



LAND USE ADVISORY COMMITTEE MEETING
Zoom Webinar and Town Council Chamber
3 S. Timber Ridge Parkway, Severance, CO 80550

AGENDA
LAND USE ADVISORY COMMITTEE MEETING
Wednesday, January 4, 2023, at 6:00 PM

A. CALL TO ORDER

1. Roll Call
2. Pledge of Allegiance
3. Approval of Agenda
 - a. Approval of 11.02.22 Minutes

B. REGULAR MEETING

1. **Recap: Application Processes**
 - Discussion
 - Staff Presentation: Abdul Barzak, Town Planner
2. **Buffering, Open Space, and Trails & Connectivity (Second Review)**
 - Discussion
 - Staff Presentation: Abdul Barzak, Town Planner

C. COMMUNICATIONS

Commission approval may be sought for administrative actions in association with staff reports.

1. Town Attorney
2. Town Staff
3. Town Management
4. Committee Members
5. Chair

D. ADJOURN

Land Use Advisory committee MEETING
Wednesday, January 4, 2023, 6:00 PM (MDT)

Registration URL

https://us02web.zoom.us/webinar/register/WN_UwjDKGhIQYvXVNT5bVF_w

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LAND USE ADVISORY COMMITTEE MEETING
Zoom Webinar and Town Council Chamber
3 S. Timber Ridge Parkway, Severance, CO 80550

MINUTES
MEETING 2022-08

Wednesday, November 2, 2022, at 6:00 PM

Present:

Chair:	Brittany Vandermark
Vice-Chair:	Karen Hessler
Committee:	Rod Simpson
	Mark Anderson
	Chris Pagan (alt)
	Michael Young (alt)

Absent: Gordon Coombes, Randy
Nicholson, Sharon Snider, Wes Larimore,
Josh Green, Randy Nicholson

Audience: None

Staff:

Nicholas Wharton, Town Manager
Leah Vanarsdall, Town Clerk

A. CALL TO ORDER

1. Roll Call

2. Pledge of Allegiance

3. Consent Agenda

a. 10.05.22 Minutes

MOTION WAS MADE BY Committee Member Hessler, seconded by Committee

Member Pagan to approve 10.05.22 Minutes . All Committee Members present voting Yes,
MOTION PASSED

B. REGULAR MEETING

1. Buffering, Open Space, Trails and Connectivity

- Discussion
 - Staff Presentation: Nicholas Wharton, Town Manager
- Discussion only - to come back on December 7th, 2022.

2. Recap: Density & Subdivision Set Asides

- Legislative
- Staff Presentation: Nicholas Wharton, Town Manager

MOTION WAS MADE BY Committee Member Young, seconded by Committee Member Pagan to approve Density & Subdivision Set Asides. All Committee Members present voting Yes,

MOTION PASSED

C. COMMUNICATIONS

Commission approval may be sought for administrative actions in association with staff reports.

1. Town Attorney
2. Town Staff
3. Town Management
4. Committee Members
5. Chair

D. ADJOURN

7:45 pm

TOWN OF SEVERANCE

Brittany Vandermark, Chair

ATTEST:

Leah Vanarsdall, Town Clerk



AGENDA ITEM SUMMARY

AGENDA ITEM	SUBMITTED BY	PRESENTED BY
Recap: Application Processes	Abdul Barzak, Town Planner	Abdul Barzak, Town Planner
ACTION REQUESTED		
Community Development and Management asks that the Land Use Advisory Committee (LUAC) review, discuss, and forward a recommendation to the Planning Commission on Application Processes. Actions that may be taken: 1. Forward a recommendation of approval to the Planning Commission for Land Use Code changes regarding Application Processes. 2. Take No Action.		<u>Action Requested Discussion</u>
BRIEF SUMMARY		
On September 7th, 2022, the Land Use Advisory Committee (LUAC) reviewed, discussed, and directed Town staff with recommendations for Application Process within the Land Use Code. Tonight's discussion aims to re-cap and review the discussion from last month and, if all are in favor, forward a recommendation to the Planning Commission for Application Process within the Land Use Code.		
PUBLIC SUPPORT/CONCERN		
None at this time.		
ANALYSIS AND RECOMMENDATION		
The Town Staff is asking for the Land Use Advisory Committee (LUAC) to forward a recommendation of approval to the Planning Commission for Land Use Code changes regarding Application Processes.		
MATERIALS SUBMITTED		
The following materials were submitted and included in this packet: 1. Application Processes Memo 2. Draft Provisions and Procedures Language 3. Draft Provisions Summary Table		

MEMORANDUM

To: Town of Severance - LUAC

From: Josh Olhava, AICP, PCCP, Senior Community Planner and Project Manager

Date: January 4, 2023

Re: 2nd LUAC Review – Provisions and Procedures Code Language draft (except)

Background

During the September 2022 LUAC meeting, committee members reviewed the project team's initial findings and recommendations to the Town's general provisions and procedures sections of the land use code. We reviewed and compared the Town's code language and criteria against the seven (7) comparison jurisdictions: Evans, Firestone, Frederick, Johnstown, Timnath, Wellington and Windsor; as well as industry best practices and the goals of the community. Due to the nature of the code language found within these sections, a comparison table was not a viable way to share the comparison and research.

Overall code structure / organization was one of the more prominent observations and areas identified for improvement within the current code structure. The following summary list includes the six (6) recommendations presented to and supported by the LUAC during the September 2022 meeting:

1. Reorganize and update Article I – General Provisions to remove redundancies and dated information, and to establish clear expectations on how to use, interpret, and administer the land use code.
2. Develop a new article, Procedures, that will contain the Town's development application criteria and requirements. Create a user-friendly table that will clearly illustrate the Town's development applications, reviewing bodies, and general notification requirements.
3. Create new code sections for the Development Agreement and Construction Requirements criteria, moving them out from within the Subdivision platting regulations.
4. Shift the development application criteria under new application subsections located within a new article, Procedures. Remove unnecessary information from code, such as application submittal requirements, that could be more easily managed by the Town within the application forms and checklists managed by the Town.
5. Reorganize and clean-up specific sections of code such as vesting and non-conforming criteria that are currently found in non-relevant sections of code and incorporate this language within the other land use code sections being updated and referenced here.
6. Work with staff to review and formalize internal processes and develop application checklists and workflows that provide clarity to applicants and residents regarding the development review processes.

Current Review

Since the September 2022 meeting, the project team has worked to reorganize code sections and incorporate new code criteria consistent with the recommendations presented and supported by LUAC. The attached draft excerpts are provided to show LUAC the general approach and initial draft language under consideration to specific General Provisions and Procedures code sections. Please note there are specific code sections and development application criteria not included with the excerpt as those sections are currently being drafted by the project team. The approach and structure of those sections will

be consistent with the attached language. Track changes are used on the attached draft code language to show existing code language being repurposed into the new structure (black font), proposed deletions (red font), and proposed additions (blue font).

The project team are asking for guidance and input from the LUAC members considering the attached draft procedures summary table and the draft code language approach. To aid in the discussion, the project team has prepared the following questions for LUAC consideration.

1. Are there any general comments or questions regarding the approach and attachments provided?
2. Are there concerns or comments with the proposed draft code restructuring, or does LUAC generally support these changes?
3. Are there any concerns or comments with the proposed deletions or additions proposed under Article 1 – General Provisions, or does LUAC generally support these changes?
 - a. Does LUAC generally support the proposed deletions or additions proposed?
4. Are there any concerns or comments with the proposed deletions or additions proposed under the new Article 2 – Procedures, or does LUAC generally support these changes?
5. Are there any concerns or comments with the proposed Review Procedures Summary Table?
 - a. As presented, the recommendation includes shifting more decision-making authority from Town Council to the Planning Commission (public hearing) and Town Staff (administrative). This is consistent with the direction many communities in the region are moving towards based on having strong review criteria and development standards. The efforts by the Town to update and incorporate clear development standards and review criteria provide more structure and certainty to development proposals.

The project team will continue to work closely with Town Staff and the Town Attorney to finalize the language and review procedures prior to review by the Planning Commission and Town Council. LUACs comments and direction will be incorporated into the overall updates and approach of these sections of the land use code.

Attachments:

- Draft Provisions and Procedures language - excerpt (*46 pages*)
- Draft Review Procedures Summary Table (*1 page*)

Article 1 - General Provisions

Overview

(a) Title. This Code chapter 16 is known as the Severance Land Use Code. References to "this Code," "the Development Code," or "these regulations" shall be considered a reference to the Severance Land Use Code. This Code establishes the regulations and standards governing the use and development of land within the Town. Included are provisions for the annexation, subdivision and zoning of land, as well as the administrative procedures governing the submission of applications, administrative and public reviews and appeals. Also included are Town standards for site and building design, landscaping, parking and public infrastructure.

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Short Title

This Code shall be known and may be cited as the Severance Land Use Code. Within this Code, the Severance Land Use Code shall be referred to as "this Code." Reference herein to the comprehensive Plan, formally known as "Severance: HomeTown Vision," shall be referred to as "Comprehensive Plan."

(a)(b) Authority. This Code is adopted pursuant to the purposes and authority contained in the Colorado Revised Statutes (CRS) and the Colorado Constitution, Article XX, ~~Section 6 and the Severance Charter, independent of and in addition to the CRS, Title 31, Article 23. This title also supersedes any state legislative enactments which are, by their terms, subject to being superseded by adopted home rule charters or ordinances.~~ Local governments are provided broad authority to Plan for and regulate the use of land within their jurisdictions, as authorized in Title 29, Article 20, et seq., and Title 31, Article 23, et seq., CRS. Additional statutory authority may also exist for specific types of land use regulation. Whenever a section of the CRS cited in this Code is later amended or superseded, this Code shall be deemed amended to refer to the amended section or sections that most nearly corresponds to the superseded section. Additional statutory authority may exist for specific types of land use regulations.

(b)(c) Jurisdiction. This Code shall ~~be effective~~ apply to all structures and land throughout within the Town's corporate boundaries, as depicted on the official zoning map, and other maps accompanying the Town's adopted plans and policies, including the Town's Comprehensive Plan. The Town's Planning jurisdiction includes all land within the ~~Town corporate limits~~ and, where applicable, the lands within the Growth Management Area (GMA) as defined in the adopted Comprehensive Plan, per Section 31-12-105(c)(1), CRS. Maps showing these and other regulatory boundaries shall be available for public inspection in the Town offices. For purposes of zoning and subdivision, this Code only applies to lands within the Town's corporate boundaries. It shall be unlawful to conduct any development or use of land until all specified development review processes have been followed, all applicable standards have been fulfilled, and all required approvals, permits or other authorizations have been issued.

~~A map showing the boundaries of the Town and the area within the GMA (as defined in the Comprehensive Plan) Planning jurisdiction shall be available for public inspection in the Town offices.~~

(c)(d) Purpose. ~~The purpose of t~~This Code is adopted to promote the public health, safety, and general welfare for the Town and its' citizens and businesses. The regulations have the following purposes: to create a vital, cohesive, well-designed community in order to enhance the Town's character and further the citizens' vision, goals and objectives as identified in the Comprehensive Plan.

1. Create a vital, cohesive, well-designed community to enhance the Town's character and further the citizen's vision, goals, and objectives.
2. Encourage the most appropriate use of land throughout the Town.

3. Implement adopted plans, policies, and programs, including the current Comprehensive Plan.
4. Promote the physical, social, and economic well-being of the Town and its' citizens and businesses.
5. Invest public funds effectively and efficiently, and in a manner that creates lasting value for the community.
6. Promote innovative, quality community planning and design that creates distinct places and unique elements that enhance the character of the community.
7. Provide parks, trails, and civic spaces that help organize development around systems of connected open spaces.
8. Promote the proper arrangement and design of streets to shape efficient neighborhood development patterns
9. Coordinate with existing and planned streets to improve access and circulation patterns that support abutting land uses.
10. Divide the community into zoning districts that promote the character and development patterns of distinct places identified in the Comprehensive Plan.
11. Regulate the development and use of structures and land within each zoning district to create compatible development patterns.
12. Promote appropriate transitions to adjacent properties.
13. Provide a variety of housing opportunities for all citizens.
14. Facilitate the adequate and efficient provision of public and private infrastructure to support the Town's adopted vision and values.
15. Direct new development into areas with adequate public and private infrastructure and to areas that conserve environmentally sensitive lands and protect citizens from environmental hazards and dangers.
16. Facilitate clear and consistent development procedures for all citizens and businesses.

Interpretation

The provisions of this Code shall be interpreted and applied as the minimum requirements for the promotion of public health, safety, and welfare. Whenever the requirements of this Code are at variance with the requirements of any other lawfully adopted rules, regulations, or sections, the more restrictive or that imposing the higher standard shall govern.

(a) General Rules. The following rules shall apply to the application and interpretation of these regulations, unless otherwise stated within this Code:

1. As used in this Code, words in the singular includes the plural, and words in the plural include the singular.
2. The words "must," "shall," and "will" are mandatory; whereas the words "may," "can," "should" and "might" are permissive but recommended as a way to best meet the standard or achieve the intent of the standard.
3. The word "lot" shall include the words "building site," "site," "plot," or "tract."
4. A building or structure includes any part thereof.
5. Words in the present tense includes the future tense and the future tense includes the present tense.
6. Lists of examples prefaced by "including the following," "such as," or other similar clauses shall not be construed as exclusive or exhaustive and shall not preclude an interpretation of the list to include other similar and non-mentioned examples.
7. The conjunctive "and" in a list means that all apply; the conjunctives "or" and "and/or" mean the provisions may apply singly or in any combination; and the conjunctive "either ... or" means the provisions apply individually but not in combinations.

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8. When calculations to determine a requirement results in a fraction that cannot be divided (i.e., parking spaces, trees, dwelling units, etc.) it shall be rounded up to the nearest whole number.
9. Any references to "Town Manager," "Manager," or any other official may also include any other designee of the Town Manager.
10. Any reference to other official local, state, or federal government rules or regulations shall include the most current versions of those rules or regulations.
11. References to a person shall include the individual, a partnership, association, agency, corporation, or other legal entity and their associated representatives.
- (b) Interpretation of the Zoning Map. Where uncertainty exists with respect to any boundary on the official zoning map, the following rules shall apply:
 1. Property Lines. Zoning district boundaries shall be interpreted as following platted or official legal property lines unless these lines have been substantially altered.
 2. City Limits. Zoning district boundaries shall be interpreted as following the official Town limits.
 3. Other Features. Zoning district boundaries shall be interpreted as following the centerline of streets, rights-of-way, rivers, or other similar features.
- (c) Non-regulatory Provisions.
- (d) Resources, Guides, and Industry Standards.
- (a)(e) Official Interpretations.

Applicability of chapter

- (a) ~~The provisions of this Code shall apply to any and all development of land within the municipal boundaries of the Town unless expressly and specifically exempted or provided otherwise in this Code. No development shall be undertaken without prior and proper approval or authorization pursuant to the terms of this Code. All land use shall comply with the applicable terms, conditions, requirements, standards and procedures established in this Code.~~
- (b) ~~Whenever both the provisions of this Code and the provisions of any other law cover the same subject matter, whichever is more restrictive shall govern.~~
- (c) ~~This Code establishes procedural and substantive rules for obtaining the necessary approval to develop land and construct buildings and structures. Development applications will be reviewed for compliance with the Comprehensive Plan and with adopted regulations, policies and other guidelines.~~

Commented [OJ1]: Removed - this is integrated elsewhere now.

Relationship to existing regulations and adopted plans ~~sections and resolutions~~

- (a) All existing ordinances, resolutions, or motions of the Town Council in conflict with this Code are, to the extent of such conflict, hereby superseded and repealed, provided that no such repeal shall repeal the clauses of such section, resolution, or motion, nor revive any section, resolution, or motion thereby. The adoption of this Code shall not adversely affect the Town's right to seek remedies for any violation of previous sections that occurred while those sections were in effect.

Relationship to Comprehensive Plan

- (b) Comprehensive Plan. It is the intent of the Town that this Code implements the Planning policies adopted in the Comprehensive Plan and its GMA. While this relationship is reaffirmed, it is the intent of the Town that neither this Code nor any amendment to it may be challenged on the basis of any alleged nonconformity with the Comprehensive Plan, nor may any action taken in conformity with this Code be challenged on the basis of claimed inconsistency with the Comprehensive Plan.
- (a) Requirement for Comprehensive Plan amendment. Where a development proposal is not in conformance with the Comprehensive Plan, an amendment to the Comprehensive Plan will be

required prior to any zoning or subdivision approvals. Conformance exists when a development proposal matches the designations of the land use sections within the Comprehensive Plan.

- (b) Criteria for evaluating amendment proposals. Amendments to the Comprehensive Plan resulting from development proposals under this Code shall be evaluated according to the criteria and procedure outlined in the Comprehensive Plan.

Severability

If any part, section, subsection, sentence, clause or phrase of this Code is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of this Code. The Town Council hereby declares that it would have passed this Code, including each part, section, subsection, sentence, clause or phrase thereof, regardless of the fact that one (1) or more parts, sections, subsections, sentences, clauses or phrases was declared invalid.

Commented [OJ2]: Town Attorney will review and wordsmith new language.

Administration

- (a) Administrative Authority on Certain Land Use Applications. Notwithstanding any other provision of this ~~Land Use~~ Code and subject to any limitations established by state statute, the Town Manager or such official's designee may act administratively, without resort to the ~~Town~~-Town Council or the Planning Commission with respect to any land use action that has insignificant impact on the public or adjoining landowners, does not change overall project ~~density-dimension criteria~~ by more than ~~five-ten~~ percent (~~5~~10%), and does not require any change of zoning or variance ~~from these regulations~~. By way of illustration and not limitation, such actions shall be appropriate for:
1. Lot line adjustments ~~or minor subdivision plats~~.
 2. Adjustments to lot boundaries on an approved plat that do not impair or diminish public parks or infrastructure.
 3. Modification of ~~an approved Site Plan for~~ landscaping or fencing requirements that are consistent with the requirements of this Code.
- (b) Town Manager. The Town Manager (Manager) may delegate their authority to a department or staff position (designee) to administer and interpret certain or all aspects of this Code. Other department heads and staff may serve in an advisory role under this Code. In addition to the authority granted by the Charter and local ordinances, the Manager shall have specific review responsibilities and final administrative decisions referred to the Manager under the procedures and standards of these regulations.
- (c) Community Development Department and Community Development Director. The Community Development Department and Director (Director) may assume the role as the administrator, the principal interpretation and enforcement official of these regulations, as the Manager's designee. The Community Development Department and Director may consult with any other department staff or relevant outside agencies to coordinate any plans, policies, and programs that impact these regulations or adopted plans and policies. The Community Development Department and Director shall specifically:
1. Prepare and provide development application forms and administer the requirements and review of submittals.
 2. Oversee the application, review, and administration processes and prepare presentations and reports for review bodies.
 3. Issue official interpretations and approve the use of other resources, guides, and industry standards used in administering this Code, as designated by the Manager.
 4. Make final interpretations and final administrative decision referred to the Department or Director under the procedures and standards of these regulations.
- (d) Planning Commission. The Planning Commission is the appointed body responsible for long-range and comprehensive planning. The Planning Commission is established according to the

Town Charter. In addition to all other general planning authority granted by the Charter, statutes, local ordinances, the Planning Commission shall have the specific review responsibilities and final authority referred to the Planning Commission under the procedures and standards of these regulations, as appointed by the Town Council.

(e) Town Council. The Town Council is the elected and governing body responsible for all legislative decisions that affect implementation of adopted plans, regulations, and policies. In addition to other general authority granted by law, the Town Council shall have the final decision authority as outlined under the procedures and standards of these regulations.

(f) Board of Adjustments. The Board of Adjustments shall act in accordance with the same rules and procedures that govern the Planning Commission and Town Council and shall consider any matters referred to it under this Code.

Enforcement

- (a) *Responsible enforcement entity.* The Town Council shall be responsible for enforcing the provisions of this article. Any criminal enforcement shall be by the issuance of a complaint and summons to municipal court by a peace officer.
- (b) *Authorization for inspections.* The Town may enter any building, structure, real property or premises to ensure compliance with the provisions of this Code. Such inspections shall be carried out during normal business hours unless the Town Manager, zoning enforcement officer or Code enforcement officer determines that there is an emergency.
- (c) *Violations and enforcement procedures.*
 - 1. Violations. It shall be unlawful to violate any provision of this Code.
 - 2. Specific activities violating this Code. It shall be a violation of this Code to undertake any of the following activities:
 - a. Activities inconsistent with Code. Erecting, constructing, reconstructing, remodeling, altering, maintaining, expanding, demolishing, moving or using any building, structure or sign, or engaging in development or subdivision of any land in contravention of any zoning, subdivision, sign or other regulation of this Code, including terms and conditions of all required approvals.
 - b. Land-disturbing activities inconsistent with Code. Excavating, grading, cutting, clearing or undertaking any other land disturbance activity contrary to the provisions of this Code or without first obtaining all requisite land use approvals required by this Code or other applicable regulations.
 - c. Nonconforming uses or structures inconsistent with Code. Creating, expanding, replacing or changing a nonconforming use, structure, lot or sign, except in compliance with this Code.
 - d. Making lots or setbacks nonconforming. Reducing or diminishing the lot area, setbacks or open space below the minimum required by this Code.
 - e. Increasing intensity of use. Increasing the intensity of use of any land or structure, except in accordance with the procedural and substantive standards of this Code.
 - f. Activities inconsistent with permit. Engaging in any development, use, construction, remodeling or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval or other form of authorization required to engage in such activity.
 - g. Activities inconsistent with conditions of approval. Failing to comply with any terms, conditions or limitations placed by the Town upon any final development Plan, subdivision plat, permit or other form of approval by the Town.

