

**LAND DEVELOPMENT CODE**

**TOWN OF LIMON, COLORADO**



Adopted -- June 2<sup>nd</sup>, 1994  
Updated – January 30, 2014



# Land Development Code

## Town of Limon

Adopted June 2, 1994  
by  
Ordinance Number 376  
Updated January 30, 2014

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**The Town of Limon would like to thank its citizens for participating in the Community Survey, Community Workshop, and numerous public meetings that led to the drafting and final approval of this Land Development Code.**

**Additionally, the Town of Limon would like to express a special thank you to the American Planning Association, Colorado Chapter and its Board of Directors and the Colorado Department of Local Affairs for their technical assistance in completing this document.**



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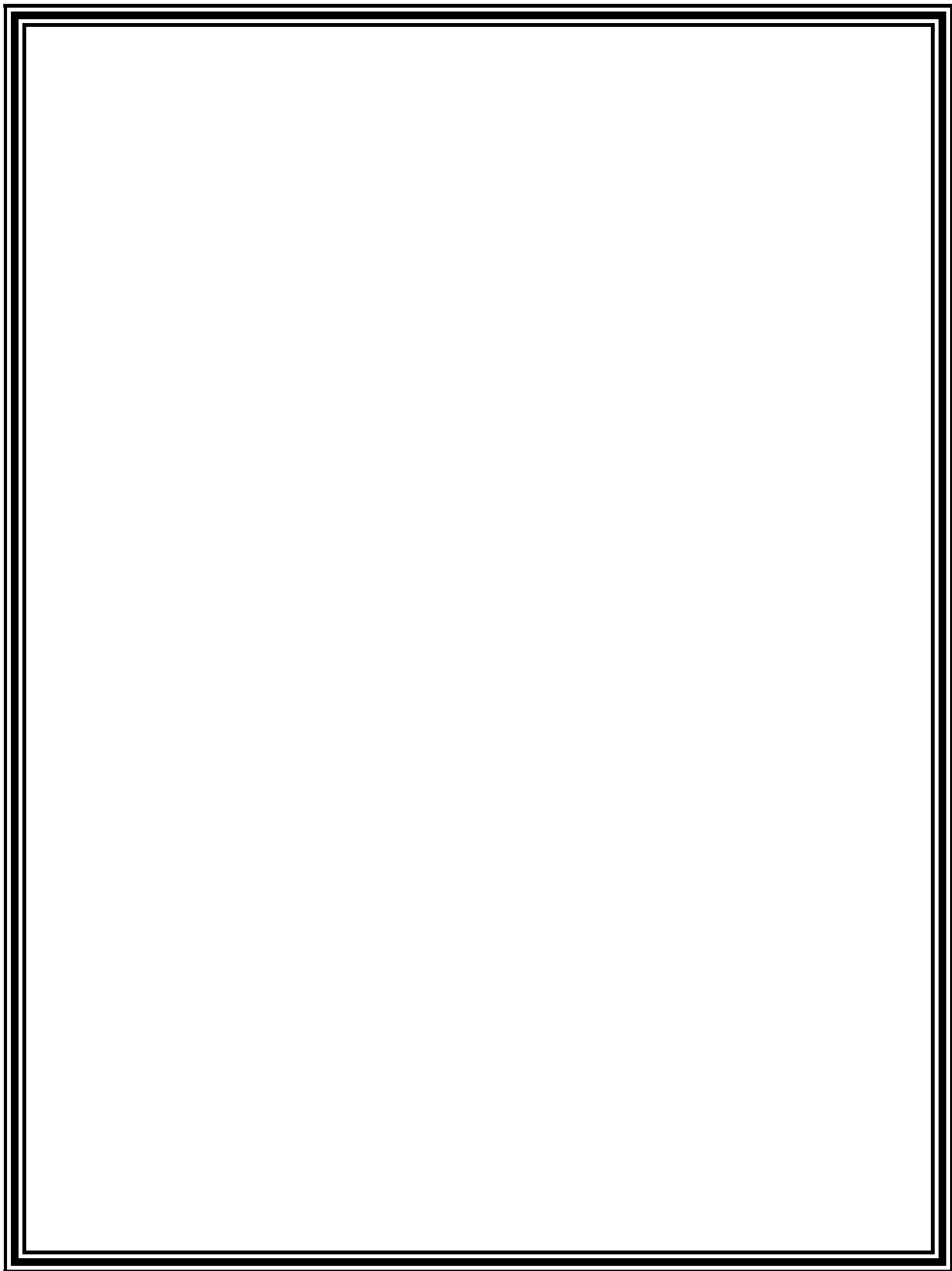
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**APPENDIX**



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***100***  
***General Provisions***  
2014



**100. GENERAL PROVISIONS**

**101. Title**

This code establishes the regulations and standards governing the use and development of land within the Town of Limon. Included are provisions for the annexation, subdivision and zoning of land, as well as the administrative procedures governing the submission of application, administrative and public reviews, and appeals. Also included are Town standards for site design, landscaping, parking and public infrastructure.

