

# Bayfield Land Use Code

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# Land Use Code

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## Article 1. General Provisions

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# Article 1. General Provisions

## 1-1. Purpose.

This Land Use Code will have the following purposes: to promote the health, safety, morals and general welfare of Bayfield residents; to lessen congestion in the streets; to secure safety from fire, panic, floodwaters, and other danger; to provide adequate light and air; to prevent the overcrowding of land, to avoid undue concentration of population; to identify and secure, for present and future residents, the beneficial impacts of development; to identify and avoid the negative impacts of development; to ensure that future development is of the proper type, design and location and served by an adequate range of public services and facilities; to achieve the goals and implement the policies of the Bayfield Comprehensive Plan, as amended.

(Ordinance. No. 238, 6-4-96)

## 1-2. Title.

The title of this land use Code is "Town of Bayfield Land Use Code" and may be so cited and pleaded. The short forms "Land Use Code," "Subdivision Code" or "Code" used herein refer in all instances to the aforesaid Bayfield Land Use Code unless the context clearly indicates the contrary.

(Ordinance. No. 238, 6-4-96)

## 1-3. Authority for Code.

This Land Use Code is adopted pursuant to Title 31, Article 23, CRS 1973, as amended, Title 24, Article 67, CRS 1973 as amended, and Title 29, Article 20, CRS 1973, as amended. Should further authorizing legislation exist or be enacted, this Land Use Code is additionally deemed to be enacted pursuant thereto, except to the extent it may be inconsistent therewith.

(Ordinance. No. 238, 6-4-96)

## 1-4. Severability.

If any section, clause, provision or portion of this Code is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Code is not affected thereby.

(Ordinance. No. 238, 6-4-96)

## 1-5. Interpretation.

Whenever provisions of this Code are found to be inconsistent with any other regulation, the more restrictive standard will control. The provisions of this Code are minimum requirements that do not preclude imposition of more restrictive standards by agreement or by law.

(Ordinance. No. 238, 6-4-96)

#### **1-6. Continuation of existing regulations.**

The provisions of this Code, insofar as they are substantially the same as existing Codes relating to the same subject matter, will be construed as restatements and continuation of and not as new enactments. The re-enactment of these provisions will not constitute validation of any use not conforming to the district in which it is located or for any subdivision or development plan not conforming to Town regulations.

(Ordinance. No. 238, 6-4-96)

#### **1-7. Existing uses.**

The existing use or uses of all buildings, improvements and premises not in conformity with the standards or requirements of the land use district in which they are located, in accordance with the provisions of this Code, and which uses are legal, or for which permits or variances were granted under previous Codes, may continue as non-conforming uses or variances as hereinafter defined, and subject to the provisions regulating such uses.

(Ordinance. No. 238, 6-4-96)

#### **1-8. Code may be amended.**

This Code may be amended whenever public necessity, convenience and general welfare require. The amendment process shall include a public hearing by the Planning Commission and a public hearing by the Town Board. Text of the proposed amendments shall be available to the public at least fifteen days before each hearing.

#### **1-9. Initiation of amendment.**

Amendments of this Code may be initiated by:

- 1) One or more property owners of property proposing a change in the land use classification of a property.
- 2) Any citizen of Bayfield requesting a change in the text of this Code.
- 3) Direction of the Town Board.
- 4) Direction of the Planning Commission.

#### **1-10. Applicability.**

The provisions of this Code shall apply to all new construction, building, improvements, alterations, enlargements, building movement, uses, or occupancies undertaken after the effective date of this Code. It will be unlawful for any person to erect, construct, establish, occupy, alter, enlarge, or use, or to cause or permit to be executed, constructed, established, moved into, altered, enlarged or used, any building, structure, improvement or use of premises located in any land use district described in this Code contrary to the provisions of this Code.

The provisions of this Code are applicable to all persons, firms, agencies organizations, and public agencies.

**1-11. Minimum standards for parcel development.**

Minimum standards for all development of existing parcels are set out in Section 5-7 of this Code. The development of existing parcels that are not located within an overlay district is subject to compliance with the minimum standards in Section 5-7 of this Code, a building permit, and a development permit as determined in Section 5-5 Table of Permitted Uses.

All other development requires submittal of a land use application under the procedures outlined in Section 3.

A building permit for a new structure will not be issued until all required public improvements have been constructed and approved. The Town may make an exception upon review of application by a builder.

**1-12. Conflict of interest.**

Where a conflict of interest exists or where any provision of the Colorado Revised Statutes or of this regulation requires an official action by a person who is also directly affected by the substance of such action or, in any other circumstance where a conflict of interest might reasonably exist; if needed, official action will be performed by some other person duly qualified therefore and designated to so act by the Town Board.

**1-13. Vested property rights.**

Approval of a land use or land use application, a subdivision, a PUD district plan, a permitted use or an improvement permit will not establish a vested property right unless and until final approval thereof has been granted by the Town Board or by the designated official allowed to grant such permit under the terms of this Code.

**1-14. Violation a petty misdemeanor.**

Any person, firm or corporation, whether as principal, agent, employee, or otherwise, violating or causing the violation of any of the provisions of this Code will be guilty of a petty misdemeanor and, upon conviction thereof, may be punished by a fine of not more than \$1,000.00 or by imprisonment in the County jail for a term not exceeding one year.

**1-15. Each day a separate offense.**

Each day during any portion of which any violation of this Code is committed or continued by such person, firm, or corporation, will constitute a separate offense and will be punishable as provided herein.

**1-16. Review for compliance.**

The designated Town official will review every required land use document for compliance with this Code, any other law, and any requirements imposed by the Town.

### **1-17. Commencement of construction prohibited.**

Work may not commence on any subdivision or public right of way unless the designated Town official has been notified at least one day prior to start of work and the designated official approves the start of work. The designated official must determine that all required documents have been submitted and approved by the Town before approval to commence work can be given. If the construction is in a new subdivision, construction can not commence until the final plat has been recorded, construction plans approved, and appropriate improvement assurances accepted by the Town.

### **1-18. Completion of construction.**

Nothing herein contained will require any change in plans, construction, or designated use of a building or structure for which a valid building permit has heretofore been issued and upon which actual construction has begun at the effective date of this Code, or any amendment thereof, provided that such construction and/or proposed use of such building is not on said date in violation of any other Code or law and further provided that such building or structure is completed within one year of such date. Actual construction is hereby defined to be the actual placing of construction materials in their permanent position fastened in a permanent manner, except that where a basement is being excavated such excavating will be deemed to be actual construction, or where demolition or removal of an existing structure has been begun preparatory to rebuilding, such demolition or removal will be deemed to be actual construction.

### **1-19. Time limits on application.**

Under this Code the Town will establish time limits for all permits. The time limit for starting work after issuance of a permit is six months. The exception is for a planned unit development which is allowed one year. Other exceptions of time limits may be allowed as specified elsewhere in this Code.

### **1-20. Repeals.**

All Codes or portion of Codes in conflict with this Code are hereby repealed.

### **1-21. Warranty of improvements.**

Any public improvements required or approved under this Code must be warranted for a minimum period of ***two (2) years*** after acceptance by the Town. The warranty will not commence until all provisions of subdivision improvement agreement, including submission of as-builts and digital plans, if required, have been completed.

## **Article 2. Administration**

- Section 2-0. Generally.
- Section 2-1. Responsibility of Town Staff.
- Section 2-2. Responsibility of Town Board.
- Section 2-3. Responsibility of Planning Commission.
- Section 2-4. Responsibility of Town Attorney.
- Section 2-5. Filing with Town Clerk.
- Section 2-6. Official land use map.
- Section 2-7. Interpretation of district boundaries.
- Section 2-8. Stop work or stop order.
- Section 2-9. Certificate of occupancy and use.
- Section 2-10. Appeals.
- Section 2-11. Fees.
- Section 2-12. Variances.

## Article 2. Administration

### 2-0. Generally.

In order to carry out the provisions of this Code the following administrative duties are delegated to the Town Board, the Planning Commission, Town Staff, the Land Use Administrator, and the Town Attorney.

### 2-1. Responsibility of Town Staff.

All department officials and public employees of the Town of Bayfield, vested with the authority to issue permits, will conform to the provisions of this Code and must not issue permits, certificates or licenses for uses, building or premises in conflict with the provisions of this Code. Any such permit, certificate or license issued in conflict with the provisions of this Code will be null and void.

- (1) **Land Use Administrator.** The Land Use Administrator shall be appointed by, directed by and serve at the pleasure of the Town Board. The Land Use Administrator may be the Town Manager or another individual if so designated. The Land Use Administrator has the authority to administer the Land Use Code, including but not limited to the following activities:
  - A. Interpret and administer the Land Use Code
  - B. Issue land use permits,
  - C. Issue development permits,
  - D. Enforce the Land Use Code

The Land Use Administrator shall keep the Planning Commission apprised of land use related activities within the community.

- (2) **Building Official.** The Building Official is appointed by the Town Board. The Building Official has the authority to interpret and enforce the building Code and to issue building permits.

### 2-2. Responsibility of the Town Board.

The Town Board in addition to all other powers and duties has responsibility to hold required public hearings in a timely manner as prescribed in this Code, to render final decisions on matters related to the land use and subdividing of land and to hear appeals from planning and land use commission decisions on variances.

### 2-3. Responsibilities of the Planning Commission.

- (1) **Membership.**
  - A. The Bayfield Planning and Zoning Commission shall consist of seven members, five of whom are appointed by the Mayor and approved by the Town Board. The Mayor and one Town Board member shall serve as ex-officio members.
  - B. The ex-officio members shall have the same rights to make motions and vote as any other member.

- C. All members shall be bona fide residents of the Town of Bayfield; if any member ceases to reside in the Town, his/her membership shall immediately terminate. All members shall serve without compensation and the appointed members shall hold no other municipal office.
- D. A quorum of four members is necessary to conduct business, with three affirmative votes needed to transact any business or to make any decision. Ex-officio members shall count as part of the quorum.
- E. The term of each appointed member shall be four years. Appointed members shall be reappointed or replaced by the Town Board upon expiration of their terms. Ex-officio members shall serve during their respective official tenures.

**(2) Officers and staff.**

- A. The Commission shall elect a chair and vice chair from the appointed members at the first meeting of each year. The term shall be for one year, with eligibility for re-election.
- B. The Chair shall preside at all meetings, sign documents for the commission, and see that all actions of the commission are properly taken. The chair shall have the same rights to introduce motions and vote as any other member.
- C. The Vice Chair shall perform the duties of the chair in his/her absence, disqualification or disability.
- D. The Deputy Town Clerk or other designated Town employee shall serve as secretary and staff person, keeping records of the meetings and performing other duties as requested by the chair. The secretary shall prepare the agenda and other pertinent material to the meeting and distribute these packets to the members at least 48 hours prior to the meeting. The secretary shall also handle funds allocated to the commission in accordance with directives, state law and municipal regulations.
- E. The Town Manager or the land use administrator shall serve as advisor to the commission.
- F. Other Town Staff may confer with and advise the commission as necessary.
- G. The commission may hire other professional planning, engineering or other personnel as permitted and budgeted by the Town Board.

**(3) Duties and privileges of members.**

- A. All members are expected to attend regular and special meetings and come prepared to discuss all items on the agenda.
- B. A member shall advise the secretary prior to a meeting from which he/she will be absent.

- C. Any member who is absent for more than two out of three consecutive meetings may be replaced by the Town Board unless it is shown that exceptional circumstances existed and that there are reasons to believe that the commissioner's attendance will improve.
- D. Any member of the commission who feel he/she has a conflict of interest on any matter on the Planning Commission agenda shall voluntarily excuse him or herself, vacate his seat and refrain from discussion and voting on the item as a Planning Commissioner.
- E. Members shall return all materials to the secretary at the end of their terms so they can be passed on to their successors.

**(4) Meetings.**

- A. The commission shall hold at least one regular meeting each month, usually the-second Tuesday of the month, usually in the meeting room of Town Hall.
- B. Special meetings may be called at the request of the chair or by any two of the members. No special meeting may be held unless all members are personally given due notice of said meeting.

**(5) Conduct of meetings.**

- A. All meetings shall be conducted according to the agenda. For items that do not require additional public notice, the agenda shall be closed at 5:00 p. m. of the Thursday preceding the meeting. The person residing may at his or her discretion allow discussion of non-agenda items of importance or urgency, however, action may not be taken on non-agenda items.
- B. The chair shall preserve decorum and the order of the meeting, deciding all questions of order, subject to the appeal of the commission.

**(6) Duties/powers.** The commission shall function as and shall have all of the powers granted to the Planning Commission and zoning commission in Parts 2 and 3 of Title 31,Article 23, CRS 1973, as amended.

In addition to all other powers and duties of the Planning Commission it will have the following responsibility:

- A. Planning review-to review, study and recommend approval or denial to the Town Board on all applications as they may be required under this Code dealing with land use, land use variances, permits for uses subject to review, subdivisions, PUDs, and other developments.
- B. Appeals of administrative review- to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the administrative officials in the enforcement of this Code, to choose to revise, affirm, or modify any administrative action relative thereto.

- C. Variance-to hear and decide or when appropriate recommend to the Town Board in specific cases such variance from the terms of this Code as will not be contrary to the public interest. The conduct of hearing on variances and the approval or disapproval of such variances must be in conformance with the provisions of this Code.
- D. Uses Subject to Review- to hear and decide on such Uses Subject to Review. Commission action on said Uses Subject to Review must be in conformance with the provisions of this Code.

**2-4. Responsibility of Town Attorney.**

The Town Attorney will, upon order of the Town Board, immediately commence action or proceedings for the abatement and removal and enjoinder of any violation of this Code in the manner provided by law, and take such other steps and apply to such courts as may have jurisdiction to grant such relief as will abate and remove such buildings or structures, and restrain and enjoin any person, firm or corporation from setting up, erecting, building, maintaining or using property contrary to the provisions of this Code.

**2-5. Filing with Town Clerk.**

Upon adoption of any regulation pursuant to this Code, or maps showing a subdivision, annexation or vacation plat, land use or overlay district, or a development plan, the Town Board will see that the Town Clerk file a certified copy of the same in the office of the Town Clerk, not later than two working days after the amendment becomes effective, which copies are available for public inspection.

**2-6. Official land use map.**

Land use districts established by the Code are bounded and defined as shown on the official land use map of the Town of Bayfield, which, together with all explanatory materials contained thereon, are hereby made a part of this Code.

Copies of the official land use map will be available to the public for a fee established by the Town. The official land use map will be maintained in the Town Clerk's office.

All amendments to and changes in the official land use map will be recorded at the end of each fiscal year upon a copy of the official land use map. No changes will be made upon the official land use map that have not been enacted by the Town Board of the Town of Bayfield.

**2-7. Interpretation of district boundaries.**

The following rules are to be used to determine the precise location of any district boundary shown on the official Land Use Map of the Town of Bayfield:

- 1) Boundaries shown as following or approximately following the Town limits are construed as following such limits.
- 2) Boundaries shown as following or approximately following streets and roads are construed to follow the centerline of such streets and roads.

- 3) Boundary lines which follow or approximately follow platted lot lines, or other property lines as shown on tax maps are construed as following such lines.
- 4) Boundaries shown as following or approximately following section lines, half-section lines, or quarter-section lines are construed as following such lines.
- 5) Boundaries shown as following or approximately following rivers, streams and ditches are construed to lie midway between the banks of such rivers, streams and ditches.
- 6) Boundaries shown as separated from, and parallel or approximately parallel to, any of the features listed in paragraphs (1) through (5) above are construed to be parallel to such features and at such distances there from as are shown on the map.
- 7) If the land use overlay districts which apply to a specific property cannot be determined by an applicant, the land use official will make the determination on a case-by-case basis. The applicant must provide all information needed to make the determination, such as a property survey and proof of ownership. If the land use official is unable to make such determination or has a conflict of interest, the Planning Commission will make the determination.

(Ordinance. No. 238, 6-4-96)

#### **2-8. Stop work or stop order.**

Should the designated official determine that an element of a submitted and approved plan is not being followed, that a provision of the Uniform Building Codes, related codes or this Code is not being followed, or that a requirement, condition, stipulation or agreement under which the improvement or use permit was issued is not being followed, said official will have the authority to bring the activity undertaken by the applicant into compliance. If this is not accomplished, the designated official will be required to issue a stop work or stop order on the activity undertaken or by serving notice in writing on any persons engaged in doing or causing such work to be done, or by posting the premises with said stop work or stop order, and no work on any aspect of the improvement may proceed until specifically authorized in writing by the designated official. This authority will be deemed to apply not only to provisions or requirements of the Uniform Building Codes, related codes, or this Code but to any and all requirements, conditions, stipulations or agreements under which the improvement or use permit was issued. (Ordinance. No. 238, 6-4-96)

#### **2-9. Certificate of occupancy and use.**

Upon completion of the improvement in compliance with all provisions of the Uniform Building Codes and related codes as adopted, and in compliance with all Town regulations as enumerated in this Code, and in compliance with all requirements, conditions, stipulations or agreements under which the improvement permit was issued the designated official will issue a certificate of occupancy for the premises in question. Such a certificate will be required prior to occupancy of any improvement for any purpose, including but not limited to residential, commercial or industrial. Written application for a certificate of occupancy and use for the use of

vacant land or for a change in character of the use of land, as herein provided, will be made to the Town before any such land will be so occupied or used. If the proposed use conforms to the provisions of this Code, a certificate of occupancy and use will be approved prior to the issuance of any other permit or license as may be required under the provision of any Bayfield Code.

(Ordinance. No. 238, 6-4-96)

## **2-10. Appeals.**

The decision of the designated official in the processing of an application for any permit, or the issuance of an improvement or use permit, or the inspection of premises, or the issuance of a stop work order or the issuance of a certificate of occupancy, or the failure to issue any such permits, orders or certificates may be appealed by the applicant, the applicant's agent or any other individual or party to the following authorities:

- (1) If the appeal involves a question relating to the Uniform Building Code or related Codes as adopted by the Town, the appeal is to the Land Use Administrator for a variance.
- (2) If the appeal involves a question relating to any other Town regulation or requirement, an appeal of the Land Use Administrator's decision or any other provision of this Code, a hearing by the Planning Commission will be held and a recommendation to the Town Board will be made.
- (3) If the appeal involves a question relating to a land use variance, the appeal is directed to the Planning Commission, with further appeal to the Town Board.

All appeals are processed in accordance with the procedures outlined in Section 3-10.

## **2-11. Fees.**

Fees charged for applications under this Code will be established by the Town Board under separate Code after review by the Planning Commission. The fees may be changed from time to time by the Town Board for reasons such as the cost of processing applications and the cost of providing facilities to oversee development. The appeal board would be appointed at the time of appeal by the Town Board.

## **2-12. Variances.**

- (1) **Applicability.** The Planning Commission shall consider a recommendation on granting a variance when practical difficulties, unnecessary hardships or results inconsistent with the general intent and purpose of this Code occur as a result of the enforcement of the Code.  
A variance will not be construed to be an amendment to this Code or cause the maps which are a part of this Code to be changed, nor will a variance be used as a procedure to change or alter the use of land and/or structures not permitted within the district in which an application for a variance is made. Procedures for the variance application and review process are outlined in Section 3-8 of this Code.

- (2) **Purpose.** The sole purpose of any variance will be the modification of the specific regulations of this Code and will be for the purpose of assuring that no property, because of unique circumstances applicable to it, will be deprived of any privileges commonly enjoyed by other properties in the same vicinity and district. Variances are hereby declared to be administrative acts, and authority to approve, disapprove or to recommend to the Town Board the approval or conditional approval of a petition for a variance is hereby vested in the Planning Commission.  
Self-imposed hardships will not be considered as a justification for the granting of any variance.
- (3) **Special land use variances.** The Planning Commission may recommend a temporary use to allow land or property to be used for a named use in the next lowest land use classification. This can only occur if that application for such temporary use is accompanied by an instrument in writing signed by all the record owners of property within 200 feet of the land or structure for which a temporary use is requested, exclusive of streets and alleys, and each such use will terminate six months after it is approved by the Planning Commission.

## **Article 3. Review Procedures for Processing of Applications and Any Other Matters**

- Section 3-1. Review and appeal process.
- Section 3-2. Participants.
- Section 3-3. Public hearing procedures.
- Section 3-4. Large subdivisions and planned unit developments.
- Section 3-5. Small subdivisions, vacations of easements and lot consolidations.
- Section 3-6. Annexation procedures.
- Section 3-7. Land use district changes and historic overlay zone designations.
- Section 3-8. Variance requests.
- Section 3-9. Permits for uses subject to review.
- Section 3-10. Appeals.
- Section 3-11. Administrative permits.
- Section 3-12. As-builts required.
- Section 3-13. Site Specific Development Plan

# **Article 3. Review Procedures for Processing of Applications and Any Other Matters**

## **3-1. Review and appeals Process.**

The establishment of this review process is designed to provide a uniform means by which the Town Board and its duly constituted Planning Commission, may review, study, accept or reject requests for land use and/or development projects including land use, uses subject to review, approval of subdivision sketch plan, subdivision preliminary plat and subdivision final plat, planned unit developments, variances and appeals as permitted by this Code. The Town Staff maintains a submission and review schedule indicating submittal deadlines for each Planning Commission and Town Board meeting.

## **3-2. Participants.**

The processes of this Code will be administered, interpreted, exercised and enforced by the Land Use Administrator. The Planning Commission and the Town Board will review applications and make recommendations and decisions respectively to carry out the intent of this Code.

(1) Parties who are required to participate in the review process of the Code are:

- A. Anyone intending to develop land for commercial, residential or any other use.
- B. Those who intend to subdivide land, as defined in this Code and as covered by provisions of this Code.
- C. Those who propose a land use change, a special use, a planned unit development, or a use in an overlay district as covered by the provisions of this Code.
- D. Those applicants requesting a variance or wishing to appeal any subject covered by this Code.

(2) Parties who may participate in the review process of the Code are:

- A. Those who wish to seek clarification or interpretation of this Code as it may relate to specific plans.
- B. Those who wish to present plans for the information of or comment from the Planning Commission, when not otherwise requested to appear by this Code

## **3-3. Public hearing procedures.**

Public hearings will be held in accordance with the following procedures:

- (1) **Time frame.** Public hearings will be held within 60 days of the Town's receipt of a complete application.
- (2) **Notice.** Notice of the public hearing shall be published in a newspaper of general circulation within the Town at least 15 days prior to the public hearing.
- (3) **Notification addresses.** The applicant shall obtain a list from the La Plata County Assessor's Office of the names and addresses of all property owners whose parcels are located within 200 feet of the exterior perimeter boundary of the land under review. Public rights-of-way are not counted as part of the 200-foot extension around the property under review.
- (4) **Applicant's role in notification.** The applicant shall mail a certified notification to all property owners listed in 3-3 (3) above. The notification will include the property address, time and date of the public hearing and shall include a general description of the proposal. The applicant shall provide proof of the mailing to the Town.
- (5) **Hearing.** A hearing is held on the advertised date. A quorum of the membership is required to hold the hearing. All pertinent information is entered into the record and when the commission determines that all information needed to make a decision has been received, the hearing is closed.

A hearing may be continued. If for any reason, testimony on any matter set for public hearing cannot be completed on the day set for such hearing, the person presiding at such public hearing may, before the adjournment or recess thereof, publicly announce the time and place to, and at which, said hearing will be continued and no further notice will be required.

- (6) **Decisions** are made by majority votes of the quorum. Tie votes and denied applications may be appealed through the process outlined in Section 3-10.
- (7) **Special considerations by the Planning Commission.** If the owners of 40 percent or more of the area of the lots and lands proposed to be changed by this Code or within 200 feet, excluding public right-of-way, of the area proposed to be changed by a land use regulation, protest in writing a proposed change in the land use regulation, a variance or a special use permit, the request cannot be recommended for approval by the Planning Commission except by the affirmative vote of five-sevenths of all members of the Planning Commission. Protests must be filed five days before the hearing on forms supplied by the Town, and shall include a map illustrating the names and acreages of the protesting property owners in order to verify that 40 percent or more of the area is represented.
- (8) **Resolution.** The reviewing body will announce its findings by formal resolution not more than ten days following the conclusion of the final hearing on any application and said resolution will recite, among other things, the facts and reasons which, make the approval or denial of the application necessary to carry out the general purposes of this Code.

- (9) A summary of all pertinent testimony offered at public hearings in connection with an application filed pursuant to provisions of this Code, and the names and addresses of persons testifying at all public hearings may be recorded and made a part of the permanent files of the case.

### **3-4. Large Subdivisions and Planned Unit Developments.**

Subdivisions and Planned Unit Developments (PUDs) shall be reviewed using the procedures as outlined in the following section 3-4. The Town Staff maintains a submission and review schedule indicating submittal deadlines for each Planning Commission and Town Board meeting.

- (1) **Sketch Plans.** Prior to filing of a preliminary plat, the applicant shall meet with the Land Use Administrator to review the Town's development standards and the relationship of the proposed project with the Town's comprehensive plans and policies.

A sketch plan shall be submitted to the Land Use Administrator. The plan will contain all information required in Sections 4-1 and 4-2. The Land Use Administrator shall review the sketch plan within 30 days of receipt of a complete application for general conformance with the Town's development standards and comprehensive plan and policies.

It is recommended that the applicant hold a neighborhood meeting prior to the date of the scheduled sketch plan review. The neighborhood meeting provides a forum for the applicant and the neighborhood residents to discuss the project in an informal setting. A Town Staff member may attend the meeting to listen to the discussion.

The Land Use Administrator will schedule the item for review in a public meeting on the next available Planning Commission agenda. The Planning Commission will consider the proposal's general conformance with the Town's standards and policies. The Planning Commission's comments will be forwarded to the Town Board, who will also consider the sketch plan in a public meeting.

The Land Use Administrator may waive the sketch plan review requirement by the Planning Commission and the Town Board if the project meets all of the following criteria:

- A. The proposal does not include any land use designation changes.
- B. The proposal does not include an initial land use designation.
- C. The project is clearly in conformance with Town policies and standards.
- D. The Land Use Administrator does not seek further guidance from either the Planning Commission or the Town Board.

Approval of a sketch plan does not constitute approval of the completed project.

- (2) **Preliminary Plans and Plats.** Twelve copies of the preliminary plan information as outlined in Sections 4-1 and 4-3 shall be submitted to the Town. The full application and fees must be submitted at least 40 days before a desired Planning Commission meeting. The preliminary plan

submittal shall be considered officially filed after the Land Use Administrator has determined that the submittal meets the application requirements as outlined in Sections 4-1 and 4-3, and the application fees have been paid. The Land Use Administrator shall notify the applicant that the project has been officially filed and the applicant shall send a notice of the public hearing to adjacent property owners as described in Sections 3-3(3) and 3-3 (4) of this Code. The applicant shall provide proof of mailing and a mailing list to the Land Use Administrator before the date of the public hearing.

The Land Use Administrator shall distribute the plans within five days of receipt to the appropriate referral agencies, which may include the following:

- A. Town Engineer
- B. Electric Power Association
- C. School District
- D. Fire Protection District
- E. Town Clerk
- F. Sanitation
- G. Gas Company
- H. Other Town Staff as appropriate (Parks & Recreation, Law Enforcement, etc.)
- I. County Road and Bridge
- J. CDOT
- K. Ditch Companies as appropriate
- L. Cable Television
- M. Telephone Company
- N. Other agencies as identified

The Land Use Administrator shall consider any comments received from each agency. Comments submitted at least 10 days before the Planning Commission meeting may be included in the Land Use Administrator's report to the Planning Commission. Comments received later than 10 days before the Planning Commission meeting will be noted at the meeting.