Commented [OJ3]: Relocated from Article 9 - Supplemental Regulations

- h. Agreements to convey. Making any agreement to convey or conveyance of any lot or undivided parcel of land, contrary to the provisions of this Code or prior to approval of a final plat by the Town; it shall be a separate violation for each lot or parcel of land sold or agreed to be sold.
- i. Activities inconsistent with order of Town. Failing to comply with any stop work order, abatement order or any other order issued by the Town pursuant to this Code.
3. Separate violations. Any person who violates or causes the violation of any of the provisions of this Code shall be guilty of a separate offense for every day or portion thereof during which a violation is committed, permitted or continues.
4. Remedies and enforcement powers. Violations of this Code may be enforced in the municipal court or any other court with jurisdiction by any appropriate equitable action, by abatement, by issuance of stop work orders, by injunction and restraining order, by revoking any permits or approvals issued and by assessing any amounts due or delinquent fines as taxes. Any one (1), all or any combination of the foregoing penalties and remedies may be used to enforce this Code. In addition, the Town shall have the following civil remedies and powers to enforce this Code:
- a. Notice of violation and corrective action order.
- 1) Nonemergency violations. In the case of violations of this Code that do not constitute an emergency or require immediate attention, written notice of the nature of the violation and required corrective action to be taken shall be given by the Town to the owner, occupant, applicant for any relevant permit, person in charge of construction or other work on the property or any other person in possession of or involved in the illegal activity on the property. Notice shall be given in person, by certified U.S. mail, return receipt requested, or by posting notice on the premises. The notice shall specify the Code provisions allegedly in violation and shall state that the individual has a period of thirty (30) days from the date of the receipt of the notice in which to correct the alleged violations before further enforcement action shall be taken.
 - 2) Emergency violations. In the case of violations of this Code that constitute an emergency as a result of safety or public concerns or violations that will create increased problems or costs if not remedied immediately, the Town may use the enforcement powers available under this Code without prior notice, but shall attempt to give notice simultaneously with beginning enforcement action or as soon thereafter as practicable. Notice may be provided to the property owner, agent, occupant or the applicant for any relevant permit. In addition, the Town may proceed to abate the danger and assess the costs therefor as a lien on the property and certified to the county treasurer, to be collected with the taxes on the property.
 - 3) Extension of time for correction. The Town Council may grant an extension of the time to cure an alleged violation, up to a total of ninety (90) days, if the Town Council finds that, due to the nature of the alleged violation, it reasonably appears that it cannot be corrected within thirty (30) days.
- b. Deny/withhold approvals or permits. The Town may deny and withhold all approvals, permits, certificates or other authorization to use or develop any land, structure or improvements thereon until the alleged violation related to such

property, use or development is corrected. This provision shall apply whether or not the current owner or applicant for the permit is responsible for the violation.

Where a property owner, agent or other person has a record of an outstanding violation of this Code, the Town shall be authorized to deny or withhold all permits, certificates of occupancy or other forms of authorization for any use or development activity undertaken by such person until all outstanding violations are corrected. This provision shall apply whether or not the property for which the permit or other approval is sought is the property in violation.

The denial or withholding of a permit by the Town may be appealed to the BOA in accordance with [Section 16.9.50](#) of this Article.

c. Revocation of permits.

- 1) Public hearing required. The Town Council may revoke any development permit, building permit, certificate or other authorization after notice and a public hearing, for violation of this Code.
- 2) Reconsideration of revocation. The applicant may request a public hearing for reconsideration of the Town's revocation.
- 3) Notice of public hearing. The public hearing on the reconsideration of revocation shall be conducted during a regular or special meeting of the Town Council not less than seven (7) days nor more than twenty-one (21) days from the date the notice of the hearing is given. Notice of hearing shall be deemed given to the owner, the owner's agent or other person to whom the development permit was issued, upon deposit of said notice in the U.S. mail, by certified mail, return receipt requested, addressed to the last known address of said person. Additional methods of service may also be utilized to give notice of the public hearing.
- 4) Findings. Following the public hearing, the Town Council shall reinstate the permit revoked unless it finds any of the following:
 - a) There is a departure from the approved Plans, specifications or conditions of approval;
 - b) There is a violation of any provision of this Code;
 - c) The development permit was obtained by false representation; or
 - d) The development permit was issued in error.
- 5) Notice of revocation. Written notice of the findings shall be served upon the owner, the owner's agent, applicant or other person to whom the permit was issued by certified mail, return receipt requested, or such notice may be posted in a prominent location at the place of the violation. No work, construction or use of the property shall proceed after service of the findings.

d. Stop work order.

- 1) Issuance of stop work order. The Town may issue a written order to stop work on any property on which there is an uncorrected violation of either a provision of this Code or a provision of a land use approval or development permit, building permit or other form of authorization. The stop work order shall specify the Code provisions allegedly in violation. Service of the order shall be given in person, by certified U.S. mail, return receipt requested, or by posting notice on the premises. After any

such order has been served, no work shall proceed on any building, other structure or tract of land covered by such order except to correct such violation or comply with the order. The notice shall also state any appeal and/or variance procedures available pursuant to this Code.

- 2) Timing/notice. The stop work order may be issued in conjunction with a notice of violation or subsequent to such notice. The stop work order may also specify a shorter time for correction of the violation if the Town determines that a shorter time is necessary to protect the health, welfare or safety of people or property in the Town. It shall be unlawful to violate the terms of a stop work order.
- e. Abatement or injunctive relief. In addition to any other remedy, the Town Council may initiate injunction or abatement proceedings or other appropriate legal action in the municipal court or other court of competent jurisdiction to abate, remove or enjoin such violation and to recover damages, costs and reasonable attorney's fees incurred in the abatement and removal of such violation.
5. Persons responsible. The owner, tenant or occupant of any building or land or part thereof, as well as any architect, builder, contractor, agent or other person who participates in, assists, directs, creates or maintains any situation that is contrary to the requirements of this Code, may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.
6. Remedies cumulative. The remedies provided for violations of this Code, whether civil or criminal, shall be cumulative and in addition to any other remedy provided by law or equity and may be exercised in any order. Each twenty-four (24)-hour period or portion thereof is considered a separate violation under this Code.
7. Continuation of prior enforcement actions. Nothing in this Code shall prohibit the continuation of previous enforcement actions undertaken by the Town pursuant to previous regulations.
8. Appeals of enforcement actions. Appeals of any order, requirement, decision or determination made by an administrative official in the enforcement of this Code shall be made to the BOA in accordance with this Code.
9. Liability of Town. This Code shall not be construed to hold the Town responsible for any damages to persons or property by reason of the inspection or reinspection or failure to inspect or reinspect, by reason of issuing a building permit or by reason of pursuing or failing to pursue an action for injunctive relief.
10. Violations. Violations of this Code may be enforced in the municipal court or any other court with jurisdiction, by any appropriate equitable action, by abatement, by issuance of stop work orders, by injunction and restraining order, by revoking any permits or approvals issued and by assessing any amounts due or delinquent fines as taxes. Any one (1) or any combination of the foregoing penalties and remedies may be used to enforce this Code.
11. Penalty. Failure to comply with all of the provisions of this Code shall constitute a misdemeanor and, upon conviction, is punishable by a fine of three hundred dollars (\$300.00) or imprisonment for a period of not more than ninety (90) days, or both. Each day that such violation continues to exist shall be considered a separate offense.
12. Costs and attorney's fees for enforcement for abatement to be paid to the Town. Costs and attorney's fees associated with said abatement shall be charged to the owner of the property on which said violation has occurred and any other person responsible for the violation, as defined in this Code. The cost of abating a violation of this Code shall include all direct and indirect costs of such abatement plus the costs of collection and

interest at the rate of one percent (1%) per month. Notice of the bill for abatement of the violation shall be mailed to the last known address of said property owner by certified mail and shall be payable within thirty (30) calendar days from the receipt thereof. If all of such costs are not paid within thirty (30) days of the notice, such costs may be made a lien on the property and certified to the county treasurer and collected with the taxes on the property.

Lapse of Approvals.

(b) Effective date

The provisions of this Code were adopted on January 5, 2021, and are effective in accordance with Ordinance May 28, 2021.

Application fees

Application fees for all annexation, zoning and development applications will be paid per a published Town fee schedule. The fee schedule may be revised and adopted annually by resolution of the Town Council and is available in the office of the Town Clerk.

Development review deposit and reimbursement of town costs

- (a) Fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters will be charged to applicants for permits, plat approvals, zoning or zoning amendments, site Plans, annexations, Plan approvals, sign permits, variances and other administrative relief. In addition to the standard fees, the applicant and the owner of the property that is the subject of the application shall be required to pay any actual costs and fees incurred by the Town for review of the application by consultants and Staff, including but not limited to engineering, surveying, legal and Planning. Such fees shall include the hourly cost for any contracted professionals engaged by the Town for review of the application. The Town may require a deposit from applicants to offset the Town's costs for review prior to consideration of any application submittal pursuant to this Code. Subsequent deposits may be required when the initial deposits are eighty-five percent (85%) depleted. These deposits may exceed the total amount of fees collected using the standard schedule of fees. The Town shall not continue the processing of any application for which the applicant or the property owner has refused to deposit the funds to cover the Town's cost of review.
- (b) Any funds deposited in excess of the standard fees remaining after paying the actual costs incurred by the Town shall be refunded to the applicant. The Town may certify to the county treasurer any amount due pursuant to this section as a lien on the property for which the application is submitted, to be due and payable with the real estate taxes for the Town if the applicant or the property owner does not pay such amount within thirty (30) days of written request by the Town.

Severability

If any part, section, subsection, sentence, clause or phrase of this Code is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of this Code. The Town Council hereby declares that it would have passed this Code, including each part, section, subsection, sentence, clause or phrase thereof, regardless of the fact that one (1) or more parts, sections, subsections, sentences, clauses or phrases was declared invalid.

Computation of time

- (a) In computing a period of days, the first day is excluded and the last day is included.

Commented [OJ4]: Include approval timeframes as approved by LUAC.

Commented [OJ5]: Relocated fees under the next Article (Procedures)

- (b) If the last day of any period is a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday.
- (c) If a number of months is to be computed by counting the months from a particular day, the period ends on the same numerical day in the concluding month as the day of the month from which the computation is begun, unless there are not that many days in the concluding month, in which case the period ends on the last day of that month.

Grammatical interpretation

- (a) As used in this Code, words in the singular include the plural, and words in the plural include the singular.
- (b) The words *must*, *shall* and *will* are mandatory; *may*, *can*, *should* and *might* are permissive.
- (c) The word *lot* shall include the words *building site*, *site*, *plot* or *tract*.
- (d) A *building* or *structure* includes any part thereof.
- (e) Words in the present tense include the future tense.

Note: Public Hearing and Notice Provisions moved under Procedures Article

Administrative authority for certain land use actions

- (a) Notwithstanding any other provision of this Land Use Code and subject to any limitations established by state statute, the Town Manager or such official's designee may act administratively, without resort to the Town Town Council or the Planning Commission with respect to any land use action that has insignificant impact on the public or adjoining landowners, does not change overall project density by more than five percent (5%), and does not require any change of zoning or variance. By way of illustration and not limitation, such actions shall be appropriate for:
 - (1) Lot line adjustments.
 - (2) Adjustments to lot boundaries on an approved plat that do not impair or diminish public parks or infrastructure.
 - (3) Modification of site Plan landscaping or fencing requirements that are consistent with the requirements of this Code.
- (b) Notice to the public and adjoining landowners shall be made in such instances in the same manner as for site Plan approval, except that the notice shall state that the Town Manager may act without further notice on the requested action and that any objections or concerns should be submitted in writing to the administrator by the end of the notice period. The Town Manager may decline to exercise the authority provided by this section in any instance, in which case all other processes established by this Code shall apply. Any decision of the administrator may be appealed to the Town Board of Adjustment (BOA) by an appeal notice filed within fifteen (15) days of the announcement of his or her decision.

Commented [OJ6]: Relocated and reworded to General Provisions Article.

Article 2 – Procedures

Procedures summary

Applications and land use procedures shall be processed in accordance with Table x.x.x and this Article.

[summary procedures table]

General criteria – all applications

- (a) Eligible Applicants. Table x.x.x indicates applicants eligible for each particular application type found under this Code.
- (1) Owner. The property owner of record for the subject property(s) of the application or the owner's authorized agent by written permission of the owner.
 - (2) Planning Commission. The Planning Commission, acting on its' own initiative or through recommendations brought to it by staff, and according to its' bylaws and procedures.
 - (3) Town Council. The Town Council acting on its' own initiative or through recommendations brought to it by staff or the Planning Commission, and according to its' bylaws and procedures.

(b) Application Forms. Applications required under this Code shall be submitted to the Community Development Department in a form and format specified by the Department. The Department and Director are authorized to establish submittal requirements and procedures to ensure all applications can be evaluated for conformance with this Code.

(1) Modification. The Director may waive or modify certain requirements for specific information at the time of application due to the routine nature of the application or due to the context of the application making the information inapplicable for review against the standards and criteria of this Code.

(2) Supplement. The Director may require further submittals or information, provided the request is reasonably required to evaluate compliance with this Code and/or adopted plans.

(c) Application Fees.

(1) Application fees for all annexation, zoning and development applications will ~~shall~~ be paid per a published Town fee schedule. The fee schedule may be revised and adopted annually by resolution of the Town Council and is available ~~in the office of the Town Clerk~~ for review at the Town.

(2) Applicant's shall submit Development review deposit and reimbursement of town costs ~~Fees~~ sufficient to cover the costs of administration, inspection, publication of notice and similar matters. These development review deposit fees will be charged to applicants for permits, plat approvals, zoning or zoning amendments, site ~~Plans~~ plans, annexations, ~~Plan-plan~~ approvals, sign permits, variances and other administrative ~~relief~~ functions. In addition to the standard fees, the applicant and the owner of the property that is the subject of the application shall be required to pay any actual costs and fees incurred by the Town for review of the application by consultants and ~~Staff~~ staff, including but not limited to engineering, surveying, legal and ~~Planning~~ planning. Such fees shall include the hourly cost for any contracted professionals engaged by the Town for review of the application.

- a. The Town may require a deposit from applicants to offset the Town's costs for review prior to consideration of any application submittal pursuant to this Code. Subsequent deposits may be required when the initial deposits are eighty-five percent (85%) depleted. These deposits may exceed the total amount of fees collected using the standard schedule of fees. The Town shall not continue the processing of any application for which the applicant or the property owner has refused to deposit the funds to cover the Town's cost of review.
- b. Any funds deposited in excess of the standard fees remaining after paying the actual costs incurred by the Town shall be refunded to the applicant. The Town may certify to the county treasurer any amount due pursuant to this section as a lien on the property for which the application is submitted, to be due and payable with the real estate taxes for the Town if the applicant or the property owner does not pay such amount within thirty (30) days of written request by the Town.

(d) Concurrent Applications. When a project requires approvals under more than one type of application, the Director may determine that each application may run concurrently based on the similarity of information needed and interrelationship between the applications.

(e) Withdrawal of an Application.

(1) The applicant may request to withdraw their, such request shall be in writing, either digital or print. Annexation applications with an approved resolution initiating annexation proceedings may only be withdrawn subject to approval by the Town Council.

(2) After withdrawal, the Town will take no further action on the application.

- (3) The applicant may resubmit an application which shall be treated as a new application for purposes of review, scheduling, and payment of the application fees.
- (4) A request for withdrawal of an application from a noticed agenda is subject to the discretion of the decision-making body.
- (f) Inactive Application. If the applicant fails to submit requested additional or revised application materials within one hundred eighty (180) days of the request, the Director may declare the application withdrawn.

Neighborhood meeting, public hearing and notification requirements.

- (a) Neighborhood Meetings. A neighborhood meeting may be required prior to the formal public meeting as indicated in Table x-x-x and as directed by the Director or Manager.
 - (1) Director Option. During the pre-application conference or as part of the review of an application, the Director may require a neighborhood meeting for any project that requires formal review beyond staff, and where:
 - a. The project is complex in nature or presents significant changes and impacts on properties in the vicinity of the proposal; or
 - b. It is anticipated that adjacent property owners will present questions or concerns regarding the proposal, beyond the criteria of this Code.
 - (2) Applicant Option. An applicant may decide to host a neighborhood meeting on any application. Such applications should be held prior to the formal application submittal.
 - (3) Meeting Notices. The applicant shall provide notice of the neighborhood meeting consistent with the requirements for a public hearing, including mailed, posted, and published notifications as specified in Sec. x-x-x and Table x-x-x of this Article.
 - (4) Meeting Format.
 - a. The applicant is responsible for all content of the meeting and for preparing meeting minutes to provide to the Town as part of the official project record.
 - b. The applicant shall work with the Town to coordinate meeting logistics, such as the date, time, venue, and notice requirements.
- (a)(b) Public Hearing(s). Public hearings (hearings) are open meetings conducted by local Boards to gather information from the public and to survey public opinion as part of the local ~~rule~~ decision-making process. ~~Public h~~earings are required by either the State or the Town and will be conducted before the Planning Commission, the Town Council or the ~~Town Council acting as the~~ Board of Adjustment, as appropriate. ~~Public h~~earings will be conducted under the following general conditions:
 - ~~(1) Before reviewing an application for a permit that requires a public hearing, said~~ A hearing shall be scheduled within a reasonable time as allowed by the schedules of the Town officials and Staff. The Town Manager or Staff, as delegated, are responsible for the scheduling of all public hearings.
 - (2) Subject to Paragraph 3 that follows, the hearing shall be open to the public and all persons interested in the outcome of the appeal or application shall be given an opportunity to present evidence and arguments.
 - (3) The Town Council, Planning Commission or Board of Adjustment conducting the hearing may place reasonable and equitable limitations on the presentation of evidence, arguments, and the cross-examination of witnesses.
 - (4) A hearing for which proper notice was given may be continued to a later date without again requiring notice, provided the specific date, time, and place of the continued hearing is announced at the original hearing.
 - ~~(3)(5)~~ (5) Record. An audio recording shall be made of all hearings, and transcripts of such hearings may be requested within thirty (30) days of the close of the hearing. Transcripts

shall be provided within a reasonable time after deposit of the cost of the preparation of the transcript with the Town.

~~(4)(6)~~ Modification of application at hearing.

- a. In response to questions or comments by persons appearing at the hearing or to suggestions or recommendations by the Town Council, Planning Commission or Board of Adjustment (BOA), the applicant may agree to modify his or her application, including the Plans and specifications submitted.
- b. Unless such modifications are so substantial or extensive so as to materially change the Plans, the hearing body may approve the application with the stipulation that the permit will not be issued until Plans reflecting the agreed-upon changes are submitted to the Town for review and approval as an administrative act.

~~(b)(c)~~ Public notice requirements. The Town shall give notice of any public hearing required as provided in the following list. Notice shall be provided for each application as indicated in Table x-x-x and Table x-x-x below. The applicant shall be responsible for all costs of such notices.

(1) Annexations. Annexation notifications shall be completed in accordance with Colorado statute, see C.R.S. 31-12-101 et seq.

(2) Mailed Notice Requirements. Where mailed notice is required under this Code, the following requirements shall be met:

a. Content. The mailed notice shall include a description of the proposal; the location of the meeting or hearing; the date, time, and location of the meeting or hearing; and information regarding public comment.

b. Mailing List. Where required by statute or this chapter, the mailed notice shall be sent to the following groups:

1) All record landowners within one thousand (1,000) feet of the proposal boundaries no later than fifteen (15) days before the hearing (unless otherwise specified by state statute). Where required by statute or this chapter to give notice to surrounding property owners, written notice shall be sent by mail not later than fifteen (15) days before the hearing (unless otherwise specified by state statute) to those persons who have listed for taxation any real property located within one thousand (1,000) feet of the lot, parcel or property area that is the subject of the application or appeal.

2) Where required by statute or this chapter to give notice to other interested property owners, such as mineral interest owners of record, mineral and oil and gas lessees for the property and appropriate ditch companies no later than fifteen (15) days before the hearing (unless otherwise specified by state statute), written notice shall be sent by mail not later than fifteen (15) days before the hearing (unless otherwise specified by state statute).

3) Where required by statute or this chapter to give notice to other parties of interest or referral agencies, written notice shall be sent by mail not later than fifteen (15) days before the hearing (unless otherwise specified by state statute).

b-c. Affidavit of Compliance. An affidavit of the applicant's compliance with the mailed notice requirements shall be provided to the Director prior to the meeting or public hearing to which the notice relates. Failure to provide the affidavit for a public hearing shall result in continuation of the public hearing.

e.d. Surface Development Notification. Notices shall be mailed to the mineral estate owner no later than required by state statute, see C.R.S. 24-65.5-103.

d.e. Where required by statute or this chapter to give notice of annexation hearings to special districts, school districts and Weld County Commissioners and the Weld County Attorney, written notice shall be sent by certified mail not later than thirty (30) days before the hearing.

