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Article 16.01: General Provisions

Section 1.1 Title and Effective Date

1.1.1. Title
These regulations shall officially be known, cited, and referred to as the “Town of Buena Vista Unified Development Code” (UDC).

1.1.2. Effective Date
This UDC is hereby adopted and shall become effective on June 1, 2018.

Section 1.2 Purpose and Intent

1.2.1. Purpose
The general purpose of this UDC is to protect the public health, safety, and welfare of the Town, and to implement policies and actions as called for in the Town of Buena Vista Comprehensive Plan and other adopted Town ordinances, regulations, policies, and plans.

1.2.2. Intent
This UDC is intended to:

A. Guide the future growth and development of the Town in accordance with the Comprehensive Plan;
B. Provide for adequate light, air, and privacy; to secure safety from fire, flood, and other danger; and to prevent overcrowding of the land and undue congestion of population;
C. Protect the character and the social and economic stability of the Town;
D. Encourage the orderly and beneficial development of the Town through appropriate growth management techniques, and to assure the timing and sequencing of development;
E. Promote in-fill development with adequate public facilities in existing neighborhoods and non-residential areas;
F. Ensure proper urban form and open space separation of urban areas and protect environmentally critical areas and areas premature for urban development;
G. Protect and conserve the value of land throughout the Town and the value of buildings and improvements upon the land;
H. Minimize conflicts among uses and buildings;
I. Lessen congestion on streets, roads, and highways while accommodating appropriate pedestrian traffic;
J. Regulate the subdivision of land;
K. Ensure that public facilities and services are available with sufficient capacity to serve proposed
development, and that development provides its fair share of capital facilities needs generated by
the development;

L. Prevent the pollution of air, rivers, streams, and ponds and ensure wise management of natural
resources throughout the Town to preserve the integrity, stability, and beauty of the Town;

M. Preserve the natural beauty and topography of the Town and ensure appropriate development
with regard to natural features; and

N. Provide open spaces through the most efficient design and layout of the land.

Section 1.3 Authority

This UDC is adopted pursuant to the authority vested in the Town under Colorado Revised Statutes
§29-20-101 et seq. and Article 23, Title 31, Parts 2 and 3, as amended.

Section 1.4 Applicability and Jurisdiction

1.4.1. General Applicability

This UDC shall apply to all land, building, structures, and uses located in the Town of Buena Vista,
unless an express exemption is granted pursuant to this UDC.

1.4.2. Compliance Required

A. No permit, certificate, license, or approval for any use that is subject to this UDC shall be issued or
granted by any department, agency, Town official, or Town employee without compliance with
this UDC.

B. Any permit, certificate, license, or approval issued in violation of this UDC, or the land use and
development regulations in effect at the time of issuance, is void.

C. No building or structure shall be erected, converted, enlarged, reconstructed, or altered without
full compliance with this UDC.

D. No subdivision of property shall create a lot of record or occur without compliance with this UDC.

1.4.3. Application to Governmental Agencies

This UDC shall apply to all land, buildings, structures, and land uses owned by governmental agencies
to the extent permitted by federal, state, and local laws. When this UDC does not control
governmental agencies, such governmental agencies are encouraged to comply with this UDC and
the Town’s Comprehensive Plan.

1.4.4. Conflicts with Other Ordinances

Whenever there is a conflict between this UDC and other ordinances or regulations, as determined by
the Town Administrator, whichever imposes higher standards shall govern.
1.4.5. Private Covenants

A. Nothing in this UDC shall be construed to render inoperative any restrictions established by covenants running with the land unless such restrictions are prohibited by or are directly contrary to this UDC.

B. The Town of Buena Vista does not enforce private covenants and/or restrictions.

1.4.6. Emergency Powers

The Board of Trustees may authorize any deviation from this UDC during a local emergency. Local emergencies shall be declared in accordance with Chapter 2, Article XVI of the Buena Vista Municipal Code, and any deviations from this UDC during such an emergency shall be authorized by separate resolution of the Board of Trustees without a requirement for advance notice or public hearing. The Board of Trustees shall provide written notice in a public location as soon as practicable following any official action taken.

Section 1.5 Nonconformities

1.5.1. Generally

A. Purpose

As the result of the adoption, amendment, and repeal from time to time of the regulations within this UDC, certain land uses, lots, or structures that were lawfully established or allowed at the time of their creation may become nonconforming and/or prohibited. It is the intent of this section to allow the continuation of such nonconforming uses, lots, and structures.

B. Determination of Nonconformity Status

The burden of establishing the existence of a nonconformity shall be solely on the owner of property containing the nonconformity.

C. Maintenance and Minor Repair

Minor repairs or maintenance of nonconformities are permitted and encouraged, provided that the repairs and maintenance do not increase the degree of nonconformity. Maintenance and repairs that qualify as “minor” include the following:

1. Repairs necessary to maintain and to correct any damage or deterioration to the structural soundness of a building or structure, or repairs to the exterior or interior of a building or structure, without expanding the building or structure;

2. Maintenance of land to protect against and mitigate health and environmental hazards; and

3. Repairs that are required to remedy otherwise unsafe conditions.

D. Violation of Law Not Allowed

Nothing in this section shall be construed as authorizing a violation of any law.

1.5.2. Nonconforming Uses

A. Continuation of Use

Except as expressly provided for herein, a nonconforming use shall be allowed to continue in the same manner and to the same degree as established before the creation of the nonconforming use, subject to the following:
1. A nonconforming use shall not be expanded, enlarged, increased, or extended to occupy a greater area of land than occupied on the date of the creation of the nonconformity.
2. A nonconforming use shall not be changed or altered to another nonconforming use.
3. A nonconforming use shall not resume, or be restored or reestablished after a discontinuance of six consecutive months or more.
4. A nonconforming use shall not be moved in whole or in part to any other portion of the lot or parcel occupied by such use.

B. Change in Use
A nonconforming use may change to an allowed use within the zoning district in accordance with the following:
1. The change in use shall not create any additional nonconforming situations or increase any existing nonconformity;
2. Any new improvements necessitated by the change in use shall conform to all standards of the applicable zoning district, and use-specific standards applicable to the new use, the building code, and any other applicable Town standards;
3. Any expansion associated with a proposed change in use shall comply with this UDC; and
4. Any change in use that requires a special use permit, PUD approval, and/or rezoning shall only be allowed if the proposed use and site improvements, other than existing nonconforming structures, comply with this UDC.

C. Nonconforming Residences
1. Existing single-family, two-family, or multifamily dwellings located in zoning districts other than the R-1, R-2, and R-3 districts may be enlarged, altered, rebuilt, or repaired provided that no additional dwelling units are added, including accessory dwelling units, and that any enlargement, alteration, rebuilding, or repair complies with the dimensional standards for the applicable zoning district.
2. Existing manufactured homes in manufactured home parks may be altered, rebuilt, replaced, or repaired provided that the total number of manufactured home sites within a manufactured home park remains the same, and the alteration, rebuilding, replacement, or repair does not decrease the setbacks of any structures from the exterior property lines of the manufactured home park.

1.5.3. Nonconforming Structures
A. Continuation of Use of Structure
Except as expressly provided for herein, a nonconforming structure shall be allowed to continue in the same manner and to the same degree as established before the creation of the nonconforming structure subject to the following:

1. Damage or Destruction
When a nonconforming structure is damaged in excess of 60 percent of its assessed value at the time of damage, it shall only be restored in compliance with this UDC.
2. **Expansion of a Nonconforming Structure**
   A nonconforming structure may be allowed to expand if the expansion complies with this UDC. An expansion shall not increase the degree of any nonconformity, as determined by the Town Administrator.

3. **Movement of a Nonconforming Structure**
   A nonconforming structure shall only be moved if such movement places the structure in a location that removes the nonconformity and complies with this UDC.

**B. Nonconforming Accessory Structures**
A nonconforming accessory structure shall not be converted into a primary structure unless the structure complies with this UDC.

### 1.5.4. Nonconforming Lots

**A. Development on a Nonconforming Lot**
A nonconforming lot may be developed provided that the proposed development complies with this UDC except for lot area and/or lot width standards.

**B. Change in Use or Expansion of Use or Structure on a Nonconforming Lot**
Except as provided in paragraph 3 below, a special use permit is required for any change in use or expansion of a use or structure on a nonconforming lot. The following shall apply in addition to the procedures in Section 6.5.2, Special Use Permit:

1. If the total cumulative area of all expansions increases the use or gross floor area of a structure by more than 20 percent of the existing use or gross floor area of the structure existing prior to the effective date of this UDC, all existing site improvements other than the existing nonconforming structures shall comply with this UDC.

2. All new improvements other than expansions subject to the requirements in paragraph 1 above shall comply with this UDC.

3. If a change in use is proposed on a property where the only nonconformity is the lot size, then the use shall be permitted without requiring a special use permit as long as the new proposed use complies with any applicable use-specific standards pursuant to Section 3.2.

**C. Subdivision Shall Not Create Nonconformities**
No subdivision or adjustment to lots shall create nonconforming lots, or cause any structure, building, space, or use to become nonconforming.

### 1.5.5. Nonconforming Site Features

**A. Applicability**

1. A nonconforming site feature may continue to exist even though it does not conform to current applicable standards of this UDC, subject to the requirements of this subsection.

2. No nonconforming site features shall be increased by degree or extent.
B. Nonconforming Off-Street Parking

1. Continuation of Nonconforming Off-Street Parking

   Except as otherwise provided in this UDC, any parking spaces or access to public rights-of-way lawfully existing on the effective date of this UDC that are made nonconforming by virtue of enactment of this UDC shall be allowed to continue, provided that:

   a. Any change in use or expansion of any use or structure shall only be permitted if the additional number of parking spaces required by the expansion or change in use is provided according to Section 4.3, Off-Street Parking and Loading.

   b. Nonconforming off-street parking areas shall not be expanded. When additional parking is required by this UDC, all new parking areas shall comply with this UDC.

2. Upgrading of Nonconforming Off-Street Parking

   Nonconforming off-street parking facilities shall be upgraded to achieve full compliance with this UDC’s off-street parking standards in conjunction with the following development of the site containing the nonconforming parking:

   a. An addition to or expansion of one or more structures that, over a two-year period, would increase the total gross floor area of the structures (as shown by Building Permit applications) by more than 50 percent; or

   b. A remodeling of one or more structures that, over a two-year period, would cost (as shown by Building Permit applications) more than 50 percent of the current assessed value of the structures.

C. Upgrading on Nonconforming Buffers, Landscaping, Screening, Fencing, and Outdoor Lighting

   Nonconforming buffers, landscaping, screening, fencing, and outdoor lighting shall be upgraded to achieve full compliance with this UDC’s buffer, landscaping, screening, and outdoor lighting standards for any of the following developments on the site containing those nonconforming site features:

   1. An increase in the total square footage of the vehicular use area by more than 10 percent; or

   2. A structural addition that increases the combined total gross floor area of all existing structures by more than 500 square feet or 20 percent, whichever is less; or

   3. Building elevation changes involving 50 percent or more of the exterior walls of a roofed structure on the property within a two-year period, excluding minor cosmetic items such as painting, masonry repair, lighting fixtures, awnings, and signs. A modification to only part of an elevation shall constitute a change in the entire elevation of that exterior wall; or

   4. Expansion of outdoor operations, storage, or display areas on a site containing nonconforming buffers, screening, or fencing that increases the gross square footage of such areas shall require nonconforming buffers, screening, and fencing to comply with the UDC buffer, landscaping, screening, and fencing requirements.

D. Compliance to the Maximum Extent Practicable

   Where full compliance with the requirements of this subsection is precluded by a lack of sufficient developable area due to the size of the lot, the layout of existing development, or the presence of significant wetlands, floodplains, watercourses, or other significant environmental constraints, the applicant shall comply with the requirements of this section to the maximum extent practicable, as determined by the Town Administrator.
1.5.6. Nonconforming Signs

See Section 4.7.4.

Section 1.6 Enforcement

1.6.1. Purpose

This section identifies violations of this UDC and establishes procedures for the Town to ensure compliance with this UDC and to correct violations. This section also sets forth the remedies and penalties for violations of this UDC.

1.6.2. Enforcement Officers and Authorization

A. The UDC shall be enforced and administered by the Town’s enforcement officers, including the Town Administrator or such subordinate officer(s) as he or she may designate and authorize.

B. Any enforcement officer shall be authorized to enter upon and inspect any public or private property in the Town to enforce this UDC pursuant to the Town’s adopted procedures.

1.6.3. Continuation of Prior Enforcement Actions

Nothing in this UDC shall prohibit the continuation of previous enforcement actions undertaken by the Town pursuant to the previous regulations.

1.6.4. Violations

A. Violations of the UDC

Each of the following shall be a violation of this UDC:

1. Activity Inconsistent with this UDC

Any erection, construction, reconstruction, remodeling, alteration, maintenance, expansion, movement, or use of any land, site, building, structure, or sign that is inconsistent with this UDC.

2. Activity Inconsistent with Permit or Approval

Any development, use, or other activity that is inconsistent with the terms or conditions of any permit or approval required to engage in such activity under this UDC.

3. Illegal Subdivision

   a. Except as provided in paragraph b below, any subdivision of property not authorized by the Town after the initial adoption of the Town’s subdivision regulations, dated May 27, 1975, as amended, is a violation of this UDC.

   b. The sale or exchange of parcels of land between owners of adjoining properties for the purpose of adjusting boundaries that did not create additional lots and the original parcels or lots were not reduced below the minimum size requirements was allowed until July 27, 2010. Any such reconfiguration after that time is a violation of this UDC.

B. Continuation of Violations

Each day that a violation occurs or remains uncorrected shall constitute a separate and distinct violation of this UDC.
1.6.5. Penalties and Remedies

A. Denial, Withholding, or Revocation of Permits

1. No building permit, water system connection permit, access permit, or other permit shall be issued for any building, development, structure, lot, or parcel created, used, sold, or conveyed in violation of this UDC, unless otherwise permitted by Section 1.5, Nonconformities.

2. Any permit or approval issued in reliance upon or as a result of a materially false statement or representation made by the applicant in the process of obtaining a permit or development approval shall be void. Any person having received a void or voidable permit or approval shall not be relieved from having to comply with all applicable terms and conditions of this UDC, and the Town shall not be estopped from fully enforcing same.

B. Stop-Work Orders

1. The Town Administrator may issue a stop-work order whenever any building, structure, site, or portion of a building, structure, or site is being demolished, constructed, reconstructed, altered, or repaired in a hazardous manner, in substantial violation of any applicable building code, or in a manner that endangers life or property.

2. The Town Administrator may issue a stop-work order for any activity conducted in violations of this UDC.

3. A stop-work order shall be in writing and directed to the person doing the work and the property owner, and shall specify the provision of this UDC or other law in violation. The stop work order shall be delivered via certified mail, return receipt requested.

4. If a stop-work order is issued, no work shall proceed on any building, structure, site, or portion of a building, structure, or site subject to the order except to correct a violation or to comply with the order.

5. Once conditions cited in the stop-work order have been adequately addressed, the Town Administrator shall rescind the stop-work order.

C. Penalty

Violations of this UDC shall be punishable upon conviction for each separate offense by a fine or imprisonment, or both, as set forth in Article IV of Chapter 1 of the Municipal Code.

D. Injunctive Relief

The Town Administrator may seek injunctive relief or other appropriate relief in a court of competent jurisdiction for a violation of this UDC.

E. Abatement

Any violation of this UDC shall be deemed a nuisance and may be abated as a nuisance.

Section 1.7 Severability

A. If any provision of this UDC is invalidated by a court of competent jurisdiction, such judgment shall not affect the validity of the remaining provisions of this UDC.

B. If any application of any provision of this UDC is invalidated by a court of competent jurisdiction, such judgment shall not affect the application of that provision to any other parcel, building, structure, or use not specifically included in that judgment.
C. If any condition attached to an approval of an application for development is invalidated by a court of competent jurisdiction, such judgment shall not affect any other conditions attached to the same approval unless specifically included in that judgment.

Section 1.8 Transition from Prior Regulations

1.8.1. Prior Building Permits

Any building permit issued by the Town of Buena Vista prior to the effective date of this UDC shall be valid, provided the construction is started within one year from the date of the issuance of the permit.

1.8.2. Prior Violations

If a development or activity in violation of the prior regulations fully complies with this UDC, it shall no longer be deemed a violation. Unpaid fees or penalties from prior enforcement of violations are still valid and shall be the responsibility of the violator of the prior regulation.

1.8.3. Prior Nonconformities

To the extent a nonconformity under the prior regulations becomes conforming under this UDC, it shall no longer be deemed nonconforming. Otherwise, it shall continue to be deemed nonconforming and subject to Section 1.5, Nonconformities.

1.8.4. Development Approvals

Any development approved under the prior regulations may be established or carried out under the terms and conditions of the approval and the development standards in effect at the time of approval, provided the approval has not expired and otherwise remains valid, and the approved development complies with the standards of this UDC regarding ongoing operations and maintenance. If the prior approval expires, is revoked, or otherwise becomes invalid, any subsequent development of the site shall be subject to the procedures and standards of this UDC.
Article 16.02: Zoning Districts

Section 2.1 Districts Established

Zoning districts are established as shown in Table 2.1. They are organized into the following categories:

2.1.1. Base Zoning Districts

Base zoning districts are established by the Town’s adoption of the Official Zoning Map and subsequently by approval of a rezoning pursuant to Section 6.4.1. Approval of initial zoning or a rezoning authorizes the full range of development allowed by the standards applicable to the base zoning district.

2.1.2. Overlay Districts

A. Overlay zoning districts are established initially by the Town’s adoption of the Official Zoning Map and subsequently by approval of a rezoning pursuant to Section 6.4.1. They are superimposed over one or more underlying base or planned development zoning districts.

B. Section 2.6, Overlay Districts, identifies the overlay zoning districts and sets forth each district’s purpose and the standards that modify those of underlying districts.

C. If the standards for an overlay district conflict with those for an underlying base zoning district, planned unit development district, or another applicable overlay district, the more restrictive standards shall apply.

D. If the standards in a PUD located within the APO district conflict with the APO district standard, the APO standards shall apply.

2.1.3. Planned Unit Developments

A. Planned unit development (PUD) districts are established by the Town’s approval of a PUD rezoning pursuant to Section 6.4.2. Development in a PUD district is subject to the standards included in or referenced in an approved PUD concept plan.

B. Section 2.7, Planned Unit Development, describes the general purpose of PUD districts and sets forth base requirements applicable to all such districts, including the minimum development standards to be addressed in the district’s PUD concept plan and the means of modifying the standards of this UDC through a PUD approval.

<table>
<thead>
<tr>
<th>Table 2.1: Zoning Districts Established</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Residential Districts</strong></td>
</tr>
<tr>
<td>R-1</td>
</tr>
<tr>
<td>R-2</td>
</tr>
<tr>
<td>R-3</td>
</tr>
<tr>
<td><strong>Mixed-Use and Commercial Districts</strong></td>
</tr>
<tr>
<td>MU-1</td>
</tr>
<tr>
<td>MU-2</td>
</tr>
<tr>
<td>MU-MS</td>
</tr>
<tr>
<td>HC</td>
</tr>
<tr>
<td><strong>Other Nonresidential Districts</strong></td>
</tr>
<tr>
<td>I-1</td>
</tr>
<tr>
<td>OSR</td>
</tr>
<tr>
<td>AP</td>
</tr>
<tr>
<td><strong>Overlay Districts</strong></td>
</tr>
<tr>
<td>OTO</td>
</tr>
<tr>
<td>APO</td>
</tr>
<tr>
<td><strong>Planned Unit Development District</strong></td>
</tr>
<tr>
<td>PUD</td>
</tr>
</tbody>
</table>
2.1.4. Zoning Map

A. Established District Boundaries

The boundaries of zoning districts are established as shown on the map entitled "Official Zoning Map, Town of Buena Vista, Colorado" adopted by the Board of Trustees and certified by the Town Clerk. The map and all explanatory matter are adopted as part of this UDC. Amendments to the Official Zoning Map shall be in accordance with the procedures in Section 6.4.1, Rezoning.

B. Interpretation of District Boundaries

Where uncertainty exists with respect to the boundaries of any of the zoning districts as shown on the Official Zoning Map, the following rules shall apply:

1. Where district boundaries are indicated as approximately following the centerlines of streets, alleys, highways, streams, irrigation ditches, rivers, street or railroad rights-of-way or such centerlines extended, such centerlines and/or extensions shall be construed to be the boundaries.

2. Where district boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be the boundaries.

3. Where district boundaries are indicated as approximately running parallel to the centerlines of streets, alleys, highways or railroads, or rights-of-way of same, such district boundaries shall be construed as being parallel to the centerlines and at a distance as indicated on the Official Zoning Map. If no distance is given, the distance shall be determined by the use of the scale shown on the Official Zoning Map.

4. Where a district boundary line divides a lot in single ownership, the district requirements for the least restricted portion of such lot shall be deemed to apply to the whole lot, provided that such extensions shall not include any part of such a lot more than 35 feet beyond the district boundary line.

5. In the event of any other uncertainty not mentioned in this section, the Town Administrator shall recommend the location of such boundaries to the Board of Adjustment and the Board of Adjustment shall make the final determination.
**Section 2.2 Summary Tables of Dimensional Standards**

In case of a discrepancy with the summary tables for any specific zoning district in this Article, the master tables in this section govern.

### 2.2.1 Residential Districts

#### Table 2.2: Summary of Residential District Dimensional Standards

<table>
<thead>
<tr>
<th>Project and Site Requirements</th>
<th>R-1</th>
<th>R-1 Old Town Overlay</th>
<th>R-2</th>
<th>R-2 Old Town Overlay</th>
<th>R-3</th>
<th>R-3 Old Town Overlay</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot area, min. (square feet)</td>
<td>6,500</td>
<td>0</td>
<td>5,000</td>
<td>0</td>
<td>2,500</td>
<td>0</td>
</tr>
<tr>
<td>Lot area, min. (square feet), single-family attached dwellings (excluding end units)</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>1,500</td>
<td>1,500</td>
</tr>
<tr>
<td>Lot width, min. (feet)</td>
<td>65</td>
<td>25</td>
<td>50</td>
<td>25</td>
<td>25</td>
<td>25</td>
</tr>
<tr>
<td>Lot width, min. (feet), single-family attached and two-family dwellings</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>15</td>
<td>15</td>
</tr>
<tr>
<td>Lot width, max. (feet)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Yard Requirements

| Front setback, min. (feet) | 25 | 15; 18 feet for garages on lots not abutting an alley | 12 | 10; 18 feet for garages on lots not abutting an alley | 5 | 5; 18 feet for garages on lots not abutting an alley |
| Front setback, max. (feet) | None | 25 | None | 20 | None | 15; 20 feet for garages |
| Side setback, min. (feet) | 5 | 3 | 5 | 3 | 5 | 3 |
| Side setback, min. (feet) between internal dwelling units for single-family attached and two-family dwellings | -- | -- | -- | -- | 0 | 0 |
| Rear setback, min. (feet) | 15 | 5 | 10 | 5 | 5 | 5 |
| Rear setback, accessory structures, with alley present, min. (feet) | 0 | 0 | 0 | 0 | 0 | 0 |
| Rear setback, accessory structures, with no alley present, min. (feet) | 5 | 5; 18 feet for garages | 5 | 5; 18 feet for garages | 5 | 5; 18 feet for garages |
| Building coverage, max. | 40% | 60% | 55% | 70% | 75% | 80% |
| Required landscaping, min. | 25% | 25% | 20% | 20% | 15% | 15% |

#### Notes:

1. A single-family dwelling shall not occupy more than two historic Old Town lots; a two-family dwelling shall not occupy more than three historic Old Town lots.
2. If alley present, then the minimum rear setback is zero.
2.2.2. Mixed-Use and Commercial Districts

Table 2.3: Summary of Mixed-Use and Commercial District Dimensional Standards

<table>
<thead>
<tr>
<th>Project and Site Requirements</th>
<th>MU-1</th>
<th>MU-2</th>
<th>MU-MS</th>
<th>HC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot area, min. (square feet)</td>
<td>2,500</td>
<td>2,500</td>
<td>None</td>
<td>2,500</td>
</tr>
<tr>
<td>Lot width, min. (feet)</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>25</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Yard Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front setback, min. (feet)</td>
</tr>
<tr>
<td>Front setback, max. (feet)</td>
</tr>
<tr>
<td>Frontage build out, min.</td>
</tr>
<tr>
<td>Side setback, min. (feet) (1)</td>
</tr>
<tr>
<td>Rear setback, min. (feet) (2)</td>
</tr>
<tr>
<td>Rear setback, accessory structures, min. (feet)</td>
</tr>
<tr>
<td>Building coverage, max.</td>
</tr>
<tr>
<td>Required landscaping, min.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Building Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary building height, max. (feet)</td>
</tr>
<tr>
<td>Accessory building height, max. (feet)</td>
</tr>
</tbody>
</table>

Notes:
(1) The frontage buildout is the percentage of building frontage that must be between zero feet and the maximum setback distance. 
(2) Properties abutting residential zoning districts shall provide adequate screening, per Section 4.4.6.

2.2.3. Other Nonresidential Districts

Table 2.4: Summary of Other Nonresidential District Dimensional Standards

<table>
<thead>
<tr>
<th>Project and Site Requirements</th>
<th>I-1</th>
<th>OSR</th>
<th>AP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot area, min. (square feet)</td>
<td>0</td>
<td>0</td>
<td>Per FAA regulations, 14 CFR Part 77</td>
</tr>
<tr>
<td>Lot width, min. (feet)</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Yard Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front setback, min. (feet)</td>
</tr>
<tr>
<td>Side setback, min. (feet) (1)</td>
</tr>
<tr>
<td>Rear setback, min. (feet) (1)</td>
</tr>
<tr>
<td>Rear setback, accessory structures, min. (feet)</td>
</tr>
<tr>
<td>Building coverage, max.</td>
</tr>
<tr>
<td>Required landscaping, min.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Building Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary building height, max. (feet)</td>
</tr>
<tr>
<td>Accessory building height, max. (feet)</td>
</tr>
</tbody>
</table>

Notes:
(1) Properties abutting residential zoning districts shall provide adequate screening, per Section 4.4.6.
Section 2.3 Residential Districts

2.3.1. General Purposes of All Residential Districts

The residential districts established in this section are intended to:

A. Provide appropriately located lands for residential development that are consistent with the policies and actions of the Comprehensive Plan;

B. Ensure adequate light, air, privacy, recreation areas, and open space for each dwelling, and protect residents from the negative effects of noise, incompatible population density, traffic congestion, flooding, and other significant adverse environmental impacts;

C. Protect residential areas from fires, explosions, airborne contaminants and substances, and other public safety hazards;

D. Provide for residential housing choice, affordability, and diversity with varying housing densities, types, and designs of houses that are on permanent foundations;

E. Provide for safe and efficient vehicular access and circulation and promote bicycle-, pedestrian-friendly neighborhoods;

F. Provide for public services and facilities needed to serve residential areas and accommodate public and semi-public land uses that complement residential development while protecting residential areas from incompatible nonresidential development; and

G. Create neighborhoods and preserve existing community character while accommodating new infill development and redevelopment consistent with the Town’s goals and objectives.
2.3.2. Low-Density Residential District (R-1)

A. Purpose

The R-1 district is intended primarily for low-density single-family detached dwellings. The R-1 district should have connected streets, and accessibility to public uses such as parks, open spaces, and schools.

B. R-1 District Dimensional Standards

<table>
<thead>
<tr>
<th>Table 2.5: R-1 District Dimensional Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Project and Site Requirements</strong></td>
</tr>
<tr>
<td>Lot area, min. (square feet)</td>
</tr>
<tr>
<td>Lot width, min. (feet)</td>
</tr>
<tr>
<td>Lot width, max. (feet)(1)</td>
</tr>
<tr>
<td><strong>Yard Requirements</strong></td>
</tr>
<tr>
<td>Front setback, min. (feet)</td>
</tr>
<tr>
<td>Front setback, max. (feet)</td>
</tr>
<tr>
<td>Side setback, min. (feet)</td>
</tr>
<tr>
<td>Rear setback, min. (feet)</td>
</tr>
<tr>
<td>Rear setback, accessory structures, with alley present, min. (feet)</td>
</tr>
<tr>
<td>Rear setback, accessory structures, with no alley present, min. (feet)</td>
</tr>
<tr>
<td>Building coverage, max.</td>
</tr>
<tr>
<td>Required landscaping, min.</td>
</tr>
<tr>
<td><strong>Building Requirements</strong></td>
</tr>
<tr>
<td>Primary building height, max. (feet)</td>
</tr>
<tr>
<td>Accessory building height, max. (feet)</td>
</tr>
</tbody>
</table>

**Notes:**

(1) A single-family dwelling shall not occupy more than two historic Old Town lots; a two-family dwelling shall not occupy more than three historic Old Town lots.

(2) If alley present, then the minimum rear setback is zero.
2.3.3. General Residential District (R-2)

A. Purpose

The R-2 district is intended primarily for single-family detached dwellings, two-family dwellings, and other medium-density residential uses. The district should have connected streets, and accessibility to public uses such as parks, open spaces, and schools. The district may also serve as a transition between higher-density neighborhoods and lower-density neighborhoods, or between low-density mixed-use developments and residential neighborhoods.

B. R-2 District Dimensional Standards

<table>
<thead>
<tr>
<th>Table 2.6: R-2 District Dimensional Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Project and Site Requirements</strong></td>
</tr>
<tr>
<td>Lot area, min. (square feet)</td>
</tr>
<tr>
<td>Lot width, min. (feet)</td>
</tr>
<tr>
<td>Lot width, max. (feet)&lt;sup&gt;[1]&lt;/sup&gt;</td>
</tr>
<tr>
<td><strong>Yard Requirements</strong></td>
</tr>
<tr>
<td>Front setback, min. (feet)</td>
</tr>
<tr>
<td>Front setback, max. (feet)</td>
</tr>
<tr>
<td>Side setback, min. (feet)</td>
</tr>
<tr>
<td>Rear setback, min. (feet)</td>
</tr>
<tr>
<td>Rear setback, accessory structures, with alley present, min. (feet)</td>
</tr>
<tr>
<td>Rear setback, accessory structures, with no alley present, min. (feet)</td>
</tr>
<tr>
<td>Building coverage, max.</td>
</tr>
<tr>
<td>Required landscaping, min.</td>
</tr>
</tbody>
</table>

**Building Requirements**

| Primary building height, max. (feet) | 35 | 35 |
| Accessory building height, max. (feet) | 30 | 30 |

**Notes:**

<sup>[1]</sup> A single-family dwelling shall not occupy more than two historic Old Town lots; a two-family dwelling shall not occupy more than three historic Old Town lots.

<sup>[2]</sup> If alley present, then the minimum rear setback is zero.
2.3.4. High-Density Residential District (R-3)

A. **Purpose**

The R-3 district is intended for a broad range of residential use types, including single-family and multifamily residential development at medium- and/or high-densities. The district is intended for locations close to commercial and mixed-use areas, near downtown, and may serve as a transition between lower-density residential districts and commercial or other nonresidential areas. The district should have connected streets, and accessibility to public uses such as parks, open spaces, and schools.

B. **R-3 District Dimensional Standards**

<table>
<thead>
<tr>
<th>Project and Site Requirements</th>
<th>R-3</th>
<th>Old Town Overlay</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot area, min. (square feet)</td>
<td>2,500</td>
<td>0</td>
</tr>
<tr>
<td>Lot area, min. (square feet), single-family attached dwellings with zero side setbacks (excluding end units)</td>
<td>1,500</td>
<td>1,500</td>
</tr>
<tr>
<td>Lot width, min. (feet)</td>
<td>25</td>
<td>25</td>
</tr>
<tr>
<td>Lot width, min. (feet), single-family attached and two-family dwellings</td>
<td>15</td>
<td>15</td>
</tr>
<tr>
<td>Lot width, max. (feet)</td>
<td>[1] No Maximum</td>
<td>100</td>
</tr>
<tr>
<td>Yard Requirements</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front setback, min. (feet)</td>
<td>5</td>
<td>5; 18 feet for garages on lots not abutting an alley</td>
</tr>
<tr>
<td>Front setback, max. (feet)</td>
<td>None</td>
<td>15; 20 feet for garages</td>
</tr>
<tr>
<td>Side setback, min. (feet)</td>
<td>5</td>
<td>3</td>
</tr>
<tr>
<td>Rear setback, min. (feet)</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Rear setback, accessory structures, with alley present, min. (feet)</td>
<td>5</td>
<td>5[2]</td>
</tr>
<tr>
<td>Rear setback, accessory structures, with no alley present, min. (feet)</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Building coverage, max.</td>
<td>75%</td>
<td>80%</td>
</tr>
<tr>
<td>Required landscaping, min.</td>
<td>15%</td>
<td>15%</td>
</tr>
</tbody>
</table>

**Notes:**

1. A single-family dwelling shall not occupy more than two historic Old Town lots; a two-family dwelling shall not occupy more than three historic Old Town lots.
2. If alley present, then the minimum rear setback is zero.
2.4.1. General Purposes of All Mixed-Use and Commercial Districts

The mixed-use and commercial districts are intended to promote compact, mixed-use and commercial development patterns that provide an opportunity to live, work, create, and shop in pedestrian-friendly environments.

A. Provide strong multi-modal (e.g., pedestrian, bicycle, automobile, public transportation) connections between diverse uses to create a busier, safer, and more exciting environment for residents, employees, and visitors;

B. Encourage efficient land use by facilitating compact, higher-density development and minimizing the amount of land that is needed for surface parking while reducing vehicle trips;

C. Encourage both a vertical and horizontal mix of land uses;

D. Provide for an interesting and walkable environment;

E. Accommodate development intensities appropriate to the scale of the area served by the district;

F. Facilitate efficient vehicular traffic flow by allowing only land uses developed with comprehensively planned access, egress, and internal circulation systems; and

G. Provide a range of office, retail, service, institutional, and related uses to meet household and business needs along highway corridors.
2.4.2. Mixed-Use One District (MU-1)

A. Purpose
The MU-1 district is intended to allow for a vertical or horizontal mix of residential and commercial land uses. The MU-1 district is intended to provide small, compact mixed-use centers that are walkable and compatible in scale and character with surrounding neighborhoods. The MU-1 district is intended to support a mix of low- to medium-density residential, retail, cultural, entertainment, and office uses that maintain an active street presence.

B. MU-1 District Dimensional Standards

<table>
<thead>
<tr>
<th>Table 2.8: MU-1 District Dimensional Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Project and Site Requirements</strong></td>
</tr>
<tr>
<td>Lot area, min. (square feet)</td>
</tr>
<tr>
<td>Lot area, min. (square feet), single-family attached dwellings with zero side setbacks (excluding end units)</td>
</tr>
<tr>
<td>Lot width, min. (feet)</td>
</tr>
<tr>
<td>Lot width, max. (feet)</td>
</tr>
</tbody>
</table>

**Yard Requirements**

| Front setback, min. (feet) | 0; 18 feet for garages on lots not abutting an alley |
| Front setback, max. (feet) | 15; 20 feet for garages |
| Frontage build out, min. | 60% |
| Side setback, min. (feet) | 0 |
| Side setback, min. (feet) between internal dwelling units for single-family attached and two-family dwellings | 0 |
| Rear setback, min. (feet) | 0 |
| Rear setback, accessory structures, min. (feet) | 0; 18 feet for garages on lots not abutting an alley |
| Building coverage, max. | 80% |
| Required landscaping, min. | 10% |

**Building Requirements**

| Primary building height, max. (feet) | 35 |
| Accessory building height, max. (feet) | 30 |

**Notes:**
[1] A single-family dwelling shall not occupy more than two historic Old Town lots; a two-family dwelling shall not occupy more than three historic Old Town lots.
[2] The frontage buildout is the percentage of building frontage that must be between zero feet and the maximum setback distance.
[3] Properties abutting residential zoning districts shall provide adequate screening, per Section 4.4.6.
**2.4.3. Mixed-Use Two District (MU-2)**

**A. Purpose**

The MU-2 district is intended to allow for a vertical or horizontal mix of residential and commercial land uses in activity centers along the town’s primary transportation corridors and gateways. The MU-2 district is intended to support a mix of residential, retail, cultural, entertainment, and office uses that are consistent with Buena Vista’s character and meet both local and regional needs. The MU-2 district accommodates medium- and high-density residential, and is intended to provide for pedestrian-scale development with an active street presence.

**B. MU-2 District Dimensional Standards**

<table>
<thead>
<tr>
<th>Project and Site Requirements</th>
<th>MU-2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot area, min. (square feet)</td>
<td>0</td>
</tr>
<tr>
<td>Lot area, min. (square feet), single-family attached dwellings with zero side setbacks (excluding end units)</td>
<td>1,500</td>
</tr>
<tr>
<td>Lot width, min. (feet)</td>
<td>25</td>
</tr>
<tr>
<td>Lot width, max. (feet)</td>
<td>No maximum</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Yard Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front setback, min. (feet)</td>
</tr>
<tr>
<td>Front setback, max. (feet)</td>
</tr>
<tr>
<td>Frontage build out, min. (feet)</td>
</tr>
<tr>
<td>Side setback, min. (feet)</td>
</tr>
<tr>
<td>Side setback, min. (feet) between internal dwelling units for single-family attached and two-family dwellings</td>
</tr>
<tr>
<td>Rear setback, min. (feet)</td>
</tr>
<tr>
<td>Rear setback, accessory structures, min. (feet)</td>
</tr>
<tr>
<td>Building coverage, max.</td>
</tr>
<tr>
<td>Required landscaping, min.</td>
</tr>
</tbody>
</table>

**Building Requirements**

| Primary building height, max. (feet) | 35 |
| Accessory building height, max. (feet) | 35 |

**Notes:**

[1] A single-family dwelling shall not occupy more than two 25-foot wide historic Old Town lots; a two-family dwelling shall not occupy more than three 25-foot wide historic Old Town lots.

[2] The frontage build out is the percentage of building frontage that must be between zero feet and the maximum setback distance.

[3] Commercial properties abutting residential zoning districts shall provide adequate screening, per Section 4.4.6.
2.4.4. Mixed-Use Main Street District (MU-MS)

A. Purpose

The MU-MS district is intended to allow for a vertical or horizontal mix of residential and commercial land uses except single-family dwellings along East Main Street in downtown Buena Vista, and other “main street” developments throughout the Town. The district is intended to maintain a vibrant downtown with shopping opportunities, offices, entertainment, lodging, and civic uses. The MU-MS district is intended for predominantly vertical mixed-use (commercial on first floor and other commercial or residential above), with occasional horizontal mixed-use. The MU-MS district places an emphasis on an active street presence with appropriate character and form.

B. MU-MS District Dimensional Standards

<table>
<thead>
<tr>
<th>Table 2.10:</th>
<th>MU-MS District Dimensional Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Project and Site Requirements</strong></td>
<td></td>
</tr>
<tr>
<td>Lot width, min. (feet)</td>
<td>25</td>
</tr>
<tr>
<td><strong>Yard Requirements</strong></td>
<td></td>
</tr>
<tr>
<td>Front setback, min. (feet)</td>
<td>0</td>
</tr>
<tr>
<td>Front setback, max. (feet)</td>
<td>5</td>
</tr>
<tr>
<td>Frontage build out, min. (1)</td>
<td>85%</td>
</tr>
<tr>
<td>Side setback, min. (feet) (2)</td>
<td>0</td>
</tr>
<tr>
<td>Rear setback, min. (feet) (2)</td>
<td>0</td>
</tr>
<tr>
<td>Rear setback, accessory structures, min. (feet)</td>
<td>0</td>
</tr>
<tr>
<td>Building coverage, max.</td>
<td>100 %</td>
</tr>
<tr>
<td>Required landscaping, min.</td>
<td>0</td>
</tr>
<tr>
<td><strong>Building Requirements</strong></td>
<td></td>
</tr>
<tr>
<td>Primary building height, max. (feet)</td>
<td>40</td>
</tr>
<tr>
<td>Accessory building height, max. (feet)</td>
<td>35</td>
</tr>
</tbody>
</table>

Notes:
[1] The frontage buildout is the percentage of building frontage that must be between zero feet and the maximum setback distance.
[2] Properties abutting residential properties (including across alleys) shall provide adequate screening from residential uses, per Section 4.4.6.
2.4.5. **Highway Commercial District (HC)**

A. **Purpose**
The HC district is intended to:

1. Strengthen the Town’s economic base, and provide employment opportunities close to home for residents of the Town and surrounding communities;
2. Minimize the impact of commercial development on residential uses; and
3. Provide for retail sales and services that require good automobile access, and for other uses not requiring a centralized location but that do require highway frontage, comparatively large lot areas, and open sales yards or unenclosed storage areas.

B. **HC District Dimensional Standards**

<table>
<thead>
<tr>
<th>Table 2.11: HC District Dimensional Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Project and Site Requirements</strong></td>
</tr>
<tr>
<td>Lot area, min. (square feet)</td>
</tr>
<tr>
<td>Lot width, min. (feet)</td>
</tr>
<tr>
<td><strong>Yard Requirements</strong></td>
</tr>
<tr>
<td>Front setback, min. (feet)</td>
</tr>
<tr>
<td>Front setback, max. (feet)</td>
</tr>
<tr>
<td>Frontage build out, min. [1]</td>
</tr>
<tr>
<td>Side setback, min. (feet) [2]</td>
</tr>
<tr>
<td>Rear setback, min. (feet) [2]</td>
</tr>
<tr>
<td>Rear setback, accessory structures, min. (feet)</td>
</tr>
<tr>
<td>Building coverage, max.</td>
</tr>
<tr>
<td>Required landscaping, min.</td>
</tr>
<tr>
<td><strong>Building Requirements</strong></td>
</tr>
<tr>
<td>Primary building height, max. (feet)</td>
</tr>
<tr>
<td>Accessory building height, max. (feet)</td>
</tr>
</tbody>
</table>

**Notes:**

[1] The frontage buildout is the percentage of building frontage that must be between zero feet and the maximum setback distance.

[2] Properties abutting residential zoning districts shall provide adequate screening, per Section 4.4.6.
Section 2.5 Other Nonresidential Districts

2.5.1. General Purposes of Other Nonresidential Districts

The other nonresidential districts are intended to:

A. Provide appropriately located areas consistent with the Comprehensive Plan for industrial, recreational, and airport uses;

B. Strengthen the Town’s economic base and provide year-round employment opportunities close to home for residents of the Town and surrounding communities;

C. Provide parks, open space, and other public facilities that serve the needs of the community;

D. Minimize any negative impact of nonresidential development on adjacent residential districts and uses; and

E. Maintain efficient airport operations.

2.5.2. Light Industrial District (I-1)

A. Purpose

The I-1 district is intended to allow for the fabrication, assembly, processing, storage, and manufacture of goods and materials with related retail and wholesale activities. The I-1 district is intended for uses and operations within enclosed buildings and in a manner that avoids dangerous, noxious, or unsightly land uses.

B. I-1 District Dimensional Standards

<table>
<thead>
<tr>
<th>Table 2.12: I-1 District Dimensional Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Project and Site Requirements</strong></td>
</tr>
<tr>
<td>Lot area, min. (square feet)</td>
</tr>
<tr>
<td>Lot width, min. (feet)</td>
</tr>
<tr>
<td><strong>Yard Requirements</strong></td>
</tr>
<tr>
<td>Front setback, min. (feet)</td>
</tr>
<tr>
<td>Side setback, min. (feet)</td>
</tr>
<tr>
<td>Rear setback, min. (feet)</td>
</tr>
<tr>
<td>Rear setback, accessory structures, min. (feet)</td>
</tr>
<tr>
<td>Building coverage, max.</td>
</tr>
<tr>
<td>Required landscaping, min.</td>
</tr>
<tr>
<td><strong>Building Requirements</strong></td>
</tr>
<tr>
<td>Primary building height, max. (feet)</td>
</tr>
<tr>
<td>Accessory building height, max. (feet)</td>
</tr>
</tbody>
</table>

Notes:
[1] Properties abutting residential zoning districts shall provide adequate screening, per Section 4.4.6.
2.5.3. Open Space/Recreation District (OSR)

A. Purpose

The OSR district is intended to allow for open space and community recreation. The OSR district discourages any use that would be detrimental to the recreational value of the areas to be included within this district.

B. OSR District Dimensional Standards

Table 2.13: OSR District Dimensional Standards

<table>
<thead>
<tr>
<th>Project and Site Requirements</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot area, min. (square feet)</td>
<td>0</td>
</tr>
<tr>
<td>Lot width, min. (feet)</td>
<td>0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Yard Requirements</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Front setback, min. (feet)</td>
<td>0</td>
</tr>
<tr>
<td>Side setback, min. (feet)</td>
<td>0</td>
</tr>
<tr>
<td>Rear setback, min. (feet)</td>
<td>0</td>
</tr>
<tr>
<td>Rear setback, accessory structures, min. (feet)</td>
<td>0</td>
</tr>
<tr>
<td>Building coverage, max.</td>
<td>100%</td>
</tr>
<tr>
<td>Required landscaping, min.</td>
<td>0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Building Requirements</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary building height, max. (feet)</td>
<td>45</td>
</tr>
<tr>
<td>Accessory building height, max. (feet)</td>
<td>30</td>
</tr>
</tbody>
</table>
2.5.4. Airport District (AP)

A. Purpose
The AP district is intended to allow for development activities unique to the Central Colorado Regional Airport. This district is intended to serve the specific requirements and programming conditions of the airport that cannot be served by any other base zoning district. Permitted uses are those typically associated with airports, and do not include residential uses other than flight crew quarters.

B. AP District Dimensional Standards

<table>
<thead>
<tr>
<th>Table 2.14: AP District Dimensional Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Project and Site Requirements</strong>[1]</td>
</tr>
<tr>
<td>Lot area, min. (square feet)</td>
</tr>
<tr>
<td>Lot width, min. (feet)</td>
</tr>
<tr>
<td><strong>Yard Requirements</strong>[1]</td>
</tr>
<tr>
<td>Front setback, min. (feet)</td>
</tr>
<tr>
<td>Side setback, min. (feet)</td>
</tr>
<tr>
<td>Rear setback, min. (feet)</td>
</tr>
<tr>
<td>Rear setback, accessory structures, min. (feet)</td>
</tr>
<tr>
<td>Building coverage, max.</td>
</tr>
<tr>
<td>Required landscaping, min.</td>
</tr>
</tbody>
</table>

| **Building Requirements**[2]                   |
| Primary building height, max. (feet)           | Per FAA regulations, 14 CFR Part 77 |
| Accessory building height, max. (feet)         |                                         |

Notes:
[2] Properties abutting residential zoning districts shall provide adequate screening, per Section 4.4.6.

Section 2.6 Overlay Districts

2.6.1. Old Town Overlay District (OTO)

A. Purpose
The intent of the OTO district is to preserve and protect the historic design of the Town and to create a compact, walkable, and mixed-use downtown core area. Infill development is critical to ensuring retail and commercial vitality on Main Street by locating more residents within walking distance of services. Infill development maximizes the efficiency and effectiveness of existing infrastructure that the Town already pays to maintain. The Old Town Overlay District shall apply to all residentially-zoned lots that were part of the original Town of Buena Vista Subdivision Plat, Crossman Addition Subdivision, Loan’s Addition Subdivision, or Buena Vista Land Company’s Addition No. 1.