At least 5 days before the Planning Commission meeting, the Land Use Administrator shall complete a written report including an analysis of whether the proposal meets the Town's regulations, plans and policies. The report may include comments from other municipal departments, County or state agencies, and the general public, and shall include a discussion of the adequacy of compliance with the Town's development standards and with the applicable provisions of the Comprehensive Plan and any other Town plans and policies.

In the case of a Planned Unit Development, the report will also address whether the proposal meets the intent of the PUD overlay district as follows:

- A. The PUD is designed in a manner that protects and enhances the environmental, cultural or scenic assets of the area including vegetation, drainage courses, neighborhood character, cultural resources and scenic views.

- B. The PUD design must take into account characteristics of the site, in a manner intended to protect the health, safety and welfare of potential users of the PUD and the community.
- C. Architectural compatibility is addressed through design standards
- D. Design and construction of the PUD will include adequate, safe and convenient arrangements for pedestrian circulation, roadways, driveways, off-street parking and loading space
- E. A minimum of 30 percent of the land area within the PUD is common open space that is appropriate to the project.
- F. Planned open spaces within the PUD including those spaces being used as public or private recreation sites, will be protected by adequate covenants running with the land or by conveyances or dedication
- G. The PUD has a proposed schedule for development of areas by stages, including the location and acreage to be developed in each stage and the estimated time and sequence at which each stage is to be developed.

The Planning Commission shall consider the item in a public hearing at the next available regular meeting. The public hearing will be conducted in accordance with Section 3-3. The Planning Commission shall consider the physical arrangement of the project, compliance with the Town's Comprehensive plan and Town policies and any public testimony at the hearing. In the case of a Planned Unit Development, the Planning Commission will also consider whether the proposal meets the standards of the PUD overlay district as listed in Section 6-8.

Following the public hearing, the Planning Commission shall, by motion recommend approval, conditional approval or denial, including the conditions of conditional approval or the reasons for denial.

The Planning Commission's preliminary approval shall be valid for a period of 12 months from the date of approval. The Planning Commission's preliminary approval of the subdivision shall be void unless the final plat is submitted within the 12 month period or unless the 12 month period is extended by the Planning Commission at the request of the subdivider. The Planning Commission may extend an approval for up to one year beyond the original date of approval.

The Land Use Administrator shall schedule the proposal for a public hearing at the next available regular meeting of the Town Board, and shall forward all information provided to the Planning Commission, as well as the Planning Commission's decision, to the Town Board. The applicant shall send a notice of the public hearing to adjacent property owners as described in Sections 3-3 (3) and 3-3 (4) of this Code. The applicant shall provide proof of mailing and a mailing list to the Land Use Administrator before the date of the public hearing.

The Town Board shall hold a public hearing in accordance with the procedures outlined in Section 3-3. The Town Board shall consider the physical

arrangement of the project, the recommendations of the Planning Commission and any public testimony at the hearing. In the case of a Planned Unit Development, the Town Board will also consider whether the proposal meets the standards of the PUD overlay district as listed in Section 6-8. Following the public hearing the Town Board shall by motion either approve, conditionally approve or deny the project and shall include the conditions of conditional approval or the reasons for denial.

The Town Board's preliminary approval shall be valid for a period of 12 months from the date of approval. Conditional approval of a preliminary plat shall not constitute approval of the final plat.

- (3) **Final Plat.** The applicant may apply for final plat approval after approval of the preliminary plat by the Planning Commission and the Town Board and within 12 months of the approval date of the preliminary plat. The final plat will contain all information required in Sections 4-1 and 4-4. All submittals of a final plat or plan must be accompanied by the necessary legal documents or cash in lieu to fulfill the Town requirements for public dedications including water rights and open space. The Land Use Administrator shall notify the applicant that the project has been officially filed and the applicant shall send a notice of the public hearing to adjacent property owners as described in Sections 3-3 (3) and 3-3 (4) of this Code. The applicant shall provide proof of mailing and a mailing list to the Land Use Administrator before the date of the public hearing.

The final plat shall conform substantially with the preliminary plat as approved. Significant deviations from the approved preliminary plat, as determined by the Land Use Administrator, shall require the return of the plat review to the Planning Commission for reconsideration as a preliminary plan or sketch plan. In determining if the final plat conforms substantially to the approved preliminary plat the Land Use Administrator shall consider the amount and degree of variation, including the number of lots, designated uses, densities, dimensional requirements, and road configurations.

Twelve copies of the final plat shall be submitted to the Town. Any construction plans included in the final plat submittal shall be reviewed by the Town Engineer, who shall provide written comments about the plans. The developer shall pay the reasonable cost of the review of plans.

The Land Use Administrator shall submit the final plat to the Town Board along with any conditions of approval established at the preliminary plan review, and the Land Use Administrator's recommended action on the final plat application. The applicant shall send a notice of the public hearing to adjacent property owners as described in Sections 3-3 (3) and 3-3 (4) of this Code. The applicant shall provide proof of mailing and a mailing list to the Land Use Administrator before the date of the public hearing. The Town Board shall hold a public hearing in accordance with the procedures outlined in Section 3-3.

In its consideration of the application, the Town Board shall determine if the plat is in proper form, if the arrangement of the development proposed for the property being subdivided is consistent with land use district regulations, and if the subdivision complies with the provisions of the Code. The Town

Board will also determine if all required dedications, such as water rights, public rights of way, and open space have been completed or will be completed by the approval of the final plat.

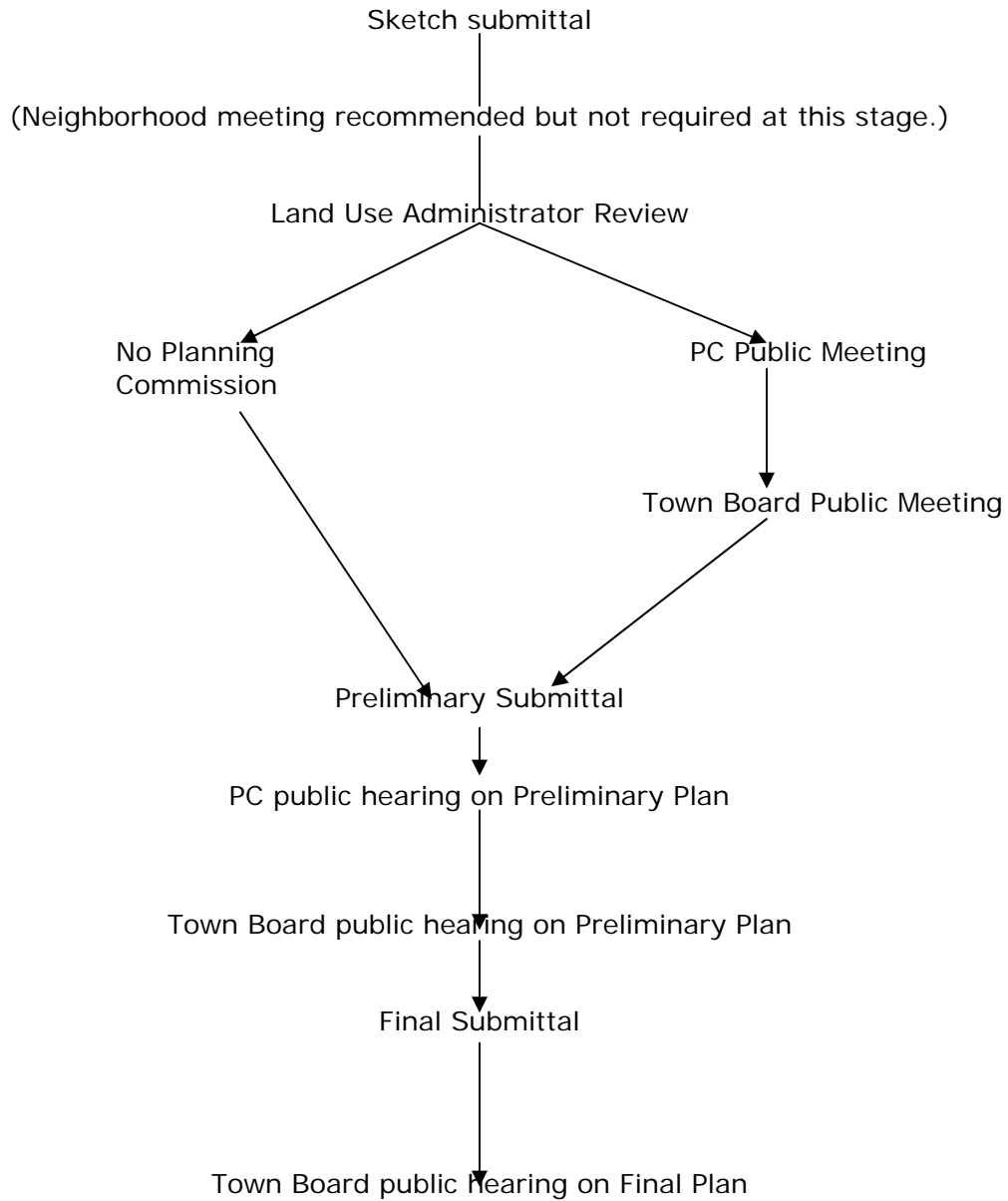
Following the public hearing the Town Board shall by motion either approve, conditionally approve or deny the project and shall include the conditions of conditional approval or the reasons for denial. The Town Board's approval shall authorize the Mayor and Town representatives to sign the final plat.

The applicant shall obtain all signatures required on the final plat and shall record the plat at the La Plata County Courthouse in accordance with the County's requirements. The final recordation will require at least two mylar plats and three paper plats. The applicant shall provide the Town with a reception receipt from the County Clerk's office, noting the date and reception numbers for the recorded documents, accompanied by a final paper plat.

Approval of the final plat is valid for 90 days after the date of approval. Failure to record the plat within the 90 day period deems the Town Board's approval action void. Projects with expired approvals may resubmit for re-review at the preliminary plan stage. Vested rights apply to approved, recorded final plats in accordance with the laws of the State of Colorado.

[Procedures Flow Chart on following page.]

**3-4. Large Subdivisions and PUD's. – Procedures Flow Chart**



### 3-5. Small Subdivisions, Vacations of Easements, and Lot Consolidations.

The Town Staff maintains a submission and review schedule indicating submittal deadlines for each Planning Commission and Town Board meeting.

- (1) **Short procedure.** This process applies to the following requests:
- A. Subdivisions or re-subdivisions of less than one and a half acres where no alteration or change of any street or other public easement or right of way is involved or
  - B. Subdivisions of two or more parcels of land in industrial land use districts where no alteration or change of any street or public easement or right-of-way is involved or
  - C. Vacation of a street or other public easement or right-of-way or
  - D. Lot consolidations and lot line adjustments which do not increase the total number of lots and which do not qualify for administrative approval under the provisions of section 3-5.

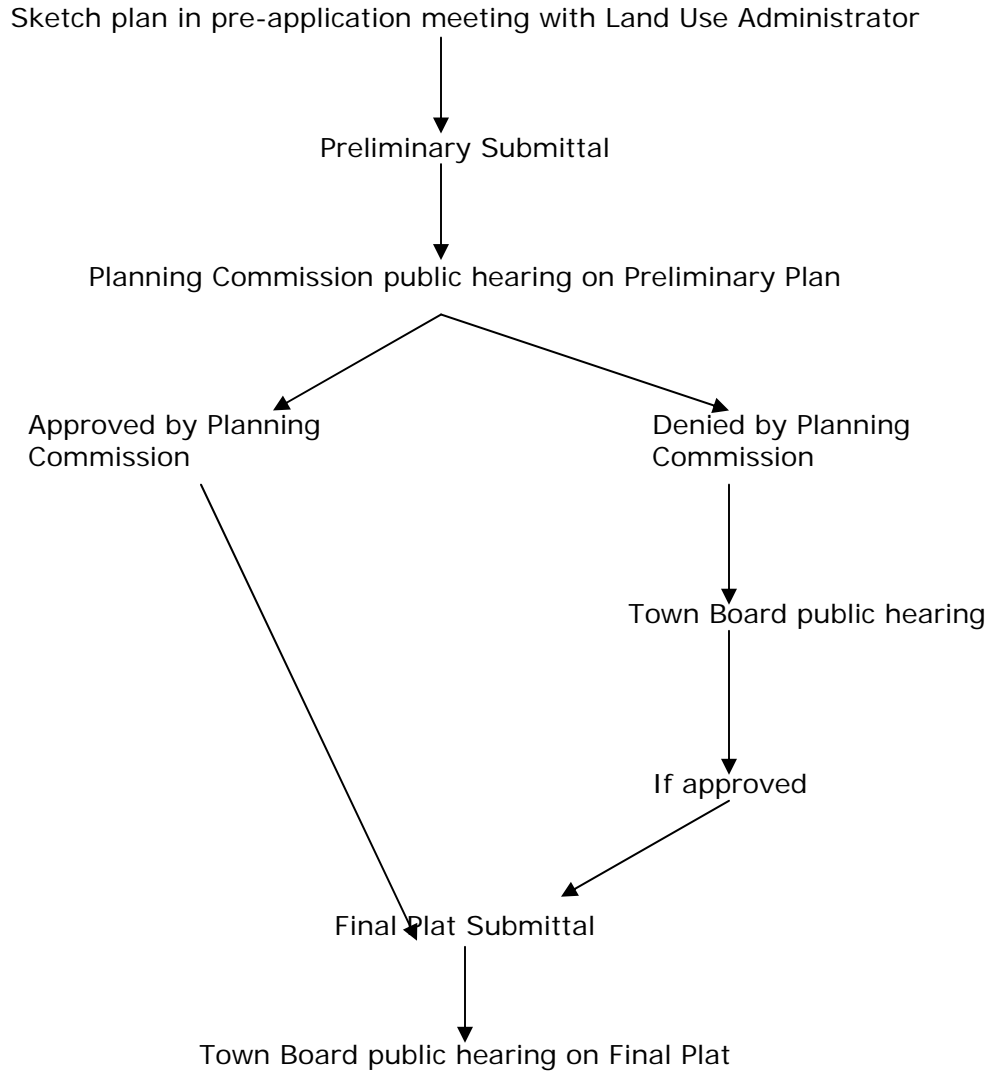
Proposals that meet any of the above listed criteria in (1) A-D shall be processed as a short procedure project. Short procedure project applications shall be submitted to the Town following the procedures and submittal requirements outlined for Planning Commission review of preliminary plans as listed in Section 3-4 (2).

If the Planning Commission approves the preliminary plan submittal, the applicant may skip the preliminary plan review in front of the Town Board and proceed to the Final Plat review process outlined in Section 3-4 (3). If the Planning Commission denies the preliminary plan submittal, the Town Board shall review the project under the preliminary plan procedures followed by a review under the final plat procedures outlined in Sections 3-4 (2) and 3-4 (3).

- (2) **Administrative approval.** The Land Use Administrator shall have the authority to administratively approve lot line adjustments and lot consolidations for existing platted lots within a business or industrial land use district, provided all of the following conditions exist:
- A. The total number of lots is not increased and
  - B. No vacation or relocation of a street or other public easement or right of way is involved and
  - C. The requested action does not create an amended parcel in excess of five acres and
  - D. There is no change in the allowable land uses and the allowable land uses of all lots to be combined are the same and
  - E. The consolidation or adjustment will not impair the lawful use of any adjoining parcel of property and
  - F. All owners of the property and any mortgages consent to the requested amendment.

Proposals that meet all criteria A.-F. above shall be processed using the sketch and final plat procedures and requirements outlined in 3-4 (1) and 3-4(3).

**3-5. Small Subdivisions, Vacations, Lot Consolidations. – Procedures Flow Chart**



**3-6. Annexation Procedures.**

The Town Staff maintains a submission and review schedule indicating submittal deadlines for each Planning Commission and Town Board meeting.

- (1) Annexations shall be processed to ensure that all annexations are consistent with the Town's comprehensive plan and with the Town's growth boundaries.

The applicant shall file 1 copy of the annexation application with the Town Clerk and 6 copies of the annexation application with the Land Use Administrator. The application shall contain all required information as outlined in Sections 4-1 and 4-6 and current state statutes.

The annexation application shall be considered officially filed after application review fees have been paid and the Land Use Administrator has determined that the application is complete.

The Land Use Administrator shall schedule the review of the annexation petition at the next Town Board meeting. The Town Board shall review the petition in a public meeting. The Town Board shall review the petition to ensure the petition meets the petition requirements as set forth in Section 4-6. If the Board finds that the petition meets the requirements, the Board shall approve a resolution accepting the petition and setting a public hearing date no later than 60 days after the date of the resolution. If the Board finds that the petition does not meet the requirements, no action is necessary from the Board and the applicant must resubmit a revised petition to the Town in order to continue the project.

If the Town Board accepts the petition, the Land Use Administrator shall distribute the annexation application. The application shall be distributed following the Board's passage of the resolution accepting the petition to the following parties. The Land Use Administrator shall distribute the plans to the appropriate referral agencies, which may include the following:

- A. Town Engineer
- B. Electric Power Association
- C. School District
- D. Fire Protection District
- E. Town Clerk
- F. Sanitation
- G. Gas Company
- H. Other Town Staff as appropriate (Parks & Recreation, Law Enforcement, etc.)
- I. County Road and Bridge
- J. CDOT
- K. Ditch Companies as appropriate
- L. Cable Television
- M. Telephone Company
- N. Other agencies as identified

The Planning Commission shall consider the annexation application in a public meeting. At least 5 days before the Planning Commission meeting, the Land Use Administrator shall complete a written report including an analysis of whether the proposal meets the Town's regulations, plans and policies. The Land Use Administrator shall consider any comments received from each agency. Comments submitted at least 10 days before the Planning Commission meeting may be included in the Land Use Administrator's report to the Planning Commission. Comments received later than 10 days before the Planning Commission meeting will be noted at the meeting.

The Planning Commission shall consider the item in a public meeting at the next available regular meeting. The Planning Commission shall in its action on the annexation application consider the annexation requirements set out in Sections A-1 through A-4, and the following annexation review standards:

- A. The planned use of the area to be annexed is consistent with the adopted Comprehensive Plan, in harmony with the intent of the Town's land use districts and compatible with adjacent neighborhoods
- B. The open spaces have a workable program established for maintenance and upkeep
- C. The proposed annexation is necessary or desirable and will contribute to the general well being of the community
- D. The proposed annexation will not be detrimental to health, safety or general welfare of persons residing within the corporate boundaries or injurious to property or improvements in the vicinity.
- E. Any proposed roads in the annexation area are logical extensions of existing or planned for roads.
- F. The extension of services is feasible and will be financed totally by the applicant; and that the applicant will post performance guarantees to assure the completion of public improvements.
- G. Sufficient water rights associated with land areas proposed for annexation shall be dedicated to the Town, or acceptable alternative arrangements have been made.
- H. Either the revenue or the public benefit to be gained from the Town's portion of increased tax base is acceptable given the increased cost of services provided.
- I. The applicant shall pay all costs incurred by the Town for reviewing annexations proposals, including fees charged by consultants and specialists needed to address important issues.

Following the public meeting, the Planning Commission shall by motion recommend approval, conditional approval or denial, including the conditions of conditional approval or the reasons for denial.

The Town Board shall hold a public hearing on the annexation application. The Land Use Administrator shall schedule the proposal for a public hearing at the next available regular meeting of the Town Board in accordance with the Town Board's resolution accepting the petition, and shall forward all information provided to the Planning Commission, as well as the Planning Commission's decision, to the Town Board.

The Land Use Administrator shall notify the applicant that the project has been officially filed and the applicant shall send a notice of the public hearing to adjacent property owners as described in Sections 3-3(3) and 3-3 (4) of

this Code. The applicant shall provide proof of mailing and a mailing list to the Land Use Administrator before the date of the public hearing.

- (2) The Town Board shall hold a public hearing in accordance with the procedures outlined in Section 3-3 and in accordance with public notice requirements annexations as required by state law including the following additional procedures:
  - A. The Town Clerk shall publish the notice and petition once a week for 4 consecutive weeks in a newspaper of general circulation within the Town. The first publication of such notice shall be at least 30 days prior to the date of the hearing.
  - B. The Town Clerk shall mail a copy of the notice and petition to the La Plata County Board of County Commissioners at least 20 days prior to the date fixed for the hearing.
  - C. If the property proposed for annexation measures more than 10 acres in area, the Town Clerk shall forward a copy of the Annexation Impact Report to the La Plata County Board of County Commissioners at least 20 days before the date of the hearing, unless the Board of County Commissioners has waived the requirement.

The Town Board shall consider the physical arrangement of the project, the recommendations of the Planning Commission, any public testimony at the hearing, the annexation requirements set out in Sections A-1 through A-4, and the following annexation review standards:

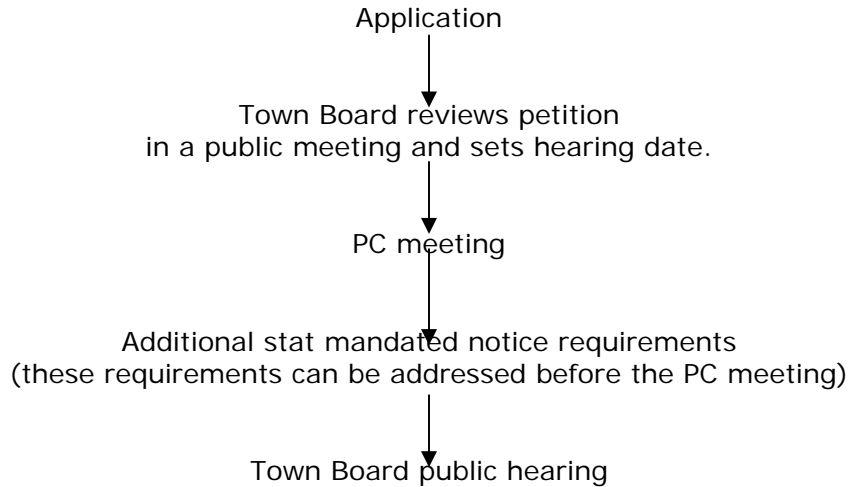
- A. The planned use of the area to be annexed is consistent with the adopted Comprehensive Plan, in harmony with the intent of the Town's land use districts and compatible with adjacent neighborhoods
- B. The open spaces have a workable program established for maintenance and upkeep
- C. The proposed annexation is necessary or desirable and will contribute to the general well being of the community
- D. The proposed annexation will not be detrimental to health, safety or general welfare, or injurious to property or improvements of persons residing within the corporate boundaries.
- E. Any proposed roads in the annexation area are logical extensions of existing or planned for roads.
- F. The extension of services is feasible and will be financed totally by the applicant; and that the applicant will post performance guarantees to assure the completion of public improvements in accordance with final plat requirements.
- G. Water rights associated with land areas proposed for annexation shall be dedicated to the Town in an amount determined per the allowed maximum density for the property.

- H. Either the revenue or the public benefit to be gained from the Town's portion of increased tax base is acceptable given the increased cost of services provided.
- I. The applicant shall pay all costs incurred by the Town for reviewing annexations proposals, including fees charged by consultants and specialists needed to address important issues.

Following the public hearing the Town Board shall by motion either approve, conditionally approve or deny the project and shall include the conditions of conditional approval or the reasons for denial.

**3-6. Annexation. – Procedures Flow Chart\***

(Annexation review procedures must include timelines and review processes defined by state statutes.)



*\* Usually the land use district designation is processed concurrently with the annexation hearings.*

### **3-7. Land Use District Changes and Historic Overlay Zone Designation.**

The Town Staff maintains a submission and review schedule indicating submittal deadlines for each Planning Commission and Town Board meeting. An applicant requesting a change to a land use district classification or requesting a historic overlay zone designation for a specific property or properties shall file 5 copies of the required information as listed in Sections 4-1 and 4-7 of this Code with the Land Use Administrator.

It is recommended that the applicant hold a neighborhood meeting prior to the date of the scheduled Planning Commission hearing. The neighborhood meeting provides a forum for the applicant and the neighborhood residents to discuss the project in an informal setting. A Town Staff member may attend the meeting to listen to the discussion.

The Planning Commission shall hold a public hearing on the application prior to making a recommendation to the Town Board. The Planning Commission shall consider the item in a public hearing at the next available regular meeting. The Land Use Administrator shall notify the applicant that the project has been officially filed and the applicant shall send a notice of the public hearing to adjacent property owners as described in Sections 3-3(3) and 3-3 (4) of this Code. The applicant shall provide proof of mailing and a mailing list to the Land Use Administrator before the date of the public hearing. The public hearing will be conducted in accordance with Section 3-3.

At least 5 days before the Planning Commission meeting, the Land Use Administrator shall prepare a written report including an analysis of whether the proposal is consistent with the Town's plans and policies.

If the request is for a land use district change, the Planning Commission shall consider the following criteria in its action on the application:

- (1) Was the existing land use district adopted in error?
- (2) Has there been a change of character in the area?
- (3) Is there a need for the proposed uses within the area or community or will there be benefits to the community?
- (4) Are the proposed uses compatible with the surrounding area or uses?
- (5) Will there be adverse impacts from the allowed uses and can these impacts be adequately mitigated?
- (6) Are adequate public facilities and services available to serve development for the type and scope of uses suggested by the land use district category?
- (7) Is the proposal in conformance with the intent, policies and requirements of the Bayfield Comprehensive Plan?
- (8) Is the proposal solely to provide special privileges to a single piece of land that is surrounded by properties with other land use district designations?

If the request is for a historic overlay designation, the Planning Commission shall consider whether the proposal meets the standards of the historic overlay district as listed in Section 6-9 in its action on the application, and repeated below in (1)-(5).

- (1) The historic preservation overlay district identifies sites and structures in areas that contribute to the unique historic resources and character of Bayfield.
- (2) These resources require special attention when any changes, alteration, developments, or other disturbances, including demolition, grading, site preparation or new structures are proposed within a designated area.
- (3) Plans submitted for any building permit or use permit that include any portion of a designated historic site will show how the historic fabric will be preserved.
- (4) The site will also be designed in a manner that, wherever possible, protects the historical assets of the area.
- (5) Design and construction plans will take into account the materials previously used in construction of any manmade structures within the designated district.

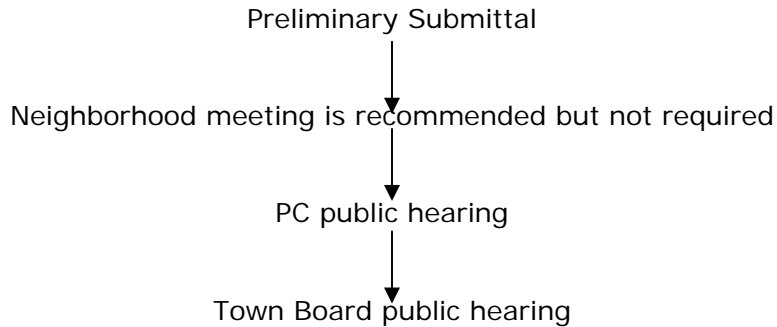
Following the public hearing, the Planning Commission shall, by motion recommend approval or denial including, if applicable, the reasons for denial.

The Land Use Administrator shall schedule the proposal for a public hearing at the next available regular meeting of the Town Board, and shall forward all information provided to the Planning Commission, as well as the Planning Commission's decision, to the Town Board. The applicant shall send a notice of the public hearing to adjacent property owners as described in Sections 3-3(3) and 3-3(4) of this Code. The applicant shall provide proof of mailing and a mailing list to the Land Use Administrator before the date of the public hearing.

The Town Board shall hold a public hearing in accordance with the procedures outlined in Section 3-3. The Town Board shall consider the physical arrangement of the project, the recommendations of the Planning Commission and any public testimony at the hearing.

Following the public hearing the Town Board shall by motion either approve or deny the request and shall include, if applicable, the reasons for denial.