~~(1)~~(3) Posted Notice Requirements. If notice by posting of the property is required by statute or this chapter, such notice shall occur by prominently posting signs on the property that is the subject of the proposed action. Such signs shall be posted no less than fifteen (15) days prior to the hearing (unless otherwise specified by state statute) and shall be easily legible from the nearest public streets. The sign shall be in the format available from the Town. ~~Posting shall be required for all properties seeking annexation, zoning, rezoning or subdivision approvals and any amendments such as variances and appeals to such approvals.~~

a. Affidavit of Compliance. If posting was done by the applicant, the applicant shall provide (prior to the hearing) an affidavit showing that the property was posted within the specified time.

~~(2)~~(4) Published Notice Requirements. The Town Clerk shall give notice of any public hearing required as follows:

a. Notice shall be given to potentially interested persons by publishing a notice one (1) time in a newspaper of general circulation in the area not less than fifteen (15) days prior to the hearing (unless otherwise specified by state statute).

b. This notice shall state the date, time, and place of the hearing, reasonably identify the lot, parcel or property that is the subject of the application or appeal and give a brief description of the action requested or proposed. Proof of publication shall be made part of the record at the time of the public hearing.

keep Town Hearing and Notification Requirements Table here -- minor updates

(a) ~~Hearing and notification requirements. Listed in Table 1.1 are the notification requirements in the Town. Abbreviations used include CRS and Hearing (Public Hearing). Hearings will be noticed per the Town in most instances but notice requirements for annexation must follow the provisions of the CRS. The mailed notices identified in the following table would normally include notice of both the Planning Commission and Town Council meeting/hearings as appropriate.~~

(b)(a) ~~Modification of application at hearing.~~

(1) ~~In response to questions or comments by persons appearing at the hearing or to suggestions or recommendations by the Town Council, Planning Commission or Board of Adjustment (BOA), the applicant may agree to modify his or her application, including the Plans and specifications submitted.~~

(2)(1) ~~Unless such modifications are so substantial or extensive so as to materially change the Plans, the hearing body may approve the application with the stipulation that the permit will not be issued until Plans reflecting the agreed upon changes are submitted to the Town for review and approval as an administrative act.~~

(c) ~~Hearing continuations. The Town Council, Planning Commission or BOA may continue the hearing to a subsequent meeting at a certain date and time or may close the hearing and continue the meeting to deliberate the issues until a final decision is made. If a hearing is continued to a certain date and time, no further notice of a continued hearing or meeting need be published.~~

(d)(a) ~~Record. An audio recording shall be made of all hearings, and transcripts of such hearings may be requested within thirty (30) days of the close of the hearing. Transcripts shall be provided within a reasonable time after deposit of the cost of the preparation of the transcript with the Town.~~

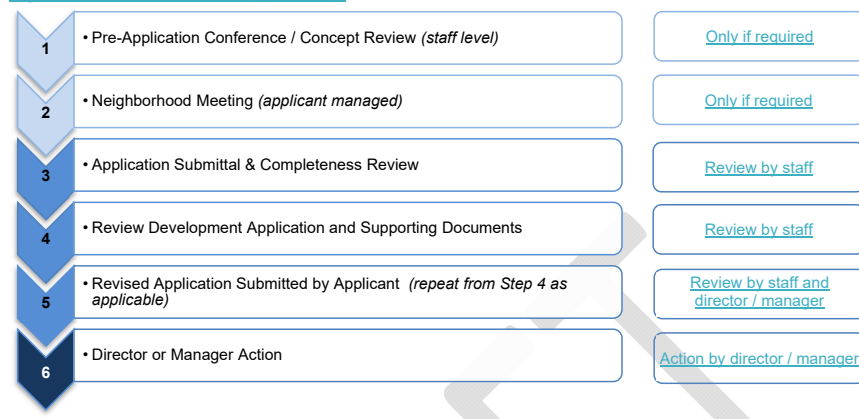
Application steps

This section is intended to outline typical development review steps administered by the Community Development Department for both administrative review and public hearing review applications, as identified in [Table x.x](#) under Procedures Summary. This information is not intended to reflect review timeframes or unique aspects of every application, including but not limited to the number of reviews required, situations beyond the Town's control, or individual approval requirements.

Figure x.x: Public Hearing Applications

1	• Pre-Application Conference / Concept Review (<i>informal staff level</i>)	Required unless waived
2	• Neighborhood Meeting (<i>applicant managed</i>)	Only if required
3	• Application Submittal & Completeness Review	Review by staff
4	• Review Development Application and Supporting Documents	Review by staff
5	• Revised Application Submitted by Applicant (<i>repeat from Step 4 as applicable</i>)	Review by staff
6	• Planning Commission Action or Recommendation	Review and decision, or recommendation by PC
7	• Council Action	Review and decision by Council

Figure x.x: Administrative Applications



(a) Step 1: Pre-Application Conference. This step (also referred to as a concept review meeting) provides an opportunity for an applicant to discuss their development plans with the Town. This step is required for most application types and may be waived by the Director or Manager depending on the unique characteristics of the development proposal. When required, the applicant shall submit the information required in accordance with the application and submittal requirements maintained by the Town.

(1) The applicant shall submit a request on a form or in a manner approved by the Town. Staff will coordinate a meeting with the applicant once all requested items have been submitted for the discussion.

(2) The meeting is an informal discussion of the preliminary development proposal with Town staff. The application shall submit the required information to facilitate discussion on the following topics:

- a. How the proposal meets the goals of the Comprehensive Plan, or other adopted plans or policies related to the application.
- b. The proposed use(s), general site layout, conceptual or anticipated design of the building(s), and how the project relates to surrounding sites and public spaces.
- c. How the project will contribute to the area and further the intent of the existing or proposed zoning district.
- d. The development review processes and review criteria.
- e. Impacts to infrastructure planning including timing, phasing, or the need for any technical studies or outside agency coordination and review.
- f. Necessary public improvements as part of the proposal including but not limited to public and private utilities, sidewalks and/or trails, road improvements, parks, landscaping, or other improvements warranted by the development.
- g. Opportunities to improve designs, layout, and overall function to meet Town goals and policies.

(b) Step 2: Neighborhood meeting. A neighborhood meeting may be required as indicated in [Table XXX](#) under Procedures Summary and are the responsibility of the applicant in working with Town staff. These meetings should occur prior to the formal application submittal so that input or

concerns may be considered in the initial application. Notices shall be in accordance with the Notification Requirements found in Sec. x.x.x of this Code. At the concept review meeting or during the review of an application, the Director or Manager may require a neighborhood meeting where:

- (1) The characteristics of the project are complex and present the potential for significant changes and unanticipated impacts on nearby or adjacent property.
- (2) The proposal is likely to raise questions or concerns from adjacent property owners, beyond the typical allowances under the zoning district and/or the adopted plans or policies.

(c) Steps 3, 4, and 5: Application Submittal and Review. Upon receipt of a complete application and payment of the required fee, the Town shall take the following steps:

- (1) Completeness Review. The Town shall determine if an application is complete. An application shall be considered complete if it is submitted in the required form, includes all submittal information specified by the Director or Manager, and is accompanied by the applicable application fee(s).
 - a. If an application is deemed complete, it shall be processed for formal review.
 - b. If an application is determined to be incomplete, the Town shall notify the applicant of the deficiencies. No further processing or review of the application will occur until the deficiencies are corrected as requested.
- (2) Referral. As part of the process, referral agencies may be notified and provided the opportunity to comment on an application. Referral agencies included but are not limited to adjacent or other local governments; state agencies; public and private utility providers; ditch companies; school districts; and other special districts such as the fire district.
- (3) Staff Review and Comments. The Town shall coordinate a staff review and may provide the applicant the following information in writing:
 - a. Comments or recommended change(s) based on the review of referral agencies, staff, and comments from any neighborhood meeting(s).
 - b. Supplemental information required to support the application, address comments or the recommended changes.

If the applicant chooses not to address any specific comment(s) or recommended change(s), a written explanation shall be included with the resubmittal that demonstrates a good faith effort to address the issue or justify why the comment was not addressed. Failure to address any comment or recommended change without explanation may be grounds for rejection of the revised application.

(d) Step 6: Director Action. For administrative applications, the Director shall make a final determination regarding a proposal. This determination shall be based on the technical review of the application by staff and the review criteria associated with the specific application type as identified in this Code.

(e) Step 6: Planning Commission Recommendation or Action. For public hearing applications, the Planning Commission may serve in the following two capacities:

- (1) As a recommending body that review the proposal against the criteria of this Code, adopted plans and policies, and the recommendation of professional staff, and provide a recommendation to the Town Council of approval, denial, or approval with conditions.
- (2) As a deciding body that reviews the proposal against the criteria of this Code, adopted plans and policies, and the recommendation of professional staff, and make a final decision on a proposal to either approve, deny, or approve with conditions.

(f) Step 7: Town Council Action. For public hearing applications, the Town Council serves as the decision body for certain applications, as specified on Table x-x-x. Following review of the

proposal against the criteria of this Code, adopted plans and policies, and the recommendation of the Planning Commission and professional staff, the Town Council may approve, deny, approve with conditions, or refer the application back to the Planning Commission for further review.

Annexation

(a) Purpose. The purpose of this ~~article~~-Section is to establish a procedure to bring land under the jurisdiction of the Town in compliance with the Colorado Municipal Annexation Act of 1965 (hereafter referred to as "Act"), as amended. This article, in part, provides supplemental requirements for annexation pursuant to the Act and is not to be construed as altering, modifying, eliminating, or replacing any requirement set forth in that Act or any requirements set forth in other portions of this Code. In the event of a conflict between the Act, the provisions of this ~~article~~ Section or any requirements set forth in other portions of this Code, it is the expressed intent of the Town Council that the more stringent provision shall control.

(b) Review Criteria.

(1) General Eligibility. The Town may consider an annexation petition for land that satisfies the eligibility requirements of the state statutes as follows:

- a. The area proposed for annexation has not less than one-sixth of its perimeter contiguous with the Town's municipal boundaries.
- b. A community of interest exists between the area proposed for annexation and the Town and the area is integrated with or is capable of being integrated with the Town.
- c. The full width of all public rights-of-way adjacent to a proposed annexation shall be included in the annexation.
- d. The responsibility to apply for exclusion from any applicable special districts shall be upon the applicant of the annexation.
- e. Annexations of enclaves may be initiated by the Town when such enclaves have been surrounded by property within the Town's municipal limits for a period of at least three years.

(2) Specific Criteria. The Town shall evaluate annexations according to the following criteria:

- a. The annexation complies with the Municipal Annexation Act of 1965, as amended (C.R.S. 31-12-101 et seq.);
- b. The proposed annexation complies with the Comprehensive Plan goals and objectives, other adopted plans and policies, and the regulations of this Code;
- c. The proposed annexation promotes geographical balance of the Town's land use pattern;
- d. Adequate facilities and services are or will become available to support the current or future development within the annexation area. Certain public facilities and amenities are necessary and must be constructed as part of any territory annexed to the Town in order for the public needs to be served by such facilities ~~(including. These facilities may include but are not limited to streets, bridges, public parks and recreation areas, water and sanitary sewer facilities, school sites, fire and police station sites and storm drainage facilities).~~
- ~~a-e.~~ The annexation of lands to the Town shall be shown not to create any additional cost or burden on the then-existing residents of the Town to provide such public facilities in any newly annexed area.
- f. The applicant has demonstrated that the proposed annexation follows all pertinent intergovernmental agreements to which the Town is a party.

- g. The proposed annexation is needed to accommodate future land use requirements.
- h. The proposed zoning complies with the Rezoning Review Criteria in **Sec. x-x-x**.
- i. The property being annexed is located within the Town's Growth Management Area.
- j. Unless otherwise agreed to, the landowner has waived in writing any preexisting vested property rights as a condition of annexation.
- k. Annexed areas will not divide tracts of land to prevent further annexation of adjoining parcels (for example, leaving a "gap" or a "strip" of land between property to be annexed and the adjoining property.)
- l. To the extent allowed by law or possessed by landowner, all subsurface (non-tributary) water rights shall be deeded to the Town at the time of annexation.
- m. Town-initiated annexations shall conform to C.R.S. 31-12-106 and the annexation ordinance shall include an annexation map meeting the requirements of C.R.S. 31-12-107(1)(d).

(c) Review Procedures. In addition to the specific review procedures required by state statutes at the time of annexation, and in accordance with the general procedures section of this Code, the following specific procedures apply to annexations:

- (3) A petition for annexation shall be signed by more than fifty (50) percent of the landowners in the area and owning more than fifty (50) percent of the land are of the proposed annexation.
- (4) An application form, related fees, and supporting documents includes plans, reports, and studies shall be provided by the applicant consistent with the application checklist requirements available through the Town.
- (5) The annexation assessment report is necessary for the Town to evaluate the feasibility and impacts of the proposed annexation on the Town's infrastructure, including but not limited to the ability to serve with streets, water, sanitary sewer, storm sewer, parks and recreation, schools, police, and fire protection; compliance with the Comprehensive Plan; sources of revenue from the property; the Town's costs to serve the proposed development and other related matters.
- (6) The applicant shall submit concurrently with their annexation application a request to establish zoning in accordance with the rezoning criteria found in **Sec. x-x-x**.
- (7) An annexation agreement shall be required for all annexation requests into the Town. See the annexation agreement criteria in Subsection x-x-x.
- (8) The Town Council shall review the annexation request to determine whether to proceed with annexation of the property by resolution, which shall include the public hearing dates.
- (9) The Planning Commission shall hold a public hearing on the annexation and consider the review criteria in this section when making a recommendation.
- (10) The Town Council shall hold a public hearing on the annexation and consider the review criteria in this section, the recommendations from staff and the Planning Commission, and determine if the annexation petition complies with the Municipal Annexation Act of 1965 when deciding on the annexation request.

(d) Effect of Decision. In the annexation is approved, the Town shall have the signed annexation plat recorded with the County. Annexed areas shall be included in the Town's zoning ordinance and map within ninety (90) days after the effective date of the annexation ordinance.

(+)-

Policy and review criteria:

It shall be the general policy of the Town, with respect to annexations, the annexation application and the consideration of annexation petitions, that:

- (1) Annexation is a discretionary act. Unless otherwise required by Colorado Statute, the Town Council shall have sole discretion in whether to annex property into the Town.
- (2) The land to be annexed and the uses proposed for the land shall conform to the goals, policies and strategies of the Comprehensive Plan and to the land uses depicted on the Future Land Use Map, as amended.
- (3)(1) ~~Certain public facilities and amenities are necessary and must be constructed as part of any territory annexed to the Town in order for the public needs to be served by such facilities. These facilities may include but are not limited to streets, bridges, public parks and recreation areas, water and sanitary sewer facilities, school sites, fire and police station sites and storm drainage facilities. The annexation of lands to the Town shall be shown not to create any additional cost or burden on the then-existing residents of the Town to provide such public facilities in any newly annexed area.~~
- (4) ~~The petitioner for annexation shall be responsible for paying application fees and the Town's full cost for processing the annexation applications and petition; from initial discussion with Town Staff before submittal of the petition, through the approval and recording of the final annexation documents.~~
- (5)(1) ~~Annexed areas will not divide tracts of land to prevent further annexation of adjoining parcels (for example, leaving a "gap" or a "strip" of land between property to be annexed and the adjoining property.)~~
- (6)(1) ~~To the extent allowed by law or possessed by landowner, all subsurface (non-tributary) water rights shall be deeded to the Town at the time of annexation.~~

Annexation Process:

(a) Annexation applications shall be processed and considered as follows:

- (1) Annexation pre-application conference. The application process begins with a pre-application conference with the Town Planner to determine the feasibility of the annexation request. Following this meeting, the applicant may submit a letter of intent requesting the annexation, the annexation application and petition as described in this section, the completed annexation application form, maps and supporting documents as determined at the pre-application conference. The Town Planner shall provide all applicants with a checklist identifying the form and number of copies for each submittal.
- (2) Annexation application. An annexation application is necessary for the Town to evaluate the impacts on the Town of annexing the property identified in the application and to negotiate an annexation agreement.
- (3) Town evaluation of annexation application. Town Staff shall analyze the feasibility of annexing the proposed property, including but not limited to the ability to serve with streets, water, sanitary sewer, storm sewer, parks and recreation, schools and police and fire protection; compliance with the Comprehensive Plan; sources of revenue from the property; the Town's costs to serve the proposed development and other related matters.

(b) Annexation petitions shall be processed and considered as follows:

- (1) Annexation petition certification and completion. The petition for annexation and all other documents submitted shall be reviewed by Town Staff for completeness and compliance with the provisions of the Act and this Code. The applicant shall be notified within five (5) working days of any deficiencies or inadequacies in the materials submitted. An

incomplete submission shall not be processed nor referred to the Town Council for a determination of substantial compliance.

- (2) Annexation petition referral to Town Council. Upon the Town Staff's determination that the petition and supporting documentation are complete and in compliance with provisions of the Act and this Code, the Town Staff shall refer the petition to the Town Council.
- (3) Town Council determination of substantial compliance. The Town Council shall take the appropriate steps to determine if the petition is in substantial compliance with the Act.
 - a. If the petition is found to be in substantial compliance with the Act, the Town Council may, by the adoption of a resolution of substantial compliance, set the annexation and zoning for public hearing on a specified date, time and place, not less than thirty (30) days nor more than sixty (60) days from the effective date of the resolution, subject to compliance with Section 31-12-108, CRS.
 - b. If the petition is found not to comply with the Act, no further action shall be taken, except that the determination shall be made by resolution of the Town Council.
 - c. If the Town Council, at its sole discretion, finds that the annexation is not in the best interest of the Town, it may deny the petition by resolution.
- (4) Annexation impact report. An annexation impact report conforming to Section 31-12-108.5, CRS, is required for areas of ten (10) or more acres and will be completed by Town Staff.
- (5) Planning Commission review and recommendations.
 - a. The Planning Commission shall review, as a public hearing, the annexation application at a regular or special meeting to be held prior to the date of the public hearing before the Town Council. The Planning Commission will make a recommendation by motion to the Town Council regarding the overall annexation of the property to the Town. The Planning Commission motion may be to recommend approval, approval with conditions or denial of the annexation.
 - b. At this same hearing, the Planning Commission may review the requested zoning of the property. Notice of the Planning Commission review of zoning shall be given in accordance with the requirements for an amendment to the zoning map. The Planning Commission shall recommend to the Town Council approval with or without conditions or recommend denial of the requested zoning.
- (6) Town Council public hearing and action on the annexation.
 - a. The Town Council shall hold the public hearing on the petition for annexation (and zoning, if requested in conjunction with the annexation). The petitioners shall present evidence in support of the petition and zoning, if applicable. The Town Staff shall testify as to the elements required by statute to be present for annexation and any comments received from governmental entities affected by the annexation. Any person may appear at the hearing and present evidence on any matter related to the annexation petition as determined by the Town Council. The Town Council may continue the hearing to another date without additional notice as provided by applicable law. At the conclusion of the public hearing, the Town Council shall adopt a resolution containing the findings of fact and conclusions, including:
 1. Whether the requirements of Sections 31-12-104 and 31-12-105, CRS and this section have been met.
 2. Whether additional terms and conditions are to be imposed.
 3. Whether an election is required, either as a result of a petition for election or the imposition of additional terms and conditions.

- b. ~~If the Town Council finds that the area proposed for annexation does not comply with the requirements of Sections 31-12-104 and 31-12-105CRS, the annexation proceeding will be terminated.~~
- c. ~~If the Town Council finds the following, then the Town Council may annex the land by ordinance without election and approve any annexation agreement. The zoning of the property, if requested with annexation, shall be approved by separate ordinance:~~
 - 1. ~~The annexation complies with the requirements of Sections 31-12-104 and 31-12-105, CRS and the provisions of section 30 of Article II of the Colorado Constitution."~~
 - 2. ~~An election is not required under Section 31-12-107(2), CRS or Section 30(1)(a) of article II of the Colorado Constitution.~~
 - 3. ~~1. No additional terms and conditions are to be imposed.~~

Annexation application:

An annexation application is necessary for the Town to evaluate the impacts on the Town of annexing the property identified in the application and negotiating an annexation agreement. The annexation application shall include the following information:

- (1) ~~Letter of intent. The applicant shall provide a letter of intent addressed to the Town Council to serve as a cover letter to the formal petition, introducing the applicant to the Town Council, requesting annexation of the petitioner's property and describing the development Plans for the property if it is annexed.~~
- (2) ~~Land use application form. The Town's land use application form shall be completed, signed and dated. The applicant shall provide application fee and deposit as provided by the adopted fee schedule at the time of the project submittal.~~
- (3) ~~Annexation petition. The applicant shall submit a petition for annexation that complies with the requirements of Section 31-12-107, CRS. The Town will provide the applicant with the standard form of this petition. One (1) original and one (1) electronic copy of the annexation petition shall be submitted to the Town.~~
- (4) ~~Cost reimbursement agreement for payment of development review expenses. The application shall be accompanied by a signed standard agreement for the payment of development review expenses incurred by the Town and the appropriate deposit of funds.~~
- (5) ~~Annexation map. Paper copies of the annexation map at twenty-four (24) by thirty-six (36) inches and reductions sized at eleven (11) by seventeen (17) inches are to be provided with the initial submittal. The annexation maps shall comply with the technical drawing requirements contained in Section 16.2.80 of this article. The map shall be accompanied by a written legal description of the property, including an electronic version in Word format. The Town Planner shall determine the number of copies needed.~~
- (6) ~~Title commitment. The applicant shall submit proof of ownership in the form of a current title commitment issued by a title insurance company licensed by the State, whose effective date shall be less than thirty (30) days prior to the date of submittal of the annexation petition. Ownership must match the ownership listed in the petition. If the legal description of the area to be annexed as shown on the annexation map does not match the legal description of the property owned because of road rights-of-way or other reasons, then the title policy must certify that the property owned is wholly contained within the described area on the annexation map. If the applicant is not the owner, there shall be provided, in addition to the title commitment naming the owner as the insured, a notarized affidavit by the owner stating that the applicant is authorized by the owner to~~

Commented [OJ7]: Remove from Code and incorporate as an application checklist that can be updated as needed.

make application for annexation. The applicant is to provide a word-processing file of the legal description contained in the title commitment.