B. Dimensional Standards
The dimensional standards applicable to parcels and lots within the Old Town Overlay are included in the dimensional standards tables in the R-1, R-2, and R-3 base zoning districts.
2.6.2. Airport Protection Overlay District (APO)

A. Purpose

The purpose of the APO district is to minimize exposure of residential and other sensitive land uses to aircraft and their potential impacts, including noise, to minimize risks to public safety from aircraft accidents, and to discourage traffic congestion and incompatible land uses proximate to, and within, the APO district.

B. Warning and Disclaimer of Liability

The degree of protection provided by this section is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study and does not imply that areas outside the airport influence will be totally free from potential safety issues associated with aircraft activity. This section shall not create a liability on the part of, or cause an action against, the Town or any officer or employee of the Town, for any damages that may result directly or indirectly from the reliance on this section.

C. Nonconforming Structures or Uses

1. These regulations shall not require any change in the construction, alteration, or intended use of any structure, the construction, alteration, or use of which began prior to the effective date of this Section and is diligently prosecuted; provided, however, that when the nonconforming structure is destroyed or damaged it shall comply with Section 1.5, Nonconformities.

2. The owner of any nonconforming structure or object of natural growth is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as required by the 14 CFR Part 77, to indicate to the operators of aircraft in the vicinity of the airport the presence of such nonconforming structures or objects of natural growth. Such markers and lights shall be installed, operated, and maintained at the expense of the owner of such nonconforming structure or object of natural growth.

D. APO District Standards

1. General Standards

All land use applications in the APO district shall comply with the following requirements:

a. Federal Aviation Regulations 14 CFR Part 77;

b. Noise attenuation in building design shall be provided; and

c. An avigation easement shall be provided for all new development.

2. Use Limitations

No use within the APO district shall:

a. Create electrical interference with radio communication between the airport and aircraft;

b. Make it difficult for pilots to distinguish between airport lights and other lights;

c. Cause glare directed skyward in the direction of aircraft so as to interfere with air traffic;

d. Impair visibility in the vicinity of the airport;

e. Attract a collection of birds reasonably expected to interfere with aircraft or the use of the airport; or

f. Otherwise endanger the landing, taking off, or maneuvering of aircraft at the airport or in the vicinity of the airport.
3. **Height Limitations**

Height limitations within the APO district, except as otherwise provided in this section, are subject to the limitation of the base zoning district within which the property is located. No structure or object of natural growth shall be constructed, erected, altered, or permitted to grow or to be maintained in excess of height limits for the applicable underlying zoning district, or the height limitation set forth in this subsection, whichever is lower.

4. **Runway Protection Zone (RPZ)**

Except as otherwise provided in this section, no use that would result in a man-made structure or natural object shall be permitted in the RPZ, unless expressly allowed by the FAA or otherwise approved by the FAA.

5. **Review Procedures**

a. **Generally**

Review for compliance with the requirements of the APO district shall follow the procedure for the review of the underlying application.

b. **Notice to FAA**

Notice to the FAA in the form required by Section 77.7 of the 14 CFR Part 77 must be provided by the applicant for applications involving the following types of new construction or alteration:

i. Any construction exceeding 200 feet in height;

ii. Any construction exceeding the height limitation established by the imaginary ceiling for the following slopes:

   - (a) 100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of each airport described in this subsection with its longest runway more than 3,200 feet in actual length, excluding heliports.

   - (b) 50 to 1 for a horizontal distance of 10,000 feet from the nearest point of the nearest runway of each airport described in this subsection with its longest runway no more than 3,200 feet in actual length, excluding heliports.

   - (c) 25 to 1 for a horizontal distance of 5,000 feet from the nearest point of the nearest landing and takeoff area of each heliport described in this subsection.

iii. Or as otherwise required by 14 CFR Part 77 (including without limitation 14 CFR Part 77, Section 77.9).

c. **Submittal Requirements**

In addition to any other submittal requirements required by this UDC, an application for new development, rezoning, or subdivision approval for land in the APO district shall include the following:

i. An avigation easement signed by the landowner that acknowledges flight operations above the land, recorded in the office of the county clerk and recorder. The reception number or book and page of the recorded easement shall be noted on subsequent approved plans and plats involving the land.

ii. A study which shows compliance with the FAA, 14 CFR Part 77, and if a plat is required, a plat note on the Final Plat stating that the plat is in compliance with 14 CFR Part 77.
iii. Referral to the Central Colorado Regional Airport Manager and other affected reviewing agencies for review and comment.

Section 2.7 Planned Unit Development

2.7.1. Purpose

The purpose of the planned unit development (PUD) option is to:

A. Encourage innovation and flexibility in the development of land to promote variety in the type, design, and layout of buildings;

B. Result in greater benefit to the Town than could otherwise be achieved through the UDC;

C. Improve the integration, character, and quality of land uses;

D. Promote the more efficient use of land and infrastructure while achieving compatibility of land uses;

E. Achieve economy in the delivery and maintenance of public services; and

F. Promote the preservation of open space and natural and scenic areas.

2.7.2. Applicability

A. PUD zoning may be applied to any property within any zoning district pursuant to Section 6.4.2.

B. The PUD concept plan shall designate a default base zoning district that shall regulate dimensional and use standards not otherwise in the PUD plan. Any other provisions or procedures that are not specified by the PUD concept plan shall be regulated by this UDC.

2.7.3. PUD Standards

A. Minimum Land Area

The minimum project area for a PUD shall be five acres to prevent use of the PUD process for smaller projects that do not comply with UDC requirements, except that co-housing developments shall have a minimum project area of one acre.

B. Clustering Lots

The clustering of development with useable common open areas shall be permitted to encourage access to common open areas and to reduce street and utility construction and maintenance costs. Clustering is also intended to accommodate contemporary building types that share common side walls, combined service facilities, or similar architectural innovations, whether or not providing for separate ownership of land and buildings.

C. Residential Density

The average residential density shall be calculated by summing the number of residential dwelling units planned within the boundary of the PUD and dividing by the total gross areas expressed in acres within the boundary of the PUD. Averaging and transferring of densities within the PUD shall be allowed upon a showing of conformance to the purpose of this UDC. The average density of dwelling units in a PUD may be greater than the maximum permitted for a similar use in other zoning districts.
D. **Building Height**

The maximum height of buildings may be increased above the maximum permitted for similar buildings in other zoning districts. Maximum height shall be determined by considering the following:

1. The probable effect on surrounding slopes and/or terrain;
2. Adverse visual impacts on adjacent sites or other areas in the vicinity;
3. Potential impacts to adjacent sites caused by shadows, loss of air circulation, or loss of view;
4. Influence on the general vicinity, with regard to extreme contrast, vistas, and open space; and
5. Fire protection needs as a result of the proposed building height.

E. **Permitted Uses**

The PUD concept plan shall specify the uses allowed within the PUD.

F. **Common Open Space**

1. **Amount Required**

   A minimum of 25 percent of the total area within the boundary of any PUD shall be devoted to usable and accessible common open space. The Board of Trustees may reduce such requirement if it finds that such decrease is warranted because the needs of the occupants of the PUD for common open space can otherwise be met through the proposed PUD and the surrounding area.

2. **Ownership and Maintenance**

   a. Unless otherwise approved by the Board of Trustees, the common open space of a PUD shall be owned and maintained by the property owners within the PUD, or other organization or district. If such owners or organization fails to maintain the common open space in accordance with the PUD concept plan or this UDC, the Board of Trustees may serve written notice to the organization or residents of the PUD, specifying the nature of the failure to maintain the common open space. The notice shall include a demand that such deficiencies of maintenance be mitigated within 30 days.

   b. If the deficiencies set forth in the original notice or in subsequent modifications are not mitigated within 30 days or any extension granted, the Town, in order to preserve the taxable values of the properties within the PUD and to prevent the common open space from becoming a public nuisance, may enter upon the common open space and abate such deficiencies as a nuisance. The entry and maintenance shall not vest in the public any rights to use the common open space except when the same is voluntarily dedicated to the public by the owners.

   c. The cost of such abatement by the Town shall include actual cost, plus 25 percent, and the owners of properties within the PUD, who have the right to use such open space, shall be liable for such costs. The Town shall provide a notice of assessment of such costs to each property owner within the PUD, who have the right to use such open space and such amount shall be due within 60 days of the date of the notice of the assessment. Any assessment shall be a lien upon the properties subject to the notice and if not paid by the due date, the Town may certify such amount to the county Clerk and Recorder to be collected in the same manner as taxes.
Section 2.8 Measurements and Exceptions

2.8.1. Lot Size

A. Minimum Dimensions
   All lots shall meet the minimum lot area and width requirements in the dimensional standards table for the appropriate zoning district in which it is located, unless the lot is nonconforming or a deviation from these requirements is approved pursuant to this UDC. New lots shall also meet the development standards set forth in Section 5.2, Subdivision Design Standards.

B. Number of Principal Structures or Uses on a Lot
   1. Generally
      More than one principal building is allowed on a single lot within the MU-1, MU-2, MU-MS, HC, I-1, OSR, and PUD zoning districts subject to the requirements in this Section.
   2. Co-Housing Development
      Multiple dwellings may be erected on a lot as part of a co-housing development subject to the requirements of this UDC.
   3. Site Plan Required
      An application to allow for more than one principal residential building on a lot shall require approval of a site plan pursuant to Section 6.5.1, Site Plan Review.

2.8.2. Setbacks

A. Required Setbacks
   No building, structure, or lot shall be developed, used, or occupied unless it meets the minimum setback requirements in the dimensional standards table for the appropriate zoning district in which it is located. Setbacks shall be measured from the property lines to the exterior wall of any structure over 30 inches in height, except as otherwise provided in this Subsection 2.8.2.

B. Contextual Setbacks
   For infill development on any lot where the average front setback of existing dwellings that are located either wholly or in part within 100 feet of each side of the subject lot, within the same block and zoning district, fronting on the same side of the street, and the setbacks of those existing dwellings is less than the zoning district requirement, then the minimum front setback shall be the average of the setbacks of those existing dwellings. When the contextual average is more restrictive, the underlying zoning district setback requirement shall apply. See Figure 2.A below.
C. Projections into Required Setbacks

1. Sills, belt course, cornices, buttresses, ornamental features, gutters, and eaves may project into a required minimum setback by a maximum of two feet.

2. Open or enclosed fire escapes, fireproof outside stairways, and balconies may project into a required minimum setback by a maximum of three and one-half feet.

3. Chimneys and flues may project into a minimum setback by a maximum of three and one-half feet.

D. Exceptions to Setbacks

1. Zero Setbacks

   In the R-3, MU-1, MU-2, and MU-MS districts, side setbacks may be eliminated between internal dwelling units for single-family attached and two-family dwellings. Side setbacks shall still apply to the end dwelling units on the side of the building not attached to another dwelling unit.

2. Corner Lots

   a. Where a side yard abuts a street, the setback requirement for the side yard shall be the same as the front yard setback requirement for lots or property facing the same street, except as otherwise provided for in the dimensional standards.

   b. On corner lots in the Old Town Overlay, the front setback shall only apply to the building frontage with the least width dimension. On the other street frontage, the side yard setback shall be zero provided the building complies with all other regulations of this UDC and the adopted building code.
3. Double-Frontage Lots
   a. Where double-frontage lots exist, front yard setback requirements shall apply wherever the lot abuts street or highway right-of-way.
   b. For lots in the Old Town Overlay in the R-1, R-2, or R-3 zoning districts, the front setback shall be determined by the Town Administrator.
4. **Handicap Ramps**
Handicap access ramps and associated railings may be located within required front, side, and rear setbacks.

5. **Storage Sheds and Accessory Buildings (other than ADUs)**
Storage sheds and accessory buildings other than ADUs shall not be subject to side or rear setback requirements provided that the shed and/or accessory structure:

   a. Does not exceed 200 square feet in residential districts, and 120 square feet in all other districts;
   b. Does not exceed a height of 15 feet;
   c. Is not placed in any portion of an easement; and
   d. Is not placed on a permanent foundation.

6. **Front Porches and Stoops**
In residential and mixed-use districts, covered or uncovered front porches and stoops that are unenclosed on three sides may extend up to a maximum of eight feet into the required front setback.

   **Figure 2.D:** Setback Exception for Front Porches and Stoops

7. **Ground-Mounted Solar**
In the residential districts, ground-mounted solar facilities may encroach into the required side or rear setback up to five feet from the property line if they are not located over an easement.

8. **Animal Enclosures**
New animal enclosures shall be located at least three feet from all property lines, per Section 7-95 of the municipal code.
2.8.3. Building Height

A. Generally
No building shall be erected or altered that will exceed the height limit for the applicable zoning district, unless otherwise provided in this UDC.

B. Measuring Building Height
The height of buildings shall be measured on a vertical plane from the average natural or finished grade, whichever is lower, to the highest point on the roof surface. The average grade shall be calculated by adding the highest and lowest natural or finished grade divided by two.

C. Exceptions to Height Requirements
1. Architectural Features
Chimneys, antennas, flag poles, bell towers, steeples, vents, roof access stairs, or other roof or building appurtenances extending from the surface of the roof may extend up to 10 feet above the maximum building height.

Figure 2.E: Examples of Exceptions to Height Requirements

2. Rooftop Mechanical Equipment
Rooftop mechanical equipment and any required screening may extend up to five feet above the maximum building height.

3. Parapet Walls
Parapet walls may extend above the maximum building height up to three feet for commercial buildings, or for residential buildings containing two or more dwelling units.

4. Rooftop Solar
Rooftop solar panels may extend above the maximum building height up to five feet.
## 2.8.4. Summary of Permitted Encroachments

<table>
<thead>
<tr>
<th>Setback Encroachments</th>
<th>Above Height Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sills, belt course, cornices, buttresses, ornamental features, and eaves</td>
<td>2 feet</td>
</tr>
<tr>
<td>Open or enclosed fire escapes, fireproof outside stairways, and balconies</td>
<td>3.5 feet</td>
</tr>
<tr>
<td>Chimneys and flues (with Town Administrator approval)</td>
<td>3.5 feet</td>
</tr>
<tr>
<td>Handicap ramps</td>
<td>As necessary</td>
</tr>
<tr>
<td>Storage sheds and accessory buildings (other than ADUs)</td>
<td>Exempt from setback requirements, provided that the shed or building is:</td>
</tr>
<tr>
<td></td>
<td>a. Less than or equal to 200 square feet in residential districts and 120 square feet in all other districts;</td>
</tr>
<tr>
<td></td>
<td>b. Less than or equal to 15 feet in height;</td>
</tr>
<tr>
<td></td>
<td>c. Not located in an easement; and</td>
</tr>
<tr>
<td></td>
<td>d. Not placed on a permanent foundation.</td>
</tr>
<tr>
<td>Front porches and stoops</td>
<td>Up to 8 feet if unenclosed on three sides</td>
</tr>
<tr>
<td>Ground-mounted solar</td>
<td>Up to 5 feet from side or rear property line (if not over an easement)</td>
</tr>
<tr>
<td>Animal enclosures</td>
<td>Up to 3 feet from a property line, per Section 7-95 of the municipal code</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Height Encroachments</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Chimneys, antennas, flag poles, bell towers, steeples, vents, or other roof or building appurtenances extending from the surface of the roof</td>
<td>10 feet; antennas shall be located 10 feet in from the edge of the building wall</td>
</tr>
<tr>
<td>Rooftop mechanical equipment</td>
<td>5 feet</td>
</tr>
<tr>
<td>Parapet walls</td>
<td>3 feet for commercial buildings, or for residential containing two or more dwelling units</td>
</tr>
<tr>
<td>Rooftop solar</td>
<td>5 feet</td>
</tr>
</tbody>
</table>
Article 16.03: Use Regulations

Section 3.1 Table of Allowed Uses

Table 3.1 below lists the uses allowed within all base zoning districts. All uses are defined in Article 16.07: Rules of Construction and Definitions. Development or use of a property for any other use not specifically allowed in Table 3.1, and without appropriate approval, is prohibited. Where there is conflict between Table 3.1 and any other standard in this UDC, Table 3.1 shall apply.

3.1.1. Table Abbreviations

A. Permitted By-Right Uses (P)

A “P” in a cell indicates that the use is permitted by-right in the respective zoning district.

B. Special Uses (S)

An “S” in a cell indicates that the use is permitted only with an approved special use permit in accordance with the procedures in Section 6.5.2.

C. Accessory Uses (A)

An “A” in a cell indicates that the use is permitted only as accessory to a primary use in the respective zoning district.

D. Temporary Uses (T)

A “T” in a cell indicates that the use is permitted only with an approved temporary use permit in accordance with the procedures in Section 6.5.3.

E. Prohibited Uses (blank)

A blank cell indicates that the use is prohibited in the respective zoning district.

3.1.2. Table Organization

The land uses and activities in Table 3.1 are classified first by general “use categories,” then by specific “use type” based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and typical site conditions. This system provides a basis for assigning present and future land uses into appropriate zoning districts. The use categories are merely an indexing tool and are not regulatory. The far right-hand column, “use-specific standards,” cross-references to additional requirements that shall be met for that specific use type.

3.1.3. Classification of New and Unlisted Uses

New types of uses will be proposed that are not anticipated by this UDC. When such application for a use category or use type is not specifically listed in Table 3.1, the Town Administrator shall make a determination as to the appropriate classification of such use category or use type as follows:

A. The Town Administrator shall provide an interpretation as to the zoning classification into which such uses should be placed. In making such interpretation, the Town Administrator shall consider the nature of the use, the intensity of the use, and the general requirements for public utilities for such use.
B. Standards for new and unlisted uses may be interpreted as those of a similar use.

C. Appeal of the Town Administrator’s decision shall be made to the Board of Adjustment following procedures under Section 6.7.4.

### 3.1.4. Table of Allowed Uses

<table>
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<tr>
<th>Use Category</th>
<th>Use Type</th>
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<th>R-3</th>
<th>MU-1</th>
<th>MU-2</th>
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### Table 3.1: Table of Allowed Uses

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<td>Temporary office, contractor's quarters, and equipment storage</td>
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<td>T</td>
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<td>Temporary vendors</td>
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**Section 3.2 Use-Specific Standards**

### 3.2.1. Residential Uses

**A. Dwelling, Single-Family Attached**

1. In the R-2 district, each single-family attached building shall exhibit the characteristics of a series of single-family detached dwellings that are arranged in an attached side-by-side fashion and shall be designed to protect the character of single-family detached residences.

2. Dwellings fronting a street, except ADUs, shall be located on lots in such a way that each individual dwelling unit has a minimum of 15 feet of street frontage.

**B. Dwelling, Multifamily Large**

In the MU-MS and HC districts, large multifamily dwellings are only permitted as part of a vertically mixed-use building.

**C. Dwelling, Multifamily Small**

1. In the R-1 and R-2 districts, small multifamily dwellings are only permitted in the Old Town Overlay east of Highway 24.

2. In the MU-MS and HC districts, small multifamily dwellings are only permitted as part of a vertically mixed-use building.

**D. Co-Housing**

1. **Design Requirements**
   a. The minimum project size for co-housing development is one-quarter acre.
   b. A shared open space equal to at least 10 percent of the project area shall be provided.
   c. Base zoning district lot and setback requirements shall apply to the project site boundaries as a whole, but not to individual co-housing dwellings.
   d. Each co-housing dwelling unit shall be separated by a minimum of five feet.

2. **Operation and Ownership**
   a. Each co-housing dwelling unit shall be on a permanent foundation and shall connect to public water and sanitary sewer.
   b. One accessory storage structure less than 100 square feet may be permitted for any co-housing dwelling unit. Additionally, one shared enclosed storage facility not to exceed 600 square feet may be permitted if necessary for maintenance of the property. All accessory storage structures shall be separated from other structures by a minimum of three feet.
   c. Co-housing projects shall be organized as condominiums under state law.
   d. Individual lots or portions of the site may not be subdivided for sale.
   e. Each applicant shall enter into a development agreement with the Town agreeing that the condominium association shall maintain all streets, utilities, open space, and infrastructure that is not dedicated to and accepted by the Town.

**E. Live-Work**

1. **Location**

   Residential areas shall be located above or behind non-residential portions of the structure.
2. **Number of Dwelling Units**
   
   In the HC and I-1 districts, a maximum of four dwelling units may be allowed as live-work accessory to the primary use of the subject property.

3. **Ownership**
   
   a. Except in the HC and I-1 districts, the non-residential use shall be owned by a resident of the live-work dwelling unit.

F. **Assisted Living Facility**

   1. Facilities in residential districts shall be designed to be residential in character to the maximum extent practicable.

   2. Facilities shall be licensed by the State of Colorado.

G. **Continuum of Care or Nursing Home**

   1. Facilities in residential districts shall be designed to be residential in character to the maximum extent practicable.

   2. Facilities shall be licensed by the State of Colorado.

H. **Day Care Home**

   Day care homes shall meet all certification and licensing requirements of the State of Colorado.

I. **Group Home**

   Group homes shall meet all certification and licensing requirements of the State of Colorado.

J. **Placement of Manufactured Homes**

   Nothing in this UDC shall be construed to prevent the placement of a manufactured home anywhere within the Town; provided, however, that such placement shall be made in accordance with and subject to the applicable provisions of the Municipal Code.

3.2.2. **Public, Institutional, and Civic Uses**

A. **Shooting Range**

   1. Owners and/or operators of shooting ranges shall submit a cleanup and mitigation plan demonstrating compliance with all Town standards and applicable state and federal environmental standards.

   2. Shooting ranges shall comply with all other Town standards relating to noise and public safety. The police department shall review all shooting range applications and forward recommendations to the Town for consideration.

   3. All outdoor shooting areas shall be set back a minimum distance of 100 feet from any public right-of-way.

   4. The shooting backstops for outdoor shooting areas shall be an earthen mound or dugout of sufficient dimensions to stop projectiles.

   5. An accessory retail store, snack shop, and short-term rental of firearms and equipment for use on the premises are permitted. Sale of alcoholic beverages is prohibited.

3.2.3. **Commercial Uses**

A. **Community Garden**

   1. The sale of produce and plants shall only include those grown on-site.
2. No permanent structures other than greenhouses or storage sheds shall be allowed for the sale of produce and plants.

B. Kennel

1. Enclosed Building Requirements
   a. Those parts of structures in which animals are boarded shall be fully enclosed, with solid core doors and no operable windows, and shall be sufficiently insulated so no unreasonable noise or odor can be detected off the premises.
   b. All boarded animals shall be kept within a totally enclosed part of a structure between the hours of 10:00 p.m. and 6:00 a.m.

2. Outdoor Runs
   Any open or exercise run shall be at least 150 feet from adjoining properties.

C. Veterinarian Hospital or Clinic
   Outdoor overnight housing for animals is not permitted in the MU-1, MU-2, or MU-MS districts.

D. Personal Service
   In the MU-1, MU-2, and MU-MS districts, all business and storage activities shall be within a completely enclosed structure.

E. Retail, General
   1. In the MU-1, MU-2, and MU-MS districts, storage activities shall be within a completely enclosed structure.
   2. In the R-3 district, grocery store is the only permitted retail use and shall comply with the following standards:
      a. Shall not exceed 2,500 square feet; and
      b. Shall be limited to vertical mixed-use buildings.

F. Equipment Sales
   In the HC district, inoperable or wrecked machinery or equipment shall be stored in an enclosed structure.

G. Recreational Vehicle and Large Equipment Sales
   Junked vehicles or wrecked or inoperable equipment or materials shall be stored in an enclosed structure.

H. Bed and Breakfast
   1. A proprietor or manager shall reside on the property.
   2. Guest rooms shall be located in the principal building on the property.
   3. Meals shall be served only to overnight guests or employees of the bed and breakfast.
   4. Occupancy at a bed and breakfast shall not exceed 30 days, with the exception of the proprietor or manager.

I. Short-Term Rentals
   1. All applicable taxes and fees shall be paid prior to operating a short-term rental.
   2. Occupancy of a short-term rental shall not exceed 30 days.
3. Short-term rentals shall have valid Town licenses as required, prior to and during any time a unit is rented.

4. Short-term rentals shall provide a snow removal plan that complies with the Town’s snow removal requirements.

5. Short-term rentals shall comply with the state sanitary standards and regulations for public accommodations in 6 CCR 1010-14.

J. Bar or Tavern
   1. Bars and Taverns shall adhere to liquor license requirements regarding hours of operation, location, and other matters regulated by the State.

   2. Outdoor dining facilities on private property shall be permitted provided it complies with all other local and state requirements.

   3. Outdoor dining facilities in the public right-of-way shall require an encroachment permit from the Town Administrator.

   4. A bar or tavern may include provision of live entertainment and/or dancing; however, a bar or tavern shall not include any sexually oriented business use.

K. Microbrewery, Distillery, or Winery
   1. Microbreweries, distilleries, and wineries are subject to the use-specific standards for a bar or tavern pursuant to subsection 3.2.3.J.

   2. Except for in the I-1 district, microbreweries, distilleries, and wineries shall not exceed 15,000 square feet in size.

   3. Retail sales of food prepared on-site shall be permitted as an accessory use.

   4. Microbreweries, distilleries, and wineries shall provide noise and odor abatement for manufacturing, production, and consumption areas in compliance with Chapter 7, Article 1 (Nuisances).

   5. Outdoor dining facilities on private property shall be permitted provided it complies with all other local and state requirements.

   6. Outdoor dining facilities in the public right-of-way shall require an encroachment permit from the Town Administrator.

   7. Raw ingredients or waste shall be stored in a fully-enclosed structure compliant with all building and fire code requirements and applicable standards of the National Fire Protection Association (NFPA).

   8. Fleet vehicles associated with a microbrewery, distillery, or winery shall be parked on-site when not in use.

L. Restaurant
   1. In the MU-1, MU-2, and MU-MS districts, drive-through facilities are prohibited.

   2. Outdoor dining facilities on private property shall be permitted provided it complies with all other local and state requirements.

   3. Outdoor dining facilities in the public right-of-way shall require an encroachment permit from the Town Administrator.

M. Automobile Leasing or Sales
   1. Inoperable or wrecked automobiles shall be stored in an enclosed structure.

   2. Automobile sales, but not leasing, is prohibited in the AP district.
N. Automobile Service, Major
1. All major repairs and services shall be conducted within an enclosed structure.
2. Open, unenclosed storage of wrecked or inoperable vehicles, discarded tires, auto parts, or similar materials shall be limited to 30 days per vehicle.
3. Storage of equipment, auto parts, and supplies used in servicing vehicles shall be located within an enclosed structure.

O. Automobile Service, Minor
1. Open, unenclosed storage of operable vehicles on premises shall not exceed 30 days per vehicle.
2. Storage of equipment, auto parts, and supplies used in servicing vehicles shall be located within an enclosed structure.
3. Open, unenclosed storage of wrecked or inoperable vehicles, discarded tires, auto parts, or similar materials shall be limited to 30 days per vehicle.

P. Fueling Station
1. Gasoline pumps and other appliances shall be located at least 15 feet from any public right-of-way.
2. All service, storage, or similar activities shall be conducted entirely on the premises.
3. Open, unenclosed storage of wrecked or inoperable vehicles, discarded tires, auto parts, or similar materials shall be prohibited.

Q. Railroad Transshipment Facility
Transshipment facilities for coal are prohibited.

R. Sexually Oriented Business
1. Sexually oriented businesses shall be located a minimum of 1,000 feet from any:
   a. Area zoned for residential use;
   b. Single-family or multifamily dwelling, whether located within or outside of the Town limits;
   c. Church, public park, community center, recreation facility, or any publicly owned or maintained building open for use to the general public;
   d. State-licensed day care facility for children;
   e. School or educational facility serving persons under 18 years of age, or property owned by a school or educational facility; or
   f. Other sexually oriented business.
2. The distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of each business. The distance between any sexually oriented business and any church, community center, recreation facility, publicly owned or maintained building open for use to the general public, school, school-owned or educational facility-owned property, day care facility, public park, dwelling or residential district shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of the structure used for the sexually oriented business to the nearest property line of the church, community center, recreation facility, publicly owned or maintained building open for use to the general public, school, school-owned or educational facility-owned property, day care facility or dwelling, or the nearest boundary of the public park or residential district.
3. Sexually explicit advertisements or other promotional displays for sexually oriented businesses shall not be visible to minors from pedestrian ways, walkways, or other public areas.

### 3.2.4. Industrial Uses

#### A. Above-Ground Bulk Storage Tank

1. Shall comply with the Town fire code and all applicable standards and regulations of the National Fire Protection Association (NFPA).
2. In the MU-1, MU-2, MU-MS, and HC districts, above-ground bulk storage tanks shall be limited to nonflammable and/or noncombustible gases or liquids.

#### B. Mini-Warehouse

1. Doors to individual storage units shall not face any abutting street frontage, or if the site is located on a corner, shall not face the primary street frontage.
2. No outdoor storage is permitted except for boats or vehicles, which shall be stored only in designated screened areas.
3. When adjacent to any residential zoning district:
   a. Access to mini-warehousing facilities shall be limited to the hours of 6:00 a.m. to 11:00 p.m.
   b. Mini-warehousing facilities shall be adequately screened pursuant to Section 4.4.6 along any property line adjacent to a residential zoning district.

#### C. Short-Term and/or Long-Term Storage of Recreational/Camping Vehicles

The intent of these regulations is to allow residential owners to store personal recreational vehicles on their property or within approved off-site commercial storage facilities. Further, storage of recreational/camping vehicles shall comply with the following:

1. Long-term occupation of a recreational vehicle as a dwelling shall be prohibited unless within an approved recreational vehicle park.
2. Recreational/camping vehicles shall be parked on an improved surface such as gravel, asphalt, concrete, or pavers if stored in a front yard.
3. Recreational/camping vehicles may only be parked or stored on public property or in the public right-of-way for a period not to exceed 72 hours in any one week period, regardless of whether the owner of the recreational/camping vehicle is also the owner or occupant of the abutting parcel. The fact that the recreational/camping vehicle is moved along the same right of way, moved for the primary purpose of avoiding the 72 hour limitation, or moved away for any period of fewer than 24 hours, shall be ignored in determining whether or not a recreational/camping vehicle has remained parked for 72 hours or more.
4. Notwithstanding any other provision of this Section, a recreational/camping vehicle may not be parked or stored in any manner that constitutes a public safety issue, including without limitation by blocking vehicular sight lines or creating unsanitary conditions.
5. Recreational/camping vehicles may not be parked or stored in the railroad right-of-way, except that a recreational/camping vehicle may be parked in any designated public parking lot subject to the same restrictions on any other vehicle.
6. Any recreational/camping vehicle parked or stored on a public right-of-way for longer than 72 hours pursuant to this subsection or parked or stored in the railroad right-of-way in violation of this Section shall be considered abandoned pursuant to this Code.
7. A parked or stored recreational/camping vehicle may not be used for business operations, except as permitted through a temporary use or temporary vendor permit, or the storage of waste materials.

8. The parked recreational/camping vehicle must be operable and maintained as not to create a nuisance.

9. Except as provided in this subsection, recreational/camping vehicles shall not be used for dwelling or residential purposes.
   a. A recreational/camping vehicle may be occupied in residential and mixed-use zoning districts in the public right-of-way for a period not to exceed 72 hours in any one-week period, provided that the owner or occupant of the immediately abutting parcel provides permission. The fact that the recreational/camping vehicle is moved along the same right of way, moved for the primary purpose of avoiding the 72 hour limitation, or moved away for any period of time fewer than 24 hours, shall be ignored in determining whether or not an RV has remained parked for 72 hours or more.
   b. A recreational/camping vehicle may be occupied in residential and mixed-use zoning districts on a private parcel for no more than two weeks in any 60-day period, provided that the owner or occupant of the subject parcel provides permission.

D. Manufacturing, Light
   In the MU-1, MU-2, and MU-MS districts, a light manufacturing use shall not exceed 5,000 square feet.

E. Manufacturing, Medium or Heavy
   A medium or heavy manufacturing use shall not include any of the following:
   1. Cement, lime, gypsum, rockwall, or plaster of Paris manufacture;
   2. Concrete and asphalt manufacturing, except for properties with an approved special use permit for such use in the I-1 zoning district;
   3. Acid manufacture;
   4. Explosives manufacture or storage, except for above-ground bulk tank storage of gases or liquids with approval of a special use permit pursuant to Section 6.5.2;
   5. Glue manufacture, fat rendering, distillation of bones, fertilizer manufacture;
   6. Petroleum or petroleum products refining;
   7. Milling or smelting of ores, except for properties with an approved special use permit for such use in the I-1 zoning district;
   8. Garbage, offal, or dead animal reduction or dumping;
   9. Stockyards, feeding yards, or slaughter of animals;
   10. Oil extraction from vegetative materials using flammable solvents;
   11. Manufacture of liquid petroleum gases or petroleum products; or
   12. Other uses similar to those listed above.

F. Geothermal Facility, Small
   1. In the R-1, R-2, and R-3 districts, geothermal facilities shall be located entirely within the subject property.
   2. No portion of a geothermal facility shall be located within a stream or required stream buffer.
G. Geothermal Facility, Large
   No portion of a geothermal facility shall be located within a stream or required stream buffer.

H. Public Utility Distribution or Transmission Facility
   1. In the R-1, R-2, and R-3 Districts
      a. All structures shall be located at least 25 feet from any lot line;
      b. Fences or other appropriate safety devices shall be installed to protect the public safety and welfare;
      c. No vehicles or equipment shall be stored, maintained, or repaired on the premises;
      d. All structures shall be consistent with the character of the neighborhood; and
      e. Adequate landscaping, screening, or buffering shall be provided to ensure compatibility with the neighborhood.
   2. In the MU-1, MU-2, MU-MS, and HC Districts
      Service and storage yards are prohibited.

I. Radio and Television Transmitting Station and Studio
   1. All structures shall be consistent with the character of the neighborhood;
   2. All structures shall be located at least 35 feet from any lot line; and
   3. Adequate landscaping, screening, and buffering shall be provided to ensure compatibility with the neighborhood.

J. Wireless Service Facility
   1. Purpose and Intent
      To provide design standards for wireless service facilities in order to ensure their compatibility with surrounding development. The unique and diverse landscapes of the Town are among its most valuable assets. Protecting these assets will require that location and design of wireless service facilities and equipment be sensitive to and in scale and harmony with, the character of the community. The purpose of these regulations is to provide predictable and balanced standards for the siting and screening of wireless service facilities and equipment on property within the jurisdiction of the Town in order to:
      a. Preserve the character and aesthetics of areas which are in close proximity to wireless service facilities and equipment by minimizing the visual, aesthetic and safety impacts of such facilities through careful design, siting and screening; placement, construction or modification of such facilities;
      b. Protect the health, safety and welfare of persons living or working in the area surrounding such wireless service facilities and equipment from possible adverse environmental effects (within the confines of the Federal Telecommunications Act of 1996) related to the placement, construction or modification of such facilities;
      c. Provide development which is compatible in appearance with allowed uses of the underlying zone;
      d. Facilitate the Town's permitting process to encourage fair and meaningful competition and, to the greatest extent possible, extend to all people in all areas of the Town high quality wireless service at reasonable costs to promote the public welfare; and
e. Encourage the joint use and clustering of antenna sites and structures, when practical, to help reduce the number of such facilities which may be required in the future to service the needs of customers and thus avert unnecessary proliferation of facilities on private and public property.

2. Applicability
   a. Except as provided in subsection 3.2.4.J.7, all applications for the installation or development of wireless service facilities and/or equipment must receive building permits, prior to installation. Prior to the issuance of appropriate building permits, wireless service facilities and/or equipment shall be reviewed for approval by the Town Administrator in conformance with this section.

   b. These provisions and criteria do not apply to noncommercial satellite dish antennas, radio and television transmitters, and antennas incidental to residential use. All references made throughout this section, to any of the devices to which this section is applicable, shall be construed to include all other devices to which this subsection J is applicable.

3. Procedures
   a. General
      The applicant shall conduct a pre-application meeting with staff of the Planning Department. The Planner shall then prepare a pre-application summary describing the submission requirements and any other pertinent land use material, the fees associated with the reviews and the review process in general.

   b. Planning Review
      After the pre-application meeting, the applicant shall submit to the Planning Department an application for review and approval with payment of all applicable fees. The application shall be reviewed by the Planning Department for completeness and consistency with the requirements and standards of this Chapter. Upon determination by the Planning Department that the application is complete, the application will proceed through the land use process.

   c. Appeal of Planning Department’s Determination
      The Planning Department in its administrative approval process outlined in paragraph d below, may apply reasonable conditions to the approval as deemed necessary to ensure conformance with applicable review criteria outlined within in subsection 3.2.4.J.6. If the Planning Department determines that the proposed wireless service facilities and equipment do not comply with the review criteria and denies the application, or the applicant does not agree to the conditions of approval determined by the Planning Department administrative approval, the applicant may apply for the appeal process outlined in paragraph 3.2.4.J.3.f within 10 calendar days of the day on which the Planning Department’s decision is rendered.

   d. Administrative Review Process
      The Planning Department shall provide notice of the application to adjacent property owners (excluding public rights-of-way). The public notice shall summarize the plan and provide notice of their right to comment on or object to the plan by filing such comments or objections with the Planning Department within seven business days of the date the notice is posted on the property. Such notice shall be provided by: (a) prominently and visibly posting the property subject to the application; and (b) delivering notice either by
regular mail or personal delivery. Applications shall be reviewed within 10 business days, and the Planning Department shall, in writing, approve, deny, or conditionally approve the application based on the criteria set forth within this section.

e. Building Permit

A building permit application cannot be filed unless and until final land use approval has been granted. When applying for building permits, the applicant shall submit a signed letter indicating his/her compliance with all conditions of approval, as well as a copy of the signed document granting the land use approval for the subject building permit application.

f. Appeal Process

i. An appeal of a decision of the Planning Department approving or denying an application for a wireless service facility shall be made to the Board of Trustees in writing by filing with the Town Clerk within 10 days from the date of the decision appealed from.

ii. All appeals shall be heard by the Board of Trustees de novo and shall be conducted at a public meeting within 30 days from the filing of the appeal, or as soon thereafter as can be accommodated.

iii. The Town Clerk shall notify the appellant and, if different, the permit applicant by certified mail, return receipt requested, of the date the appeal shall be heard at least seven days in advance of the hearing.

iv. The decision of the Board of Trustees on appeal may be issued orally, but shall thereafter be reduced to writing within a reasonable period of time after the conclusion of the hearing and mailed to the appellant and, if different, the permit applicant. Such appeal review may be approved, approved with conditions, or denied based on conformance with the applicable review standards outline within this section.

4. Application

Except as provided in subsection 3.2.4.J.7, an application for approval of new, modified or additional wireless service facilities and/or equipment shall follow the submittal process set forth in 3.2.4.J.3. Wireless telecommunication services facilities and equipment applications shall contain at least the following information:

a. Site plan or plans drawn to a scale of one inch equals 10 feet or one inch equals 20 feet, including "before and after" photographs (simulations) specifying the location of antennas, support structures, transmission buildings and/or other accessory uses, access, parking, fences, signs, lighting, landscaped areas and all adjacent land uses within 150 feet. Such plans and drawings should demonstrate compliance with the review standards of this Section.

b. Site improvement survey including topography and vegetation showing the current status, including all easements and vacated rights of way, of the parcel certified by a registered land surveyor, licensed in the State of Colorado.

c. Landscape plan drawn to a scale of one inch equals 10 feet or one inch equals 20 feet, including "before and after" photographs (simulations) indicating size, spacing and type of plantings and indicating steps to be taken to provide screening as required by the review standards of this Section. The landscape plans shall also indicate the size, location and species of all existing vegetation and whether each of those indicated are proposed for
removal (indicate proposed mitigation), relocation (indicate from and to) or preservation. The Town Administrator shall determine if a landscape plan is necessary; for instance, when an antenna is to be attached to a building, this requirement may be waived.

d. Elevation drawings or “before and after” photographs/drawings simulating and specifying the location and height of antennas, support structures, transmission buildings and/or other accessory uses, fences and signs.

e. Lighting plan and photometric study indicating the size, height, location and wattage of all proposed outdoor lighting sources. This study shall also include a graphic indicating the spread and degree/intensity of light from each source/fixture.

f. Structural integrity report from a professional engineer licensed in the State of Colorado documenting the following:

i. Tower height and design, including technical, engineering, economic and other pertinent factors governing selection of the proposed design;

ii. Total anticipated capacity of the structure, including number and types of antennas which can be accommodated;

iii. Failure characteristics of the tower and demonstration that site and setbacks are of adequate size to contain debris in the event of failure; and

iv. Specific design and reconstruction plans to allow shared use. This submission is required only in the event that the applicant intends to share use of the facility by subsequent reinforcement and reconstruction of the facility.

g. FAA and FCC Coordination

Applicant shall submit documentation showing compliance with Federal Aviation Administration (FAA) and the Federal Communications Commission (FCC) regulations, indicating that:

i. (Required only if the facility is near an airfield per FAA distance requirements) The application has not been found to be a hazard to air navigation under 14 CFR Part 77, Federal Aviation, Federal Aviation Regulations, or stating that no compliance with 14 CFR Part 77 is required and the reasons therefore. A letter from the Central Colorado Regional Airport Administrator shall also be required if the Town Administrator determines that the proposed facility may impact airport operations;

ii. (Required of all wireless service facility or equipment applicants) The application complies with the regulations of the Federal Communications Commission with regard to maximum radio frequency and electromagnetic frequency emissions or a statement from the applicant that no such compliance is necessary and the reasons therefore.

h. Evidence that an effort was made to locate on an existing wireless service facility site including coverage/interference analysis and capacity analysis and a brief statement as to other reasons for success or no success.

i. Written documentation in the form of a signed affidavit demonstrating a good faith effort in locating facilities in accordance with site selection order of preference outline within subsection 3.2.4.J.5.b.

j. All companies and providers of wireless service facilities and equipment within the Town shall, during their pre-application meeting for a new facility, be prepared to verbally outline, to the best of current knowledge, a master or long-term plan for all proposed sites within a three-mile radius of the Town. In particular, companies and providers should be
prepared to discuss their need for the proposed site and how it fits into their existing and proposed coverage grids.

5. **General Requirements**

Except as provided in subsection 3.2.4.J.7, the following standards apply to all wireless service facilities and equipment applications, sites and uses.

a. **Permitted Districts and Restrictions**
   i. Wireless service facilities are permitted or prohibited per Table 3.1: Table of Allowed Uses.
   ii. Freestanding towers are prohibited within the Old Town Overlay.
   iii. In the R-1, R-2, and R-3 districts, building and/or roof-mounted wireless service facilities shall only be permitted if they are concealed within nonresidential structures using stealth design techniques such as within a church steeple, ball field lighting, water towers, etc.

   **Figure 3.A: Stealth Wireless Service Facilities vs. Unconcealed**

   iv. Lattice antenna towers and Guyed Mast Towers are prohibited within the Town. For existing Nonconformities, see Section 1.5, Nonconformities.
   v. Customer premises equipment is allowed in residential zoning districts in accordance with all other standards of the UDC.
   vi. All wireless service facilities and equipment not prohibited by this Section shall be allowed in all other zoning districts subject to review and approval by the Town Administrator pursuant to this UDC, including consistency with the dimensional requirements of the underlying zoning district.

b. **Site Selection**

Wireless service facilities shall, in accordance with local zoning requirements, be located in the following order of preference:
   i. **First:** On existing structures such as buildings, communication towers, flagpoles, church steeples, cupolas, ball field lights, water towers, etc.
   ii. **Second:** In locations where the existing topography, vegetation, buildings, or other structures provide the greatest amount of screening.
Article 16.03: Use Regulations
Section 3.2 Use-Specific Standards | 3.2.4 Industrial Uses

iii. **Least**: On vacant ground or highly visible sites without significant visual mitigation and where screening or buffering is difficult.

c. **Interference**
Radio interference is prohibited. The applicant shall meet FCC requirements for radio interference and if the proposed wireless service facilities or equipment is within 1,000 feet of the Town’s radio controlled model airplane runway, the applicant must provide satisfactory documentation evidencing that the facilities or equipment will not interfere with the model airplanes’ radio frequencies.

d. **Airports and Flight Paths**
Wireless service facilities and equipment shall not present a hazard to air navigation under 14 CFR Part 77, Federal Aviation, Federal Aviation Regulations.

e. **Public Buildings, Structures and Rights-Of-Way**
Leasing of public buildings, publicly owned structures and/or public rights-of-way for the purposes of locating wireless service facilities and/or equipment is encouraged. In cases where a facility is proposed on Town property, specific locations and compensation to the Town shall be negotiated in lease agreements between the Town and the provider on a case-by-case basis and would be subject to all of the review criteria contained in Subsection 3.2.4.J.6. Such agreements shall not provide exclusive arrangements that could tie up access to the negotiated sites or limit competition and must allow for the possibility of "co-locating" (sharing of facilities) with other providers as described in Subsection 3.2.4.J.5.f, below.

f. **Co-Location**
   i. Co-location or sharing, of facilities with other providers is encouraged. Co-location can be achieved as building-mounted, roof-mounted, or ground-mounted facilities. In designing poles, applicants are strongly encouraged to consider the possibility of present or future co-location of other wireless service facility or associated equipment by structurally overbuilding in order to handle the loading capacity of additional antennas, for the use of the company and for other companies to use as well. Co-location on an existing support structure (tower) shall be permitted as an accessory use. A maximum 24-inch diameter dish antenna is permitted per monopole antenna. Projections of any type on the monopole, which are not antennas, are strongly discouraged.
   
   ii. No wireless service facility owner or operator shall unreasonably exclude a telecommunications competitor from using the same facility or location. Upon request by the Town, the owner or operator shall provide evidence explaining why co-location is not possible at a particular facility or site. If a telecommunications competitor attempts to co-locate a wireless service facility on an existing or approved wireless service facility or location, and the parties cannot reach an agreement, the Town may require a third-party technical study to be completed at the expense of either or both parties to determine the feasibility of co-locations. All multiple use facilities shall be designed to make the appearance of the antenna relatively inconspicuous.
   
   iii. The co-location requirement may be waived by the Town Administrator upon a showing that either federal or state regulations prohibit the use, the proposed use will interfere with the current use, the proposed use will interfere with surrounding
property or uses, the proposed user will not agree to reasonable terms, or such co-location is not in the best interest of the public health, safety, or welfare.

iv. The co-location device shall match existing color and material of the facility it is located with. All wiring for co-location facilities shall be hidden inside the structure or designed to match if it is demonstrated that wiring cannot be physically placed inside the structure.

g. Maintenance
All wireless service facilities and equipment and subject sites shall be maintained in a safe and clean manner in accordance with project approvals and building codes. The wireless service facility operator/property owner shall be responsible for maintaining free from graffiti, debris and litter, those areas of the site which are adjacent to the premises over which he or she has control. The applicant shall be responsible for reasonable upkeep of the facility and subject property. All wireless service facilities shall be subject to periodic inspection by the Town to ensure continuing compliance with all conditions of approval and requirements of this Section.

h. Abandonment and Removal
i. All required approvals shall be in effect only so long as the antennas and other structures are operated at the site. Facilities that are not in use for 90 consecutive days for wireless services shall be considered abandoned and shall be removed by the wireless service facility owner following approval of a demolition permit from the Town. The permit issued for the operation of the wireless service facility shall also expire upon abandonment. The site shall be restored to the condition it was in prior to the installation/location of the facility. Such removal shall be carried out in accordance with proper health and safety requirements.

ii. The owner of wireless service facilities shall provide the Town with a copy of the notice to the FCC of the intent to cease operations within 30 days of delivery of the notice to the FCC. The operator shall have 90 days to remove the facility from the date of the notice.

iii. If a facility falls into disrepair, repairs are required to be completed within 30 days of the damage occurring. If the cell tower owner is unable to repair the damage within 30 days of occurrence, a request for extension of time to complete the repairs may be submitted to the Town within 30 days of the damage to the structure. If damage to the structure is not repaired within 30 days, and a request for extension is not filed with the Town, the structure shall be determined to be abandoned.

iv. If the owner fails to remove the wireless service facilities and/or equipment within the timeframe identified in this section, the Town Administrator may cause the demolition and/or removal of all wireless service facilities from the site and recover its costs of demolition and removal from the wireless service facility operator and/or property owner.