**3-7. Land Use District Changes and Historic Overlay Designations. –  
Procedures Flow Chart**



**3-8. Variance Requests.**

The Town Staff maintains a submission and review schedule indicating submittal deadlines for each Planning Commission and Town Board meeting. Applicants seeking a variance as defined in Section 2-12 shall submit 3 copies of an application requesting a variance. The application shall include the items listed in Sections 4-1 and 4-2, a written explanation of the variance requested and the applicant's justification for granting of the variance.

- (1) The Land Use Administrator may consider variances cases involving slight modifications in the provisions of this Code, limited to the following:
  - A. Area requirements may be reduced by not more than ten percent of that required in the district.
  - B. Yard requirements may be reduced by permitting portions of a building to extend into and occupy not more than 20 percent of the area of a required setback.
  - C. Dimensional requirements within 10 percent of the Code requirement.

The Land Use Administrator will use the criteria listed in 3-8 (2) A-C below in consideration of the variances.

- (2) The Planning Commission will consider variance requests that are not considered by the Land Use Administrator under the provisions of 3-8 (1) A-C above. The Land Use Administrator shall schedule the variance request for a public hearing at the next available Planning Commission meeting. The Land Use Administrator shall notify the applicant that the project has been officially filed and the applicant shall send a notice of the public hearing to adjacent property owners as described in Sections 3-3(3) and 3-3 (4) of this Code. The applicant shall provide proof of mailing and a mailing list to the Land Use Administrator before the date of the public hearing. At least 5 days before the scheduled hearing, the Land Use Administrator shall provide a report containing an analysis of the request in terms of the potential impacts of approving or denying the request.

The Planning Commission shall consider the item in a public hearing in accordance with the procedures outlined in Section 3-3. The Planning Commission will consider the application, the staff report and any materials and public testimony submitted at the hearing. The Planning Commission shall also consider the following criteria in their decision.

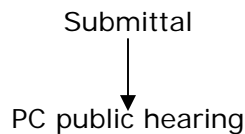
- A. Are there exceptional or extraordinary circumstances or conditions applicable to the property that are not self-imposed hardships?
- B. Is the variance necessary for the preservation and enjoyment of a substantial property right possessed by other similar property in the same vicinity and district?
- C. Can the variance be granted without a detrimental impact on the public welfare or injury to the property or improvements in the vicinity?

After the close of the public hearing, the Planning Commission shall by motion approve, approve with conditions, or deny the application for a variance. The motion shall include findings that the variance does or does not meet the above listed criteria 3-8 (1), (2), or (3), and may include conditions and limitations. All conditions and limitations must be met for the variance to be allowed.

Issuance of a variance shall authorize only the particular variation.

Variances to allow construction of improvements are valid for a period of 6 months from the date of approval of the variance. Construction of the improvements to be affected by the variance must have begun before the 6-month expiration date, or the variance will be declared void.

### **3-8. Variance Requests. – Procedures Flow Chart**



### **3-9. Permits For Uses Subject to Review.**

The Town Staff maintains a submission and review schedule indicating submittal deadlines for each Planning Commission and Town Board meeting. Permits for the uses specifically listed as subject to review in this Code in the Table of Permitted Uses (Section 5-5) and for other uses which the Land Use Administrator or the Planning Commission finds it impractical or impossible to classify specifically as to usage, shall be reviewed by the Planning Commission under the procedures stated in this Code.

Prior to filing an application for a permit for a use that is subject to review, the applicant shall meet with the Land Use Administrator to review the requirements of this Code. At the pre-application meeting the application contents, referral

agencies, review procedures, use and area standards and the general character of the development may be discussed.

Six copies of the permit application including the information outlined in Sections 4-1, 4-2 and 4-8 shall be submitted to the Town. The full application and fees must be submitted at least 30 days before a desired Planning Commission meeting. The application shall be considered officially filed after the Land Use Administrator has determined that the submittal meets the application requirements and the application fees have been paid.

The Land Use Administrator shall schedule the permit application for a public hearing at the next available Planning Commission meeting. The Land Use Administrator shall notify the applicant that the project has been officially filed and the applicant shall send a notice of the public hearing to adjacent property owners as described in Sections 3-3(3) and 3-3 (4) of this Code. The applicant shall provide proof of mailing and a mailing list to the Land Use Administrator before the date of the public hearing.

The Land Use Administrator shall distribute the plans within five days of receipt to the appropriate referral agencies, which may include the following:

- 1) Town Engineer
- 2) Electric Power Association
- 3) School District
- 4) Fire Protection District
- 5) Town Clerk
- 6) Sanitation
- 7) Gas Company
- 8) Other Town Staff as appropriate (Parks & Recreation, Law Enforcement, etc.)
- 9) County Road and Bridge
- 10) CDOT
- 11) Ditch Companies as appropriate
- 12) Cable Television
- 13) Telephone Company
- 14) Other agencies as identified

The Land Use Administrator shall consider any comments received from each agency. Comments submitted at least 10 days before the Planning Commission hearing may be included in the Land Use Administrator's report to the Planning Commission. Comments received later than 10 days before the Planning Commission meeting will be noted at the meeting.

At least 5 days before the Planning Commission meeting, the Land Use Administrator shall complete a written report including comments received from other municipal departments, County or state agencies, and the general public. The report shall include a discussion of whether the use as proposed is consistent with the intent and purpose of the property's land use district category, and a review of the adequacy of compliance with the Town's development standards and with the applicable provisions of the Comprehensive Plan and any other Town plans and policies.

The Planning Commission shall consider the item in a public hearing in accordance with the procedures outlined in Section 3-3. The Planning Commission

will consider the application, the staff report and any materials and public testimony submitted at the hearing. The Planning Commission shall also consider the following criteria in their decision.

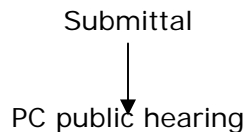
- 1) Are the off site impacts of the use either consistent with the character of the land use district or adequately mitigated?
- 2) Will the use as proposed comply with the requirements, intents and purposes of Bayfield's Codes, policies and comprehensive plan?
- 3) Is the proposed use consistent with the scope and intent of the property's land use district category as described in Section 5-3 of this Code?

Following the public hearing, the Planning Commission shall, by motion recommend approval, conditional approval or denial, including the conditions of conditional approval or the reasons for denial. If the proposal is approved, the Planning Commission shall authorize the Land Use Administrator to issue the permit for the use.

The Planning Commission may, in the interest of public welfare and to assure compliance with this Code, establish conditions of operation, location, arrangement and construction of any use for which a permit is authorized.

Permits for a use subject to review may be recommended to be granted for such period of time and under such conditions and limitations as may be deemed by the Planning Commission as appropriate and necessary.

### 3-9. Permits for Uses Subject to Review. – Procedures Flow Chart



### 3-10. Appeals.

- (1) **Appeals of Administrative Interpretations.** Appeals of an interpretation of the Code by the Land Use Administrator may be made to the Planning Commission. The appellant must submit a written explanation of the appeal to the Land Use Administrator, who will schedule the item for the next available regular meeting of the Planning Commission. The Town Staff maintains a submission and review schedule indicating submittal deadlines for each Planning Commission and Town Board meeting.

The Planning Commission will consider the item as part of their regular agenda and will render a decision by motion.

- (2) **Appeals of decisions by the Planning Commission.** An appeal of a Planning Commission decision may be made to the Town Board by an

applicant, by any interested party, by a Town official or a Town department. The appellant shall submit a written appeal to the Land Use Administrator within ten days of the decision of the Planning Commission. The appeal should include the applicant's justification for granting the requested appeal.

Upon filing of the written appeal, the Town Clerk will transmit to the Town Board certified copies of all material in the Planning Commission's files that are pertinent to the matter in question.

Within 30 days of receipt of the written appeal, the Town Board will hold a public hearing on the appeal in accordance with the procedures outlined in Section 3-3. The Land Use Administrator shall notify the applicant that the project has been officially filed and the applicant shall send a notice of the public hearing to adjacent property owners as described in Sections 3-3(3) and 3-3 (4) of this Code. The applicant shall provide proof of mailing and a mailing list to the Land Use Administrator before the date of the public hearing.

The decision of the Town Board will be final.

### 3-10. Appeals. – Procedures Flow Chart

Appeal submitted within 10 days of decision



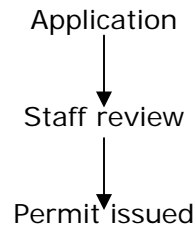
### 3-11. Administrative Permits.

The Administrative permits called for in this Code include, but are not limited to, building permits, development permits and driveway access permits.

The development of existing parcels is subject to compliance with the minimum standards in Table 5-7 of this Code, a building permit, and a development permit as determined in Table 5-5, the Table of Permitted Uses. Parcels that are located within an overlay district may be subject to additional standards as stated in the overlay district designation.

The Land Use Administrator or the Administrator's designee reviews permit applications. Permit applications are available at the Bayfield Town Hall. All information requested on the permit application form must be provided before the application will be reviewed. Permit applications will be reviewed within 30 days of submittal to the Land Use Administrator. Failure to comply with any conditions of approval of a permit shall result in revocation of the permit.

### 3-11. Administrative Permits. – Procedures Flow Chart



### 3-12. As-Builts Required.

Upon completion of all improvements shown on a final plat, plan or site construction plan, an as built plan prepared by a surveyor or engineer registered in the State of Colorado must be submitted to the Town for its records.

### 3-13. Site Specific Development Plan-Contents, Procedures, Regulations for Single Family Lots Located in a Multi-Family Land Use District

#### Contents of Plan:

1. Submittal requirements: A Site Specific Development Plan shall be prepared to include the following:
  - a. A completed land use application and fee.
  - b. All materials and information required for a subdivision preliminary plat as set forth in Sec.3-4-(2).
  - c. A site plan illustrating each proposed building footprint, common open areas, and public uses and facilities to be dedicated to the Town and/or reserved in common ownership. Location of all buildings, structures and improvements. All open space around buildings and structures shall be shown.
  - d. Minimum lot size, height and setbacks for detached single-family structures located in Multi-Family Land Use Districts:

Minimum lot	4000 square feet
Front	20 feet
Rear	15 feet
Side	7 feet
Height	35 feet
  - e. Elevations and drawings of proposed structures.

- f. A written statement describing the use and character of the proposed project, exterior building materials, and proposed landscaping.
  - g. The following plans, reports and diagrams shall be submitted:
    - 1. An off street parking and circulation plan.
    - 2. Any special engineering features and or traffic regulation devices needed to facilitate safety and or circulation.
    - 3. Detailed landscaping plan indicating type and size of landscaping proposed for the project.
  - h. A development schedule indicating:
    - 1. The approximate date when construction will be commenced.
    - 2. The phases in which the project will be built and the approximate date when the public improvements, building construction and landscaping of each phase will begin and be completed.
    - 3. The anticipated rate of development.
  - i. Legal agreements, covenants, restrictions, and/or provisions which will govern the uses, maintenance, and continued protection of the project and its common areas.
  - j. Names and addresses of all adjacent property owners within 200 feet of the property boundary discounting public street right of way
2. Plans for a Site Specific Development plan are required to be filed 30 days prior to the Planning Commission consideration

## **Article 4. Submittal Requirements for All Applications Under This Code**

- Section 4-1. Application requirements.
- Section 4-2. Sketch plan.
- Section 4-3. Preliminary plat or plan.
- Section 4-4. Final plat or plan.
- Section 4-5. As built plan.
- Section 4-6. Annexation.
- Section 4-7. Land use district change and Historic Preservation Overlay District Designations.
- Section 4-8. Permits for uses subject to review.
- Section 4-9. Variances.

## **Article 4. Submittal Requirements for All Applications Under This Code**

### **4-1. Application requirements.**

#### **(1) General submittal information.**

- A. Fees-All required documents along with all required fees must be submitted on or before the set submittal date. If the documents are to be recorded by the Town, the appropriate recording fees must be paid at the time of submittal. Payment of recording fees will be by separate check made out to the La Plata County Clerk.
- B. Driveway permits-A Town driveway permit must be approved before a driveway may intersect with a Town street.
- C. Signatures-All submitted documents must contain required signatures. A document marked "preliminary" or "for review only" may be submitted prior to submittal of a signed document.
- D. Administrative permits-Administrative permits, including building permits, may have additional submittal requirements as indicated on the permit application available at the Bayfield Town Hall.

#### **(2) Minimum submittal requirements.** A uniform application is utilized for many of the processes under this Code. However, additional information is required at each level of a multi-level application such as a subdivision. Each and every application under this Code will include, or be accompanied by, the following information.

- A. The name, mailing address, street and telephone numbers of:
  - a. The applicant for the permit.
  - b. The owner of the property upon which the improvement or use is to take place.
  - c. Any agents authorized to act on behalf of the owner or the applicant.
  - d. Any contractor retained or to be retained to accomplish any portion of the improvement.
- B. Proof of ownership of the property in question and concurrence in the purpose of the application by the owner.
- C. Legal description of the property in question, to include:
  - a. Survey number, tract number or other recorded identifying number of the parcel.

- D. Current use district classification of the parcel.
- E. A written description of the nature of the improvements planned if any.
- F. Proof that a request for a driveway permit has been submitted to the Colorado Department of Transportation or to the La Plata County Road Department, if a new access road or driveway to the property intersects with a state highway or a County road.

**4-2. Sketch plan.**

Sketch plan submittals are required for many of the procedures defined in Section 3. Refer to Section 3 for the appropriate review process for the project.

(1)The following information will be provided in a sketch plan submittal:

- A. Name of the sketch plan.
- B. Name, address and phone number of the applicant.
- C. Name address and phone number of the preparer of the plan if different from the applicant.
- D. Date of preparation, north arrow and indication of approximate scale.
- E. Boundary lines of plan with approximate lengths of lines.
- F. Location and type of watercourses and ditches if any, with direction of flow indicated or a general indication of direction of drainage if no watercourses exist.
- G. Location of existing and proposed internal circulation systems such as bike paths and streets on and adjacent to the plan area.
- H. Location and sizes of land uses and size of total plan area.
- I. Number of proposed or existing dwellings and indication of the size of any other use.
- J. Vicinity map to locate property.
- K. Land uses and locations of the uses on properties sharing the boundaries of the property.
- L. General indication of slopes and topography.
- M. General locations of easements and rights of way.

(2) If the sketch plan is for a PUD, add the following:

- A. Outline of any structure, road or parking area

- B. Indication of the number of dwelling units and use in each structure and parking spaces in each lot.
- C. Initial design concepts for the structures.
- D. Location and approximate acreage of open space area.
- E. Location and approximate area (calculated in either acreage or square feet) of special environmental or cultural features.
- F. A written statement explaining how the project meets the Town's standards (see Section 6-8) for PUD's and justifying the request for a PUD designation.

(3) If the sketch plan is for an annexation, add the following:

- A. Location of the contiguous boundary of Bayfield.
- B. Contour lines

#### **4-3. Preliminary plat or plan.**

Preliminary plan submittals are required for many of the procedures defined in Section 3. Refer to Section 3 for the appropriate review process for the project.

(1) The preliminary plat or plan will conform to the following:

- A. The scale for the preliminary plat or plan will adequately represent all information.
- B. A preliminary plat or plan map will be 24 inches by 36 inches
- C. Contour intervals will be no greater than two feet within the subdivided tract. Accuracy will be no less than one-half contour interval.

(2) Information required on a preliminary plat or plan:

- A. Name of subdivision or development.
- B. General legal description by quarter section, section, Township and range. Description will include approximate survey tie to an accepted survey monument.
- C. Name, address and phone number of person, corporation, or organization preparing the preliminary plat or plan, including the name of the registered professional surveyor if a subdivision.
- D. Name, address and phone number of the applicant.
- E. Name, address and phone number of property owners within, surrounded by, and adjacent to the subdivision; name of adjacent subdivisions.
- F. Date of preparation, north arrow and a written and graphic scale.

- G. Vicinity map to locate the subdivision.
- H. Boundary lines of the subdivision showing length of lines.
- I. Location, right-of-way width, functional classification, and names of existing and proposed streets. A typical cross section of each classification may be used.
- J. Location, functional classification, and dimensions of all existing and proposed streets adjacent to the subdivision. Typical cross sections may be used.
- K. Location, length, width and type of any non-street transportation link (e.g. path, bikeway, trail, railroad, etc.)
- L. The location, dimension, area and land use of each lot or parcel of land located within and adjacent to the subdivision. The information for lots within the subdivision may be presented in a table.
- M. Location and use of, or changes in pre-existing or proposed watercourses, ditches or bodies of water. The standard project (100 year) floodplain will be identified. In area where floodplain mapping has not been completed, the floodplain will be identified to a detail of one foot. Where applicable, the Town floodplain regulations, including the Town adopted rainfall standard, apply.
- N. Proposed roads and utility facilities which will require extension to the boundary of the subdivision.
- O. Present land use districts and any proposed changes with boundary lines shown.
- P. Parcel of land within the plat or plan boundary which is not owned by the applicant on the submittal date; and written evidence that such owner is aware of the proposal and indication from such owner of the intent to participate in the plat or plan.
- Q. Location and calculated size in acreage or square footage of properties to be dedicated to the public, including parks, playgrounds, open space, roads and trails.
- R. Draft of dedication language for land, water rights, or any other entity to be transferred.
- S. Location and use of existing and proposed easements on the property.
- T. Existing and proposed topographic contour lines with contour intervals not to exceed 2 feet.
- U. Supplemental information will include:

- a. General drainage statement and erosion control plan including the areas draining into the property and points of runoff through and away from the property and water quantities.
  - b. Proposed method of guaranteeing public improvements; estimates of construction costs for improvements.
  - c. Relative percentages and acreages of proposed land uses and total population at completion.
  - d. Notification from each utility or other agency that provides services or has facilities affected by the proposal. The notification will advise the Town of agency or utility approval, recommended changes or recommended denial of the application.
- V. Written statements concerning general planning considerations to include, but not limited to the following:
- a. A statement regarding the on and off-site effect of storm-water run-off with appropriate accompanying technical detail.
  - b. An evaluation of the consequence of traffic generated by the proposed subdivision or plan.
  - c. A statement concerning the compatibility of the subdivision to the Bayfield Comprehensive Plan.
- W. Draft of any covenants proposed for the property.
- (3) If the preliminary plan or plat is for a PUD add the following:
- A. The footprint of each existing and proposed structure in the PUD area the use or uses to be contained therein, the number of stories, gross floor area and approximate location of entrances and loading points.
  - B. The location of all outside facilities for recycling and waste disposal.
  - C. All curb cuts, private driving lanes, parking areas, loading areas and public transportation points.
  - D. All pedestrian walks and open areas for use by tenants or members of the public.
  - E. The location and height of all walls, fences, landscape planting and group mail boxes.
  - F. The location, size, height and orientation of all signs.
  - G. The types of surfacing, such as paving, turfing or gravel, to be used at the various locations.
  - H. The location of fire hydrants.

- I. Lighting locations, noting height, lumens area of illumination and shielding, if needed.
- J. Landscape material listed by species, caliper if appropriate and average height.
- K. The notation of any variance from the standard requirements within the Town of Bayfield, such as setback, density or height standards.
- L. Draft of the documents that will establish the owners association and the associated bylaws.
- M. A written statement explaining how the project meets the Town's standards (see Section 6-8) for PUD's and justifying the request for a PUD designation.

**4-4. Final plat or plan.**

(1) A registered professional surveyor will prepare the final plat or plan with permanent India ink or using a photographic process on a linen or polyester (mylar) film. The plat will be prepared according to the laws of the State of Colorado. All submittals of a final plat, plan or as built plan must be accompanied by a digitized version of the same document. The digitized document must be compatible and usable in a CAD system as required and approved by the Town. Final plan submittals are required for many of the procedures defined in Section 3. Refer to Section 3 for the appropriate review process for the project.

- A. Size of sheet: 24 inches by 36 inches and an eight and one-half inches by 11 inches plan reduction.
- B. Scale: will be an engineer's scale and no smaller than one inch equals 100 feet.
- C. If more than one sheet is used, all sheets will be indexed and contain an index map showing the relationship of the sheet to the whole. Each sheet will show the scale, date of the survey, north point, and name of the subdivision.
- D. Final plats must not contain extraneous information not required on a final plat.

(2) The following information will be shown on the plat or plan:

- A. Name of subdivision.
- B. Written and graphic scale.
- C. Name and address of owner or owners of record.
- D. Name of Town, County and state.
- E. Total acreage of subdivision; total number of lots.

- F. Location and description of the subdivision referenced by quarter section, section, Township and range; if said description contains references to recorded documents, said information will be indicated on the map.
- G. Certification statements, to include:
  - a. Certification of dedication, ownership and maintenance.
  - b. Certification of approval by the Town Board and by signature of the Mayor.
  - c. Certification by the clerk and recorder.
  - d. Certification of survey by a registered professional surveyor which will follow the laws of the State of Colorado.
  - e. Certification of the chairperson of the Planning Commission.
  - f. Certification of participating utility companies.

An accurate and complete boundary survey of the land to be subdivided will be completed in compliance with the laws of the State of Colorado.

- H. The exact location and width of all existing or recorded streets, right-of-way and easements adjacent to the boundaries of the subdivided tract will be indicated by a dashed line and adjacent subdivisions and streets identified by official names.
- I. Date of preparation, north point, written and graphic scale.
- J. The right-of-way lines, widths, locations and names of all proposed or existing streets, alleys, greenways, bikeways, paths, trails, and other transportation links dimensioned by lengths, widths, bearings. Centerline data or right-of-way data for all curves will be indicated on the plat or plan.
- K. All easements (existing or proposed) and utility right-of-way will be clearly labeled, identified, dimensioned, and tied to reference pints and will be shown by fine dashed lines. Existing easements will bear notation of dedication or conveyance. If any easement of record cannot be definitely located, a statement of the existence, the nature, and the easement's record reference will be placed in the note section.
- L. All lots and blocks will be, to the extent possible, numbered consecutively.
- M. Parcels other than lots, streets, or easements will be designated by letter with dispositions indicated in the note section. Location of land intended to be conveyed or reserved for public use or reserved in the deeds for the use of all property owners in the proposed subdivision will be shown. Public tracts will be dedicated by a statement on the plat or plan; responsibility of maintenance of all other tracts will be noted.

- N. Excepted parcels (parcels not a part of the subdivision) will be marked and dimensioned and include the statement "not included."
- O. Lots which require special studies for development or which present significant hazards to development will be indicated by letter and limitations placed in the note section.
- P. The 100-year (standard project) floodplain will be delineated on the plat or plan. No lots will be located in the floodplain except to the extent that development conforms to the existing Town regulations and lots with limitations identified on the plat or plan.
- Q. Supplemental information to submit with the final plat or plan:
  - a. The applicant will supply to the Town evidence of good title vested in the applicant. The evidence may consist of a title insurance commitment or policy issued by a title insurance company or an attorney's opinion of title, certified to a date not more than 30 days prior to the submittal of the final plat or plan to the Town, showing the name of the owner(s) of the land and all other persons who have an interest in, or encumbrance on, the property described on the final plat or plan. The applicant will cause to be joined on said filing plat or plan those parties necessary to give unencumbered fee simple title to all public lands contained therein. As an alternative, such other parties may subordinate their interest to the dedication of public lands contained therein by a notarized ratification statement.
  - b. Construction plans: If any public improvements (road, bridges, culverts, utilities etc.) are required, construction drawings will be prepared by a registered, professional engineer, licensed in the State of Colorado and submitted to the Town for approval by the Town engineer, together with a complete construction schedule prior to commencement of work. Failure to gain approval prior to construction may lead to non-acceptance of the improvements.
  - c. Drainage plan: A drainage plan will be submitted at the time construction plans are submitted and will be prepared by a registered professional engineer.
  - d. Collateral suitable to guarantee public improvements is required. This may be a cash bond, letter of credit or an appropriate surety bond.
  - e. Subdivision improvements agreement and estimate of guaranteed funds are required.
  - f. Covenants.

(3) If the final plat or plan is for a PUD add the following:

- A. The proposed finished grade of the designated area, shown in contour intervals of not to exceed two feet.

- B. The location of each existing and each proposed structure in the PUD area, the use or uses to be contained therein, the number of stories, gross floor area and approximate location of entrances and loading points.
- C. The location of all outside facilities for waste disposal and recycling.
- D. All curb cuts, private driving lanes, parking areas, loading areas and public transportation points.
- E. All pedestrian walks and open areas for use by tenants or members of the public.
- F. The location and height of all walls, fences and landscape planting; group mailboxes and the location size, height and orientation of all signs.
- G. The types of surfacing, such as paving, turfing or gravel, to be used at the various locations.
- H. The location of fire hydrants.
- I. Lighting locations, noting height, lumens area of illumination and shielding, if needed.
- J. Landscape material listed by species, caliper if appropriate and average height.
- K. Dedication statement for a public safety easement, if required.
- L. Final version of the documents that establish the owners association and the associated bylaws.
- M. The notation of any variance from the standard requirements within the Town of Bayfield, such as lot width, lot area, lot coverage, setback, density or height standards.

**4-5. As built plan.**

Upon completion of all improvements shown on a final plat, plan or construction plan, an as built plan prepared by surveyor registered in the State of Colorado must be submitted to the Town for its records.

**4-6. Annexations.**

Annexation submittal requirements are listed here. Also see Section 3-6 for Annexation procedures and Appendix A for further discussion of Annexation submittal requirements and Annexation requirements.

- (1) The following items are required for all annexation submittals.
  - A. A petition meeting state statutory requirements.
  - B. Owners and encumbrance report

- C. Written legal description of the property
- D. A list of names and address of all adjacent property owners within 300 feet of the exterior perimeter boundary of the property, as listed in the La Plata County Assessors Office. Include the property owners name and address on the list.
- E. A sketch map as described in Section 4-2 (a) and 4-2(c).
- F. A Narrative addressing the following:
  - a. Serviceability of the area to be annexed
    - 1. Water service and availability
    - 2. Sewer service and availability
    - 3. Fire and police protection
    - 4. Sanitation and streets
    - 5. Drainage facilities
    - 6. Access
    - 7. Public transit
    - 8. Private utilities
  - b. Develop ability
    - 1. Site Characteristic including slope and topography, soils and geology, floodplains, and easements.
    - 2. Land use and location of structures
    - 3. Internal circulation
    - 4. Parks, open space and recreational facilities
    - 5. Public improvements
    - 6. Schedule for development and public improvements
    - 7. Requested land use district designation
  - c. Initial District Use Issues
    - 1. Need for the initial district use and land use
    - 2. Present and future impacts on the existing adjacent district uses, uses and physical character of the surrounding area such as compatibility with neighborhood character and surrounding uses.
    - 3. Impact of the proposed use district on area accesses and traffic patterns.
    - 4. Availability of utilities of any potential development
    - 5. Present and future impacts on public facilities, and services, including but not limited to fire, police, water, sanitation, roadways, parks, schools and transit.
    - 6. Relationship between the proposal and any adopted plans and /or policies of the Town, particularly with respect to the Comprehensive Plan.

(2) If the property measures greater than 10 acres in area, the applicant must submit additional information meeting state statutory requirements for an Annexation Impact Report as follows:

- A. A copy of any draft or final pre-annexation agreement if available.
- B. A statement setting forth the plans of the Town of Bayfield for extending to the property or otherwise providing municipal service.
- C. A statement setting forth a method under which the Town of Bayfield or the applicant plans to finance the extension of municipal services.
- D. A statement identifying existing districts (such as fire, school, etc) within in the area to be annexed.
- E. A statement regarding the effect of the annexation upon local public school district systems, including the estimated number of students generated and the capital construction required to educate such students; with comments from the school district.

**4-7. Land Use District Change and Historic Preservation Overlay District.**

See Section 3-7 for procedures for a land use district change or a historic preservation overlay district. Applications for land use district changes and historic preservation overlay districts shall include the information in section 4-1 and the following information.