- (7) Property tax statement. The applicant shall provide a copy of the prior year's property tax statement and paid receipt for all property to be annexed.
- (8) Mailing labels for Weld County, special districts, school districts, irrigation companies, mineral interest owners and adjacent property owners. The applicant is to provide mailing address labels and the appropriate number of stamped envelopes as required by this Code.
- (9) Zoning of property to be annexed. If zoning is requested simultaneously with annexation, the petitioner must submit a completed zoning application form, including a zoning map, for the property. If zoning is approved, the applicant must amend the official zoning map and pay all application, mapping and recording fees. If zoning is not requested simultaneously with annexation, the property is required by statute to be brought under compliance with this Code and the zoning map within ninety (90) days of the completion of the annexation process.
- (10) Annexation assessment report. The application is to be accompanied by a narrative report assessing the effect of the proposed annexation upon the community and existing service and facilities. It shall detail the need for any expansion of those services and facilities to accommodate the development proposed for the property being annexed. The narratives shall be one (1) or more paragraphs in length and shall be adequate to fully explain the needs, concepts and proposed solutions for each of the following:
 - a. The economic impact to the municipality of the proposed annexation.
 - b. The impact on schools, including an estimate of the number of students to be generated by development of the property.
 - c. The anticipated sources of water, sanitary sewer and other utilities to be used to serve the property and the impact on the water and sanitary sewer systems anticipated to serve the property.
 - d. The impact on the existing transportation system.
 - e. The compatibility of the proposed development with the Comprehensive Plan and any Plan amendments that may be necessary for the proposed development.
 - f. A review of existing and adjacent land uses, areas of compatibility or conflict and possible mitigation measures that may be required for the proposed development.

Post-approval actions:

- a. After final passage of the annexation ordinance, the applicant shall file with the Town final versions of all applicable documents, including one (1) Mylar and one (1) paper copy of the annexation maps. Applicant will submit digital copies of all files.
- b. In the event that zoning was requested with the annexation, zoning shall be granted by ordinance, and the official zoning map shall be amended accordingly. In the event that zoning was not requested with annexation, the Town shall bring the area annexed under the zoning ordinance and map within ninety (90) days after the effective date of the annexation ordinance in the manner provided by this Code.

(e) Annexation Public hearing notices.

- (1) Notice of the public hearing for annexation set by the resolution of substantial compliance shall be published and given to the county and to any special district or school district having territory within the area to be annexed in accordance with State law.

Commented [OJ8]: This can be incorporated into workflows that are not tied to Code.

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(2) A copy of the published notice, together with the letter of intent provided with the application and the annexation maps, shall be sent by the Town by U.S. mail to the owners of real property within one thousand (1,000) feet of the boundaries of the proposed annexation, irrigation ditch companies whose rights-of-way traverse the property to be annexed and to the mineral estate owners and their lessees of the property to be annexed, as outlined in Section 16.1.160 of this Code. Notice provided by the Town to the owners of the mineral estate and their lessees shall not relieve the petitioners of the responsibility to provide notice as required by Section 24-65.5-101, et seq., CRS. In the case of a "flagpole" annexation, the Town shall also provide notice to abutting property owners as specified in Section 31-12-105, CRS.

(3) Petitioner's responsibilities—mailing labels, notice to mineral estate owners and lessees. Upon notice of complete application by Town Staff:

- a. The petitioner shall provide the Town with a set of standard mailing labels (matching Avery 8160) for the owners of real property within one thousand (1,000) feet of the property to be annexed, the mineral interest owners and lessees for the property to be annexed, the irrigation ditch companies whose rights-of-way traverse the property to be annexed and the special districts encompassing the property to be annexed. The petitioner shall also certify that the required address list of owners of real property is complete. The petitioner will provide adequate envelopes and postage for all of the referenced mailings with submittal package.
- b. The petitioner shall provide a set of standard mailing labels (matching Avery 8160) for all special districts encompassing the property to be annexed, the Board of County Commissioners and the county attorney, special districts and school districts with territory within the property to be annexed, and referral agencies of the Town, as directed by the Town. The petitioner shall also provide a sufficient number of labels to mail notice to the owners of real property and mineral interest owners and lessees identified in the mailing list.
- c. The petitioner shall be responsible for providing notice of each public hearing (Planning Commission and/or Town Council) to the owners of the mineral estate on the property to be annexed and to their lessees, as required by Section 24-65.5-101, et seq., CRS. The petitioner shall certify to the Town Clerk the petitioner's conformance with this notice requirement, not less than fifteen (15) days prior to the date of the public hearings.

~~(a)(f) **Annexation agreement.** An annexation agreement is required for all annexation applications, unless waived by the Manager. The Town will provide the applicant with a draft agreement to review and finalize as part of the development review process. The annexation agreement must be executed by the applicant prior to scheduling the Planning Commission and Town Council public hearings on the annexation proceedings. The annexation application is reviewed and considered by Town Council as part of the overall annexation request. Should special circumstances warrant with historical use or special future use of the property, an annexation agreement can be requested either by the petitioner, Town Staff or an appointed or elected official of the Town. Should applicants wish to create an annexation agreement, they must contact the Town Attorney.~~

~~Annexation map technical standards.~~

~~The annexation map shall be prepared by or under the supervision of a registered professional land surveyor licensed with the State. The annexation map shall conform to the following drafting~~

standards and shall contain the following information. It shall be a neat, clear, permanent, legible and reproducible document. Inaccurate, incomplete or poorly drawn maps shall be rejected.

- (1) The annexation map shall be an original drawing on twenty-four (24) inch by thirty-six (36) inch flat, spliceless, tapeless and creaseless sheets of double matte Mylar film with a uniform thickness of not less than three one-thousandths (0.003) of an inch, using only mobile black ink that will adhere to drafting films or an acceptable "fix-line" photographic reproduction (emulsion down) or a computer-generated reproduction of the original drawing. A margin line shall be drawn completely around each sheet, leaving a margin at least one-half (½) inch on three (3) sides and a margin at least two (2) inches on the left (short) side, entirely blank. Unless otherwise specified, text and numbers are to be large enough to be clearly legible at the scale drawn.
- (2) The annexation map shall be drafted at a scale that best conveys the detailed survey and confines the drafting error to less than one percent (1%). Acceptable scales are 1" = 50' or 1" = 100'. For annexations exceeding one hundred (100) acres, an acceptable scale is 1" = 200'. In special instances, a different scale may be used if approved by the Town. When an annexation requires multiple sheets, an index shall be provided that delineates the boundaries and identifies each sheet number. The scale of a composite map may be different from the individual sheets, as approved by the Town. A "title sheet" containing the certifications and signature blocks shall be provided in the event that the annexation map sheet is too crowded.
- (3) The title shall be centered at the top of the sheet, along the long dimension of each sheet and shall include the name of the proposed annexation. A general legal description stating the section, Township, range, ____th P.M., Town of Severance, Weld County, Colorado, shall be included under the name. The total acreage shall be included on the title sheet (Sheet #1) under the general legal description. Annexation names may not duplicate existing annexation names.

Example:

NEW ANNEXATION

TO THE TOWN OF SEVERANCE, COLORADO

A part of the xx of Section xx Township ____ North,
Range ____ West, ____th P.M., Town of Severance,
Weld County, Colorado
xx.xx Acres

- (4) There shall be a title block in the lower right-hand corner or along the right-hand margin that contains the name, address and telephone number of the land owner, the developer and the engineer or surveyor preparing the drawing, an appropriate title for the drawing, the preparation date, sheet number, the preparer's project identification numbers, revision dates, draftsman's initials and the electronic drawing file name (matching the AutoCAD™ drawing file provided to the Town).
- (5) Adjacent to the title block in the lower right-hand corner, there shall be a legend block that includes a description of lines, points and symbols, a double-headed north arrow designated as true north and a written and graphic scale.
- (6) Adjacent to the right margin or in a column to the right of the center of the title page if the page is crowded, there shall be the Town's standard statement of ownership containing a

written metes and bounds legal description of the land to be annexed (including the full width of abutting roadways not already within the Town), followed by the owner's signature blocks and notary blocks, one (1) for each owner or mortgagee.

- (7) Immediately following the ownership certificate, there shall be the Town's standard surveyor's certificate, signed, dated and sealed by a licensed surveyor or engineer.
- (8) Immediately following the surveyor's certificate, there shall be the Town's standard certificate block for the Town Council.
- (9) Immediately following the Town Council's approval certificate, there shall be the Town's standard recording certificate block for the County Clerk and Recorder.
- (10) A vicinity map that depicts the area to be annexed and the area that surrounds the proposed annexation within a two (2) mile radius superimposed on a current United States Geological Survey (USGS) topographical map and maintaining the same scale shall be placed on the left side of the annexation map, outside the boundary of the area being annexed or on the left side of the title sheet.
- (11) The annexation map drawing shall:
 - a. Show the outline of area to be annexed with boldest line.
 - b. Show book, page, map number, etc. for all references and place where publicly recorded.
 - c. Show all recorded and apparent right-of-way lines of roads, both within and without the periphery of land to be annexed; these roads are those that are adjacent, adjoining, contiguous and/or coincident with boundary. Also provide all road names, right-of-way widths at each leg of an intersection, at the point of curve and point of tangent, at dead ends and angle points, and right-of-way lines with accurate bearings and dimensions, including chord length and bearings, central angles and radii of all curves. Whenever the centerline of a road has been established or recorded, the date and recording information shall be shown on the annexation map.
 - d. Show on the annexation map, next to the boundary of the area proposed to be annexed, a drawing of the contiguous boundary of the Town and the contiguous boundary of any other municipality abutting the area proposed to be annexed. A hatched boundary line shall be used to depict the boundary contiguous to the Town (example: ///////////////).
 - e. Show section, quarter section and other monument corners. Display ties to section corners and to the state grid, if available, that show dimensions of all primary boundary survey control points with complete monument and location descriptions, all parcel lines showing dimensions with lengths, bearings and curve data, including chord lengths and bearings, basis of bearings and relation to true meridian and similar data. Only circular curves shall be used. No spirals, parabolas, etc., shall be used. All dimensions are to be shown to the nearest one one-hundredth (0.01) of a foot or, in the case of degrees, to the nearest second. An accuracy of 1:50,000 (second order) minimum for linear and angular (bearing) closure shall be required for the boundary. All internal lots, tracts or parcels shall have a closure accuracy of one one-hundredth (0.01) of a foot.
 - f. Provide a description of all monuments, both found and set, that mark the boundaries of the property and all control monuments used in conducting the survey.
 - g. Show the location of each ownership tract in unplatted land and, if part or all of the area is platted, the boundaries and plat numbers of plots or lots and blocks.

- h.— Show the names and locations of all abutting subdivisions. The locations of all abutting unplatted parcels and public lands shall be depicted and designated as such.
- i.— Designate the ownership identity of all mineral rights.
- j.— Show the purpose, widths, location (with fine dashed lines) and ownership of all easements and all abutting easements, including but not limited to utility, oil and gas gathering and transmission lines, and irrigation ditches (fee or prescriptive). If any easement already of record cannot be definitely located, a statement of its existence, the nature thereof and its recorded reference must appear on the title sheet. The widths of all easements and sufficient data to definitively locate the same with respect to the parcel to be annexed must be shown. All easements must be clearly labeled and identified. If an easement shown on the annexation map is of record, its recorded reference must be given.
- k.— Depict all lines, names and descriptions on the annexation map that do not constitute a part of the annexation in dashed or screened lines. Any area enclosed by the annexation but not a part thereof shall be labeled "Not a Part of This Annexation."
- l.— Accurately locate one hundred-year (100-year) floodplains, all existing watercourses, streams, lakes or inlets on the affected property.
- m.— Show clearly the length and bearing of all lines described in the written description.
- n.— Show section numbers, quarter-section quadrants, Township and range lines, and label each.
- o.— Show all lines, calls, arcs, etc. described in written description.
- p.— Circle or place an ellipse around each location where a detail drawing will be provided, and provide designation for each detail, such as "See Detail A."
- q.— Show "Point of Beginning" in bold letters with an arrow.
- r.— Show "True Point of Beginning" with bold letters and arrow, when appropriate.
- s.— Indicate with a map note the total perimeter of the annexation boundary, the contiguous length to the existing Town boundary and the length representing one-sixth (1/6) of the total annexation boundary perimeter.

(12) An AutoCAD TM drawing file (release 2010 or higher) of the annexation maps and title sheets; all fonts used shall be provided electronically. If multiple maps are used, one (1) drawing file must combine all the parts into one (1) map showing the entire annexation. AutoCAD TM drawing files of each revision to the annexation map shall be provided at the time the revision is submitted to the Town.

(13) A word processing file of the legal description for the annexation and all submittal narratives shall be provided electronically as a Word document.

Findings.

When the Town Council conducts a hearing on an annexation petition, as contemplated by the Colorado Statutes, the Town Council shall determine whether the annexation petition complies with the Municipal Annexation Act of 1965 and all provisions pertaining to annexation contemplated by this Land Use Code.

Zoning

General provisions.

In their interpretation and application, the provisions of these zoning regulations shall be held to be minimum requirements adopted for the promotion of the public health, safety, convenience, comfort, prosperity and general welfare of the community.

- (1) Uniformity of regulations. The regulations established within each zone by this article shall apply uniformly to each class or type of structure or land. Unless exceptions are specified in this Code, the following interpretations shall apply:
 - a. No building, structure or land shall be used or occupied, and no building or structure or part thereof shall be erected, changed, constructed, moved, demolished, or structurally altered, unless in conformance with all of the regulations herein specified for the zone in which it is located.
 - b. No part of a yard, other open space, off-street parking or loading space around or in connection with any building that is in compliance with this Code shall be combined with part of a yard, open space, off-street parking or loading space that has not been zoned unless it is considered a specific exception as stated in this article.
 - c. No yard or lot existing or approved at the time of adoption or any amendment to this Code shall be reduced in dimension or area below the minimum requirements set forth herein as a result of such adoption or amendment.
 - d. Any use not permitted in a zone, either specifically or by interpretation by the Town Council as provided in this Code, is hereby specifically prohibited from that zone.
- (2) Conflict with other provisions of law. Whenever the requirements of this article are inconsistent with the requirements of any other lawfully adopted rules, regulations or ordinances, the more restrictive standards shall govern.
- (3) Conflict with private covenants or deeds. In case of a conflict between this Code and any private restrictions, the provisions of this Code shall control for purposes of enforcement by the Town. The Town shall have no responsibility to enforce private covenants or deed provisions.
- ~~(4)~~(1) Zoning of annexed territory.
 - a. ~~Zoning of land during annexation may be done in accordance with the procedure and notice requirements of this article. The proposed zoning ordinance shall not be passed before the date when the annexation ordinance is passed.~~
 - b. ~~a. Any area annexed shall be brought under the provisions of this article and the zoning map within ninety (90) days from the effective date of the annexation ordinance, despite any legal review that may be made challenging the annexation. During such ninety-day (90-day) period, or such portion thereof as is required to zone the territory, the Town shall not issue a building permit for any portion or all of the newly annexed area.~~

Commented [OJ11]: Relocate and reword under Article 6 - Zoning Districts

Purpose.

The purpose of this article is to create a vital, cohesive, well-designed community in order to enhance the Town's small-Town character and further the citizens' goals as identified in the Comprehensive Plan. These zoning regulations are designed to:

- (1) Encourage the most appropriate use of land throughout the Town and ensure logical growth of the various physical elements of the Town

- (2) Regulate and restrict the location and use of buildings, structures and land for residence, business, trade, industry or other purposes
- (3) Regulate and determine the size of building lots, yards and other spaces
- (4) Prevent the overcrowding of land, promote quality development, ensure efficiency in land use, lessen congestion, increase safety in travel and transportation and encourage development that supports the long-term stability and livability of the Town
- (5) Promote the health, safety and general welfare of Town residents

Zoning districts and boundaries.

In order to carry out the provisions of this Code and the Comprehensive Plan, the Town is divided into the following zoning districts, which are further defined in Article 6 of this Code:

- Rural Residential
- Rural Residential Conservation
- Rural Residential Agricultural
- Suburban Perimeter
- Town Core
- Development Nodes
- Development Node Industrial

Official zoning map.

The boundaries and classifications of established districts are as depicted on the "Town of Severance Official Zoning Map," which may from time to time be revised, updated or redrafted. The zoning map adopted and to be used for reference shall be that map bearing the most recent date of publication, which has been signed by the chair of the Planning Commission and the Mayor.

- (1) Interpretation of zoning district boundaries. In the event that uncertainty exists on the zoning map, district boundaries shall be on section lines, lot lines, the centerlines of highways, streets, alleys, railroad rights-of-way or such lines extended; municipal corporation lines; natural boundary lines such as streams or other lines to be determined by the use of scales shown on the map.
- (2) Amendment upon zoning or modification. Upon enactment of any ordinance annexing and establishing zoning or modifying existing zoning for any property and upon final passage thereof, the Town shall amend the prior existing zoning map to include the annexed area with the proper zoning classification or show the amended classification. Such updated official map shall contain, in table form, the date and number of the ordinance amending it, the title of the change, the date the map was amended to reflect each amendment and the initials of the person who checked and approved the change to the map.
- (3) Cost for amending zoning. Any person who proposes zoning for property being annexed or proposes modifying existing zoning shall bear the entire cost of amending the zoning map, including all notification costs. The Town shall provide applicants with a copy of the current fee schedule and a fee agreement form upon request.
- (4) Public inspection; storage of original. A copy of the zoning map shall be available and on display at Community Development during normal business hours. In addition, one (1) copy of the current zoning map and all prior zoning maps that have been adopted shall be held in a secure place by the Town Clerk, who shall act as custodian thereof, and the map shall not be amended, changed, updated or otherwise modified or let out of direct control of the Town Clerk for any reason whatsoever. The secured map is to be released for inspection only upon authorization of the Town Clerk.

Principal and conditional uses permitted by zoning district.

(a) General application of uses.

- (1) Uses designated as "uses by right" are allowed in a zone district as a matter of right but shall be required to conform to all requirements of this Code. If Code requirements are not met the Town reserves the right to deny a project based on non-compliance. Uses classified as "encouraged uses" are uses that are generally compatible and encouraged in a zoning district, but not allowed as a matter of right. These uses will be approved based on compliance with the Code as well as compatibility with adjacent land uses. Uses classified as "uses requiring additional review" are not allowed as a matter of right but may be approved by the Town Council with certain justification above and beyond the requirements of this Code. All uses must meet the requirements of this Code or be allowed as a legal non-conforming use with approval by the Town Council, otherwise they are not permitted.
- (2) Land uses not otherwise identified in this Code may be proposed. In order to allow such uses, the new or unlisted land use must be determined to be similar to either an encouraged use or use requiring additional review listed within that zone district. The term "similar" shall mean that the use can be reasonably interpreted to fit into a similar use category as identified in this Code. Town Staff will make a written determination regarding any request for a land use not listed in this Code. If a determination is made that the proposed use is similar to either a listed encouraged use or a use requiring additional review, it will be processed as a use requiring additional review under the provisions of this Code.

(b) Requirements of zone districts. Uses and requirements of zone districts are defined in Article 4 of this Code.

Commented [OJ12]: Relocate and reword under Article 6 - Zoning Districts

Amendments.

(a) Initiation of amendments to text or official zoning map. The Town Council may, from time to time, amend, supplement, change or repeal the regulations and provisions of this Code. The Town Council, Town Staff or Planning Commission may initiate amendments to the text of this Code. Amendments to the zoning district map may be initiated by the Town Council, Town Staff, Planning Commission or a real property owner in the area to be included within the proposed amendment.

(b)(a) General rezoning of the Town. Whenever the zoning district map is in any way to be changed or amended incidental to or as part of a general revision of the zoning Code, whether such revision is made by repeal of the existing zoning Code and enactment of a new zoning Code or otherwise, the requirement of an accurate survey map or other sufficient legal description thereof, and the notice to and listing of names and addresses of owners of real property in the area of the proposed change, shall be waived. However, the proposed zoning map shall be available for public inspection in the Town hall during regular business hours for fifteen (15) days prior to the public hearing on such amendments.

Commented [OJ13]: Integrated into new "Text amendment" section

(c) Zoning amendment application process.

- (a) Optional pre-application conference. The applicant may attend a pre-application conference with a representative from the Town. The purpose of the hearing is to discuss the zoning amendment, submittal requirements and review process.
- (b) Zoning amendment application submittal. The applicant shall submit two (2) hard copies and a digital file of the complete zoning amendment application package to the Town and shall request that the Planning Commission and Town Council review the application.