6. Review Standards
  a. Summary of Dimensional Standards
Except as provided in subsection 3.2.4.J.7, the following standards in this subsection 6 are designed to foster the Town’s safety and aesthetic interests without imposing unreasonable limitations on wireless service facilities and equipment:
Table 3.2: Summary Table of Wireless Service Facility Dimensional Standards

<table>
<thead>
<tr>
<th></th>
<th>Residential Districts</th>
<th>Mixed-Use Districts</th>
<th>HC District</th>
<th>I-1 District</th>
<th>OSR District</th>
<th>Old Town Overlay</th>
</tr>
</thead>
<tbody>
<tr>
<td>Height (max.): Freestanding tower</td>
<td>Not permitted</td>
<td>Not permitted</td>
<td>35 feet</td>
<td>75 feet</td>
<td>35 feet; 250 feet on rodeo grounds,[1]</td>
<td>Not permitted</td>
</tr>
<tr>
<td>Alternative Tower Structure</td>
<td>Not permitted</td>
<td>Not permitted</td>
<td>Required</td>
<td>Not required</td>
<td>Required</td>
<td>Required</td>
</tr>
<tr>
<td>Height (max): Building/Roof-Mounted</td>
<td>Per underlying district</td>
<td>Antenna: 10 feet above highest portion of roof; shall be located at least 10 feet in from the edge of the building wall. Whip antenna: 10 feet above highest portion of roof; shall be located at least 10 feet in from the edge of the building wall.</td>
<td>Limited to existing height of structure</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Notes:
[1] Antennas attached to ball field lights are allowed in the OSR district and can extend beyond height restrictions in this table.
[2] Adjacent to residential districts: 3 times the height of the tower; from any public road: equal to the height of the tower.

b. Setbacks

Wireless service facilities and equipment shall comply with the minimum setback requirements of the underlying zoning district; if the following requirements are more restrictive than those of the base zoning district, the more restrictive standard shall apply.

i. All wireless service facilities shall be setback 50 feet from any property lines, except when roof-mounted (above the eave line of a building). Flat-roof mounted facilities visible from ground level within 100 feet of said property shall be concealed to the extent possible within a compatible architectural element, such as a chimney or ventilation pipe or behind architectural skirting of the type generally used to conceal HVAC equipment. Pitched-roof-mounted facilities shall always be concealed within a compatible architectural element, such as chimneys or ventilation pipes.

ii. Monopole antenna towers shall be set back from any residentially zoned properties a distance of at least three times the monopole antenna’s height (e.g., a 60-foot setback would be required for a 20-foot monopole antenna) and the setback from any public road, as measured from the right-of-way line, shall be at least equal to the height of the monopole antenna.

iii. No wireless service facility may be established within 1,000 feet of any existing, legally established wireless service facility except when located on the same building or structure.

iv. No portion of any antenna array shall extend beyond the property lines.

c. Height

i. Wireless service facilities and/or equipment not attached to a building shall not exceed 35 feet in height or the maximum permissible height of the base zoning district, whichever is more restrictive; except the height limit for the Town’s rodeo grounds in the OSR district shall be 250 feet, and the height limit in the I-1 zoning district shall be 75 feet.

ii. Notwithstanding any other height limitations in this section, in no case shall a wireless service facility located in any public right-of-way exceed 35 feet in height.

iii. Whenever an antenna is attached to a building roof, the antenna and support system for panel antennas shall not exceed five feet above the highest portion of that roof,
including parapet walls and the antenna and support system for whip antennas shall not exceed 10 feet above the highest portion of that roof, including parapet walls.

iv. The Board of Trustees may approve a taller antenna height than provided in these regulations if the Board determines that the antenna is suitably camouflaged and allows for co-location of at least two facilities, and documentation is provided indicating FAA and FCC rules and regulation compliance. Camouflaging requirements are set forth in Subsection 3.2.4.J.6.f.

v. Support and/or switching equipment shall be located inside the building, unless it can be fully screened from view as provided in the "Screening" standards outline with in this Subsection 3.2.4.J.6.f, below.

d. Architectural Compatibility

Whether manned or unmanned, wireless service facilities shall be consistent with the architectural style of the surrounding architectural environment (planned or existing) considering exterior materials, roof form, scale, mass, color, texture and character. In addition:

i. All towers in the permitted zoning districts other than the I-1 must be an alternative tower structure. The applicant must present at least two designs for the appropriate decision-making authority to select from.

ii. If such wireless service facility is accessory to an existing use, the facility shall be constructed out of materials that are equal to or of better quality than the materials of the principal use that meet building codes and safety standards.

iii. Wireless service equipment shall be of the same color as the building or structure to which or on which such equipment is mounted or as required by the applicable decision-making authority.

iv. Whenever wireless service equipment is mounted to the wall of a building or structure, the equipment shall be mounted in a configuration designed to blend with and be architecturally integrated into a building or other concealing structure, be as flush to the wall as technically possible, and shall not project above the wall on which it is mounted.

v. Monopole support buildings, which house cellular switching devices and/or other equipment related to the use, operation or maintenance of the subject monopole antenna, shall be designed to match the architecture of adjacent buildings. If no recent and/or reasonable architectural theme is present, the applicable decision-making authority may require a particular design that is deemed to be suitable to the subject location.

vi. All utilities associated with wireless service facility or equipment shall be underground (also see “Screening” below).

e. Compatibility with the Natural Environment

Wireless telecommunication services facilities and equipment shall be compatible with the surrounding natural environment considering land forms, topography and other natural features and shall not dominate the landscape or present a dominant silhouette. In addition:

i. Site disturbances shall be minimized and existing vegetation shall be preserved or improved to the extent possible, unless it can be demonstrated that such disturbance to vegetation and topography results in less visual impact to the surrounding area.
ii. Surrounding view planes shall be preserved to the extent possible.

iii. Wireless service facilities and equipment shall comply with the Federal Communication Commission's regulations concerning maximum radio frequency and electromagnetic frequency emissions.

f. Screening

Roof-and ground-mounted wireless service facilities and equipment, including accessory equipment, shall be screened from adjacent and nearby public rights-of-way and public or private properties by paint color selection, parapet walls, screen walls, fencing, landscaping and/or berming in a manner compatible with the building's and/or surrounding environment's design, color, materials, texture, land forms and/or topography, as appropriate or applicable. In addition:

i. Whenever possible, if monopoles are necessary for the support of antennas, they shall be located near existing utility poles, trees or other similar objects; consist of colors and materials that best blend with their background; and, have no individual antennas or climbing spikes on the pole other than those approved by the applicable decision-making authority.

ii. For ground-mounted facilities, landscaping may be required to achieve a total screening effect at the base of such facilities or equipment in order to screen the mechanical characteristics; a heavy emphasis on coniferous plants for year-round screening may be required. Landscaping shall be of a type and variety capable of growing within one year to a landscape screen which satisfactorily obscures the visibility of the facility. See Section 4.4.6, Screening and Fencing.

iii. Unless otherwise expressly approved, all cables for a facility shall be fully concealed from view underground or inside of the screening or monopole structure supporting the antennas; any cables that cannot be buried or otherwise hidden from view shall be painted to match the color of the building or other existing structure.

iv. Chain link fencing shall be unacceptable to screen facilities, support structures or accessory and related equipment (including HVAC or mechanical equipment present on support buildings); fencing material, if used, shall be six feet in height or less and shall consist of wood, masonry, stucco, stone or other acceptable materials that are opaque. A fence permit shall be required if fencing is proposed. See Section 4.4.6, Screening and Fencing.

v. Notwithstanding the foregoing, the wireless service facility shall comply with all additional measures deemed necessary to mitigate the visual impact of the facility. Also, in lieu of these screening standards, the applicable decision-making may allow use of an alternate detailed plan and specifications for landscape and screening, including plantings, fences, walls, sign and structural applications, manufactured devices and other features designed to screen, camouflage and buffer antennas, poles and accessory uses. For example, the antenna and supporting structure or monopole antenna may be of such design and treated with an architectural material so that it complies with an alternative tower structure. The plan should accomplish the same degree of screening achieved by meeting the standards outlined above.

g. Lighting and Signage

In addition to other applicable sections of the code regulating signage or outdoor lighting, the following standards shall apply to wireless service facilities and equipment:
i. Wireless services facilities shall not be illuminated, except in accordance with applicable state and federal regulations or by approval from applicable decision-making authority. Wireless service facilities including accessory buildings and equipment shall not incorporate dusk to dawn security lighting. The wireless service facilities may utilize manual switch or motion activated exterior illumination for repair, maintenance, and security purposes. If lighting is proposed it shall meet these requirements:

(a) The light source for security lighting shall feature down-directional, sharp cut-off luminaries to direct, control, screen or shade in such a manner as to ensure that there is no spillage of illumination off-site. Also refer to Section 18-295(6).

(b) Light fixtures, whether free standing or tower-mounted, shall not exceed 12 feet in height as measured from finished grade.

ii. The display of any sign or advertising device other than public safety warnings, certifications or other required seals on any wireless communication device or structure is prohibited.

iii. The telephone numbers to contact in an emergency shall be posted on each facility in conformance with Section 4.7, Signs.

h. Access Ways

In addition to ingress and egress requirements of the Building Code, access to and from wireless service facilities and equipment shall be regulated as follows:

i. No wireless service facility shall be located in a required parking, maneuvering or vehicle/pedestrian circulation area such that it interferes with or in any way impairs the intent or functionality of the original design.

ii. The wireless service facility must be secured from access by the general public but access for emergency services must be ensured. Access roads must be capable of supporting all potential emergency response vehicles and equipment.

iii. Any easements required for ingress and egress and for electrical and telephone shall be recorded at the County Clerk and Recorder’s Office prior to the issuance of building permits.

7. Eligible Wireless Service Facility Requests

a. Applicability

This Subsection 7 applies to all eligible wireless service facility requests for land use approvals.

b. Expedited Review

i. An eligible wireless service facility request shall be approved or denied within 60 days of the date of the request. This time period may be tolled only by mutual agreement or where an application is incomplete.

ii. If the Town fails to approve or deny an eligible wireless service facility request within the time frame for review (accounting for any tolling), the request shall be deemed granted; provided that this automatic approval shall become effective only upon the Town’s receipt of written notification from the applicant after the review period has expired (accounting for any tolling) indicating that the application has been deemed granted.
Article 16.03: Use Regulations
Section 3.2 Use-Specific Standards | 3.2.4 Industrial Uses

Buena Vista Unified Development Code
May 2018

Article 16.03: Use Regulations

Section 3.2 Use-Specific Standards | 3.2.4 Industrial Uses

Buena Vista Unified Development Code
May 2018

Article 16.03: Use Regulations

Section 3.2 Use-Specific Standards | 3.2.4 Industrial Uses

Buena Vista Unified Development Code
May 2018

c. Application Materials
   i. An applicant for an eligible wireless service facility request shall be required to submit only such documentation and information as is reasonably necessary to determine whether a proposed modification would substantially change the physical dimensions of an eligible tower or base station.
   
   ii. The Town shall prepare, and from time to time revise, and make available an application form which shall be limited to the information necessary for the Town to consider whether an application would substantially change the physical dimensions of an eligible wireless service facility request. Such information may include, without limitation, whether the project: (1) would result in a substantial change; and (2) violates a generally applicable law, regulation, or other rule reasonably related to public health and safety. The application may not require the applicant to demonstrate a need or business case for the proposed modification or collocation.

   iii. Incomplete applications shall be treated as follows:
   
   (a) When an application is incomplete, the Town shall provide written notice to the applicant within 30 days, clearly and specifically identifying all missing documents or information.

   (b) If an application remains incomplete after a supplemental submission, the Town has 10 days to once again notify the applicant. Second or subsequent notices of incompleteness may not require the production of documents or information that was not requested in the original notice of incompleteness.

   d. Review
   i. Denial
   A decision to deny an eligible wireless service facility request shall be in writing and shall provide a description of reasons for the denial.

   ii. Approval
   
   (a) Notwithstanding any other provision of this Code, the Town shall approve any eligible wireless service facility request that does not substantially change the physical dimensions of a tower or base station.

   (b) The Town may approve an eligible wireless service facility request that substantially changes the physical dimensions of such tower or base station if it complies with the remainder of this Section.

   (c) The Town may condition the approval of any eligible wireless service facility request on compliance with generally applicable building, structural, electrical, and safety codes or with other laws codifying objective standards reasonably related to health and safety.

   e. Substantial Change

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

   (a) For a tower outside of a public right-of-way, when the height of the tower is increased by more than 10 percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater.
(b) For a tower located in a public right-of-way or for a base station, when the height of the structure increases by more than 10 percent or by more than 10 feet, whichever is greater.

ii. Changes in height are measured as follows:

(a) When deployments are separated horizontally, changes in height shall be measured from the original support structure, not from the height of any existing wireless service equipment.

(b) When deployments are separated vertically, changes in height shall be measured from the height of the tower or base station, including any appurtenances, as the tower or base station existed on February 22, 2012.

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

(a) For a tower outside of public rights-of-way, when the addition of an appurtenance to the body of the tower protrudes from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater.

(b) For a tower in public right-of-way or a base station, when the addition of an appurtenance to the body of the structure would protrude from the edge of the structure by more than six feet.

iv. A substantial change also occurs for an existing tower in a public right-of-way or an existing base station as follows:

(a) When the change involves the installation of any new equipment cabinets on the ground, if no ground cabinets presently exist; or

(b) When the change involves the installation of ground cabinets that are more than 10 percent larger in height or overall volume than any existing ground cabinets.

v. A substantial change also occurs for an existing tower or base station when any of the following exist:

(a) When the change involves installation of more than the standard number of new equipment cabinets for the technology involved, or more than four new cabinets, whichever is less.

(b) When the change entails any excavation or deployment outside the current site.

(c) When the change would defeat the concealment elements of the eligible support structure.

(d) When the change does not comply with conditions associated with the original siting approval of the construction or modification of the tower, base station or base station equipment. This limitation does not apply if the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that would not exceed the thresholds identified in Subsections (7)(e) through (7)(e)(v)(b) herein.

8. Small Cell Facilities

a. Generally

A telecommunications provider or broadband provider may locate or collocate small cell facilities or small cell networks on light poles, light standards, traffic signals, or utility poles in the right-of-way owned by the Town, subject to the following:
Article 16.03: Use Regulations
Section 3.3 Accessory Uses and Structures | 3.3.1 Purpose

i. A small cell facility or a small cell network shall not be located or mounted on an apparatus, pole, or signal with tolling collection or enforcement equipment attached.

ii. The construction, installation, operation and maintenance of a small cell facility must comply with applicable federal and state law and the provisions of this Section. If upon inspection, the Town concludes that a wireless service facility fails to comply with such laws and constitutes a danger to persons or property, then, upon written notice being provided to the owner of the small cell facility, the owner shall have 30 days from the date of the notice to bring such facility into compliance. Upon good cause shown by the owner, the Town may extend such compliance period not to exceed 90 days from the date of said notice. If the owner fails to bring such facility into compliance within said time period, the Town may remove such facility at owner’s expense or prohibit future, noncompliant use of the light pole, light standard, traffic signal or utility.

b. Micro Wireless Facilities

No application or permit shall be required for the installation, placement, operation, maintenance, or replacement of micro wireless facilities that are suspended on cable operator-owned cables or lines that are strung between existing utility poles in compliance with the national safety code. The Town may require a permit for installation, placement, operation, maintenance, or replacement of micro wireless facilities where the installation, placement, operation, maintenance, or replacement of micro wireless facilities does any of the following, upon determination of the Town:

i. Involves working within a highway travel lane or requires the closure of a highway travel lane;

ii. Disturbs the pavement or a shoulder, roadway, or ditch line;

iii. Includes placement on limited access rights-of-way; or

iv. Requires any specific precautions to ensure the safety of the traveling public; the protection of public infrastructure; or the operation of public infrastructure; and such activities either were not authorized in, or will be conducted in a time, place, or manner that is inconsistent with, the approval terms of the existing permit for the facility or structure upon which the micro wireless facility is attached.

Section 3.3 Accessory Uses and Structures

3.3.1. Purpose

This section authorizes the establishment of accessory uses that are incidental and subordinate to principal uses.

3.3.2. Approval of Accessory Uses and Structures

All principal uses allowed in a zoning district per Table 3.1: Table of Allowed Uses shall be deemed to include those accessory uses, structures, and activities typically associated with the principal use, unless specifically prohibited in this section. Accessory uses shall be subject to the standards in this section as well as any applicable use-specific standards applicable to the associated principal use in Section 3.2 above.
3.3.3. General Standards for all Accessory Uses and Structures

A. Compliance with this UDC
All accessory uses and structures are subject to the dimensional standards in Article 16.02: Zoning Districts and the development standards in Article 16.04: Development and Design Standards. Should any standards from this section conflict with any other requirement of the UDC, the more restrictive shall control.

B. Dimensional Standards for Accessory Structures

1. Location of Accessory Structures
   a. Any accessory use or structure shall be conducted and located on the same lot as the principal use or structure.
   b. In the MU-1, MU-2, and MU-MS districts, accessory structures shall be located behind the front building line of the primary structure.

2. Size and Use
   a. The maximum size of any accessory structure shall be 1,000 square feet, and the maximum total area of all accessory structures on a lot shall be 1,000 square feet, unless otherwise provided in the UDC. Greenhouses shall be exempt from these size limitations.
   b. No accessory structure shall begin construction until the construction of the primary structure has commenced.
   c. No accessory structure shall be used unless the primary structure is being used.

3. Same Ownership Required
   Accessory structures and uses shall be under the same ownership as the primary structure and use. The property shall use the same utility meter with the exception of an accessory dwelling unit.

C. Unenclosed Outdoor Storage Prohibited
   Outdoor storage associated with any accessory use or structure shall be within an entirely enclosed structure.

3.3.4. Standards for Specific Accessory Uses and Structures

The following standards shall apply in addition to the general standards from Subsection 3.3.3.

A. Accessory Dwelling Unit

1. Purpose
   Accessory dwelling units are intended to provide increased affordable housing opportunities within the Town and to facilitate housing in close proximity to places of employment.

2. Size and Quantity
   a. ADUs used or intended to be used as a short-term rental shall comply with the standards in 3.2.3.I.5.
   b. ADUs shall not exceed 850 square feet.
   c. Only one ADU shall be allowed per principal building.
   d. ADUs shall only be permitted with single-family and two-family dwellings.
3. **Design Standards**
   a. Each ADU shall contain a kitchen equipped, at a minimum, with an oven, a stove with two burners, a sink, and a refrigerator/freezer with a capacity not less than six cubic feet.
   b. Each ADU shall contain a bathroom equipped with, at minimum, a sink, a toilet, and a shower.
   c. No ADU shall contain more than two bedrooms.
   d. The design, exterior treatments and color of an ADU shall be the same as, or compatible with, the design and exterior color and treatments of the principal building to which it is accessory.

4. **Site Standards**
   a. All water service connections made to an ADU shall comply with the Town's water service connection requirements, and each ADU sharing and/or connected to the water service line/system serving a principal building shall be assessed a one-time water service expansion/connection fee equal to one-quarter of the connection fee that would be charged for a new water connection serving the principal building. All sanitary service connections serving an ADU shall comply with the requirements of the Buena Vista Sanitation District.
   b. Detached ADUs in a residential zoning district must be located in the rear half of the residential lot or parcel unless the ADU is to be located within or above a garage or approved pursuant to special use permit for siting in the front half of the lot or parcel.

5. **Ownership and Occupancy**
   An ADU may not be condominiumized and/or sold separately from the principal building to which it is accessory.

B. **Home Occupation**
   1. **Number and Size**
      a. Multiple home occupations shall be permitted within a principal dwelling, provided the sum of all home occupations comply with the standards in this section.
      b. Home occupations shall not occupy more than 25 percent of the total gross floor area of the dwelling.
   2. **Operational and Use Standards**
      a. Home occupations shall be incidental and secondary to the use of a dwelling for dwelling purposes;
      b. Home occupations shall not change the residential character of a dwelling;
      c. No more than two employees of a home occupation, who are not full-time residents of the dwelling, shall be permitted on site at any given time;
      d. All persons engaged in a home occupation shall obtain and maintain all necessary business licenses prior to and during the operation of the home occupation;
      e. No sales of goods or products shall be allowed on the premises of a home occupation, unless such goods or products are incidental to a service provided by the home occupation.
      f. Home occupations shall comply with all building, fire, safety, and other codes applicable to the particular home occupation;
**g.** There shall be no storage or display of any goods, products, equipment, or materials outside of the dwelling or accessory structure, and no hazardous or dangerous materials not customarily associated with a residential use shall be stored or used on the premises;

**h.** Home occupations shall not disrupt the neighborhood by the creation of traffic, congestion, dust, smoke, vibration, noise from equipment, excessive lighting, offensive odor, or electrical interference.

**i.** Vehicle traffic generated by a home occupation shall not create a need for additional off-site parking; and

**j.** No use or storage of heavy equipment or commercial or heavy trucks or trailers for the home occupation shall be permitted.

**k.** Signs shall be regulated according to Section 4.7.

3. **Complaints and Violations**

   **a.** Should the Town obtain substantial credible information illustrating a possible violation of the terms and/or operating standards contained in this Section, the Town Administrator shall cause notice of such violation to be served personally or by certified mail, return receipt requested, on the operator of the home occupation.

   **b.** The notice shall describe in reasonable detail the violation concerning the home occupation and command the operator to appear before the Board of Trustees at a public hearing to show cause why the operation of the home occupation should not be suspended, modified, or terminated. The notice shall be issued not less than 15 days prior to the hearing and shall contain the date, time, and place for the hearing.

   **c.** A copy of the notice shall be timely provided in advance of the hearing to the person who submitted the subject complaint.

   **d.** After conclusion of the hearing, the Board of Trustees may suspend, modify, or terminate the operation of a home occupation upon a finding that the terms of this Section have been violated. All decisions of the Board of Trustees under this Section shall be provided in writing and copies of such decision shall be promptly mailed or personally delivered to the operator by certified mail with return receipt requested, and to the complainant, if applicable, by regular first class mail.

C. **Retail Display**

   1. Maximum retail display area shall not exceed 150 square feet for buildings with less than 55 linear feet of primary building frontage, or 2.75 square feet for each one foot of primary building frontage for buildings with primary building frontage of 55 linear feet or greater.

   2. Retail display areas in the public right-of-way shall first obtain an encroachment permit and revocable license agreement from the Town.

D. **Screened Storage**

   1. **Generally**

      **a.** No unenclosed or outdoor storage shall be located along a primary building frontage.

      **b.** Appropriate landscaping, fencing, and screening standards shall apply per Section 4.4.

      **c.** Outdoor storage directly abutting a residential zoning district shall be screened with a minimum six-foot tall solid fence or enclosure.
d. The stockpiling of decorative rock, bark or wood chips, or soil and similar loose landscaping material, shall be maintained in neat piles and shall be protected from dispersal by blowing wind and other adverse weather events.

e. Trees, shrubs, flowers, and similar live plant products displayed by a nursery and/or a landscaping or garden supply retailer shall not constitute unenclosed or outdoor storage.

f. No materials shall be stacked or stored to a height exceeding a screening fence or wall.

g. Vehicles and/or equipment stored in association with a commercial or other nonresidential use and not on retail display within an open sales yard shall be screened by a fence or other acceptable physical barrier six feet in height, and all such vehicles and equipment shall be stored at their lowest operating height and in a manner that minimizes their visible profile from view. Vehicles and equipment shall not be stacked.

2. Screening Standards

a. Screening shall consist of durable, low-maintenance materials that effectively block the visual observation of the stored materials when viewed at a height of six feet above finished or natural grade from public walkways or streets adjacent to the storage area.

b. Screening may consist of fencing, walls, or other structures. All screening shall be maintained in good and effective condition.

c. Chain link fencing, with or without added material, screening, or slats, is prohibited.

d. No stored material shall exceed the height of the screening.

e. Wood fences used for screening shall be made of natural, pressure-treated, or manufactured (recycled) wood of sufficient quality and durability to withstand prolonged exposure to the weather.

f. The Town Administrator may approve alternative screening materials and/or methods upon written application. All alternative screening shall effectively serve and satisfy the intent and purposes of this section.

Section 3.4 Temporary Uses and Structures

3.4.1. Purpose

The purpose of this section is to authorize the establishment of certain uses and structures of a limited duration. This section is intended to ensure that such uses or structures do not negatively impact adjacent properties, are discontinued upon expiration of a set time period, and do not result in any permanent use or structure.

3.4.2. Approval of Temporary Uses and Structures

Review and approval of Temporary Use Permits shall be in accordance with Section 6.5.3, Temporary Use/Structure Permit.

3.4.3. General Standards for All Temporary Uses and Structures

Temporary uses and structures shall comply with the following general requirements unless otherwise specified in this UDC:

A. A temporary use or structure shall not be detrimental to surrounding properties or to the public health, safety, or general welfare.
B. Permanent alterations to the site are prohibited.

C. Temporary signs associated with a temporary use or structure shall be removed when the activity ends or permit expires, whichever occurs first.

D. A temporary use or structure shall not violate any applicable use-specific standards or conditions of approval applicable to a principal use on the site.

E. A temporary use or structure shall not disturb any sensitive or protected resources, including floodplains, river protection setbacks, and required landscaping.

F. At the conclusion of a temporary use or structure, all disturbed areas shall be restored to the condition that existed prior to the use, or improved.

G. A temporary use or structure shall not impede normal operations of any permanent use located on the property.

H. Off-street parking shall be sufficient to accommodate the proposed temporary use.

I. Temporary uses, including temporary vendors, may be revoked by the Town Administrator for failing to comply with the standards in this section and any violation of other standards in this UDC or the Municipal Code. The Town Administrator shall include specific reasons for the revocation, and shall promptly mail or personally deliver to the operator by certified mail with return receipt requested, and to the complainant, if applicable, by regular first class mail.

3.4.4. Standards for Specific Temporary Uses and Structures

A. Special Events
   Special temporary events shall comply with the standards in Chapter 11, Article VII, Special Events in Public Places.

B. Temporary Office, Contractor’s Quarters, and Equipment Storage
   Temporary office, contractor’s quarters, and equipment storage may be approved by the Town Administrator in conjunction with a construction project, including sales offices on residential development sites. Such structures and uses shall be located on the site no more than 30 days prior to the start of construction and removed no more than 30 days after issuance of a certificate of occupancy. Residential sales offices may remain on site until all houses or units are sold or leased.

C. Temporary Vendors
   1. Generally
      a. Temporary vendors are those activities and associated structures that may be allowed pursuant to this section on a nonpermanent and temporary basis upon review of their proposed nature, location and duration and their compatibility with surrounding uses and structures within an underlying zoning district.
      b. Except as otherwise provided in this section, no temporary vendor shall be located or permitted in any residential zoning district except upon review and approval of the Board of Trustees in accordance with the procedures, standards, and limitations set forth in Section 6.5.3. Likewise, no temporary vendor shall be located or permitted in any nonresidential zoning district except upon review and approval by the Town Administrator in accordance with the procedures, standards, and limitations set forth in Section 6.5.3.
c. No person shall conduct business as a temporary vendor without first obtaining a permit from the Town and paying the required fee. It shall be unlawful for any person to sell any goods or services on a temporary basis within the Town except as provided by this section.

d. Temporary vendor permits shall be issued subject to such safeguards, terms and conditions as deemed necessary and appropriate by the Board of Trustees or the Town Administrator to protect and preserve the intent and purpose of this UDC. Violations of any of the terms and conditions imposed on a temporary vendor shall be deemed to be violations of this section and shall be punishable under the general penalty provisions of this UDC.

e. Applications for a temporary vendor permit shall be made to the Town on forms provided therefor. A reasonable fee shall be charged for each application as set by the Board of Trustees, and a site plan and other drawings and information as deemed necessary by the Town Administrator shall be required as part of the application.

f. Applications for a temporary vendor permit in a residential zoning district shall follow the process set forth in Section 6.5.3.

2. Approval Considerations

Temporary vendor permits shall be granted by written order, but only after finding that the proposed temporary vendor will not adversely impact the neighborhood or the public safety and welfare. In determining whether to grant a temporary vendor permit, the following factors shall be considered:

a. The location, size, design, operating characteristics and visual impacts of the proposed use or structure.

b. The ingress and egress to the property and proposed structures, with particular reference to automotive and pedestrian safety, convenience, traffic flow and access in case of fire or other catastrophe. The location of the temporary vendor may not cause congestion of vehicular or pedestrian traffic and shall not be placed in right-of-way sight triangles as determined by the Public Works Department.

c. Off-street parking and loading areas and the noise, glare or odor effects of the temporary vendor on adjoining properties and the neighborhood generally.

d. Refuse, sanitation, and service areas.

e. Utilities, with reference to location, availability and compatibility.

f. Signs, lighting, screening and buffering with reference to type, dimensions and character. Signage shall comply with 4.7.5.C.2.a.

g. The use of a Town-owned parcel or park may be permitted, denied or limited by the number of days by the Town Administrator based on the number of existing vendors already using the area, compatibility with existing uses or users of the space, permitted special events or any of the factors as set forth by paragraphs a through f above. Use of Town right-of-way shall require an encroachment permit and revocable license agreement.

3. Limitations and Expiration

a. Permits for temporary vendors shall be granted for a period not to exceed more than 360 total days in one calendar year.
b. The Town may require temporary vendors to move their facility offsite for the purposes of managing sanitation requirements prior to returning their facility to that location.

c. The Town may require additional site changes and/or improvements as necessary to accommodate temporary vending and/or to mitigate any potential adverse impacts to surrounding properties.

4. **Temporary Events**

   *Reserved*

### 3.4.5. Revocation Process

See public hearing requirements under Section 6.7.4, *Appeal.*
Article 16.04: Development and Design Standards

Section 4.1 Stormwater Drainage and Erosion Control

4.1.1. Purpose
The purpose of these standards is to ensure adequate drainage and infiltration of stormwater, to improve water quality, and to maintain the stability of soils on development sites.

4.1.2. Applicability
These standards apply to any new development site with a disturbed area of more than 5,000 square feet.

4.1.3. Site Drainage
A. Generally
Site drainage shall be in accordance with the Municipal Code and the Town of Buena Vista Specifications and Standards manual. Drainage will be reviewed using the applicable approval procedure pursuant to Article 16.06: Review Procedures.

B. Low-Impact Development
To the maximum extent possible, applicants should implement Low-Impact Development (LID) features, such as:
1. Disconnecting impervious areas (keeping runoff out of piped systems);
2. Grass buffers and swales;
3. Bioretention through rain gardens or porous landscape detention;
4. Pervious pavement systems; and/or
5. Alternative means of stormwater management as deemed appropriate by Public Works.
Figure 4.A: Examples of Low-Impact Development (LID) Features

Examples of bioretention swales, rain gardens, and porous pavers.

C. **Drainage Improvements**

Drainage improvements shall accommodate potential runoff from the upstream drainage area and shall be designed to prevent increases in downstream flooding. The Town Administrator may require alternative control methods to mitigate the impacts of proposed development.

**4.1.4. Grading and Erosion Control**

No site grading shall occur without approval of a stormwater quality control plan and a grading, erosion, and sediment control plan prepared according to the standards of the Town of Buena Vista Development and Design Manual.

**Section 4.2 Access and Circulation**

**4.2.1. Purpose**

The purpose of the access and circulation standards is to improve multimodal circulation for existing and future development areas and to increase the effectiveness of local service delivery and emergency service times throughout the Town.

**4.2.2. Applicability**

These standards apply to all new development unless otherwise stated in this UDC.

**4.2.3. Driveways and Access**

A. Every lot shall have sufficient access to afford reasonable means of ingress and egress for emergency vehicles as well as those needing access to the property for its intended use.
Article 16.04: Development and Design Standards
Section 4.2 Access and Circulation | 4.2.4 Streets and Vehicular Circulation

B. Driveways and access points shall comply with the standards in Chapter 11 Article II of the Municipal Code and shall be constructed to the standards of the Town of Buena Vista Development and Design Manual.

C. Single-family and two-family dwellings shall not have direct driveway access from arterial or collector streets, or highways, unless no other alternative exists.

4.2.4. Streets and Vehicular Circulation

All streets shall comply with the standards in Section 5.2, Subdivision Design Standards.

4.2.5. Pedestrian Circulation

A. Sidewalks

1. Generally
   a. Where required, concrete sidewalks shall be installed on both sides of all streets and shall be at least five feet wide. Sidewalks shall be separated from the edge of asphalt, or curb if installed, by a minimum of six feet, unless otherwise approved by the Town Administrator.
   b. Property owners are responsible for the construction and maintenance of required sidewalks to the standards of the Town of Buena Vista Development and Design Manual.

2. Where Required
   a. Except for within the I-1 zoning district, curb, gutter, and/or sidewalk shall be required if the Town Administrator determines that such improvements are necessary to serve the development and/or to protect the public health, safety, or welfare.
   b. A new sidewalk shall not be required for the development of one infill lot or construction of a new accessory dwelling unit, unless determined necessary by the Town Administrator to protect the public health, safety, or welfare and are necessary to maintain or create a general and consistent pattern of development within the area.

3. Light Industrial (I-1) Zoning District

   In the I-1 zoning district, the Board of Trustees may require curb, gutter, and sidewalks at time of review and/or approval of a development or subdivision application.

B. On-Site Pedestrian Connections

All new nonresidential and multifamily development shall provide a network of on-site pedestrian walkways with a minimum width of five feet to and between the following areas:

1. Entrances to each building on the site, including pad site buildings;
2. Public sidewalks, trails, or walkways on adjacent properties that extend to the boundaries shared with the subject development; and
3. Adjacent public parks, open space, trails, or other civic uses such as schools, places of worship, public recreational facilities, or government offices.
4.3.1. Purpose

This section is intended to ensure off-street parking and loading facilities are provided in rough proportion to the generalized parking, loading, and transportation demands of different land uses. This section is also intended to help protect the public health, safety, and general welfare by:

A. Avoiding and mitigating traffic congestion;
B. Encouraging multi-modal transportation options and enhanced pedestrian safety;
C. Reducing stormwater runoff and the heat island effect of large paved parking areas; and
D. Providing flexible methods of responding to the transportation and access demands of various land uses in different areas of the Town.

4.3.2. Applicability and Exemptions

A. Applicability

This section applies to all new development and changes in use after the effective date of this UDC, unless exempted by paragraph B below.

B. Exemptions

This section shall not apply to the following:

1. Properties in the MU-MS district with payment of a fee-in-lieu as determined appropriate by resolution of the Board of Trustees.
2. Properties in the MU-1 and MU-2 districts without an alley provided required bicycle parking is installed pursuant to Section 4.3.5.C.
3. Expansions or remodels that increase the square footage of an existing structure by less than 20 percent provided that existing off-street parking remains unaltered.
4. Changes in use of a structure that do not expand the square footage of the structure provided that the existing off-street parking remains unaltered.

4.3.3. Computation of Parking and Loading Requirements

A. Area Measurements

All square-footage based parking and loading requirements shall be computed on the basis of gross floor area of the subject use. Structured parking within a building shall not be counted in such computation.

B. Fractions

When measurements of the number of required spaces result in a fractional number, the fraction shall be rounded to the nearest whole number. For example, if a computation results in a parking requirement of 3.49 spaces, that shall be rounded down to 3 spaces. If a computation results in a parking requirement of 3.5 spaces, that shall be rounded up to 4 spaces.
A. Minimum Required Off-Street Parking Spaces Downtown

The area generally located east of Highway 24 and within the Original Town of Buena Vista subdivision plat and not abutting the highway shall be subject to a minimum off-street parking requirement of one and one-half parking spaces per 25 linear feet of street frontage. For example, a lot that is 25 feet wide shall require two parking spaces (1.5 spaces rounded up to the next whole number). Two lots that total 50 linear feet of street frontage require three parking spaces.

B. Minimum Required Off-Street Parking Spaces for All Other Areas

Unless otherwise provided in this Section 4.2, the number of off-street parking spaces shall be provided in accordance with Table 4.1 below.

<table>
<thead>
<tr>
<th>Use Category</th>
<th>Use Type</th>
<th>Minimum Parking Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Residential Uses</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Household living</td>
<td>Dwelling, single-family detached</td>
<td>2 spaces per unit</td>
</tr>
<tr>
<td></td>
<td>Accessory dwelling unit</td>
<td>1 space per unit</td>
</tr>
<tr>
<td></td>
<td>Dwelling, single-family attached</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Dwelling, two-family</td>
<td>1.5 space per unit</td>
</tr>
<tr>
<td></td>
<td>Dwelling, multifamily large</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Dwelling, multifamily small</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Co-housing</td>
<td>1 space per unit</td>
</tr>
<tr>
<td></td>
<td>Live-work</td>
<td></td>
</tr>
<tr>
<td>Group living</td>
<td>Assisted living facility</td>
<td>1 space per 400 sf</td>
</tr>
<tr>
<td></td>
<td>Continuum of care or nursing home</td>
<td>1 space per 250 sf</td>
</tr>
<tr>
<td></td>
<td>Day care home</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Group home</td>
<td>1 space per 400 sf</td>
</tr>
<tr>
<td><strong>Public, Institutional, and Civic Uses</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community and cultural facilities</td>
<td>Assembly hall</td>
<td>1 space per 250 sf</td>
</tr>
<tr>
<td></td>
<td>Cemetery</td>
<td>No requirement</td>
</tr>
<tr>
<td></td>
<td>Church or place of worship</td>
<td>1 space per every 6 seats in worship area</td>
</tr>
<tr>
<td></td>
<td>Civic organization, club, or lodge</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Community center</td>
<td>1 space per 500 sf</td>
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<tr>
<td></td>
<td>Fire or police station</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Library</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Museum</td>
<td></td>
</tr>
<tr>
<td>Recreation and entertainment</td>
<td>Golf course</td>
<td>3 spaces per hole or 1 space per 400 sf of buildings, whichever is greater</td>
</tr>
<tr>
<td></td>
<td>Indoor recreation or entertainment</td>
<td>1 space per 500 sf</td>
</tr>
<tr>
<td></td>
<td>Motor sports facility</td>
<td>1 space per 250 sf, plus 1 space per 10,000 sf site area</td>
</tr>
<tr>
<td></td>
<td>Outdoor entertainment facility</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Outdoor recreation facility</td>
<td>No requirement</td>
</tr>
<tr>
<td></td>
<td>Park and playground</td>
<td>1 space per firing lane</td>
</tr>
<tr>
<td>Education facilities</td>
<td>College or university</td>
<td>1 space per 500 sf, office, research, and library, plus 1 space per 125 sf in largest assembly area(s)</td>
</tr>
<tr>
<td></td>
<td>Elementary or secondary school</td>
<td>The lesser of 2 spaces per 8 seats in main auditorium, or 3 spaces per classroom</td>
</tr>
<tr>
<td></td>
<td>Trade or vocational school</td>
<td></td>
</tr>
<tr>
<td>Healthcare facilities</td>
<td>Medical or dental clinic, office, or laboratory</td>
<td>1 space per 250 sf</td>
</tr>
<tr>
<td></td>
<td>Hospital</td>
<td>2 spaces per 1,000 sf</td>
</tr>
<tr>
<td><strong>Commercial Uses</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agricultural or Animal-related services</td>
<td>Community garden</td>
<td>No requirement</td>
</tr>
<tr>
<td></td>
<td>Kennel</td>
<td>1 space per 1,000 sf of building area</td>
</tr>
<tr>
<td></td>
<td>Veterinary hospital or clinic</td>
<td>1 space per 500 sf</td>
</tr>
</tbody>
</table>
### Table 4.1: Minimum Number of Off-Street Parking Spaces Required

<table>
<thead>
<tr>
<th>Use Category</th>
<th>Use Type</th>
<th>Minimum Parking Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Offices and professional services</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td></td>
<td>1 space per 500 sf</td>
</tr>
<tr>
<td>Personal service</td>
<td></td>
<td>1 space per 250 sf; 3 stacking spaces per drive-through lane.</td>
</tr>
<tr>
<td><strong>Retail</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retail, general</td>
<td></td>
<td>1 space per 1,000 sf, plus 1 space per 2,500 sf of</td>
</tr>
<tr>
<td>Building materials sales and storage</td>
<td></td>
<td>outdoor display and storage area.</td>
</tr>
<tr>
<td>Equipment sales</td>
<td></td>
<td>1 space per 500 sf</td>
</tr>
<tr>
<td>Flea market or auction house</td>
<td></td>
<td>1 space per booth, or 1 per 1,000 sf sales area, whichever is</td>
</tr>
<tr>
<td></td>
<td></td>
<td>greater.</td>
</tr>
<tr>
<td>Greenhouse, nursery, or garden supply store</td>
<td></td>
<td>1 space per 1,000 sf, plus 1 space per 2,500 sf of</td>
</tr>
<tr>
<td></td>
<td></td>
<td>outdoor display and storage area.</td>
</tr>
<tr>
<td>Recreational vehicle and large equipment sales</td>
<td></td>
<td>1 space per 1,000 sf.</td>
</tr>
<tr>
<td><strong>Lodging facilities</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bed and breakfast</td>
<td></td>
<td>1 space per room plus 1 space for manager.</td>
</tr>
<tr>
<td>Dormitories</td>
<td></td>
<td>1.5 spaces per room</td>
</tr>
<tr>
<td>Hotels, motels, and other forms of public lodging and boarding</td>
<td></td>
<td>1 space per guestroom.</td>
</tr>
<tr>
<td>Short-term rentals</td>
<td></td>
<td>Based on housing type</td>
</tr>
<tr>
<td><strong>Food and beverage services</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bar or tavern</td>
<td></td>
<td>1 space per 250 sf</td>
</tr>
<tr>
<td>Microbrewery, distillery, or winery</td>
<td></td>
<td>1 space per 250 sf seating/tasting area.</td>
</tr>
<tr>
<td>Restaurant</td>
<td></td>
<td>1 space per 250 sf dining area; 3 stacking spaces per drive-</td>
</tr>
<tr>
<td></td>
<td></td>
<td>through lane.</td>
</tr>
<tr>
<td><strong>Vehicular and transportation</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Automobile leasing or sales</td>
<td></td>
<td>1 space per 500 sf showroom and sales area; 3 spaces per service</td>
</tr>
<tr>
<td></td>
<td></td>
<td>bay for repair areas.</td>
</tr>
<tr>
<td>Automobile service, major</td>
<td></td>
<td>4 spaces per parking space used for repair inside the building.</td>
</tr>
<tr>
<td>Automobile service, minor</td>
<td></td>
<td>3 spaces per parking space used for repair inside the building.</td>
</tr>
<tr>
<td>Establishment providing transportation for the general public</td>
<td></td>
<td>No requirement.</td>
</tr>
<tr>
<td>Fueling station</td>
<td></td>
<td>1 space per fuel pump, plus 1 space per 400 sf retail or repair</td>
</tr>
<tr>
<td></td>
<td></td>
<td>area; 3 stacking spaces per automatic car wash facility.</td>
</tr>
<tr>
<td>Parking lot or structure</td>
<td></td>
<td>No requirement.</td>
</tr>
<tr>
<td>Establishment providing transportation for the general public</td>
<td></td>
<td>No requirement.</td>
</tr>
<tr>
<td><strong>Sexually oriented business</strong></td>
<td></td>
<td>1 space per 250 sf</td>
</tr>
<tr>
<td><strong>INDUSTRIAL USES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Storage and Warehousing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Above-ground bulk storage tank</td>
<td></td>
<td>No requirement.</td>
</tr>
<tr>
<td>Wholesale distribution or warehouse</td>
<td></td>
<td>1 space per 2,000 sf warehouse area, plus 1 space per office.</td>
</tr>
<tr>
<td>Mini-warehouse</td>
<td></td>
<td>3 spaces, plus 1 space for resident caretaker.</td>
</tr>
<tr>
<td>Short-term parking of recreational/camping vehicles</td>
<td></td>
<td>1 space per vehicle storage capacity.</td>
</tr>
<tr>
<td>Long-term storage of recreational/camping vehicles</td>
<td></td>
<td>4 spaces for automobiles, plus 1 RV space per reservation spot, plus 1 space per 500 sf office or administrative area</td>
</tr>
<tr>
<td><strong>Manufacturing</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Manufacturing, light</td>
<td></td>
<td>1 space per 500 sf manufacturing area, plus 1 space per 500</td>
</tr>
<tr>
<td></td>
<td></td>
<td>sf office or administrative area.</td>
</tr>
<tr>
<td>Manufacturing, medium or heavy</td>
<td></td>
<td>1 space per 2,000 sf manufacturing area, plus 1 space per 500</td>
</tr>
<tr>
<td></td>
<td></td>
<td>sf office or administrative area.</td>
</tr>
<tr>
<td><strong>Energy and utilities</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Geothermal facility, small</td>
<td></td>
<td>No requirement.</td>
</tr>
<tr>
<td>Geothermal facility, large</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public utility distribution or transmission facility</td>
<td></td>
<td>No requirement.</td>
</tr>
<tr>
<td>Radio and television transmitting station and studio</td>
<td></td>
<td>1 space per 500 sf.</td>
</tr>
<tr>
<td>Solar energy facility, small</td>
<td></td>
<td>No requirement.</td>
</tr>
<tr>
<td>Solar energy facility, large</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wind energy facility, small</td>
<td></td>
<td>No requirement.</td>
</tr>
<tr>
<td>Wind energy facility, large</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wireless service facility, building/roof-mounted</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Table 4.1: Minimum Number of Off-Street Parking Spaces Required

<table>
<thead>
<tr>
<th>Use Category</th>
<th>Use Type</th>
<th>Minimum Parking Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory Uses</td>
<td>Wireless service facility, free-standing tower</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Accessory dwelling unit</td>
<td>1 space per unit</td>
</tr>
<tr>
<td></td>
<td>Enclosed storage</td>
<td>No requirement</td>
</tr>
<tr>
<td></td>
<td>Home occupation</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Retail display</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Screened storage</td>
<td></td>
</tr>
<tr>
<td>Temporary Uses</td>
<td>Special events</td>
<td>Determined on a case-by-case basis at time of permit</td>
</tr>
<tr>
<td></td>
<td>Temporary office, contractor’s quarters, and equipment storage</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Temporary vendors</td>
<td></td>
</tr>
</tbody>
</table>

C. Maximum Parking for Retail in HC District
Retail uses in the HC district shall not provide more than five spaces per 1,000 square feet.