- (1) A sketch map as described in Section 4-2.
  - A. The sketch plan will also include an indication of land use district designations and current uses of the properties within 100 feet in all directions of the boundary of property under consideration.
- (2) For Land Use District Changes, a statement from the applicant explaining the rationale for the District change request and specifically addressing the following criteria:
  - A. Was the existing land use district adopted in error?
  - B. Has there been a change of character in the area?
  - C. Is there a need for the proposed uses within the area or community or will there be benefits to the community?
  - D. Are the proposed uses compatible with the surrounding area or uses?
  - E. Will there be adverse impacts from the allowed uses and can these impacts be adequately mitigated?
  - F. Are adequate public facilities and services available to serve development for the type and scope of uses suggested by the land use district category?
  - G. Is the proposal in conformance with the intent, policies and requirements of the Bayfield Comprehensive Plan?
  - H. Is the proposal solely to provide special privileges to a single piece of land that is surrounded by properties with other land use district designations?
- (3) For Historic Preservation Overlay District requests include the following:
  - A. A completed Colorado Historical Society inventory form for each resource within the proposed overlay area.

- B. A narrative addressing the significance of the resources and how they contribute to the overall historic character of Bayfield.
- C. A written assessment of the physical condition of each resource.
- D. A written description of the unique or important features of each resource.

**4-8. Permits for Uses Subject to Review.**

See Section 3-9 for procedures for permits for a use subject to review. Applications for Permits for uses subject to review shall include the information in sections 4-1 and 4-2. The narrative description of the proposal called for in section 4-1 shall specifically address the following:

- (1) Impact of the use in terms of lighting, noise, hours of operation, number of employees, and generation of fumes or dust.
- (2) Any and all plans, information, operating data, and expert evaluation necessary to clearly explain the location, function and characteristics of any building or use proposed.

The sketch plan called for in 4-2 will also include an indication of land use district designations and current uses of the properties within 100 feet in all directions of the boundary of property under consideration. The sketch plan shall include parking spaces, setbacks, access and percent of lot coverage.

**4-9. Variance Requests.**

See Section 3-8 for the procedures for variance requests. The application shall include the items listed in Sections 4-1 and 4-2, a written explanation of the variance requested and the applicant's justification for granting of the variance.

## **ARTICLE 5. LAND USE DISTRICTS**

- Section 5-1. Establishment of land use districts.
- Section 5-2. General classification of uses.
- Section 5-3. Use categories defined.
- Section 5-4. Purpose and intent of each land use district.
- Section 5-5. Table of permitted uses.
- Section 5-6. Schedule of permitted uses.
- Section 5-7. Table of minimum and maximum district standards.
- Section 5-8. Accessory uses and structures.
- Section 5-9. Nonconforming uses and structures.
- Section 5-10. Overlay districts.

# ARTICLE 5: Zoning Districts

## *Establishment of Districts*

In order to implement the Bayfield Comprehensive Plan, promote the purposes of this Land Use Code, the following districts are established.

Base Zoning Districts	
<b>Residential Districts</b>	
R-40	Single-family Residential
LDR	Low Density Single-family Residential
R-20	Single-family Residential
MDR	Medium Density Single-family Residential
R-10	Single-family Residential
HDR	High Density Single-family Residential
MF	Multi-family Residential
TC	Town Center
MHP	Manufactured Home Park
MHS	Manufactured Home Subdivision
<b>Nonresidential Districts</b>	
B	Business
MS	Mill Street
I	Industrial
T	Transitional Land Use
CS	Community Service
Overlay Zoning Districts	
PUD	Planned Unit Development
HPO	Historic Preservation Overlay

*i. Compliance with District Standards*

No building or structure shall be erected, converted, enlarged, reconstructed or altered for use nor shall any building, structure or land be used or changed in such a way that it does not comply with all of the district regulations established by this LUC for the district in which the building or structure or land is located.

## **Base District Purposes**

**Editor's Note:** *The historic Bayfield Use Districts are retained unchanged in this Article. Your attention is drawn to the New Zoning Districts: LDR, MDR and HDR district.*

*ii. R-40, Single-family Residential*

The R-40 district is intended to provide an area in which only single-family homes on very large lots of at least 40,000 square feet are permitted by right and other uses, subject to review, as set forth in the Use Table.

iii. *LDR, Low Density Single Family Residential*

The LDR district is intended to provide an area in which a variety of residential uses on lots with a minimum lot size of 20,000 square feet are permitted by right and other uses, subject to review, as set forth in the Use Table. The LDR district implements the Low Density Single Family Residential Future Land Use Category as described in the Bayfield Comprehensive Plan.

iv. *R-20, Single-family Residential*

The R-20 district is intended to provide an area in which only single-family homes on lots of at least 20,000 square feet are allowed by right and other uses, subject to review, as set forth in the Use Table.

v. *MDR, Medium Density Residential*

The MDR district is intended to provide an area in which a variety of residential uses on lots with lot areas of 10,000 to 20,000 square feet and a target average area of 12,300 square feet, are allowed by right and other uses, subject to review, as set forth in the Use Table. The MDR district implements the Medium Density Single Family Residential Future Land Use Category as described in the Bayfield Comprehensive Plan.

vi. *R-10, Single-family Residential*

The intent of this district is to provide an area in which only single-family homes on lots of at least 10,000 square feet are allowed by right and other uses, subject to review, as set forth in the Use Table.

vii. *HDR, High Density Residential*

The HDR district is intended to provide an area in which a variety of residential uses on lots with lot areas of 7,500 to 12,500 square feet and a target average area of 10,000 square feet, allowed by right and other uses, subject to review, as set forth in the Use Table. The HDR district implements the High Density Single Family Residential Future Land Use Category as described in the Bayfield Comprehensive Plan.

viii. *MF, Multi-family Residential*

The MF district is intended to provide an area in which apartment homes, townhouses, and duplexes are permitted as well as single-family homes and other uses, subject to review, as set forth in the Use Table.

ix. *TC, Town Center*

The TC district is intended to provide an area which maintains the unique characteristics of the old Town Center and permits mixed use with residential and low impact business uses intermingled and other uses, subject to review, as set forth in the Use Table.

- x. MHP, Manufactured Home Park*

The MHP district is intended to provide an area in which manufactured home parks are permitted, which use would include the rental or lease of manufactured home spaces and other uses, subject to review, as set forth in the Use Table but which would not include the creation of or conveyance of individual lots to third parties.
- xi. MHS, Manufactured Home Subdivision*

MHS district is intended to provide an area in which manufactured home subdivisions are permitted, which use would include the subdivision of and creation of lots for lease or conveyance to third parties and other uses, subject to review, as set forth in the Use Table.
- xii. B, Business*

The B district is intended to provide an area which allows the location of retail, office, service establishments and certain light industrial uses where those uses are generally compatible with other allowed business uses, and which generate very low levels of noise, vibration, smoke odor, dust, fumes or danger of explosion or environmental contamination and other uses, subject to review, as set forth in the Use Table.
- xiii. MS, Mill Street*

MS district is intended to provide area which maintains the unique characteristics of Mill Street and permits a mix of retail, service and residential and other uses, subject to review, as set forth in the Use Table.
- xiv. I, Industrial*

The I district is intended to provide an area for light and medium industrial uses as defined herein, including warehousing and distribution uses. It is anticipated that the uses in this district will not generate excessive noise, vibration, smoke, odor, dust, fumes or danger of explosion or environmental contamination, but may have the potential to be in compatible with other commercial or business uses and other uses, subject to review, as set forth in the Use Table.
- xv. T, Transitional*

The T district is intended to provide an area where residential and commercial uses can occur side by side with a minimum amount of inconvenience to each other and other uses, subject to review, as set forth in the Use Table. The district is applied to parts of the community that are now business use or may in the future change to business use.

xvi. *CS, Community Service*

The CS district is intended to provide an area where public uses such as schools, parks and community centers are permitted. This district is to accommodate uses which have unique characteristics and, therefore, each use needs to be considered individually on specific application.

**Overlay District Purposes**

Overlay districts do not modify the list of uses allowed in the underlying district, but affects the manner in which properties are developed.

xvii. *PUD, Planned Unit Development*

The PUD district is intended to preserve open space and to protect and enhance the unusual, important or unique environmental, cultural or scenic assets of Bayfield. Such assets include, but are not limited to, landforms, vegetation, drainage courses, neighborhood character, cultural resources and scenic views. The PUD district provides flexibility in the siting of structures and the development of sites to preserve these assets.

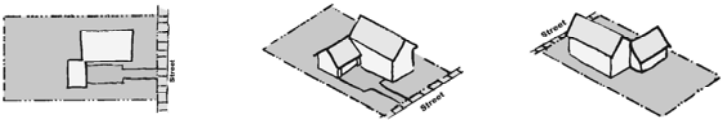
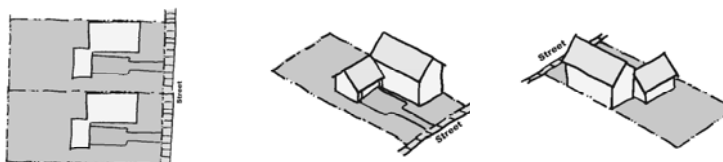
xviii. *HPO, Historic Preservation Overlay*


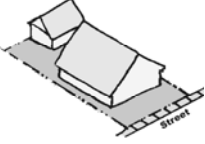
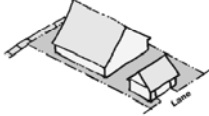




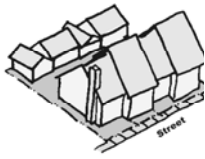
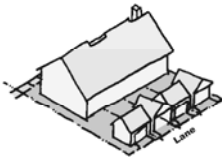
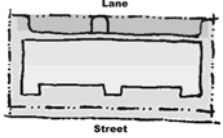
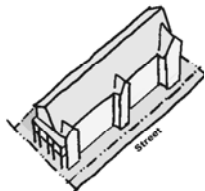
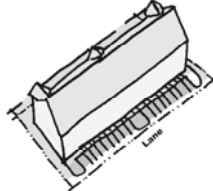

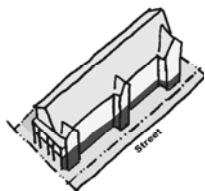
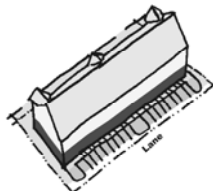
The HPO district is intended to preserve the historic resources of various areas and locations in Bayfield that contribute to the unique character of Bayfield.

xix. *Housing Types*

**Definitions**

The following housing types are established to provide a common terminology for housing in the Town of Bayfield. All drawings are for illustrative purposes only.

<p><b>Single Family Detached</b> A detached dwelling unit located on a single lot with private yards on all four sides</p>	
<p><b>Zero Lot Line House</b> A detached dwelling unit located on a single lot with private yards on three sides. The unit has a single side yard on one side comprising the equivalent of two side yards of a single-family detached house.</p>	

<p><b>Alley-Loaded House</b> A detached dwelling unit located on a single lot with private yards on all four sides; however, the house is set closer to the street than a single-family detached house.</p>			
<p><b>Two-Family House</b> Two attached dwelling units in a single structure on a single lot (often called a duplex). The two units can be located on separate floors or side-by-side.</p>			
<p><b>Townhouse</b> Two or more attached dwelling units located on separately owned lots or on a single lot where the units are lined up in a row and share side walls, individual units can be mixed vertically.</p>			
<p><b>Multi-family Dwelling</b> Three or more attached dwelling units in a single structure on a single lot. A multi-family dwelling can vary in height from one to two stories, individual units can be mixed vertically.</p>			
<p><b>Upper-Story Residential</b> A dwelling unit located on a floor above a nonresidential use.</p>			

**Permitted Land Uses**

xx. **Permitted Use Table**

All of the use categories listed in the following use table summary are defined and described in Section 0. The following paragraphs serve as a key to the summary table and indicate how each specific use is treated.

**Uses Permitted By Right**

A "P" indicates that a use is allowed by right. Such uses are subject to all other applicable regulations of this Land Use Code.

**Review Permit Required**

An "R" indicates that a use is allowed only if approved by a review permit by the Planning Commission in accordance with

the procedures of Section 3-9. Review permit uses are subject to all other applicable regulations of this Code.

**Uses Not Allowed**

A blank cell indicates that a use is not allowed.

**Use-specific Standards**

The final column titled "Notes" contains a cross-reference to standards that apply to specific uses in Section 0.

**Uses Not Listed**

The Administrator shall use the criteria in Section 0 to determine how an unlisted use should be treated.

Table A.a.xx Permitted Uses by Zoning District

Use Category	Specific Use	RESIDENTIAL										NONRESIDENTIAL					Notes
		R-40	LDR	R-20	MDR	R-10	HDR	MF	TC	MHP	MHS	B	MS	I	T	CS	
Key: P = Permitted by right      R = Review Permit Required      _ = Not Permitted (Use-specific Standards and descriptions of Use Categories are provided in Sec.A.a.xxi and Sec. 0																	
<b>Residential Uses</b>																	
Household Living	Single family, detached	P	P	P	P	P	P	P	P	P	R	P		P		P	P
	Zero lot line homes		P		P		P		R								5-4(2)0
	Alley loaded house	P	P	P	P	P	P	P	P	P	P					P	P
	Two family house (duplex)						R	P	R					P		R	
	Townhouse (attached SF)		P		P		R	P	R				R	P		R	
	Multi-family dwellings				R		R	P	R					P		R	
	Manufactured homes									P	P						7-15(2)
	Manufactured home parks									P						R	
	Upper floor residential						P	P					P	P	R	P	P
All other uses		P		P													
Group Living	Group homes (8 or less)		R		R		R		R	R	R						
	Group quarters/ elderly care						R	R				R			R	R	
	All other uses		R		R		R		R			R			R	R	
<b>Public and Civic Uses</b>																	
Community Service	All community service						P	P				P	P		P	R	
Day Care	All day care facilities, licensed	R	R	R	R	R	R	R	R	R	R	R	R		R	P	
Educational Facilities	All educational uses								R			P	P		P	P	
Government Facilities	Detention centers													R			
	All other uses						R	R				R	R	R	R	R	
Institutions	All institutions											P	P		P	R	
Medical Facilities	All medical facilities											P	P		R	P	
Parks and Open Areas	All parks and open areas	R	R	R	R	R	R	R	R	R	R	R	R	R	R	P	
Passenger Terminals	Airports and heliports											R	R	R			
	Bus terminal											P	P	P			
	All other uses																
Places of Worship	All uses	R	R	R	R	R	R	R	R	R	R	P	P		P	P	
Telecommunications towers and facilities	Telecommunications towers and facilities													R	R	R	
	All other uses													R	R	R	
Utilities	All major utilities uses													P	R	P	
	All minor utilities uses													P	R	P	
<b>Commercial Uses</b>																	
Eating Establishments	Drive-in restaurants											P					
	All other uses											R	R		R		
Entertainment	Adult entertainment													R			
	All indoor entertainment											R	R		R	P	
	All outdoor entertainment															R	
Office	Financial institutions											P	P	P	R		
	All uses						R		R			P	P	P	R	P	
Overnight	Bed and breakfasts		R		R		R	R	R			P	P		R		

Table A.a.xx Permitted Uses by Zoning District

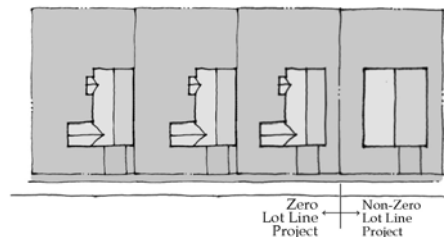
Use Category	Specific Use	RESIDENTIAL										NONRESIDENTIAL					Notes
		R-40	LDR	R-20	MDR	R-10	HDR	MF	TC	MHP	MHS	B	MS	I	T	CS	
Accommodations	Hotel and motels							R				P	P		R		
	All other uses											R	R		R		
Parking, Commercial	All uses							P				P	R	P	P	P	
Retail Sales and Service	All other sales-oriented uses								R			P	P		R		
	All personal service-oriented uses								R			P	P		R		
	All repair-oriented uses											P	P				
	All other uses											R	R		R		
<b>Industrial Uses</b>																	
Self Storage	All uses											P		P			
Vehicle Sales and Service	Fuel service											P		P			
	Limited vehicle service											P		P			
	Vehicle sales, rental or leasing facility											P		P			
	All other uses											P		R			
Light Industrial Service	Lumberyards											P		P			
	Electricians and plumbers											P		P			
	All other uses											R		R			
Warehouse and Freight Movement	All uses											R		P			
Wholesale Trade	All uses											R		P			
Waste Related Services	All uses											R		P			
Heavy Industrial	All heavy industrial uses													R			
<b>Other Uses</b>																	
Agriculture	Feed lot or dairy														R		
	All other agriculture uses														R		
Resource Extraction	All resource extraction uses	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	

xxi. Use-specific Standards

**Editor's Note:** The Town may wish to consolidate use standards from other parts of the Code to this location, such as the manufactured home and manufactured home park standards of Section 7-15, and list them in this subsection (following the use table) in the interest of making the Code more user-friendly.

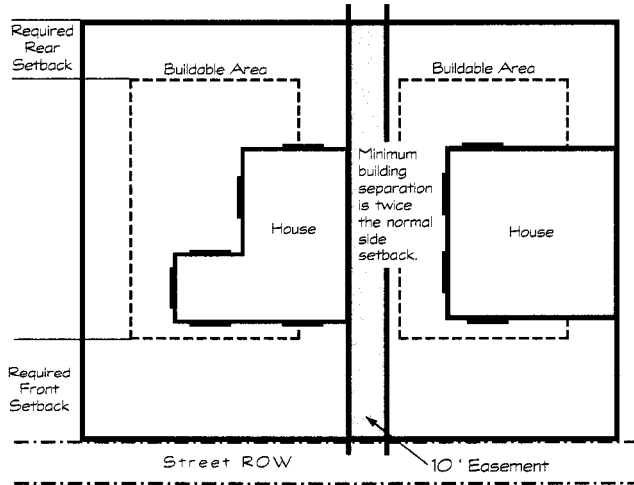
**Zero Lot Line Homes**

The side building setback for zero lot line houses may be reduced to zero feet on one side. This reduction does not apply to the street side setback or to the interior side setback adjacent to lots that are not zero lot line



development.

An easement between the 2 property owners to allow for maintenance or repair of the house shall be required when the roof overhang or side wall of the house are within 4 feet of the adjacent property line (no roof overhang shall be permitted to extend across the property line). The easement on the adjacent property must provide at least 10 feet of unobstructed space. The easement shall be recorded on the subdivision plat.



Minimum setback between buildings shall be twice the side yard setback.

If the side wall of the house is on the property line, or within 3 feet of the property line, windows or other openings that allow for visibility into the side yard of the adjacent lot shall not be allowed. Windows that do not allow visibility into the side yard of the adjacent lot, such as a clerestory window or a translucent window, shall be allowed.

### **Alley-Loaded House**

An alley shall be provided to the rear of all alley-loaded houses. All vehicular access shall take place from the alley. No parking shall be permitted in the required street yard.

### **Townhouse**

Side yards are not required for interior townhouses, but street and rear yards shall be provided for all townhouses, and building separation of at least 10 feet shall be maintained for all townhouse structures.

### **Multi-family Dwellings**

No off-street parking space shall be located closer than 10 feet to any residential building wall.

Sidewalks shall be constructed within the interior of the development to link residential buildings with other destinations such as, but not limited to: parking, adjoining

streets, mailboxes, trash disposal, adjoining sidewalks or greenways and on-site amenities such as recreation areas.

### Upper-Story Residential

An upper-story residential unit is allowed on the upper floors of a permitted civic or commercial use as set forth in Permitted Land Use Table (see Sec. A.a.xx) and shall adhere all dimensional standards of the permitted civic or commercial use.

### Density and Dimensional Standards

*The standards listed in this Section are allowed by right unless otherwise expressly stated. The project must comply with all of the applicable development standards of this Section. The project must also comply with all other development standards of the Base Zoning District and any Overlay District, if applicable, and any applicable specific use standards unless those standards are superseded by the standards in this Section.*

#### xxii. Residential Zoning District Density and Dimensional Standards

The following table illustrates the density and dimensional standards that apply in the Town’s residential zoning districts. Measurements and exceptions applicable to the standards of this schedule are listed in Sec. A.a.xxiv. A blank space indicates where a standard is not applicable.

**Table A.a.xxii Residential Zoning District Density and Dimensional**

STANDARD		R-40	LDR	R-20	MDR	R-10	HDR	MF	TC	MHS	MHP
Average Lot Area, Min. (sf)					12,300		10,000				
Lot Area, Max. (sf)					20,000		12,500				
Lot Area, Min. (sf)		40,000	20,000	20,000	10,000	10,000	7,500	6,000 <sup>(2)</sup>	5,000	6,000	
Lot Area/ Unit, Min. Per DU(sf)		40,000		20,000		10,000		2,000 <sup>(2)</sup>		3,000	3,000
Lot Width, Min. (ft)		100	60	60	50	60	40	60	50	60	
Setbacks, Min. <sup>(1)</sup>	Front (ft)	30	25	20	20	20	15	20	10	20	
	Rear (ft)	30	20	20	10	20	10	15	10	15	
	Side (ft)	20	10	10	10	10	5	10	5	10	
Street Frontage, Min. (ft)		80		60		60		60	50	60	
Height, Max. (ft)		35	35	35	35	35	35	40	35	15	15
Lot Coverage, Max. (%)		25%	25%	25%	30%	25%	40%	40%	40%	40%	40%
On-site Parking Per Dwelling, Min. (#)		2	2	2	2	2	2	2.5	1.5	2	2

NOTES:

<sup>(1)</sup> See Sec. D.c for setback reduction provisions applicable to zero lot line homes and townhouses.

<sup>(2)</sup> See Sec. D.a for requirements relative to townhouses (attached single-family) uses.

xxiii. *Nonresidential Density and Dimensional Standards*

The following table illustrates the density and dimensional standards shall apply in the Town’s Nonresidential Districts. These standards shall also apply to mixed-use buildings that combine nonresidential and residential uses. Measurements and exceptions applicable to the standards of this schedule are listed in Sec. A.a.xxiv. A blank space indicates where a standard is not applicable.

**Table A.a.xxiii Non-Residential Lot and Dimensional Standards**

Standard	Non-Residential Zoning District				
	B	MS	I	T	CS
Lot Area, Min.	6,000	5,000	10,000	6,000	None
Lot Area, Min. Per Unit	6,000	3,500		6,000	6,000
Lot Width, Min. (feet)	60	25	80	50	100
Front Setback, Min. (feet)	10	0	25	20	20
Rear Setback, Min. (feet)	20	0	25	20	20
Side Setback, Min. (feet) <sup>(1)</sup>	10	0	25	10	20
Building Coverage, Max. (%)	60%	90%	40%	40%	50%
Building Height, Max. (feet)	35	35	40	35	None
Off-street Parking (2)					

NOTES:

<sup>(1)</sup> See Sec. D.c for setback reduction provisions applicable to Non-residential Uses.

<sup>(2)</sup> See Sec. 7-9 for off-street parking requirements applicable to specific uses.

xxiv. *Measurements and Exemptions*

**Lot Area**

Lot area refers to the area contained within the boundary lines of a lot, excluding any street, easement for street purposes, or street right-of-way.

*a. Exception*

Individual townhouse (attached single family) units may be located on lots as small as 2,000 square feet.

**Average Lot Area**

Average lot area refers to the average size of lots ±10 percent required for each development by subdivision or by filing within a subdivision. Average lot area is calculated by totaling the square footage of lots in a subdivision or filing within a subdivision, and dividing the resulting total by the total number of lots proposed in the subdivision or filing within the subdivision.

**Required Yards (Setbacks)**

*b. Setbacks*

Setback refers to the unobstructed, unoccupied open space between a structure and the property line of the lot on which

the structure is located. Setbacks shall be unobstructed, except as allowed in paragraph D.d, below, from the ground to the sky and measured as the horizontal distance between a property line and the furthestmost projection of the structure, except as provided otherwise in this LUC.

*c. Side Yard Reduction*

Development with no side yard setbacks on both sides is allowed only for zero lot line homes, townhouse (attached single-family) units and non-residential uses.

*d. Projections/ Exceptions, General*

The following features may be located within required setbacks (See Section 8-14 for addition qualifying requirements):

Trees, shrubbery or other features of natural growth;

Fences or walls;

Driveways, off-street parking areas and sidewalks;

Signs, if permitted by this LUC;

Bay windows, architectural design embellishments and cantilevered floor areas of dwellings;

Eaves;

Open outside stairways, entrance hoods, terraces, canopies, carports and balconies;

Chimneys, flues and ventilating ducts placed so as not to obstruct light and ventilation;

Open, unenclosed porches;

Utility lines, wires and associated structures, such as power poles; and

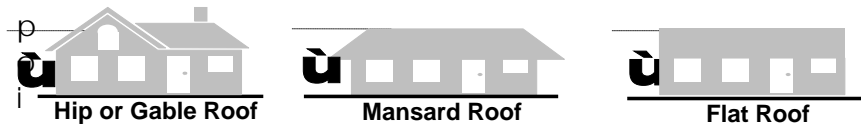
Mechanical equipment, such as air conditioning units, pool filtering and heating equipment, water softeners and similar equipment, if the equipment does not restrict access through such setbacks and if it is totally screened from view from abutting property and rights-of-way by fences, walls or landscaping.

*e. Fire Safety Exception*

Any yard or separation requirements may be increased to comply with minimum fire safety requirements as specified by the Fire Marshall. The Fire Marshall is responsible for notifying the applicant and the Administrator if minimum fire safety requirements exceed the requirements of this LUC.

**Height**

Height refers to the vertical distance between the average finished grade at the base of the building and (i) the highest



**Measuring Height**

of the coping of a mansard or flat roof or (ii) the midpoint between the eaves and ridgeline of a gable, hip or gambrel roof. For fences or walls, height shall be measured on the side with the least vertical exposure above the finished grade to the top of the fence or wall.

Average finished grade refers to the grade elevation determined by averaging the highest elevation and lowest elevation, each at a single point around the perimeter of the building base.

*f. Exceptions*

The following structures and features shall be exempt from the height requirements of this LUC:

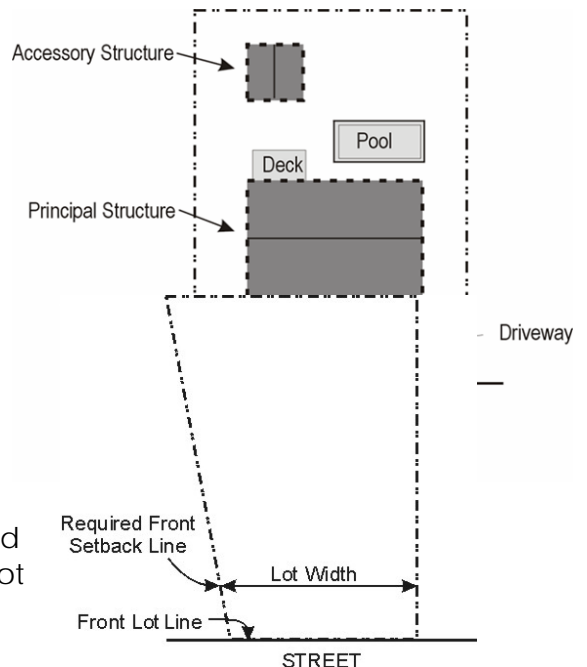
- Chimneys, smokestacks or flues;
- Cooling towers and ventilators;
- Elevator bulkheads and stairway enclosures;
- Utility poles and support structures;
- Belfries, spires and church steeples;
- Tanks, water towers and silos; and
- Monuments and ornamental towers.

**Building Coverage**

The maximum area of the lot that is permitted to be covered by buildings, including both principal structures and accessory buildings. Building coverage does not include paved areas such as driveways, uncovered porches or patios, decks, swimming pools or pool cages, or roof overhangs of less.