Note: In the case of text amendments, only subparagraphs a. and b. that follow are required.

- a. Completed land use application form, zoning amendment, application fee and fee agreement
- b. Written description of the proposed change to the text of this article, including the citation of the portion of the article to be changed and the wording of the proposed change. The description must provide the rationale for the proposed change, citing specific difficulties with the existing text and similar provisions in zoning Codes of other jurisdictions that support the rationale of the proposed change.
- c. Legal description for all property to be considered for rezoning.
- d. Current proof of ownership in the form of a title commitment issued within thirty (30) days of submission of the application (for zoning map amendments only).
- e. Zoning amendment map of the area included in the proposed change, twenty-four (24) inches high by thirty-six (36) inches wide, with the following information:
 1. North arrow, scale (1" = 100' or 1" = 200') and date of preparation.
 2. Subdivision or block and lot name of the area to be zoned (if applicable) at the top of each sheet.
 3. Legal description of area to be zoned (entire area and individual zoning districts). In unsubdivided property, zone boundaries shall be determined by a metes and bounds description.
 4. Location and boundaries, including dimensions, of the properties proposed for rezoning. (Note: Zone boundaries are to be the centerlines of physical streets, roads, highways, alleys, railroad rights-of-way and channelized waterways or such lines extended).
 5. Acreage or square footage contained within the property proposed for rezoning.
 6. All existing land uses in the proposed rezoning area.
 7. Zoning and existing land uses on all lands adjacent to the proposed rezoning.
 8. Location and dimensions for all existing public rights-of-way, including streets, and centerlines of watercourses within and adjacent to the rezoning.
 9. Names of all adjoining subdivisions with lines of abutting lots and departing property lines of adjoining properties not subdivided.
 10. Certificate blocks for surveyor, Planning Commission, Town Council and Weld County Clerk and Recorder.
 11. AutoCAD™ drawing (release 2010 or higher) of the zoning amendment map on acceptable electronic transfer.

Rezoning

(a) Purpose. The rezoning process provides review of changes to the boundary of zoning districts that may be necessary to:

- (1) Establish zoning with an annexation application;
- (2) Correct a manifest error in an ordinance;
- (3) Implement the Comprehensive Plan goals and policies;
- (4) To account for changed conditions in the general area; and/or
- (5) To reflect a change in policies with respect to future development.

(b) Review Criteria.

- (a) The proposal is consistent with the Comprehensive Plan, other adopted plans and/or policies, and the criteria of this Code.
- (b) The proposal serves a community need or amenity that was not considered at the time of the initial zoning of the property.
- (c) Any anticipated negative impacts or burdens on the area, public infrastructure, or adjacent properties are either mitigated by sound planning, design, and engineering practices, or are outweighed by broader public benefits to the surrounding community.
- (d) The proposed zoning will further development in the area that is in character with existing or future development when considering the design, pattern, scale and compatibility with surrounding uses and developments.
- (e) The recommendations of technical and professional staff or advisory review bodies.

(c) Review Procedures. In addition to the general procedures found in Section x-x-x and Table x-x-x, the following requirements are specific to rezoning applications:

- (1) The application shall include a written statement describing the proposal and addressing the following points:
 - a. Rationale for the proposed rezoning.
 - b. Present and future impacts on the existing adjacent zone districts, uses and physical character of the surrounding area.
 - c. Impact of the proposed zone on area accesses and traffic patterns.
 - d. Availability of utilities for any potential development.
 - e. Present and future impacts on public facilities and services, including but not limited to fire, police, water, sanitation, roadways, parks, schools and transit.
 - f. The relationship between the proposal and the Comprehensive Plan.
 - g. Public benefits arising from the proposal.
 - h. ~~Surrounding and interested property ownership mailing labels. The applicant shall provide the Town with two (2) current sets of mailing labels not more than thirty (30) days old of the names and addresses of the surrounding property owners (within one thousand [1,000] feet of the property), mineral interest owners of record, mineral and oil and gas lessees for the property, and appropriate ditch companies. The applicant shall certify that the report is complete and accurate.~~
- ~~(2) Zoning amendment application certification of completion. Within a reasonable period of time, Town Staff shall either certify that the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. The applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application to the Town. The original application and all documents requiring a signature shall be signed in blue ink.~~
- (2) Applications for rezoning may run concurrently with related applications at the direction of the Director or Manager.
- (3) Following review by staff and referral agencies, and any necessary resubmittal(s), the Director or Manager shall schedule review of the rezoning request by the Planning Commission during a public hearing.
- (4) The Planning Commission shall hold a public hearing and make a recommendation to the Town Council.
- (5) Town Council shall hold a public hearing and make a final decision on the rezoning application by ordinance.

(c) ~~Set zoning amendment public hearing and complete public notification process. No less than thirty (30) days prior to the scheduled public hearing, the Town shall send notice of public hearings to the applicant, all property owners of record within one thousand (1,000) feet of the property in question, all mineral interest owners, oil and gas lessees of record and the appropriate referral agencies. The Town shall also publish notice in a newspaper of general circulation. For zoning map amendments, the Town shall prepare a public hearing notification sign to be posted on the property within thirty (30) days as well. If the zoning amendment request is accompanying another application that is scheduled for public hearings before the Planning Commission and Town Council, one (1) public hearing may be held on both applications. Such notice shall not be required for text amendments.~~

(d) ~~Planning Commission public hearing and motion and Town Council ratification on the zoning amendment. The Planning Commission shall hold a public hearing to review the zoning amendment. The Planning Commission shall then make a motion to approve, conditionally approve, or deny the application that the Town Council will ratify. Town Council public hearing and action on the zoning amendment. The Town Council shall, after receiving the report and recommendations from the Planning Commission, hold a public hearing and act upon the proposed amendment. The public hearing should be held at the first available Town Council hearing following the Planning Commission hearing. Following the required hearing, the Town Council shall consider the comments and evidence presented at the hearing, evaluate the application in accordance with the following criteria and approve, approve with conditions or deny the application, in whole or in part.~~

(b)(d) Effect of Decision ~~Post-approval actions.~~ Upon approval of an amendment a rezoning request to the official zoning map by the Town Council, the Town shall cause an appropriate revision of the official zoning map to be prepared. ~~In the event an interested party~~ If the applicant initiated the rezoning amendment request, the petitioner shall pay the Town's cost for the preparation of the revision to the official zoning map. The Town shall record a copy of the official zoning map amendment with the County.

~~Upon approval of an ordinance amending, changing or repealing part of the text of this Code, the Town shall certify a copy of the ordinance and place it in the official records of the Town and make appropriate supplements to this Code.~~

- (1) ~~The applicant initiating the official zoning map amendment shall have thirty (30) days after approval of the amendment by the Town Council to submit to the Town two (2) original drawings of the approved zoning amendment map for recording, along with the recording fees and all other costs billed by the Town relative to the zoning amendment.~~
- (2) ~~A licensed surveyor or engineer shall prepare the zoning amendment map. Inaccurate, incomplete or poorly drawn Plans shall be rejected. In addition, the petitioner shall submit one (1) reduction of the zoning amendment map sized eleven (11) inches by seventeen (17) inches and an AutoCAD™ drawing file (release 10 or higher).~~
- (3) ~~Within thirty (30) days of receipt of an applicant-initiated zoning amendment map, the Town shall review the documents for compliance with the Town Council approval, obtain the Town officials' signatures and submit the approved zoning amendment map and the ordinance amending the official zoning map to the Weld County Clerk and Recorder for recordation.~~

(c) ~~Criteria for amendments to the official zoning map. For the purpose of establishing and maintaining sound, stable and desirable development within the Town, the zoning map shall not be amended except:~~

(d) ~~To correct a manifest error in an ordinance establishing the zoning for a specific property.~~

- (e) To rezone an area or extend the boundary of an existing district because of changed or changing conditions in a particular area or in the Town generally.
- (f) When the land to be rezoned was zoned in error and as presently zoned is inconsistent with the policies and goals of the Comprehensive Plan.
- (g) When the proposed rezoning is necessary to provide land for a community-related use that was not anticipated at the time of the adoption of the Comprehensive Plan, and the rezoning will be consistent with the policies and goals of the Comprehensive Plan.
- (h) When the area requested for rezoning has changed or is changing to such a degree that it is in the public interest to encourage development or redevelopment of the area.

This declaration of criteria for zoning map amendments shall not control an amendment that occurs incidentally to a general revision of the zoning map.

- (i) Criteria for text amendments to the zoning Code. For the purpose of establishing and maintaining sound, stable and desirable development within the Town, the text of this article shall not be amended except to:
 - (j) Correct a manifest error in the text of this Article.
 - (k) Provide for changes in administrative practices as may be necessary to accommodate changing needs of the community and the Town Staff.
 - (l) Accommodate innovations in land use and development practices that were not contemplated at the adoption of this Article.
 - (m) Further the implementation of the goals and objectives of the Comprehensive Plan.
 - (n) Map amendment upon zoning establishment or modification. Upon enactment of any ordinance annexing and establishing zoning or modifying existing zoning for any property and upon final passage thereof, the Town shall amend the prior existing official maps to include the annexed area with the proper zoning classification or show the amended classification, as the case may be. Such updated zoning map shall contain, in table form, the date and number of the ordinance amending it, the date the map was amended to reflect each amendment and the initials of the person who checked and approved the change to the map.

~~(e)~~(e) General rezoning of the Town. Whenever the zoning district map is in any way to be changed or amended incidental to or as part of a general revision of the zoning Code, whether such revision is made by repeal of the existing zoning Code and enactment of a new zoning Code or otherwise, the requirement of an accurate survey map or other sufficient legal description thereof, and the notice to and listing of names and addresses of owners of real property in the area of the proposed change, shall be waived. However, the proposed zoning map shall be available for public inspection in the Town hall during regular business hours for fifteen (15) days prior to the public hearing on such amendments.

~~(p)~~(f) Zoning of annexed territory.

- (1) Zoning of land during annexation may be done in accordance with the procedure and notice requirements of this aArticle. The proposed zoning ordinance shall not be passed before the date when the annexation ordinance is passed.
- (2) Any area annexed shall be brought under the provisions of this aArticle and the zoning map within ninety (90) days from the effective date of the annexation ordinance, despite any legal review that may be made challenging the annexation. During such ninety-day (90-day) day period, or such portion thereof as is required to zone the territory, the Town shall not issue a building permit for any portion or all of the newly annexed area.

Text amendment

- (a) Purpose. The Town Council, Planning Commission, or Town Staff may initiate amendments to the text of these regulations. Whenever the zoning district map is in any way to be changed or amended incidental to or as part of a general revision of the zoning Code, whether such revision is made by repeal of the existing zoning Code and enactment of a new zoning Code or otherwise, the requirement of an accurate survey map or other sufficient legal description thereof, and the notice to and listing of names and addresses of owners of real property in the area of the proposed change, shall be waived. However, the proposed zoning map shall be available for public inspection in the Town hall during regular business hours for fifteen (15) days prior to the public hearing on such amendments.
- (b) Review Criteria.
- (1) The amendment furthers the purposes of the Code
 - (2) The amendment improves the efficiency and effectiveness of administering the Code.
 - (3) The amendment is consistent with the Comprehensive Plan and other adopted plans and policies.
 - (4) The amendment incorporates innovations in land use and development practices that were not envisioned at the time the Code was written.
 - (5) The amendment promotes the public health, safety, and welfare of the Town's residents.
- (c) Review Procedures. In addition to the general procedures found in Section x-x-x and Table x-x-x, the following requirements are specific to text amendment applications:
- (1) Applications may run concurrently with a related Comprehensive Plan or other adopted plan amendment, as long as the amendment or plan has met the legal and policy requirements for approvals independently of the proposed code amendment.
 - (2) Amendments require the recommendation of the Planning Commission prior to consideration by Town Council.
 - (3) Town Council may recommend the application be returned to Planning Commission for further review or request additional information prior to taking action on the application.
- (d) Effect of Decision. Amendments to the text of these regulations shall be approved by the Town Council as an ordinance and be effective after the date specified in the ordinance. The Town shall incorporate the approved amendments into this Code.

Use by special review

- (a) Purpose. A use by special review provides flexibility for consideration of different uses which are unique in nature or character and, except as otherwise specifically provided for in this Code, allows the potential for additional uses subject to specific conditions and a case-specific review. These uses may require specific design, operational limitations, or additional mitigation to ensure the use is appropriate in a specific location of Town.
- (b) Review Criteria.
- (1) The proposal is consistent with the Comprehensive Plan, all other adopted plans or policies, and the criteria of this Code.
 - (2) The proposal furthers the intent of the underlying zoning district and does not conflict with the intent of any abutting districts.
 - (3) All associated site development or construction is consistent with the requirements of this Code, including any unique requirements identified for the particular use.

- (4) The proposal is compatible with adjacent uses in terms of operating characteristics such as hours of operation, visible and audible impacts, traffic patterns, intensity of use, and other potential impacts on adjacent property.
 - (5) The site is physically suitable for the proposal.
 - (6) The proposal does not result in undue or unnecessary burdens on the existing public infrastructure, or arrangements are made to mitigate such impacts.
 - (7) If a limited approval period for the use is reasonably necessary to either limit the duration of the use, assess the use against changing conditions in the area, or ensure periodic reporting and ongoing enforcement of any approvals.
 - (8) The recommendations of professional staff or other technical reviews associated with the request.
 - (c) Review Procedure. In addition to the general procedures found in Section x-x-x and Table x-x-x, the following requirements are specific to use by special review applications:
 - (1) A complete application shall include the following minimum requirements:
 - a. A written request with justification for the use by special review.
 - b. A conceptual site plan with necessary information to review conformance of any construction with standards of this Code, and to review any performance criteria for the proposal.

A use by special review application may be processed concurrently with a site plan application, if required.
 - (2) Following review of the request by staff and referral agencies, and any necessary resubmittal(s), the Director or Manager shall schedule review and final action of the request by the Planning Commission.
 - (3) The Planning Commission shall hold a public hearing and make a final decision on the use by special review request.
 - (4) The Planning Commission may include conditions on the approval to mitigate concerns with the physical development, operations, or maintenance.
 - (5) The decision of the Planning Commission may be appealed by the applicant to the Town Council.
 - (d) Effect of Decision. Approval of a use by special review allows the applicant to apply for a site plan, as applicable, a building permit, and other applicable permits.
 - (1) A use by special review shall expire within one year if the applicant has not submitted for an application for a building permit or other permits, licenses, or approvals necessary to establish the use. The Director or Manager may grant a one-year extension to this period. This period is distinct from any duration limits, periodic reviews, or renewal periods once the use is established, which may be a condition of approval by the Planning Commission.
 - (2) The approval shall expire if the use is no longer active or in operation after a one-year period.
 - (3) Minor changes may be approved by the Director or Manager upon meeting each of the following criteria:
 - a. The change expands the floor area, height, or other dimensional standards of the original approval by less than ten percent;
 - b. There is not a change of use or significant increase in the intensity of the use that could adversely impact adjacent properties;
 - c. The change does not exceed the limits or violate any specific conditions of the original approval; and
 - d. The change complies with all other provisions of this Code.

Any other proposed changes to the use shall require an amendment to the use by special review through the same procedures and criteria as the original application.

(4) A use by special review may be revoked by the Planning Commission through the same procedures granting the use, upon a finding that the conditions of approval have not been met, or that the use has otherwise violated the provisions of this Code.

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Dedication and vacation of easements.

- (a) Purpose. The dedication and vacation of easements is the process to officially record or eliminate easements that grant specific access and property interests stated on the recorded document, typically a plat or separate easement dedication document.
- (b) Eligibility. Easements may be dedicated or vacated in association with a minor or major subdivision process, or by this Section of the Code.
 - (1) Eligible applicants for the dedication of an easement(s) include any person or entity with a property interest in the abutting and underlying land. The owner of the underlying land must be involved in the dedication process.
 - (2) Eligible applicants for the vacation of an easement(s) shall be the easement holder or underlying property owner.
- (c) Review Criteria.
 - (1) The legal requirements for recording or eliminating the easement(s) have been established, and all forms and fees required by the Town have been submitted.
 - (2) The applicant has provided proof of ownership and provided notice to all other ownership interests in the easement or affected property.
 - (3) The request will not be detrimental to any adjacent property owner.
 - (4) No owner or entity with a property interest in the easement has objected.
 - (5) All parties with interest in or potentially impacted by the request have received notice and have had time to comment, including public and private utility providers.
 - (6) For a vacation, there is no current or future public purpose for the easement when considering the Comprehensive Plan and other adopted plans or policies.
 - (7) For a dedication, there are no conflicts with existing or planned easements and/or infrastructure.
 - (8) The application meets all other procedures and requirements of the Colorado Statutes, the Colorado Constitution, and the Municipal Code.
- (d) Review Procedures. In addition to the general procedures in Section x-x-x and Table x-x-x, the following requirements are specific to dedicating or vacating easements within the Town:
 - (1) The applicant shall submit an application, a plat or other legal document showing the proposed vacation or dedication, the affect to adjacent or abutting properties, and a legal description as warranted based on the request.
 - (2) The Town shall evaluate the application for completeness and coordinate review of the application per Section x-x-x. The review shall include a request for comments from all referral agencies who may have facilities or other interest in the easement.
 - (3) The Town may require the applicant complete a consent form from the applicant for all applicable public and private utility providers.
 - (4) The Director or Manager shall make a final decision following review and analysis by staff and referral agencies.
- (e) Effect of Decision. After approval of an easement dedication or vacation, the Town shall record the plat or other legal document with the County. A denial of a vacation or dedication application may be appealed to the Planning Commission.

Dedication and vacation of rights-of-way.

- (a) Purpose. The dedication and vacation of rights-of-way (ROW) is the process to officially record or eliminate ROW granting specific access and property interests stated in the recorded document, which are not associated with a major subdivision process.

(b) Eligibility. ROW may be dedicated or vacated in association with a major subdivision process, or by this Section of the Code.

(1) Eligible applicants for a dedication or a vacation include the Town or any person or entity with a property interest in the abutting and underlying land. For ROW abutting multiple property owners, the Town may require all owners to be part of the application.

(c) Review Criteria.

(1) The legal requirements for recording or eliminating the easement(s) have been established, and all forms and fees required by the Town have been submitted.

(2) The applicant has provided proof of ownership of property abutting or underlying the ROW. Where multiple properties are involved, each owner shall be included on the application.

(3) The request will not be detrimental to any adjacent property owner

(4) No owner or entity with a property interest in the ROW has objected.

(5) All parties with interest in or potentially impacted by the request have received notice and have had time to comment, including public and private utility providers.

(6) For a vacation, there is no current or future public purpose for the ROW when considering the Comprehensive Plan and other adopted plans or policies.

(7) For a dedication, the ROW will serve a public purpose and the dedication is sufficient to meet the design standards and specifications adopted by the Town for streets, sidewalks, trails, or other ROW.

(8) The application meets all other procedures and requirements of the Colorado Statutes, the Colorado Constitution, and the Municipal Code.

(d) Review Procedures. In addition to the general procedures in requirements in Section x-x-x and Table x-x-x, the following requirements are specific to dedicating or vacating rights-of-way (ROW) in the Town:

(1) The applicant shall submit an application, a plat or other legal document showing the proposed vacation or dedication, the affect to adjacent or abutting property, and a legal description as warranted based on the request.

(2) The Town shall evaluate the application for completeness and coordinate review of the application per Section x-x-x. The review shall include a request for comments from all referral agencies who may have facilities or other interest in the ROW.

(3) The Town may require the applicant complete a consent form for all applicable public and private utility providers.

(4) Following review and analysis by staff and referral agencies, the Director or Manager shall schedule review by the Planning Commission.

(5) The Planning Commission shall consider the application subject to the review criteria and make a recommendation to the Town Council.

(6) Upon receipt of a recommendation from the Planning Commission, the Town Council shall make a final decision, and may condition a decision to vacate ROW on reserving any interest it determines necessary to serve a public purpose or the interests of the affected property.

(e) Effect of Decision. After approval of a right-of-way dedication or vacation, the Town shall record a copy of the scale drawing or illustration and legal description with the County.

Article 3 – Development Agreements and Security

Agreements and improvements Development agreement provisions and processes.