D. Accessible Parking
Accessible parking spaces shall be provided for all multifamily and nonresidential uses according to the Americans with Disabilities Act (ADA) Accessibility Guidelines for Buildings and Facilities and the Colorado Revised Statutes, as amended.

E. Unlisted Uses
For applications proposing a use not expressly listed in Table 4.1, Minimum Number of Off-Street Parking Spaces Required, the Town Administrator is authorized to establish the minimum off-street parking requirement based upon one of the following factors:
1. Parking requirements for a listed use that is deemed most similar to the proposed use;
2. National or local best practices; or
3. A parking study prepared by the applicant that estimates parking demand based on recommendations from the Institute of Traffic Engineers (ITE) or other reputable source of information.

F. Sites with Multiple Uses
On sites with multiple principle uses, the total requirement for off-street parking shall be the sum of the requirements of the various uses computed separately in accordance with Table 4.1, Minimum Number of Off-Street Parking Spaces Required, unless the Town Administrator approves a shared parking agreement pursuant to Section 4.3.5.A.

G. Use of Required Parking Areas
1. Spaces in garages and driveways shall count towards the requirements of this section.
2. Areas required to maneuver vehicles shall not be used or considered to meet off-street parking requirements, except for single- or two-family dwellings.

4.3.5. Parking Alternatives

A. Shared Parking
The Town Administrator may approve shared parking facilities for developments or uses with different operating hours or different peak business periods pursuant to the following standards:
1. **Location**
   a. Shared parking spaces shall be located within 500 feet of a main entrance.
   b. The applicant shall demonstrate the feasibility for shared parking showing that a reduction in required parking will not result in spillover of parking onto other properties or the public-right-of-way.

2. **Adjustment of Required Parking**
   The Town Administrator may reduce the amount of parking spaces required per Table 4.1, *Minimum Number of Off-Street Parking Spaces Required*, or may increase the maximum parking requirement, up to 25 percent based on the review of the shared parking feasibility demonstrated by the applicant with a fee in lieu determined by fee schedule.

3. **Feasibility and Agreement**
   The parties involved in the joint use of off-street parking facilities shall submit a written agreement in a form to be recorded for such joint use, approved by the Town Administrator as to the format and content of the agreement.

B. **Off-Site Parking**
   1. Required vehicle parking may be provided off site, provided that such property is located within 500 feet of the main entrance to the principal use.
   2. The applicant shall demonstrate that off-site vehicle parking spaces will be available for use for a period of at least two years, after which required parking shall be provided on site or shall be provided in another off-site parking facility meeting the requirements of this subsection.
   3. The parties involved in off-site parking facilities shall submit a written agreement in a form to be recorded for such joint use, approved by the Town Administrator as to the format and content of the agreement.
   4. Required parking areas for nonresidential uses may extend up to 120 feet into a residential zoning district, provided that the parking area or space:
      a. Adjoins the nonresidential district;
      b. Has its only access to, or fronts upon, the same street that serves the nonresidential use, and is adjacent to the subject property; and
      c. Is screened from adjacent properties in the residential zoning district by a fence or a buffer strip of vegetation at least six feet in height and complies with the screening and fencing requirements in Section 4.4.6.

C. **Bicycle Parking**
   1. All nonresidential uses shall provide a minimum of one bicycle parking space with convenient access to the main entrance of the structure. Each bicycle parking space shall accommodate at least two bicycles.
   2. In all zoning districts, each bicycle parking space in excess of the required bicycle parking shall count as one-half of a required vehicle parking space up to a maximum of two required vehicular parking spaces, or 10 percent of the required vehicular parking spaces, whichever is greater.
   3. A minimum of 36 inches of clearance shall be maintained on any public walkway where a bicycle parking space is installed per ADA requirements.
D. Pervious Paving Materials
The Town Administrator may allow for a reduction of required parking spaces up to 20 percent for parking areas surfaced with pervious paving materials accepted by the Town Engineer.

E. Parking Alternative Reductions are Cumulative
Any combination of parking alternative reductions in this section may be applied cumulatively.

4.3.6. Parking Area Layout and Design

A. Location of Parking Areas
1. Off-street parking areas shall have vehicular access to a street or alley and shall be designed or installed with adequate space for turning so that no vehicle shall be required to back into the street, except from spaces used for single- or two-family dwellings.
2. If parking areas are provided on site in the MU-MS district, they shall be located behind the front façade of the primary structure.
3. For multifamily dwellings, no more than 20 percent of the required parking spaces shall be located between the front façade of the structure and the public right-of-way.

B. Accommodation of RVs and Trailers
In the HC district, retail parking areas shall be designed to adequately accommodate RVs and Trailers.

C. Surfacing Requirements
1. All Lots
   a. All off-street parking spaces shall be clearly marked and shall have a paved or other all-weather hardened surface of not less than 9 feet by 18 feet.
   b. All off-street parking areas shall be maintained to prevent the creation of ruts, potholes, and/or mud.
2. Lots Requiring Six or More Parking Spaces
   For lots with six or more parking spaces required per Table 4.1, Minimum Number of Off-Street Parking Spaces Required, all parking areas shall be surfaced with concrete, asphalt, or pavers.
3. Lots Requiring Fewer than Six Parking Spaces
   For lots with fewer than six parking spaces required per Table 4.1, Minimum Number of Off-Street Parking Spaces Required, surfaces for parking areas may include concrete, asphalt, pavers, and/or compacted or compressed stone or gravel of sufficient size and depth to completely cover the surface of the parking area.
4. Mini-Warehousing
   Mini-warehousing may have gravel parking and drive aisles if fewer than five parking spaces are required.

D. Parking Lot Landscaping
1. Applicability
   The parking lot landscaping standards in this subsection shall apply to all development except for single-family and two-family dwellings.
2. **Perimeter Landscaped Buffer**
   a. A landscaped buffer shall be required between any parking area and property lines, excluding those property lines within or adjacent to an alley. Such buffer shall be a minimum of five feet in width. Required buffers shall count toward the minimum landscaping area.
   b. If perimeter buffers are installed using Town-approved xeriscaping methods, then the minimum width shall be three feet.

3. **Interior Parking Lot Landscaping**
   Any parking area containing more than 10 parking spaces shall meet the following standards:
   a. Landscaped islands shall be provided at the ends of any rows of parking with more than 12 parking spaces.
   b. Landscaped islands shall be a minimum of 125 square feet in area and a minimum of eight feet in width.
   c. Each landscaped island shall contain a minimum of one tree and five five-gallon shrubs.
   d. Landscaped islands shall be dispersed throughout the parking area to provide visual relief, particularly of parking aisles, by using flowering ornamental plantings and to provide physical relief by using seasonal shade trees.
   e. Required interior parking and access area landscaping shall count toward the minimum requirements in Section 4.4, *Landscaping, Screening, and Fencing*.

### 4.3.7. Off-Street Loading

A. Off-street loading spaces shall be provided for all mixed-use, commercial, and other nonresidential districts according to the following table:

<table>
<thead>
<tr>
<th>Use Size</th>
<th>Loading Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any property in the MU-MS district</td>
<td>None</td>
</tr>
<tr>
<td>Under 15,000 square feet</td>
<td>None</td>
</tr>
<tr>
<td>15,000 to 49,999 square feet</td>
<td>1</td>
</tr>
<tr>
<td>50,000 square feet or more</td>
<td>2</td>
</tr>
</tbody>
</table>

B. Loading spaces shall meet all applicable requirements in the Town of Buena Vista Development and Design Manual.

### 4.3.8. Stacking

Where traffic flow is controlled by an entry gate or drive-through service facility, an adequate stacking lane outside of the public right-of-way shall be provided separate from required parking spaces or required maneuvering areas for flow of aisles, streets, bicycle paths, or pedestrian walkways as determined by the Town Administrator.
Section 4.4 Landscaping, Screening, and Fencing

4.4.1. Purpose

This section is intended to ensure that new landscaping, screening, and fencing are provided to contribute to high-quality development, the conservation of water, the reduction of heat islands, and to maintain the character of the Town of Buena Vista.

4.4.2. Applicability

These standards apply to all new development. Changes of use and maintenance and repairs that do not expand the use or structure by more than 10 percent shall be exempt from this section.

4.4.3. Minimum Landscaping Required

A. Site Area Landscaping

1. The minimum percent of site area required to be landscaped is established in the dimensional standards for each zoning district in Article 16.02: Zoning Districts.

2. Except for rear yards of single-family and two-family dwellings, any part of a site not used for building coverage, parking areas, driveways, sidewalks, or other site improvements shall be landscaped. Single-family and two-family dwellings shall provide and maintain landscaping in the front yard as required by this Section.

3. Existing healthy vegetation meeting Town specifications that is retained on a site shall count toward the landscape area requirements.

B. Trees Required

1. Trees shall be planted on sites pursuant to the following:

<table>
<thead>
<tr>
<th>Districts</th>
<th>Number of Trees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Districts</td>
<td>2 per lot</td>
</tr>
<tr>
<td></td>
<td>for single-family and two-family dwellings;</td>
</tr>
<tr>
<td></td>
<td>1 per 800 square feet of landscaped area for all other uses</td>
</tr>
<tr>
<td>Mixed-Use and Commercial Districts</td>
<td>1 per 500 square feet of landscaped area</td>
</tr>
<tr>
<td>Other Nonresidential Districts</td>
<td>1 per 500 square feet of landscaped area</td>
</tr>
<tr>
<td>In the Old Town Overlay District</td>
<td>Total of 2 trees per lot</td>
</tr>
</tbody>
</table>

2. At least one of the required trees for single-family and two-family uses shall be planted in the front yard. Additional trees above the required number are encouraged. Existing mature trees may count toward these requirements pursuant to 4.4.4.B.

3. Street trees that comply with the Town of Buena Vista Development and Design Manual shall count toward the requirement in this subsection.

4. All planted trees shall comply with the minimum plant material sizes in Section 4.4.4.D.

5. With approval by the Town Administrator, the applicant may provide a fee in-lieu of planting to the Town pursuant to Section 5.3.3, Tree Planting Fund.

C. Parking Lot Landscaping

Parking lot landscaping shall be provided according to Section 4.3.6.D. Parking and access area landscaping shall count toward the minimum required landscaping.
4.4.4. General Requirements for Landscaping

A. Landscape Plan Required

A landscape plan shall be submitted with all new developments. Plant materials shall be installed prior to issuance of a Certificate of Occupancy unless the Town Administrator approves a seasonal delay pursuant to Section 4.4.5.A. The landscape plan shall contain the following information at a minimum:

1. A drawing identifying all existing deciduous trees and coniferous trees of four inches in caliper or greater and illustrating the location, size, and type of all proposed landscaping. The drawing shall identify all existing vegetation that is to be preserved, demonstrate how irrigation is to be provided, and provide a legend.

2. A written summary of all calculations demonstrating compliance with the amount of landscaping required for the site.

B. Tree and Existing Vegetation Preservation

Existing healthy trees and shrubs shall be retained to the maximum extent possible. Existing healthy trees that are four inches in caliper or more and healthy shrubs that are five-gallon or larger shall count one-and-a-half times toward the landscaping standards of this section if they are preserved.

C. Water Conservation

1. The total amount of high-water-use landscaping, according to Town specifications, on a property may not exceed 50 percent of the total landscaped area. The total amount of high water use turf grass may not exceed 30 percent of the total landscaped area. Turf grass areas designated for high use or a specific recreational use shall be excluded from the total landscaped area under this requirement.

2. High water use plants or turf grasses shall not be planted on slopes or berms at a 4 to 1 slope or steeper.

D. Minimum Plant Material Sizes

All plant materials shall be planted according to the Buena Vista Planting Guide and Chapter 11, Article V of the Municipal Code. Trees or shrubs that are not recommended in the Buena Vista Planting Guide shall not count towards the required trees and shrubs in this Section. Minimum tree and shrub sizes are as follows:

1. Deciduous trees shall be a minimum of one and one-half inches in caliper, measured six inches above the ground.

2. Coniferous trees shall be a minimum of six feet in height.

3. Shrubs shall be a minimum of five gallons.

E. Obstructions Prohibited

1. Fire Hydrants, Public Traffic Signs, Sidewalks, and Utilities

   a. Landscaping shall not obstruct fire hydrants, public traffic signs, sidewalks, or utility boxes except to comply with screening of mechanical equipment pursuant to Section 4.4.6.B.1.

   b. Landscaping shall not grow into any overhead utility lines.

2. Clear Sight Triangle

   No planting, structure, sign, fence, wall, or other visual obstruction more than three feet in height measured from the centerline of the street shall be located within the triangular area.
formed by the intersecting street curb lines and a straight line connecting points on the street curb lines, each measuring 25 feet from the point of intersection. The clear sight triangle requirement shall not apply to alleys but shall apply to parking lots.

Figure 4.8: Clear Sight Triangle

F. Deer Fencing and Guy Lines Required
Wire mesh deer fencing and guy wires shall be installed around all new tree plantings. See the Buena Vista Planting Guide for best practices. Guy wires shall be removed after the first full growing season from the date of installation to minimize damage to growing trees. Deer fencing shall not require a fence permit but shall comply with Section 4.4.6.G.2.b.

4.4.5. Installation and Maintenance

A. Required Installation Completion
With approval from the Town Administrator, landscaping required for all uses may be installed after a certificate of occupancy is issued, provided the landscaping is installed within six months of its initial date of occupancy, excluding the months of October through April, and collateral for outstanding work is submitted to the Town Administrator. Such collateral shall include the cost of landscaping, the labor for installing required materials, plus 10 percent. The collateral shall be refunded upon installation and Town inspection of the landscaping.

B. Irrigation Systems and Plans
If an irrigation system is installed, the system shall meet the following minimum requirements:
1. An approved backflow prevention device shall be installed with all irrigation systems.
2. Low-volume, drip or subsurface irrigation systems shall be used in all non-turf grass areas and in landscaped areas where any one dimension is less than six feet in width and surrounded by impervious surfaces.
3. Any landscaping areas that are being dedicated to the Town or will be maintained by the Town in association with a development shall be required to install an irrigation system. The plans for this irrigation system shall be approved by the Public Works Department. This excludes non-disturbed areas, natural areas, or areas located in the floodplain.

C. Landscaping in the Right-of-Way

The portion of the public right-of-way, if any, between the property line and the street curb line may be used for landscaping purposes, provided it will be maintained by the abutting property owner. The replacement of any damaged landscaping due to work in the right-of-way is the responsibility of the abutting property owner.

D. Landowner Responsible

Maintenance of all landscaped areas on a developed site shall be the responsibility of the property owner.

E. Replacement of Dead Plant Materials

Required landscaping that does not survive shall be replaced within three months of initial notice from the Town, excluding the months of October through April. Replacement vegetation shall be similar in size and type.

4.4.6. Screening and Fencing

A. Purpose

The purpose of these standards is to provide reasonable regulations for the appearance, location, type, and long-term maintenance of fences and walls to ensure the safety of residents and the high-quality character and appearance of the Town.

B. Screening Requirements

1. Screening of Mechanical Equipment

Meters and mechanical equipment, excluding publicly-owned utility boxes and mechanical equipment in alleys, shall be screened from public view by landscaping or architectural elements compatible in material and color with the primary structure.

2. Screening of Storage, Waste Collection, and Loading Areas

   a. Storage, service, and loading areas in nonresidential or multifamily residential developments, excluding areas not visible from a public right-of-way, shall be screened from public view by privacy fences or walls with a minimum height of six feet.

   b. Waste collection and/or recycling areas on nonresidential or multifamily properties shall be enclosed on all sides with a gated solid screening wall at least six feet in height, designed to be compatible with the primary structure material and color.

   c. A concrete or asphalt pad shall be installed beneath the waste collection area for any collection bin that is two cubic yards or greater in size.

C. Procedures and Exemptions

1. Fences and Walls Requiring a Fence Permit

   a. Fences not exempt from permit requirements in paragraph 3.

   b. Retaining walls less than or equal to 48 inches in height as measured from top of wall to finished grade.
2. **Fences and Walls Requiring a Building and Fence Permit**
   a. Any fence over six feet in height and any wall over four feet in height (measured from the finished grade of the bottom of the fence or wall to the top) shall require both a fence permit and a building permit issued by the Town Administrator and the authorized building department.
   b. Any fence over six feet in height or wall over four feet in height shall also require an engineered design of the wall to be submitted prior to approval of a building permit. The Town Administrator may waive this requirement for open fencing not subject to failure in wind conditions.

3. **Exempt Fences Not Requiring a Fence Permit**
   The following do not require a fence permit:
   a. A seasonal or temporary fence, up to six feet in height, constructed of lightweight wire, or vinyl- or plastic-coated wire, which is installed immediately adjacent to a garden, ornamental tree, or other landscaping for the sole purpose of preventing damage from grazing wildlife.
   b. Temporary fences used to secure or protect construction sites or open excavations. Such fences shall be six feet in height unless a taller fence is necessary to safely secure the site.
   c. Temporary fences used to contain, direct, or control crowds at outdoor events. Such fencing may be addressed through a Special Event permit if required.
   d. Temporary fences constructed of wood, vinyl, plastic or cloth-like fabric and installed during the winter snowfall season for snow control.
   e. Open-mesh chain-link fences installed by a school or government agency on school or other publicly-owned or managed land to demarcate, enclose, or protect playing fields or equipment (including tennis courts or baseball field fencing and/or walls), outdoor pools, parks or playgrounds, or mechanical equipment. These fences may be installed to a maximum height of 10 feet, and a maximum height of 25 feet for batting backstops; however, fences and backstops in excess of six feet in height shall be required to obtain a building permit.
   f. Deer fencing required for new planting materials.

D. **Acceptable Fencing and Screening Materials**
   1. Fences and screening walls shall be constructed from durable, low-maintenance materials. Acceptable fence and screening materials shall include:
      a. Masonry (brick) with stucco or other acceptable finish, or constructed masonry units with an indigenous pattern or finish;
      b. Stone or rock;
      c. Wood;
      d. Wrought iron, welded wire, galvanized metal panels, and other manufactured metal;
      e. Recycled composite fencing;
      f. Chain-link fence constructed with round metal posts and top rail may be allowed (color shall be dark or natural, if coated) for fences within side and rear yards other than those required for screening;
      g. Other alternative materials that can withstand exposure to the weather, subject to review and approval by the Town Administrator.
2. Live vegetation hedges may be used in place of a fence or wall where appropriate.

E. Prohibited Fencing and Screening Materials

1. Barbed wire, razor wire or concertina wire fences, electrified fences, and fences with embedded glass shards or utilizing sharp protrusions are prohibited unless required for security purposes by a government agency, for a use in an industrial zoning district, or for the containment of livestock.

2. No fence, hedge, or wall over four feet in height shall be installed closer than 18 inches to the closest edge of a public sidewalk or walkway.

3. Chain-link and/or wire fencing equipped with interwoven plastic, wood, fabric, or metal slats shall not qualify as an appropriate or allowable screening fence.

F. Clear Sight Triangle

Fences and walls shall comply with the clear sight triangle requirements in Section 4.4.4.E.2. Solid fences abutting the intersection of an alley and a public street shall be located a minimum of five feet from the intersection along both the street and alley property lines to allow for visibility of pedestrians from vehicles in the alley. Fences with an opacity of less than 50 percent are exempt from this requirement.

G. Construction Standards and Dimensions

1. Fence or Wall Height Measurement

The height of a fence or wall shall be measured from the finished grade of the storage or parking area adjacent to the fence or wall to the top of the fence or wall, at the midpoint between posts. Posts shall be allowed to extend up to one foot above the height of the fence.

Figure 4.C: Fence or Wall Height Measurement
2. Residential Districts

The following height and construction standards shall apply to all fences and screening walls in residential zoning districts:

a. Generally
   i. Solid fences in a front, side, or rear yard that abut a public street, excluding public alleys, shall not exceed a height of four feet.
   ii. Fences in rear yards, fences in side yards extending up to the front yard, and fences on double frontage lots shall not exceed a height of six feet. Any portion of a side yard fence extending beyond a front yard setback line shall not exceed a height of four feet, except that a fence that is less than 50 percent opaque shall be permitted up to a height of six feet as approved by the Town Administrator.
   iii. Fencing enclosing or protecting an athletic court (e.g., tennis court) may exceed six feet in height subject to the issuance of a building permit.
   iv. In addition to the regulations set forth in this Paragraph 2, multifamily properties located in residential districts shall be subject to the regulations contained in Paragraph 3 below.

b. Deer Protection Fencing
   i. Deer protection fencing shall be allowed in front, side, or rear yards up to a maximum height of six feet.
   ii. Deer protection fencing shall be limited to those areas immediately surrounding the tree and/or plant(s) being protected.
   iii. Any portion of a deer protection fence above four feet in height shall not exceed a maximum of 50 percent opacity.

3. Mixed-Use, Commercial, and Other Nonresidential Districts and Multifamily Properties

The following height and construction standards shall apply to all fences, berms, and screening walls in mixed-use, commercial, and other nonresidential zoning districts, and on all multifamily properties:

a. In the MU-1, MU-2, and MU-MS districts, fences in a front, side, or rear yard that abut a public street, excluding public alleys, shall not exceed a height of four feet, except that a fence that is less than 50 percent opaque shall be permitted up to a height of six feet.

b. Fences used or required for purposes other than for screening (e.g., deer fencing, security, or boundary fences) shall not exceed six feet in height.

c. Screening shall be provided when multifamily, mixed-use, commercial, or other nonresidential development abuts the R-1 or R-2 zoning districts.

d. Screening fences, berms, walls, and gates shall be constructed of materials and installed in such a manner to create a completely opaque screen through which no portion of the material being screened is visible.

e. Berms shall be planted with vegetation to prevent erosion.

4. Retaining Walls

a. All retaining walls shall be designed and constructed to resist and contain loads due to the lateral pressure of the material or slope to be retained, in accordance with accepted engineering practices.
b. The construction and/or installation of a retaining wall in excess of 48 inches in height measured from the finished grade to the top of the wall shall require a building permit and require that the structural design be certified by a state-licensed professional engineer.

c. No retaining wall shall be constructed or installed that creates erosion or scarring.

H. Swimming Pool Fences
All rigidly framed or non-inflatable above-ground pools exceeding 24 inches in depth and all below-ground swimming pools, excepting portable hot tubs and inflatable or other similar temporary pools that are filled by a hose, shall be completely enclosed by a fence not less than four feet in height. Such fence shall not have openings wider than four inches unless the yard or site in which the pool is situated is already fully enclosed by a fence of at least four feet in height with openings less than four inches in width. All gates shall be equipped with child-resistant, self-latching, and self-closing devices that meet the building code requirements.

I. Maintenance
1. All fencing and screening shall be maintained in a structurally safe and visually acceptable manner. For purposes of this Section, “visually acceptable manner” shall mean, without limitation, that the paint on a fence is not peeling or excessively chipped or faded; that rot, rust, or corrosion is not prominent; that slats, bricks, stones, wire, posts or other fence material or equipment are not broken or missing; and/or that the fence is not leaning or falling down at an angle of five degrees or more from vertical. Vegetation growing on or supported by a fence shall be maintained in a healthy condition and shall be regularly pruned and trimmed to prevent the deterioration, collapse, or other structural failure of the fence or wall.

2. Dilapidated, broken, structurally unsound, or unsafe fences or walls shall be removed or repaired upon written notice served by the Town Administrator. The notice shall specify the nature of all repairs or replacements needed to be undertaken and a reasonable time period by which such repairs or replacements shall be completed.
B. Transitional Setbacks and Height
For multifamily residential developments adjacent to or within 100 feet, as measured from lot line to lot line, from residential uses in the R-1 or R-2 districts. See Figure 4.D below.

1. The required side or rear setback of the adjacent residential district shall apply along the common lot line to the subject property;
2. The required front setback of a residential use immediately across the street from the subject property shall apply to the subject property;

3. Building height shall not exceed the adjacent R-1 or R-2 maximum height requirement (as applicable) within 15 feet of a common lot line.
C. Building Mass and Form

Blocky, uniform façades are prohibited. Buildings shall be articulated through the incorporation of three or more of the following:

1. Balconies;
2. Bay or box windows;
3. Relief in wall plane of 12 inches or more;
4. Front porches;
5. Prominent entry features;
6. Dormers;
7. Variation in materials;
8. Window and door trim at least four inches wide or with a reveal from the wall plane of at least three inches; or
9. Other design elements that add visual interest as determined by the Town Administrator.
D. Roof Form

Roof forms shall avoid large, unbroken expanses and long, continuous rooflines using the following techniques:

1. Variation in rooflines at a maximum of every 40 feet;
2. Variation in roof height at a maximum of every 40 feet and by a minimum of two feet; and
3. Use of dormers.

E. Garages and Carports

1. Front-Loading (Street-Facing) on Lots without Alley Access
   a. Front-loading (street-facing) garages and carports are prohibited unless the garage or carport is detached from the primary structure and located in the rear yard.
   b. Front-loading garages shall not protrude more than 10 feet from the front plane of the building.
   c. The garage façade shall not comprise more than 60 percent of the width of the front façade of the building.

2. Blocks with Alley Access

Garages and carports on blocks with alley access shall be accessed from the alley, not from the primary street. Existing homes within the Esgar's Addition and Collegiate Heights subdivisions are allowed access to the primary street to a new garage or carport.
F. Multi-Building Developments

For developments with three or more buildings, the buildings shall be arranged using one or more of the following techniques:

1. Organize units around a central courtyard that maintains a consistent side yard setback between units along the street frontage;
2. Locate the buildings on the corner of an adjacent street intersection or entry point to the development to frame the corner;
3. Locate parking areas behind the primary structures;
4. Provide outdoor dining and/or common gathering spaces between buildings; and/or
5. Other site development elements approved by the Town Administrator.
4.5.3. **Nonresidential Site and Building Design Standards**

**A. Applicability**

The nonresidential site and building design standards in this subsection apply to the following uses and areas:

1. All nonresidential and mixed-use development in the MU-MS district; and
2. Nonresidential or mixed-use development in the MU-1 or MU-2 districts with frontage on Highway 24.

**B. Building Orientation**

Local climatic conditions shall be considered when orienting buildings on a site. The following shall be incorporated into the building orientation to the maximum extent possible:

1. Building entries on north-facing facades shall be designed to prevent ice accumulation;
2. Snow shed from roofs and snow piling areas along internal streets and walkways shall be considered; and
3. Adequate solar access shall be considered when planning outdoor spaces, with shade and relief from glare provided by landscaping and/or overhead structures.

**C. Multi-Building Developments**

Nonresidential and mixed-use developments with three or more buildings shall comply with the multi-building development standards for residential developments in Section 4.5.2.F.

**D. Building Mass and Form**

1. Buildings shall vary in size and shape for developments with three or more buildings.
2. Buildings shall incorporate features at the ground level to enliven pedestrian space. Examples are well-defined and articulated entries and windows, awnings, canopies, arcades, recessed entries, changes in color, material, or texture.

3. No single building façade or plane shall exceed 60 feet, measured horizontally, without being broken up or distinguished from another building façade or plane using the following techniques:
   a. Variations in roof form or variations in roof height of two feet or more;
   b. Insets or other relief in wall plane of 12 inches or more;
   c. Changes in color, materials, or textures; and
   d. Any other architectural elements designed to vary the façade as approved by the Town Administrator.

Figure 4.1: Examples of Distinguishing Building Facades

4. Buildings shall incorporate horizontal architectural elements or materials that distinguish the base, body, and top of the building. The body (middle) of the building shall comprise a minimum of 50 percent of the total building height.
E. Building Transparency
Building facades facing a street, plaza, park, or other public space shall comply with the following standards:

1. At least 30 percent of the ground floor shall be comprised of transparent window openings to allow views of interior spaces; and
2. At least 20 percent of each upper floor shall be comprised of transparent or nontransparent glazing.

F. Street Corners
Buildings situated on street corners shall comply with the following standards:

1. The most prominent features of the building shall be concentrated at the intersection to adequately frame the corner; and
2. Architectural features such as angled facades, prominent entrances, or other unique building features as approved by the Town Administrator shall be employed to the maximum extent possible.

G. Primary Entrance
Buildings shall feature visually-prominent entrances. Unless otherwise provided in this UDC, primary building entrances shall incorporate two or more of the following techniques:

1. Canopy, portico, archway, arcade, or similar projection that provides architectural interest and protection for pedestrians;
2. Prominent tower, dome, or spire;
3. Peaked roof;
4. Projecting or recessed entry;
5. Outdoor features such as seat walls or permanent landscape planters with integrated seating; or
6. Other techniques deemed comparable by the Town Administrator.

H. Primary Building Materials
1. Primary buildings should each use a variety of durable materials, including:
   a. Brick, stone, or other masonry;
   b. Steel;
   c. Cast stone;
   d. Split-face block;
   e. Composite siding;
   f. Rot-resistant wood;
   g. Traditional concrete stucco; or
   h. Comparable material as approved by the Town Administrator.

4.5.4. Design Standards in the Airport (AP) District

The following design standards apply to construction in the AP District:
A. All exterior surfaces shall be of prefinished aluminum, steel, decorative masonry, or pre-colored laminate. No painted wood, unfinished materials, or walls comprised of more than 50 percent glass will be permitted;

B. All exterior colors and materials shall be of neutral tones and shall be submitted for review and approval by the Airport Advisory Board;

C. The front, rear, and sides of all buildings shall be of compatible design and aesthetics;

D. All roofs shall be metal or cement tile and shall be of a tone and color consistent with the exterior façade materials; and

E. Building materials shall not cause glare, reflections, or any other interference with flight operations, airport operations, or ground circulation.

**Section 4.6 Exterior Lighting**

**4.6.1. Purpose**

The purpose of this Section 4.6 is to ensure that vehicle circulation areas, pedestrian areas, parking areas, public gathering spaces, and other areas have adequate outdoor illumination to provide safety at night, while limiting the negative impacts of outdoor lighting nuisance on adjacent properties.

**4.6.2. Applicability**

A. General Applicability

1. The exterior lighting requirements apply to all new development and new buildings on previously developed lots unless exempted in paragraph B below.

2. For nonresidential and multifamily developments, the applicant shall demonstrate compliance with this section through a detailed lighting and photometric plan submitted with applicable development application, building permit, and/or electrical permit requirements.

B. Exemptions

1. Holiday Lighting

   a. Temporary winter holiday lighting illuminated from November 1 to March 1 is allowed in nonresidential zoning districts. Residential zoning districts may use holiday lighting any time of year. Other exemptions for temporary holiday lighting may be approved by the Town Administrator through a temporary use permit.

   b. Holiday lighting shall not exceed one footcandle at any property line, except where the property line is adjacent to walkways, driveways, and streets.

2. Single-Family Dwellings

Soffit or wall-mounted lights with a light output of less than 1,000 lumens and permanently attached to single-family dwellings shall be exempt from the exterior lighting regulations, provided the lights do not exceed the height of the eave. Such lights shall be downcast and directed away from abutting properties.
3. **Outdoor Seating Areas**

String lights located over an exterior dining or seating area of a commercial establishment shall be allowed provided such lighting does not exceed light spillover onto adjacent properties as required by 4.6.3.C.

### 4.6.3. Standards Applicable to All Development

The following standards apply to all development unless specifically exempted in Section 4.6.2.A.

**A.** Except in the R-1 and R-2 districts, sidewalks, internal pedestrian paths, and bicycle paths shall be lit with full cutoff shielded and downcast fixtures no more than 16 feet tall and providing consistent illumination of at least one footcandle on the walking surface.

**B.** Lighting along public rights-of-way and landscaped areas for a specific development shall be designed uniformly.

**C.** Light spillover onto adjacent properties shall not exceed one footcandle at any property line, except where the property line is adjacent to walkways, driveways, and streets.

### 4.6.4. Parking Area Lighting

**A. Pole Height**

Parking area lighting fixtures shall not exceed 25 feet in height.

**B. Shielding of Lights**

1. Parking area lighting shall be full cutoff shielded and downcast fixtures.
2. The source of light on any fixtures on a nonresidential or mixed-use lot adjacent to a residential use or district shall be shielded from sight from all residential uses.
3. Lighting fixtures for canopies or similar structures shall be flush-mounted or recessed above the lower edge of the canopy.

C. Illuminance
1. Average illuminance values in commercial and multifamily parking areas shall be a minimum of two footcandles.
2. Illuminance values in commercial and multifamily parking areas shall not exceed 10 footcandles directly below the light(s).
3. The acceptable uniformity ratio for lighted areas shall comply with recommended ranges adopted by the International Engineering Society of North America (IESNA) for low, medium, and high activity areas.

D. Hours of Lighting
A maximum of 25 percent of the parking lot lighting fixtures may remain in operation from one hour after business closing to one hour before business opening to provide necessary security. During such time period, the average illuminance values in paragraph C.1 do not apply.

4.6.5. Building Lighting

A. Location and Direction
1. Except for decorative lighting, building-mounted lights shall be installed so that all light is directed downward.
2. Wall packs and similar lights shall be prohibited unless the cutoff angle effectively eliminates glare from beyond the property lines.
3. Lights shall not exceed 1,600 lumens per fixture, or the equivalent.

B. Decorative Lighting
Decorative lighting not exceeding 500 lumens per fixture, or the equivalent shall be permitted provided all light is cast against the building surface.

4.6.6. Street Lighting

A. Street lights shall be installed by the developer for every new nonresidential or multifamily development, and for single-family developments containing more than 10 lots. Street lights may be required for other developments, if determined by the Town Administrator that they are necessary to protect the public health, safety, and welfare of the site and/or surrounding neighborhoods, and/or to maintain a consistent pattern of development.

B. At a minimum, street lighting shall be installed at intersections to provide adequate lighting for pedestrians.

C. All fixtures shall be compatible with the character of the neighborhood and Town as a whole as determined by the Public Works Director.

D. All street lighting fixtures shall be full cut-off and designed to direct lighting below a 90-degree horizontal plane extending from the lowest point of the light source.

E. All street lighting fixtures shall be designed and constructed to minimize or eliminate the direct visibility of the light source and so that they do not cast or reflect light on adjacent properties.

F. All street lighting fixtures shall conform to the design requirements in Table 4.4 below.
### Table 4.4: Street Lighting Standards

<table>
<thead>
<tr>
<th>Standard</th>
<th>Residential</th>
<th>Mixed-Use, Commercial, and Other Nonresidential</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum initial horizontal illuminance</td>
<td>2 footcandles</td>
<td>3 footcandles</td>
</tr>
<tr>
<td>Maximum pole height</td>
<td>14 feet</td>
<td>25 feet</td>
</tr>
<tr>
<td>Maximum fixtures per pole</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Maximum lighting trespass</td>
<td>0.2 footcandles</td>
<td>0.3 footcandles</td>
</tr>
<tr>
<td>Maximum fixture wattage (incandescent)</td>
<td>75 watts</td>
<td>100 watts</td>
</tr>
<tr>
<td>Maximum fixture wattage (HID)</td>
<td>70 watts</td>
<td>100 watts</td>
</tr>
<tr>
<td>Maximum fixture wattage (fluorescent)</td>
<td>32 watts</td>
<td>32 watts</td>
</tr>
</tbody>
</table>

### Section 4.7 Signs

#### 4.7.1. Purpose

This section is intended to coordinate the use, placement, physical dimensions, and design of all signs within the Town while preserving the right of free speech and expression. The purpose of these regulations is to:

A. Ensure that signs are well-designed and contribute in a positive way to the Town's visual environment, express local character, honor local heritage, and enhance the distinctive image for the Town;

B. Recognize that signs are a necessary means of visual communication for the convenience of the public;

C. Limit signage to those reasonably necessary to convey a desired message or identify an establishment or event;

D. Lessen the visual clutter caused by proliferation, improper placement, illumination, animation, and excessive height and area of all signs that compete for the attention of pedestrian and vehicular traffic;

E. Protect the public from the dangers of unsafe signs and require signs to be located, constructed, installed, and maintained in a safe and satisfactory manner;

F. Encourage signs that are responsive to the aesthetics and character of their particular location, adjacent buildings, uses, site features, and the surrounding neighborhood; and

G. Ensure that signs are appropriately sized for adjacent lots, building frontages, and rights-of-way.

#### 4.7.2. Applicability

A. Generally

   This section shall apply to any sign in any district, unless otherwise stated in this section or the UDC.

B. Permit Required

   No person shall erect, display, alter, relocate, or replace any sign, including a sign face replacement, without the prior issuance of a sign permit issued pursuant to Section 4.7.6, unless the sign is exempt from permit requirements as provided in Subsection C below.
**C. Signs That Do Not Require a Permit**

The following signs do not require a sign permit, provided they comply with the applicable conditions and limitations listed below.

1. **Signs Required by Building Code**

   All signs required by building code shall be exempt from these standards provided they do not exceed two square feet in area.

2. **Window Signage**

   Signs and decals affixed or painted on windows or door glass panels, provided window signage does not cover more than 50 percent of any one window panel.

   

   **Figure 4.M: Window Signage Requirements**

3. **Banners**

   a. A banner shall not require a permit provided the following:
      
      i. Banners shall not exceed 16 square feet.
      
      ii. No more than one banner shall be displayed on a property at one time.
      
      iii. Banners shall be professionally printed and installed in a way that does not create a safety hazard.
      
      iv. No property shall display a banner for more than two weeks every calendar quarter (January through March, April through June, July through September, and October through December).

   b. Banners not meeting any of the above may be permitted with a temporary sign permit pursuant to Section 4.7.5.C.1, with the required fee per the fee schedule.

4. **Flags**

   Up to two flags allowed per property. Flags shall be affixed to permanent flagpoles, whether or not such flagpole is freestanding or attached to a building. A minimum pedestrian clearance of seven feet shall be maintained for any flag hanging above a sidewalk or walkway. Nonpermanent flags for special events may be allowed if identified as part of the special event application.
5. **Public Signs**

Signs required by the local and/or state government, or signs erected by government agencies, utilities, or special districts, including traffic, streets, utility, schools, safety, railroad crossing, wayfinding, public notices, and identification signs for public facilities.

6. **Signs Located Inside Buildings**

Signs located inside a building, except that any sign located within five feet of any window shall not have any flashing or moving lights that would produce any glare or distraction for any passing motorist, including video monitors and excluding temporary ambience or string lighting.

7. **Yard Signs**

Yard signs are permitted on a property provided such signs comply with the following:

   a. Yard signs shall be limited to two per property.
   b. Yard signs shall be limited to six square feet per sign within residential zoning districts, and 16 square feet per sign within all other zoning districts.
   c. No person shall post any yard sign upon public or private property without permission of the property owner;
   d. Yard signs shall not be permitted on any utility pole, lighting pole, or other similar structure; and
   e. Yard signs shall not be placed on a property for more than 90 days in a calendar year.

8. **Site Construction Signs**

One temporary sign may be allowed after the commencement of construction on a site. The sign shall not exceed 32 square feet in area and six feet in height. The site sign shall be removed after the first certificate of occupancy for the project is issued.

4.7.3. **Prohibited Signs**

The following signs are prohibited:

**A. Glaring Signs**

Signs with light sources or that reflect brightness (such as mirrors) to constitute a hazard or nuisance as determined by the Town Administrator. This includes signs with neon, LED lights, fluorescent text, graphics, or background, as well as holographic signs.

**B. Obstructive Signs or Signs in the Public Right-of-Way**

Any sign that obstructs free and clear vision of an intersection or traffic approaching the intersection or a roadway or any sign in, on, or above a public right-of-way that in any way interferes with normal or emergency use of that right-of-way without entering into a revocable encroachment license agreement with the Town.

**C. Posters and Handbills**

Any exterior sign affixed to any structure, fence, tree, pole, or natural vegetation except in designated community areas or as otherwise permitted by this UDC.

**D. Vehicle Signs**

Any sign displayed on a parked vehicle or trailer, unless:

   1. The vehicle or trailer is functional with current registration; and
2. The vehicle or trailer is parked in a parking space or behind a principal building.

E. Abandoned Signs

Any unused abandoned sign, including any pole or structure supporting such sign, shall be removed within six months after becoming abandoned. If an existing sign pole or structure is expected to be used for future use of an existing building, then such structure may remain; however, the copy, text, icon, or any messages on such sign shall be removed.

F. Backlit and Internally-Illuminated Signs in the MU-MS district

Any backlit or internally-illuminated sign is prohibited except for within the HC and I-1 zoning districts. Backlit or internally-illuminated signs existing as of the effective date of this UDC shall be considered nonconforming.

G. Feather Flags

Feather flags and similar devices shall only be allowed with a special event permit and shall be limited to a maximum of two weeks.

Figure 4.N: Feather Flag

H. Streamers

No sign shall contain or consist of pennants, ribbons, streamers, spinners or other similar moving, fluttering, or revolving devices.

I. Permanent Banners

Banners shall only be allowed as a temporary sign, pursuant to Section 4.7.2.C.3.

J. Roof-Mounted Signs

No sign shall be permitted to be mounted on the roof of a building.

K. Animated or Moving Signs

Animated or moving signs are not permitted unless approved through a Comprehensive Sign Plan pursuant to Subsection 4.7.6.F. Fluttering air devices shall not be permitted through the Comprehensive Sign Plan procedures.

L. Inflatable Signs and Objects

Signs and other objects that are inflated, including but not limited to balloons are prohibited.

M. Obscene Signs

Signs containing obscenity are prohibited.
4.7.4. Nonconforming Signs

A nonconforming sign may remain, provided that it is maintained in good repair, pursuant to the following provisions.

A. Modification

Nonconforming signs shall not be enlarged, extended, structurally reconstructed, or altered in any manner unless the sign is modified to conform to this Section 4.7.

B. Damage

1. A nonconforming sign or the structure supporting the sign that is damaged or destroyed to the extent of 50 percent or more of the replacement cost shall not be altered, replaced, or reinstalled unless it is in conformance with this Section 4.7.

2. A nonconforming sign or the structure supporting the sign that is damaged or destroyed to the extent of less than 50 percent of the replacement cost shall comply with the following:
   a. Repairs shall return the sign to previous conditions prior to the damage, or shall bring the sign into conformance with this Section 4.7;
   b. Repairs shall commence within 60 days;
   c. Repairs shall be completed within six months from the date of damage or destruction.

C. Abandonment

Nonconforming signs that also constitute an abandoned sign shall be brought into conformance with Section 4.7 prior to establishing any new use.

D. Change in Use

A sign face on a nonconforming sign may be replaced following a change in use so long as such change does not increase the nonconformity of the sign and the sign does not qualify as an abandoned sign. Changes to the sign face shall require approval of a new sign permit.

E. Change in Location

Nonconforming signs shall not be moved to a new location either on-site or off-site, unless the new location of such sign eliminates all nonconformities associated with the sign.

4.7.5. Sign Standards

A. General Sign Standards

1. Materials and Safety
   a. All signs shall be constructed of durable materials and installed to withstand expected winds, snow loads, and deterioration from the elements.
   b. Permitted sign materials include wood, metal, stone, or other durable material. No sign shall contain iridescent or Day-Glo paint. Permitted permanent exterior signs shall not be made of paper, cloth, canvas, cardboard, wallboard, or other similar nondurable material.

2. Sign Maintenance

All signs shall be maintained in good repair and in a safe, clean, and attractive condition. Changes to a sign face that do not alter the sign structure shall require approval of a new sign permit. Changes to the sign structure other than the sign face shall be evaluated for compliance at the time of permit.
3. **Design and Use**

   All signs shall be uncluttered, used for the purpose of business or subdivision identification, and provide sufficient contrast between letters, images, and the background.

4. **Revocable License and Encroachment Permit Required**

   The owner of any sign extending over a public street or other public right-of-way or space shall complete an encroachment permit application with required fees and enter into a revocable license agreement with the Town prior to installing the sign.

5. **Sign Measurement**

   a. **Area**

      The area of a sign shall be equivalent to the total surface devoted to a sign message, including text, symbols, photographs, logos, and display faces, but excluding supporting structures and time-and-temperature display.

      i. **Single-Faced Signs**

         The area of a sign with one sign face shall be calculated as the total area of the sign face measured by using no more than 12 perpendicular lines for rectilinear designs. For signs with cutout letters, displays, symbols, or logos, the area shall be calculated by determining the area that can be enclosed by a rectangle or series of geometric shapes.

   Figure 4.0: Measuring Area of a Single-Faced Sign

   ii. **Double-Faced Signs**

       The area of a sign with two sign faces shall be calculated as one sign face provided the sign faces are identical in size and shape and are parallel.

   iii. **Multi-Faced (Three or More) Signs**

       The sign area shall be calculated by the area of all sign faces.
b. **Height**
   The height of a sign shall be measured from the average grade at the base of the sign to the highest point of a sign.

6. **Illumination**
   a. The light from any sign shall be directed to avoid causing a traffic hazard, nuisance, or glare on any public right-of-way or adjacent property.
   b. All lighting fixtures shall be directed downward below a ninety-degree horizontal plane extending from the lowest point of the light source.
   c. The source of illumination shall not be visible from any street, sidewalk, or adjacent property.
   d. Full-spectrum and energy-efficient light bulbs are recommended.
   e. Exterior sign lights shall have a maximum illuminance of 1,000 lumens.