**Lot Width**

Width of a lot shall be considered to be the distance connecting lot lines at each side of the lot, measured as a straight line



between the foremost points of the side lot lines at the front setback line except in the case of lots on the turning circle of a cul-de-sac, where the width shall not be less than 60 percent of the required lot width or 40 feet, whichever is smaller.

## ***Overlay Districts***

### *xxv. General*

#### **Intent**

Overlay districts are intended to provide an additional benefit for the community such as flood protection, historic preservation or improved design. Overlay districts are so named because they are land use districts that are superimposed upon base zoning districts. The overlay district adds to the requirements already imposed by the underlying base district. Some overlay districts such as the PUD district permit modifications of construction and design standards in order to obtain a unified design that will benefit the community and protect, preserve or enhance an important community feature.

#### **Conditions**

The Town may prescribe any conditions it deems necessary upon issuing an improvement or use permit within an overlay district to result the intent and purpose of the overlay district (See 0, Overlay District Purposes). Such conditions may also be imposed in order to mitigate any adverse impact upon the affected resource and may be enforced by requiring the applicant to post a bond, cash or acceptable letter of credit sufficient to assure that required mitigation will occur within a specified time period. Any changes in the approved final plan must be submitted for review and approval.

### *xxvi. PUD, Planned Unit Development District*

#### **Approval Process**

The PUD approval process is described in Section 3-4.

#### **Master Plan Required**

A master plan shall be required for each PUD development. Permits for construction or development in the PUD district may be issued only on the basis of an approved master plan.

#### **District Standards**

The standards set forth in Section 6-8 will be observed in planning and design of a PUD development:

### *xxvii. HPO, Historic Preservation Overlay District*

#### **Approval Process**

The HPO district development approval process is described in Section 3-7.

### **Master Plan Required**

A master plan shall be required for each HPO district development. Permits for construction or development in the HPO district may be issued only on the basis of an approved master plan.

### **District Standards**

The standards set forth in Section 6-9 will be observed in planning and design within the HPO, Historic Preservation Overlay District:

### ***Accessory Uses and Structures***

Accessory uses and structures are allowed by right in conjunction with a principal use unless otherwise stated elsewhere in this Code. Unless otherwise stated, accessory uses are subject to the same regulations as the principal use.

Accessory uses and structures shall be:

Subordinate to and serve a principal use or structure;

Located on the same lot as the principal use or structure;

Customarily associated with and incidental to the principal use or structure.

Any portion of a principal structure devoted or intended to be devoted or intended to be devoted to an accessory use is not an accessory structure.

Detached accessory buildings in any residential district shall conform to the following regulations as to their location on the lot or building site:

Accessory structures shall not be closer than 10 feet to the main building or any other accessory building, except that private garages and carports may be closer to the main building than 10 feet if adjoined to the main building by an enclosed walkway or an open breezeway.

Accessory structures may be constructed in the required rear yard provided they occupy no more than 50 percent of the required rear yard.

The location of all entrances and exits shall be subject to the approval of the fire department, provided that no entrance or exit other than to or from an alley will be closer than 5 feet to any lot located in a residential district.

### ***Use Categories***

#### ***xxviii. General***

#### **Basis for Classification**

Use categories classify land uses and activities based on similar functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or

residents, how goods or services are sold or delivered, likely impact on surrounding properties, and site conditions. The use categories provide a systematic basis for assigning land uses to appropriate zoning districts.

### **Principal Use Characteristics**

A principal use, and its attendant infrastructure, is assigned to the use category that most closely corresponds to its nature as described in the "Characteristics" subsection of each use category.

### **Considerations Regarding Principal Uses**

Determination of the appropriate category for a proposed principal use shall be made by the Administrator in accordance with the provisions of b below.

The following shall be used to determine (1) the appropriate category for a use not specifically listed in the use table or the examples in the use category descriptions, and (2) whether a use is considered principal or accessory.

The actual or projected characteristics of the activity in relationship to the stated characteristics of each use category.

The relative amount of site area or floor space and equipment devoted to the activity.

Relative amounts of sales from each activity.

The customer type for each activity.

The relative number of employees in each activity.

Hours of operation.

Building and site arrangement.

Vehicles used and their parking requirements.

The relative number of vehicle trips generated.

Required signage.

How the use is advertised.

The likely impact on surrounding properties.

Whether the activity is likely to be found independent of the other activities on the site.

The Administrator may use the North American Industrial Classification System to assist in the interpretation of similarity of uses.

When considering appropriate districts for a use not listed in the use table, the district purpose statements of the respective districts shall be taken into consideration.

*xxix. Developments with Multiple Principal Uses*

Developments with multiple principal uses shall conform to the following.

When all principal uses of a development fall within one use category, the entire development is assigned to that use category.

When the principal uses of a development fall within different use categories, each principal use is classified in the applicable use category and each use is subject to all applicable regulations for that use category.

Developments with multiple principal uses (such as shopping centers) shall incorporate only those uses allowed in the underlying district.

*xxx. Accessory Uses*

Accessory uses are allowed by right in conjunction with a principal use unless otherwise stated elsewhere in this Code. Unless otherwise stated, accessory uses are subject to the same regulations as the principal use. Common accessory uses are listed as examples in the use category descriptions.

*xxxi. Use of Examples*

The "Examples" subsection of each use category lists uses common to that use category.

The examples provided are not all-inclusive, but describe the types of uses that are common to that category. Those uses that are listed are permitted, however other similar uses may also be permitted upon determination by the Administrator that they are appropriate for that use category.

The names of these sample uses are generic and are based on common meanings, not on what a specific use may call itself. For example, a use that calls itself "Wholesale Warehouse," but sells mostly to retail consumers, is included in the Retail Sales and Service category rather than the Wholesale Trade category.

*xxxii. Uses Not Included*

The "Uses Not Included" subsection provides cross-references to uses that may appear to be part of a particular category, but which are explicitly handled in a different use category.

*xxxiii. Use Categories*

The following series of tables describe the characteristics of categories of uses, examples from each category, common accessory uses, and uses that are not part of a given use category. These tables are descriptive, and the examples listed are not all-inclusive.

Determination of the appropriate category for a proposed principal use not listed will be made by the Administrator in accordance with Sec. 0, Considerations Regarding Principal Uses.

xxxiv. *Residential Use Categories*

**Household Living**

<b>Characteristics:</b>		
Residential occupancy of a dwelling unit by a household on a month-to-month or longer basis.		
<b>Examples</b>	<b>Accessory Uses</b>	<b>Uses not included</b>
Single family dwelling Two family dwelling Townhouses Zero lot line houses Multifamily dwellings Apartment hotels Row houses Congregate care facilities where individual units meet the definition of a dwelling unit Group homes in single-family structures Other structures with self-contained dwelling units Retirement center apartments Upper-story residential Village residential	Greenhouses and nurseries not engaged in retail trade Hobbies Home occupations In-home care for fewer than 6 persons Off-street parking of occupants' registered vehicles On-site day care for residents of a multi-dwelling structure or use Recreational Activities Storage units Swimming pools	Bed and breakfast establishments, Hotels, Motels, Inns, Extended-stay facilities (See Overnight Accommodations) Group homes for the physically disabled, mentally retarded, or emotionally disturbed that are not considered single-family residences (See Group Living) Nursing or convalescent home (See Group Living) Residential assisted living facility not having individual dwelling units (See Group Living)

**Group Living**

<b>Characteristics:</b>		
Residential occupancy of a structure by a group of people that does not meet the definition of Household Living. Tenancy is usually arranged on a monthly or longer basis. Generally, Group Living structures have a common eating area for residents, and the residents may receive care, training, or treatment.		
<b>Examples</b>	<b>Accessory Uses</b>	<b>Uses not included</b>
Dormitories Fraternities Group homes for the physically disabled, mentally retarded, or emotionally disturbed that are not considered single-family residences (6 or fewer residents) Hospices Lodging houses Monasteries and convents Nursing or convalescent homes Orphanages Residential assisted living facilities not having individual dwelling units Sororities	Associated offices Food preparation and dining facilities Off-street parking of vehicles for occupants and staff Recreational facilities	Alternative or post-incarceration facilities (See Institutions) Bed and breakfast establishments, Hotels, Motels, Inns, Extended-stay facilities (See Overnight Accommodations) Congregate care facilities where individual units meet the definition of a dwelling unit (See Household Living) Group homes for the physically disabled, mentally retarded, or emotionally disturbed that are not considered single-family residences (7 or more residents) (See Institutions) Group homes for drug and alcohol treatment (See Institutions) Residential occupancy of a dwelling unit by a household on a month-to-month or longer basis. (See Household Living) Treatment centers, transient lodging or shelters (See Institutions)

**Community Service**

<b>Characteristics:</b>		
Uses of a public, nonprofit, or charitable nature providing ongoing education, training, or counseling to the general public on a regular basis, without a residential component.		
<b>Examples</b>	<b>Accessory Uses</b>	<b>Uses not included</b>
Community centers Libraries Museums Philanthropic institutions Senior centers Social service facilities Youth club facilities	Associated offices Food preparation and dining facilities Health, arts and crafts, day care, and therapy areas Indoor or outdoor recreation and athletic facilities Limited retail sales Meeting areas Off-street parking	Athletic or health clubs (See Retail Sales and Service) Churches, mosques, synagogues, or temples (See Places of Worship) Counseling in an office setting (See Office) Parks (See Parks and Open Areas) Soup kitchen (See Institutions) Treatment centers, transient lodging or shelters for the homeless (See Institutions)

**Day Care**

<b>Characteristics:</b>		
Uses providing care, protection, and supervision for more than 6 children or adults on a regular basis away from their primary residence. Care is typically provided to a given individual for fewer than 18 hours each day, although the facility may be open 24 hours each day.		
<b>Examples</b>	<b>Accessory Uses</b>	<b>Uses not included</b>
Adult day-care programs Child care institution Day care center Family home day care Group daycare home Intermediate childcare Latch-key programs Nursery schools Preschools	Associated offices Food preparation and dining facilities Health, arts and crafts, and therapy areas Indoor or outdoor recreation facilities Off-street parking	Counseling in an office setting (See Office) In home day care for fewer than 6 persons (See Accessory Use) On-site schools or facilities operated in connection with a business or other principal use where children are cared for while parents or guardians are occupied on the premises (See Accessory Use)

## Educational Facilities

<b>Characteristics:</b>		
Public and private (including charter or religious) schools at the primary, elementary, middle, junior high, or high school level that provide basic academic education. Also includes colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree usually in a campus setting.		
<b>Examples</b>	<b>Accessory Uses</b>	<b>Uses not included</b>
Boarding schools Community colleges Elementary schools High schools Liberal arts colleges Middle schools Military academies Nursing and medical schools not accessory to a hospital Private schools Seminaries Universities	Adult continuing education programs Associated offices Auditoriums Before- and after-school day care Cafeterias Day care Food services Health facilities Housing for students and faculty Laboratories Libraries Maintenance facilities Meeting areas Off-street parking Play areas Recreational and sports facilities Support commercial (a college-operated bookstore, for example) Theaters	Business, driving, martial arts, trade and other commercial schools (See Retail Sales and Service) Dance, art, or music studios or classes (See Retail Sales and Service) Preschools or nursery schools (See Day Care)

## Government Facilities

<b>Characteristics:</b>		
Offices, storage, maintenance, and other facilities for the operation of local, state, or federal government.		
<b>Examples</b>	<b>Accessory Uses</b>	<b>Uses not included</b>
Town Hall Detention Centers Emergency medical and ambulance stations Fire stations Government offices Local, state, or Federal offices Municipal Office Center Police stations Post Offices Maintenance facilities	Associated helicopter landing facilities Auditorium and meeting rooms Cafeterias Day care Holding cells Infirmaries Limited fueling facilities Off-street parking Satellite offices Stealth cell antennae Storage	Educational facilities (See Educational Facilities) Parks and recreational facilities (See Parks and Open Areas) Utilities (See Utilities) Waste-Related service (See Waste-Related Service)

## Medical Facilities

<b>Characteristics:</b>		
Uses providing medical or surgical care to patients possibly offering overnight care.		
<b>Examples</b>	<b>Accessory Uses</b>	<b>Uses not included</b>
Blood plasma donation centers Hospitals Medical and dental clinics Medical centers	Associated helicopter landing facilities Associated offices Cafeterias Chapel or other ancillary worship space Day care Housing for staff or trainees Laboratories Limited support retail Maintenance facilities Meeting areas Off-street parking Out-patient clinics Pharmacies Recreational facilities Stealth cell antennae Teaching facilities Temporary housing for relatives of patients	Exclusive care and treatment for psychiatric, alcohol, or drug problems, where patients are residents (See Institutions) Nursing and medical schools not accessory to a hospital (See Educational Facilities) Urgent care or emergency medical offices (See Retail Sales and Service)

## Institutions

<b>Characteristics:</b>		
Uses that primarily provide treatment of those with psychiatric, alcohol, or drug problems, and transient housing related to social service programs.		
<b>Examples</b>	<b>Accessory Uses</b>	<b>Uses not included</b>
Alternative or post-incarceration facilities Exclusive care and treatment for psychiatric, alcohol, or drug problems, where patients are residents Group homes for the physically disabled, mentally retarded, or emotionally disturbed that are not considered single-family residences (7 or more residents) Group homes for drug and alcohol treatment Soup kitchens Transient lodging or shelters for the homeless Treatment centers	Adult educational facilities Day care Food services and dining areas Meeting rooms Off-street parking Staff residences located on-site Stealth cell antennae Storage	Cemeteries, columbaria, mausoleums, and memorial parks (See Parks and Open Areas) Congregate care facilities where individual units meet the definition of a dwelling unit (See Household Living) Educational Facilities (See Educational Facilities) Group homes for the physically disabled, mentally retarded, or emotionally disturbed that are not considered single-family residences (See Group Living) Philanthropic Institutions (See Community Service) Residential assisted living facilities not having individual dwelling units (See Group Living)

## Parks and Open Areas

<b>Characteristics:</b>		
Uses focusing on natural areas consisting mostly of vegetation, passive or active outdoor recreation areas, or community gardens, and having few structures.		
<b>Examples</b>	<b>Accessory Uses</b>	<b>Uses not included</b>
Botanical gardens Cemeteries Columbaria County clubs Crematoriums Golf courses Mausoleums Memorial parks Nature preserves Parks Plazas Recreational trails Reservoir	Boat docks Boat house Clubhouses Concessions Maintenance facilities Off-street parking Play equipment Single residential unit for caretaker or security purposes Swimming pools Tennis courts	Athletic or health clubs (See Retail Sales and Service) Golf driving ranges and miniature golf facilities (See Entertainment) Membership clubs and lodges (See Entertainment) Water park (See Entertainment) Water towers, tanks, and standpipes (See Utilities)

## Passenger Terminal

<b>Characteristics:</b>		
Facilities for the takeoff and landing of airplanes and helicopters, and terminals for taxi, rail or bus service.		
<b>Examples</b>	<b>Accessory Uses</b>	<b>Uses not included</b>
Airports Bus passenger terminals Heliports Taxi dispatch center Train passenger terminals	Associated offices Concessions Freight handling areas Fueling facilities Limited retail Maintenance facilities Off-street parking	Private helicopter landing facilities that are accessory to another use (See Medical or Government Facilities) Public transit park-and-ride facilities (See Retail Sales and Service)

## Places of Worship

<b>Characteristics:</b>		
Places of assembly that provide meeting areas for religious practice.		
<b>Examples</b>	<b>Accessory Uses</b>	<b>Uses not included</b>
Churches Mosques Synagogues Temples	Associated offices Food services and dining areas Meeting room/classroom for meetings or classes not held on a daily basis Off-street parking On-site day care, schools or facilities where children are cared for while parents or guardians are occupied on the premises or a site-sponsored special event, but not on a daily basis Staff residences located on-site Stealth cell antennae	Athletic or health clubs (See Retail Sales and Service) Educational Facilities (See Educational Facilities) Preschools, child care centers, nursery schools, latch-key programs, Intermediate childcare, or adult day-care programs (See Day Care) Senior centers, community centers or social service facilities (See Community Service) Soup kitchen (See Institutions) Treatment centers, transient lodging or shelters for the homeless (See Institutions)

## Utilities

<b>Characteristics:</b>		
Public or private infrastructure serving a limited area with no on-site personnel (Minor Utility) or the general community and possibly having on-site personnel (Major Utility).		
<b>Examples</b>	<b>Accessory Uses</b>	<b>Uses not included</b>
<p><b>Minor Utilities:</b> Regional or offsite stormwater retention and detention facilities Telephone exchanges Water and wastewater pump stations</p> <p><b>Major Utilities:</b> Electrical substations Television and radio broadcasting transmitters Waste treatment plants Water towers, tanks, or standpipes</p> <p><b>Telecommunications Facilities:</b> Cell antennae Cell towers Stealth cell antennae</p>	Control, monitoring, data or transmission equipment Off-street parking Stealth cell antennae Storage	Maintenance yards and buildings (See Light Industrial Service) Utility offices (See Office) TV and radio studios (See Office) Reservoir (See Parks and Open Areas)

xxxvi. *Commercial Use Categories*

### Eating Establishments

<b>Characteristics:</b>		
Establishments that prepare and sell food for on- or off-premise consumption.		
<b>Examples</b>	<b>Accessory Uses</b>	<b>Uses not included</b>
Drive-ins Fast-food establishments Outdoor vendors with permanent facilities Pizza delivery establishments Restaurants Small-scale catering establishments Yogurt or ice cream shops	Decks and patios for outdoor seating Drive-through facilities Off-street customer and employee parking Valet parking facilities	Bars and taverns (See Entertainment)

## Entertainment

<b>Characteristics:</b>		
Generally commercial uses, varying in size, providing daily or regularly scheduled recreation or entertainment-oriented activities. Such activities may take place outdoors or within a number of structures.		
<b>Examples</b>	<b>Accessory Uses</b>	<b>Uses not included</b>
<b>Indoor:</b> Bars and taverns Indoor entertainment activities such as bowling alleys, game arcades, pool halls, dance halls, indoor firing ranges, and movie or other theaters Membership clubs and lodges <b>Outdoor:</b> Batting cages Commercial amphitheaters Commercial golf driving ranges, mini amusement parks, miniature golf facilities, and water parks Dog or horse track Drive-in theaters Flea market Golf driving ranges Mini amusement parks Miniature golf facilities Stadiums and professional sports arenas Water parks	Associated offices Concessions Food preparation and dining areas Maintenance facilities Off-street parking Restaurants	Botanical gardens and nature preserves (See Parks and Open Areas) Golf courses or country clubs (See Parks and Open Areas) Adult Entertainment

## Office

<b>Characteristics:</b>		
Activities conducted in an office setting and generally focusing on business, government, professional, medical, or financial services. These uses are compatible with residential uses and generate minimal traffic. Accessory uses generally have no external access or signs.		
<b>Examples</b>	<b>Accessory Uses</b>	<b>Uses not included</b>
Advertising offices Business management consulting Counseling in an office setting Data processing Financial businesses such as lenders, investment or brokerage houses, collection agencies, or real estate and insurance agents Professional services such as lawyers, accountants, bookkeepers, engineers, or architects Sales office Travel agency TV and radio studios Utility office	Cafeterias Day care Health facilities Meeting rooms Off-street parking On-site day care, schools or facilities where children are cared for while parents or guardians are occupied on the premises Other amenities primarily for the use of on-site employees Small retail operations for on-site workers (with no external signage) Stealth cell antennae Technical libraries	Banks (See Retail Sales and Service) Contractors and others who perform services off-site, but store equipment and materials or perform fabrication or similar work on-site (See Light Industrial Service) Government offices (See Government Facilities) Mailing or stenographic services (See Light Industrial Service) Mail-order houses (See Wholesale Trade) Offices that are part of and located with a principal use in another category (See Accessory Use) Research, testing, and development laboratories (Light Industrial Service) Urgent care or emergency medical offices (See Retail Sales and Service)

## Overnight Accommodations

<b>Characteristics:</b>		
Residential units arranged for short term stays of less than 30 days for rent or lease.		
<b>Examples</b>	<b>Accessory Uses</b>	<b>Uses not included</b>
Bed and breakfast establishments Campground Extended-stay facilities Hotels Inns Motels Recreational vehicle park	Associated offices Food preparation and dining facilities Laundry facilities Limited storage Meeting facilities Off-street parking Stealth cell antennae Swimming pools and other recreational facilities	Transient lodging or shelters for the homeless (See Institutions)

## Parking, Commercial

<b>Characteristics:</b>		
Facilities that provide parking not accessory to a specific use for which a fee may or may not be charged.		
<b>Examples</b>	<b>Accessory Uses</b>	<b>Uses not included</b>
Mixed parking lots (partially accessory to a specific use, partly to rent for others) Public transit park-and-ride facilities Short- and long-term fee parking facilities	Small structures intended to shield parking attendants from the weather	Bus barns (See Warehouse and Fright Movement) Parking facilities that are accessory to a principal use, but that charge the public to park for occasional events nearby (See Accessory Use) Sales or servicing of vehicles (See Vehicle Sales and Service)

## Retail Sales and Service

<b>Characteristics:</b>		
Companies or individuals involved in the sale, lease, or rental of new or used products, or providing personal services or entertainment to the general public.		
<b>Examples</b>	<b>Accessory Uses</b>	<b>Uses not included</b>
<p><b>Sales-Oriented:</b> Stores selling, leasing, or renting consumer, home, and business goods including alcoholic beverages, antiques, appliances, art, art supplies, baked goods, bicycles, books, cameras, carpet and floor coverings, crafts, clothing, computers, convenience goods, dry goods, electronic equipment, fabric, flowers, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, medical supplies, musical instruments, pet food and/or pets, pharmaceuticals, photo finishing, picture frames, plants, printed material, produce, sporting goods, stationery, tobacco and related products, vehicle parts, and videos Farmers markets</p> <p><b>Personal Service-Oriented:</b> Animal grooming and veterinarians with no overnight facilities Athletic or health clubs Banks Business, driving, martial arts, trade and other commercial schools Dance, art, gymnastic or music studios or classes Dry-cleaning and laundry drop-off establishments Hair, nail, tanning, and personal care services Laundromats Massage therapy Mortuaries or funeral homes Photocopy, blueprint, and quick-sign services Photographic studios Psychics and mediums Security services Taxidermists Urgent care or emergency medical offices</p> <p><b>Repair-Oriented:</b> Locksmith Repair of appliances, bicycles, canvas products, clocks, computers, guns, jewelry, musical instruments, office equipment, radios, shoes, televisions, and watches Tailors, milliners, and upholsterers</p>	<p>Single residential unit for security purposes Associated offices Food preparation and dining areas Manufacture or repackaging of goods for on-site sale Off-street parking Parking lot/sidewalk sales Storage of goods</p>	<p>Farm stands with retail sales of products produced or harvested on-site (See Retail Sales and Service) Large-scale catering (See Light Industrial Service) Laundry and dry-cleaning plants (See Light Industrial Service) Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation (See Wholesale Trade) Repair and service of motor vehicles, motorcycles, RVs, boats, and light and medium trucks (See Vehicle Sales and Service) Restaurants (See Eating Establishments) Sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures (See Wholesale Trade) Small-scale catering (See Eating Establishments)</p>

## Self-Service Storage

<b>Characteristics:</b>		
Facilities providing separate storage areas for personal or business use designed to allow private access by the tenant for storing or removing personal property.		
<b>Examples</b>	<b>Accessory Uses</b>	<b>Uses not included</b>
Mini-warehouses Multi-story enclosed storage facilities Storage garages	Leasing offices Outside storage of boats and campers Single residential unit for security purposes	Rental of light or medium trucks (See Vehicle Sales and Service) Storage areas used as manufacturing uses (See Light Industrial Services) Storage areas used for sales, service, and repair operations (See Retail Sales and Service) Transfer and storage businesses where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred (See Warehouse and Freight Movement)

## Vehicle Sales and Service

<b>Characteristics:</b>		
Direct sales of and service to passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats, and recreational vehicles.		
<b>Examples</b>	<b>Accessory Uses</b>	<b>Uses not included</b>
Alignment shop Auto body shop Auto detailing Auto service facilities Auto upholstery shop Boat and recreational vehicle sales Car washes Full-service, mini-service, and self-service fuel stations Limited vehicle service Manufactured home sales Repair and service of RVs, boats, and light and medium trucks Tire sales and mounting Towing service Vehicle sales, rental, or leasing facilities (including passenger vehicles, motorcycles, light and medium trucks, boats, and other recreational vehicles)	Associated offices Sales of parts Towing Vehicle fueling Vehicle storage	Refueling facilities for fleet vehicles that belong to a specific use (See Accessory Use) Retail sales of farm equipment and machinery and earth moving and heavy construction equipment (See Heavy Industrial) Vehicle parts sales as a principal use (See Retail Sales and Service)

xxxvii. *Industrial Use Categories*

**Light Industrial Service**

**Characteristics:**  
 Firms engaged in the manufacturing, assembly, repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products mainly by providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.