- (a) Purpose. The applicant shall enter into a development agreement (also referred to as an improvement agreement or subdivision agreement) with the Town to guarantee construction of stating that the applicant agrees to construct any ~~all~~ required public improvements shown in the final ~~plat documents~~ development plan(s), together with security in a form approved by the Town Attorney, ~~is required. The development agreement, as applicable, shall be fully executed by the applicant prior to final review and action on the development plan by the Town, or the Town may postpone final action on the development plan. No subdivision plat shall be signed by the Town or recorded at the office of the county clerk and no building permit shall be issued for development until a development agreement between the Town and the applicant has been executed.~~ Such agreement shall include a list of all agreed-upon public improvements and landscaping, an estimate of the cost of such improvements, the form of guarantee for the improvements, and any other provisions or conditions deemed necessary by the Town ~~Council~~ to ensure ~~that~~ all improvements will be completed in a timely, quality, and cost-effective manner. Such public improvements may include but are not limited to the construction of streets, curbs and gutters, driveways, sidewalks, storm drainage systems, public water and sewer infrastructure, fire hydrants, floodway and irrigation ditch improvements, streetlights, sidewalks, trails, traffic control devices, required off-site improvements, and signage.
- (1) Other agreements or contracts setting forth the ~~Plan~~ plan, ~~method~~ method, and parties responsible for the construction of any required public improvements shown in the final ~~plat~~ development plan documents may also be required.
- (b) ~~As required by this Code and all applicable laws, rules and regulations, the applicant shall apply to the Town for inspection of improvements.~~
- (c) ~~The following improvements shall typically be constructed as determined by the Town Engineer:~~
- ~~(1) Road grading and surfacing.~~
 - ~~(2) Curbs.~~
 - ~~(3) Streetlights.~~
 - ~~(4) Sidewalks.~~
 - ~~(5) Sanitary sewer collection system.~~
 - ~~(6) Storm sewers or storm drainage system, as required.~~
 - ~~(7) Potable water distribution.~~
 - ~~(8) Non-potable water distribution.~~
 - ~~(9) Fire hydrants.~~
 - ~~(10) Utility distribution system for public parks and open space.~~
 - ~~(11) Street signs at all street intersections.~~
 - ~~(12) Permanent reference monuments and monument boxes.~~
 - ~~(13) Underground telephone, electricity and gas lines.~~

~~Three (3) SDR11 smooth conduit lines, one and one quarter (1 ¼)" inch in diameter, shall be placed at horizontal and vertical locations approved by the Town Engineer within the municipal utility easement with a capped junction at each buildable lot. In addition, when crossing a public street, a High Definition Poly Ethylene (HDPE) four (4) inch schedule 40 PVC sleeve conduit will be placed around each of the three (3) SDR 11 smooth conduit lines for the full width of the Right of Way (ROW). Once installed and accepted by the Town, the conduit shall become the property of the Town of Severance, and its use shall be subject to license or franchise by the Town.~~
 - ~~(14) Berm or fence along major arterial and collector streets.~~

(15)Required landscaping, open space and park improvements.

(16)Tree lawns.

(17)Under drains.

(18)Trails.

(19)Required floodway improvements.

(20)Required irrigation ditch improvements.

(21)Required off-site improvements.

(b) Time frame for completion. Commencement of construction of all or a portion of the approved ~~final plat~~ development plan shall occur within three (3) years from the date of recordation of said ~~final plat~~ development plan. The required time frame for the completion of all required improvements for all or a portion of ~~said final plat~~ the development plan shall be three (3) years from the Town's issuance of a grading or other permit to commence construction. However, the Town ~~Council~~ may, for good cause shown, extend such time for commencement or completion of the required improvements upon request from the applicant to the Manager.

(c) Process. The following steps outline the process for creating, reviewing, approving, and administering the Town's development agreement process through final acceptance of all required improvements.

(1) Step 1: The Town provides a draft copy of the development agreement to the applicant during the development review process to review and comment on.

(2) Step 2: The applicant returns the draft agreement with proposed revisions for final review and consideration by the Town.

(3) Step 3: The Town sends the applicant a final signature ready version of the agreement to execute prior to final review and action on the development proposal. The signed agreement accompanies the final development plan for review by the decision body, as outlined in this Code under Article 2 – Procedures.

(4) Step 4: If the development plan is approved by the Town, the Town will execute the final development application and send the applicant a signed copy.

(5) Step 5: The applicant shall post security, in a form approved by the Town Attorney and outlined in the executed development agreement, to cover the construction and warranty period of the necessary improvements outlined in the agreement.

(6) Step 6: Following installation of the required improvements, the applicant shall apply to the Town for inspection of improvements, as required by this Code and all applicable laws, rules, and regulations.

(7) Step 7: The Town shall complete inspection(s) of all required improvements and determine if the project has received initial acceptance and can move into the warranty phase.

a. If incomplete, the Town will issue the applicant a letter and list of defects or items that require additional attention prior to the Town issuing initial acceptance. Once the applicant has addressed the Town's comments, they shall apply for reinspection of the outstanding improvements, see Step 6.

b. If complete, proceed to Step 8.

(8) Step 8: If deemed complete, the Town will issue initial acceptance of the required improvements and reduce the applicant's posted security to cover the two-year warranty period.

(9) Step 9: Following the two-year warranty period, the applicant shall apply to the Town for final acceptance and release of the remaining security.

(10) Step 10: The Town shall complete final acceptance warranty inspection(s) of all required improvements and determine if the project requires warranty work or if the Town can issue final acceptance.

- a. If warranty work is needed, the Town will issue the applicant a letter and list of defects or items that require additional attention prior to the Town issuing final acceptance. Once the applicant has addressed the Town's comments, they shall apply for reinspection of the warranty items, see Step 9.
- b. If no warranty work is identified, proceed to Step 11.

(11)Step 11: If no warranty work is necessary, the Town will issue final acceptance of the required improvements and return the remaining warranty security held by the Town. At this point, all remaining obligations of the applicant should have been met, subject to the requirements of the final development agreement.

(d) Amendments. In the event the agreement needs to be amended, the applicant or Manager may initiate the amendment process, which includes review of the proposed changes by both parties and a determination by the Manager on whether the proposed changes require Town Council review or if the proposed changes can be updated administratively. Administrative changes may include but are not limited to agreement deadline extensions, reassignment of the agreement requirements due to applicant or ownership changes, updates to the list of improvements based on administrative changes to the final development plans, or adjustments to the estimate of the cost of improvements based on market conditions.

General regulations to the security for required improvements.

(a) Purpose. For each development agreement or similar agreement executed by the Town, the applicant shall post security in the form of a letter of credit, cash, or similar security instrument in a form approved by the Town Attorney, and drawn in favor of the Town in an amount equal to one hundred percent (100%) of the estimated cost of the construction of the required improvements. For purposes of this Section, "required improvements" shall mean:

- (1) All improvements intended for dedication to the Town;
- (2) All streets, sidewalks, and trails, regardless of whether they are intended for dedication to the Town;
- (3) All storm drainage improvements, regardless of whether they are intended for dedication to the Town; and
- (4) All landscaping improvements intended for dedication to the Town or to an approved association or district.

(a)(b) Initial Acceptance and Partial Release of Security. Upon completion of such improvements within the required time and approval thereof by the Town, the Town shall cause the ~~cash or letter of credit~~ security, excluding the retainage for warranty security, to be released within thirty (30) days of following the Town's initial acceptance of such improvements and receipt of the required as-built drawings; however, the Town will retain ten (10)-percent security of the original security until final acceptance at the end of the two (2)-year warranty period. When such improvements are not completed within the required time, the Town may cause the proceeds of the ~~cash or letter of credit~~ security to be used to close or complete the required improvements in accordance with the terms and provisions of the development agreement.

(d)(e) Partial release of security. During construction of required improvements, the applicant may from time to time request the release by the Town of a portion of the security for improvements that have been inspected and approved by the Town Engineer, as shown on approved phasing plans as part of the approved development plan. The required warranty period shall commence upon completion and initial approval of all required improvements and landscaping in accordance with the terms and provisions of the development agreement. Full and complete acceptance of the project will occur at the termination of the warranty period after final inspection.

~~(e)~~(f) Warranty. All workmanship and materials for all required improvements shall be warranted for a minimum period of two (2) years by the applicant as specified in the development agreement and this Code.

Article 4 – Construction Requirements

Installing underground conduit.

- (a) Purpose. To provide for the installation of public and private utilities after completion of streets, sidewalks, trails, or similar improvements. Three (3) SDR11 smooth conduit lines, one and one-quarter (1 ¼) inch in diameter, shall be placed at horizontal and vertical locations approved by the Town Engineer within the municipal utility easement with a capped junction at each buildable lot. In addition, when crossing a public street, a High Definition Poly Ethylene (HDPE) four (4)-inch schedule 40 PVC sleeve conduit will be placed around each of the three (3) SDR 11 smooth conduit lines for the full width of the Right of Way (ROW).
- (b) Ownership. Once installed and accepted by the Town, the conduit shall become the property of the Town of Severance, and its use shall be subject to license or franchise by the Town.

Reserved

Article 5 – Vested Property Rights

Purpose.

This article specifies procedures necessary to implement Article 68 of Title 24, CRS, which establishes a vested property right to undertake and complete development of real property under the terms and conditions of an approved site-specific development Plan. No vested rights shall be created within the Town except through a site-specific development Plan.

General provisions.

- (a) Request for site-specific development Plan approval. Landowners wishing the creation of vested property rights pursuant to Article 68 of Title 24, CRS shall request that approval in writing at least thirty (30) days prior to the date that the approval is to be considered. Failure of the landowner to request such an approval renders the Plan not a "site-specific development Plan" and no vested property rights shall be deemed to have been created.
- (b) Notice and hearing. No site-specific development Plan shall be approved until notice of such hearing has been published by the Town at least fifteen (15) days before the hearing and after a public hearing called for that purpose. Such notice may, at the Town's option, be combined with any other required notice. At such hearing, all interested persons shall have an opportunity to be heard.
- (c) Approval, conditional approval, effective date, amendments, referendum and review.
- (1) A site-specific development Plan shall be deemed approved upon the effective date of the Town action granting final approval of the Plan. For purposes of this Code, a site-specific development Plan shall be limited to the following: final plat, site Plan and/or a development agreement that creates a vested property right and is adopted as a legislative act of the Town. Zoning and annexation shall not result in the creation of vested property rights, other than as accompanied by the approval of a site-specific development Plan. The vested property right shall attach to and run with the applicable property and shall confer upon the landowner the right to undertake and complete the

development and use of said property under the terms and conditions of the site-specific development Plan, including any amendments thereto.

- (2) The Town Council may approve a site-specific development Plan with terms and conditions as may reasonably be necessary to protect the public health, safety and welfare. Such conditional approval will result in a vested property right, although failure to abide by all such terms and conditions shall result in a forfeiture of the vested property right.
 - (3) In the event amendments to a site-specific development Plan are approved, the effective date of such amendments, for purposes of duration of a vested property right, shall be the date of the approval of the original site-specific development Plan unless the Town Council specifically finds to the contrary and incorporates such findings in its approval of the amendment.
 - (4) The approval of vested property rights shall be subject to all rights of referendum and judicial review.
 - (5) The approval of vested property rights shall be subject to all rights of referendum and judicial review, except that the period of time permitted by law for the exercise of such rights shall not begin to run until the date of publication of a notice to the general public of the site-specific development Plan and creation of vested property rights.
- (d) Notice of approval.
- (1) Each plat or site Plan constituting a site-specific development Plan by this Code shall contain the following notice:
"This Plan constitutes a site-specific development Plan as defined in Article 68 of Title 24, CRS and Article 1 of the Severance Land Use Code available at the Severance Town Hall, 231 West Fourth Street, Severance, Colorado 80546."
Failure to contain this statement shall invalidate the creation of the vested property right.
 - (2) The Town shall publish a notice describing generally the type and intensity of the approved use, the specific parcel or parcels of property affected, the terms and conditions of any approval and a statement that a vested property right has been created. The notice shall be published once, not more than fourteen (14) days after approval of the site-specific development Plan, in the newspaper of general circulation in the Town chosen for publishing public notices. Failure of the developer to publish the notice constitutes a waiver of the vested right by the developer.
- (e) Duration of vested property right. A property right that has been vested as provided herein shall, upon compliance with the terms and conditions of the approval thereof, remain vested for a period of two (2) years, except that the Town Council may, in its sole discretion, grant vested property rights for a longer period within a final plat, site Plan and/or development agreement when warranted in light of all relevant circumstances, including but not limited to the size and phasing of the development, economic cycles and market conditions. The vesting period shall not be extended by any amendments to a site-specific development Plan unless expressly authorized by the Town Council in an ordinance approving such amendments. For purposes of this Code, completion of a development shall include installation of all engineered improvements (water, wastewater, streets, curb, gutter, sidewalks, fire hydrants and storm drainage improvements) in accordance with the Town rules and regulations.
- (f) Extensions. A vested property right may be extended for periods of one (1) year by the Town Council. The property owner must request an extension in writing not later than thirty (30) days prior to the date of expiration of the vested right. Prior to the expiration of the original vesting timeframe or the extension timeframe, an applicant may formally request an additional extension if substantial progress has been made on installation of public

improvements. In considering whether to grant an extension, the Town Council shall apply the following criteria:

- (1) That there is no conflict with this Code or that any conflict with the Code can be corrected by an amendment to the Plan, which shall be presented with the request for extension.
 - (2) That the applicant has demonstrated that the Plan continues to be compatible with adjacent properties and the surrounding areas or that compatibility may be established by an amendment to the Plan, which shall be presented with the request for an extension.
 - (3) That the applicant has demonstrated that the Plan is consistent with the Town's Comprehensive Plan.
- (g) Other provisions unaffected. Approval of a site-specific development Plan shall not constitute an exemption or waiver of any other provisions or requirements of this Code or the Town pertaining to the development or use of property, adopted or applicable before or after the approval of the site-specific development Plan.
- (h) Payment of costs. In addition to any and all other fees and charges imposed by this Code, the applicant for approval of a site-specific development Plan shall pay all costs incurred by the Town related to such application, including but not limited to publication of notices, public hearing costs, county recording fees and third-party review costs.
- (i) Limitations. This article is enacted pursuant to the provisions of Article 68 of Title 24, CRS. In the event of the repeal of said Article or a judicial determination that said Article is invalid or unconstitutional, this Article shall be deemed to be repealed and the provisions hereof no longer effective.
- (j) Disclosure of previously granted vested property rights and hazards.
- (1) Any petition for annexation to the Town shall describe all vested property rights approved by any local government in effect at the time of the petition, if any, and shall be accompanied by all site-specific development Plans approved by any local government. Failure to so identify any previously approved vested property right and to provide all approved site-specific development Plans shall constitute a waiver of the vested rights created by any other local government upon annexation to the Town, unless specifically provided otherwise in the ordinance of annexation adopted by the Town.
 - (2) The applicant shall be required to include with any Plan submitted for approval as a site-specific development Plan notice of any natural or human-made hazards on or in the immediate vicinity of the subject property that are known to the applicant or could reasonably be discovered at the time of submission of the Plan. Should a hazard on or in the immediate vicinity of the property be discovered subsequent to the approval of a site-specific development Plan, which would impose a serious threat to the public health, safety and welfare and is not corrected by the applicant, the vested property right created by such site-specific development Plan shall be forfeited by the applicant.

Table x.x – Review Procedures Summary

Procedure	Eligible Applicants			Neighborhood Meeting	Pre-Application Conference	Review Body				Notification Requirements (see Sec. x.x.x)		
	Owner	PC	TC			Staff	PC	TC	BOA	Mailed Notice	Posted Sign	Publication
Annexation	☒		☒	☐	☒	R	<R>	<D>		☒	☒	☒
Comprehensive Plan Amendment	☒				☒	R	<D>	<A>		☒	☒	☐
Major Subdivision – Preliminary Plat	☒			☐	☒	R	<R>	<D>		☒	☒	☒
Major Subdivision – Final Plat	☒				☒	D	A	Ac			☐	
Minor Subdivision Plat	☒				☒	D	<A>	<A>		☐	☐	
Rezoning	☒	☒	☒	☐	☒	R	<R>	<D>		☒	☒	☒
Site Plan	☒				☒	D	A	<A>		☐	☐	
Text Amendment		☒	☒			R	<R>	<D>				☒
Use By Special Review	☒			☐	☒	R	<D>	<A>		☒	☒	☒
Variance - Minor	☒				☒	D		A	<A>	☐	☐	☐
Variance - Major	☒				☒	R		A	<D>	☒	☒	☒
Alternative Compliance	☒				☒	D	A	A		☐		
Appeals	☒	☒	☒					A	<D>	☒		
Easement Vacation / Dedication	☒				☐	D	A	A		☐		
ROW Vacation / Dedication	☒				☐	R	R	D		☒		☒

PC = Planning Commission
 TC = Town Council
 BOA = Board of Adjustments
☒ = Required
☐ = Director Option
 < > = Public Hearing

R = Review and Recommending Authority
 D = Decision Making Authority
 A = Appeal of Decision
 Ac = Acceptance of Public Improvements/Dedications



AGENDA ITEM SUMMARY

AGENDA ITEM	SUBMITTED BY	PRESENTED BY
Buffering, Open Space, and Trails & Connectivity (Second Review)	Abdul Barzak, Town Planner	Abdul Barzak, Town Planner
ACTION REQUESTED		
Community Development and Management ask that the Land Use Advisory Committee (LUAC) review, discuss, and take action on Land Use Code changes regarding Buffering, Open Space, and Trails. Actions that may be taken: 1. Forward a recommendation of approval to the Planning Commission for Land Use Code changes regarding Buffering, Open Space, and Trails. 2. Direct Town staff to make revisions and bring back Land Use Code changes regarding Buffering, Open Space, and Trails at a future meeting. 3. Take No Action.		<u>Discussion</u> <u>Action Requested</u>
BRIEF SUMMARY		
On November 2nd, 2022, the Land Use Advisory Committee (LUAC) reviewed, discussed, and directed Town staff with recommendations for Buffering, Open Space, and Trails within the Land Use Code. The goal of tonight's discussion is for the Land Use Advisory Committee (LUAC) to review, discuss, and to take action on Land Use Code changes regarding Buffering, Open Space, Trails and Connectivity. Depending on these recommendations, Staff will either make changes and bring back a finalized recommendations for Buffering, Open Space, Trails and Connectivity to LUAC for approval or present to the Planning Commission based on LUAC recommendations.		
PUBLIC SUPPORT/CONCERN		
Residents have asked for increased requirements regarding Buffering, Open Space, Trails and Connectivity.		
ANALYSIS AND RECOMMENDATION		
Town staff is asking for the Land Use Advisory Committee (LUAC) to review, discuss, and take action on Land Use Code changes regarding Buffering, Open Space, Trails and Connectivity.		
MATERIALS SUBMITTED		
The following materials were submitted and included in this packet: 1. Memo on Buffering, Open Space, and Trails 2. Draft Buffering Criteria 3. Draft Open Space Criteria 4. Draft Trails Criteria		

MEMORANDUM

To: Town of Severance

From: Josh Olhava, AICP, PCCP, Senior Community Planner and Project Manager
Logan Graves, AICP, Community Planner
Lily Sider, Planning Intern

Date: January 4, 2023

Re: LUAC Code Review 2nd Look – Buffering, Open Space, and Trails Requirements

Background

During the November 2022 LUAC meeting, committee members reviewed the project team's initial findings and recommendations to the Town's open space, buffering, and trails sections of the land use code. We reviewed and compared the Town's code language and criteria against seven (7) comparison jurisdictions: Evans, Firestone, Frederick, Johnstown, Timnath, Wellington and Windsor; as well as industry best practices and the goals of the community.

The following summary list includes the recommendations supported by the LUAC during the November 2022 meeting:

Open Space applies to parks, plazas, fields, and other plots of land that do not primarily house buildings. Stricter requirements for these areas equate to more robust public spaces and a mix of compatible uses from site to site.

- Recognize the importance of different types of open spaces in different contexts and translate this concept into specific standards for different types of spaces. Specify that ponds/lakes can count as open space, but only if active (allows at least non-motorized boats). In general, open spaces need to be maintained and usable to county towards the requirement, and landscaping requirements should be specified.
- Increase the active open space requirement and decrease the passive open space requirement. Landscaping requirements should be specified for active vs passive spaces. Detention ponds can be counted as active open space if certain performance criteria are met such as, types of grasses, minimum size, etc. Additionally, the point system should be calibrated to prevent developers from only creating detention ponds as open space.
- Develop an open space point system. The point system should be developed to favor amenities that aren't common in Severance already. Pocket parks should be discouraged.

Buffering is the open space required between developments. These typically take shape in long thin strips of open land that can house paths and landscaping but primarily prevent nuisance from abutting developments and uses.

- Establish clear and high-quality buffer requirements for all residential zones where quality is prioritized above width. Provisions to include are year-round buffering, water-conscious materials, berming, and fencing.
- Require berming for commercial and residential developments.
- Require berming or dense landscape strips along roadways.
- Allow for a diversity of plant materials and trees in the suburban perimeter and rural residential zone districts.
- Prohibit vinyl fencing along roadways and specify what site features are allowed in the buffer area and what are not allowed.

- Develop a buffer table categorized into zoning districts and individual uses which would determine the level of buffer required. See example below.

Table xx.xx - Bufferyard Requirements													
	Lowest Intensity to Highest Intensity												
	<i>RR</i>	<i>SP-R</i>	<i>TC-R</i>	<i>DN-R</i>	<i>SP-P</i>	<i>TC-P</i>	<i>DN-P</i>	<i>SP-C</i>	<i>TC-C</i>	<i>DN-C</i>	<i>TC-I</i>	<i>DN-I</i>	
<i>DN-I</i>	3	3	3	3	3	3	3	2	2	2			
<i>TC-I</i>	3	3	3	3	3	3	3	2	2	2			
<i>DN-C</i>	3	3	3	2	2	2	2	1	1		2	2	
<i>TC-C</i>	3	3	2	2	2	1	1	1		1	2	2	
<i>SP-C</i>	3	2	2	2	1	1	1		1	1	2	2	
<i>DN-P</i>	2	1	1	1				1	1	2	3	3	
<i>TC-P</i>	2	1	1	1				1	1	2	3	3	
<i>SP-P</i>	2	1	1	1				1	2	2	3	3	
<i>DN-R</i>	1				1	1	1	2	2	2	3	3	
<i>TC-R</i>	1				1	1	1	2	2	3	3	3	
<i>SP-R</i>	1				1	1	1	2	3	3	3	3	
<i>RR</i>		1	1	1	2	2	2	3	3	3	3	3	

*Uses without a number are held to the minimum residential buffering standards.