B. **Permanent Signs**

1. **Summary Table of Permanent Sign Standards**
   Table 4.5 below summarizes the requirements for permanent signs. Additional applicable requirements follow the table.
## Table 4.5:
### Summary of Sign Standards for Permanent Signs

<table>
<thead>
<tr>
<th>Sign Type</th>
<th>UDC Section Number</th>
<th>Number of Signs Permitted, Maximum</th>
<th>Sign Area Per Sign, Maximum</th>
<th>Sign Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wall</td>
<td>4.7.5.B.2</td>
<td>1 per dwelling unit in residential districts; No limit on number of signs in all other districts[^1]</td>
<td>Residential districts: 2 square feet; All other districts: The total of all signs shall not exceed 15 percent of the primary building façade or 150 square feet</td>
<td>Limited to the height of the subject wall[^2]</td>
</tr>
<tr>
<td>Projecting</td>
<td>4.7.5.B.3</td>
<td>1 per tenant in any mixed-use district, the HC district, and the I district; not permitted in any other districts</td>
<td>6 square feet</td>
<td>Minimum 8 feet; Maximum 14 feet</td>
</tr>
<tr>
<td>Awning, canopy, or marquee</td>
<td>4.7.5.B.4</td>
<td>Considered a wall sign for calculation</td>
<td>Considered a wall sign for calculation</td>
<td>Minimum 8 feet</td>
</tr>
<tr>
<td>Freestanding monument</td>
<td>4.7.5.B.6</td>
<td>Single-tenant properties: 1 sign; Multitenant properties: 1 per street access up to a maximum of 2[^3]</td>
<td>60 square feet</td>
<td>Maximum 16 feet</td>
</tr>
<tr>
<td>Freestanding pole</td>
<td>4.7.5.B.6</td>
<td>Considered a freestanding monument sign for calculation[^5]</td>
<td>48 square feet</td>
<td>Minimum 10 feet; Maximum 20 feet</td>
</tr>
<tr>
<td>Electronic message board</td>
<td>4.7.5.B.7</td>
<td>Considered a freestanding monument sign for calculation[^5]</td>
<td>16 square feet in addition to any freestanding monument (total freestanding monument sign area shall not exceed 76 square feet)</td>
<td>Maximum 8 feet</td>
</tr>
<tr>
<td>Sidewalk sign</td>
<td>4.7.5.B.8</td>
<td>1 per tenant</td>
<td>12 square feet</td>
<td>Maximum 5 feet</td>
</tr>
<tr>
<td>Drive-through sign</td>
<td>4.7.5.B.9</td>
<td>2 per drive-through service lane[^4]</td>
<td>16 square feet</td>
<td>Maximum 7 feet</td>
</tr>
<tr>
<td>Fueling station canopy sign</td>
<td></td>
<td>2 per canopy</td>
<td>16 square feet</td>
<td>Shall not exceed height of canopy</td>
</tr>
</tbody>
</table>

### Additional Sign Standards by District

<table>
<thead>
<tr>
<th>District</th>
<th>Number of Signs Permitted</th>
<th>Area of Signs Permitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Mixed-Use (MU) Districts</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Single-tenant buildings:</strong></td>
<td>Per standards earlier in this table, provided the total area requirements in the column to the right are met.</td>
<td>The total area of all wall signs; projecting signs; awning, canopy, and marquee signs shall not exceed 25 percent of the largest façade up to a maximum of 150 square feet.</td>
</tr>
<tr>
<td><strong>Multitenant buildings:</strong></td>
<td>No tenant within a multitenant building shall have more than two signs total including wall signs; projecting signs; awning, canopy, marquee signs; and freestanding signs. All other sign types shall be permitted in addition to those signs.</td>
<td></td>
</tr>
<tr>
<td>Highway Commercial (HC) and Light Industrial (I-1) Districts</td>
<td><strong>Single-tenant buildings:</strong> Per standards earlier in this table, provided the total area requirements in the column to the right are met.</td>
<td>The total area of all wall signs; projecting signs; awning, canopy, and marquee signs shall not exceed 15 percent of the largest façade up to a maximum of 150 square feet.</td>
</tr>
<tr>
<td><strong>Multitenant buildings:</strong></td>
<td>No tenant within a multitenant building shall have more than two signs total including wall signs; projecting signs; awning, canopy, marquee signs; and freestanding signs. All other sign types shall be permitted in addition to those signs.</td>
<td></td>
</tr>
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### Notes:

[^1]: For multitenant buildings, street frontages shall only apply to tenants occupying the portion of the building fronting the street.
[^2]: Shall not project above the roofline.
[^3]: Prohibited in the Residential and Mixed-Use Districts.
[^4]: Only permitted in the HC and I-1 districts.
2. **Wall Signs**

   A wall sign shall not:
   
   a. Extend above the roof or parapet of the building front or fascia.
   
   b. Result in the modification, alteration, or obstruction of any historic architectural design elements.

3. **Projecting Signs**

   Projecting signs:
   
   a. Shall not result in the modification, alteration, or obstruction of any historic architectural design elements.
   
   b. Shall extend from the building wall or fascia at an angle of 90 degrees.
   
   c. Shall not project more than three feet from the plane of the face of the building to which they are attached.
   
   d. Extending over a public street or other public right-of-way or space during the period of time that the sign and associated attachments are installed shall enter into a revocable license agreement pursuant to Section 4.7.5.A.4 prior to installing the sign.

4. **Awning, Canopy, or Marquee Signs**

   a. Awnings shall not be constructed of vinyl or plastic. Awnings shall be made of durable materials such as fabric or metal.
   
   b. The sign on an awning may be printed or painted.
   
   c. An awning sign shall not project above the awning.
   
   d. An awning, canopy, or marquee sign shall be located on the front surface, parallel with the building wall facing the street frontage.
   
   e. An awning, canopy, or marquee sign shall not project above the structure on which it is affixed to, or be located on the canopy roof.
   
   f. An awning, canopy, or marquee sign shall be at least eight feet above the ground or sidewalk over which it extends.
   
   g. An awning, canopy, or marquee sign shall be located on the first-floor business only.
   
   h. Any sign suspended below an awning or canopy, such as a soffit sign shall be no lower than eight feet above the sidewalk.
5. **Freestanding Signs, Generally**
   
a. Freestanding signs shall be located inside the property line and outside all clear sight triangles.

b. Freestanding signs shall be designed to not block the view of an adjacent business and shall not interfere with any sidewalk or path.
c. Surrounding landscaping shall be provided where possible, as determined by the Town Administrator.

6. Freestanding Monument and Pole Signs
For properties or buildings with multiple tenants, monument and pole signs shall provide space for all potential tenants.

7. Electronic Message Boards
   a. Only Permitted as Freestanding Monument Sign
      Electronic message boards shall only be permitted as freestanding monument signs and shall not be attached to any other building, structure, or pole.
   b. Illumination and Brightness
      i. Electronic message boards shall have automatic dimmer software or sensors to control brightness according to ambient light conditions. The light source shall not produce any glare that constitutes a traffic hazard or negatively impacts the public health, safety, or welfare of the community.
      ii. An electronic message board luminance shall not exceed 300 NITs between dusk and dawn as measured from the sign’s face.
      iii. Applications for a sign permit for an electronic message board shall include the manufacturer’s specifications and NIT rating.
   c. Location
      Electronic message boards shall comply with the locational requirements of freestanding monument and pole signs in subsections 5 and 6 above.
   d. Message Images and Transitions
      Electronic message boards shall:
      i. Contain static messages only;
      ii. Display images and messages for a period of not less than eight seconds.
      iii. Not include any movement or transitions.

8. Sidewalk Signs
   a. Portable signs shall not be located in the public right-of-way, except for an A-Frame sign for properties in the MU-MS district with an approved encroachment permit and revocable license agreement pursuant to Section 4.7.5.A.4.
   b. Portable signs shall be made of durable material.

9. Drive-Through Signs
   a. Each drive-through sign shall incorporate materials and colors that match or complement the materials and colors of the associated building;
   b. Each drive-through sign shall include an architecturally complementary base that is proportional to the size of the sign;
   c. No other sign shall be attached or added to a drive-through sign; and
   d. Each drive-through sign shall be surrounded at its base with appropriate landscaping and/or xeriscaping consistent with the remainder of the site.
10. Historical Signs
   a. Signs of 30 years of age or more are permitted by the Town to be retained in nonresidential zoning districts and shall not count toward permitted signage for the property, provided that:
      i. The sign is kept in good repair;
      ii. The sign does not constitute a hazard to public safety; and
      iii. The original content on the sign does not change.
   b. Historic marquee signs shall be exempt from the projecting sign standards in Section 4.7.5.B.3, except an historic marquee sign shall require a revocable license agreement and encroachment permit where projecting over the public right-of-way.

11. Off-Premises Signs
   a. Location
      Off-premises signs:
      i. Are prohibited on Town property.
      ii. Are limited to mixed-use and nonresidential zoning districts.
      iii. Shall not interfere with pedestrian or vehicle traffic.
      iv. Shall not be placed in areas designated as Town parks.
      v. Shall comply with state standards if located adjacent to state highways.
   b. Standards
      i. Off-premises signs shall not detract from the general appearance of the area in which the sign is being placed.
      ii. No property owner shall be permitted more than one off-premise sign.
      iii. No more than two off-premises signs shall be placed on any single parcel of property or property frontage.
      iv. Off-premises signs shall be a maximum of six square feet per side.
   c. Review Procedures
      Proposals for off-premises signs shall follow the procedures for a Comprehensive Sign Plan in Subsection 4.7.6.F in addition to the following:
      i. The applicant shall submit an off-premises sign application and processing fee as established by the Town; and
      ii. The applicant shall obtain written permission from all adjacent property owners for the placement of the off-premises sign along street frontage or property by adjoining property owners.

C. Temporary Signs
   1. Permit and Application
      a. Temporary signs shall only be erected after obtaining a temporary sign permit. The temporary sign permit shall cite the length of time the sign may be displayed and date of expiration. Temporary signs shall not be permitted for a period exceeding 180 days unless otherwise stated in this UDC.
      b. A temporary sign permit application shall include the appropriate permit fee as established by resolution of the Board of Trustees.
Article 16.04: Development and Design Standards
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c. Temporary signs shall be removed within the time period specified on the permit. Upon applicant certification that the sign has been removed, the deposit shall be returned.

2. Type and Size of Temporary Signs
   
a. Temporary Vendor Signs
      Signs for temporary vendors shall be processed concurrently with an application for a temporary vendor permit and fee provided per the fee schedule. Vendor signs shall be constructed of permanent durable materials. Signs for temporary vendor vehicles shall be limited to those affixed and/or painted on the vehicle and to one freestanding temporary sign (such as a sidewalk sign) no more than 12 square feet in size.

b. Special Event Banners
   Banners may be allowed to be hung over Main Street in association with a special event approved or sponsored by the Town. Such signs shall constitute temporary signs, and may be erected one week prior to the special event and shall be removed within three days following the special event. Such banners shall be reviewed and approved as part of a special event permit and shall not require a separate temporary sign permit.

4.7.6. Sign Review and Approval Procedures

No sign, except as provided by Section 4.7.2.C, shall be erected, displayed, altered, relocated, or replaced, including a sign face replacement, until the Town has issued a sign permit.

A. Sign Permit Application Submittal
   Sign permit applications shall be submitted on forms provided by the Town, and shall include the following:
   1. Business name, address, and phone number where the proposed sign is to be located;
   2. Business owner name, mailing address, and phone number;
   3. Property owner name, mailing address, and phone number;
   4. Site plan showing the location of the sign on the premises in relation to lot lines, buildings, sidewalks, streets, and public rights-of-way;
   5. Description of sign(s), including type, size, structural design, and construction materials;
   6. Drawing or photograph of the proposed sign with specifications indicating height, perimeter, area of sign and/or area of copy, dimensions, type of lettering proposed, means of support, method of illumination, and any other significant characteristics;
   7. Electrical permit for any new electrical work required;
   8. Any other information requested by the Town Administrator to determine compliance with the regulations in this Section 4.7; and
   9. The required sign permit fee as established by resolution of the Town.

B. Application Completeness Determination
   The Town Administrator shall make a determination that the application, with all required data, has been properly prepared and submitted and is complete. The official date of submission shall be the day the Town Administrator determines that the application is complete.
C. Permit Review and Action

1. Permit Application Review

The Town Administrator shall review the sign permit application for compliance with this Section 4.7 and shall either ask for more information or issue or deny the permit.

2. Inspection for Compliance

   a. The Town Administrator shall perform a final inspection after installation of any approved sign.

   b. Any discrepancies between any sign as approved and the sign as constructed or installed shall be identified in writing and shall require correction of the discrepancy. If the discrepancy is not corrected within 20 days after written notice, the sign may be ordered removed by the Town Administrator.

D. Violations

Any sign that has not been permitted or has not been designated a legal nonconforming sign shall be deemed to be in violation of these regulations and shall be ordered removed by the Town Administrator. Any costs for removal shall be at the expense of the sign owner or the property owner. Failure to comply will result in the Town proceeding with additional enforcement procedures pursuant to Section 1.6.

E. Post-Approval Actions

1. Expiration of Sign Permit

   If a sign authorized by any sign permit has not been erected within one year from the date of permit approval, the sign permit shall be deemed expired. Prior to the deadline of sign installation, the applicant may request an extension, in writing, from the Town Administrator. The Town Administrator may establish an extended time period for sign installation at the time of permit approval for sign applications that are submitted as part of developments requiring site or building construction.

2. Revocation of Sign Permit

   The Town Administrator shall take action if any sign, whether new or preexisting, is damaged, moved, or otherwise altered, either intentionally or by natural forces, in a manner that causes the sign to be not in conformity with these regulations or to be a hazard or danger to the public. The Town Administrator shall give written notice specifying the violation to the sign owner and the property owner to conform or to remove the sign. If the sign has not been brought into conformance within 20 days from the date of the notice, the Town Administrator shall schedule a public hearing before the Board of Trustees. At such hearing, the Board of Trustees shall revoke the sign permit and the subject sign shall be deemed a nuisance and may be abated as such.

F. Comprehensive Sign Plan

1. Applicability

   a. The Comprehensive Sign Plan procedures apply to the following types of signs:

      i. Signs greater in number or size than permitted by this Section 4.7;

      ii. Off-premises signs, pursuant to the standards in Subsection 4.7.5.B.11;

      iii. Neon signs;
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iv. Statuary signs; and
v. Animated and moving signs.

b. The following signs are not eligible for inclusion with any Comprehensive Sign Plan:
i. Pole signs taller than 20 feet;
ii. Roof signs;
iii. Signs that do not require a permit, pursuant to Section 4.7.2.C;
iv. Inflatable signs;
v. Feather flags;
vi. Internally-illuminated signs outside the HC or I-1 zoning districts; or
vii. Fluttering air devices pursuant to Section 4.7.3.K.

2. Comprehensive Sign Plan Application Submittal
   a. Applications for a Comprehensive Sign Plan shall be submitted to the Town Administrator on forms provided by the Town.
   b. A reasonable fee as determined by the Town shall be submitted with each application. Actual costs for professional planning, engineering, legal and/or other consulting services incurred by the Town in reviewing an application shall be paid by the applicant.
   c. A site plan showing location of signs shall be required as part of the application.
   d. Additional information may be required by the Town Administrator as necessary to evaluate the merits of the Comprehensive Sign Plan application.

3. Completeness Determination
   Applications for a Comprehensive Sign Plan shall be initially reviewed by the Town Administrator for completeness prior to further processing or distribution to review bodies and/or decision-makers.

4. Review Procedures
   a. Administrative Review
      i. Applicability
         Administrative review shall be limited to the following types of applications:
         (a) Comprehensive Sign Plans with total proposed signage of less than 48 square feet above the stated maximum for the subject property, and with no internally lit signage, except as allowed in the HC and I-1 zoning districts;
         (b) Off-premises signs, pursuant to the standards in Subsection 4.7.5.B.11;
         (c) Exterior wall murals, signs painted on a wall, or roof murals;
         (d) Neon signs; and
         (e) Statuary signs.
      ii. Notice
         Following application submittal, the Town shall provide notice of the application to adjacent property owners (excluding public rights-of-way) summarizing the plan and notifying them of their right to comment on or object to the plan by filing such comments or objections with the Town Administrator within seven business days of the date the application is filed with the Town. Such notice shall be provided by:
(a) Prominently and visibly posting notice on the property subject to the application; and
(b) Delivering notice either by regular mail or personal delivery.

b. Planning and Zoning Commission Review
   i. Applicability
      Applications that do not meet the requirements for the administrative review process set forth in Subsection 4.7.6.F.4.a above shall be reviewed by the Planning and Zoning Commission.
   ii. Notice and Public Hearing
      The applicant shall be notified in advance of the time and place of the Planning and Zoning Commission's public hearing and may attend and participate in such hearing. Not less than 15 days prior to the hearing, written notice describing the request and the time and place for the hearing shall be prominently and visibly posted on the property subject to the application and sent by regular mail to the applicant and the owners of all properties that are adjacent to the subject property (excluding public rights-of-way).

5. Action Required
   a. For Comprehensive Sign Plan applications subject to administrative review, the Town Administrator shall approve, deny, or conditionally approve the application within 10 business days based on the criteria set forth in paragraph 6.
   b. For applications for Comprehensive Sign Plans subject to Planning and Zoning Commission Review the Planning and Zoning Commission shall approve, deny, or conditionally approve the application at the next available meeting based on the criteria set forth in paragraph 6.

6. Approval Criteria
   a. Comprehensive Sign Plans shall be approved by the Planning and Zoning Commission or Town Administrator, as applicable, after finding that the proposed plan will not adversely impact the neighborhood or the public safety and welfare and the applicant has demonstrated compliance with the following criteria:
      i. The proposed Comprehensive Sign Plan results in a greater community benefit than otherwise achieved through the strict application of the sign regulations in this Section 4.7;
      ii. The features of the sign(s), including the illumination, support structure, color, lettering, height and location, are designed so that the signs are an attractive, effective, and complementary feature of the building or property;
      iii. The scale and placement of the signs are appropriate for the building and the site and are sensitive to the context in which they are used; and
      iv. The signs are professionally designed and fabricated of high-quality, durable materials.
   b. Decisions shall be in writing and shall be provided to the applicant.
   c. A Comprehensive Sign Plan may or may not run with the property and shall be approved subject to such safeguards, terms, and conditions as deemed necessary to protect and preserve the intent and purposes of this Section 4.7.
7. **Comprehensive Sign Plan Amendments**

The following activities shall require a Comprehensive Sign Plan Amendment:

a. **Additional Sign Square Footage**
   i. Additional sign square footage up to 10 percent over the approved square footage shall be reviewed administratively.
   ii. Additional sign square footage more than 10 percent over the approved square footage shall be reviewed by the Planning and Zoning Commission.

b. **Additional Number of Signs**
   i. Amendments proposing one additional sign more than what was approved shall be reviewed administratively.
   ii. Amendments proposing more than one additional sign in addition to what was approved shall be reviewed by the Planning and Zoning Commission.

c. **Amendment Procedure**
   i. Amendments shall be processed as new applications according to the procedures in Paragraph 4 above.
   ii. Only one amendment to an individual Comprehensive Sign Plan shall be processed per calendar year.

d. **Replacement Signs**
   i. Individual units and tenants shall be permitted to replace and/or change signage without requiring an amendment to the Comprehensive Sign Plan provided that the sign does not increase square footage or the number of signs. Replacement signs shall be required to obtain a sign permit according to Section 4.7.6.

### 4.7.7. Savings and Severability

A. Signs containing noncommercial speech are permitted in any location where commercial signs are permitted, subject to the same regulations applicable to such signs.

B. If any clause, section, or other part of the application of this Section 4.7, Signs, shall be held by any court of competent jurisdiction to be unconstitutional or invalid, it is the intent of the Board of Trustees that such clause, section, or other part of the application of this section shall be considered eliminated and not affecting the validity of the remaining clauses, sections, or applications remaining in full force and effect.
Article 16.05: Subdivision and Public Improvement Standards

Section 5.1 General Provisions

5.1.1. Purpose

This article establishes minimum standards for the design and improvement of land subdivision to ensure that each building site can accommodate a structure for the intended use of land, is adequately served by public improvements, and protects sensitive lands from the impacts of development within that subdivision. It also establishes standards for the development of previously and legally subdivided land that may not have adequate public facilities needed to support new development where the proposal does not include the subdivision of land, but does require the installation of public facilities for new development within the Town.

5.1.2. Applicability

A. This article shall apply to all divisions of land into two or more parcels, tracts, or lots.

B. In addition, this article shall apply to existing properties that have been legally subdivided but do not have adequate public facilities needed to support development within the Town pursuant to the adequacy determination process in Section 5.2.4.B, with the exception of the following:

   1. 5.2.2.B, Suitability of Land for Subdivision;
   2. 5.2.3, Lot and Block Design; and
   3. 5.3.1, Open Space, Parks, and Trails Dedication.

5.1.3. Compliance with Other Applicable Requirements

In addition to the subdivision requirements established in this article, all subdivision plans shall comply with the intent of this UDC and the applicable zoning district(s) in which the subdivision is located. Subdivisions shall be designed to avoid creating lots that will make compliance with other development standards in this UDC difficult.

Section 5.2 Subdivision Design Standards

All subdivisions shall be designed and improved in accordance with the standards in this section.

5.2.1. Minimal Standards

The design standards in this section are the minimum standards. The Town may impose more restrictive standards when deemed necessary to meet sound engineering or design standards or other standards in this UDC.
5.2.2. Suitability of Land for Subdivision

A. Avoidance of Sensitive Areas

Land in sensitive areas subject to flooding, improper drainage, steep slopes, landslides, hazardous topography, or other features that could be harmful to the safety, health, and general welfare of the present or future inhabitants shall be considered unsuitable for occupancy or subdivision unless adequate mitigation is provided. Development and subdivisions located within the special flood hazard areas shall be regulated by Chapter 18, Article IX, Flood Regulations.

B. Adjustment of Minimum Lot Sizes

If avoidance of sensitive areas results in the subdivision containing fewer buildable parcels than it would have if sensitive areas were not avoided, the Town Administrator may adjust the minimum lot size or lot width dimensions by up to 25 percent to allow for additional lots that would have otherwise been possible.

**Example:** The Town Administrator could reduce the minimum lot size in the R-2 district by up to 1,250 square feet (5,000 sf x 0.25 = 1,250 sf). The Town Administrator could reduce the minimum lot width in the R-2 by a maximum of 12.5 feet (50 feet x 0.25 = 12.5 feet).

5.2.3. Lot and Block Design

A. Lots

1. Lot sizes shall comply with the applicable zoning district dimensional standards in Section 2.2.
2. Driveway access shall be provided pursuant to Section 4.2.3, Driveways and Access.
3. The use of an easement for primary access to a lot is prohibited unless the Town Administrator determines that there is no other alternative available.
4. Lots with double frontage shall be avoided except where essential to provide separation from major arterials or because of the slope. Side lot lines shall be perpendicular to street lines to the maximum extent feasible.
5. Lot lines shall not cross municipal boundary lines.

B. Blocks

1. Generally
   a. New block lengths shall be at least 350 feet and shall not exceed 800 feet.
   b. Blocks within one-quarter mile of the original plat of Buena Vista shall reproduce block lengths of the original town plat and shall replicate the historic pattern of the surrounding lands.
   c. The width of a block shall be sufficient to permit the depth of two lots between streets.
2. In the R-3, MU-1, MU-2, and MU-MS districts
   a. New block lengths shall be at least 350 feet and shall not exceed 500 feet.
   b. The width of a block shall be sufficient to permit the depth of two lots and an alley between two streets.
5.2.4. Public Facilities and Services

A. Generally
No final development and/or subdivision plan shall be approved unless public facilities and services will be adequate to support and service the area of the proposed development and/or subdivision. The applicant shall submit sufficient information and data on the proposed development and/or subdivision to demonstrate the expected impact on and use of public facilities by possible development within the subject development and/or subdivision. Public facilities and services include streets, alleys, public transportation facilities, storm water drainage, water, electric, gas, internet, street lights, sanitary sewer, and parks and open space.

B. Adequacy Determination
The Board of Trustees shall periodically establish by resolution guidelines for the determination of the adequacy of public facilities and services based on an analysis of current growth and the amount of additional growth that can be accommodated by future public facilities and services.

C. Relationship to Town Policies
Proposed public improvements shall generally comply with the Town’s Comprehensive Plan and capital improvements plans.

D. Offsite Improvements
All public improvements and required easements shall be extended through the parcel on which a new development and/or subdivision is proposed. Streets, alleys, waterlines, wastewater systems, drainage facilities, electric lines, and telecommunications lines shall be constructed through new development and/or subdivision to promote the logical extension of public infrastructure. The Board of Trustees or the Town Administrator may require the applicant to extend offsite improvements, provide easements to reach the development and/or subdivision, and oversize required public facilities to serve anticipated future development as a condition of plat approval pursuant to Section 5.5, Cost Recovery.

E. Standard Specifications
Construction of streets, alleys, curb (if any), gutter, sidewalks, water distribution system, sanitary sewer system, internet, street lights, drainage system, landscaping, and other public utilities and improvements shall be in accordance with the adopted specifications and Town ordinances where cited, Buena Vista Sanitation District standards, and with applicable Colorado standard specifications as promulgated by the Colorado Department of Transportation.

5.2.5. Street Design

A. Generally
All streets shall generally conform to existing street patterns, the current Comprehensive Plan, and the Complete Streets Policy. All streets proposed for dedication to the public shall be laid out, graded, and paved from curb to curb, where applicable, or from the edge of asphalt to the opposite edge of asphalt. Asphalt, drainage control, sidewalks, and buffer shall be installed on all streets according to this UDC and the technical specifications manual.

B. Street Connections
Street connections shall be provided to adjoining undeveloped and/or underdeveloped lands within and outside the Town to allow future development to connect to a public street system.
C. **Improvement of Existing Streets**

In cases where an existing street does not meet Town specifications, such street shall be improved to meet the Town specifications for new developments located adjacent to the subject right-of-way that propose 10 or more dwelling units and/or 10,000 square feet or more of nonresidential gross floor area, or subdivisions proposing 10 or more lots. At a minimum, the developer/subdivider shall be responsible for improving the portion of the street adjacent to the subject property to meet Town specifications.

D. **Street Classification**

Streets shall be classified as arterials, collectors, or local streets according to their location, function, and traffic volumes. Arterials generally connect to other towns and regions. Collector streets generally connect to arterials or other collectors. Local streets generally serve neighborhood traffic over very short distances and connect to higher use streets such as collectors. The primary purpose of a local street is to provide vehicular access to adjacent land.

E. **Street Buffers**

1. Streets with an open section (drywell) or vegetated swale do not require an additional buffer.
2. Streets with a curb require one of the following between the curb and required sidewalks:
   a. Topsoil to a depth of six inches as required to sustain healthy vegetative growth or appropriate landscaping, pursuant to the Buena Vista Planting Guide; or
   b. Minimum six-foot wide rock-lined drywells to a minimum depth of 18 inches, with rock diameters between four to six inches;
   c. In the Mixed-Use and Commercial Districts, hardscape may be installed, provided minimum landscaping requirements are met elsewhere on the site.
3. Streets without a curb, but with a sidewalk, require approval of improvements from the Public Works Department for that area between the edge of asphalt and the sidewalk, on a case-by-case basis. Improvements will be determined by the existing surrounding context of the proposed development or subdivision.

F. **Cul-de-Sacs and Dead-End Streets Discouraged**

The design of street systems shall use through-streets. Permanent cul-de-sacs and dead-end streets shall only be used when topography, the presence of natural features, and/or vehicular safety factors make a vehicular connection impractical.

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**5.2.6. Sidewalks**

Sidewalks shall be installed pursuant to Section 4.2.5.A.

**5.2.7. Alleys and Easements**

A. **Alleys**

Alleys are permitted and encouraged in new developments and subdivisions in the Town of Buena Vista. Alleys shall:

1. Be a minimum width of 20 feet;
2. Be built to the requirements of the Town of Buena Vista Development and Design Manual; and
3. Be dedicated to the Town.
B. **Easements**

Utilities, drainage, trails, pedestrian ways or other public facilities located outside of street rights-of-way shall require easements for such purposes. Such easements shall be located on rear or side lot lines, unless otherwise required by individual utility providers.

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### 5.2.8. Water Distribution

All proposed developments and/or subdivisions and all habitable buildings and lots shall connect to the Town water supply system and shall be capable of providing water for health and emergency purposes in accordance with Chapter 13 of this Code, unless otherwise agreed to by the Town.

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### 5.2.9. Sanitary Sewage Collection

All proposed developments and/or subdivisions and all habitable buildings and lots shall connect to the Buena Vista Sanitation District sanitary sewer system, unless otherwise agreed to by the Town and the Buena Vista Sanitation District. All sanitary sewer design plans must be approved by Buena Vista Sanitation District prior to submittal of a final plat application or prior to a Town-approved construction plan for any installations of new sanitary sewer line within a previously platted right-of-way.

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### 5.2.10. Underground Utilities

All new utilities shall be placed and maintained underground, unless determined by the Town, in its sole discretion, that extraordinary circumstances related to the physical condition of the property render undergrounding impossible. Such utilities shall be constructed within street rights-of-way or within easements dedicated for such use.

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### Section 5.3 Land Dedication and Fee-in-Lieu Requirements

#### 5.3.1. Open Space, Parks, and Trails Dedication

A. **Applicability**

Subdividers of land for residential use shall dedicate land for open space, parks, pedestrian, or bikeway use; pay a fee-in-lieu of land dedication as an open space, park, or pedestrian or bikeway development fee; or provide a combination of land dedication and fee payment pursuant to 5.3.1.B.4.

B. **Land Dedication for Residential Subdivision**

1. **Residential Subdivision**

   If agreed to by both the Town and the subdivider through an approved Subdivision Improvement Agreement, the subdivider may dedicate land to the Town to be used for public recreation by means of a final plat dedication or other mechanism approved by the Town. If a dedication of public land for recreation is made, the dedication shall be based upon the amount of four acres for every 1,000 residents for proposed residential development, including any residential units that are part of mixed-use developments. The decision to require land to be dedicated for any new subdivision is at the discretion of the Board of Trustees at the time of subdivision platting, based upon the proposed subdivision location in relation to existing public parks and any proposed parks identified in the Town’s Recreation Facilities Master Plan, the River Park Site Plan, and the Trails Master Plan.
2. Calculations

Land dedication requirements shall be prorated based on 2.2 residents per unit.

3. Standards for Land to be Dedicated

   a. Lands proposed to be dedicated may be accepted by the Town if such lands help implement the Town’s Recreation Facilities Master Plan, the River Park Site Plan, or the Trails Master Plan; or if they preserve valuable wildlife habitat, wetlands, or natural features of the Town.

   b. The suitability of land to be dedicated shall be determined by the applicable approval authority. Factors used in evaluating suitability will include size and shape, topography, geology, flora, fauna, access, location, and reasonable adaptability for use as a pocket park, neighborhood or community park and playground, and access to adjacent parks or bikeways.

   c. Subdividers of land containing usable connections for a proposed or existing public pedestrian or bikeway trail as identified in the Trails Master Plan, shall be asked to voluntarily dedicate to the Town such land or easement(s) as would connect or complete the trail. Land voluntarily dedicated for trail development shall be credited against any land dedication requirement otherwise imposed by this UDC.

4. Fee Payment in Lieu of Land Dedication

With approval by the Board of Trustees, a fee may be paid in lieu of land dedication. When a fee is paid in lieu of land dedication, either in whole or in part, the applicant shall pay the Town prior to recording the final plat. The fee shall be determined by the Board of Trustees and shall be reviewed annually.

C. Nonresidential Subdivision

1. Common Open Space Required

The developer and/or subdivider shall set aside land at a rate of 10 percent of the proposed new development site area as common open space. Such area may be provided in the form of outdoor recreational or gathering space as approved by the Town.

2. Characteristics of Common Open Space Areas

   a. If provided as common open space, the following features and areas may be credited towards compliance with any required public land dedication requirements, provided they meet all other applicable standards of this Code:

      i. Natural resource and hazard areas;
      ii. Active recreational areas;
      iii. Stormwater management devices;
      iv. Formal plantings and gardens;
      v. Squares, plazas, and outdoor gathering or dining areas;
      vi. Public access easements; and
      vii. Required buffer and landscape areas.

   b. Areas used as a required common open space area shall be compact and contiguous unless a different configuration is needed to continue an existing trail or to accommodate preservation of natural features.
**5.3.2. Fee Payment in Lieu of Curb, Gutter, or Sidewalk**

The Board of Trustees has the authority to elect to have a fee paid in lieu of curb, gutter, or sidewalks, based upon the size of a development and/or subdivision and/or the absence of curb, gutter, and sidewalks immediately adjacent to the development. When a fee is paid in lieu of installation of curb, gutter, or sidewalks, either in whole or in part, the applicant shall pay the Town prior to recording the final plat or issuance of a building permit. The fee shall be determined by the Board of Trustees and shall be reviewed annually.

**5.3.3. Tree Planting Fund**

A. For all new development of lots within previously platted subdivisions or new subdivisions, the applicant shall plant two trees per residential lot prior to issuance of a certificate of occupancy or shall pay a fee, as determined by the Town Administrator, into the Town’s dedicated tree planting fund for each lot abutting a street within the development and/or subdivision.

B. For double frontage lots, corner lots, and nonresidential lots, two trees shall be planted per street frontage of such lots.

C. The Adopt-A-Tree Program sponsored by the Town’s Tree Board shall be responsible for planting the trees that are not installed by individual lot owners. That program may be used to plant trees elsewhere in Town, and those shall be planted in conformance with the requirements and standards in the Buena Vista Planting Guide. Such trees planted by the Town shall not be planted on a lot where a fee in-lieu of planting was provided.

D. For nonresidential development, the applicant shall plant trees prior to the issuance of a certificate of occupancy based upon the landscaping requirements in effect for the site per Section 4.4.

E. The developer/subdivider shall guarantee the survival of the trees for two years from the date of planting. If the tree does not survive for two years, the developer/subdivider is required to plant a new tree.

**5.3.4. Contribution for Public School Sites**

A. Purpose

Growth in residential land development and/or subdivision and the construction of new residential dwellings in the Town and Chaffee County necessitates the acquisition of additional public school capital facilities to accommodate increases in student population. Requiring land dedication or conveyance from residential development for public school capital facilities or payments in lieu of such dedication or conveyance is intended to provide a portion of the resources to meet such demand.

B. Referral

All applications for residential subdivisions and planned unit developments creating residential dwelling units shall be referred to the Buena Vista School District R-31 for review and comment concerning impact of the development and/or subdivision on the School District and the adequacy of public school sites and facilities. If a nonresidential land development and/or subdivision application may have influence or effect on property owned by or activities of the Buena Vista School District R-31, the information pertaining to that application shall also be referred to the School District for review and comment.
C. Dedication Requirement

1. If recommended by the Buena Vista School District R-31, the applicant shall dedicate or convey land for a public school facility to the School District based on .0138 acres per residential dwelling unit. Otherwise, the applicant shall agree to a payment in lieu of land dedication or conveyance in the amount of $354.00 per residential dwelling unit. The applicant may elect for such amount to paid by the owner of the subject lot at the time a residential building permit is obtained. Such requirement shall be noted on the underlying plat and, if required by the Town, a separate covenant.

2. If the contribution for public school sites includes the dedication or conveyance of land, the applicant shall provide proof that the dedication has been made to the School District. Such dedication or conveyance shall occur in a manner and on terms satisfactory to the School District and in accordance with the following requirements:
   a. Title shall be conveyed by a general warranty deed, free and clear of all liens, encumbrances, and exceptions (except those approved in writing by the School District), including, without limitation, real property taxes, which will be prorated to the date of conveyance or dedication. The land to be conveyed shall be conveyed pursuant to a contract for the sale and purchase of real property containing customary terms for the land that is being conveyed to the School District. Such conveyance may be submitted with a final plat application, but shall not be recorded until after the final plat has been recorded.

   b. At the time of dedication or conveyance, the applicant shall provide a title insurance commitment and policy in an amount equal to the fair market value of the dedicated property. At the appropriate time, not later than the issuance of the first building permit for the land within the development and/or subdivision, the person or entity shall also pay or provide for the payment of one-half of street development costs, and shall either provide, pay, or make provision for the payment of the costs associated with improvements for water, sewer, and utilities stubbed to the site, and overlot grading of the dedicated land. The applicant shall also furnish any off-site easements that the School District requires to develop the site.

   c. The lands being dedicated or conveyed to the School District shall be located and configured as directed by the School District, but shall not result in a violation of this UDC.

   d. The person or entity conveying the land to the School District shall satisfy the Town’s water rights dedication requirements, as may be amended, prior to conveying the property to the School District.

D. Exemptions

The following uses shall be exempt from the requirements of this section:

1. Construction of any nonresidential building or structure;

2. Alteration, replacement, or expansion of any legally existing building or structure with a comparable new building or structure that does not increase the number of residential dwelling units;

3. Construction of any building or structure for long-term assisted living, bed and breakfast establishments; continuum of care or nursing homes; day care homes; dormitories; group homes; hotels, motels, and other forms of public lodging and boarding; halfway houses; or hospices, except where such building or structure will be used primarily to house school aged children;
4. Construction of any residential building or structure classified as housing for older persons, pursuant to the Federal Fair Housing Act;

5. The construction of accessory buildings or structures; however, accessory dwelling units are not exempt and shall pay the school fee.

### 5.3.5. Fee Payment in Lieu of Parking

An applicant may be eligible to provide a fee in-lieu of providing parking spaces, if authorized by the Town Administrator. Such fee shall be based on the number of parking spaces that are required but not provided by the development. The Board of Trustees shall establish a fee schedule for fees in-lieu of parking. Such fee shall be reviewed annually by the Board of Trustees and updated accordingly.

### Section 5.4 Public Improvements Agreements

#### 5.4.1. Applicability

**A. Subdivision Applicants**

All applicants granted subdivision approval, or approval of public improvements deemed necessary to comply with required adequate public improvements, shall timely, completely, and satisfactorily construct or install all public and other required subdivision improvements and infrastructure as called for in this UDC and or as may have been specified as a condition of approval. All improvements and infrastructure intended for public use shall be dedicated and/or transferred to the Town free of all liens and encumbrances.

**B. Governmental Units**

Governmental units to which these contract and security provisions apply may file, in lieu of the contract and security, a certified resolution or ordinance from officers or agencies authorized to act on their behalf, agreeing to comply with the provisions of this UDC.

#### 5.4.2. Public Improvements Agreement and Guarantee

No final plat shall be executed by the Town and no building permits shall be processed or issued for any lot or property within a subdivision involving or requiring the installation of public or other subdivision improvements absent the preparation and execution of a written public improvements agreement which shall be recorded simultaneously with the final plat.

**A. Contents of Agreement**

Such agreement shall, at a minimum, set forth:

1. Construction specifications for required public improvements;
2. A construction and completion schedule;
3. Provide for security and guarantees concerning the timely and satisfactory completion of the improvements; and
4. Identify the terms and conditions for the acceptance of the improvements by the Town.

**B. Timing of Agreement**

The public improvements agreement shall also include a requirement that all improvements be maintained by the developer/subdivider at the cost of the developer/subdivider until such improvements have been fully accepted by the Town.
C. Agreement to Run with the Land
A public improvements agreement shall run with the land and bind all successors, heirs, and assignees of the developer.

D. Security
Public improvements agreements shall include a requirement for the posting of adequate financial security to insure the timely, complete, and satisfactory construction or installation of all public improvements and infrastructure as called for in the agreement.

1. Amount of Security
Security shall be in an amount not less than 115 percent of the estimated cost of completion of all improvements or infrastructure and may be provided by letter of credit, cash escrow, or other financial instrument as approved by the Town within its sole discretion.

2. Letter of Credit
If a developer/subdivider posts a letter of credit as security, it shall:
   a. Be irrevocable;
   b. Be for a term, inclusive of renewals, sufficient to cover the completion, maintenance and warranty periods as required in Section 5.4.2.B; and
   c. Require only that the Town present the letter of credit with a demand and an affidavit signed by the Town Administrator attesting to the Town's right to draw funds under the letter of credit.

3. Cash Escrow
If a developer/subdivider posts a cash escrow, the escrow instructions shall provide:
   a. That the developer/subdivider shall have no right to a return of any of the funds except as provided in Section 5.4.2.D.4; and
   b. That the escrow agent shall have a legal duty to deliver the funds to the Town whenever the Town Administrator presents an affidavit to the agent attesting to the Town’s right to receive funds, whether or not the developer/subdivider protests that right.

4. Reduction of Security
   a. Upon preliminary acceptance of a public improvement or public infrastructure, the Town shall release all but 15 percent of the amount of financial security posted to secure the successful and timely completion of same, so long as the developer is not in default of any provision of the public improvements agreement.
   b. The residual 15 percent retained by the Town shall act as security for the developer's/subdivider's guarantee that the public improvements and infrastructure remain free of defect during the applicable warranty period. The developer/subdivider may at any time during the preliminary acceptance or warranty period offer to provide a substitute or supplemental form of financial security to that security as originally posted with and/or retained by the Town. The Town may accept substitute or supplemental forms of security in its sole discretion.

5.4.3. Temporary Improvements
The applicant shall build and pay for all costs of temporary improvements required by the Board of Trustees or Town Administrator and shall maintain those temporary improvements for the period
specified by the Board of Trustees. Prior to construction of any temporary facility or improvement, the developer/subdivider shall file with the Town a separate public improvements agreement and a letter of credit or cash escrow in an appropriate amount for temporary facilities, which agreement and credit or escrow shall ensure that the temporary facilities will be properly constructed, maintained, and removed.

### 5.4.4. Special Districts

A. Required public improvements shall be made by the developer/subdivider, at its expense, without reimbursement by the Town or any improvement district except that, as may be allowed under state law, the developer/subdivider may form or cause to be formed a special district or districts to construct and finance the construction of required public improvements excluding lot improvements on individual lots.

B. If the developer/subdivider does form or cause to be formed a special district for the purposes identified in this section, the Town shall not release the developer/subdivider from its obligations under any public improvements agreement nor shall the Town release any security, in whole or in part, until the special district has sold bonds or otherwise certifies to the Town that it has an absolute right to raise revenues sufficient to construct, maintain, and warrant the quality of the required public improvements.

### 5.4.5. Failure to Complete Improvements

A. For developments/subdivisions without an executed agreement or security, improvements shall be completed within a period specified by the Town, or the associated development/subdivision application approval shall be deemed to have expired.

B. In those cases where a public improvements agreement has been executed and security has been posted and required public improvements have not been installed within the terms of the agreement, the Town may:

1. Declare the agreement to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the agreement is declared to be in default;

2. Suspend or revoke authorization for subdivision, including without limitation suspension or revocation of previously issued building permits and suspend issuance of further building permits until the improvements are completed and record a document to that effect for the purpose of public notice;

3. No certificate of occupancy shall be processed or issued by the County for any lot or building within a development prior to the complete and satisfactory installation of all development improvements or infrastructure required to serve such lot or building, and the payment of any and all development fees then due to the Town by the developer/subdivider.

4. Obtain funds under the security and complete improvements itself or through a third party;

5. Assign its right to receive funds under the security to any third party, including a subsequent owner of the subdivision for which improvements were not constructed, in whole or in part, in exchange for that subsequent owner's promise to complete improvements in the subdivision; and/or

6. Exercise any other rights available under the law.
5.4.6. Acceptance of Dedication Offers

The acceptance of streets, parks, easements, or other public areas dedicated to the Town other than by appropriate dedication language on a final plat shall be by resolution adopted by the Board of Trustees.

5.4.7. As-Built Plans Required

As-built plans shall be submitted to the Town prior to final acceptance of facilities or improvements by the Town. Such plans shall:

A. Include detailed and accurate information on all improvements completed as part of a project. Locations, dimensions, elevations, types of material, and all other information needed to provide a comprehensive and complete representation of the final project shall be included. Rights of way and easement lines shall also be shown.

B. Be submitted upon completion of all work within a phase of the subdivision, and the final as-built plans shall be received before final acceptance of that phase.

C. Be submitted before final acceptance of improvements. Such plans shall be stamped "As-Builts" and shall be signed by a registered professional engineer.

D. Shall be submitted as a digital drawing format acceptable to the Town, two sets of prints, and reproducible Mylar and shall become property of the Town of Buena Vista and a part of permanent Town records.

E. A developer/subdivider shall maintain all development improvements and infrastructure, until final acceptance of the improvements for maintenance by the Town. Removal of snow from streets shall be the responsibility of the Town following preliminary acceptance. Prior to final acceptance, the Town, upon reasonable notice to the developer/subdivider, may undertake emergency repairs to any improvement or infrastructure as deemed necessary by the Town, and charge the reasonable costs of such repairs to the developer/subdivider. The Town may make demand and draw upon security posted by the developer/subdivider for any improvement or infrastructure in order to recover its costs in maintaining or repairing same. The developer/subdivider shall be responsible for requesting a final inspection of all public improvements at the end of the two-year warranty period. When the Town finds that the public improvements meet Town requirements, the Town shall by way of a written letter to the developer/subdivider acknowledge acceptance of the public improvements.

Section 5.5 Cost Recovery

5.5.1. Purpose

A. These standards are intended to ensure that development pays its own way and does not require the citizens of the Town to bear the costs of constructing public improvements for new development and/or subdivision.

B. These standards provide a methodology for addressing cost recovery for developers/subdividers required to construct oversized public improvements.

C. These standards reflect the Board of Trustees determination that the expansion of land use and development and/or subdivisions within the Town results in impacts on public facilities and improvements and necessitates the construction and expansion of new public facilities,
improvements, and services, including arterial and collector streets and bridges; water and sewer facilities; schools; pedestrian areas; community and neighborhood parks; emergency services; drainageways; parking facilities; and other Town facilities, improvements, and services.

### 5.5.2. Applicability

The Town may require, as a condition of any approval required for development and/or subdivision pursuant to Article 16.06: Review Procedures, the construction, installation, and dedication of additional public improvements that are reasonably necessary for the orderly and logical extension of Town facilities and services.

### 5.5.3. Methodology for Recovery of Costs of Public Improvements

#### A. Methods, Generally

Methodology for cost recovery may include comparative area or distance of a subdivision or development benefited by a public improvement, comparative population or housing density of the subdivision or development benefited by the public improvement, the trip generation rate, or other methodology for calculating approximate use of the public facilities, and such other methods as the Town may establish from time to time that are based upon the reasonable benefit conferred on a subdivision or development by a public facility.

#### B. Alternative Methodology

1. In the event the Town determines that a subdivision or development is reasonably benefitted more than under the minimum recovery methods above, the Town may calculate an alternate method to determine reasonable benefit and recovery costs for a subdivision or development, provided that there shall be recovered no more than 100 percent of the costs of public facilities, plus applicable interest.

2. This Section 5.5 shall not be construed to limit the power of the Town to use any other lawful method for accomplishing the financing of public improvements for lands that will be reasonably benefited.

#### C. Types of Costs Allowed

1. Generally

   As part of an approval for any site plan, special use permit, or subdivision, the Town may determine the public facilities, improvements, and services that are reasonably necessitated by and that are of reasonable benefit to the land being developed. The Town shall have authority to establish and administer a program to recover from benefitted property owners the costs incurred by the Town or other party in providing those public facilities, improvements, and services, which may include without limitation:

   a. The cost of right-of-way acquisition and construction of streets, including traffic signals, street lights, and traffic signs.

   b. The cost of sanitary sewer and water treatment and transmission facilities and service.

   c. Costs incurred for the acquisition, construction and servicing of drainageways.

   d. The cost of locating or relocating above-ground or underground utilities.

   e. Costs incurred for the acquisition, development, and furnishing of neighborhood and community parks, public open spaces, pedestrian walkways, bikeways, and other recreational facilities in excess of normal development requirements.
f. Costs incurred for the acquisition, development, construction, and furnishing of such other Town facilities or services the Town determines are reasonably necessary to serve, and of reasonable benefit to, new development.

2. Water Mains
The owner or developer/subdivider of property abutting a water main constructed and paid for by another party shall pay a proportionate share of the costs determined by dividing one-half the total cost of the main by the total length of the main and multiplying the resulting quotient by the number of lineal feet of property abutting the main.

3. Street Improvements
The owner or developer/subdivider of property abutting a street constructed and paid for by another party shall pay a proportionate share of the cost of such street, determined as follows:

a. The owner or developer/subdivider shall be required to pay 50 percent of the cost of the improvements, including street pavement, sub-base, storm sewer and other appurtenances, right-of-way costs, curbs, gutters, sidewalks, and acceleration and deceleration lanes adjacent to the development/subdivision.

b. All drainage and other conduit structures constructed as an integral part of the street shall be considered to be street improvements, and the cost of those facilities may be allocated using the same method as allocating the cost of street improvements. The calculation of recovery costs for other drainage facilities, including storm drainage facilities that are not an integral part of the street construction, shall be established on a case-by-case basis, using a method based upon reasonable benefit to the property. Drainage facilities shall comply with the Town’s minimum standards on storm drainage facilities to be eligible for cost recovery consideration.

D. Costs Not Allowed
Costs for the administration of contracts, license fees, attorney fees, overhead, and other administrative, indirect costs shall be considered the cost of doing daily business and shall not be included in recovery costs.