Examples	Accessory Uses	Uses not included
Building, heating, plumbing, or electrical contractors Clothing or textile manufacturing Contractors and others who perform services off-site, but store equipment and materials or perform fabrication or similar work on-site Electric motor repair Exterminators Janitorial and building maintenance services Large-scale catering establishments Laundry, dry-cleaning, and carpet cleaning plants Mailing and stenographic services Maintenance facilities Manufacture or assembly of equipment, instruments (including musical instruments), appliances, precision items, and other electrical items Movie production facilities Photo-finishing laboratories Printing, publishing, and lithography Production of artwork and toys Repair of scientific or professional instruments Research, testing, and development laboratories Sheet metal shops Sign making Soft drink bottling Storage areas used as manufacturing uses Truck stop Vehicle and equipment maintenance facilities Welding, machine, and tool repair shops Woodworking, including cabinet makers and furniture manufacturing	Cafeterias Day care Employee recreational facilities Offices Off-street parking On-site repair facilities Single residential unit for security purposes Storage	Manufacture and production of goods from composting organic material (See Waste-Related Service) Small-scale catering establishments (See Eating Establishments)

## Warehouse and Freight Movement

<b>Characteristics:</b>		
Firms involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer with little on-site sales activity to customers.		
<b>Examples</b>	<b>Accessory Uses</b>	<b>Uses not included</b>
Bus barn Cold storage plants, including frozen food lockers Household moving and general freight storage Parcel services Separate warehouses used by retail stores such as furniture and appliance stores Stockpiling of sand, gravel, or other aggregate materials Transfer and storage businesses where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred	Cafeterias Daycare Employee recreational facilities Offices Off-street parking Outdoor storage yard Single residential unit for security purposes Truck fleet parking and maintenance areas	Mini-warehouses, multi-story enclosed storage facilities or storage garages (See Self-Service Storage) Solid or liquid waste transfer or composting (See Waste-Related Service)

## Waste-Related Service

<b>Characteristics:</b>		
Characterized by uses that receive solid or liquid wastes from others for transfer to another location and uses that collect sanitary wastes or that manufacture or produce goods or energy from the composting of organic material.		
<b>Examples</b>	<b>Accessory Uses</b>	<b>Uses not included</b>
Animal waste processing Manufacture and production of goods from composting organic material Recycling centers Solid or liquid waste transfer or composting Wrecking or salvage yard	Offices Off-street parking On-site refueling and repair Recycling of materials Repackaging and shipment of by-products	Stockpiling of sand, gravel, or other aggregate materials (See Warehouse and Freight Movement)

## Wholesale Trade

<b>Characteristics:</b>		
Firms involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order-taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on-site or delivered to the customer.		
<b>Examples</b>	<b>Accessory Uses</b>	<b>Uses not included</b>
Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation Mail-order houses Sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures Wholesale of food, clothing, auto parts, and building hardware	Cafeterias Day care Minor fabrication services Offices Off-street parking Product repair Repackaging of goods Single residential unit for security purposes Warehouses	Stores selling, leasing, or renting consumer, home, and business goods (See Retail Sales and Service) Warehouse and freight movement uses (See Warehouse and Freight Movement)

## Heavy Industrial

<b>Characteristics:</b>		
Firms involved in research and development activities without light fabrication and assembly operations; limited industrial/manufacturing activities. The uses emphasize industrial businesses, and sale of heavier equipment. Factory production and industrial yards are located here. Sales to the general public are limited		
<b>Examples</b>	<b>Accessory Uses</b>	<b>Uses not included</b>
Animal processing, packing, treating, and storage. Commercial feed lots Concrete batching and asphalt mixing Fuel oil distributors Processing of food and related products Production or fabrication of metals or metal products including enameling and galvanizing Production of chemical, rubber, leather, clay, bone, plastic, stone, or glass materials or products Railroad appurtenances, right-of-way, and tracks Retail sales of farm equipment and machinery and earth moving and heavy construction equipment Sawmills	Cafeterias Drainage structures Offices Off-street parking Product repair Repackaging of goods Warehouses Warehouses	Animal waste processing (See Waste-Related Service) Repair and service of motor vehicles, motorcycles, RVs, boats, and light and medium trucks (See Vehicle Sales and Service) Stores selling, leasing, or renting consumer, home, and business goods (See Retail Sales and Service)

xxxviii. *Other Use Categories*

**Agriculture**

<b>Characteristics:</b>		
Characterized by uses that create and preserve areas intended primarily for the raising of animals and crops, and the secondary industries associated with agricultural production.		
<b>Examples</b>	<b>Accessory Uses</b>	<b>Uses not included</b>
Animal processing, packing, treating, and storage, provided that these activities are accessory and secondary to normal agricultural activities Animal raising including horses, hogs, cows, sheep, goats, and swine, poultry, rabbits, and other small animals Apiculture (bee keeping) Aquaculture Dairying Floriculture Greenhouses and nurseries not engaged in retail trade Horticulture Kennels with overnight facilities Pasturage Personal or commercial animal breeding and development Riding academy or boarding stable Row and field crops Viticulture	Auction ring Barns Farm stands with retail sales of products produced or harvested on-site Garages Offices Sheds Silos Stables	Animal waste processing (See Waste-Related Service) Commercial feed lots (See Heavy Industrial) Processing of food and related products (See Heavy Industrial) Solid or liquid waste transfer or composting (See Waste-Related Service)

**Resource Extraction**

<b>Characteristics:</b>		
Characterized by uses that extract minerals and other solids and liquids from land		
<b>Examples</b>	<b>Accessory Uses</b>	<b>Uses not included</b>
Drilling for oil or natural gases Extraction of sand, gravel, or minerals	Production of chemical, rubber, leather, clay, bone, plastic, stone, or glass materials or products	Stockpiling of sand, gravel, or other aggregate materials (See Warehouses and Freight movement)

## *Nonconformities*

**Editor's Note:** *This section is substantially the same as Section 5-9 in the existing Code.*

### *xxxix. Uses and Structures*

The lawful use of any building or structure or the lawful use of any land, as existing and lawful at the time of adoption of this Code, or in the case of an amendment to this Code, may be continued, subject to the limitations set forth in the following paragraphs. Dwellings existing at the time of the passage of this Code that are located in an area designated for future residential use shall be considered conforming uses. The following provisions shall apply to buildings structures, land and uses which are not nonconforming and those which hereafter become nonconforming due to any reclassification of land under this Code:

#### **Expansion or Enlargement**

The expansion or enlargement of a nonconforming structure will be considered a structural alteration and will be required to conform to the provisions of this Code.

A nonconforming use may be extended throughout any part of a structure which was arranged or designed for such activity at the time of enactment of this Code.

#### **Repairs and Maintenance**

The following changes or alterations may be made to a nonconforming structure or to a conforming structure housing a nonconforming use:

Maintenance repairs that are needed to maintain the good condition of a structure, except that if a structure has been officially condemned, it may not be restored under this provision;

Any structural alteration that would reduce the degree of nonconformance or change the use to a conforming use; and/or

The addition of a solar energy device to such structure.

#### **Restoration or Replacement**

If a structure having a nonconforming use is destroyed or damaged in any manner, to the extent that the cost of restoration to its conditions before the occurrence exceeds 50 percent of the cost of reconstructing the entire structure, it may be restored only if any future use housed within the structure complies with the requirements of this Code.

If a nonconforming structure is destroyed or damaged in any manner to the extent that the cost of restoration to its

condition before the occurrence exceeds 75 percent of the cost of reconstructing the entire structure, the structure may be restored only if it complies with the requirements of this Code.

Where a conforming structure devoted to a nonconforming use is damaged less than 50 percent of the cost of reconstructing the entire structure; or where a nonconforming structure is damaged less than 75 percent of the cost of reconstructing the entire structure, either may be repaired or restored, provided any such repair or restoration is started within 12 months and completed within 18 months from the date of partial destruction.

The cost of land or any factors other than the cost of the structure are excluded in the determination of cost of restoration for any structure or activity devoted to nonconforming use.

In the Mill Street or Town Center Districts (See Section 7-9(b)), structures lost by natural, unintended causes will be allowed to be rebuilt to replace the previous structure, the structure must be built to accommodate the previous use or a use equal in intensity. Should this event occur, parking shall only be required to meet the provisions of the previous building. Should a structure in the Mill Street or Town Center Districts be intentionally destroyed (greater than 50 percent), all current parking standards shall be met.

#### **Discontinuance**

Whenever a nonconforming use has been discontinued for a period of 6 months or more, it shall not thereafter be reestablished, and any future use shall be in conformance with the provisions of this Code.

#### **Changes in Nonconforming Uses**

A nonconforming use or a structure may not be changed to another nonconforming use. A nonconforming use or structure may be changed to a conforming use.

#### *xl. Nonconforming Lots*

Nonconforming lots of record at the time of passage of this Code may be built upon provided that all other relevant district requirements are met, or a variance is approved by the Board of Adjustment.

## **ARTICLE 6. GENERAL DESIGN STANDARDS**

- Section 6-0. Generally.
- Section 6-1. Traffic circulation facilities.
- Section 6-2. Pedestrian and bicycle system.
- Section 6-3. Storm drainage system.
- Section 6-4. Park and recreation sites.
- Section 6-5. Open space.
- Section 6-6. Utilities.
- Section 6-7. Easements.
- Section 6-8. PUD overlay standards.
- Section 6-9. Historic preservation overlay district standards.

# ARTICLE 6. GENERAL DESIGN STANDARDS

## 6-0. Generally.

These design standards apply to all improvements within the Town. The designer of a development must use the design standards in this Code and any other relevant Town document. The Town will use the design standards when reviewing a permit application, a subdivision plan or plat or plans for other projects and public facilities as deemed necessary by the Land Use Administrator. All projects within the Town must conform to the design standards contained in these regulations.

Design of a site will include adequate, safe and convenient arrangements for pedestrian circulation, roadways, driveways, off-road parking and loading space.

## 6-1. Traffic circulation facilities.

The road system will be designed to permit the safe, efficient and orderly movement of traffic and emergency vehicles; to meet, but not exceed the needs of the present and future population served; to have a simple and logical pattern; to respect natural features and topography; and to present an attractive streetscape. The arrangement of streets will conform to the circulation plan of the Bayfield Comprehensive Plan or official maps of Bayfield. For streets not shown on the Bayfield Comprehensive Plan or official maps, the arrangement will provide for the appropriate extension of the existing streets. Residential streets will be arranged so as to discourage through traffic and provide for maximum privacy.

Any street not meeting the standards of a cul-de-sac must connect with another street at each end. Average daily traffic ADT is the term used for classification of a street. One ADT is the arrival or departure of a vehicle from a location; thus a trip to the grocery and return is two ADTs.

- (1) **Arterial street:** An arterial street is intended to carry a large volume of traffic through Town or from one part of the community to another part. Arterial streets will be located a maximum of one mile apart, preferably on a section line. Any arterial street shown on the Bayfield Comprehensive Plan will be dedicated.
- (2) **Collector street:** Residential streets must access to collector streets designed for higher speeds and higher traffic volumes. A collector street will connect with an arterial street and be located midway between arterial streets.

A collector street is to serve each area of a subdivision containing a maximum of 200 dwelling units. The collector street must be centrally located to the dwelling units served. Collector streets should interconnect. When intersecting with an arterial street, collector streets will intersect with another collector street or be off-set by at least 1,000 feet. Any collector street shown on the Bayfield Comprehensive Plan will be located and dedicated as such.

- (3) **Local Street:** a local street provides frontage for access to lots and carries traffic that has origin or destination at lots adjacent to the street. Local

streets are designed to carry the least amount of traffic at the lowest speed. All, or the maximum number of housing units will front on this class of street. An east to west orientation is considered desirable.

**(4) Other Streets.**

*Cul-de-sac:* A cul-de-sac is a street with a single means of ingress and egress with a turnaround at the end. Design of turnaround may vary. A cul-de-sac will be designed according to an anticipated ADT level; a residential access cul-de-sac will have a maximum ADT level of 150.

*Marginal Access Street:* A marginal access street runs parallel to a highway and provides access to abutting properties and separation from through traffic on the highway.

*Private Street:* A private street is permitted in a PUD. The design of the street will be based upon the expected ADT. An applicant will submit a traffic study justifying any street with a cross-section less than a required public street.

**(5) Alley:** A service road that provides secondary means of access to lots.

**(6) Intersection:**

- A. Streets will be laid out so as to intersect at right angles, except where topography or other sight conditions justify variations. The angle of an intersection will not vary more than ten degrees from a right angle. No intersection of public or private streets will be on a curve of centerline radius less than 500 feet. No curb cut will be allowed on a curve section of road whose inside curve radius is less than 150 feet.
- B. Streets entering the opposite sides of a street will either be directly across from each other or offset by at least 200 feet from centerline to centerline if it is a local street and 300 feet if it is a collector street.
- C. Streets which enter onto the same side of a street will have an interval of at least 260 feet from centerline to centerline.
- D. Curb corner radii at all intersections will be a minimum of 20 feet.
- E. Intersections which include collector or arterial streets will be designed to allow for fixture traffic signalization. Geometry and all other details of these intersections will be approved by the Town.

**(7) Secondary Access Requirements**

- A. 5 to 20 unit subdivision or 5 to 20 units of single family construction: Subdivisions having these lot counts will be required to have one major access meeting Town Land Use Standards. In addition, such subdivision will be required to have an emergency access a minimum of 12 feet in width and approved by the Fire District.
- B. 20+ lots or units of residential construction: Any subdivision or development with 20 or more lots of single family construction will be

required to have two major access streets each meeting standards contained in the Town of Bayfield Land Use Code. One or both of the access streets may be required to be collector street status.

- C. Commercial/Industrial Development with 25,000 + square feet of usable floor area are required to have secondary access unless the Town Engineer and Public Works Director deem that such access is unnecessary and confirmed by the Planning Commission.
- D. Any development in which a traffic study (using cumulative traffic impact) results indicates that additional access is needed.
- E. Any subdivision where the Fire District & Town Engineer with Planning Commission concurrence determine that a second access is necessary for safety purposes OR any subdivision where the Fire District and Town Engineer deem that a second major access is unnecessary, and confirmed by the Planning Commission.

(Ordinance. No. 238, 6-4-96)

#### **6-2. Pedestrian and bicycle system.**

- (1) **Sidewalks.** Sidewalks will be required on both sides of all streets unless alternative pedestrian pathways are provided as part of a development plan. All sidewalks must be installed before a certificate of occupancy will be issued.
- (2) **Walkways.** Pedestrian easements ten feet wide may be required by the Town through the center of a block more than 600 feet long to provide circulation or access to schools, playgrounds, shopping, or other community facilities.
- (3) **Bikeways.** Separate bicycle paths are required only if such paths are part of the adopted Bayfield comprehensive Plan.

(Ordinance. No. 238, 6-4-96)

#### **6-3. Storm drainage system.**

- (1) **Generally.** All developments must take measures to provide for adequate drainage. Such measures include but are not limited to the following standards:
  - A. No increase in runoff volumes or velocities from a development site will be allowed as a result of development. Natural drainage patterns will be maintained wherever possible. Any changes in drainage patterns must not adversely affect downstream property owners.
  - B. All low points within the development must be assured of adequate drainage.
  - C. No direct discharge to a lake or perennial stream is allowed.

The road system in most cases will be a primary element of the storm drainage collection system in a developed area. Wherever possible, road layouts and grades should be designed to avoid excessive runoff concentration and to minimize the need for storm sewers.

If roadways provide drainage outfall for adjacent properties, site grading generally should be provided for runoff from sites toward the roadway.

If drainage ways exist or are proposed through a development, the storm runoff should be routed to that drainage way. All storm drainage system components will be designed in accordance with the standards, policies and criteria of the Town storm drainage plan.

- (2) **Drainage ways.** Existing drainage ways will be continued and be capable of carrying the historic volume of runoff. A drainage way can be included in the subdivision or development plan if needed to carry storm water runoff caused by the development. All drainage ways will be of sufficient width to carry the expected maximum storm water flow as defined by the Town storm drainage plan.
- (3) **Detention areas.** An applicant may provide detention areas within the plan area. Detention areas must meet Town standards.
- (4) **Other facilities.** All other drainage facilities such as drop inlets, drains and ditches must meet Town standards.
- (5) **Irrigation ditches.** Irrigation ditches must be improved or continued, as they exist. Provision must be made for adequate easements for maintenance. If the ditch company approves, irrigation ditches may carry storm water.

#### **6-4. Park and recreation sites.**

Park sites must be reserved as to location and size as depicted by the Bayfield Comprehensive Plan and as determined by the Town of Bayfield.

#### **6-5. Open Space.**

When required as part of a development, open space shall contain accessible property and shall have a workable program established for maintenance and upkeep. Open space shall be dedicated when the final plat is filed. If no plat is required, open space shall be dedicated before any development permit is issued.

#### **6-6. Utilities.**

Utilities must be provided to any subdivision or development. The utilities will be of sufficient capacity serve the subdivision or development and any development which may be served through the subdivision or development. Utilities will be constructed according to the standards contained in these regulation and other regulations and be hooked in to the local public system. If an alley is not provided in a planned development, a utility easement of sufficient width and accessibility will be provided and be part of the approved development plan.

#### **6-7. Easements.**

Easements of not less than seven and one-half feet in width will be provided for utilities on each side of all rear lots where alleys are not provided, and along each side of side lot lines where necessary. Easements for utilities will not be less than 15 feet, along the perimeter of each subdivision. All utility easement will be subject to approval of the applicable utility company and will conform to their standards. When possible, common trenches and easements should be utilized.

#### **6-8. PUD overlay district standards.**

The following general standards will be observed in planning and design of a PUD:

- (1) The PUD is designed in a manner that protects and enhances the environmental, cultural or scenic assets of the area including vegetation, drainage courses, neighborhood character, cultural resources and scenic views.
- (2) The PUD design must take into account characteristics of the site, in a manner intended to protect the health, safety and welfare of potential users of the PUD and the community.
- (3) Architectural compatibility is addressed through design standards. Design standards developed for each PUD shall, at a minimum, define the overall style of buildings in terms of massing, finish materials and placement.
- (4) Design and construction of the PUD will include adequate, safe and convenient arrangements for pedestrian circulation, roadways, driveways, off-street parking and loading space
- (5) A minimum of 30 percent of the land area within the PUD is common open space, as defined by this Code. The common open space is suitable and appropriate to the proposed project.

Planned open spaces within the PUD including those spaces being used as public or private recreation sites will be protected by adequate covenants running with the land or by conveyances or dedication.

- (6) The PUD has a proposed schedule for development of areas by stages, including the location and acreage to be developed in each stage and the estimated time and sequence at which each stage is to be developed.
- (7) A PUD plan submittal will, in addition to these requirements, meet all requirements contained in this Code relating to subdivisions.
- (8) Variation from district standards. Variation may be permitted with respect to the minimum lot area, setbacks, lot width, lot coverage or height standards in this Code, only if the Planning Commission and the Town Board find that the variations are appropriate and necessary to achieve the purpose and intent of the PUD overlay zone.

#### **6-9. Historic preservation overlay district standards.**

The following general standards will be observed in planning and design within a historic preservation overlay district:

The historic preservation overlay district identifies sites and structures in areas that contribute to the unique historic resources and character of Bayfield.

These resources require special attention when any changes, alteration, developments, or other disturbances, including demolition, grading, site preparation or new structures are proposed within a designated area.

Plans submitted for any building permit or use permit that include any portion of a designated historic site will show how the historic fabric will be preserved.

The site will also be designed in a manner that, wherever possible, protects the historical assets of the area.

Design and construction plans will take into account the natural characteristics of the site and the community.

Design and construction plans will take into account the materials previously used in construction of any manmade structures within the designated district.

(Ordinance. No. 238, 6-4-96)

## **ARTICLE 7. DEVELOPMENT STANDARDS**

- Section 7-0. Generally.
- Section 7-1. Construction standards and specifications.
- Section 7-2. Public way standards.
- Section 7-3. Utility and facility standards.
- Section 7-4. Other facilities.
- Section 7-5. Irrigation system.
- Section 7-6. Water rights dedication.
- Section 7-7. Conveyance of public areas.
- Section 7-8. Electrical and communication line location.
- Section 7-9. Required off-street parking.
- Section 7-10. Wall, fence or hedge requirements.
- Section 7-11. Intersection standards.
- Section 7-12. Public access to all lots.
- Section 7-13. Erosion control.
- Section 7-14. Wetlands.
- Section 7-15. Standards for mobile homes.

# ARTICLE 7. DEVELOPMENT STANDARDS

## 7-0. Generally.

These design standards apply to all improvements within the Town. The designer of a development must use the design standards in this Code and any other relevant Town document. The Town will use the design standards when reviewing a permit application, a subdivision plan or plat or plans for other projects and public facilities. All projects within the Town must conform to the design standards contained in these regulations.

## 7-1. Construction standards and specifications.

Design details and specifications for all proposed construction including utilities, street and alley improvements, and procedures for assuring compliance, will conform to the current Town construction specifications.

(Ordinance. No. 238, 6-4-96)

## 7-2. Public way standards.

(1) Public streets and alleys if needed, will be provided, at a minimum, in accordance with the standards and requirements described below (measure, in feet, from back of curb):

A. <i>Major arterial streets:</i>	
a. Right-of-way minimum width	140
b. Pavement width, minimum	44 to 60
B. <i>Arterial streets:</i>	
a. Right-of-way, minimum width	80
b. Pavement width, minimum	44
C. <i>Collector streets:</i>	
a. Right-of-way minimum width	60
b. Pavement width, minimum	40
D. <i>Local streets:</i>	
a. Right-of-way, width	60
b. Pavement width, of internal subdivision streets	36
E. <i>Alleys:</i>	
a. Right-of-way width, minimum	20
b. Pavement width, (if paved), minimum	20
F. <i>Bike paths, riddle paths, or trails:</i>	
a. Right-of-way width, minimum	10
b. Pavement width, minimum	5
G. <i>Sidewalks:</i>	
a. Off-street right-of-way	10
b. Pavement width	4

- (2) Curb and gutter will be required to be constructed on all streets. Radial curb and gutter will be constructed at each corner upon each block to which curb and gutter is constructed. Lay-down curbs will be constructed across all alley intersections. All curb and gutter and all lay-down curbs will be constructed in accordance with the plans and specifications on file with the Town all concrete used will meet the specifications of the Town. All curb and gutter construction will comply with the A.D.A. requirements.
- (3) Sidewalks will be required parallel to all public streets on both sides and will be sized depending on road classification and intensity of development. Alternative locations of sidewalks may be proposed by the applicant. If alternative locations are proposed, sidewalks in the street right-of-way may still be required if there is a nearby pedestrian generator, or to continue a walk on an existing street, or to link areas of probable future development as indicated in applicable plans. In conventional developments, sidewalks will be placed in the right-of-way, parallel to the street, unless an exception has been permitted to preserve topographical or natural features or to provide visual interest, or unless the applicant shows that an alternative pedestrian system provides safe and convenient circulation. All sidewalk construction will comply with A.D.A. requirements.
- (4) **Alleys.** Alleys will be provided where other provision is not made for service access such as off-street loading, unloading, refuse collection and parking consistent with an adequate for the uses proposed.
- (5) **Bicycle and bridle paths.** Public right-of-way for bicycle and/or bridle paths will be as specified by the comprehensive plan and/or adopted Town policies. Such paths may be part of other public land or they may be on a separate right-of-way.

(Ordinance. No. 238, 6-4-96)

### **7-3. Utility and facility standards.**

All facilities, utilities or improvements that are required must conform to prescribed standards and/or profiles approved by the Town.

- (1) **Water and sewage systems.** Public water and sanitary sewerage systems will be provided in accordance with Town policy presently in force and as may hereafter be adopted.
- (2) **Maintenance of utilities.** All applicants needing utilities must provide proof that the utility will be maintained by the utility company or utility district providing such utility service.
- (3) **Storm drainage requirements.** Drainage structures will be constructed in such locations and of such size and dimensions to adequately serve the plan area and the contributing drainage area. In new subdivisions, the developer will provide all the necessary easements and rights-of-way required for drainage structures, including storm sewer and open or lined channels. Basement width for open or lined channels will be at least 15 feet wider than

the top of the channel, ten feet of which will be on one side to serve as an access for maintenance purposes. Design flow of storm drainage water is to be calculated in accordance with the standards, provided by the Town. The design, size, type and location of all storm drainage facilities will be approved by the Town.

- A. Open or lined irrigation and drainage ditches. Open and/or lined ditches, as required by the Planning Commission or the Town Board, will be constructed across the entire area of each subdivision being developed. All open and/or lined channels will have a minimum bottom width of four feet and a depth based on maximum design flow. Side slopes of channels will not be steeper than one foot vertical rise to two feet horizontal distance.
- B. Storm sewer. Water in excess of what gutters will carry at maximum design flow must be diverted into storm sewers, channels or detention ponds.
- C. In the design of drainage facilities, special considerations will be given to the preservation of natural water infiltration and arroyos, and to manmade improvements designed to store and absorb drainage from impervious areas such as roof and paved areas. Channelization or infiltration will conform to plans and profiles approved by the Town.
- D. No sanitary sewer line will be closer to existing or proposed water wells, or underground reservoirs, than permitted by State of Colorado standards.

(Ordinance. No. 238, 6-4-96)

**7-4. Other facilities.**

Any development which is adjacent to an intersection must provide a street name sign if a sign has not been provided previously. The sign will be placed at the corner.

Street lights must be provided according to Town standards.

Street trees must be provided according to Town standards.

(Ordinance. No. 238, 6-4-96)

**7-5. Irrigation system.**

Any new developments must provide a system that will deliver non-treated water to the subdivision or development area.

If construction of an irrigation system is not feasible, the owner must provide cash in lieu of construction to the Town. The amount of cash is to be determined by the Town and set forth in the Town fee ordinance.

(Ordinance. No. 238, 6-4-96)

**7-6. Water rights dedication.**

Upon annexation or development of any parcel of land for which surface water rights exists, the owner must dedicate to the Town water rights sufficient to off-set the expected amount of water to be used for both domestic and irrigation purposes after development of the parcel. If there are no water rights associated with the property, the owner must provide cash in lieu of water to the Town. The amount of cash is to be determined by the Town and set forth in the Town fee ordinance. (Ordinance. No. 238, 6-4-96)

#### **7-7. Conveyance of public areas.**

Land required to be conveyed to the Town under any Town dedication policy will be conveyed in fee simple, or public dedication of the site for the planned use as provided by Town Board policy. Land shall be dedicated when the final plat is filed. If no plat is required, land shall be dedicated before any development permit is issued. If land dedication is not feasible as determined by the Town, a fee in-lieu of land dedication must be paid by the developer. The amount of land area or fee will be determined by the Town and is set forth in the fee ordinance.

#### **7-8. Electrical and communication line location.**

New telephone lines, cable T.V. lines, and new electrical distribution lines will be installed underground according to the utility underground policies and specifications within subdivisions approved under this article unless an exception is granted. The Planning Commission may grant an exception if it is determined that no significant public purpose would be served by requiring the new construction to be placed underground and that one or more of the following conditions exists:

- (1) The lot is already served by an overhead distribution line; or
- (2) All adjacent areas are served by overhead facilities; or
- (3) That subsurface conditions make underground lines economically unreasonable.

(Ordinance. No. 238, 6-4-96)

#### **7-9. Required off-street parking.**

- (1) Every building, or portion of building, hereafter erected will be provided with permanently maintained parking space as provided in this section, and such parking space will be made permanently available and be permanently maintained for parking purposes; provided, however that any alterations, remodeling, reconstruction of existing building, will be exempted from this requirement. Provided, further, that when an addition is made to an existing building, only the square feet in the addition need to be used in computing the required off-street parking. However, any change in use must meet the parking requirements of this Code.
- (2) In the Mill Street District in lieu of providing all or any part of the permanently maintained parking space, as provided in this section, a sum of money may be contributed to the "public parking solutions fund." The amount of the contribution will be calculated by multiplying the required number of spaces, as hereafter provided, times a unit of cost of each parking space. Said unit

cost per space will be established by resolution of the Town Board of the Town of Bayfield. All funds so contributed to the "public parking solutions fund" will be used for the purpose of providing public parking facilities. Fractions will be disregarded.

In the Mill Street and Town Center Districts (reference section 5-9(3)), buildings lost by natural, unintended causes will be allowed to be rebuilt to replace the previous structure. The building must be built to accommodate the previous use or a use equal in intensity. Should this event occur, parking shall only be required to meet the provisions of the previous building. Should a building in the Mill street or Town Center District be intentionally destroyed (greater than 50 percent), all current parking standards shall be met.

(3) **Parking spaces required.** The total number of off-street parking spaces required will be no less than the following:

<b><i>Use</i></b>	<b><i>Parking Spaces Required</i></b>
Hotels, motels, lodges, rooming houses	1 for each sleeping unit or dwelling unit
Banks, business or professional offices	1 for each 300 square feet of gross floor area
Bowling alleys	4 for each lane
Churches and accessory uses	1 for each 6 seats, or if there are no fixed seats, then 1 for each 100 square feet of floor space used for assembly purposes
Dwellings	2 for each dwelling unit
Multi-family, including apartments and duplexes	2.5 for each dwelling unit
Establishments for the sale and consumption on the premises of food and beverages	
• having less than 4,000 square feet of floor area	1 for each 100 square feet of gross floor area
• having 4,000 or more square feet of floor area	40 plus 1 for each 40 square feet of gross floor area in excess of 4,000 square feet
Furniture and appliance stores, hardware stores, household equipment, service shops, clothing or shoe repair, personal service shops	1 for each 600 square feet of gross floor area
Hospitals	1 for each bed
Libraries	1 for each 250 square feet of gross floor area
Manufacturing uses	1 for each 800 square feet of gross floor area
Medical and dental clinics and medical professional offices	1 for each 150 square feet of gross floor area
Mortuaries	1 for each 50 square feet of floor

	area of assembly rooms used for services
Motor vehicle machinery sales or wholesale stores	1 for each 1,000 square feet of gross floor area
Offices not providing customer service on the premises	1 for each 400 square feet of gross floor area
Retail stores except as otherwise specified herein	1 for each 300 square feet of gross floor area up to 5,000 square feet; then 1 for each 200 square feet of all gross floor area exceeding 5,000 square feet
Sanitariums, nursing homes	1 for each 3 beds
High Schools	1 for each employee plus one for every 5 students
Schools, other	1 for each employee
Sport field without bleachers	1 for each 2 players
Stadium, sports arenas, auditoriums and other places of public assembly and clubs and lodges having no sleeping quarters	1 for each 5 seats or 1 for each 100 square feet of gross floor area used for assembly without fixed seats
Swimming pools	1 for each 10 persons based on the capacity load (pool area under 5 feet in depth divided by 30 persons equals capacity load)

(4) **Parking requirements for uses not specified.** Where the parking requirements for a use are not specifically defined herein, the parking requirements for such use will be determined by the Planning Commission and such determination will be based upon the requirements for the most comparable use specified herein.

