforming Uses, Buildings & Lots

17.08.06 ~~Non~~conforming lots.

~~Nonconforming lots on record at the time of passage of this code may be built upon; providing, that all other applicable regulations are met and the approval of the board of adjustment is obtained. A non-conforming lot may be approved for building or other use provided other relevant requirements are met, including by way of example but without limitation, setbacks, access or other requirements (see Lot, buildable definition) if it is determined that said lot, parcel, tract or area of land was lawfully established prior to the effective date of this code or subsequent amendment to it. No non-conforming lot determination shall be effective until ratified by the Town Board at a public meeting.~~

F. Chapter 17.09 is revised as follows (additions are underlined, deletions are struck-through):

17.09.04. Public works director.

The duties of the Public works director with respect to applications submitted and processed under this code are as follows:

C. Review all land use changes of no impact; and

D. Sign off on building permits;

~~E. Administer all regulations for activities in the “no impact” category.~~

17.09.05. Board of trustees - Variances.

The power and duties of the board of trustees (town board) are as follows:

D. To act as the Board of Adjustment pursuant to C.R.S. 31-23-307 to hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, decision or refusal made by an administrative official or agency based on or made in the enforcement of this code, not involving uses or densities; provided that such appeal is made prior to thirty (30) days following the date of such order, requirement, decision or refusal.

G. Chapter 17.10 is revised as follows (additions are underlined, deletions are struck-through):

17.10.013 Snow Removal and Accumulation

A. All land use changes governed by these regulations shall ensure that there is no increase in off-site snow accumulations as a result of the land use changes. Off-site snow storage and snow hauling may be permitted subject to a snow hauling plan indicating the haul route(s), receiving site(s), as well as the proposed frequency of snow hauling.

H. Chapter 17.11 is revised as follows (additions are underlined, deletions are struck-through):

17.11.07 Performance District Seven

The following regulations only govern land within Performance District Seven.

B. Permitted, conditional, and prohibited uses.

1. Conditional uses:
 - a. Single family residential
 - b. Duplex
 - c. Accessory dwellings
 - d. Cottage industries
 - e. Commercial
 - f. Auto-oriented commercial
 - g. Office
 - h. Institutional
 - i. Light industrial
 - j. Industrial
 - k. Live-work units
 - j-l. Medical marijuana and Retail marijuana establishments

I. Chapter 17.14 is deleted in its entirety.

SECTION 2. SEVERABILITY, CONFLICTING ORDINANCES REPEALED. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. All other ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 3. EFFECTIVE DATE. This ordinance shall take effect and be in full force and effect thirty (30) days after adoption and publication pursuant to C.R.S. § 31-16-105.

INTRODUCED, READ, APPROVED AND ORDERED PUBLISHED this 22nd day of January, 2015.

Nikki Knoebel, Mayor

ATTEST:

Mary Alice Page-Allen
Town Administrator/Clerk

EXHIBIT A

17.03.018 Review Process Chart										
Requirements for all applications prior to processing: Submittal of a complete application (application completeness to be determined by Town Clerk) Payment of all required fees Pre-application meeting with Town Clerk to review approval process and submittal requirements (recommended)						Key	BP - Building Permit	TAC – Town Administrator/Clerk		
						PC – Planning Commission		PWD – Public Works Director		
						BOT – Board of Trustees		DFC – District Fire Chief		
						BOA – Board of Adjustment		ROW – Public Right of Way		
Approval Requested	Notice Requirements				Approval Authority	Required Public Meeting and/or Public Hearing	Appeals	Final Documentation	Notes	
	Mailed	Posted	Published	Referral						
Building Permit Sign-off					TAC, PWD and DFC	None	BOA	BP issuance		
Land Use Change of No Impact					TAC, PWD and DFC	No Public Meeting or Public Hearing – Administrative Review by PWD, TAC and DFC – Approval or Denial issued within 15 days of receipt of complete application	PC and BOT as requested by TC, PWD and/or DFC	Letter from TAC	Application includes Form D-1; Signs reviewed under Section 17.10.011 use this process	
Land Use Changes of Minor Impact	15 days prior to PC public hearing	15 days prior to PC public hearing	15 days prior to PC public hearing	15 days prior to PC public hearing	BOT after review and recommendation by PC	PC – Public Hearing (recommendation to BOT) BOT – Public Hearing (final decision within 30 days of public hearing)	District Court	Letter from TAC and recordation of subdivision plat, if applicable	Application includes Form D-2	
Land Use Changes of Major Impact - Conceptual	30 days prior to PC public hearing	30 days prior to PC public hearing	30 days prior to PC public hearing	30 days prior to PC public hearing	BOT after review and recommendation by PC	PC – Public Hearing (recommendation to BOT) BOT – Public Hearing (final decision within 30 days of public hearing unless add'l information req'd and then within 30 days of receipt of add'l information)	District Court	Letter from TAC; record BOT Resolution (annexation) and/or BOT req'd Agreements	Application includes Form D-3; Approval valid for 12 months	
Land Use Changes of Major Impact – Final Plan	30 days prior to PC public hearing	30 days prior to PC public hearing	30 days prior to PC public hearing	30 days prior to PC public hearing	BOT after review and recommendation by PC	PC – Public Hearing (recommendation to BOT) BOT – Public Hearing (final decision within 30 days of public hearing unless add'l information req'd and then within 30 days of receipt of add'l information)	District Court	Letter from TAC; record subdivision plats and/or BOT req'd Agreements	Application includes Form D-3; Requires Conceptual approval	
Flood Hazard Area Permit					Floodplain Administrator	None	BOA	Floodplain Development Permit is issued		
Vacation of ROW or Public Utility Easement	15 days prior to PC public meeting	15 days prior to PC public meeting	15 days prior to PC public meeting	15 days prior to PC public hearing	BOT after review and recommendation by PC	PC – Public Meeting (recommendation to BOT) BOT – Public Hearing (final decision)	District Court	Record Ordinance and Publish Notice of Ordinance Adoption	May apply to a dedication of a ROW or Public Utility Easement	
Variances	30 days prior to BOA public hearing	30 days prior to BOA public hearing	30 days prior to BOA public hearing	30 days prior to BOA public hearing	BOA	BOA – Public Hearing	District Court	Letter from TAC		

- Proposals to be reviewed by PC, BOT and BOA will be scheduled on the first open agenda for which all notification requirements can be met.
- The TAC, PC, BOT or BOA may delay the review of any proposal if additional information is required to determine if all applicable Land Use Code standards can be met.
- Proposals must comply with all applicable standards of the Land Use Code to be approved.
- Conditions may be placed on any approval if they are deemed necessary to ensure compliance with the applicable standards of the Land Use Code.
- Renewal of land use change approvals must follow the same procedures as the original approval unless otherwise noted.
- No process listed above shall result in a site-specific development plan approval or in a vesting of property rights except as may be provided in Chapter 17.13 of the Land Use Code.
- TAC may authorize a concurrent review of any of the processes listed above provided all minimum notification requirements are met.