E. Amount and Distribution of Recovery Costs
Recovery costs shall be administered pursuant to 5.5.3.F.4 and the following:

1. Where the construction of the improvement or facility has been financed in whole or in part by a property owner or owners, and the financed amounts exceed the amount of benefits the owner or owners will realize from the improvement or facility so financed, the Town shall assume or recover the amount of such excess costs and reimburse the financing owner or owners to the extent the amount financed exceeds the benefits received.

2. The Town shall collect from the owners of benefitted properties the amount determined by the Town to be reasonable and in proportion to the benefits to such properties. From that collection, the Town shall reimburse the party who constructed and/or installed the public facility.

F. Written Agreements for Cost Recovery
1. Cost Recovery Integrated with Public Improvements Agreement
Any agreement between the Town and a developer/subdivider for cost recoveries shall be set forth in the developer’s/subdivider’s public improvements agreement pursuant to Section 5.4, Public Improvements Agreements.
2. Content of Agreement

In connection with the construction of any improvement or facility by a developer/subdivider pursuant to this Section, the Town and such developer/subdivider may enter into a written agreement concerning the construction and the developer's/subdivider's rights of cost recovery, if any, as follows:

a. Such agreement may include a provision for simple interest.

b. The Town shall require that the developer/subdivider or his successors notify the Town in the event that there is a change in the payee of recovery fees collected for disbursement by the Town. Such notice shall be provided no later than 30 days after the effective date of the change in payee. Such notification shall include the new payee, the new payee's address, a description of the event resulting in the change of the payee, and the effective date of the change in payee. The notice shall be signed by an individual with legal authority to bind the transferor. The Town shall send collected recovery fees to the payee of record, as set forth in this paragraph 2. If, due to lack of notice by the payee, the Town is unable to ascertain the identity or location of the payee within 60 days after receipt of the recovery fees, such fees shall revert to the Town, and the Town may declare the agreement terminated and deposit the undisbursed recovery fees in the Town's related funds.

c. Such agreement shall include a listing of those properties to be charged with cost recovery for the improvement(s), which list shall be provided by the developer/subdivider beneficiary with the final plat. The developer/subdivider shall also provide within the same time period a cost estimate of the improvements.

3. Recordation of Agreement

The Town shall review and approve for recording all such agreements that include provisions for cost recovery for the benefit of private developers/subdividers. It shall be the responsibility of the developer/subdivider to record such agreements, and any effect on the developer's/subdivider's ability to recover costs, pursuant to the developer's/subdivider's failure to appropriately record such agreement or include a sufficient legal description for the properties to be charged with cost recovery, shall be the sole responsibility of the developer/subdivider. All agreements or ordinances created in connection with the construction of public improvements for which costs have been allocated pursuant to this Section shall be recorded with the Office of the Chaffee County Clerk and Recorder as a matter of public record.

4. Administration of Cost Recovery Agreements

The Town's duty and liability in connection with the administration of a cost recovery agreement pursuant to this Section shall be limited as follows:

a. The Town shall exercise reasonable care to collect such amounts due the developer/subdivider, but the Town shall not be responsible or liable for any amounts not actually paid to the Town by the responsible party. The developer/subdivider shall have no cause of action against the Town, other than to recover any amounts actually collected and on deposit with the Town.

b. The Town shall not be deemed to be acting as an agent or fiduciary of the developer/subdivider or the responsible party. It shall be the exclusive responsibility of the developer/subdivider to monitor and enforce the payment provisions of the agreement.
c. In the event of non-payment by a responsible party, the developer/subdivider, in its capacity as principal third-party beneficiary of the agreement, shall have as its exclusive remedy the right to bring a cause of action against the defaulting responsible party.

d. The limitations set forth above shall be deemed as incorporated into every cost recovery agreement to be administered by the Town.

5.5.4. Town Contribution

Under certain circumstances and in its sole discretion, the Town may choose to contribute to the costs of construction of public improvements or provide incentives to offset the costs of public improvements in cases of preferred developments, including but not limited to permanent affordable housing.

5.5.5. Inclusion of Recovery Costs in Subdivision Applications

Subdivision applications shall contain a section entitled “Recovery Costs,” which shall contain a list of the public facilities previously constructed on which the proposed subdivision will be required to pay recovery costs and the areas of benefit, if applicable, and the Town recording information for the ordinance and agreement that established the recovery costs. The owner of proposed subdivision shall also be responsible for any recovery costs established subsequent to the approval of the application. However, no recovery cost obligation shall be invalid against a subdivision if it is undiscovered and/or inadvertently omitted from the application.

5.5.6. Recordation and Lien

From the date of recording of any cost recovery agreement for developer/subdivider-constructed public improvements, each of the records shall create a first and prior lien upon the properties benefited in the amount of the costs of the public facilities determined by the Town attributable to the property. At its discretion, the Town may allow the lien to become junior to the lien of deed(s) of trust executed by the landowners to secure loans to finance the construction of public facilities on the property.

5.5.7. Timing of Payment of Recovery Costs

All recovery costs shall be due and payable at the time of the recording of a final plat for the applicable property, or at such time as application is made for a building permit or water tap for the applicable property, whichever occurs first. The Town may withhold building permits or water service on property within the area of benefit until recovery costs are paid. In the event an owner desires to proceed with development of a portion of his property based on a phased development and/or subdivision plan, the owner may proceed after paying that portion of the recovery costs and making provision for payment of the remainder satisfactory to the Town.

5.5.8. Termination of Recoveries

Upon receipt of an application by an owner previously entitled to receipt of cost recoveries or on its own motion, the Town may terminate a recovery for a public improvements, if the costs of the public improvements have been substantially recovered, if the project may be more effectively financed by another method, or for such other good cause as the Town may determine. In no event shall the cost recovery period last longer than 10 years.
Article 16.06: Review Procedures

Section 6.1 Purpose and Organization

6.1.1. Purpose

This article describes the procedures for review of all applications for land use and development in the Town of Buena Vista. This article is intended to ensure the consistent and efficient administration of the UDC.

6.1.2. Organization of this Article

A. Section 6.2, Summary of Review Procedures, lists the zoning and subdivision approval procedures in this UDC and identifies the applicable review and approval authorities.

B. Section 6.3, Common Review Procedures, describes standard procedures that are applicable to most types of development procedures.

C. Section 6.4, Zoning and UDC Amendments, describes additional procedures unique to each type of ordinance amendment including rezoning, rezoning to Planned Unit Development, and UDC amendments. This section should be administered in conjunction with Section 6.3.

D. Section 6.5, Site Plan and Development Permits, describes additional procedures unique to each type of development permit or approval procedures application including site plan review (administrative and major), special use permits, and temporary use permits. This section should be administered in conjunction with Section 6.3.

E. Section 6.6, Subdivision, describes additional procedures unique to each type of subdivision approval procedure, including minor subdivisions, sketch plans, preliminary plats, final plats, condominumization, and vacations of right-of-way or easements. This section should be administered in conjunction with Section 6.3.

F. Section 6.7, Adjustments, Vesting, and Appeals, describes additional procedures unique to administrative adjustments, variances, vested rights, and appeal procedures. This section should be administered in conjunction with Section 6.3.

Section 6.2 Summary of Review Procedures

The following table summarizes the procedures for review and approval of applications for land use and development activity in the Town of Buena Vista. Not all review and approval procedures are addressed in this table; see subsequent sections of this article for information on other procedures.
### Table 6.1: Summary of Review Procedures

<table>
<thead>
<tr>
<th>Procedure</th>
<th>Section</th>
<th>Pre-Application Conference Required</th>
<th>Town Administrator</th>
<th>Planning and Zoning Commission</th>
<th>Board of Trustees</th>
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<td><strong>Adjustments, Vesting, and Appeals</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administrative Adjustment (new)</td>
<td>6.7.1</td>
<td>optional</td>
<td>D</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Variance</td>
<td>6.7.2</td>
<td>✓</td>
<td>R</td>
<td>[D] (BOT acting as Board of Adjustment)</td>
<td></td>
</tr>
<tr>
<td>Vested Rights</td>
<td>6.7.3</td>
<td>✓</td>
<td></td>
<td>Based on type of site-specific development plan</td>
<td></td>
</tr>
<tr>
<td>Appeal</td>
<td>6.7.4</td>
<td>optional</td>
<td>R</td>
<td>Based on decision-making authority</td>
<td></td>
</tr>
</tbody>
</table>

**KEY:** R = Review and Recommendation, D = Review and Decision, A = Appeal, [R or D] = Public Hearing Required, <R> = Public Meeting.
Section 6.3 Common Review Procedures

The common review procedures apply to all types of development applications in this Article 16.06: Review Procedures, unless an exception to the common procedures is expressly identified elsewhere in this article. Common review procedures include six steps (see Figure 6.A), not all of which may be applicable to each type of development application. Application-specific procedures in Sections 6.4 through 6.7 identify additional procedures and rules that apply in addition to those in this section.

Figure 6.A: Summary of Common Review Procedures

6.3.1. Step One: Pre-Application Conference

A. Purpose
The pre-application conference is intended to provide an opportunity for the applicant to meet with Town staff to discuss submittal requirements, procedures for approval, and timeframes for approval of an application. The conference also allows staff to convey any details regarding potential impacts of the proposed project.

B. When Required
Pre-application conferences are required as indicated in Table 6.1, Summary of Review Procedures.

C. Procedure
Pre-application conferences shall be scheduled pursuant to the following procedures.

1. Request and Required Information
The applicant shall submit a request for a pre-application conference to the Town Administrator on a form approved by the Town Administrator.

2. Scheduling
The Town Administrator shall schedule pre-application conferences and notify appropriate staff and the applicant of the time and location of the conference.

3. Conference Determinations
Staff attending the pre-application conference shall identify concerns or factors that the application should consider during the project as they relate to this UDC. Staff shall also identify additional approvals necessary for the proposed project, such as variances and/or administrative adjustments.

D. Effect of Pre-Application Conference
Any information provided in discussions held as part of the pre-application conference shall not be binding on the Town or applicant and is not intended to be all-inclusive or a guarantee of
approval. Discussions of potential conditions to mitigate impacts do not reflect actions by the decision-making body until and unless a decision-making body takes formal action to attach that condition to a development approval.

6.3.2. Step Two: Application Submittal, Acceptance, Revision, and Withdrawal

A. Authority to Submit Application

1. Unless expressly stated otherwise in this UDC, a development application shall be submitted by:
   a. The owner, contract purchaser (with proof of contract), or other person having a recognized property interest in the land on which development is proposed; or
   b. A person authorized to submit the application on behalf of the owner, contract purchaser, or other person having a recognized property interest in the land, as evidenced by a letter or document signed by the owner, contract purchaser, or other person.

2. If there are multiple owners, contract purchasers, or other persons authorized to submit the application, all such persons shall sign the application or a letter or document consenting to the application.

B. Application Content

1. The application shall be submitted to the Town Administrator on a form approved by the Town Administrator.

2. The applicant bears the burden of ensuring that an application contains sufficient information and supporting documents to demonstrate compliance with application requirements and any other request made by the Town Administrator.

3. Applications including substantially different information, as determined by the Town Administrator in its sole discretion, than what was discussed during the pre-application conference may require additional revisions and/or meetings prior to accepting the application.

C. Application Fees

1. Application fees shall be paid at time of submittal according to the type of application and the Town of Buena Vista fee schedule. Fees shall be established by resolution by the Board of Trustees and reviewed annually. Applications will not be processed until fees are paid in full.

2. If the Town Administrator determines that additional funds are needed to complete the application review, including retention of outside professional services, the Town Administrator may impose additional application fees to recover the Town’s actual costs in completing review.

3. If the fees paid are greater than actual costs, the applicant shall be reimbursed the additional fees less actual costs.

4. If the Town incurs costs beyond the amount deposited with the Town and the applicant does not pay those costs within 30 days after written notice from the Town, such costs shall be a lien upon the property, and the Town reserves the right to stop work on a project and/or withhold approvals.
D. **Submittal and Review Schedule**

The Town Administrator shall establish a submittal and review schedule for development applications and shall include that information in the Administrative Manual. The Town Administrator may amend the schedule to ensure effective and efficient review under this UDC.

E. **Determination of Application Completeness**

The Town Administrator shall determine whether the application is complete or incomplete within 10 business days. The Town Administrator shall provide written notification of the determination of application completeness.

1. **Complete Applications**

   A complete application shall be processed for review according to the procedures in this UDC and the Administrative Manual.

2. **Incomplete Applications**

   An incomplete application shall not be processed or reviewed. The Town Administrator shall provide written notice of the submittal deficiencies. The applicant may correct the deficiencies and resubmit the application for determination of application completeness. An incomplete application that is not resubmitted within 180 days of written notice from the Town Administrator shall be considered abandoned.

F. **Minor Application Revisions**

1. An applicant may revise an application after receiving notice of compliance deficiencies following staff review according to Section 6.3.3, or on requesting and receiving permission from an advisory or decision-making body after that body has reviewed, but not yet taken action on, the application.

2. Revisions shall be limited to changes that directly respond to specific requests or suggestions made by staff or the advisory or decision-making body, as long as they constitute only minor additions, deletions, or corrections and do not include significant substantive changes to the development proposed in the application, as determined by the Town Administrator in its sole discretion.

3. All other application revisions shall be processed as a new application per this Section 6.3.2.

G. **Application Withdrawal**

1. After an application has been accepted for review, the applicant may withdraw the application at any time by submitting a letter of withdrawal to the Town Administrator.

2. If an application is withdrawn after required notice of any scheduled public hearing, the application shall be subject to limitations on the subsequent submittal of similar applications (See Section 6.3.6, *Step Six: Post-Decision Actions and Limitations*).

3. An applicant is not entitled to a refund of application fees for withdrawn applications. However, the Town Administrator may refund fees not expended during the first round of staff review pursuant to Section 6.3.2.C.

### 6.3.3. **Step Three: Staff Review and Action**

A. **Refer Application to Staff and Review Agencies**

The Town Administrator shall distribute the complete application to appropriate staff and internal and external review agencies per the Administrative Manual.
B. **Staff Review and Application Revisions**

Staff shall review the application and submit recommendations and comments to the applicant in a form established by the Town Administrator.

C. **Applications Subject to Staff Recommendation**

1. **Staff Report**

   If an application is subject to staff review and recommendation to another decision-making body per Table 6.1, staff shall prepare a written staff report. The staff report shall state whether or not the application complies with all UDC requirements and may include a recommendation for a decision by the authorized decision-making body. The staff report may also recommend how noted deficiencies could be corrected and/or negative impacts mitigated.

2. **Distribution and Availability of Application and Staff Report**

   Within a reasonable time period before a meeting or hearing at which a development application is scheduled for review by an advisory or decision-making body, the Town Administrator shall submit a copy of the staff report to the applicant and advisory or decision-making body, and shall make the staff report and all related materials available for public review.

D. **Applications Subject to Staff Decision**

1. **Decision**

   a. If an application is subject to staff review and a final decision by the Town Administrator per Table 6.1, the Town Administrator shall make a decision based on the review standards applicable to the application type. The decision shall be in writing and shall clearly state reasons for a denial or for conditions of approval, if any.

   b. Following any decision by the Town Administrator, the Town Administrator shall provide written notification of such decision to the Planning and Zoning Commission and Board of Trustees at the next regularly scheduled meeting or within the Town’s monthly report.

2. **Conditions of Approval**

   Any conditions of approval shall be limited to conditions deemed necessary to ensure compliance with the requirements of this UDC, and shall relate to the anticipated impacts of the proposed development.

### 6.3.4. Step Four: Scheduling and Notice of Public Hearings

A. **Scheduling**

   If an application is subject to a public hearing per Table 6.1: *Summary of Review Procedures*, the Town Administrator shall schedule the public hearing for either a regularly scheduled meeting or special meeting of the appropriate decision-making body.

B. **Notice**

   1. **General Notice Requirements**

      All public hearings required by this UDC shall be preceded by notices identified in Table 6.2, below.
### Table 6.2: Notice Requirements

<table>
<thead>
<tr>
<th>Procedure</th>
<th>Section</th>
<th>Type of Notice Required</th>
<th>Timing (# of days before hearing)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Published in Newspaper</td>
<td>Mailed to Property Owners</td>
<td>Posted on the Property</td>
<td></td>
</tr>
<tr>
<td>Zoning and UDC Amendments</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rezoning</td>
<td>6.4.1</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Rezoning to a Planned Unit Development (PUD)</td>
<td>6.4.2</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>UDC Text Amendment</td>
<td>6.4.3</td>
<td>✓</td>
<td>Not required</td>
</tr>
<tr>
<td>Site Plan and Development Permits</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Site Plan Review</td>
<td>Administrative Site Plan 6.5.1.D</td>
<td>Not required</td>
<td></td>
</tr>
<tr>
<td>Major Site Plan</td>
<td>6.5.1.E</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Special Use Permit</td>
<td>6.5.2</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Temporary Use/Structure Permit</td>
<td>6.5.3</td>
<td>Not required</td>
<td>If proposed duration of 72-hours or longer</td>
</tr>
<tr>
<td>Subdivision</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minor Subdivision</td>
<td>6.6.1</td>
<td>Not required</td>
<td>✓</td>
</tr>
<tr>
<td>Major Subdivision</td>
<td>Sketch Plan 6.6.2</td>
<td>Not required</td>
<td></td>
</tr>
<tr>
<td>Preliminary Plat</td>
<td>6.6.3</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Final Plat</td>
<td>6.6.4</td>
<td>Not required</td>
<td></td>
</tr>
<tr>
<td>Condominiumization</td>
<td>6.6.5</td>
<td>Not required</td>
<td></td>
</tr>
<tr>
<td>Vacation</td>
<td>6.6.6</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Adjustments, Vesting, and Appeals</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administrative Adjustment (new)</td>
<td>6.7.1</td>
<td>Not required</td>
<td></td>
</tr>
<tr>
<td>Variance</td>
<td>6.7.2</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Vested Rights</td>
<td>6.7.3</td>
<td>Not required – post-decision publication requirements apply pursuant to 6.7.3.C.6.d</td>
<td></td>
</tr>
<tr>
<td>Appeal</td>
<td>6.7.4</td>
<td>✓</td>
<td>✓</td>
</tr>
</tbody>
</table>

**NOTE:** Properties with severed mineral rights shall refer to Section 6.3.4.B.4.

### 2. Notice Responsibilities

The Town shall be responsible for the accuracy of and proper publication, mailing, and posting of notice of the public hearing. The applicant or other party seeking the public hearing shall be responsible for posting on the property and shall bear all costs incurred giving notice of the public hearing. Such costs shall be paid to the Town prior to the final public hearing on the application.

### 3. Notice Format and Content

#### a. Published and Mailed Notice

- A notice for any application requiring published or mailed notice per Table 6.2 shall:
  - (a) Identify the application type;
  - (b) Describe the nature and scope of the proposed project;
  - (c) Identify the location of land subject to the application;
(d) Identify the date, time, and location of the hearing being noticed;  
(e) Identify where and when the application and materials may be inspected; and  
(f) Indicate opportunity to appear at the public hearing.

ii. Published notice shall appear in a newspaper of general circulation in the Town at least 15 days prior to the scheduled public hearing.

iii. Mailed notices shall be sent via first class mail to all property owners within 300 feet of the subject property, as measured from subject property boundaries at least 15 days prior to the scheduled public hearing.

b. Posted Notice

i. For an application requiring posted notice per Table 6.2, the applicant shall post at least one sign, prepared by the Town, on the parcel at least 15 days prior to the scheduled hearing. The sign shall be clearly visible from the most heavily traveled adjacent street or public right-of-way and shall remain on the property until after the hearing.

ii. The Town Administrator may require additional signs based on access and configuration of the property.

iii. Required posted notice shall:

   (a) Identify the application type;  
   (b) Describe the nature and scope of the proposed project;  
   (c) Identify the date, time, and location of the hearing being noticed; and  
   (d) Identify a telephone number for additional information.

4. Notice to Mineral Estate Owners and Lessees

The applicant shall provide notice by certified mail, return receipt requested, to all mineral estate owners and lessees on the subject property for development applications in accordance with C.R.S. § 24-65.5-103. Such notice shall be provided not less than 30 days prior to the initial public hearing, or not less than 30 days prior to the final decision if the application does not require a public hearing. The burden of determining mineral estate owners and lessees shall be entirely on the applicant.

5. Certification of Notice

The Town shall provide a certification at least seven days prior to the scheduled public hearing that notice has been provided in accordance with this Section 6.3.4, in a format approved by the Town Administrator.

6. Request to Defer Scheduled Hearings

An applicant may request that review of an application scheduled for a public hearing be deferred in accordance with the following provisions.

a. Before any notice is published, mailed, or posted, a written request for deferral that states the reasons for deferral shall be submitted to the Town Administrator, who may grant the request for good cause shown.

b. Any request for deferral after notice has been issued shall be in writing, state the reasons for deferral, and be submitted directly to the body scheduled to review the application. The appropriate body shall consider such a request and may either grant or deny the request and proceed to hear public comments, review, and take action on the application.
If the body grants the request for deferral, it shall concurrently identify the date and time of a subsequent meeting at which the application shall be scheduled for public comments and review. The application may be subject to additional application fees to defray additional costs of processing the application.

7. **Constructive Notice**
   
a. Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in notice shall be limited to errors in a legal description or typographical or grammatical errors that do not impede communication of the notice to affected parties. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing shall be correctly conveyed.

b. Failure of a party to receive written notice shall not invalidate subsequent action. If questions arise at the public hearing regarding the adequacy of notice, the decision-making body shall make a formal finding as to whether there was substantial compliance with the notice requirements of this UDC.

**6.3.5. Step Five: Planning and Zoning Commission and/or Board of Trustees**

Review and Decision

A. **Hearing, Review, and Decision**

1. The application shall be subject to review, hearings, recommendations, and decisions as indicated in Table 6.1: Summary of Review Procedures.

2. If the application is subject to a public hearing, the applicable decision-making body shall hold a public hearing on the application in accordance with this UDC, bylaws of the respective decision-making bodies, and state law.

3. The applicable decision-making body shall consider the application, relevant support materials, staff report, and any evidence and public comments from the public hearing (if required).

4. The burden to demonstrate the application’s compliance with all applicable review criteria shall rest with the applicant.

5. The applicable decision-making body shall approve, approve with conditions, or deny the application based on applicable approval criteria.

6. If the review involves a quasi-judicial hearing, the recommendation or decision shall:
   
a. Be based only on the record of the public hearing, staff report, and application materials and shall be in writing;
   
b. Include findings of fact based on competent, material, and substantial evidence presented at the hearing;
   
c. Reflect the determination of contested facts; and
   
d. State how the findings support compliance with applicable review standards.

7. Unless otherwise provided in this UDC, all representations by the applicant in the submittal materials or during the public hearing shall be binding on the applicant as part of the application.
8. The applicable decision-making body shall clearly state the factors considered in making its recommendation or decision, as well as the basis or rationale for the recommendation or decision.

B. Conditions of Approval
Where this UDC authorizes a decision-making body to approve or deny an application subject to applicable criteria, the decision-making body may approve the application with conditions necessary to bring the proposed development into compliance with this UDC or other regulations, or to mitigate the impacts of that development on surrounding properties and/or public rights-of-way.

6.3.6. Step Six: Post-Decision Actions and Limitations

A. Notice of Decision
1. Within 30 days after a final decision on an application, the Town Administrator shall provide written notification of the decision via personal delivery, electronic mail, or first-class mail to the applicant and make a copy of the decision available to the public.
2. If the review involves a quasi-judicial hearing, the Town Administrator shall, in addition to paragraph 1 above, within 10 days after a final decision on the application provide a written notification of the decision via personal delivery, electronic mail, or first-class mail to the owner(s) of the subject site, and any other person that submitted a written request for a copy of the decision.

B. Appeal
1. A party aggrieved or adversely affected by any decision by the Board of Trustees may seek review of the decision in the courts in accordance with applicable state law.
2. A party aggrieved by other final decisions may appeal the decision in accordance with the procedures and standards in Section 6.7.4, Appeal.

C. Expiration of Approval
1. An application approval shall be valid as authorization for the approved activity unless it expires in accordance with expiration time periods provided in this UDC for the particular type of application.
2. A change in ownership of the land shall not affect the established expiration time period of an approval.
3. The Town may grant one extension of the expiration time period for up to one year, following a written request for such extension prior to the expiration date. The request shall include reasonable cause for an extension. Further extensions may be permitted if expressly allowed in specific application procedures in this UDC and shall be subject to the approval of the decision-making body for the original application.

D. Modification or Amendment of Approval
Unless otherwise provided in this UDC, any modification of an approved plan, permit, or condition of approval shall require a new application submitted and reviewed in accordance with the procedures applicable to that type of application.

E. Limitation on Subsequent Similar Applications
1. Following denial of an application, the decision-making body shall not decide on applications that are the same or substantially similar within one year of the previous denial. This waiting
period may be waived by the Town Administrator provided that the applicant adequately demonstrates:

a. There is a substantial change to circumstances, or new information available, relevant to the issues or facts considered during the previous application review; or

b. The new application is materially different from the previous application.

2. Should the waiting period be waived by the Town Administrator, information demonstrating compliance with the above criteria shall be provided to the applicable decision-making body with the staff report and supporting application review materials.

Section 6.4 Zoning and UDC Amendments

6.4.1. Rezoning

A. Purpose

1. The rezoning procedure provides a process to make amendments to the Official Zoning Map of the Town of Buena Vista to reflect changes in public policy, changed conditions, or to advance the welfare of the Town. The zoning classification of any parcel in the Town may be amended using this procedure. The purpose is neither to relieve particular hardships nor to confer special privileges or rights on any person. The rezoning procedure shall not be used when a special use permit, variance, or administrative adjustment could be used to achieve the same result.

2. Changes to the characteristics of zoning districts (such as setbacks) and development standards that apply within districts (such as parking requirements) shall be processed as Unified Development Code amendments pursuant to Section 6.4.3, Unified Development Code Amendment.

B. Applicability

A rezoning may be approved by the Board of Trustees following review and recommendation by the Planning and Zoning Commission. Rezoning to a Planned Unit Development requires a distinct type of amendment to the Official Zoning Map and shall follow the procedures in Section 6.4.2.

C. Rezoning Procedure

Figure 6.B identifies the applicable steps from the common review procedures in Section 6.3 that apply to the review of rezoning applications. Additions or modifications to the common review procedures are noted below.

Figure 6.B: Summary of Rezoning Procedure
1. **Pre-Application Conference**
   A pre-application conference shall be held pursuant to Section 6.3.1.

2. **Application Submittal, Acceptance, Revisions, and Withdrawal**
   a. The rezoning application shall be submitted, accepted, and may be revised or withdrawn pursuant to Section 6.3.2.
   b. Single, coordinated applications are encouraged for rezoning proposals on multiple parcels with similar impacts and requests. Separate applications for each property may be required if the Town Administrator makes such determination during the pre-application conference.

3. **Staff Review and Action**
   Staff shall review the application and prepare a staff report and recommendation pursuant to Section 6.3.3.

4. **Scheduling and Notice of Public Hearings**
   The rezoning application shall be scheduled for public hearings before the Planning and Zoning Commission and Board of Trustees, and noticed pursuant to Section 6.3.4.

5. **Planning and Zoning Commission and/or Board of Trustees Review and Decisions**
   a. **Planning and Zoning Commission Review and Recommendation**
      i. The Planning and Zoning Commission shall review the rezoning application and recommend approval, approval with conditions, or denial in accordance with Section 6.3.5 and the criteria in subsection c, below.
      ii. Any conditions of approval shall be limited to minor technical conditions for the approval ordinance and shall not include conditions that must be met by the applicant in order to approve the rezoning.
   b. **Board of Trustees Review and Decision**
      The Board of Trustees shall review the rezoning application and approve or deny the rezoning pursuant to Section 6.3.5 and the criteria in subsection c, below.
   c. **Rezoning Approval Criteria**
      i. In reviewing a proposed rezoning, the Planning and Zoning Commission and Board of Trustees shall consider whether the proposed rezoning complies with at least one of the following criteria:
         (a) The proposed rezoning is consistent with the Comprehensive Plan and the purposes of this UDC; or
         (b) The rezoning is consistent with the purpose statement of the proposed zoning district; or
         (c) There have been significant changes in the area to warrant a zoning change; or
         (d) There was an error in establishing the current zoning.
      ii. Additionally, the Planning and Zoning Commission and Board of Trustees shall consider whether the proposed rezoning complies with each of the following criteria:
         (a) The intensity of development in the new zoning district is not expected to create significantly adverse impacts to surrounding properties or the neighborhood; and
(b) Public facilities and services are available to adequately serve the subject property while maintaining an adequate level of service to existing development, including but not limited to public water supply, infrastructure, and water rights available to the Town as identified in its Water Activity Report at the time of the application.

d. Protest Procedure
   i. Any person affected by a proposed rezoning may protest the rezoning pursuant to the statutory requirements of C.R.S. §31-23-305, as amended.
   ii. A protest against a rezoning shall be submitted to the Town Clerk up to 24 hours prior to a scheduled public hearing. Such protest shall be signed by the owners of at least 20 percent of the area of the lots included in the proposed zoning change boundaries or at least 20 percent of the lots adjacent to the subject property.
   iii. If a rezoning protest is submitted, approval of the proposed rezoning shall require at least two-thirds of the membership of the Board of Trustees.

6. Post-Decision Actions and Limitations
Post-decision actions and limitations in Section 6.3.6 shall apply with the following additions or modifications:
   a. Following approval of a rezoning, the Town Administrator shall prepare an appropriate revision to the Official Zoning Map.
   b. Following approval of a rezoning, the Town Administrator shall record the amendment map and ordinance with the Chaffee County Clerk and Recorder as soon as practicable.

6.4.2. Rezoning to a Planned Unit Development (PUD)

A. Purpose
   The purpose of rezoning to a PUD is to achieve greater flexibility than allowed by the strict application of the UDC while providing greater benefit to the Town. The PUD procedure shall not be used when a special use permit, variance, or administrative adjustment could achieve a similar result.

B. Applicability
   The boundaries of a zoning district or the zoning classification of any parcel may be changed to a Planned Unit Development (PUD) pursuant to this section. An application to rezone to a PUD may be submitted for any land within any combination of zoning districts. A PUD may be initiated by an individual or group of individuals owning at least 50 percent of the land within the proposed PUD area.

C. Planned Unit Development Procedure
   Figure 6.C identifies the applicable steps from the common review procedures in Section 6.3 that apply to the review of rezoning to PUD applications. Additions or modifications to the common review procedures are noted below.
1. **Pre-Application Conference**
   
   A pre-application conference shall be held pursuant to Section 6.3.1. In addition, the application shall provide the following materials to help determine whether or not a PUD is the appropriate procedure for the applicant and the Town:
   
   a. Proposed uses;
   
   b. Number and type of dwelling units;
   
   c. Proposed parking capacity and configuration; and
   
   d. General site planning layout and phasing.

2. **Application Submittal, Acceptance, Revisions, and Withdrawal**

   a. The PUD application shall be submitted, accepted, and may be revised or withdrawn pursuant to Section 6.3.2.

   b. A PUD application shall include a PUD concept plan prepared to the specifications of the Administrative Manual. Approval of the PUD concept plan is required prior to development in a PUD district.

   c. The regulations of this UDC remain applicable to all PUD development, except as specifically modified pursuant to the provisions contained in the approved PUD concept plan.

3. **Staff Review and Action**

   Staff shall review the PUD application and prepare a staff report and recommendation pursuant to Section 6.3.3.

4. **Scheduling and Notice of Public Hearings**

   The PUD application shall be scheduled for public hearings before the Planning and Zoning Commission and Board of Trustees, and noticed pursuant to Section 6.3.4.
5. Planning and Zoning Commission and/or Board of Trustees Review and Decisions

   a. Planning and Zoning Commission Review and Recommendation
      The Planning and Zoning Commission shall review the PUD application and recommend
      approval, approval with conditions, or denial in accordance with Section 6.3.5 and the
      criteria in subsection c, below.

   b. Board of Trustees Review and Decision
      The Board of Trustees shall review the PUD application and approve, approve with
      conditions, or deny the PUD pursuant to Section 6.3.5 and the criteria in subsection c,
      below.

   c. PUD Approval Criteria
      In reviewing a proposed PUD and associated PUD concept plan, the Planning and Zoning
      Commission and Board of Trustees shall consider whether:
      i. The PUD meets the criteria for a general rezoning pursuant to Section 6.4.1.C.5.c;
      ii. The PUD is in general conformance with the Comprehensive Plan;
      iii. The PUD does not include areas with incompatible land uses;
      iv. The PUD addresses a unique situation, provides substantial benefit to the Town, or
          incorporates creative design, site layout, or configuration such that it achieves a higher
          quality than what could be accomplished through strict application of this UDC;
      v. The PUD provides adequate common open space in terms of location, area, and type
          or provides the fee-in-lieu for parks and/or open space;
      vi. The PUD provides optimum preservation of the natural features of the terrain;
      vii. Exceptions for utilities, storm drainage, sewage collection and treatment and water
           supply and distribution are expressly prohibited;
      viii. The PUD, if providing residential uses, includes varied housing types and densities;
           and
      ix. The PUD meets all applicable standards of this UDC not expressly modified in the PUD
           application.

6. Post-Decision Actions and Limitations

   Post-decision actions and limitations for a general rezoning in Section 6.4.1.C.6 shall apply to
   PUD applications, including the following additions or modifications:

   a. Effect of Approval
      The approval of a PUD shall be inseparable from a PUD concept plan.

   b. Recording Required
      Following approval of a PUD, the applicant shall submit final copies of the PUD concept
      plan to the Town Administrator with applicable recording fee. The Town Administrator
      shall record the PUD concept plan and the zoning amendment map and ordinance with
      the Chaffee County Clerk and Recorder as soon as practicable. A list of approved PUDs and
      associated PUD concept plans shall be maintained by the Town Administrator.

   c. Enforcement
      All provisions of an approved PUD concept plan run in favor of the residents, occupants,
      and owners of the PUD, but only to the extent expressly provided in the plan. The
provisions, whether recorded by plat, easement, or otherwise, may be enforced by law or in equity by such residents, occupants, or owners acting individually, jointly or through an organization designated in the PUD concept plan to act on their behalf.

d. Modifications to an Existing PUD
   i. Except for minor amendments, an approved PUD may only be amended by submitting an amended PUD pursuant to Section 6.3.6.D.
   ii. Minor amendments to an approved PUD may be approved by the Town Administrator if the proposed amendment complies with the following:
       (a) The amendment shall not change the overall character or intent of the development.
       (b) The amendment shall not change the ratio of residential units to square feet of non-residential area by more than 10 percent.
       (c) The amendment shall not change the allowed uses listed on the approved PUD concept plan, unless such use is unlisted in the UDC and the Town Administrator deems the use to be similar to another use type allowed in the PUD concept plan.
       (d) The number of residential units to be constructed shall not be increased by more than 10 percent.
       (e) The gross square feet of non-residential area shall not be increased by more than 10 percent.
       (f) The maximum allowable height of structures shall not be increased.
       (g) The setback distance to property lines shall not be reduced by more than 10 percent.
       (h) The number of required parking spaces shall not be reduced by more than 10 percent unless in accordance with an overall reduction in the required parking based on number of residential units or square feet of non-residential area.

e. Concurrent Subdivision Review
   i. Subdivision review required under Section 6.6 may be reviewed concurrently with PUDs. A preliminary plat for a PUD shall only be approved following approval of the rezoning to PUD with associated PUD concept plan.
   ii. Each application for concurrent subdivision and PUD rezoning shall be reviewed and acted upon separately, based on the applicable standards and criteria in this UDC.

6.4.3. Unified Development Code Amendment

A. Purpose
   This section describes the review and approval procedures for amending the text of this UDC to respond to changes in public policy or changed conditions.

B. Applicability
   Amendments to the UDC shall be initiated by the Town Administrator, the Planning and Zoning Commission, or the Board of Trustees.
C. Unified Development Code Amendment Procedure

Figure 6.D identifies the applicable steps from the common review procedures in Section 6.3 that apply to the review of UDC amendments. Additions or modifications to the common review procedures are noted below.

**Figure 6.D: Summary of Unified Development Code Amendment Procedure**

1. **Application Submittal, Acceptance, Revisions, and Withdrawal**
   
   a. The UDC amendment application shall be submitted, accepted, and may be revised or withdrawn pursuant to Section 6.3.2.
   
   b. An application for an amendment to the UDC shall be prepared by the Town Administrator. If the amendment is initiated by the Planning and Zoning Commission or the Board of Trustees, then the Town Administrator shall prepare the application at their request.

2. **Staff Review and Action**

   Staff shall prepare a staff report and recommendation pursuant to Section 6.3.3.

3. **Scheduling and Notice of Public Hearings**

   The UDC amendment application shall be scheduled for public hearings before the Planning and Zoning Commission and the Board of Trustees, and noticed pursuant to Section 6.3.4.

4. **Planning and Zoning Commission and/or Board of Trustees Review and Decisions**

   a. **Planning and Zoning Commission Review and Recommendation**

      The Planning and Zoning Commission shall review the UDC amendment application and recommend approval, approval with conditions, or denial pursuant to Section 6.3.5.

   b. **Board of Trustees Review and Decision**

      The Board of Trustees shall review the UDC amendment application and approve, approve with conditions, or deny the amendment pursuant to Section 6.3.5. The Board of Trustees may also remand the application back to the Town Administrator or the Planning and Zoning Commission for further consideration. If the Board of Trustees revises the amendment or remands the application back to the Town Administrator or the Planning and Zoning Commission, additional public hearings may be required before final adoption.
c. **UDC Amendment Approval Criteria**

A UDC amendment is a legislative decision by the Board of Trustees. Prior to recommending approval or approving a proposed UDC amendment, the Planning and Zoning Commission and the Board of Trustees shall consider whether and to what extent the proposed amendment:

i. Is consistent with the [Comprehensive Plan];

ii. Does not conflict with other provisions of the UDC or Town Code;

iii. Is necessary to address a demonstrated community need;

iv. Is necessary to respond to changing policy or conditions;

v. Is consistent with the purpose and intent of the zoning districts in the UDC, would improve compatibility among land uses, or would result in an orderly and logical development pattern; and

vi. Would not result in significantly adverse impacts to the natural environment, including air quality, water quality, wildlife, vegetation, and other natural features of the Town.

5. **Post-Decision Actions and Limitations**

a. Post-decision actions and limitations in Section 6.3.6 shall apply.

b. A UDC amendment does not authorize specific development activity.

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**Section 6.5 Site Plan and Development Permits**

### 6.5.1 Site Plan Review

**A. Purpose**

The site plan review procedure provides a process to evaluate proposed development for compliance with the development and design standards of this UDC. The site plan review procedure ensures that the Town has the opportunity to mitigate potential impacts of proposed developments prior to issuance of a building permit.

**B. Applicability**

1. **Exemptions**

   The following development is exempt from the site plan review procedure:

   a. A change in use that does not involve or require other development (such as additional parking or landscaping);

   b. Tenant improvements or interior remodels that do not increase gross floor area or building height, increase the density or intensity of the use, or affect development standards (such as parking or landscaping requirements); and

   c. Construction of single-family detached dwellings or two-family dwellings, additions to such dwellings, and structures accessory to such dwellings.

2. **Thresholds for Site Plan Review Type**

   Table 6.3: *Site Plan Review Thresholds*, describes the applicable site plan review type (administrative and major).
Table 6.3: Site Plan Review Thresholds

<table>
<thead>
<tr>
<th>Type of Development</th>
<th>Administrative Site Plan (Town Administrator)</th>
<th>Administrative Site Plan where Vested Rights are Sought (Board of Trustees)</th>
<th>Major Site Plan Review (Planning and Zoning Commission)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>10 or fewer dwelling units</td>
<td>Site plans meeting the threshold for an administrative site plan, but where vested rights are sought, shall require approval by the Board of Trustees pursuant to Section 6.7.3</td>
<td>More than 10 dwelling units</td>
</tr>
<tr>
<td>Nonresidential</td>
<td>Less than 10,000 square feet gross floor area</td>
<td></td>
<td>More than 10 dwelling units or 10,000 or more square feet of nonresidential gross floor area</td>
</tr>
<tr>
<td>Mixed-Use</td>
<td>10 or fewer dwelling units and less than 10,000 square feet of nonresidential gross floor area</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

C. Procedures Applicable to All Site Plans

1. Application Submit, Acceptance, Revisions, and Withdrawal

An applicant may request concurrent review of other land use applications such as a variance or special use permit by including such request in the application and by complying with the required public notice and hearing requirements. The applicant may also request that concurrent land use applications be held concurrently with any required public hearings for the minor or major site plan approval. Site plans shall meet the requirements of the Administrative Manual and shall be prepared by licensed professionals.

2. Referral and Call-Up Procedures

   a. The Town Administrator at his or her discretion may refer administrative site plans to the Board of Trustees for a final decision, subject to the procedures in this section.

   b. The Town Administrator shall make available to the Board of Trustees a record of pending applications for administrative site plans and major site plans. If at least three members of the Board determine that the Board of Trustees shall make the final decision on any such application, the Town Administrator shall place the application on a Board of Trustees regular meeting agenda for decision. Notice of such determination shall be made at the first regularly scheduled meeting after receiving notice of the submitted complete application.

   c. Any application referred to or called up to the Board of Trustees shall first require a public hearing before the Planning and Zoning Commission to provide a recommendation on the application and shall be noticed pursuant to Section 6.3.4.

3. Approval Criteria for Site Plans

In reviewing the administrative or major site plan application, the applicable decision-making body shall consider whether:

   a. The site plan is consistent with the Comprehensive Plan and other adopted Town policies and plans;

   b. The site plan is consistent with any previously approved plan, planned unit development, and/or any other precedent land use approval; and

   c. The site plan complies with applicable standards in this UDC.

4. Post-Decision Actions and Limitations

   a. No Building Permit without Approval

      No building permit shall be issued until the administrative or major site plan has been approved.
b. Expiration of Approval
Site plan approvals shall expire if the authorized use or construction is not substantially underway within three years after the date of the administrative or major site plan approval, unless an extension is granted pursuant to Section 6.3.6.C.

c. Minor Modifications Allowed
The Town Administrator may approve minor changes to an approved site plan without requiring a new application, provided that the Administrator determines that the proposed changes:

i. Comply with the standards of the UDC;

ii. Are necessary to meet conditions of approval;

iii. Would not significantly alter the function, form, intensity, character, demand on public facilities, or impact on adjacent properties as approved with the administrative or major site plan.

D. Administrative Site Plan Procedure
Figure 6.E identifies the applicable steps from the common review procedures in Section 6.3 that apply to the review of administrative site plan applications. Additions or modifications to the common review procedures are noted below.

Figure 6.E: Summary of Administrative Site Plan Procedure

1. Pre-Application Conference
An applicant may request an optional pre-application conference, held pursuant to Section 6.3.1.

2. Application Submittal, Acceptance, Revisions, and Withdrawal
The administrative site plan application shall be submitted, accepted, and may be revised or withdrawn pursuant to Section 6.3.2.

3. Staff Review and Action
The Town Administrator shall review the administrative site plan application and distribute the application to other reviewers as deemed necessary. Based on the results of the internal review, the Town Administrator shall approve, approve with conditions, or deny the site plan, unless:

a. The application is referred to the Planning and Zoning Commission or the Board of Trustees, or called-up by the Board of Trustees.
b. The applicant is seeking vested rights, in which case the application shall be evaluated by the Board of Trustees at a public hearing pursuant to Section 6.7.3.

E. **Major Site Plan Procedure**

Figure 6.F identifies the applicable steps from the common review procedures in Section 6.3 that apply to the review of major site plan applications. Additions or modifications to the common review procedures are noted below.

---

**Figure 6.F: Summary of Major Site Plan Procedure**

1. **Pre-Application Conference**
   - A pre-application conference shall be held pursuant to Section 6.3.1.

2. **Application Submittal, Acceptance, Revisions, and Withdrawal**
   - The major site plan application shall be submitted, accepted, and may be revised or withdrawn pursuant to Section 6.3.2.

3. **Staff Review and Action**
   - Staff shall review the major site plan application and prepare a staff report and recommendation pursuant to Section 6.3.3.

4. **Scheduling and Notice of Public Hearings**
   - The major site plan application shall be scheduled for a public hearing before the Planning and Zoning Commission, and noticed pursuant to Section 6.3.4.

5. **Planning and Zoning Commission and/or Board of Trustees Review and Decisions**
   - **Planning and Zoning Commission Review and Recommendation**
     - i. The Planning and Zoning Commission shall review the major site plan application and approve, approve with conditions, or deny the major site plan in accordance with Section 6.3.5 and the criteria in Section 6.5.1.C.3.
     - ii. If the application is either referred to or called up to the Board of Trustees, then the Planning and Zoning Commission shall provide a recommendation of approval, approval with conditions, or denial of the major site plan to the Board of Trustees.
   - **Board of Trustees Review and Decision**
     - If the major site plan is referred to or called up to the Board of Trustees, then the Board of Trustees shall review the major site plan application and approve, approve with...
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conditions, or deny the major site plan pursuant to Section 6.3.5 and the criteria in Section 6.5.1.C.3.

6.5.2. Special Use Permit

A. Purpose
The special use permit procedure provides a process for the Town to evaluate proposed development and land uses that have unique or widely varying operating characteristics or unusual site development features to ensure compatibility with surrounding areas. This procedure is intended to identify potential impacts of such uses and ensure adequate mitigation is provided.

B. Applicability
The special use permit procedure shall apply to land uses as specified in Table 3.1, Table of Allowed Uses.

C. Special Use Permit Procedure
Figure 6.G identifies the applicable steps from the common review procedures in Section 6.3 that apply to the review of special use permit applications. Additions or modifications to the common review procedures are noted below.

Figure 6.G: Summary of Special Use Permit Procedure

1. Pre-Application Conference
   A pre-application conference shall be held pursuant to Section 6.3.1.

2. Application Submittal, Acceptance, Revisions, and Withdrawal
   The special use permit application shall be submitted, accepted, and may be revised or withdrawn pursuant to Section 6.3.2.

3. Staff Review and Action
   Staff shall review the application and prepare a staff report and recommendation pursuant to Section 6.3.3.

4. Scheduling and Notice of Public Hearings
   The special use permit application shall be scheduled for a public hearing before the Planning and Zoning Commission, and noticed pursuant to Section 6.3.4.
5. Planning and Zoning Commission Review and Decision

a. Special Use Permit Review and Decision
The Planning and Zoning Commission shall review the special use permit application and approve, approve with conditions, or deny the special use permit pursuant to Section 6.3.5 and the criteria in subsection b, below.

b. Special Use Permit Approval Criteria
i. In reviewing a proposed special use, the Planning and Zoning Commission shall consider whether:
   (a) The proposed use is consistent with the Comprehensive Plan and the purposes of this UDC;
   (b) The proposed use complies with applicable use-specific standards in Section 3.2;
   (c) The proposed use complies with all other standards in this UDC;
   (d) The proposed use is consistent with the purpose statement of the underlying zoning district;
   (e) Impacts of the use on the surrounding neighborhood have been adequately minimized; and
   (f) The proposed use does not adversely impact the public health, safety, and welfare of the Town.