Zoning

RR = Rural Residential

SP = Suburban Perimeter

TC = Town Core

DN = Development Node

Use

R = Residential

P = Public

C = Commercial

I = Industrial

Type 1 – Minimal screening for developments with similar intensities. May include a row of shade trees, shrubs, or grasses for increased visual interest. Exact requirements determined by Tree Board. Minimum 10 feet wide.

Type 2 – Partly screened buffering between uses with different but compatible intensities. Should include trees and shrubs of different heights that screen year-round. Exact requirements determined by Tree Board. Minimum 15 feet wide.

Type 3 – Fully screened buffering between incompatible uses. Berming is required, as well as complete screening utilizing different trees, shrubs and grasses for year-round screening. Exact requirements determined by Tree Board. Minimum 20 feet wide.

Trails relate directly to the connectivity of the Town and ease of access to a variety of locations. Paths and trails are ideally multi-modal to accommodate different travel types and must be widely established to yield best results.

- Clarify the developer is responsible for trail and easement maintenance unless the trail is a regional trail. All interior trails are the developer's responsibility.
- Add maintenance standards such as snow clearing, etc.
- Specify all trails must be concrete.
- Specify minimum widths for the various trail types.
- Require bike accommodations and amenities within the code
- Require a trails plan that would designate trail locations prior to development, which ensures a fully connected and pedestrian-scale network.

Conclusion

The criteria tables were updated with the feedback provided by LUAC at the November meeting. Next steps will include review by the Planning Commission and the project team drafting code language based on the LUAC and Planning Commission comments and recommended approach.

Attachments

- Buffering Criteria (*4 pages*)
- Open Space Criteria (*8 pages*)
- Trails Criteria (*6 pages*)

Buffering Criteria

CODE REVIEW (BUFFERING BETWEEN SITES)					
Communities	Code Language	LUAC	Planning Commission	Town Council	Staff Analysis
Severance	- Rural Residential: "Each subdivision must contain a 20-foot minimum perimeter landscape buffer with a minimum 6-foot-wide community pathway." - Suburban Perimeter, Town Core, Development Node: Buffer along right-of-way/road only.	- refer back to recommended plant lists - evergreen shields more than shade trees - diversity of plants and trees in suburban perimeter and rural residential (Move up in intensity through each zone) - Tree board makes decision, no need for super prescriptive requirements - specify concrete paths			- Establish clear and high quality buffer requirements for all residential zones - standard width is around 10 feet - Prioritize quality above width by incorporating specific landscaping or fencing criteria - Incorporate buffers that are appropriate to site context and need
Severance - Corridor Plan					
Evans	"Any development or redevelopment of a site which abuts a residentially zoned and/or residentially developed property shall install a landscaped bufferyard along the property line shared with the residential property" Includes Bufferyard width table for differing uses.				
Firestone					
Frederick					
Johnstown					
Timnath	Table 5.5: Buffer Yard Requirements, establishes buffer width and landscaping quality between differing uses.				
Wellington	"Buffering shall be provided between uses and by new users, with special consideration given to adjacent land uses of different intensities. Uses shall be required to ensure that the transition from one use to another is attractive, functional and minimizes conflicts between the current and planned uses."				
Windsor	See Table 15-3-30(b)(8)(C) Zone Boundary Bufferyard Standards, establishes buffer width and landscaping quality between differing uses.				

Buffering Criteria

CODE REVIEW (BUFFERING BETWEEN USES)

Communities	Code Language	LUAC	Planning Commission	Town Council	Staff Analysis
Severance	Development Node Industrial Sub-Zoning: "For uses that do not already have specific setback requirements (such as oil and gas or solar), a boundary with a dissimilar land use is required at a minimum to incorporate a landscaped setback of 20 feet. Setback design will be dependent on-site constraints and proposed use intensity."	- refer back to recommended plant lists - evergreen shields more than shade trees - diversity of plants and trees in suburban perimeter and rural residential (Move up in intensity through each zone) - Tree board makes decision, no need for super prescriptive requirements - specify concrete paths			- Incorporate a buffer table for abutting differing uses. Timnath and Windsor have best examples. - Buffer table should be split by both zones and uses. Potential uses include single family, multi-family, public use, commercial, industrial, etc. - Establish buffer levels with specific width and landscaping criteria. More intense uses next to less intense uses would require a higher buffer level. - Buffer levels could also include more than one width and landscaping requirement. If a buffer width is larger, less strict landscaping is required, or vice versa. This helps account for multiple contexts that may fall under the same buffer level but need to be treated differently. - Wider buffers have an opportunity to promote more active uses, which can be included in buffer level requirements.
Severance - Corridor Plan					
Evans	"In order to lessen the impact of nonresidential development upon residential areas, buffer and transitional areas shall be installed between residential and nonresidential areas. Transitional and buffer areas can take the form of wall dividers, height transitions, landscaping and other creative design opportunities or devices. Proper transition between uses shall be reviewed when applications for development occurs."				
Firestone					
Frederick	"Special consideration shall be given to adjacent land uses of different intensities. It shall be the responsibility of the developer of the more intensive use to ensure that the transition from one use to another is attractive, functional, and minimizes conflicts between the current and planned uses." "When a property is developed with multiple land uses, buffer areas must be provided between residential and non-residential zones. The minimum allowable buffer area is 15 feet."				
Johnstown	"Buffer yards shall be required to separate different uses in order to eliminate or minimize potential interference and nuisances on adjacent properties."				
Timnath	"Buffering of up to 100 feet of non-buildable area may be required between any development and adjacent natural or environmentally sensitive areas or different uses. The actual amount of any buffer area will be determined on a case by case basis and approved by Town Council" - See Table 5.5: Buffer Yard Requirements, establishes buffer width and landscaping quality between differing uses.				
Wellington	"Buffering shall be provided between uses and by new users, with special consideration given to adjacent land uses of different intensities. Uses shall be required to ensure that the transition from one use to another is attractive, functional and minimizes conflicts between the current and planned uses."				
Windsor	See Table 15-3-30(b)(8)(C) Zone Boundary Bufferyard Standards, establishes buffer width and landscaping quality between differing uses.				

Buffering Criteria

CODE REVIEW (BUFFER QUALITY)					
Communities	Code Language	LUAC	Planning Commission	Town Council	Staff Analysis
Severance	- Rural Residential: "The landscape should be complementary to the rural character of the surrounding area. The use of shade trees is encouraged along greenbelt community pathways." - Suburban Perimeter: "A meandering community pathway that is a minimum of 10 feet wide shall be located within the buffer. The use of shade trees is encouraged along greenbelt community pathways." - Town Core and Development Nodes: "Edges of commercial developments shall have high-quality landscaping. Berms, meandering walks, a mix of irrigated turf, shrub beds, ornamental trees, evergreen trees and shade trees are encouraged... Parking lots shall be buffered from view from the public right-of-way with practical landscaping. Entryways and areas visible from public streets shall have some type of landscape component. Examples could include window boxes, hanging baskets, large pots and Planting beds."	- refer back to recommended plant lists - evergreen shields more than shade trees - diversity of plants and trees in suburban perimeter and rural residential (Move up in intensity through each zone) - Tree board makes decision, no need for super prescriptive requirements - specify concrete paths			- Remove parking lot landscaping requirements from this section, as this was approved under the new parking section. - Better to have good quality 10' buffers than empty 20' buffers. Specific landscaping criteria should be included, incorporating year-round plantings, water-conscious materials, berming, and fencing. - If a table format is adopted, landscaping requirements should be included in the descriptions of the different buffer levels.
Severance - Corridor Plan Guidelines					
Evans	"Bufferyards shall include 1 tree and 5 shrubs for every 500 square feet of bufferyard area, plus groundcover over the entire bufferyard area."				
Firestone					
Frederick	"Screening and buffering shall be achieved through walls, architectural features, and landscaping; and shall be visually impervious. Recesses in the building or depressed access ramps may be used."				
Johnstown					
Timnath	See Table 5.5: Buffer Yard Requirements, establishes buffer width and landscaping quality between differing uses.				
Wellington					
Windsor	See Table 15-3-30(b)(8)(C) Zone Boundary Bufferyard Standards, establishes buffer width and landscaping quality between differing uses.				

Buffering Criteria

CODE REVIEW (BUFFER CRITERIA)					
Communities	Code Language	LUAC	Planning Commission	Town Council	Staff Analysis
Severance	- Rural Residential: "A developer-installed fence should be placed inside the property line within an easement on each lot or tract." - Suburban Perimeter: "A meandering community pathway that is a minimum of 10 feet wide shall be located within the buffer." - Town Core and Development Nodes: "Privacy fencing, if located adjacent to the public right-of-way, shall be separated from the public right-of-way by a landscaped buffer."	- refer back to recommended plant lists - evergreen shields more than shade trees - diversity of plants and trees in suburban perimeter and rural residential (Move up in intensity through each zone) - Tree board makes decision, no need for super prescriptive requirements - specify concrete paths			- Opportunity to adopt language regarding uses either required or not allowed in buffers. This could include specific materials, fencing, signs, etc. Current path language works well. - Ensure streetscape, buffering, and open space are all separate requirement sections. Frequent overlap opens up room for inconsistencies.
Severance - Corridor Plan	"In suburban residential zone districts, the area between the street and property line should include a tree lawn area next to the street that is at least 8' wide and beyond that, a sidewalk at least 5' wide. There may also be a buffer between the sidewalk and the right-of-way line"				
Evans	"Bufferyards shall not include any paved area, except for pedestrian sidewalks or paths, or vehicular access drives which may intersect a bufferyard at a point which is perpendicular to the bufferyard and which shall be the minimum width necessary to provide vehicular or pedestrian access, as determined by the Community Development Director. Bufferyards shall not be used for storage or display of any goods at any time. Bufferyards shall not be located on any portion of an existing or dedicated public right-of-way, unless approved by the Director of Public Works. Fences may also be required in order to screen the property, as determined by the Director of Public Works."				
Firestone					
Frederick	"Under no circumstances shall a fence be the only screening material used as a buffer between land uses."				
Johnstown					
Timnath					
Wellington	"Under no circumstances shall a fence be the only screening material used as a buffer between land uses."				
Windsor					

Open Space Criteria

CODE REVIEW (OPEN SPACE REQUIREMENTS)					
Communities	Code Language	LUAC	Planning Commission	Town Council	Staff Analysis
Severance	- Single Family: A minimum of 25% as overall open space - Multi-Family: A minimum of 25% of the gross land being subdivided as functional open space - Commercial and Industrial: A minimum of 10% of the gross land being subdivided as open space unless granted a waiver	- specify that ponds/lakes count as open space but only if active (allows at least non-motorized boats) has to remain active - open space has to be maintained and usable, maybe specify landscaping			- Current requirements are in line with surrounding municipalities. - Include specific language regarding land dedication requirements which may apply to trail corridors, neighborhood park sites, and broader-serving open spaces.
Severance - Corridor Plan Guidelines					
Evans	- Agriculture, Commercial, Single Family Estate, Single Family: No min. requirement - Two-family, Multi-family, Residential Commercial: Minimum 45% dedicated to open space required				
Firestone	- "The amount of open space to be dedicated shall not be less than fourteen (14) acres of open space land per one thousand (1,000) ultimate residents of the development." - Required: "A minimum of 10 contiguous acres; parcel that is no less than 300 feet at the narrowest width, unless the Town approves a lesser amount for a trail.				
Frederick	- "All residential developments shall dedicate a minimum of 20% of the gross land area for public parks, trails, open space or other similar purposes at the time of subdivision." - Estate Zone: Minimum 20% - Single Family: Minimum 20% - Multi-Family: Minimum 25%, - Commercial and Industrial: Minimum 12% - PUDs: Minimum 25% - Single Family, Multi-Family, and PUD requirements: "1 centrally located pocket park for every 200 residential units. The land for 1 neighborhood park within a 1/4 mile radius of the proposed homes; or a fair-share, cash-in-lieu contribution for the neighborhood park that will serve the development."				

Open Space Criteria

CODE REVIEW (OPEN SPACE REQUIREMENTS)					
Communities	Code Language	LUAC	Planning Commission	Town Council	Staff Analysis
Severance	- Single Family: A minimum of 25% as overall open space - Multi-Family: A minimum of 25% of the gross land being subdivided as functional open space - Commercial and Industrial: A minimum of 10% of the gross land being subdivided as open space unless granted a waiver	- specify that ponds/lakes count as open space but only if active (allows at least non-motorized boats) has to remain active - open space has to be maintained and usable, maybe specify landscaping			- Current requirements are in line with surrounding municipalities. - Include specific language regarding land dedication requirements which may apply to trail corridors, neighborhood park sites, and broader-serving open spaces.
Severance - Corridor Plan Guidelines					
Johnstown	- Single Family: Minimum livable open space per dwelling unit is 3,000 sqft - Single Family Attached: Minimum livable open space per dwelling unit is 2,000 sqft - Multi-Family: Minimum livable open space per dwelling unit is 900 sqft - Business District: No minimum despite amount of dwelling units - Neighborhood Commercial & PUDs: Minimum 20% of site area must be dedicated to open space				
Timnath	- Single Family: Minimum 20% of site; "Pocket parks of at least 0.5 acres for every 100 Dwelling Unit"; "6 acres or more for neighborhood parks for every 300 dwelling units or portion thereof which shall be constructed in the subdivision within one-quarter mile radius of the proposed homes" - Multi-Family: Minimum 25% of site, with 50% being usable; "Pocket parks of at least 0.5 acres for every 100 Dwelling Units" - Regional Commercial: Minimum 25% of site - Neighborhood Commercial: Minimum 15% of site - Downtown Commercial: Minimum 5% of site				
Wellington	- Single Family: Minimum 20% of site - Multi-Family: Minimum 25% of site - Commercial and Industrial: Minimum 12% of site - Single and Multi-Family required: One centrally located pocket park for every 200 residential units; land for 1 neighborhood park within ¼ mile radius of the proposed homes				
Windsor	- Residential Mixed Use 1 & Single Family Detached: Minimum 15% of site - Residential Mixed Use 2, Single Family Attached & Multifamily: Minimum 20% of site				

Open Space Criteria

CODE REVIEW (ACTIVE VS PASSIVE OPEN SPACE)					
Communities	Code Language	LUAC	Planning Commission	Town Council	Staff Analysis
Severance	- Single Family and Multi-Family Residential : 10-20% passive, 5-10% active - Commercial and Industrial: No requirements	- increase active and decrease passive - require certain landscaping for active and passive spaces, don't allow just weeds to grow - use some of Frederick's language for defining active - detention ponds could be considered an active use if there are certain types of grasses, is a certain size, etc. Make sure point system prevents developers from only creating passive/sod detention ponds			- Increase active requirement to around 15-20% - Include clarifying language that states active and passive requirements apply to total open space set aside, not the total area of the subdivision. - Include clear definitions for active and passive recreation, including some examples of each. Cross-reference definitions to buffer landscaping if active or passive language is used.
Severance - Corridor Plan Guidelines					
Evans					
Firestone					
Frederick	"Features shall be included for passive and active recreation, including but not limited to, ball fields, play structures, fitness parks, educational centers, structured and unstructured opportunities for learning and recreation, etc."				
Johnstown					
Timnath					
Wellington	Pocket Park requirement: "one (1) of the following: playground equipment, contemplative garden areas or other active or passive recreation opportunities for the neighborhood."				
Windsor					

Open Space Criteria

CODE REVIEW (OPEN SPACE AMENITIES)					
Communities	Code Language	LUAC	Planning Commission	Town Council	Staff Analysis
Severance	Requirements under definitions: - Parks: "Buildings providing recreational amenities such as community centers, pools, and indoor sports facilities. Formal outdoor parks spaces providing usable amenities such as playgrounds, great lawns or other uses defined by Staff." - Plazas: "Plazas may range from having very active places with adjacent complementary uses, such as restaurants and cafes, to quiet areas with only seating, formal landscape plantings and amenities such as fountains or public art. Developers are responsible for developing and providing the appropriate amenities for each plaza." - Squares: "Like plazas, squares may range from having very active places with adjacent complementary uses, such as restaurants and cafes, to quiet areas with only seating, formal landscape plantings and amenities such as fountains or public art."	- pocket parks are discouraged - point system, look at MF criteria. Make point system favor amenities that are not common already			- Incorporate point system similar to requirements in Multi-family design section. Better amenities equal more points, and amount of points required depends on number of units in subdivision. Evans provides a good example of this system. - Types of amenities must also be practical for the use they are in, especially in highest and lowest density areas (i.e. no large open fields in a dense commercial area, no commercial plazas in a rural residential subdivision.) - Point system preference to amenities that are not common within the same neighborhood or a certain distance
Severance - Corridor Plan Guidelines					
Evans	"Identity features may include, but are not limited to, a school (as approved by the appropriate school district), pocket park, trail system, pedestrian plaza or courtyard, community building, community garden, artwork such as a sculpture, water feature or fountain, picnic/barbeque area, or playground." Features that count towards subdivision requirements: - "A water feature, fountain or artwork such as a sculpture, shall each count as ½ identity feature. Playgrounds with commercial-grade equipment, picnic/barbeque areas with commercial-grade equipment, or court games (tennis, volleyball or basketball) at least 1,000 square feet in area shall each count as 1 identity feature. Such features shall be reviewed and approved by the Parks and Recreation Director. Plazas, courtyards or community gardens with irrigation systems and collars to define garden edges, which cover at least 1,000 square feet in area, shall each count as 1 identity feature. A community building at least 2,000 square feet in area shall count as 2 identity features. An in-the-ground swimming pool site or splash park site at least 2,000 square feet in area shall count as 2 identity features."				
Firestone	- "Pocket parks shall be located within ¼ mile of the residences they are intended to serve and may include lawn areas, picnic shelters and tables, play equipment, artwork or other amenities that are appropriate for the demographics and types of activities that the neighborhood may desire." - "Neighborhood parks may include multi-use lawn areas, picnic areas, playground equipment, small court games, community gardens and playing fields and facilities as appropriate."				