(5) **Parking provisions may be waived by commission.** The Planning Commission may, by resolution, waive or modify the provisions as herein set forth establishing required parking areas for uses such as electrical power generating plants, yards, or other uses of a similar or like nature occupied by a very limited number of persons.

(6) **General requirements.** The following general requirements will apply:

- A. Size and access. Each off-street parking space will have an area of not less than 180 square feet exclusive of drives or aisles, and a width of not less than nine feet. Each space will be provided with ingress and egress.
- B. Location. In the event permanently maintained off-street parking facilities on a non-contiguous parcel are to be provided by private parties, said facilities will be located as hereinafter specified. Where a distance is specified, such distance will be the walking distance measured from the nearest point of the parking facility to the nearest point of the building that such facility is required to serve:

- a. For all dwellings, parking facilities will be located on the same or a contiguous lot or building site.
  - b. For hospitals, sanitariums, elderly housing, rooming houses, lodging houses, club rooms, not more than 150 feet from the building being served.
  - c. For uses other than those specified above, not over 300 feet from the building being served.
- C. Mixed occupancies in a building. In the case of mixed uses in a building or on a lot, the total requirements for off-street parking facilities will be the sum of the requirements for the various uses computed separately. Off-street parking facilities for one use will not be considered as providing required parking facilities for any other use except as hereinafter specified for joint use.
- D. Joint use. The Planning Commission, may, upon application authorize the joint use of parking facilities by the following uses or activities under the conditions specified herein:
- a. Up to 50 percent of the parking facilities required by this section for a use considered to be primarily a daytime use may be provided by the parking facilities of a use considered to be primarily a night-time use; provided such reciprocal parking area will be subject to conditions set forth in paragraph b. below.
  - b. Conditions required for joint use: The building or use for which application is being made for authority to utilize the existing off-street parking facilities provided by another building or use will be located within 150 feet of such parking facility.

The applicant will show that there is no substantial conflict in the principal operating hours of the buildings or uses for which the joint use of an off-street parking facility is proposed.

Parties participating in the joint use of an off-street parking facility will evidence agreement for such joint use by a proper legal instrument approved by the Town Attorney as to form and content. Such instrument when approved as conforming to the provisions of this Code will be recorded in the office of the County clerk and copies thereof filed with the Town Clerk and the Planning Commission.

**(7) Required improvement and maintenance of parking area.** Every lot used as a public or private parking area will be developed and maintained as follows. The standards contained in this section, however, do not apply to single-family, duplex or mobile home use districts except that each required space must be a minimum of nine feet by 20 feet and located entirely on the lot for which the space is required.

- A. Minimum design standards: Off-street parking areas will be so designed as to conform to the following minimum requirements:

- a. Parking stalls will be not less than nine feet by 20 feet
  - b. Aisles for circulation will be:
    - For parallel parking – 12 feet wide
    - For 30 degree and 45 degree parking – 15 feet wide
    - For 60 degree parking – 18 feet wide
    - For 90 degree parking – 24 feet wide
  - c. Ingress to and from required off-street parking areas will be so designed as to eliminate any necessity of backing from said parking area into any public right of way.
  - d. Circulation aisles within required off-street parking areas will be so designed as to eliminate any necessity of vehicles entering a public right of way when passing from one aisle to another.
  - e. In the case of required off-street parking areas on interior lots having access to but one public right of way and having such narrow width as to permit only one aisle for both ingress and egress, said aisle will be made not less than 18 feet in width and will be terminated on the side of the parking area furthest from the ingress-egress point by a turning area having a minimum radius of 20 feet.
  - f. Uni-directed entrances and exits will have a minimum width of 14 feet and combined entrances-exits will have a minimum width of 26 feet.
  - g. All entrances, exits and parking stalls will be clearly marked, and directional marking showing permissible traffic flow will be placed in all aisles.
- B. Surfacing: Off-street parking areas will be paved. In no case will such drainage be allowed across sidewalks. Alternative surface treatments may be considered by the Town but only if unusual circumstances dictate the use of a surface other than asphalt or concrete.
- C. Borders, barricades, screening and landscaping: In addition to requirements (7)A and (7)A b above, every parking lot either public or private, having a capacity of five or more vehicles will be developed and maintained as follows:
- a. Every parking area that is not separated by a fence from any street or alley property line upon which it abuts, will be provided with a suitable concrete curb or timber barrier not less than six inches in height, located not less than two feet from such street or alley property lines and such curb or barrier will be securely installed and maintained; provided no such curb or barrier will be required across any driveway or entrance to such parking area.
  - b. Every non-residential parking area abutting a residential use area will be separated from such property by a solid wall, view-obscuring fence or compact evergreen hedge six feet in height measured from the grade of the finished surface of such parking lot closest to the contiguous property, provided that along a required front yard the

fence, wall or hedge will not exceed 48 inches in height. No such wall, fence, or hedge will be provided where the elevation of that portion of the parking area immediately adjacent is six feet or more below the elevation along the common property line.

- c. Any lights provided to illuminate any public parking area, semi-public area, or car sales area, permitted by this Code will be so arranged as to reflect the light away from any premise upon which a dwelling unit is located. **All lighting on poles or attached to structures shall be no higher than twenty feet (20) and all light emanating from such shall be cast downwards ( Full Cut-Off). Municipal street lighting is exempt from this requirement.**

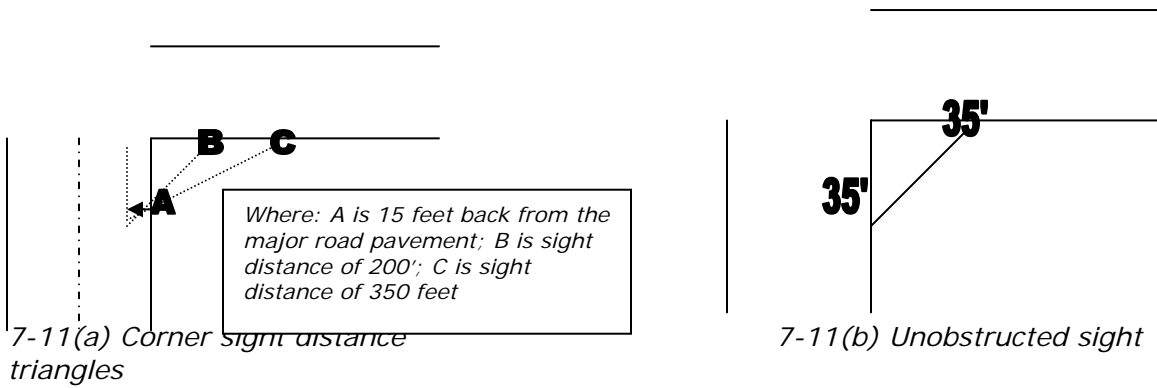
#### **7-10. Wall, Fence or hedge requirements.**

No fence, wall or hedge will be permitted which exceeds the following height limits above the existing ground level:

- (1) On a corner lot, within the designated front or side yard setback for a building the maximum fence height is 42 inches.
- (2) Elsewhere--six feet.
- (3) Fences or structures over eight feet in height, to enclose a tennis court or other game area within the rear half of the lot, will be composed of wire mesh or steel mesh, capable of admitting 90 percent of light as measured on a reputable light meter. Such fences will be permitted to extend to the rear and side lines of the lot if. After investigation by the Planning Commission, it is the opinion of the commission that such an enclosure will not constitute a nuisance to abutting property. Said commission opinion will be in written form and will be made a part of the commission's official records.
- (4) No obstruction between three and eight feet above the street level will be placed or maintained within a triangular area bounded by the street property lines of the corner lot and a line connecting the points 25 feet distant from the intersection of the property lines of such lot.

#### **7-11. Intersection Standards.**

Intersections will be designed with adequate corner sight distance. Corner sight distance is defined as measured from a point on the centerline of the right-hand travel lane of the minor road at least 15 feet from the edge of a major road pavement and measured from a height of eye of three and three-fourths feet on the minor road to a height of object of four and one-half feet on the centerline of the travel lanes of the major road. The corner sight distance for local and collector streets will be a minimum of 200 feet. On arterial streets, corner sight distance will be 350 feet. In addition to the corner sight distance requirement, no fence, wall entrance, hedge, shrub planting, tree or other sight obstruction greater than two and one-half feet above the pavement elevation will be located within the triangular area formed by the curb lines and a line connecting them at points 35 feet from their point of intersection.



**7-12. Public access to all lots.**

All lots must have adequate access to a public street unless a development plan providing private roadway access is approved by the Town. A driveway permit issued by the Town is required for new construction on all lots.

**7-13. Erosion control.**

- (1) Erosion control practices are required of all developments. Such practices include but are not limited to the following:
  - A. Minimizing disturbance of natural vegetation and soil cover;
  - B. Soil stabilization during and after site development;
  - C. Conservation of topsoil;
  - D. Re-contouring of all areas disturbed during construction;
  - E. Control and disposition of surface discharge;
  - F. Use of physical measures such as detention ponds and infiltration galleries;
  - G. Re-vegetation of all areas disturbed during construction which are not otherwise covered by impervious surfaces.
- (2) An erosion control plan may be required for any site containing steep slopes and/or highly erodible soils. This plan shall describe in detail the measures to be taken for prevention of erosion.

(Ordinance. No. 238, 6-4-96)

**7-14. Wetlands.**

- (1) Development in wetland areas shall be avoided wherever possible.
- (2) Development in wetland areas shall be reviewed with regard to the stability of soils, impact on water quality, vegetation, and wildlife habitats.

- (3) The applicant is responsible for complying with any permit requirements under Section 404 of the Clean Water Act. Prior to final action by the Town, the applicant must provide evidence that a 404 Permit has been issued or that none is needed.

(Ordinance. No. 238, 6-4-96)

**7-15. Standards for mobile homes.**

**(1) Standards for mobile home parks:**

A. *Setbacks.*

- a. Along perimeter of mobile home park, mobile homes and accessory buildings shall be placed no closer than the following distances:
  - 1. Abutting a public right-of-way 25 feet
  - 2. Abutting a state or federal highway or federal or Town arterial 25 feet
  - 3. Abutting exterior boundaries other than above 15 feet
- b. Mobile homes together with all enclosed additions thereto shall be placed no closer than the following distances within a mobile home park:
  - 1. Minimum between mobile homes if parked side by side 20 feet
  - 2. Minimum between mobile homes if parked end to end 20 feet
  - 3. Minimum from mobile home park to any designated or platted space line within the mobile home park 10 feet

B. *Designation of spaces.* The owner of a mobile home park may designate individual spaces within the park, and if so designated, the mobile homes located on said spaces shall conform to the minimum standards set forth in this Code for mobile home parks.

C. *Roadways and walkways.*

- a. Roadways within the external boundaries of a mobile home park shall provide access to each mobile home space and shall be a minimum of 24-feet wide. Said internal roadways shall be constructed according to the minimum standards for access roadways described in the preceding paragraph.
- b. Walkways shall be provided as necessary to assure safe pedestrian travel within the mobile home park. All walkways shall be constructed with a hard surfaced material.
- c. All roadways and walkways above described shall be properly lighted at night.

- D. *Parking.* Each mobile home spaces or lot within a mobile home park shall have two ten feet by 20 feet parking spaces which may be off roadway parking, on roadway parking, or a combination thereof. In the event on roadway parking is provided, the roadway shall be increased from 24-feet wide to a sufficient width to allow 24 feet for the traveled portion of the roadway when automobiles are parked in the designated parking spaces.
- E. *Storage areas.*
- a. Mobile home parks shall provide a minimum outdoor storage area of 50 square feet for each lot or space within said mobile home park for the storage of boats, boat trailers, camping units, horse trailers, and all other objects requiring outdoor storage.
  - b. The above described storage areas shall be lighted as necessary to permit night use.
- F. *Recreational open space.* Of the open space required herein for a mobile home park, five percent of the total open space shall be reserved for a common, contiguous recreational or park space for use by park residents, which shall be suitably landscaped and maintained by the owner for such use. The said park or recreational space shall not include roadways, storage areas, mobile home spaces, setbacks, parking spaces, or other required facilities.
- G. *Drainage requirements.* Adequate drainage shall be provided within a mobile home park so that surrounding lands will not be damaged by runoff from storms and irrigation.
- H. *Fire prevention requirements.* All mobile home parks shall provide adequate fire prevention equipment as specifically required by the fire prevention authority having jurisdiction, Town ordinances, or statutes of the State of Colorado.
- I. *Refuse disposal.*
- a. Each mobile home park shall provide a fly tight, watertight, rodent proof trash disposal container.
  - b. Mobile home parks may provide common refuse collection points adequate to serve the spaces or lots within said mobile home park. Prior to doing so, the mobile home park shall receive the approval of the Town of Bayfield.
- J. *Electrical requirements.* Mobile home parks shall provide each lot or space within the mobile home park with a minimum of 110 volts or 110/220 volts by a connection or electrical outlet. Installation of said connection or electrical outlet shall be made in compliance with own ordinances and the statutes of the State of Colorado.

- K. *Utilities.* Mobile home parks shall have all utilities underground, including electrical wiring, except for major transmission lines serving said mobile home park.
- L. *Landscaping.* Mobile home parks shall provide landscaping around the perimeter of said mobile home park within the setbacks previously set forth herein. Said landscaping shall be sufficient to act as a buffer between the said mobile home and the adjacent lands, including street. In the event the landscaping is not sufficient to provide a visual and noise buffer, sufficient screening shall be provided.
- M. *Second access.* Mobile home parks shall have at least two approved accesses to public streets or roadways.

**(2) Standards for all mobile homes uses:**

- A. *Uses.* Mobile homes shall not be used for any commercial, industrial or other non-residential use, including storage, within the Town, without specific approval of that use by the board of trustees following the review and recommendation of the Planning Commission. No vacant or unoccupied mobile home shall be allowed within the Town.
- B. *Number of mobile homes.* No more than one mobile home shall be located on any tract, lot or space within the Town without specific approval of that use by the board of trustees following the review and recommendation of the Planning Commission or unless such lot or tract is approved for use as a mobile home park.
- C. *Non-conforming mobile home uses.*
  - a. Any mobile home use which was established for residential use prior to February 3, 1992 and which is not located within a mobile home park (MHP) or mobile home subdivision (MHS) District as defined in this Code shall be deemed to be a non-conforming use, but shall be allowed to be continued even though such use does not conform to the requirements of this Code as they apply to mobile homes as long as such use is continuous and is not interrupted, except as otherwise provided herein.
  - b. Any non-conforming mobile home which is partially or completely destroyed may either be repaired to a condition at least as good as the condition prior to the damage or replaced with a mobile home which is similar to or better than the condition and character of the mobile home which was damaged or destroyed, provided that the replacement is made and an occupancy permit is issued for the new use within one year of the date on which the mobile home was damaged or destroyed.
  - c. The owner of a non-conforming mobile home shall be allowed to replace that mobile home for the purpose of upgrading the use with a mobile home which is in a better condition or which is newer or larger than the previous mobile home, provided that the replacement shall be made within 60 days of the removal of the existing mobile home.

- d. In any case, any mobile home which is used to replace a nonconforming mobile home pursuant to the provisions of this section shall comply with the standards and requirements contained in this Land Use Code as they apply to the establishment of a new mobile home residential use.
- e. Any non-conforming mobile home which is damaged or destroyed and which is to be replaced pursuant to the provisions of this section shall be removed from the lot or parcel of land prior to the occupancy of the new use.

D. *Permit and standards for location of mobile home.*

a. *Permit required.*

- 1. It shall be unlawful to erect, move or place any mobile home within, on or onto any space, site, lot or tract of property in the Town, including on any site or lot within a mobile home park without first obtaining a development permit.
- 2. Except as provided in section 7-15(II)(d)(1)c. hereof, application for the development permit for mobile home use shall be made to the Town Clerk on forms provided for that purpose, and shall be accompanied by the required fee.
- 3. Any person desiring to replace a non-conforming mobile home with a new mobile home use pursuant to the provisions of 7-15(ii)(c) shall obtain a development permit for that purpose from the Town Clerk on forms provided for that purpose and shall be accompanied by the required fee.
- 4. It shall be unlawful for any person to occupy a mobile home unless a mobile home occupancy permit has been issued for that mobile home by the Town's building official. No mobile home occupancy permit shall be issued until the Town's building official has determined that the mobile home is in full compliance with the requirements imposed herein and with any other building, plumbing, mechanical, electrical, or other land use codes as they may apply to the Town.
- 5. In the event a non-conformance is found on any inspection, an additional re-inspection fee shall be charged for each re-inspection, which fee shall be paid prior to the re-inspection.

b. *Mobile home location requirements.* Any mobile home located within the Town shall comply with the following requirements:

- 1. Electrical connections: All electrical connections to a mobile home shall be done in accordance with the standards of the State of Colorado Electrical Code, and all such installations shall be inspected and approved as required by the State of Colorado.

2. Water Connection: The plumbing for the connection of a mobile home to the water system of the Town of Bayfield shall be in accordance with and be inspected as required by the Colorado Plumbing Code. All such connections shall further be in accordance with standards adopted or approved by the public works director of the Town.
3. Sewer connection: The plumbing for the connection of a mobile home shall be in accordance with and inspected as required by the Colorado Plumbing Code. All connections shall also comply with any standards adopted by the Bayfield Sanitation District.
4. Gas connection: The plumbing for the connection of a mobile home to natural gas or propane shall be in accordance with and be inspected as required by the Colorado Plumbing Code.
5. Blocking: All mobile homes shall be set up with blocking based on two rows of 4" x 8" x 16" solid concrete blocks, poured concrete pads or construction equivalent thereto acceptable to the building department, placed on level, firm, undisturbed soil which is free from grass and organic material. The piers shall be spaced 10' or less along the length of 10' wide mobile homes or 8' or less along the length of 12' or 14' wide mobile homes. Piers based on the pads shall be less than 40" in height from the mobile home to the ground and shall be constructed of open or closed cell 8" x 16" concrete blocks installed with the open cells vertical and with the 16' dimension perpendicular to the I beam of the mobile home. The piers shall be covered with 2" x 8" x 16" wood cap.
6. Stairs: Porches or landings with stairs shall be provided for each main doorway exit in the mobile home. When the floor level of a mobile home is 30" or more from ground level, all porches or landings must be provided with handrails and guardrails. The porch or landing shall be at least 48" wide and 48" long. Stairs must have a minimum width of 36" with a maximum rise of 7 ¼" and a minimum run of 9". Stair handrails shall be 36" high above nosing of tread. The deck or landing guardrail shall be 36" high with intermediate rail arranged so that a 12" sphere cannot pass through.
7. Skirting: All mobile homes shall be skirted completely within 30 days after issuance of the initial permit with building materials approved by the Town's building official. All such skirting shall be of uniform material and color.
8. Compliance with other ordinances: All mobile homes located within the Town must be in compliance with the flood ordinance and the water ordinance of the Town.
9. Setbacks: Any mobile home location shall comply with the setbacks as established in this Code.

10. All fees imposed by the Town, any other governmental entity, or any utility company shall be paid in full prior to the issuance of the occupancy permit.
11. The Town may refuse to grant water service to any location if the applicant to the use and location of a mobile home.

(Ordinance. No. 238, 6-4-96; Ordinance. No. 261, §6, 3-7-00)

## ARTICLE 8. OTHER REQUIREMENTS AND STANDARDS

- Section 8-1. Area requirements deemed met.
- Section 8-2. Home Occupation.
- Section 8-3. Location of accessory buildings.
- Section 8-4. Height of buildings.
- Section 8-5. Structures in excess of height limit permitted.
- Section 8-6. Yard regulations.
- Section 8-7. Yards required on corner lots.
- Section 8-8. Through lots to have two front yard setbacks.
- Section 8-9. Front yards of improved lots control.
- Section 8-10. Setback lines measured from property lines.
- Section 8-11. Irregularly shaped lots.
- Section 8-12. Permissible reduction of side yard.
- Section 8-13. Permissible coverage of required rear yard.
- Section 8-14. Structures permitted to intrude into required yards.
- Section 8-15. Front yard requirements deemed met.
- Section 8-16. Modifications of required front yards.
- Section 8-17. Lot area not to be reduced.
- Section 8-18. Lots not to be reduced in size below minimum required area.
- Section 8-19. Separate yards required.
- Section 8-20. Addresses and street names.
- Section 8-21. Public utility lines.
- Section 8-22. Temporary uses.
- Section 8-23. Temporary real estate offices.
- Section 8-24. Modifications and exceptions.
- Section 8-25. Uses in area annexed.
- Section 8-26. Town acceptance of land dedications.
- Section 8-27. Sign Code Regulations
- Section 8-28. No Build-No Service Development Limit @ 7260'  
Elevation

## **ARTICLE 8. OTHER REQUIREMENTS AND STANDARDS**

### **8-1. Area requirements deemed met.**

Any lot or building site will be deemed to meet the minimum area requirements of the land use district in which it is located when:

- 1) It existed as an entire lot, or as an entire parcel, for which either a deed was of record in the office on the County clerk or a bona fide contract of sale was in full force and effect prior to the effective date of this Code;
- 2) The owner thereof owns no adjoining land; and
- 3) It is not the result of a division of land in violation of any state land law or Town Code.

(Ordinance. No. 238, 6-4-96)

### **8-2. Home occupations.**

Home occupations are permitted, provided the following conditions are complied with:

- 1) No person outside the inhabitants occupying the premises will be employed.
- 2) No stock in trade will be displayed on the premises and only products resulting from the home occupation may be sold from the premises.
- 3) Only one occupation will be permitted on the premises at any one time.
- 4) All activities will be conducted entirely within the dwelling or accessory building.
- 5) There will be no external evidence of the activity such as commercial vehicles, outside storage or stock or materials' and no noise, odor, dust, fumes, or other nuisances will be emitted from the premises.
- 6) Such use shall be clearly incidental and secondary to the use of the unit for dwelling purposes and shall not change the character thereof.
- 7) The total area used for such purposes shall not exceed 20 percent of the floor area or more than 300 square feet of the dwelling unit.
- 8) There must be provided any off-street parking necessary to accommodate adequately additional traffic created by the home occupation.

- 9) One and only one unlighted sign not to exceed one square foot in area and containing only the name and address of the occupant of the premises.

(Ordinance. No. 238. 6-4-96)

### **8-3. Location of accessory buildings.**

Detached accessory buildings in any residential use area will conform to the following regulations as to their location on the lot or building site:

- 1) They may be constructed anywhere the main building would be permitted.
- 2) They will not be closer than ten feet to the main building or to any other accessory building, except that private garages and carports may be closer to the main building than ten feet if adjoined to the main building by an enclosed walkway or an open breezeway.
- 2) They may be constructed in a required rear yard provided they occupy no more than 50 percent of the required rear yard area.
- 3) Entrances and exits. The location of all entrances and exists will be subject to the approval of the fire department provided that no entrance or exit other than to or from an alley will be closer than five feet to any lot located in an "R" use area.

(Ordinance. No. 238, 6-4-96)

### **8-4. Height of buildings.**

Except as provided in this article, no building or structure will be erected, reconstructed, or structurally altered to exceed the height limit established by this Code for the use area in which such building or structure is located.

(Ordinance. No. 238, 6-4-96)

### **8-5. Structures in excess of height limit permitted.**

Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, sky lights, towers, church steeples, roof signs, flagpoles, chimneys, smoke stacks, silos, water tanks, windmills, windbreaks, wireless masts, or other similar structures may be erected above the height limits established for the various use area in which such structures are located, provided, however that no structure in excess of the allowable building height will be used fro sleeping or eating quarters, nor will such structures exceeding the allowable building height be allowed for the purposed of providing additional floor space.

(Ordinance. No. 238, 6-4-96)

### **8-6. Yard regulations.**

Except fences complying with this Code, every required front, side, and rear yard will be open and unobstructed from the ground to the sky, provided, however, that when the common boundary line separating two or more contiguous lots is covered or partially covered by a building or permitted group of buildings, or when two or more such lots are used as a single building site, such lots will constitute a single building site and the yard spaces as required by this Code will then not apply to such common boundary line.

(Ordinance. No. 238, 6-4-96)

#### **8-7. Yards required on corner lots.**

In any residential use area, as defined in this Code, in case of a corner lot abutting upon two streets, all buildings will have a minimum setback of ten feet from the side lot line adjacent to the side street.

(Ordinance. No. 238, 6-4-96)

#### **8-8. Through lots to have two front yard setbacks.**

A through lot will maintain a front yard setback adjacent to each street upon which it fronts.

(Ordinance. No. 238, 6-4-96)

#### **8-9. Front yards of improved lots control.**

The depth of front yards on unimproved lots in any block where all existing main buildings have front yards greater than required by the provisions of this Code for the particular use area will be not less than the minimum depth of such existing front yards, but need not be more totally confined to the rear half of the lot will not be considered in interpreting and applying the provisions of this section.

#### **8-10. Setback lines measured from property lines.**

In all uses which require front, side, and/or rear yards, the required depth of said yards will be measured from the property line along a line perpendicular to the property line.

(Ordinance. No. 238, 6-4-96)

#### **8-11. Irregularly shaped lots.**

In the case of lots having more than four lot lines or lots which vary considerably from a rectilinear or trapezoidal shape, the rear lot line will be considered as the line most nearly opposite from and parallel with the street line on which the lot abuts. In the case of a triangular lot, the rear lot line will be considered as a straight line 15 feet in length which, (a) is parallel to the front lot line or its chord and (b) intersect the two side lot lines at points most distant from the front lot line.

(Ordinance. No. 238, 6-4-96)

**8-12. Permissible reduction of side yard.**

On lots less than 60 feet in width and of record prior to the effective date of the Code, the required side yard may be reduced 11 ½ inches for each foot such lot is less than 60 feet provided that in no case will the width of the side yard be reduced to less than five feet.

(Ordinance. No. 238, 6-4-96)

**8-13. Permissible coverage of required rear yard.**

Canopies or roof in any combination and the accessory buildings in a required rear yard will in no case occupy more than 50 percent of the required rear yard area.

(Ordinance. No. 238, 6-4-96)

**8-14. Structures permitted to intrude into required yards.**

The following structures may intrude into any required yard which is five feet or greater in width or depth, provided however, that no such structure will intrude into the required yard a distance greater than is permitted in this section:

- 1) Cornices, eaves, belt courses, sills, buttresses, or other similar architectural features – one and one-half feet.
- 2) Fireplace structures not wider than eight feet measured in the general direction of the wall of which it is part – two feet.
- 3) Open stairways, balconies, and fire escapes – two and one-half feet.
- 4) Uncovered porches and platforms which do not extend above the floor level of the first floor – two and on-half feet into required side yard and six feet into required front and rear yards.
- 5) Planting boxes or masonry planters not exceeding 42 inches in height – two feet.
- 6) Guard railings for safety protection around depressed ramps two and one-half feet.

(Ordinance. No. 238, 6-4-96)

**8-15. Front yard requirements deemed met.**

Any requirement will be deemed to be met when the depth of the front yard provided at least equals the average of that established by existing buildings which occupy 50 percent or more of the lots within the same block or use area.

(Ordinance. No. 238, 6-4-96)

**8-16. Modifications of required front yards.**

The depth of required front yards may be modified on unimproved lots intervening between lots having non-conforming front yards of a depth less than

required by this Code. Such modification will permit the unimproved lot to have a front yard depth equal to the average depth of the front yards on the two adjacent lots, provided, however, that no such modification will permit a front yard depth of less than 15 feet.