6. Post-Decision Actions and Limitations
Post-decision actions and limitations in Section 6.3.6 shall apply with the following additions or modifications:

a. Expiration of a Special Use Permit
   i. Unless substantially acted upon (demonstrated by use of the property, construction, or measurable development activity) within three years following the date of approval, a special use permit shall expire.
   ii. The Town Administrator may grant one extension of the expiration period. Such extension shall require a written request and shall not exceed one year.

b. Expansion or Enlargement
   Any expansion or enlargement of a special use shall require a new application. Expansions or enlargements may be approved by the Town Administrator provided that:
   i. The expansion or enlargement is not expected to increase potential negative impacts to surrounding property or the Town; and
   ii. The expansion or enlargement will not require adjustments to any standards greater than allowed through the administrative adjustment procedures in Section 6.7.1.

c. Transfer of Special Use Permit
   A special use permit may be transferred to another person to operate the same use, in the same building(s), on the same property, and under the same terms of the permit. Such transfer shall require approval by the Town Administrator upon a written request by holder and transferee.
6.5.3. Temporary Use/Structure Permit

A. Purpose
   The temporary use/structure permit procedure provides a process to evaluate proposals for uses and structures intended for limited duration to ensure compliance with the applicable standards of this UDC.

B. Applicability
   1. General Applicability
      A temporary use/structure permit is required before establishing, constructing, or installing any temporary use or structure as specified in Table 3.1, Table of Allowed Uses or in Section 3.4, Temporary Uses and Structures.

   2. Exemptions
      The following temporary uses or structures are exempt from this section:
      a. Construction project offices or trailers erected pursuant to an approved construction project, provided such offices or trailers are removed within two months following issuance of a certificate of occupancy;
      b. Display booths, gazebos, vending carts, or similar structures or devices erected pursuant to a permit authorizing the use of publicly owned property for a festival, carnival, nonprofit fundraiser, or other civic or entertainment event;
      c. Nonprofit fundraising events such as church bazaars, farmers markets, seasonal festivals, or substantially similar events in residential zone districts, inclusive of the use of tents, gazebos, carts, and similar temporary structures. (These types of uses and structures may require a special event permit);
      d. The use of party tents for weddings or similar private functions on private property in any zoning district for not more than 72 hours; and
      e. Nonrecurring garage, yard, or estate sales in residential zoning districts; however, the holding of four or more garage, yard, or estate sales, or any combination thereof, at the same location or property in a residential zoning district in any one calendar year shall be deemed the operation of a business and shall be governed under the home occupation regulations in Section 3.3.4.B.

   3. Nuisance
      None of the exemptions above may be conducted in a manner that results in a nuisance. If such a nuisance exists, the Town may take action to abate the nuisance as provided for in the Buena Vista Municipal Code.

C. Temporary Use/Structure Permit Procedure
   Figure 6.H identifies the applicable steps from the common review procedures in Section 6.3 that apply to the review of special use permit applications. Additions or modifications to the common review procedures are noted below.
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Section 6.5 Site Plan and Development Permits | 6.5.3 Temporary Use/Structure Permit

1. Pre-Application Conference
An applicant may request an optional pre-application conference, held pursuant to Section 6.3.1.

2. Application Submittal, Acceptance, Revisions, and Withdrawal
The temporary use/structure permit application shall be submitted, accepted, and may be revised or withdrawn pursuant to Section 6.3.2. A temporary use/structure permit application shall be submitted at least 30 days prior to the event to allow for any potential appeals to the Board of Trustees.

3. Staff Review and Action
   a. Posting Requirement
      i. For proposed temporary uses/structures that will have a duration of 72 hours or more, the Town Administrator shall require the applicant to post notice on the subject property for at least two days stating that an application for a temporary use/structure permit is under review.
      ii. The required posting shall describe the proposed use/structure, and inform interested parties that comments related to the use and/or structure shall be submitted in writing to the Town Administrator by a date certain, no later than two business days prior to issuance of a decision.
      iii. Temporary vendors that are not located in a residential zoning district shall be exempt from these posting requirements.
   b. Review and Decision
      i. The Town Administrator shall review the temporary use/structure permit application and distribute the application to other reviewers as deemed necessary.
      ii. If no timely written objections are received pursuant to paragraph a above, then the Town Administrator shall approve, approve with conditions, or deny the temporary use/structure permit based on the approval criteria in paragraph c below.
      iii. If a timely written objection is received pursuant to paragraph a above, then the Town Administrator shall refer the temporary use/structure permit application to the Planning and Zoning Commission for review and decision at a public hearing pursuant to Section 6.3.2.
to the scheduling and notice requirements in Section 6.3.4, and pursuant to the approval criteria in paragraph c below.

c. **Temporary Use/Structure Permit Approval Criteria**
   A temporary use/structure permit shall be approved if the Town Administrator or Planning and Zoning Commission determine that the proposed use or structure:
   
   i. Is consistent with the [Comprehensive Plan](#);
   
   ii. Complies with the applicable temporary uses and structures standards in Section 3.4;
   
   iii. Complies with all other applicable standards in this UDC;
   
   iv. Complies with all requirements and conditions of approval for any prior development permits or approvals;
   
   v. Is compatible with the character, density, and use of structures and uses in the surrounding neighborhood; and
   
   vi. Impacts associated with access, traffic, emergency services, utilities, parking, refuse areas, noise, glare, and odor have been adequately mitigated.

4. **Post-Decision Actions and Limitations**
   Post-decision actions and limitations in Section 6.3.6 shall apply with the following additions or modifications:
   
   a. **Effect of Approval**
      A temporary use/structure permit authorizes establishment, construction, or installation of the approved temporary use or structure pursuant to the terms and conditions of the permit.
   
   b. **Expiration of Approval**
      i. A temporary use/structure permit, except those for temporary vendors, shall be valid for the time period indicated on the permit. In no case shall a temporary use permit be valid for more than 180 days.
      
      ii. An extension of a temporary use/structure permit, including an extension beyond the 180-day limitation, may be granted by the Town Administrator upon written request. Only one extension for a temporary use/structure permit shall be granted. The Town Administrator shall review a request for an extension using the approval criteria in 6.5.3.C.3.c.

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**Section 6.6 Subdivision**

**6.6.1. Minor Subdivision**

**A. Purpose**

The minor subdivision procedure provides a process to evaluate proposed subdivisions that will create few lots or will involve minor adjustments to approved final plats. The minor subdivision procedures also provide a mechanism for addressing plat errors and apply minor adjustments to lot boundaries when necessary.
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Section 6.6 Subdivision | 6.6.1 Minor Subdivision

B. Applicability
The minor subdivision procedure shall apply to:
1. Subdivisions creating fewer than 10 lots; or
2. Consolidation of two or more lots into fewer lots on an approved final plat; or
3. Lot line or boundary adjustments to an approved final plat; or
4. Correction of errors or omissions on an approved final plat, such as legal description errors, typographical and mapping errors, lot identification errors, and surveyor corrections.

C. Minor Subdivision Procedure
Figure 6.1 identifies the applicable steps from the common review procedures in Section 6.3 that apply to the review of minor subdivision applications. Additions or modifications to the common review procedures are noted below.

Figure 6.1: Summary of Minor Subdivision Procedure

1. Pre-Application Conference
   A pre-application conference shall be held pursuant to Section 6.3.1.

2. Application Submittal, Acceptance, Revisions, and Withdrawal
   The minor subdivision application shall be submitted, accepted, and may be revised or withdrawn pursuant to Section 6.3.2.

3. Staff Review and Action
   a. Public Notice
      i. When an application for a minor subdivision is deemed complete, the Town Administrator shall notify all property owners within 300 feet of the subject parcel(s) via first class mail. Such notice shall indicate that comments will be accepted for a period of 10 days following the date of the notice.
      ii. The Town Administrator shall not take official action on the minor subdivision application until the 10-day comment period has lapsed.
   b. Review and Decision
      i. Any minor subdivision application requiring the dedication of public improvements to the Town, or requiring a public improvements agreement, shall be forwarded to the Board of Trustees for consideration of the public improvements agreement and/or dedication prior to the Town Administrator taking action on the minor subdivision.
ii. The Town Administrator may refer a minor subdivision application for a proposed subdivision creating fewer than 10 lots to the Planning and Zoning Commission or to the Board of Trustees for a final decision at his or her discretion.

iii. Any application referred to the Board of Trustees shall first require a public hearing before the Planning and Zoning Commission to provide a recommendation on the application and shall be noticed pursuant to Section 6.3.4.

iv. Once paragraphs i through iii above have been satisfied, if applicable, the Town Administrator shall review the minor subdivision application and any public comments received and shall approve, approve with conditions, or deny the minor subdivision based on the criteria in paragraph c below.

c. **Minor Subdivision Approval Criteria**

A minor subdivision shall be approved if the Town Administrator determines that the proposed minor subdivision:

i. Is consistent with the intent of the underlying zoning district;

ii. Complies with applicable dimensional, development, and design standards in this UDC;

iii. Does not affect a recorded easement without approval from the easement holder; and

iv. Will not limit the Town’s ability to provide adequate and sufficient facilities or services, including but not limited to public water supply, infrastructure, and water rights available to the Town as identified in its Water Activity Report at the time of the application.

4. **Post-Decision Actions and Limitations**

Post-decision actions and limitations in Section 6.3.6 shall apply. Additionally, minor subdivisions shall be recorded with the Chaffee County Clerk and Recorder as soon as practicable following approval by the Town Administrator.

### 6.6.2. Sketch Plan

A. **Purpose**

The sketch plan procedure provides a process for preliminary evaluation of a proposed development prior to committing considerable resources toward engineering, design, and construction drawings. The sketch plan procedure results in early identification of potential impacts and solutions, without any official approval and/or denial from the Town.

B. **Applicability**

The sketch plan procedure is required for any new subdivision that does not meet the eligibility criteria for a minor subdivision pursuant to 6.6.1.B. Review through the sketch plan procedure is required prior to submitting an application for preliminary plat approval. The sketch plan procedure is optional for all other subdivision applications.

C. **Sketch Plan Procedure**

Figure 6.J identifies the applicable steps from the common review procedures in Section 6.3 that apply to the sketch plan procedure. Additions or modifications to the common review procedures are noted below.
1. **Pre-Application Conference**
   A pre-application conference shall be held pursuant to Section 6.3.1.

2. **Application Submittal, Acceptance, Revisions, and Withdrawal**
   The sketch plan application shall be submitted, accepted, and may be revised or withdrawn pursuant to Section 6.3.2.

3. **Staff Review and Action**
   Staff shall review the sketch plan application and prepare a staff report and recommendation pursuant to Section 6.3.3.

4. **Scheduling and Notice of Public Meeting**
   The sketch plan application shall be scheduled for a public meeting before the Board of Trustees and the Planning and Zoning Commission, and noticed pursuant to Section 6.3.4.

5. **Planning and Zoning Commission and Board of Trustees Review and Recommendation**
   a. **Review and Recommendation**
      The Board of Trustees and the Planning and Zoning Commission shall review the sketch plan application at a joint public meeting and make recommendations according to the criteria in subsection b, below. The recommendations shall be considered by the applicant while preparing an application for a preliminary plat.
   b. **Sketch Plan Review Criteria**
      The Board of Trustees and Planning and Zoning Commission shall evaluate the sketch plan application to determine whether the proposed subdivision:
      i. Complies with applicable use, density, development, and design standards of this UDC;
      ii. Provides lots, roads, driveways, utilities, drainage facilities, and other services are designed to minimize the amount of land disturbance, maximize connectivity, maximize the amount of open space, and preserve sensitive areas;
      iii. Provides adequate mitigation to areas in natural hazard areas and that proposed uses of these areas are compatible with such conditions;
iv. Provides evidence of public water and sewer system connections;
v. Provides open space in accordance with Town requirements;
vi. Provides a clear assumption of responsibility for maintaining roads, open spaces, and other public and common facilities in the subdivision; and
vii. If applicable, provides a rational phasing plan for phased development as it relates to infrastructure capacity.

6. Post-Decision Actions and Limitations

The applicant shall submit an application for a preliminary plat within one year of sketch plan review by the Board of Trustees and the Planning and Zoning Commission. The preliminary plat application shall be substantially similar in configuration and shall not include lots outside of the area indicated during sketch plan review; otherwise, the applicant shall resubmit a sketch plan application pursuant to Section 6.6.2.C.

6.6.3. Preliminary Plat

A. Purpose

The preliminary plat procedure provides a process for the Town to review an overall plan for a proposed subdivision to ensure compliance with this UDC and the Comprehensive Plan.

B. Applicability

A preliminary plat is required when one or more of the following conditions exist:

1. The proposed subdivision will produce 10 or more lots;
2. The proposed subdivision will include the dedication of public right-of-way, other public tracts, or public improvements not determined to be eligible for minor subdivision processing; or
3. The proposed subdivision is not eligible to be processed as a minor subdivision, pursuant to Section 6.6.1.B.

C. Preliminary Plat Procedure

Figure 6.K identifies the applicable steps from the common review procedures in Section 6.3 that apply to the preliminary plat procedure. Additions or modifications to the common review procedures are noted below.

Figure 6.K: Summary of Preliminary Plat Procedure

<table>
<thead>
<tr>
<th>Step</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Pre-Application Conference</td>
</tr>
<tr>
<td>2</td>
<td>Application Submitted, Acceptance, Revision, and Withdrawal</td>
</tr>
<tr>
<td>3</td>
<td>Staff Review and Action</td>
</tr>
<tr>
<td>4</td>
<td>Scheduling and Notice of Public Hearings</td>
</tr>
<tr>
<td>5</td>
<td>Planning and Zoning Commission and/or Board of Trustees Review and Decision</td>
</tr>
<tr>
<td>6</td>
<td>Post-Decision Actions and Limitations</td>
</tr>
</tbody>
</table>

Preliminary plat expires in three years unless final plat is recorded.
1. **Pre-Application Conference**  
   A pre-application conference shall be held pursuant to Section 6.3.1.

2. **Application Submittal, Acceptance, Revisions, and Withdrawal**  
The preliminary plat application shall be submitted, accepted, and may be revised or withdrawn pursuant to Section 6.3.2. An application for a preliminary plat may be submitted concurrently with a sketch plan upon approval of a written request to the Town Administrator.

3. **Staff Review and Action**  
   Staff shall review the preliminary plat application and prepare a staff report and recommendation pursuant to Section 6.3.3.

4. **Scheduling and Notice of Public Hearings**  
The preliminary plat application shall be scheduled for public hearings before the Planning and Zoning Commission and Board of Trustees, and noticed pursuant to Section 6.3.4.

5. **Planning and Zoning Commission and/or Board of Trustees Review and Decision**
   a. **Planning and Zoning Commission Review**  
      The Planning and Zoning Commission shall review the preliminary plat application pursuant to Section 6.3.5 and the criteria below and shall recommend approval, approval with conditions, or denial of the preliminary plat. The Planning and Zoning Commission may also remand the preliminary plat back to the Town Administrator for further consideration.
   
   b. **Board of Trustees Review and Decision**  
      The Board of Trustees shall review the preliminary plat application and the recommendation of the Planning and Zoning Commission and shall approve, approve with conditions, or deny the preliminary plat pursuant to Section 6.3.5 and the criteria below.
   
   c. **Conditions of Approval**  
      If the preliminary plat is approved with conditions, such conditions shall be met prior to approval of a final plat.
   
   d. **Preliminary Plat Approval Criteria**  
      In reviewing the proposed preliminary plat, the Planning and Zoning Commission and the Board of Trustees shall consider whether the preliminary plat:
      
      i. Is consistent with the Comprehensive Plan;
      
      ii. Complies with the underlying zoning district standards;
      
      iii. Complies with the use, dimensional, design, and other development standards in this UDC;
      
      iv. Provides lots, roads, driveways, utilities, drainage facilities, and other services that are designed to minimize the amount of land disturbance, maximize connectivity, maximize the amount of open space, and preserve sensitive areas;
      
      v. Provides adequate mitigation to areas in natural hazard areas and that proposed uses of these areas are compatible with such conditions;
      
      vi. Provides evidence of public water and sewer system connections;
vii. Provides water to lots that are in compliance with the Town’s water supply, infrastructure, and water rights as identified in its Water Activity Report.

viii. Provides open space in accordance with Town requirements.

ix. Provides a clear assumption of responsibility for maintaining roads, open spaces, and other public and common facilities in the subdivision; and

x. If applicable, provides a rational phasing plan for phased development as it relates to infrastructure capacity. The phasing plan, if applicable, shall be included with application submittal.

6. Post-Decision Actions and Limitations

Post-decision actions and limitations in Section 6.3.6 shall apply with the following additions or modifications:

a. A preliminary plat shall expire three years from the date of approval if a final plat has not been recorded at that time.

b. The Board of Trustees may extend the expiration time period once, for a period up to 12 months. Such extension shall require written request to the Town Administrator, who shall forward the request and a recommendation to the Board of Trustees for action at any regular or special meeting.

6.6.4. Final Plat

A. Purpose

The final plat procedure completes the subdivision process and ensures compliance with the approved preliminary plat and all applicable standards in this UDC.

B. Applicability

The final plat procedure applies to all subdivisions in the Town of Buena Vista unless otherwise stated in this UDC.

C. Final Plat Procedure

Figure 6.1 identifies the applicable steps from the common review procedures in Section 6.3 that apply to the final plat procedure. Additions or modifications to the common review procedures are noted below.

Figure 6.1: Summary of Final Plat Procedure
1. **Pre-Application Conference**
   A pre-application conference shall be held pursuant to Section 6.3.1.

2. **Application Submittal, Acceptance, Revisions, and Withdrawal**
   The final plat application shall be submitted, accepted, and may be revised or withdrawn pursuant to Section 6.3.2. In addition:
   a. All sanitary sewer design plans shall be approved by the Buena Vista Sanitation District prior to submittal of a final plat application.
   b. The final plat application shall be submitted within three years of preliminary plat approval.
   c. The final plat may reflect the entire preliminary plat or any part if phasing.
   d. A final plat application may be submitted concurrently with a preliminary plat application with approval of a written request to the Town Administrator.

3. **Staff Review and Action**
   a. **Town Administrator Review and Decision**
      The Town Administrator shall review the application and shall approve, approve with conditions, or deny the final plat based on the criteria below.
   b. **Final Plat Approval Criteria**
      The Town Administrator shall approve a final plat that complies with the following criteria:
      i. The final plat conforms to the preliminary plat, including any conditions of approval;
      ii. The development will comply with all requirements of this UDC; and
      iii. The development will comply with the applicable technical standards and specifications adopted by the Town.

4. **Post-Decision Actions and Limitations**
   Post-decision actions and limitations in Section 6.3.6 shall apply with the following additions or modifications:
   a. **Signing and Recordation**
      i. Following final plat approval, the plat shall be signed by the Town Administrator and acknowledged by the Town Clerk. Approval of the final plat shall include and constitute acceptance of all proposed dedications contained in the plat by the Town of Buena Vista.
      ii. The final plat shall be recorded with the Chaffee County Clerk and Recorder as soon as practicable following approval, subject to any conditions of approval, which shall be satisfied prior to recordation.
      iii. No person shall sell, transfer, convey, lease or rent, or negotiate the same, any lot or other property within the development until the plat has been recorded.
      iv. The Town Clerk shall also record the public improvements agreement and any agreement for dedications, if applicable, together with legal documents as may be required to be recorded by the Town Attorney.
      v. The applicant shall bear the cost of all recordation fees.
b. Public Improvements
   i. The construction of public improvements to be installed as part of a subdivision shall be identified and secured pursuant to Section 5.4, Public Improvements Agreements, executed by the applicant and the Town as a condition of approval.
   ii. The Public Works Department shall account for both the water infrastructure provided by the subdivision and its impacts on Town water supply and water rights.
   iii. All public improvements shall be subject to warranty after construction and acceptance. No building permit shall be submitted or reviewed by the Town for any development prior to approval of final construction plans for all development infrastructure and improvements as required by the terms and conditions of the development approval and/or the terms of this UDC.
   iv. No certificate of occupancy shall be issued prior to the complete and satisfactory installation of all development infrastructure and improvements necessary to serve any lot for which a building permit has been sought. Required water and sewer improvements shall be installed prior to issuance of a building permit and according to the terms of the public improvements agreement.
   v. All costs reasonably incurred by the Town in reviewing and approving final construction plans, inclusive of engineering and legal fees, shall be paid by the applicant.

6.6.5. Condominiumization

A. Purpose
   The condominium procedure provides a process by which the Town reviews creation of condominium subdivisions and conversions and evaluates them for compliance with this UDC and other Town codes.

B. Applicability
   The applicable review procedure shall be determined by the number of condominium units created, as follows:
   1. Developments with fewer than 20 condominium units shall be processed as a minor subdivision pursuant to Section 6.6.1.C.
   2. Developments with 20 or more condominium units shall not be eligible for the minor subdivision procedure and shall prepare a sketch plan, preliminary plat, and final plat.

C. Condominiumization Procedure
   Figure 6.M identifies the applicable steps from the common review procedures in Section 6.3 that apply to the condominiumization procedure. Additions or modifications to the common review procedures are noted below.
### Article 16.06: Review Procedures

Section 6.6 Subdivision | 6.6.5 Condominiumization

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**1. Pre-Application Conference**

A pre-application conference shall be held pursuant to Section 6.3.1.

**2. Application Submittal, Acceptance, Revisions, and Withdrawal**

The condominiumization application shall be submitted, accepted, and may be revised or withdrawn pursuant to Section 6.3.2. The application shall either be processed as a minor subdivision or shall follow the procedures for a sketch plan (Section 6.6.2), preliminary plat (Section 6.6.3), and final plat (Section 6.6.4) procedures.

**3. Condominiumation of Fewer than 20 Units**

a. **Review and Decision**

   The Town Administrator shall review the condominiumization in accordance to the common review procedures in Section 6.3 and the procedures for minor subdivisions in Section 6.6.1.C.

b. **Condominiumization Approval Criteria**

   A condominiumization shall be approved if the Town Administrator determines that the proposed condominiumization meets the approval criteria for minor subdivision in Section 6.6.1.C.3.c, and the applicant has provided adequate documentation for compliance with the standards and terms of the Condominium Ownership Act and the Colorado Common Interest Ownership Act, C.R.S. § 38-33-101, et seq., as may be amended.

**4. Condominiumization of 20 or More Units**

Condominiumization applications for developments with 20 or more units shall be processed using the sketch plan (Section 6.6.2), preliminary plat (Section 6.6.3), and final plat (Section 6.6.4) procedures.

**5. Condominiumization Conversions**

An applicant proposing to condominiumize an existing building is exempt from these procedures with the following exceptions:

a. The applicant shall submit a condominium conversion inspection report to the Building Official describing the structural condition of the building, the proposed condominium units, and their compliance with all building and fire safety codes.
b. The applicant shall make the building and all proposed condominium units available for inspection by the Building Official if the Building Official deems such inspection necessary to evaluate compliance of the building and/or units with building and fire safety codes. The cost of such inspections shall be borne by the applicant.

c. The conversion of an existing structure to multiple ownership interests shall not be permitted if the use of the structure is nonconforming pursuant to Section 1.5.2.

d. The applicant shall comply with the post-decision actions and limitations below.

6. Post-Decision Actions and Limitations

Post-decision actions and limitations in Section 6.3.6 shall apply. Additionally, after buildings have been constructed and final as-built surveys have been completed, the applicant shall submit an amended condominium plat showing graphically and dimensionally the subdivision of buildings into volumetric spaces and the relationship of these spaces with the boundaries of the site and other appurtenances on the site.

6.6.6. Vacation of Easement

A. Purpose

The vacation of easement procedure provides a process for vacating rights, interests, or title of the Town in and to any easement dedicated to the Town located in the Town of Buena Vista. Title to vacated roadways shall be in accordance with Colorado law.

B. Applicability

This procedure applies to any request to vacate rights, interests, or title of an easement vested in the Town. Vacation of roadways shall be in accordance with Colorado law.

C. Vacation Procedure

Figure 6.N identifies the applicable steps from the common review procedures in Section 6.3 that apply to the vacation of easement procedure. Vacation of roadways shall be in accordance with Colorado law. Additions or modifications to the common review procedures are noted below.

Figure 6.N: Summary of Vacation of Easement Procedure

1. Pre-Application Conference

   A pre-application conference shall be held pursuant to Section 6.3.1.
2. Application Submittal, Acceptance, Revisions, and Withdrawal

The vacation application shall be submitted, accepted, and may be revised or withdrawn pursuant to Section 6.3.2. Applications shall include a scaled survey from a Colorado registered surveyor or engineer that indicates the roadways and adjacent properties subject to the vacation.

3. Staff Review and Action

a. Staff and utility providers shall review and approve, approve with conditions, or deny the application according to the approval criteria in Section 6.6.6.C.4.

b. For vacation of roadway, review of the application shall be pursuant to Colorado law.

4. Vacation Approval Criteria

Staff may approve a vacation of easement if determined that the vacation:

a. Is consistent with the Comprehensive Plan;

b. Will comply with the underlying zoning district; and

c. Will comply with the use, dimensional, design, and other development standards in this UDC.

5. Post-Decision Actions and Limitations

Post-decision actions and limitations in Section 6.3.6 shall apply with the following additions or modifications:

a. The revised plat or ordinance showing the vacation of easement shall be signed by the Town Administrator and acknowledged by the Town Clerk.

b. The revised plat or ordinance showing the vacation of easement shall be recorded with the Chaffee County Clerk and Recorder as soon as practicable following approval, subject to any conditions of approval, which shall be satisfied prior to recordation.

Section 6.7 Adjustments, Vesting, and Appeals

6.7.1. Administrative Adjustment

A. Purpose

The administrative adjustment procedure provides a process for evaluating minor modifications or deviations from the dimensional or numeric standards of this UDC that may be permitted by the Town Administrator. The intent is to allow for greater flexibility when necessary without requiring a formal zoning amendment, UDC amendment, or variance. The administrative adjustment procedure is not intended to serve as a waiver of UDC standards or to circumvent the variance procedure.

B. Applicability

1. Generally

a. The Town Administrator may approve an adjustment to any numeric dimensional, development standard in Articles 16.02 or 16.04, or adjustment to any numerical design standard in Article 16.04, up to a maximum of five percent for height and vertical adjustments, and up to a maximum of 20 percent for all other adjustments.
b. The administrative adjustment procedure shall not apply to any proposed modification that results in:
   i. An increase in the overall density;
   ii. A change in allowable uses or mix of uses;
   iii. A deviation from the use-specific standards in Section 3.2;
   iv. A change to a development standard already modified through a separate administrative adjustment or variance; or
   v. Requirements for public roadways, utilities, or other public infrastructure or facilities.

C. Administrative Adjustment Procedure

Figure 6.0 identifies the applicable steps from the common review procedures in Section 6.3 that apply to the administrative adjustment procedure. Additions or modifications to the common review procedures are noted below.

Figure 6.0: Summary of Administrative Adjustment Procedure

1. Pre-Application Conference
   An applicant may request an optional pre-application conference, held pursuant to Section 6.3.1.

2. Application Submittal, Acceptance, Revisions, and Withdrawal
   a. The administrative adjustment application shall be submitted, accepted, and may be revised or withdrawn pursuant to Section 6.3.2.
   b. An application for an administrative adjustment shall only be submitted and reviewed concurrently with an application for a special use permit, temporary use permit, site plan approval (administrative or major), or plat approval (preliminary or final).
   c. When the concurrently reviewed application is subject to review by the Planning and Zoning Commission and/or Board of Trustees, the Town Administrator shall review and decide the administrative adjustment application prior to distributing the staff report for the concurrently reviewed application.
3. **Staff Review and Action**

   a. **Public Notice**
      i. When an application for an administrative adjustment is deemed complete, the Town Administrator shall notify all property owners within 300 feet of the subject parcel(s) via first class mail. Such notice shall indicate that comments will be accepted for a period of 10 days following the date of the notice.
      ii. The Town Administrator shall not take official action on the administrative adjustment application until the 10-day comment period has lapsed.

   b. **Review and Decision**
      The Town Administrator shall review the administrative adjustment application and distribute the application to other reviewers as deemed necessary. Based on that review, and in response to any public comments received, the Town Administrator shall approve, approve with conditions, or deny the administrative adjustment based on the criteria below.

   c. **Administrative Adjustment Approval Criteria**
      An administrative adjustment shall be approved if the Town Administrator determines that the proposed adjustment:
      i. Is consistent with the Comprehensive Plan;
      ii. Is consistent with the purpose of the underlying zoning district;
      iii. Is consistent with adopted building and fire codes;
      iv. Will not result in incompatible development;
      v. Will not result in adverse impacts unless adequately mitigated; and
      vi. Is of a technical nature and is required to:
         (a) Compensate for an unusual condition;
         (b) Eliminate a minor inadvertent failure to comply with this UDC; or
         (c) To protect a sensitive resource or natural feature.

4. **Post-Decision Actions and Limitations**

   Post-decision actions and limitations in Section 6.3.6 shall apply with the following additions or modifications:

   a. **Effect of Approval**
      Approval of an administrative adjustment authorizes only the particular adjustment of standards approved, and only to the subject property of the application.

   b. **Expiration of Approval**
      Approval of an administrative adjustment shall automatically expire if the associated development application is denied or if approval of the concurrently reviewed application expires, is revoked, or otherwise becomes invalid.

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**6.7.2. Variance**

A. **Purpose**

   The variance procedure provides a process to grant limited relief from the requirements of this UDC for property where strict application of the UDC would result in an exceptional practical...
difficulty or undue hardship preventing the use of the land in a manner otherwise allowed by the UDC. The variance procedure is not intended to allow a use in a zoning district where it is not permitted, or to mitigate inconveniences or financial burdens that this UDC may impose on landowners.

B. Applicability

1. Any property owner seeking relief from this UDC may request a variance when the strict application of the UDC would result in an undue hardship and meet the approval criteria listed in Section 6.7.2.C.5.b.

2. The variance procedure shall not be used for:
   a. Requests for uses not otherwise allowed in a particular zoning district by the UDC; or
   b. Variances from regulations outside of this UDC.

C. Variance Procedure

Figure 6.P identifies the applicable steps from the common review procedures in Section 6.3 that apply to the variance procedure. Additions or modifications to the common review procedures are noted below.

**Figure 6.P: Summary of Variance Procedure**

1. **Pre-Application Conference**
   A pre-application conference shall be held pursuant to Section 6.3.1.

2. **Application Submittal, Acceptance, Revisions, and Withdrawal**
   a. The variance application shall be submitted, accepted, and may be revised or withdrawn pursuant to Section 6.3.2.
   b. The variance application may be initiated concurrently with other development applications when relief is sought by the applicant.

3. **Staff Review and Action**
   Staff shall review the application and prepare a staff report and recommendation pursuant to Section 6.3.3.

4. **Scheduling and Notice of Public Hearings**
   The variance application shall be scheduled for a public hearing before the Board of Adjustment, and noticed pursuant to Section 6.3.4.
5. **Board of Adjustment Review and Action**

a. **Hearing, Review, and Decision**
   
i. The Board of Adjustment shall hold a public hearing as required by this UDC and shall be conducted pursuant to this UDC, any established bylaws of the Board of Adjustment, and in compliance with state law.

   ii. The Board of Adjustment shall consider the application, relevant supporting materials, staff report, and any public comments made at the public hearing, and shall approve, approve with conditions, or deny the variance based on the criteria below. The Board of Adjustment may also remand the application back to the Town Administrator for further consideration.

   iii. The Board of Adjustment’s decision shall be based only on the record of the public hearing and shall be provided in writing, including findings of fact based on competent, material, and substantial evidence presented at the hearing, and shall reflect the determination of contested facts and state how the findings support compliance with applicable review standards.

   iv. The Board of Adjustment shall clearly state the factors considered in making its decision, as well as the basis or rationale for the decision.

b. **Variance Approval Criteria**

   A variance may be granted if the Board of Adjustment finds that all of the following exist:

   i. The variance is necessary due to unique physical conditions such as size, irregularity, narrowness or shallowness of a lot, location, surroundings, topography, or other peculiar conditions on the subject property;

   ii. The strict application of the UDC standards for which the variance is sought would result in undue hardship;

   iii. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;

   iv. Such hardship was not created by the applicant or any previous owner of the property;

   v. The variance is the minimum variance that will afford relief of the subject standards of the UDC;

   vi. The variance will not result in substantial impacts to adjacent property or the character of the zoning district, and

   vii. The variance is not related to purposes of convenience or financial burden.

6. **Post-Decision Actions and Limitations**

   Post-decision actions and limitations in Section 6.3.6 shall apply with the following additions or modifications:

a. **Notice of Decision**

   Any decision by the Board of Adjustment shall be provided in writing by the Town Administrator to the Planning and Zoning Commission before the next meeting or hearing of the Planning and Zoning Commission.
b. **Expiration of Variance**
   
i. If the property owner has not commenced development or obtained the required permits to carry out the approved variance within one year of the variance approval date, then the variance shall automatically expire; or
   
ii. If the variance application is reviewed concurrently with another type of development application, and that other development application is denied, then the variance approval shall automatically expire.
   
c. **Non-Transferable**

   An approved variance shall apply only to the property or structure described in the approval and shall not be transferable to any other property or structure.

### 6.7.3. Vested Rights

#### A. Purpose

The vested rights procedure provides a process for review and approval of vested real property rights pursuant to state statutes C.R.S. Article 68 of Title 24, as amended. Nothing in this section is intended to create a vested property right, but only to implement the provisions of state law.

#### B. Applicability

1. Vested property rights shall be obtained through approval of the following site-specific development plans:
   
   a. Final plat;
   
   b. Major site plan;
   
   c. Planned Unit Development; or
   
   d. A development agreement providing vested rights.

2. Administrative site plans approved by the Board of Trustees where vested rights are sought shall also be considered a site-specific development plan.

3. No other plan, plat, or similar document shall be considered a site-specific development plan.

#### C. Vested Rights Procedure

Figure 6.Q identifies the applicable steps from the common review procedures in Section 6.3 that apply to the vested rights procedure. Additions or modifications to the common review procedures are noted below.

*Figure 6.Q: Summary of Vested Rights Procedure*
1. **Pre-Application Conference**
   
   A pre-application conference shall be held pursuant to Section 6.3.1.

2. **Application Submittal, Acceptance, Revisions, and Withdrawal**
   
   The vested rights request shall be included with an application for the site-specific development plan, which application shall be submitted, accepted, and may be revised or withdrawn pursuant to Section 6.3.2.

3. **Staff Review and Action**
   
   a. Staff shall review the application and prepare a staff report and recommendation pursuant to Section 6.3.3. The recommendation for vested rights may be directly incorporated into the staff report for the applicable site-specific development plan.

   b. For applications decided by the Town Administrator, vested rights shall be included with the official decision per the applicable site-specific development plan procedure.

4. **Scheduling and Notice of Public Hearings**
   
   If required, the applicable site-specific development plan application shall be scheduled for public hearings before the Planning and Zoning Commission and/or the Board of Trustees, and noticed pursuant to Section 6.3.4. Hearings on vested rights may occur concurrently with the applicable site-specific development plan.

5. **Planning and Zoning Commission and/or Board of Trustees Review and Decision**
   
   a. **Planning Commission Review, Recommendation, and/or Decision**
      
      If required for a site-specific development plan, the Planning and Zoning Commission shall review the site-specific development plan application and make a recommendation and/or decision in accordance with 6.3.5. If the Planning and Zoning Commission is the deciding authority, the Planning and Zoning Commission shall make one of the decisions according to the procedures for that site-specific development plan.

   b. **Board of Trustees Review and Decision**
      
      If required for a site-specific development plan, the Board of Trustees shall review the site-specific development plan application and make a decision in accordance with 6.3.5. The Board of Trustees shall make one of the decisions according to the procedures for that site-specific development plan.

6. **Post-Decision Actions and Limitations**
   
   Post-decision actions and limitations in Section 6.3.6 shall apply with the following additions or modifications:

   a. **Effective Approval**
      
      i. A site-specific development plan and vested property right shall only be deemed established upon the final action of the reviewing body or official designated under this UDC with authority to grant final development approvals. The effective date of a site-specific development plan and vested property right shall be the date on which the site-specific development plan has been approved.

      ii. A site-specific development plan that has received final approval subject to conditions shall result in a vested property right unless there is a failure to abide by such conditions, in which case the vested property right shall be forfeited.
b. **Expiration of Vested Rights**

A site-specific development plan that has been vested as provided under this section shall remain vested for three years from the plan’s effective date. A longer initial vesting period, or an extension in the vesting period, may be granted upon a finding that a longer or extended vesting period will serve the public interest and welfare in view of all pertinent circumstances, including the size and phasing of any given development, economic cycles, or market conditions.

c. **Modification of Site-Specific Development Plan**

In the event of amendments to a site-specific development plan, the effective vesting date of any amendment shall be the date of the approval of the original plan unless otherwise specifically provided in the action or document approving the amendment.

d. **Published Notice of Vested Rights**

i. As soon as practicable following approval of a vested site-specific development plan, but in no case later than 15 days following approval, notice shall be published in a newspaper of general circulation in the Town generally advising the public of the approval and identifying the property where vested rights were approved. Such notice shall be substantially in the following form:

ii. Notice is hereby given to the general public of the approval of a site specific development plan and the creation of a vested property right pursuant to Title 24, Article 68, Colorado Revised Statutes and the Buena Vista Municipal Code pertaining to the following-described project and/or property: (Description of property)

iii. The property shall be generally described in the notice and identify the ordinance or resolution granting such approval. The costs of publishing such notice shall be borne by the applicant.

e. **Referendum and Judicial Review**

A vested site-specific development plan shall be subject to all rights of referendum and judicial review, except that the 30-day period in which to exercise such rights shall not begin to run until the publication of the notice of approval as provided for in this section.

### 6.7.4. Appeal

**A. Purpose**

The appeal procedure provides a process whereby persons claiming to have been aggrieved by a decision of the Town Administrator or other administrative officer or agency in administering this UDC may appeal that decision.

**B. Applicability**

Any person may appeal any decision of any administrative officer or agency made in the administration or enforcement of this UDC. Appeals shall be made to the appropriate body as indicated in Table 6.1, *Summary of Review Procedures*, modified as follows:

1. **Appeals of Administrative or Other Boards or Commission Decisions, Generally**

   Appeals of administrative decisions or decisions by boards or commissions other than the Board of Adjustment or the Planning and Zoning Commission shall be made to the Board of Trustees, unless stated otherwise in this UDC.
2. **Appeals of Administrative Site Plans**
   Appeals of decisions on administrative site plans shall be made to the Planning and Zoning Commission.

3. **Appeals of Board of Adjustment, Planning and Zoning Commission, or Board of Trustees Decisions**
   Appeals of decisions by the Board of Adjustment, Planning and Zoning Commission, and the Board of Trustees shall be made to the District Court in accordance with state law.

C. **Appeal Procedure**
   Figure 6.R identifies the applicable steps from the common review procedures in Section 6.3 that apply to the appeal procedure. Additions or modifications to the common review procedures are noted below.

**Figure 6.R: Summary of Appeal Procedure**

1. **Pre-Application Conference**
   An applicant may request an optional pre-application conference, held pursuant to Section 6.3.1.

2. **Application Submittal, Acceptance, Revisions, and Withdrawal**
   An appeal application shall be submitted, accepted, and may be revised or withdrawn pursuant to Section 6.3.2, with the following modifications:
   a. **Burden of Proof on Appellant**
      The appellant has the burden of proving the necessary facts to warrant approval of an appeal by the appropriate decision-making body. Such proof shall be provided at time of a written application with the non-refundable application fee. If the appellant fails to provide facts warranting an appeal, the application shall be rejected.
   b. **Time limit**
      Appeals shall be made in writing and filed with the Town Administrator within seven days of the action or decision being appealed.
Article 16.06: Review Procedures

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c. **Stay of Proceedings**

   An appeal stays all proceedings from further action unless the Town Administrator determines that a stay would create adverse impacts to the health, safety, and welfare of the Town or subject neighborhood.

3. **Staff Review and Action**

   Staff shall review the application and prepare a staff report pursuant to Section 6.3.3, with the following modifications:

   a. Staff shall only review the application to confirm that it is complete and that the appeal is heard by the appropriate review body.

   b. The staff report shall not make a formal recommendation, but rather shall include only the necessary facts to warrant an appeal, which shall be provided by the appellant.

4. **Scheduling and Notice of Public Hearings**

   An appeal shall be scheduled for a public hearing before the Board of Adjustment, Planning and Zoning Commission, or Board of Trustees, and noticed pursuant to Section 6.3.4.

5. **Planning and Zoning Commission or Board of Trustees Review and Decision**

   a. The appropriate decision-making body shall consider the following in determining whether to affirm, reverse, or amend the decision or interpretation made by another decision-making body:

      i. The facts stated in the application, as presented by the appellant and/or the Town Administrator;

      ii. Whether the UDC was applied correctly; and

      iii. Consistency with the Comprehensive Plan.

   b. The appeal decision-making authority may reverse a previous decision in whole or in part, or modify the order, requirement, decision, or determination appealed from.

   c. The appeal decision-making authority may attach conditions of approval on any appeal to ensure the health, safety, and welfare of the Town.

6. **Post-Decision Actions and Limitations**

   Any further appeals from the appropriate appeal decision-making authority shall be made as provided by law.
Article 16.07: Rules of Construction and Definitions

Section 7.1 General Rules of Construction

The following shall apply for construing or interpreting the terms and provisions of this UDC.

7.1.1. Meanings and Intent

All provisions, terms, phrases, and expressions in this UDC shall be construed according to the general purpose set forth in Section 1.2 and the specific purpose statements elsewhere in this UDC. If a specific section provides a different meaning of a term defined for general purposes in this Article, the specific section’s meaning and application shall control. Otherwise, terms will have the general and commonly accepted meanings.

7.1.2. Headings, Illustrations, and Text

In case of any difference of meaning or implication between the text of this UDC and any heading, caption, figure, illustration, table, or map, the text shall control.

7.1.3. Lists and Examples

Unless otherwise indicated, lists of items or examples that use terms such as “for example,” “including,” and “such as,” or similar are intended to provide examples and are not exhaustive lists of all possibilities.

7.1.4. Computation of Time

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday, the deadline shall be the next day that is not a Saturday, Sunday, or holiday. References to “days” are calendar days unless otherwise stated.

7.1.5. Public Officials and Agencies

All public officials, bodies, and agencies referred to in this UDC are those of the Town of Buena Vista, Colorado unless otherwise stated.

7.1.6. Mandatory and Discretionary Terms

The words “shall,” “must,” and “will” are mandatory in nature, establishing an obligation to comply. The words “may” and “should” are permissive in nature.

7.1.7. Conjunctions

Unless the context clearly suggests otherwise, conjunctions shall be interpreted as follows:

A. “And” indicates that all connected items apply; and
B. “Or” indicates that one or more of the connected items apply.

### 7.1.8. Tenses, Plurals, and Gender

A. Words used in the present tense include the future tense, unless the context clearly indicates otherwise.

B. Words used in the singular number include the plural number, and words used in the plural number include the singular number, unless the context clearly indicates otherwise.

C. Words used in the masculine gender shall include the feminine gender, and words used in the feminine gender shall include the masculine gender.

### Section 7.2 Definitions

**Abandoned sign**
A sign that, for a period of 90 consecutive days, has not advertised a business on the premises where such sign is located or for which a special or temporary sign permit has expired. This definition does not include off-premise signs.

**Above-ground bulk storage tank**
Any one or combination of tanks (including underground pipes connected thereto) of 55 gallons or greater that is used to contain an accumulation of potential groundwater contaminants and the volume of that occurring mostly above the surface of the ground.

**Access**
A way or means of approach to provide vehicular or pedestrian physical entrance to a property.

**Accessory dwelling unit**
An attached or detached dwelling unit that is accessory in character and lesser in size and character to a principal building situated on the same lot or parcel, and that otherwise satisfies the requirements contained in this UDC.

**Accessory equipment for a Wireless Service Facility**
Equipment, including buildings and structures, used to protect and enable radio switching equipment, backup power, and other devices incidental to a wireless service facility, but not including antennas.

**Adequate public facilities**
The public facilities and services necessary to maintain the adopted level of service standards, pursuant to the adequacy determination process in Section 5.2.4.B.

**Adjacent**
The condition where two or more parcels share common property lines or where two parcels are separated only by an alley, easement, or street. For corner properties, adjacent properties include all other corner properties at the subject intersection.

**Administrative adjustment**
A development approval authorizing limited deviations from certain provisions of this UDC’s dimensional or numerical development standards that is reviewed by the Town Administrator pursuant to 6.7.1.
Administrative manual
A manual containing the details regarding the development review process, information for potential applicants, and development review forms.

Agricultural or animal-related services
Agricultural and farming activities, including nurseries and facilities for processing and selling agricultural products. Agricultural uses involve farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal husbandry. Animal-related uses include the boarding and care of animals on a commercial basis. Accessory uses may include confinement facilities for animals, parking, and storage areas.

Alley
A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

All-weather hardened surface
A hardened surface used for parking and/or other paved areas meant to withstand the impacts of rain, snow, and other runoff. Such surfacing materials include concrete, asphalt, pavers, compacted or compressed stone, gravel, or other approved surfacing materials approved by the Town Administrator.

Alternative tower structure
Man-made trees, clock towers, bell steeples, light poles and similar alternative design mounting structures that are compatible with the natural setting and surrounding structures, and camouflage or conceal the presence of antennas and/or towers. This term also includes any antenna or antenna array attached to the alternative tower structure.

Animated or moving sign
A sign or other display with either kinetic or illusionary motion powered by natural, manual, mechanical, electrical or other means, including but not limited to flags, garrison flags and all pennants, banners, streamers, propellers and discs, as well as flashing signs, signs with illuminated elements that are used to simulate the impression of motion, searchlights and signs with emissions such as smoke, vapors, sound or odor.

Antenna
A structure built for the sole or primary purpose of supporting any Federal Communications Commission-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including without limitation private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. This includes guyed mast, lattice towers, monopole antennas, alternative antenna tower structures and towers taller than 10 feet constructed on top of another building, along with any separate building on the lot used to house any supporting electronic equipment.

Antenna tower
Any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas. This includes guyed mast, lattice towers, monopole antennas, alternative antenna tower structures and towers taller than 10 feet constructed on top of another building, along with any separate building on the lot used to house any supporting electronic equipment.

Applicant
A person who submits a development application requesting a development permit or approval authorized by this UDC.
Area of copy
The entire area within a single continuous perimeter composed of squares, rectangles, circles, ovals or any other geometrical shape which enclose the extreme limits of the message, announcement or decoration on a wall, projecting or freestanding sign.

Area of sign
The area of the largest single face of the sign within a perimeter which forms the outside shape, including any frame, or forms an integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed. If the sign consists of more than one section or module (as in the case of wall and awning signs), all areas will be totaled. A maximum of 12 perpendicular lines shall be used to determine the total sign area.

Figure 7.A: Measuring Area of Signs

Assembly hall
A commercial or non-profit facility intended to accommodate large groups of persons for entertainment, conferences, conventions, exhibitions, weddings, and similar activities.

Assisted living facility
A state-licensed facility regulated as a personal care boarding home defined by state statute. Such facilities do not offer diagnosed medical or psychological treatment under professional medical supervision, but may offer physical therapy, occasional medical or nursing care to address non-chronic and non-recurring conditions such as colds, flu, or household injuries, and assistance with routine living activities not aimed at recovery from a specific diagnosed condition.