Open Space Criteria

CODE REVIEW (OPEN SPACE AMENITIES)					
Communities	Code Language	LUAC	Planning Commission	Town Council	Staff Analysis
Severance	Requirements under definitions: - Parks: "Buildings providing recreational amenities such as community centers, pools, and indoor sports facilities. Formal outdoor parks spaces providing usable amenities such as playgrounds, great lawns or other uses defined by Staff." - Plazas: "Plazas may range from having very active places with adjacent complementary uses, such as restaurants and cafes, to quiet areas with only seating, formal landscape plantings and amenities such as fountains or public art. Developers are responsible for developing and providing the appropriate amenities for each plaza." - Squares: "Like plazas, squares may range from having very active places with adjacent complementary uses, such as restaurants and cafes, to quiet areas with only seating, formal landscape plantings and amenities such as fountains or public art."	- pocket parks are discouraged - point system, look at MF criteria. Make point system favor amenities that are not common already			- Incorporate point system similar to requirements in Multi-family design section. Better amenities equal more points, and amount of points required depends on number of units in subdivision. Evans provides a good example of this system. - Types of amenities must also be practical for the use they are in, especially in highest and lowest density areas (i.e. no large open fields in a dense commercial area, no commercial plazas in a rural residential subdivision.) - Point system preference to amenities that are not common within the same neighborhood or a certain distance
Severance - Corridor Plan Guidelines					
Frederick					
Johnstown	"Usability of required open space. To be considered usable, livability open space shall be readily accessible and of a size and shape which can be reasonably considered to provide for amenities and the necessities of light, air, play space, yard area, garden, etc., but shall not include parking area and drives."				
Timnath	"Natural habitat areas must include amenities for passive recreation such as trails or piers to be determined usable." - "Plazas may range from very active places with adjacent complimentary uses such as restaurants and cafes, to quiet areas with only seating, formal landscape plantings and amenities such as fountains or public art. Developers are responsible for developing and providing the appropriate amenities for each plaza and for their maintenance." - "A pocket park shall be at least one-half acre and include playground equipment and irrigated landscaping and be maintained by a homeowners association or district" - "A neighborhood park shall be at least five acres and include active play areas and irrigated landscaping" - "A community park shall be at least 20 acres and include an active play area, ballfields, and irrigated landscaping." Harmony Corridor Amenities: "Standard Amenities– seating boulders, level and set at least 18” high, 18” seating wall or seat furnishings such as benches. Large Amenities - Play equipment, shade structures / sails, planting beds or other items that enhance the user experience of the plaza space"				

Open Space Criteria

CODE REVIEW (OPEN SPACE AMENITIES)					
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Severance	Requirements under definitions: - Parks: "Buildings providing recreational amenities such as community centers, pools, and indoor sports facilities. Formal outdoor parks spaces providing usable amenities such as playgrounds, great lawns or other uses defined by Staff." - Plazas: "Plazas may range from having very active places with adjacent complementary uses, such as restaurants and cafes, to quiet areas with only seating, formal landscape plantings and amenities such as fountains or public art. Developers are responsible for developing and providing the appropriate amenities for each plaza." - Squares: "Like plazas, squares may range from having very active places with adjacent complementary uses, such as restaurants and cafes, to quiet areas with only seating, formal landscape plantings and amenities such as fountains or public art."	- pocket parks are discouraged - point system, look at MF criteria. Make point system favor amenities that are not common already			- Incorporate point system similar to requirements in Multi-family design section. Better amenities equal more points, and amount of points required depends on number of units in subdivision. Evans provides a good example of this system. - Types of amenities must also be practical for the use they are in, especially in highest and lowest density areas (i.e. no large open fields in a dense commercial area, no commercial plazas in a rural residential subdivision.) - Point system preference to amenities that are not common within the same neighborhood or a certain distance
Severance - Corridor Plan Guidelines					
Wellington	"may include pocket parks, plazas, trails, recreational amenities, homeowner association owned landscaped areas (excluding parking lots), natural areas and amenities for residents or other civic purposes" - "Plazas may range from very active places with adjacent complimentary uses, such as restaurants and cafes, to quiet areas with only seating, formal landscape plantings and amenities, such as fountains or public art. Developers are responsible for developing and providing the appropriate amenities for each plaza." - "At a minimum, a pocket park shall include sodded areas or other live grass ground cover approved by the Board of Trustees, trees and irrigation plus 1 of the following: playground equipment, contemplative garden areas or other active or passive recreation opportunities for the neighborhood." - Neighborhood Parks "can include multiple-use lawn areas, picnic areas, playground equipment, court game facilities and community gardens."				
Windsor	- "Pocket parks shall generally include some combination of lawn area, natural or planted areas, and structured play areas (athletic courts, playgrounds, etc.) and shall include seating areas." - "Greenbelts may include amenities such as seating and shade structures." - "Recreation Amenities. Land occupied by active recreational uses such as pools, playgrounds, tennis courts, trails, and clubhouses used primarily for recreational purposes and open to all subdivision residents"				

Open Space Criteria

CODE REVIEW (OPEN SPACE WITHIN DEVELOPMENT)					
Communities	Code Language	LUAC	Planning Commission	Town Council	Staff Analysis
Severance	Rural Residential: - "To the greatest extent practicable, land should be designated as a single block with logical boundaries, avoiding thin strips of conservation land unless necessary to protect or connect other significant areas and should connect with existing or potential adjoining conservation areas" Single-Family and Multi-Family requirements: - "A minimum of 1 centrally located park. Location and extent of park will be determined through platting process and approved by the Town Council on a case-by-case basis. The land for 1 community park or a fair-share, cash-in-lieu contribution for the park that will serve the development. An internal trail system and trails designated on the Town's Parks and Trails Map."	- have to do cash-in-lieu and 1 park - cash-in-lieu at the current market value - Use Frederick language			- Implement a wide range of open space types to support distinct contexts. Create design standards for specific types of open spaces dependent on the context, function or character of distinct areas (i.e. avoid treating all open space the same or measuring it simply based on the amount of space). This could be accomplished though a table. - cash-in-lieu based on market rate per acre; also consider minimum costs to provide water
Severance - Corridor Plan Guidelines	Mixed-Use Development: "Open spaces should be planned to encourage pedestrian activities. They should be linked to key activity centers and pedestrian routes. Uses and building designs surrounding open spaces should help energize them."				
Evans	Each neighborhood development plan must include: - "General park and open space network that complies with these design standards, the Evans' subdivision regulations, as amended, and the parks, recreation and trails master plan." - "Neighborhood identity features shall be provided within all eligible single-family, two-family, multifamily and mixed use residential developments as shown in the Neighborhood Identity Feature Table below. Identity features may include, but are not limited to, a school (as approved by the appropriate school district), pocket park, trail system, pedestrian plaza or courtyard, community building, community garden, artwork such as a sculpture, water feature or fountain, picnic/barbeque area, or playground. Fencing, signage and/or other aspects of a required perimeter treatment shall not be counted as an identity feature.				
Firestone					
Frederick	"Lands for parks and open space are dedicated at time of subdivision, or re-subdivision as applicable, and installed as part of the development infrastructure."				
Johnstown	- "No building used in whole or in part for residential purposes shall be hereafter erected, structurally altered or relocated on a lot as to reduce the usable livability open space of such lot to less than that hereinafter specified by the regulations of the district in which such building is located." - "To be considered usable, livability open space shall be readily accessible and of a size and shape which can be reasonably considered to provide for amenities and the necessities of light, air, play space, yard area, garden, etc., but shall not include parking area and drives."				

Open Space Criteria

CODE REVIEW (OPEN SPACE WITHIN DEVELOPMENT)					
Communities	Code Language	LUAC	Planning Commission	Town Council	Staff Analysis
Severance	Rural Residential: - "To the greatest extent practicable, land should be designated as a single block with logical boundaries, avoiding thin strips of conservation land unless necessary to protect or connect other significant areas and should connect with existing or potential adjoining conservation areas" Single-Family and Multi-Family requirements: - "A minimum of 1 centrally located park. Location and extent of park will be determined through platting process and approved by the Town Council on a case-by-case basis. The land for 1 community park or a fair-share, cash-in-lieu contribution for the park that will serve the development. An internal trail system and trails designated on the Town's Parks and Trails Map."	- have to do cash-in-lieu and 1 park - cash-in-lieu at the current market value - Use Frederick language			- Implement a wide range of open space types to support distinct contexts. Create design standards for specific types of open spaces dependent on the context, function or character of distinct areas (i.e. avoid treating all open space the same or measuring it simply based on the amount of space). This could be accomplished though a table. - cash-in-lieu based on market rate per acre; also consider minimum costs to provide water
Severance - Corridor Plan Guidelines	Mixed-Use Development: "Open spaces should be planned to encourage pedestrian activities. They should be linked to key activity centers and pedestrian routes. Uses and building designs surrounding open spaces should help energize them."				
Timnath	- "Open space should serve as the neighborhood focus. Open space, such as the Town drainage ways and developed parks and plazas, shall be used to organize and focus lot, block and circulation patterns and to enhance surrounding development. Street, block, lot and building patterns shall respond to the views, landscape and recreational opportunities provided by the open space" - "Pocket parks and plazas shall be integrated into the neighborhood design and be accessible to pedestrians and bicyclists."				
Wellington	"Pocket parks and plazas shall be integrated into the neighborhood design and be accessible to pedestrians and bicyclists."				
Windsor	- "In order to provide recreational facilities at the neighborhood scale, pocket parks are required for residential subdivisions that are master planned to have 100 or more units and multifamily development with 100 or more units" "Pocket parks are not required when at least 75 of the dwelling units in a proposed development are within a one-third mile radius of an existing or planned public park or pocket park open to residents." - "Pocket Parks shall be centrally located within the development with pedestrian access to the lots and dwellings they are intended to serve. Large developments shall provide multiple Pocket Parks, generally spaced so that all units are within approximately 1/3 mile of a park." - "To the maximum extent practicable, open space in each subdivision shall be open and accessible to, and visible to, all residents of the development, and if possible, to other residents of the Town using public streets, trails, and open spaces."				

Trails Criteria

CODE REVIEW (TRAIL SIZE)

Communities	Code Language	LUAC	Planning Commission	Town Council	Staff Analysis
Severance	- "The developer shall dedicate a public right-of-way for trails, with the eight (8)-foot trail maintained by the Town and the remainder maintained by an owners' association." - "the Town shall hold trail easements, generally twenty (20) feet wide" - Rural Residential, Suburban Perimeter: "Each subdivision must contain a 20-foot minimum perimeter landscape buffer with a minimum 6-foot-wide community pathway. Where a subdivision either borders or includes portions of the Great Western Trail the developer will be required to pave the trail with a minimum 10-foot concrete cross section for the entirety of the trail within or adjacent to the property. Sidewalks adjacent to all school sites and parks require a minimum width of 5 feet or wider." - Town Core: "Where a subdivision either borders or includes portions of the Great Western Trail the developer will be required to pave the trail with a minimum 10 foot concrete cross section for the entirety of the trail within or adjacent to the property."	- developer is responsible for maintenance unless it is a regional trail, then the City takes care of it. Interior trails are their responsibility - maintenance standards could be added (snow clearing) - internal path needs to be 6-8 foot - semi regional look at 8-10 - great western trail should be 10-12 - "and adhere to Town of Severance construction and maintenance standards"			- clarify who is responsible for trail and easement maintenance in subdivisions, privately owned would fall to HOA or Metro District and result in additional homeowner expense - evaluate what happens if HOA dissolves and if the Town has to take over ownership - regional trails should be in-line with what adjacent sections are (size, material, general design features)
Severance - Corridor Plan					
Evans	"Trails shall be designed and constructed using 1 of the following designs appropriate for the location as determined by the Public Works Director and Parks and Recreation Director or designee: Ten-foot-wide concrete, concrete paver or brick, multi-modal trail; Ten-foot-wide crusher fines trail with collared edges intended for the preservation of wetland and natural riparian areas."				
Firestone	"Trail corridors outside of open space areas shall have a minimum corridor width of thirty (30) feet."				
Frederick	"Trails shall be a minimum of 8 feet in width and shall be of concrete construction. A trail may be flanked on 1 side by a soft surface path a minimum of 4 feet in width. The soft surface path shall be constructed with a minimum depth of 8 inches of compressed gravel, crowned, and compacted with edging to contain trail material."				
Johnstown					

Trails Criteria

CODE REVIEW (TRAIL SIZE)

Communities	Code Language	LUAC	Planning Commission	Town Council	Staff Analysis
Severance	- "The developer shall dedicate a public right-of-way for trails, with the eight (8)-foot trail maintained by the Town and the remainder maintained by an owners' association." - "the Town shall hold trail easements, generally twenty (20) feet wide" - Rural Residential, Suburban Perimeter: "Each subdivision must contain a 20-foot minimum perimeter landscape buffer with a minimum 6-foot-wide community pathway. Where a subdivision either borders or includes portions of the Great Western Trail the developer will be required to pave the trail with a minimum 10-foot concrete cross section for the entirety of the trail within or adjacent to the property. Sidewalks adjacent to all school sites and parks require a minimum width of 5 feet or wider." - Town Core: "Where a subdivision either borders or includes portions of the Great Western Trail the developer will be required to pave the trail with a minimum 10 foot concrete cross section for the entirety of the trail within or adjacent to the property."	- developer is responsible for maintenance unless it is a regional trail, then the City takes care of it. Interior trails are their responsibility - maintenance standards could be added (snow clearing) - internal path needs to be 6-8 foot - semi regional look at 8-10 - great western trail should be 10-12 - "and adhere to Town of Severance construction and maintenance standards"			- clarify who is responsible for trail and easement maintenance in subdivisions, privately owned would fall to HOA or Metro District and result in additional homeowner expense - evaluate what happens if HOA dissolves and if the Town has to take over ownership - regional trails should be in-line with what adjacent sections are (size, material, general design features)
Severance - Corridor Plan					
Timnath	- "Neighborhood trails shall be a minimum of 8 feet in width and Regional/Community trails shall be a minimum of 10 feet in width. A trail may be flanked on one side, or both, by a soft surface path a minimum of 2 feet in width." - Connections from Development to Exterior Circulation: - "Each development is responsible for continuing the Harmony Roadside Trail fronting Harmony Road and within the Harmony setback and Right of Way. This trail will be a meandering trail at a minimum of 10' wide" - "Pedestrian connections, from the Harmony Roadside Trail, shall be at least 8' wide" - Multi-modal spine: "Distinct bike and pedestrian path that is 10' minimum in width in a 20' corridor"				
Wellington	- "Trails shall be a minimum of eight (8) feet in width" - "trails shall be flanked on 1 side by a soft surface path a minimum of 4 feet in width. The soft surface path shall be constructed with a minimum depth of 8 inches of compressed gravel."				
Windsor	- "10' generally. Additional width may be required when immediately adjacent to a retaining wall, hand rail, or roadway." - "Neighborhood Trails shall be 10 feet in width paved with six-inch thick concrete. Trails surfaced with crusher fines and less than 10 feet in width may supplement paved trails but shall not be used in-lieu of paved trails. Trails shall use a 25-foot minimum radius when feasible."				

Trails Criteria

CODE REVIEW (MULTI-MODAL REQUIREMENTS)					
Communities	Code Language	LUAC	Planning Commission	Town Council	Staff Analysis
Severance		- like Evans language, Do not include sidewalks that are required - requir e concrete - include bike infrastructure in paths - use some Frederick language -internal and regional have different amenities			- Consider including language from Corridor plan in the code, requiring accommodations for bikes and multi-use trails - Where sidewalks meet designated trails, widen into multi-use path - Consider maximum block sizes and how it relates to connectivity of all modes of transportation
Severance - Corridor Plan	"Continue to connect sidewalks, bicycle paths, and regional trails from new and, in some cases, existing development to the GreatWestern Trail" "there should be a grid comprised of a combination of trails, bike lanes, and shared lanes that occur on at least a quarter-mile spacing, that converges on the Great Western Trail and Greenway spline."				
Evans	- "Multi-modal trail means a trail intended for use by different types or modes of transportation, such as pedestrians, bicyclists and/or equestrians." - A system of trails, other than required public sidewalks, throughout the entire development shall count as 1 identity feature. Trails should be designed to provide interesting and distinct areas for walking, bicycling and/or horseback riding in areas separate from and in addition to traditional sidewalks. Trails shall be designed and constructed using 1 of the following designs appropriate for the location as determined by the Public Works Director and Parks and Recreation Director or designee: Ten-foot-wide concrete, concrete paver or brick, multi-modal trail; or Ten-foot-wide crusher fines trail with collared edges intended for the preservation of wetland and natural riparian areas.				
Firestone	"Within all developments, to the maximum extent reasonably practicable, pedestrian ways, crosswalks, or multi-purpose trails no less than 5 feet in width, located within a tract or easement a minimum of 35 feet in width, shall be constructed near the center and entirely through any block that is 800 feet or more in length."				
Frederick	"Multi-use pathways shall be provided to link internal open space areas with peripheral open space areas and shall connect to multi-use pathway routes throughout the community. Multi-use pathway routes shall be designated between residential areas and commercial and employment centers and schools. (1) Multi-use pathways on local streets may be delineated by painted "bicycle only" lanes. (2) Sidewalks that may be used as a multi-use pathway are required on arterial and collector streets. All other multi-use pathways shall be a minimum of 8 feet wide and shall be of concrete construction or, where approved by the Board of Trustees, compressed gravel. Asphalt paving is prohibited. (3) Bicycle parking shall be provided at the entry to internal and peripheral open space areas.				

Trails Criteria

CODE REVIEW (MULTI-MODAL REQUIREMENTS)					
Communities	Code Language	LUAC	Planning Commission	Town Council	Staff Analysis
Severance		- like Evans language, Do not include sidewalks that are required - requirie concrete - include bike infrastructure in paths - use some Frederick language -internal and regional have different amenities			- Consider including language from Corridor plan in the code, requiring accommodations for bikes and multi-use trails - Where sidewalks meet designated trails, widen into multi-use path - Consider maximum block sizes and how it relates to connectivity of all modes of transportation
Severance - Corridor Plan	"Continue to connect sidewalks, bicycle paths, and regional trails from new and, in some cases, existing development to the GreatWestern Trail" "there should be a grid comprised of a combination of trails, bike lanes, and shared lanes that occur on at least a quarter-mile spacing, that converges on the Great Western Trail and Greenway spline."				
Johnstown					
Timnath	"D. Bike Connections: There shall be a clear connection for bike access between existing public bike lanes and bike parking areas in each development. E. Multi Modal Spine: 1 per development. Distinct bike and pedestrian path that is 10' minimum in width in a 20' corridor. Parking overhang and door swing areas prohibited" - "Bike traffic patterns must be clearly identified and have direct routes to public Right of Ways. Bike parking areas must be located within 60' of the front entry and centrally located so that there is a clear pedestrian path to front entry from parking areas. Bike parking areas must have a clear and direct access to the public Right of Way or the Harmony Roadside Trail." - "Multipurpose trails must be provided within the subdivision where identified on the Parks, Recreation, Open Space and Trails Master Plan (PROST Plan). Trails must be taken to the edge of the property up to the property line for future connection" - "Multi-use pathways shall be provided to link internal open space areas with peripheral open space areas and shall connect to multi-use pathway routes throughout the community. Multi-use pathway routes shall be designated between residential areas and commercial and employment centers and schools. Multi-use pathways on local streets may be delineated by painted "bicycle only" lanes. Sidewalks that may be used as a multi-use pathway are required on arterial and collector streets. All other multi-use pathways shall be a minimum of 8 feet wide and shall be of concrete construction or where approved by the Town, compressed gravel (crusher fines)."				
Wellington					
Windsor					

Trails Criteria

CODE REVIEW (TRAIL REQUIREMENTS)					
Communities	Code Language	LUAC	Planning Commission	Town Council	Staff Analysis
Severance	"Developers must provide trails in the vicinity of all areas designated "Parks and Trails" on the Town's Parks and Trails Map, as well as connections to the Town's trail system and destinations within the neighborhood. The developer shall dedicate a public right-of-way for trails, with the 8-foot trail maintained by the Town and the remainder maintained by an owners' association. All trail connections, where feasible, will connect to the Severance Greenway. Any project adjacent to the Great Western Trail/Severance Greenway will be required to pave their adjoining portion to the standard of the trail at that time. Trails are not included in the land dedication requirements."	- Frederick language delineating different trail uses - due to dark skies ordinance, lighting will not be required			- Need for a Trails Master Plan to reach connectivity level that the town is looking for. - Consider trail lighting requirements near buildings, amenities, or roadways (could be integrated with the building or street lights as well)
Severance - Corridor Plan Guidelines	- GW Trail: Incorporate trail designs that mimic the natural, historic, and cultural environment along the trail; well-maintained primary trail within the rail ROW; safe, well maintained, and easy access within the Great Western Trail ROW for a range of users of all ages and abilities; opportunities for disabled access at all access points; emergency access points for visitor safety; wild-land fire management; accommodate motorized use where appropriate to provide maintenance and emergency access; consider visitor facilities at major points of access and other designated points along the trail.				
Evans					
Firestone	"All open space and trails should be located, designed, and maintained to minimize environmental impacts."				
Frederick	- "Multi-use pathways on local streets may be delineated by painted "bicycle only" lanes. Sidewalks that may be used as a multi-use pathway are required on arterial and collector streets. All other multi-use pathways shall be a minimum of 8 feet wide and shall be of concrete construction or, where approved by the Board of Trustees, compressed gravel. Asphalt paving is prohibited. Bicycle parking shall be provided at the entry to internal and peripheral open space areas." - "Pedestrian trail lighting. Pedestrian lighting is required for all pedestrian trails and trail connections that are not adjacent to and illuminated by roadway lighting." - "Trails are permitted in all zones. The trail system shall link neighborhoods, parks, schools, open spaces, employment centers, community facilities and neighboring communities and thus provide important transportation connections, as well as recreational opportunities and access."				
Johnstown					

Trails Criteria

CODE REVIEW (TRAIL REQUIREMENTS)					
Communities	Code Language	LUAC	Planning Commission	Town Council	Staff Analysis
Severance	"Developers must provide trails in the vicinity of all areas designated "Parks and Trails" on the Town's Parks and Trails Map, as well as connections to the Town's trail system and destinations within the neighborhood. The developer shall dedicate a public right-of-way for trails, with the 8-foot trail maintained by the Town and the remainder maintained by an owners' association. All trail connections, where feasible, will connect to the Severance Greenway. Any project adjacent to the Great Western Trail/Severance Greenway will be required to pave their adjoining portion to the standard of the trail at that time. Trails are not included in the land dedication requirements."	- Frederick language delineating different trail uses - due to dark skies ordinance, lighting will not be required			- Need for a Trails Master Plan to reach connectivity level that the town is looking for. - Consider trail lighting requirements near buildings, amenities, or roadways (could be integrated with the building or street lights as well)
Severance - Corridor Plan Guidelines	- GW Trail: Incorporate trail designs that mimic the natural, historic, and cultural environment along the trail; well-maintained primary trail within the rail ROW; safe, well maintained, and easy access within the Great Western Trail ROW for a range of users of all ages and abilities; opportunities for disabled access at all access points; emergency access points for visitor safety; wild-land fire management; accommodate motorized use where appropriate to provide maintenance and emergency access; consider visitor facilities at major points of access and other designated points along the trail.				
Timnath	"A trail system shall link neighborhoods, parks, schools, open spaces, employment centers, community facilities and neighboring communities. Developers must provide trails in all areas designated on the Town Parks, Recreation, Open Space and Trails Plan Map as well as connections to any portion of the Town's trail system and other destinations within neighborhoods."				
Wellington	"The trail system shall link neighborhoods, parks, schools, open spaces, employment centers, community facilities and neighboring communities and thus provide important transportation connections as well as recreational opportunities and access. Developers must provide trails in all areas designated "Parks and Trails" on the Comprehensive Public Facilities Map or the Park Plan, as well as connections to the Town's trail system and destinations within the neighborhood."				
Windsor	"Neighborhood Trials shall be open to all members of the public. Restrictions on types of uses are allowed (e.g. prohibition of motorized uses). Trails shall be located off-street and within a Greenbelt. When physical constraints make the use of a Greenbelt impractical, the decision maker may approve trails outside of a Greenbelt. In such cases, trails may be located adjacent to but detached from a street." -- See Table 17-1-20: Trail Design Standards Table for specific construction information.				