(Ordinance. No. 238, 6-4-96)

**8-17. Lot area not to be reduced.**

No lot or building site area will be so reduced or diminished to the extent that the yards or other open spaces will be smaller than prescribed by this Code.

(Ordinance. No. 238, 6-4-96)

**8-18. Lots not to be reduced in size below minimum required area.**

No lot will be reduced in size so that the area thereof is less than the minimum required area for a lot in the use area in which such lot is located except when such reduction results from partial acquisition for public use or where a lot or building site is devoted exclusively to public buildings and uses, and said lot or building site is owned by a Town, and/or County, or other political subdivision or by a public utility company, and no living quarters are located on such lot or building site. A special use permit may be issued authorizing a reduction in the minimum required area for such lot or building site to be used for utility purposes.

The provisions for front, rear, and side yards, or height and area, and for off-street parking facilities applicable to the particular use area in which any use specified in this article is proposed to be located will prevail, unless in the special use permit authorizing such use specific exemptions are made with respect thereto.

(Ordinance No. 238, 6-4-96)

**8-19. Separate yards required.**

Except as provided in this Code, no yard or other open space provided about many building or structure for the purpose of complying with these regulations will be considered as providing a yard or open space for any other building or structure on the same property or on contiguous properties.

(Ordinance. No. 238, 6-4-96)

**8-20. Addresses and street names.**

The Town will assign addresses for all lots and structures. The numbers assigned will be according to the approved Town addressing plan.

Any proposed street name must be approved by the Town. The approved name must conform to the street name plan. A street name may be changed if the following conditions and procedures are met:

- 1) Any person may apply to the Town for a street name change.
- 2) The Planning Commission will have a public hearing, after which it will make a recommendation to Town Board regarding the request.

Criteria. A street name will be changed only if the applicant or other interested parties show that there will be a public benefit which clearly outweighs the public confusion which would be created by the name change.

#### **8-21. Public utility lines.**

The provisions of this Code will not be construed to limit or interfere with the installation, maintenance and operation of any public utility lines providing water, sewage disposal, electric, gas, telephone, or telegraph services to the public, provided such lines are installed, maintained, and/or operated in accordance with all other applicable laws.

(Ordinance. No. 238, 6-4-96)

#### **8-22. Temporary uses.**

Temporary uses are uses which will take place for less than six month. These uses do not produce permanent structures, environmental damage or create nuisances which cannot be ameliorated during and after the time of the use. These uses require temporary use permit and must comply with the review procedures of this Code.

(Ordinance. No 238, 6-4-96)

#### **8-23. Temporary real estate offices.**

One, and only one, residential structure within any new subdivision may be used as a combined temporary real estate office and model home, provided that such residential structure will be completely restored to its originally intended residential character not later than 12 months following the date of the resolution by the Town Board accepting the final layout of the subdivision in which said structure is located.

(Ordinance. No. 238, 6-4-96)

#### **8-24. Modifications and exceptions.**

- (1) **In developed areas.** When removal or change of existing geographical or physical features such as structures, trees or rights-of-way would cause harm to the community or exceptional and undue hardship to any person, the Planning Commission, with the concurrence of the Town Board, may vary design standards to the extent that substantial justice may be done. However, such relief may not be granted if it is detrimental to the public good or impairs the intent and purpose of this ordinance in the desirable general development of the community in accordance with plans and policies in the desirable general development of the community in accordance with plans and policies of the Town. Any modification thus granted will be entered in the records of the Planning Commission, setting forth the reasons which justified the modifications.
- (2) **Plat simplification.** The Town Board may waive certain requirements listed in this ordinance under the limitations placed on it in specific sections.
- (3) **Conditions.** In granting modifications and exceptions as specified in this section, the Planning Commission may impose conditions which will, in its

judgment, substantially secure the objectives of the standards or requirements involved.  
(Ordinance. No. 238, 6-4-96)

**8-25. Uses in area annexed.**

In every case where property becomes a part of the Town of Bayfield by annexation, the use district applied to the property must conform to the adopted Comprehensive Plan at the time of annexation.

(Ordinance. No. 238, 6-4-96)

**8-26. Town acceptance of land dedications.**

The approval of the final plat by the Town, acting under the provisions of this ordinance, will be deemed to constitute or affect a conditional acceptance by the Town of dedication of public right-of-way, other proposed public easements and public areas shown on the plat. The sole condition required to effect the acceptance will be proper recording of the final plat with the County clerk.

(Ordinance. No. 238, 6-4-96)

**8-27. Sign Regulations**

- (1) A sign shall not hereafter be erected, re-erected, constructed, or altered, except as provided by these sign regulations, and after a permit has been issued by the Land Use Administrator or other designated official. Existing signs are grand-fathered. In addition, the sign must conform with the following schedule of types of uses and classification of signs permitted.
- (2) Purpose and Intent—The purpose of this sign code is to regulate Town signage in the various land use areas in order to preserve and enhance the Town as an aesthetically attractive environment, preserve the historically and architecturally unique character, maintain scenic views, encourage signage that is compatible and appropriate with surrounding uses, lessen the confusion and visual clutter, and protect the public from unsafe signs.
- (3) The Land Use Administrator or authorized agent shall be authorized to grant approval of sign permits. Said approval shall be granted only after appropriate reviews have occurred and all provisions of the Sign Code met including payment of any required fees as adopted by the Town Board.
- (4) Procedures for new signs, re-erected signs or altered signs:
  - A. An application for a new sign permit shall be submitted by the sign owner and shall include the following information:
    1. Sign elevations (drawings, renderings or pictures) indicating height, overall dimensions, colors, materials, proposed copy, lettering detail form and illumination specification.
    2. A site plan indicating the height, location and overall dimensions for all existing and proposed signs on site.

3. Outline of building elevations showing all existing and proposed signs.
4. Sign permit fees as determined by separate resolution.

(5) Variance to Sign Regulations: When a variance is requested to the standards contained in the Sign Code, said request shall be heard and acted upon by the Planning Commission sitting as the Design Review Board. They authorize a variance if unique situations require a deviation from the provisions and that the purpose and intent of the Sign Code, as stated in Section 2, are not violated.

(6) Appeal—An appeal of any action pertaining to the Sign Code shall be heard and acted upon by Town Board following the procedures found in the LUC for variances.

#### (7) Classification of Signs

##### A. Type 1 – Identification Signs

1. Purpose: To identify premises, occupants of premises
2. Size: Two square feet maximum for each allowable sign.
3. Number: One for each street upon which the property faces.
4. Height: No higher than the roofline or parapet of the highest building on the premises.

##### B. Type 2 - Directional Signs

1. Purpose: To direct the flow of traffic in and out of drives, parking areas, or buildings.
2. Three square feet maximum per sign in residential and all other than commercial/industrial areas.
3. Number: Two for each premises upon which the sign is necessary, plus two for each street or road upon which each premises faces.

##### C. Type 3 - Business Signs

1. Purpose: To announce the name of a business or service establishment doing business on the premises.
2. Size: 100 square feet per sign.
3. Number: Two per premises.

D. Type 4 – Non-residential identification

1. Purpose: To announce the name, location, sponsor or occupant of a building or premises of a public or semi-public agency, including public service organization
2. Size: Fifteen square feet maximum per sign.
3. Number: One sign per each street upon which the
4. Height: No higher than the roofline or parapet of the highest building on the premises.

E. Type 5- Temporary Signs

1. Purpose: To announce public and special events, special sale or grand opening or seasonal banner.
2. Size: Twenty square feet maximum per sign. Promotional signs advertising Town sponsored events such as the 4<sup>th</sup> of July or Heritage Days may be permitted to be located over public right-of-way. The size, location and method of erection of such signs shall be subject to approval of the Public Works Director.

(8) Exempt Signs

- a. Notices authorized by a court, public body or public safety official;
- b. Directional, warning or information signs authorized by federal, state, county or municipal government;
- c. Memorial/Historical plaques;
- d. The flag of a government or public institution, such as a school;
- e. Religious symbols and seasonal decorations within the appropriate public holiday season not to exceed sixty (60) consecutive days.
- f. Indoor signage. Allowed as long as not meant for outdoor viewing or use.

(9) Exempt from the permit requirements with the following conditions.

- a. Construction Signs—not exceeding nine (9) square feet in size. One allowed for each contractor. Such signs shall be removed prior to the issuance of Certificate of Occupancy.

- b. Political Signs-Signs six (6) square feet or smaller may be displayed for up to sixty (60) days before the sponsored political event or election, and must be removed no more than ten (10) days following the event or election.
- c. Real Estate Signs - Residential: One (1) per street frontage, no more than nine (9) square feet, including riders. Commercial: One (1) per four hundred (400) feet of street frontage, no more than thirty-two (32) square feet in size.
- d. Yard/Garage sale signs-Signs not exceeding six (6) square feet in area and two (2) feet in overall height, and which shall be removed within three (3) days of the yard/garage sale.
- e. General Information or Instruction Signs such as "Beware of Dog", "No Solicitation", "For Rent or Sale", "No parking". Signs shall not be larger than three (3) square feet per sign.

(10) Prohibited Signs

- a. Flashing Signs- Signs with lights or illumination that flash, move, rotate, scintillate, blink, flicker, vary in intensity, or use intermittent electrical pulsations.
- b. Billboards

(11) Signs Allowed By Land Use

Land Use Designation	Sign Types Allowed
<b>Residential</b> —Includes R-10,20,40, Multi-family, MHP, MHS	1, 2
<b>Public, semipublic</b> - Community Service	1, 2, 4, 5
<b>Mixed Uses</b> —Mill Street, Transition, Town Center	1, 2, 3, 5
<b>Business, Industrial</b>	1, 2, 3, 5

(12) Definitions

Holiday Decorations: Temporary decorations, strings of lights, or displays, clearly incidental to and customarily associated with any state, local or religious holiday.  
 Non-profit sign: Signage used in conjunction with events sponsored by non-profit agencies.

Political Sign: A non-commercial sign that either displays a message conveying political or ideological views or supports a specific political candidate for election.

Sign: Any object, device, display or structure which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, motion, illumination or projected images.

**8-28. No Build-No Service Development Limit @ 7260 ft. elevation**

No development will be permitted above the elevation of 7260 ft. in the Town of Bayfield unless a waiver is granted by the Bayfield Town Board. This requirement is necessary in order to assure adequate water pressure for domestic and fire fighting purposes. In the event a request is made to develop above this elevation, an application for a waiver to this requirement shall be requested by the applicant. A completed letter of request for waiver shall be submitted with the following information to the Town of Bayfield:

1. A topographic map showing the proposed site.
2. The % of grade of the proposed site.
3. A plan for a cistern for emergency water supply.
4. A plan which designs a sprinkler system for any inhabited structure.
5. An access road design, indicating road width, road base, road surface, and percent of grade needed to access the proposed site. Generally, asphalt paving will be a requirement for any road access.
6. A road cut plan, which addresses mitigation techniques.
7. Plans for water and sewer service to the proposed site, including expected water pressure at the site after construction
8. Building materials proposed to be used in construction
9. A Fire Mitigation Plan for the site which includes appropriate defensible space around any proposed structures
10. A site plan for the proposed use
11. Design Plans for any structures proposed which demonstrate height and which indicate no ridge line penetration of any part of the proposed structure.
12. A Plan which provides for minimal disturbance of existing vegetation and incorporates native vegetation into the site design, maintains the natural environment, and preserves wildlife habitat and migration corridors.
13. Any other submission item deemed necessary by the Land Use Administrator.

Prior to any Planning Commission hearing, the proposal will be referred to all of the standard review agencies. In addition, ALL emergency service agencies, including

Police, Sheriff, Ambulance, and Fire entities with jurisdiction will be sent a referral. Until referral responses are received, no Planning Commission or Town Board consideration will be given. Once referral responses are received, the land use administrator will prepare a staff assessment of the proposal and forward such to the Planning Commission and Town Board for recommendation and Approval/Denial.

Any project that is granted a waiver from the 7260 ft. elev. Restriction will be required to adhere to any restriction and or improvements required by the Town Board. A bond/letter of credit will be required of the applicant in an amount approved by the Town Engineer to cover all necessary improvements to the Town's satisfaction.

Any waiver request from the requirements of this section shall be first heard by the Planning Commission for recommendation and then a decision by the Bayfield Town Board after the conduct of a public hearing.

## **ARTICLE 9. DEFINITIONS**

Section 9-1. Terms Defined

## ARTICLE 9. DEFINITIONS

### 9-1. Terms defined.

[For the purposes of this Code, certain terms shall have the meanings ascribed to them in this section, unless the context clearly indicates otherwise.]

*Access means* the means of approaching or entering a property to permit entry of residents, users, fire equipment, etc., and include ingress, the right to enter, and egress, the right to leave.

*Addition means* any construction which increases the size of a building or use.

*Base site area means* that portion of a parcel which is suitable for development as calculated in Table 5-7.

*Buffer yard means* a unit of land, together with a specified type and amount of planting thereon, and any structures which may be required between land uses to eliminate or minimize conflicts between them.

*Building means* a structure containing supporting wall, columns, pillars, and a roof for the shelter of persons, animals, or property from the natural elements.

*Building, height of means* the perpendicular distance at the center of a building measured from the top of the foundation to the highest point in the coping of a flat roof, to the deck line of a mansard roof, or to the center height between eaves and ridge for gable, hip or gambrel roofs.

*Building permit means* a permit issued by the Town building inspector for building development, after compliance with the provisions of this L.U.C. and the Town Building Code.

*Cluster development means* a development pattern in which the structures and users are grouped or other than uniformly distributed over the parcel. Clustering allows for more open space, creates a less monotonous design, and saves money by building fewer streets and shorter utility lines.

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

*Commission means* the Town of Bayfield Planning Commission.

*Compatibility means* the characteristics of different uses, structures, or activities that permit them to be located near each other in harmony and without conflict.

*Comprehensive plan means* a document developed by the Bayfield Planning Commission which expresses goals, objectives, and policies regarding future environmental, social, economic, land use and infrastructural conditions and patterns in or near the Town. This plan is an advisory document designed to guide future decisions on the above uses.

*County means* the County of La Plata, Colorado.

*Covenant means* a private legal restriction on the use of land, contained in the deed to the property or otherwise formally recorded.

*Crosswalk or walkway means* a right-of-way dedication to public use to facilitate pedestrian access through a subdivision block.

*Dedication means* the transfer of property from private to public ownership.

*Density means* the residential dwelling units allowed per acre.

- (1) *High density:* A development containing a density of four units per acre or more shall be considered a "high density" area.

(2) *Medium density*: A development containing a density between one and three units per acre shall be considered a "medium density" area

(3) *Low density*: Low density developments shall mean those areas with densities less than one unit per acre.

*Developer* means the legal or beneficial owner or owners of any land in a given development, or the authorized agent thereof, including the holder of an option or contract to purchase, or other individual having an enforceable legal interest in such land.

*Development* means the placement, construction, erection, addition, reconstruction, movement of building and/or other structures. Development also refers to subdivisions, boundary adjustments, annexation, and changes in district uses.

*Development rights* mean the density of floor area which is allowed on a particular parcel.

*Drainage* means the removal of surface water or ground-water from land by drains, grading, or other means. Drainage includes the control of run-off to minimize erosion and sedimentation during and after development and includes the means necessary for water supply preservation or prevention or alleviation of flooding.

*Drainage plan* shall mean an engineering report prepared by a qualified engineer, indicating drainage easements, areas of run-off for whatever cause, effect of run-off or flooding on roads, streets, proposed building sites, and adjacent properties.

*Duplex* means two dwelling units attached by a common wall.

*Dwelling unit* means any combination of rooms within a building arranged or lay out to provide the necessary cooking, eating, living, sleeping, and sanitary needs of human beings. This definition shall not include prefabricated structures used for dwelling purposes which are primarily designated and built to be transported on wheels.

*Dwelling, multiple-family* means any arrangement of individual dwelling units which are housed in a common building or in a complex of individual buildings which are part of a single development. This definition includes alteration of single-family dwellings to provide independent dwelling units within the same structure.

*Dwelling, single-family* means any arrangement of rooms to accommodate the needs of a family of human beings for cooking, eating, living, sleeping and sanitary facilities.

*Easement* means a right to land generally established in a real estate deed or on a recorded plat to permit the use of land by the public, a corporation, or particular persons for specified uses.

*Educational facilities* means institutions of learning, including private and public colleges, universities, and schools, Day care centers are not included

*Emergency services* mean fire, police, and ambulance services used in situations where the health and/or safety of residents, visitors, or property of the Town of Bayfield are threatened.

*Environmentally hazardous area* means areas which are geological hazards, steep slopes, avalanche paths, wildlife areas, floodways, and other areas which would be dangerous or unsafe to develop.

*Evidence* shall mean all of the following, any of the following, or any combination of the following: map, table, chart, contract, or any other document or testimony prepared or certified by a qualified person.

*Family* means one or more persons occupying a dwelling, as a unit, sharing cooking, eating, living, sleeping, and sanitary facilities. This definition shall not include a rooming or boardinghouse.

*Finished floor space* means the gross floor area of a building which is complete with partitions, walls, ceilings, electrical, plumbing fixtures. Garages, carports, patios, porches, and areas used for storage except closets shall not be included in this definition.

*Floodplain* means an area in and adjacent to a stream, which is subject to flooding as the result of an intermediate regional flood.

*Floodway* means the channel of a river or other water-course and the adjacent land areas that must be reserved in order to discharge the intermediate regional flood without cumulatively increasing the water surface elevation by more than one foot or that portion of the floodplain in which the waters of an intermediate regional flood exceed one and one-half feet in depth.

*Garage, private* means any building used for the storage of not more than three motor vehicles.

*Garage, private* means any building used for the storage of more than three motor vehicles. This definition shall not apply to storage facilities if in association with motor vehicle sales and/or service business.

*Geological hazard* means a geologic phenomenon which is so adverse to past, current, or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property. The term includes, but is not limited to, unstable or potentially unstable slopes, seismic effects, radioactivity, and ground subsidence.

*Grade (adjacent ground elevation)* means the lowest point of elevation of the finished surface of the ground between the exterior wall of a building and a point five feet distant from said wall or to the property line if it is less than five feet distant from said wall.

*Gross floor area* means the total area of all floors of a building as measured to the outside surfaces of exterior walls and including halls, stairways, elevator shafts, garages, porches, and balconies.

*Hotel / motel room* means a room no larger than 300 square feet in a building occupied as the more or less temporary abiding place of individuals who are lodged, for compensation, with or without meals.

*Hotel suite* means double hotel rooms and/or rooms with kitchen facilities.

*Home occupation* means an accessory use provided all of the following conditions are met:

- 1) No person outside the inhabitants occupying the premises will be employed.
- 2) No stock in trade will be displayed on the premises and only products resulting from the home occupation may be sold from the premises.
- 3) Only one occupation will be permitted on the premises at any one time.
- 4) All activities will be conducted entirely within the dwelling.
- 5) There will be no external evidence of the activity such as commercial vehicles, outside storage or stock or materials; and no noise, odor, dust, fumes, or other nuisances will be emitted from the premises.
- 6) Such use shall be clearly incidental and secondary to the use of the unit for dwelling purposes and shall not change the character thereof.

- 7) The total area used for such purposes shall not exceed 20 percent of the floor area or more than 300 square feet of the dwelling unit.
- 8) There must be provided any off-street parking necessary to accommodate adequately additional traffic created by the home occupation.
- 9) One and only one unlighted sign not to exceed one square foot in area and containing only the name and address of the occupant of the premises.

*Improvements* means street pavements, paths, bikeways, erosion control facilities, curbs, re-vegetation, gutters, sidewalks, water mains, storm sewers, gas lines, electric and telephone lines and appurtenances, street signs, landscaping lights, monuments, range point boxes, and other such items as may be required for compliance with the regulations of this L.U.C.

*Improvement agreement* means one or more security arrangements which may be accepted by the Town Board to secure the construction of such improvements as required by the L.U.C. and shall include collateral, such as the following: performance or property bonds, private or public escrow agreements, loan commitments, assignments of receivables, liens on properties, deposit of certified funds, or other similar surety agreements.

*Landscaping* means changing, rearranging, or adding to the original vegetation or scenery of a piece of land to produce an aesthetic effect appropriate for the use to which the land is put.

*Land use district* means one of 13 districts described in Article 5 of the L.U.C.

*L.U.C. map* means the official map of the Town of Bayfield showing the boundaries of each land use district.

*Loading space* means an off-street portion of a lot for the temporary parking of a commercial vehicle while loading or unloading materials for use or sale on the lot. Such space shall open upon a road or alley and any use of the space shall not obstruct pedestrian or vehicular traffic upon such public way.

*Lot means* a parcel of real property distinguished from other parcels by description as on a plat, survey, map, assessor's map, or by metes and bounds. A lot should not be divided by a public road or ally.

*Master development plan* means a master development plan is required of all passed developments. The plan should describe the compatibility of the proposed uses with the land and the surrounding use as well as the natural matures of the site, proposed land uses. Circulation plan, utilities plan, and fire protection plan.

*Meeting room, conference room* means a room or rooms designed or intended for meetings for 20 or more persons.

*Mixed use* means a combination of uses including residential, recreational, commercial, and industrial.

*Mobile home means* a transportable, single-family dwelling intended for permanent occupancy contained in one unit, or two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operation, and constructed so that it may be used with or without a permanent foundation. Mobile home shall not include recreational vehicles, travel trailers, motor homes, pop-up trailers, campers, yurts, tepees, tents or other similar items which are not primarily intended as a permanent residence.

*Mobile-home park* means a tract or area of land which is developed for the lease or rental of spaces for the location of mobile homes, without the creation of or conveyance of individual lots.

*Mobile home subdivision* means a tract of land which is subdivided into individual lots for the purposes of the location of mobile homes, and which includes the right to convey or lease those lots to third parties.

*Natural features* mean those features of the environment which occur naturally, such as streams, lakes, trees, mountains, and wetlands.

*Negative environmental impacts* means impacts upon the environment which pollute, destroy, or disrupt the natural balance or natural resources of the environment.

*Non-conforming building or use* means any pre-existing building, use, or structure conflicting with the provisions of this L.U.C., or any amendments thereto, applicable to the land use district in which it is located.

*Nuisance* means anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the sense.

*Off-street parking space* means the space required to park one passenger vehicle.

*Open space* means land required by this L.U.C. to remain undeveloped for low intensity recreation, agriculture, and resource protection uses. Open space land shall not include driveways, streets, parking areas, surfaced areas for paths and trails, or water detention features.

*Parcel* means a lot or tract or contiguous group or portion of such lots or tracts in single ownership or under single control and considered a unit for purposes of development.

*Parking area* means an area used for access, internal driveway systems, and parking spaces.

*Performance guarantee* means a financial guarantee to insure that all improvements, facilities, or work required by this L.U.C. will be completed in compliance with the L.U.C., regulations, and the approved plans and specifications of a development.

*Performance standards* mean a minimum requirement or maximum allowable limit on the effects or characteristics of a use. Performance standards are a more precise way of describing compatibility than traditional zoning definition of uses. Performance standards also expand the developer's options. They are contained in Article 6 of this L.U.C.

*Person* means an individual, corporation, government, or governmental subdivision or agency, business trust, estate trust, partnership, association, or any other legal entity.

*Phased development* means a development which will occur in parts. Each part must be able to stand on its own.

*Plat* means a map, generally a subdivision, showing the location, boundaries, and ownership of individual properties.

*Pre-application conference* means a meeting between the planning staff and applicant prior to any submittals to acquaint the applicant with review procedures, the forms and information required, the performance standards, and to discuss in general terms the nature of the proposal.

*Public or common facilities* mean facilities used by the general public such as open space areas and storm-water detention facilities.

*Public hearing* means a public meeting of the commission, board of adjustment, or Town Board for which a public notice has been published in a newspaper of general circulation in the County at least 15 days prior to the date of the hearing.

*Public meeting* means a meeting of the commission or of the Town Board which the public may attend to voice their sentiments on an issue.

*Public notice* means notice of a meeting in the public notice section of a newspaper of general distribution in the County published at least 15 days prior to the meeting.

*Recreation facility* means a facility providing or accommodating both indoor and outdoor recreational facilities such as tennis, racquetball, swimming, and field sports. These facilities may provide food; however, no lodging or other services are provided.

*Referral agency* means an agency which provides technical review in their specific area of expertise of an application. These agencies' reviews are supplemental to the planning departments', the commission's and/or boards' review of the application.

*Resource protection area* means natural areas and views which provide scenic and aesthetic qualities and are encouraged to remain undeveloped by the Bayfield Comprehensive Plan.

*Re-subdivision* means the changing of any existing lot or lots of any subdivision plat previously recorded with the County clerk and recorder.

*Roadway* means that portion of the street right-of-way designed for vehicular traffic.

*Road service* means service typically located along a major arterial and basically dependent upon the automobile traveler such as service station, fast-food restaurants, transportation centers.

*Screened* means the use of landscaping materials and natural terrain characteristics and/or the construction of fences, earth berms, etc. to lessen the noise, light, heat, or visual impacts of a use on surrounding uses.

*Single-family home* means any structure which is located in compliance with this Code on a permanent foundation, is intended as a permanent residence, and which complies with the provisions of the Town's uniform building code as it relates to residential uses.

*Site* means a plot of land intended or suitable for development.

*Site plan* means a plan to scale showing uses and structures proposed for a parcel of land as required by Article 4 of this L.U.C.

*Sketch plan* means a sketch plan is only the general development concept. It does not include detailed design or engineering submittals or proposed solutions to specific problems revealed in the review.

*State* means the State of Colorado.

*Street* means any street, avenue, boulevard, road, lane, parkway, or other way for the movement of vehicular traffic which is an existing state, County, or municipal roadway or a street or way shown upon a plat, theretofore approved, pursuant to law or approved by official action and includes the land between street lines, whether improved or unimproved, and many comprise pavement, shoulders, gutters, sidewalks, parking areas, and other areas within the right-of-way. For the purpose of this L.U.C., streets shall be classified as defined in streets and roads, section 6-1.

*Strip development* means a ribbon of uses fronting an arterial roadway.

*Structure* means any manmade object which is affixed to the ground by use of footings, foundation, posts, or lamps. This definition shall include, but not be limited to, signs, buildings, and fences.

*Subdivider* or *developer* means any person, firm, partnership, joint venture, association, or corporation who shall participate as owner, promoter, developer, or sales agent in the planning, platting, development, promotion, sale, or lease of a subdivision.

*Subdivision* means the division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other division of land for the purpose, whether immediate or

future, for sale or building development. The term "subdivision" shall include re-subdivision.

*Subdivision improvements agreement means* the improvements agreement between the subdivider and or required facilities for the subdivision, for example, roads and utilities.

*Temporary use means* a use which will exist for a period of six months or less.

*Town means* the Town of Bayfield, Colorado.

*Town Board means* the Town of Bayfield, Board of Trustees.

*Use means* the purpose for which land or premises or a building thereon is designed, arranged, or intended, or for which it is or may be occupied.

*Use, conditional means* uses which generate nuisances not ameliorated adequately with the performance standards or which do not fall into one of the use categories.

*Variance means* permission to depart from the literal requirements of the L.U.C. pursuant to section 3-8 granted by the Planning Commission to the Town Board.

*Visual corridor means* views along major arterials in or near Bayfield which are encouraged to be preserved.

*Wastewater means* any and all water used for domestic or industrial purposes that is altered physically or chemically but not to include water used solely for the purpose of irrigation.

*Wetland means* areas which are naturally inundated or saturated by surface or groundwater at a frequency and duration sufficient to support and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions.

(Ordinance. No. 261, § 5, 3-7-00)