Automobile leasing or sales
The sale, display, lease, rental, or storage of light motor vehicles, including automobiles, vans, light trucks, and light trailers. This shall not include salvage operations, scrap operations, vehicle impound yards, or commercial parking lots available for short-term use.

Automobile service, major
A facility that provides general automobile service, rebuilding, painting, or reconstruction of engines, transmissions, or other systems, steam cleaning, or painting or detailing services for automobiles or trailers.
Automobile service, minor
An establishment for the retail sale of products and supplies for automobile and light motor vehicles, including lubricants and minor accessory parts, and with or without retail of fuel. This use may also include minor parts installation, towing, servicing, and minor repairs of vehicles; and vehicle washing facilities and trailer rental when secondary to the above activities. Accessory uses may include convenience retail, refreshments, and ice. Major repairs and/or sale of vehicles are expressly excluded.

Awning
A roof-like cover over a window or doorway that is attached to the outer wall or fascia of a building.

Banner
A sign composed of lightweight material.

Bar or tavern
An establishment providing or dispensing by the drink for on-site consumption fermented malt beverages, and/or malt, special malt, vinous or spirituous liquors, and in which the sale of food products such as sandwiches and light snacks is secondary.

Bed and breakfast
A residential structure, or portion thereof, that is occupied by an owner or operator, in which three or more habitable spaces are made available to paying guests for 30 consecutive days or less, which typically, but not necessarily, provides at least one meal for guests.

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

Berm
A mound of earthen material typically used or shield, screen, and/or buffer views from incompatible land uses, parking areas, storage areas, or public streets.

Bioretention
Use of shallow, vegetated depressions and engineered soils to collect, filter, and store stormwater runoff as it percolates into the ground.

Block
A tract of land bounded by streets, or by a combination of streets and alleys, public parks, civic property boundaries, or boundary lines of municipalities.

Board of Adjustment
The Board of Adjustment of the Town of Buena Vista, Colorado.

Board or Board of Trustees
The Board of Trustees of the Town of Buena Vista, Colorado.

Building
Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals or property of any kind.
Building coverage
The portion of the surface of a lot or other unit of land covered, or permitted to be covered, by buildings measured on a horizontal plane from the exterior foundation walls of all buildings at ground level, and sometimes known as **lot coverage** or **site coverage**.

Building materials sales and storage
An establishment for the sale of materials and hardware customarily used in the construction of buildings and other structures, which includes facilities for storage.

Building roof-mounted Wireless Service Facility
A wireless service facility that is mounted and supported entirely on the roof of a legally existing building or structure.

Building, accessory
A detached building subordinate to the main building on a lot and used for purposes customarily incidental to the main or principal building but not for dwelling purposes and located on the same lot as the principal building.

Canopy sign
A sign attached to a permanent covered area that extends over the public sidewalk, or over uses or structures on private property.

Cemetery
Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbaria, crematories, mausoleums, and mortuaries.

Certificate of occupancy
A document issued by the Town building official certifying a building's compliance with applicable building codes and other laws, and indicating the building to be in a condition suitable for occupancy.

Church or place of worship
A structure or group of structures that is intended for regular gatherings of people to attend, participate in, or conduct religious services and other related activities and associated accessory uses.

Civic organization, club, or lodge
A building or portion of a building or premises owned or operated by a corporation, association, person, or persons for a social, educational, or recreational purpose, but not primarily for profit or to render a service that is customarily carried on as a business.

Clear sight triangle
See standard in Section 4.4.6.F.

Co-housing
A residential development that combines small individually-owned units on a single lot with common open space and sometimes including larger community kitchen and dining room intended for communal use on a regular basis.

College or university
An institute of higher education authorized by the State to award baccalaureate or higher degrees, which may include on-site student, faculty, and/or employee housing facilities.

Co-location
Locating one or more antennas for more than one provider on a single antenna tower or alternative antenna tower structure on a single lot.
**Common open space**
A parcel of land, an area of water, or a combination of land and water, within the site designated for a planned unit development, co-housing development, or subdivision, designed and intended primarily for the use or enjoyment of residents, occupants and owners of the planned unit development, co-housing development, or subdivision. Areas included in driveways or otherwise required to move cars in or out of parking spaces shall not be considered common open space.

**Common ownership**
Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockbroker, partner, or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

**Community and cultural facilities**
Uses including buildings, structures, or facilities owned, operated, or occupied by a governmental entity or nonprofit organization to provide a service to the public.

**Community center**
A facility used for recreational, social, educational, and cultural activities. This definition includes private nonprofit recreational and social facilities, recreational buildings and facilities, and community centers operated by public agencies.

**Community garden**
A public or not-for-profit area for cultivation of food crops and/or ornamental plants by more than one person or family with the crops shared among the participants or members and sometimes sold to the general public.

**Comprehensive Plan**
The Comprehensive Plan for development of the Town prepared and adopted by the Planning Commission and Board of Trustees, and including any part of such plan separately adopted and any amendment to such plan.

**Condominium**
A common interest community defined by C.R.S. §§ 38-33-103(1) and 38-33.3-103(9), in which portions of the real estate are designated for separate ownership and the remainder of which is designated for common ownership by the owners of the separate ownership portions.

**Continuum of care or nursing home**
A facility providing independent living that may or may not be affiliated with or located near health care facilities or a facility for individuals who require specialized nursing care on a regular basis but who do not need to be hospitalized. A continuum of care facility may include a large scale facility that provides continuing care for retirement-age persons with graduating levels of assistance required over time.

**Cul-de-sac**
A local street with only one outlet that terminates in a paved vehicular turnaround and has an appropriate terminal for the safe and convenient reversal of traffic movement.

**Customer premises equipment**
Equipment employed on the premises of an individual telecommunications service end-user or customer to receive or transmit personal telecommunications.
Cut-out-letter sign
The sign area considered to be that of a single rectangle or square encompassing all of the letters used to convey the message of the sign, including the open space between letters of words within that rectangle or square.

Day care home
A state-licensed dwelling or residence providing less than 24-hour care to groups of five or more children under the age of 18 years, or five or more developmentally disabled or mentally ill adults, or five or more adults 60 years of age or older, who are not related to the owner, operator, or manager of the dwelling.

Dead-end
A street that has only one connection to any other existing through street or planned through street.

Developer
The owner of land proposed to be developed or its representative responsible for any undertaking that requires review and/or approval under this UDC.

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

Development shall also include:

1. Any construction, placement, reconstruction, alteration of the size, or material change in the external appearance of a structure on land;
2. Any change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on a tract of land or a material increase in the intensity and impacts of the development;
3. Any change in use of land or a structure;
4. Any alteration of a shore or bank of a river, stream, lake, pond, reservoir or wetland;
5. The commencement of drilling oil or gas wells, or mining;
6. Stockpiling of fill materials, filling or excavation on a parcel of land;
7. The demolition of a structure;
8. The clearing of land as an adjunct of construction;
9. The deposit of refuse, solid or liquid waste, or fill on a parcel of land;
10. The installation of landscaping within the public right-of-way, when installed in connection with the development of adjacent property; and
11. The construction of a roadway through or adjoining an area that qualifies for protection as a wildlife or natural area.

Development shall not include:

1. Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way;
2. Work by any public utility for the purpose of inspecting, repairing, renewing or constructing, on established rights-of-way, any mains, pipes, cables, utility tunnels, power lines, towers, poles, or the like; provided, however, that this exemption shall not include
work by a public entity in constructing or enlarging mass transit or fixed guide way mass transit depots or terminals or any traffic-generating activity;

3. The maintenance, renewal, improvement, or alteration of any structure, if the work does not prompt the loss of nonconformance under the provisions of Section 1.5.3;

4. The use of any land for an agricultural activity;

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

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

**Development agreement**
A written contract between a developer and the Town memorializing terms and conditions associated with the approval of a subdivision or other development project and which may specify required improvements and vest property rights. Development agreements may include, but are not limited to, provisions clarifying the phasing of construction, timing and location of infrastructure, reimbursement for oversized infrastructure, assurances for adequate public facilities, and mitigation of anticipated impacts of the development on the general public.

**Development site**
Land used or proposed to be used for development, consisting of either a single lot or multiple contiguous lots.

**Distillery**
An establishment where spirituous liquors are manufactured for commercial purposes.

**Disturbed area**
Land that is cleared, grubbed, and/or graded for construction purposes, not including the addition of vegetated areas.

**Dormitories**
A building oftentimes associated with an educational facility, providing housing for a number of unrelated persons utilizing common entrances and hallways, single or group sleeping accommodations and shared bath and toilet facilities.

**Double-faced sign**
A two-faced sign utilizing both sides or surfaces for display purposes.

**Double-frontage lot**
See “Lot, double-frontage.”

**Drive through**
A structure with a service window, automated device, or other facility that is designed and intended to be used to provide for sales and service to patrons who remain in their vehicles.

**Drive-through sign**
A freestanding sign intended to convey information to vehicles in drive-through lanes.

**Driveway**
A paved or unpaved area used for the ingress and/or egress of vehicles, and allowing access from a street to a building or other structure.
Dwelling or dwelling unit
A building, or a portion of a building, designed and intended to be used by a person or family for private residential purposes and which has its own separate entrance and is equipped with facilities for sleeping, bathing, and cooking and has permanent plumbing.

Dwelling, multifamily large
A building (or group of buildings) designed and constructed to contain five or more dwelling units where not all of the units are in separate legal ownership, and does not meet the definition of “dwelling, single-family attached.”

Dwelling, multifamily small
A building designed and constructed to contain four or fewer dwelling units where not all of the units are in separate legal ownership, and does not meet the definition of “dwelling, single-family attached.”

Dwelling, single-family attached
A building designed and constructed to contain three or more single-family dwelling units in a side-by-side configuration in which each unit is in separate legal ownership. Includes townhomes and rowhouses separated by a fire-resistant common wall.

Dwelling, single-family detached
A detached building containing only one dwelling unit.

Dwelling, two-family (duplex)
A building designed and constructed to contain two dwelling units on one property separated by a fire-resistant common wall in a side-by-side, front-to-back, or over-under stacked configuration, each with its own separate exterior entrance.

Easement
Authorization by a property owner for another to use the owner's property for a specified purpose.

Education facilities
Public, private, and religious institutions at the primary, elementary, middle, high school, or post-secondary level, or trade or business schools, that provide educational instruction to students. Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums, and before- or after-school day care.

Elementary or secondary school
Public schools, elementary and secondary, private schools with curriculum equivalent to that of a public elementary or high school, and related facilities such as including gymnasiums, stadiums, and dormitories if located on the campus.

Eligible wireless service facility request
Any request for a land use approval for the modification of an existing tower or base station that involves the collocation of new transmission equipment, the removal of transmission equipment, or the replacement of transmission equipment.

Enclosed storage
The stockpiling or keeping of materials, products, equipment or goods within a fully enclosed building utilized in association with a principal use.
Energy and utilities
All lines, buildings, easements, passageways, or structures used or intended to be used by any public or private utility related to the provision, distribution, collection, transmission, or disposal of power, oil, gas, water, sanitary sewage, communication signals, or other similar services at a local level.

Equipment sales
The display and sales or rental of products and equipment primarily used for home improvement projects.

Equipment storage shelter
Buildings, storage shelters, and cabinets used to house wireless service facility equipment.

External illumination
Illumination of a sign from a source of light not contained within the sign itself.

FAA
Federal Aviation Administration

Feather flag
A temporary fabric sign intended to be inserted directly into the ground or into a mounting device that sits on the ground, often with a feather-like shape. Other common names for feather flags include blade flags, sail flags, quill flags, and flutter flags.

Fence or wall
A manmade barrier constructed or installed to demarcate or create a boundary, partition, or enclosure, to restrict or prevent access to an area, to conceal or screen an area, and/or for decorative purposes. A fence may be open or solid and generally includes materials such as wood, metal, or other permitted materials and is usually connected by boards, rails, panels, and/or wires. A wall is generally solid and consists of masonry, stone, brick, tile, concrete, or plaster. The definition of fence or wall shall also include trellises, or other man-made structures intended to support vines, flowers, and other vegetation, or as a decorative element, when erected in such position to enclose, partially enclose, surround, or separate areas on a property or between properties.
Fire or police station
Facilities for the provision of local rapid response emergency services such as policing, firefighting, and mobile emergency services, including areas for the storage and maintenance of emergency vehicles and equipment and housing and feeding of emergency personnel.

Flag
Any fabric not exceeding three feet by five feet when hung from a building; or five feet by seven feet when hung from a pole.

Flea market or auction house
An indoor or outdoor premises where the main use is the sale of new or used household goods, personal effects, tools, art work, small household appliances, and similar merchandise, objects, or equipment in small quantities, sold in individual stalls, lots, or parcels, not in bulk, for the use or consumption by the immediate purchaser in a building.

Special flood hazard area (SFHA)
See definition in Flood Regulations in Chapter 18, Article IX.

Floor area/space, gross
The sum of all horizontal floor areas within a building measured from the interior faces of the exterior building walls or from the interior faces of common walls separating buildings.

Food and beverage services
Establishments involved in serving prepared food or beverages for consumption on or off the premises. Accessory uses may include food preparation areas, offices, and parking.

Footcandle
A unit of surface illumination that is equal to one lumen per square foot as measured by a properly calibrated digital light meter. Footcandles shall be measured at a height of three feet above finished grade directly under the illumination source.

Freestanding sign
A sign permanently anchored directly to the ground or supported by one or more posts, columns or other vertical structures or supports and not attached to or dependent for support from any building.

Frontage buildout
The percentage of building frontage that must be between zero feet and the maximum setback distance for the respective zoning district.

Frontage, business
The linear distance of the exterior building wall of a business facing a public right-of-way that contains the main entrance to the business.

Fueling station
A place where gasoline and petroleum products are sold. Accessory uses may include convenience retail, refreshments, and ice.

Full cutoff fixture
A light fixture that prevents distribution of light above a horizontal plane through the lowest point of the bulb or lens, diffuser, reflective passing enclosure, or other parts intended to distribute light.

Fully shielded
A light fixture equipped with internal and/or external shields or louvers or opaque lensing to prevent brightness and glare at normal viewing angles by directing illumination and light downward.
Geothermal facility, large
A facility, land area, and equipment used for the conversion of natural geothermal energy into energy for beneficial use, including geothermal heat pumps for nonresidential use and electricity generation of 10 kilowatts (kW) or greater.

Geothermal facility, small
A facility, land area, and equipment used for the conversion of natural geothermal energy into energy for beneficial use, including geothermal heat pumps for on-site use or electricity generation up to 10 kilowatts (kW).

Golf course
A tract of land typically laid out for at least nine holes for playing the game of golf that may include a clubhouse, dining and snack bars, pro shop, and practice facilities.

Grade
The slope of a road, street, or other public way specified in percentage terms.

Greenhouse
A building or structure with roof and sides made largely of glass or other transparent or semi-transparent material in which the temperature and humidity can be regulated for the cultivation of fragile or out-of-season plants for personal enjoyment.

Greenhouse, nursery, or garden supply store
An establishment, including a building, part of a building or open space, for the growth, display and/or sale of plants, trees, and other materials used in indoor or outdoor planting for retail sales and incidental wholesale trade.

Grocery store
A retail establishment that primarily sells food for off-site consumption, but also may sell other convenience and household goods for off-site consumption. Accessory uses may include but are not limited to sales of food or beverages for on-site consumption, grocery delivery services, florists, and pharmacy services.

Group home
An owner-occupied or nonprofit residential facility operated or licensed by the state to provide housing and services for up to eight developmentally disabled or mentally ill persons, or up to eight persons 60 years of age or older, along with one or more resident professional staff persons; but excluding halfway houses or other facilities for persons transitioning from a jail or prison back into the community, and excluding facilities for sex offenders.

Group living
Uses characterized by residential occupancy of a structure by a group of people who do not meet the definition of “household living.” Tenancy is arranged on a monthly or longer basis, and the size of the group may be larger than a family. Generally, group living structures have a common eating area for residents. The residents may receive care, training, or treatment, and caregivers may or may not also reside at the site. Accessory uses commonly include recreational facilities and vehicle parking for occupants and staff.

Guyed mast towers
A guyed mast is a tall thin vertical structure that receives support from guy lines.

Healthcare facilities
Uses characterized by activities focusing on medical services, particularly licensed public or private institutions that provide primary health services and medical or surgical care to persons suffering from
illness, disease, injury, or other physical or mental conditions. Accessory uses may include laboratories, outpatient, or training facilities, and parking, or other amenities primarily for the use of employees in the firm or building.

**Heat island**
Urbanized area typically having warmer temperatures than surrounding average ambient temperatures due to surfacing materials or building coverage on a property.

**Height, antenna tower**
The distance measured from the anchored base of a tower, at grade, to the highest point of the structure inclusive of any antennas placed on the top of the tower.

**Historical sign**
A legal sign that is at least 30 years in age.

**Home occupation**
A lawful use conducted in or on the premises of a dwelling unit, said use being secondary to the use of the dwelling for dwelling purposes.

**Hospital**
An institution providing health services, primarily for in patients and medical or surgical care of the sick or injured, including related facilities such as laboratories, out-patient facilities, training facilities, central service facilities, and staff offices.

**Hotels, motels, and other forms of public lodging and boarding**
A nonresidential structure, or portion thereof, in which at least one habitable space is made available to paying guests for 30 consecutive days or less; provided that two or more cabins or similar structures on a single parcel or under common ownership on adjacent parcels, that are designed, intended, or available for occupancy for 30 consecutive days or less shall be considered hotels or motels.

**Household living**
Uses characterized by residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month or longer basis (lodging where tenancy may be arranged for a period of less than 30 days is classified under the “lodging facilities” category). Common accessory uses include recreational activities, raising of pets, gardens, personal storage buildings, hobbies, and parking of the occupants’ vehicles.

**Illegal sign**
Any sign for which a valid and current Town sign permit has not been obtained and which is not exempt from the provisions of this Section.

**Illuminance**
The measure of light intensity striking a surface, measured in footcandles.

**Indoor recreation or entertainment**
A facility providing entertainment or recreation activities where all activities take place within enclosed structures, but not including a theater or a convention or event center, which are considered assembly halls. Examples include bowling alleys, trampoline centers, video arcades, climbing wall centers, recreation center, gym, and paintball or laser tag centers.

**Infill development**
Development designed to occupy scattered or vacant parcels of land which remain after the majority of development has occurred in an area.
Internal illumination
Illumination of a sign from a source of light contained within the sign itself, including sign letters created with neon tubing.

Kennel
A facility licensed to house dogs, cats, or other household pets and/or where grooming, breeding, boarding, or training or selling of animals occurs.

Landscaping
Any combination of living plants, such as trees, shrubs, vines, groundcover, flowers, and grasses, and may include any nonliving groundcover or common areas meeting the standards of this UDC such as mulches, topsoil, walkways, fences, pedestrian amenities, works of art, and similar features.

Lattice antenna tower
A self-supporting tower with multiple legs and cross bracing of structural steel.

Library
A facility for storing and loaning books, periodicals, reference materials, audio and video media, and other similar media. A library may also include meeting rooms, offices for library personnel, and similar support facilities.

Live-work
An integrated dwelling unit and working space occupied and used by a single household in either a single-family dwelling or multifamily dwelling that has been designed or structurally modified to accommodate joint residential occupancy and work activity. A live-work space shall include a complete kitchen space and sanitary facilities, and working space reserved for and regularly used by one or more occupants of the unit.

Lodging facilities
Facilities where lodging, meals, and the like are provided to transient visitors and guests for a defined period.

Long-term storage of recreational/camping vehicles
Indoor or outdoor storage facility or area designed for storage of recreational vehicles for a period of more than two weeks when not in use. This definition does not include short-term parking of recreational/camping vehicles.

Lot
An area of land that has been created:
1. Within a legal subdivision per this UDC; or
2. By a valid and recorded instrument of conveyance effective prior to adoption of a previous Subdivision Code Ordinance; or
3. By the sale or exchange of parcels of land between owners of adjoining properties for the purpose of adjusting boundaries that did not create additional lots and that the original parcels or lots were not reduced below the minimum size requirement. These lots were permitted through July 27, 2010; or
4. Prior to annexation to the Town of Buena Vista; or
5. As otherwise permitted by law.

Lot area
The total horizontal area within the lot lines of a lot.
**Lot depth**
The average distance measured on a horizontal plane between the front and rear lot lines.

**Lot line, front**
The property line closest to and normally dividing a lot from the street or street right-of-way upon which the lot abuts, and which street or street right-of-way is used and referenced in assigning a street number or address for the subject lot.

**Lot line, rear**
The lot line opposite the front lot line, or in the case of an irregularly shaped lot, that lot line which is determined by the Town from the lot's orientation and any existing structures to be the rear lot line.

**Lot line, side**
The lot lines defining a lot other than the front and rear lot lines.

**Lot of record**
A lot which was legally created and/or defined and illustrated on a plat, map or deed that was recorded in the records of the County Clerk and Recorder prior to the adoption of subdivision regulations by the Town or County.

**Lot width**
The distance between the side lot lines measured on a horizontal plane along the front yard setback line or building line, whichever is longer.

**Lot, double-frontage**
A lot having frontage on two parallel or almost parallel streets.

**Lot, reverse-corner**
A lot that has three sides along a public street.
Low-Impact Development (LID)
Systems and practices that use or mimic natural processes that result in the infiltration, evapotranspiration, or use of stormwater in order to protect water quality and associated aquatic habitat.

Luminance
Surface brightness or the amount of light an object gives off.

Major development
A development that does not meet the definition of minor development.

Manufactured home
Any wheeled vehicle, exceeding either eight feet in width or 32 feet in length, excluding towing gear and bumpers, without motive power, which is designed and commonly used for occupancy by persons for residential purposes, in either temporary or permanent locations, and which may be drawn over the public highways by a motor vehicle (Section 42-1-102, C.R.S.).

Manufactured home park
Any premises one or more acres in size that is used or set apart for the purpose of supplying to the public parking space for manufactured homes for living or sleeping purposes, and which includes any buildings, structures, vehicles or enclosures used or intended for use as part of such manufactured home park (includes trailer coaches).

Manufactured home site
A designated area of land intended for location of an individual manufactured home for residential occupancy within a manufactured home park.

Manufacturing
Uses including all transformative processes, regardless of whether or not the new product is finished or semi-finished. Production is typically for commercial wholesaling rather than for direct sales.

Manufacturing, light
An establishment engaged in fabrication, assembly, processing, or manufacturing that generally does not create significant impacts on surrounding areas. Products of such establishments include bedding; boots or shoes; carpet; cloth products; finished wood products; small household appliances; business machines, etc.; lithographing; musical instruments; orthopedic and medical appliances; pottery and ceramics; rope, cord, and twine; sporting goods; and wearing apparel.

Manufacturing, medium or heavy
An establishment engaged in fabrication, assembly, processing, or manufacturing that has the potential to create significant impacts on surrounding areas due to the types of materials used, byproducts created, hours of operations, volumes of heavy truck or rail traffic, or other factors. Products of such establishments include abrasives; agricultural implements, equipment, or vehicles; large appliances; asphalt products; brick or structural clay products; and cosmetics. This use also includes processes such as electroplating and chemical processing.

Marquee sign
Any sign attached to or under a covered structure projecting from a building which extends over the sidewalk, usually also supported by posts.

Mechanical equipment
Heating, ventilating and air conditioning systems, transformers, generators, utility meters, connection boxes, satellite dishes, antennas, tanks, and other similar features.
Medical or dental clinic, office, or laboratory
A building or group of buildings in which the primary use is the provision of health care services to patients or clients. Such services may include medical, dental, psychiatric, psychological, chiropractic, dialysis, acupuncture, reflexology, massage therapy, mental health professional, physical and/or occupational therapy, related medical services, vocational training, placement service and social and recreational activities suitable for disabled adults and children or similar service, or a laboratory which provides bacteriological, biological, medical, X-ray, pathological and similar analytical or diagnostic services to doctors or dentists. No fabricating is conducted on the premises, except the custom fabrication of dentures or similar dental appliances. This definition excludes in-patient or overnight care, animal hospitals, veterinarians, or other similar services.

Microbrewery, distillery, or winery
A commercial operation of less than 15,000 square feet engaged in the production of beer, liquor, or wine that also may have retail sales for consumption on site or off the premises. Similar operations with more than 15,000 square feet shall be considered “manufacturing, medium or heavy.”

Micro wireless facility
A wireless service facility that is no larger in dimensions than 24 inches in length, 15 inches in width, and 12 inches in height and that have an exterior antenna, if any, that is no more than 11 inches in length.

Mini-warehouse
A building or group of buildings that are rented and designed, through individual compartments or controlled stalls, for self-service storage purposes.

Minor development
Nonresidential development of less than 10,000 square feet gross floor area, residential development of 10 or fewer dwelling units, and/or mixed-use development of 10 or fewer dwelling units and less than 10,000 square feet of nonresidential gross floor area.

Minor subdivision
Any subdivision meeting the applicability standards in Section 6.6.1.B.

Monopole antenna tower
A slender un-guyed self-supporting tower that does not include any lattice cross bracing structure, on which wireless antennas can be placed.

Monument sign
A freestanding sign with a base affixed to the ground, where the length of the base is at least two-thirds the horizontal length of the monument.

Motor sports facility
A facility providing raceways, speedways, and typical accessory uses to motor sports including dining and snack bars, and retail sales.

Mural
A painting or picture applied to and made part of a wall which may be pictorial or abstract and is characteristically visually set off or separated from the background color or architectural environment.

Museum
An establishment operated as a repository for a collection of nature, scientific, literary curiosities, or objects of interest or works of art, not including the regular sale or distribution of the objects collected. Museums may include incidental retail and food/beverage sales.
Neon sign
Any sign that is illuminated by tubes filled with neon, argon, krypton and related inert gases, including any display of neon lighting tubes which is in view of the general public from a public right-of-way or from any public area, regardless of the shape, size, design, or configuration.

Noise Attenuation
The use of materials in the construction of new or redeveloped buildings in such a manner that aircraft noise is attenuated by the structure to an interior level that reasonably minimizes adverse impacts on the health, safety, and general welfare of the structure's residents.

Nonconforming lot
Any lot that was lawful when established but is not in compliance with the requirements of this UDC.

Nonconforming sign
Any sign that was lawful when constructed but is not in compliance with the current sign regulations in this UDC.

Nonconforming site feature
Any site feature legally approved and installed or constructed that is not in compliance with the development standards in this UDC. Site features may include but are not limited to driveways, off-street parking, loading areas, landscaping, buffers, screening, fencing, and exterior lighting.

Nonconforming structure
Any structure that was lawful when constructed prior to the adoption or subsequent amendment of this UDC but does not currently comply with the requirements of this UDC.

Nonconforming use
Any use or activity that was lawful prior to the adoption or subsequent amendment of this UDC and has been continued under the requirements of this UDC but is not currently allowed and/or does not conform and comply with the requirements of this UDC.

Obscenity
Graphic material (such as words, symbols, drawings, or photographs) that: (1) the average person, applying contemporary community standards would find, taken as a whole, appeals to the prurient interest; (2) describes in a patently offensive way, sexual conduct; and (3) which, taken as a whole, lacks serious literary, artistic, political, or scientific value.

Office
Professional, governmental, executive, management or administrative offices of private organizations or government agencies, including government offices, administrative offices, legal offices, and architectural firms.

Offices and professional services
Uses that provide executive, management, administrative, or professional services, but do not involve the sale of merchandise except as incidental to a permitted use. Typical uses include real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, design, engineering, accounting, call centers, and similar offices. Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building.

Off-premises sign
A commercial sign not related to the activity on the property where the sign is located.
**Offsite improvements**
Any improvements that are not located within the area of the property to be developed, whether or not in the common ownership of the applicant, but are required for development approval.

**On-site**
The term “on-site” shall include the lot, lots, or land on which a use is operating, but shall not include abutting public land or rights-of-way unless an encroachment license or permit has been issued by the Town or other public entity owning said abutting public land or right-of-way.

**Outdoor entertainment facility**
An outdoor facility providing entertainment, with or without charge, including drive-in theaters, stages, and amphitheaters for public entertainment such as concerts and theatrical performances.

**Outdoor operations**
An area that is not fully enclosed by solid walls and a roof and where services are rendered or goods are displayed, sold, or stored.

**Outdoor recreation facility**
An outdoor facility providing recreation, with or without charge, including amusement parks, batting cages, golf driving ranges, miniature golf courses, go-cart tracks, skating rinks, skateboard parks, swimming pools, tennis courts, sports courts, water parks, zoological parks and similar uses, but not including auto or horse race tracks.

**Parcel**
Any part or portion of land.

**Park and playground**
A lot, tract, or development site designated and used by the public for active and/or passive recreation.

**Parking area**
An area, other than a street or alley, designed or used primarily for the temporary parking of vehicles.

**Parking lot or structure**
An off-street area or structure, other than the parking or loading spaces or areas required or permitted under this section, for the parking of automobiles and available to the public often for a fee.

**Permanent sign**
An exterior sign constructed of durable, permanent material, such as wood, metal, stone, or other durable material, not including paper, cloth, canvas, cardboard, wallboard, or banner plastic (unless the sign is part of an awning).

**Personal service**
Establishments that primarily engage in providing services generally involving the care of the person or his or her personal goods or apparel. Personal services may include, but are not limited to, barber shops, beauty salons, dry cleaners, health and fitness studios, music schools, informational and instructional services, tanning salons, and portrait studios.

**Pervious pavement**
Paving materials that provide surfaces able to absorb water or allow the passage of water through the paving material to the ground below.

**Planned unit development (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, residential, commercial, educational,
recreational or industrial uses, or any combination of the foregoing. A PUD allows for flexibility in lot size, bulk or type of use, density, lot coverage, open space, or other standard in this UDC in exchange for a public benefit not otherwise achieved by this UDC.

**Planned unit development (PUD) concept plan**
A graphic depiction in plan form of the elements of a Planned Unit Development district that illustrates the development program and the district’s specific regulations where they differ from the base regulations of the UDC.

**Planning Commission**
The Planning and Zoning Commission of the Town of Buena Vista established pursuant to Article IX of Chapter 2 of the Buena Vista Municipal Code.

**Planning department**
The planning department for the Town of Buena Vista, Colorado.

**Plat**
A printed instrument drawn to scale by a professional land surveyor registered or licensed under the laws of the State which accurately depicts the location, dimensions, and boundaries of lots or other units of land, along with adjacent public streets and rights-of-way and easements and other features relevant to the development of land pursuant to this UDC.

**Pole sign**
A freestanding sign with a base supported from the ground by a pole or a similar support structure of narrow width.

**Porch**
A covered structure attached to a building forming a covered entrance to a vestibule or doorway. It is external to the walls of the main building proper but may be enclosed by screen or latticework, extending from the main structure. For the purpose of measuring setback, the porch shall be counted as the start of the building edge. Front porches may encroach into required front setback according to the encroachment standards in Section 2.8.2.D.6.

**Primary access**
The place of ingress and egress used, or intended to be used, most frequently by the public.

**Primary building frontage**
The longest horizontal linear dimension of a building that is adjacent to or fronts on a public street. The building wall fronting on a public street that includes or is closest to the main entrance of the structure shall be the primary building frontage for a square building situated on the corner of two public streets.
**Primary street frontage**
Street frontage to which the primary building on the site is oriented, generally the street containing the primary pedestrian entrance to the building and/or the numbered street address of the building.

**Primary structure**
A structure or building in which the principal use of the lot on which the building is located is conducted.

**Primary surface**
The surface longitudinally centered on the runway. When the runway has a specifically prepared hard surface, the primary surface extends 200 feet beyond each end of the runway. The width of the primary surface is 550 feet.

**Projecting sign**
A sign that is supported by an exterior wall of a building or other structure and is constructed and displayed perpendicular to the face of the building or other structure so that both sides of the sign are visible. A projecting sign extends out from the building face.
**Property owners’ association**
An association or organization as defined by Colorado law, for the purpose of owning, operating, or maintaining various common properties and facilities.

**Public hearing**
A formal hearing held under public notice, intended to inform and obtain public input.

**Public meeting**
An informal meeting held under public notice, intended to inform and obtain public input, where no official decision and/or action is taken by the applicable decision-making body(ies) present.

**Public improvements**
Any drainage, ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility that the local government may ultimately assume the responsibility for maintenance and operation, or that may affect an improvement for which local government responsibility is established.

**Public improvements agreement**
An agreement executed by the Town and a developer/subdivider guaranteeing the installation of, and participation in, specific public improvements, pursuant to Section 5.4, *Public Improvements Agreements*.

**Public right-of-way**
All roads, streets, and alleys and all other dedicated rights-of-way, access, and utility easements of the Town, the state, or any district, utility, or roadway.

**Public utility distribution or transmission facility**
A building, structure, or use of land for pipelines, power transmission lines, communication lines, water and sewer lines, railroad tracks, and such related public utility structure or station necessary for the installation and maintenance of franchised utility services.

**Radio and television transmitting station and studio**
A building or portion of a building used as a place to record and broadcast music, videos, television, and other oral and visual related media.

**Railroad transshipment facility**
An area and related facilities connected with the assembly or disassembly of trains, including without limitation passenger or freight terminals, operations and maintenance shacks, train sheds, and classification yards.

**Recreation and entertainment**
Uses providing recreation or entertainment activities inside a building or outside of an enclosed environment. Accessory uses may include, but are not limited to, concessions, snack bars, parking, and maintenance facilities.

**Recreational vehicle**
A vehicular or portable unit mounted on a chassis and wheels, which either has its own motive power or is mounted on, in or drawn by another vehicle, including but not limited to travel trailers, fifth wheel trailers, pop-up trailers, bed mounted truck campers, camping trailers, or motor homes. A recreational vehicle is not designed or intended for use as a permanent dwelling or sleeping place, but is to provide temporary living quarters for recreational, camping, or travel use.
**Recreational vehicle and large equipment sales**
Sale, retail or wholesale, and/or rental from the premises of recreational vehicles, boats, heavy construction equipment, farm equipment, trucks, and aircraft, together with incidental maintenance. Typical uses include heavy construction equipment dealers and tractor trailer sales. This use does not include use of a recreational vehicle as a dwelling unit, either for short-term or long-term.

**Restaurant**
A business establishment where meals and/or refreshments may be purchased.

**Retail**
Uses involving the sale of a product directly to the final consumer for whatever purpose but not specifically or exclusively for the purpose of resale.

**Retail display**
The on-site outdoor exhibition of products or merchandise for retail sale by a retail business, excluding home occupations.

**Retail, general**
A facility or area for the retail sale of general merchandise or food to the general public for direct use and not for wholesale. This use includes but is not limited to sale of general merchandise, clothing and other apparel, flowers and household plants, dry goods, convenience and specialty foods, hardware, liquor, and similar consumer goods.

**Rezoning**
A change in the zoning district classification applied to land by the Official Zoning Map, reviewed and decided by the Board of Trustees pursuant to Section 6.4.1.

**Right-of-way**
See definition of "public right-of-way."

**Roof sign**
A sign that is constructed to extend above the primary peak of the roofline.

**Rowhouse or townhouse**
An attached single-family dwelling unit located on land owned by the unit owner and situated in a row of three or more similar horizontally attached dwelling units, each unit having its own separate access to the outdoors and its own separate water, sanitary sewer, ventilation and heating system, inclusive of separate utility service lines and meters, and which is separated from attached adjacent dwelling units by a fire-resistant common wall constructed in conformity with the Town’s uniform fire and building codes.

**Runway Protection Zone (RPZ)**
The land area that lies under the approach surface from the end of the primary surface for a distance of 1,000 feet for all runways.

**Screened storage**
The stockpiling or keeping of materials, products, equipment or goods within an area enclosed by a fence, wall or other physical barrier designed to screen and obstruct the visual observation of the enclosed material by a person standing at ground level utilized in association with a principal use.

**Screening**
A method of visually shielding or obscuring one structure or use from another structure or use by installing fencing, walls, berms, gates, parapets, enclosures, features of a building, or vegetation.
**Setback**
The minimum horizontal distance required, in any given zoning district, to be maintained free of man-made structures between a lot line or property line (projected vertically) and the nearest point along or on an exterior wall or surface of a building or other structure.

*Figure 7.E: Setback Lines*

**Setback line**
A line running parallel to a lot line or property line defining the boundary of a setback which is projected on a vertical plane from the ground skyward.

**Sexual encounter center**
An establishment that as one of its purposes offers for any form of consideration a place where two or more persons may congregate, associate, or consort for the purpose of engaging in specified sexual activities or where one or more of the person is nude or semi-nude. This definition shall not include a licensed health care facility, or establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.

**Sexually oriented business**
An adult arcade, adult bookstore, adult novelty shop, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, sexual encounter center, or nude model studio.

**Shooting range**
An area or facility to be used for firearm target practice, competitions, or similar uses, including but not limited to archery, skeet, trap, and similar shooting activities, and including both indoor and outdoor facilities.

**Short-term parking of recreational/camping vehicles**
An outdoor facility designed for overnight accommodation of human beings in motorized vehicles, or trailers for recreation, education, naturalist, or vacation purposes. Office, retail, and other commercial uses commonly established in such facilities and related parking structures shall be allowed as accessory uses and structures. This use does not include use of an individual recreational vehicle located on a property for use by the property owner as a dwelling unit, pursuant to Section 3.2.4.C.
Short-term rentals
A residential structure, or portion thereof, in which the entire structure, or two or fewer habitable spaces, are made available to paying guests for 30 consecutive days or less; provided that bed and breakfasts, and hotels and motels shall not constitute short-term rental properties.

Sidewalk
A hard-surfaced walk or raised path and any curb ramps or blended transitions along and generally paralleling the side of the streets for pedestrians.

Sidewalk Sign
A sign intended to be located on or near a sidewalk with the ability to be readily moved, and that is not affixed to a building, vehicle, or the ground. Sidewalk signs include wheeled signs and A-frame signs.

Sign
Any identification, illustration, means of communication, or device, illuminated or non-illuminated, that is visible from any public place or is located on private property and exposed to the public and that is intended to direct attention, advertise, announce, communicate, declare, demonstrate, or display a particular use, product, service, idea, interest, or message.

Site plan
A plan drawn to scale showing uses and structures proposed for a lot.

Site sign
A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors and similar persons or firms having a role or interest with respect to the structure or project.

Site-specific development plan
A plan that has obtained final development approval under the standards and procedures as contained in this UDC, and that describes with reasonable certainty the type and intensity of use for a specific parcel or parcels of property, and includes all terms and conditions of approval. See Section 6.7.3.

Sketch plan
A sketch preparatory to the preliminary plat for major subdivisions to enable the applicant to receive feedback from the Town prior to committing considerable time and expenses toward engineering or construction drawings.

Small cell facility
Either a personal wireless service facility as defined by the federal Telecommunications Act of 1996, or a wireless service facility where:

1. Each antenna is located inside an enclosure of no more than three cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three cubic feet; and
2. Primary equipment enclosures are no larger than 17 cubic feet in volume. The following associated equipment may be located outside of the primary equipment enclosure and, if so located, is not included in the calculation of equipment volume: Electric meter, concealment, telecommunications demarcation box, ground-based enclosures, back-up power systems, grounding equipment, power transfer switch, and cut-off switch.

A small cell facility includes a micro wireless facility.
Small cell network
A collection of interrelated small cell facilities designed to deliver wireless service.

Solar energy facility, large
A solar energy conversion system with a nameplate generating capacity of 10 kW or greater including solar panels, arrays, and related equipment, pipes, batteries, and wiring that converts sunlight to heat or electricity for use either on-site or off-site for delivery to a power grid.

Solar energy facility, small
A roof-mounted panel, wall-mounted panel, or other solar energy device, including batteries, of less than 10 kW in total nameplate generating capacity, other than a solar array with the primary purpose of providing for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling, or water heating on-site; however, any excess energy output may be delivered to a power grid to offset the cost of energy on-site.

Special event
A temporary commercial or festive activity or promotion at a specific location that is planned or reasonably expected to attract large assemblies of persons. Temporary special events include carnivals, festivals, circuses, music fairs or concerts, tent revivals, art shows, crafts shows, rodeos, corn mazes, civil war enactments, equestrian shows, and similar events. See Chapter 11, Article VII, Special Events in Public Spaces.

Special flood hazard area (SFHA)
See definition in Flood Regulations in Chapter 18, Article IX.

Special use permit
A permit for a use as required for specified uses per Table 3.1, Table of Allowed Uses. Such uses may be permitted in a zoning district by special use permits, if specific provision for granting such special use permits is made in accordance with Section 6.5.2, Special Use Permit.

Staff
Employees of the Planning Department for the Town of Buena Vista.

Statuary sign
Any three-dimensional sign which is a modeled or sculptured likeness of a living creature or inanimate object.

Figure 7.F: Examples of Statuary Signs
Stealth design
The camouflaging of an antenna or other telecommunications facility to integrate the antenna or facility with a building or the landscape in terms of design, colors, materials, and height.

Storage and warehousing
Uses that are engaged in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will call pickups. There is little on site sales activity with the customer present. Accessory uses may include offices, truck fleet parking, and maintenance areas.

Storage, enclosed
Storage or keeping of materials, products, equipment, or goods completely within the confines of a fully-enclosed building.

Storage, outdoor
A principal or accessory use consisting of the open-air and unscreened stockpiling or keeping of materials, products, equipment or goods utilized in association with a principal commercial or other nonresidential use, but excepting the retail display of motor vehicles, trailers, agricultural equipment or machinery, boats, recreational vehicles or equipment and mechanized equipment in an open sales yard or sales lot, and further excluding the outdoor parking of motor vehicles in designated off-street parking areas or spaces.

Storage, unenclosed
The unscreened stockpiling or keeping of materials, products, equipment, or goods beyond or outside the confines of a fully-enclosed building used in association with a principal use.

Street
A public thoroughfare that affords a principal means of access to abutting property.

Street tree
A tree located in the public right-of-way between the edge of the street and the edge of private or public property, and a tree located in street medians.

Structure
Anything constructed or erected 30 inches or more above grade, or anything attached to something having a permanent foundation or location on the ground; excepting fences, pole-mounted or pedestal bird feeders, movable yard ornaments, portable child play/recreational equipment, sidewalks, attached stairways, driveways and utility boxes or appurtenant fixtures serving public utilities. Disputes or interpretations regarding whether a particular item or structure constitutes a structure within the scope of this definition shall be resolved by the Town Administrator per Section 1.6, Enforcement.

Structure, temporary
A building or other structure that is not constructed on a permanent foundation and that may or may not be equipped with permanently installed utility lines or plumbing, including, by way of example, tents, trailers, vending carts, huts, portable buildings or seasonal structures.

Subdivide
To divide an area or tract of land into lots pursuant to the definition of “subdivision.”

Subdivider
Any individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity who has a proprietary interest in the land sought to be subdivided and who commences proceedings
under this UDC to effect a subdivision of land under this UDC for himself or herself or for any co-owners.

**Subdivision**
The division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land. The term shall also include and refer to any division of land, lot line adjustment, and elimination of lot lines on previously subdivided or platted land.

**Temporary**
Unless otherwise stated in this UDC, temporary shall mean a period of time not exceeding 180 days in any one calendar year.

**Temporary office, contractor’s quarters, or equipment storage**
A facility or area used as a temporary office to sell or lease land or buildings or interests in land or buildings within a specified area for a temporary field construction office or temporary outdoor storage of construction equipment and materials associated with an active permit to demolish or construct buildings, structures or infrastructure.

**Temporary sign**
A sign intended for a limited period of display.

**Temporary use**
A use that may or may not be permitted under the regulations for a given zoning district, but may be allowed on a nonpermanent and temporary basis following the procedures in Section 6.5.3, Temporary Use/Structure Permit.

**Temporary vendor**
A use including the retail display or sale of merchandise through a non-permanent structure or vehicle not intended to be a permanent fixture on a lot, including any cart, table, equipment, or apparatus that is not a structure.

**Tower**
Any structure built for the sole or primary purpose of supporting any Federal Communications Commission-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including without limitation private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

**Town**
The Town of Buena Vista, Colorado.

**Town Administrator**
The Town Administrator, or their designee, for the Town of Buena Vista, Colorado.

**Tract**
An area of land created by a plat that is designed for some purpose other than a building site or lot. Also known as an out lot. See definitions for “lot” and “parcel.”

**Trade or vocational school**
A school offering special training in a skill or trade.

**Transit facility**
A facility associated with a transportation system, such as bus stops, transit centers, or trails designated as a regional, community connector, or local access trails, and similar facilities, but excluding public or private streets.
Use
Any activity, occupation, business, or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land.

Use, accessory
A use located on the same lot with a principal use and clearly incidental to and customary in connection with the principal use.

Use, permitted
A specific use of land, buildings, or structures authorized and allowed by right in a given zoning district, as indicated in Table 3.1, Table of Allowed Uses.

Use, principal
The main use on a lot.

Variance
A development permit authorizing a deviation from the standards of this UDC where strict application of the standard results in a hardship due to circumstances peculiar to a lot, and that is reviewed and decided by the Board of Adjustment pursuant to Section 6.7.2.

Vehicular and transportation
Uses include a broad range of uses for the maintenance, sale, or rental of motor vehicles and related equipment. Accessory uses may include incidental repair and storage and offices.

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.

Veterinary hospital or clinic
A facility rendering surgical and medical treatment to large animals and/or household pets, including those that provide overnight accommodations, outdoor runs, or crematory facilities.

Walkway
A clearly defined path for pedestrian movement between buildings, structures, destinations, and/or other walkways on or adjacent to a site.

Walkway sign
A sign affixed to the underside, side, or top of a permanent cover or canopy above a walkway or public right-of-way.

Wall sign
A sign painted on or affixed to an exterior wall of a building or other structure and which is mounted parallel to the surface so that only one side is visible to the public.

Whip antenna
An array of antennas that is cylindrical in shape.

Wholesale distribution or warehouse
A facility engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

Wind energy facility, large
A Wind Energy Conversion System (WECS) 10 kilowatts (kW) or greater total nameplate generating capacity.
Wind energy facility, small
A Wind Energy Conversion System (WECS) of less than 10 kilowatts (kW) in total nameplate generating capacity. The primary use of a small wind energy facility is for onsite collection, conversion, and distribution of energy; however, any excess energy output may be delivered to a power grid to offset the cost of energy on-site.

Winery
An establishment with facilities for making and bottling wine for sale on site and/or through wholesale or retail outlets. Uses at a winery may also include the growing of fresh fruits or agricultural products for the production of wine.

Wireless service
Data and telecommunications services, including commercial mobile services, commercial mobile data services, unlicensed wireless services, and common carrier wireless exchange access services, as all of these terms are defined by federal law and regulations.

Wireless service facility
A facility for the provision of wireless services, including a small cell facility; except that "wireless service facility" does not include coaxial or fiber-optic cable that is not immediately adjacent to, or directly associated with, a particular antenna.

Xeriscape or xeriscaping
Landscaping characterized by the use of vegetation and other landscaping materials that are drought-resistant or water-conserving.

Yard
An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except by trees or shrubbery or as otherwise provided in this UDC.

Yard, front
A yard across the full width of the lot extending from the front line of the building to the front line of the lot. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

Yard, rear
A yard extending across the full width of the lot and measured between the rear line of the lot and the rear line of the main building.

Yard, side
A yard on the same lot with a building between the building and the side line of the lot extending from the front of the building line to the rear of the building.
Figure 7.G: Lots and Yards