**102. Short Title**

This code shall be known and may be cited as the Limon Land Development Code. With this code the Limon Land Development Code shall simply be referred to as "this code."

**103. Authority**

**103.1.** This code is adopted pursuant to the authority contained in the Colorado Revised Statutes (CRS). Authority is granted to municipalities to establish a planning commission and regulate subdivisions (CRS 31-23-202, 214), to regulate land use through zoning (CRS 31-23-3), to prohibit or regulate nuisances and enforce its major street plan within three miles of its boundaries (CRS 31-15-401-601 and CRS 31-23-212, 213), as well as to adopt a comprehensive plan and generally plan for and regulate the use of land.

**103.2.** Whenever a section of the Colorado Revised Statutes that is referred to in this code is later amended or superseded, this code is deemed amended to refer to the amended section or section that most nearly corresponds to the superseded section.

**104. Jurisdiction**

**104.1.** This code shall be effective throughout the Town's corporate boundaries. The Town's planning jurisdiction includes all land within the Town of Limon, and where applicable the land within three miles of the Town's boundaries. For purposes of zoning and subdivision, this code only applies to lands within the Town's corporate boundaries.

**104.2.** A copy of a map showing the boundaries of the Town and the area within the three-mile planning jurisdiction shall be available for public inspection in the Town Offices.

**105. Intent**

**105.1.** It is the intent of this code to ensure the orderly, efficient and integrated development of the Town in a way that both promotes the health, safety and general welfare of its residents and that is compatible and protective of the natural environment. Specifically the Town seeks to:

**105.1.1.** Implement its adopted Comprehensive Plan;

**105.1.2.** Provide for the adequate and concurrent provision of public infrastructure and services with the development and use of land in the Town, and in a manner consistent with the public improvements plans of the Town;

**105.1.3.** Ensure well-planned subdivisions by establishing adequate standards for design, improvements and review;

**105.1.4.** Avoid traffic congestion and the overcrowding of land while providing adequate light and fresh air to residents;

**105.1.5.** Prevent loss of life and property from fire, flooding, geologic hazards and other natural or man-made dangers;

**105.1.6.** Conserve significant environmental features and integrate a high quality natural environment into the developed portions of the community;

**105.1.7.** Develop a well-balanced land use pattern that will facilitate the development of an integrated community offering a diversity of housing and employment opportunities;

**105.1.8.** Establish a Town Center area as the central business district, economic focal point and identity area for the Town.

**106. Effective Date**

The provisions of this code were originally adopted on June 2, 1994 and became effective on July 16, 1994. Development plans approved under previous regulations that received vested property rights through a Site Specific Development Plan (SSDP) shall be valid for the duration of that vested property right provided that all terms and conditions of the SSDP are complied with. Existing uses that may become nonconforming by adoption of this code are grandfathered, and shall become legal nonconforming uses subject to the provisions of Section **202.5**.

**107. Relationship to Existing Ordinances**

**107.1.** To the extent that the provisions of this code are the same in substance as the previously adopted provisions

in the Town's Code, they shall be considered as continuations thereof. It is not the intention of this code to repeal, but rather to reenact and continue in force the Town's powers and authority in land use regulation. In particular, situations not lawful and conforming under previous codes do not become lawful merely by repeal of those codes. The adoption of this code shall not adversely affect the Town's right to seek remedies for any violation of previous codes that occurred while those codes were in effect.

**107.2.** In cases where the provisions of this code substantially differ from existing codes, the provisions of this code supersede and replace the existing codes at the effective date of this code.

**108. Relationship to Comprehensive Plan**

**108.1.** It is the intention of the Town that this code implement the planning policies recommended by the Limon Planning Commission and adopted by the Board for the Town and its extraterritorial planning area, as reflected in the Comprehensive Plan and other planning documents.

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 any planning document.

**108.2. Requirement for Comprehensive Plan Amendment**

Where a development proposal would be in substantial conflict with the Comprehensive Plan, an amendment to the Comprehensive Plan will be required prior to any zoning or subdivision approvals. A substantial conflict will exist when a development proposal would result in changes from the designations of the Land Use Plan maps, Circulation and Transportation Plan map, or Open Space and Parks Plan map in the Comprehensive Plan.

**108.3. 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.

**109. Application: No Use or Sale except in Conformity with code**

**109.1.** In their interpretation and application, the provisions of the code shall be held to be the minimum requirement for the promotion for the public health, safety, morals and welfare.

**109.2.** Where property is affected by the requirements of this code and by other governmental regulations, those

that are more restrictive or which impose the higher standards or requirements shall prevail. No land use or development shall occur or be maintained in the Town in violation of any state or federal regulations.

**109.3.** Except for situations covered under Section II.E. Nonconforming Situations of this code, no person may use, occupy, modify or sell any land or buildings or authorize or permit the use, occupancy, modification or sale of land or buildings under their control except in accordance with all the applicable provisions of this code.

**109.4.** For the purposes of this section, the "use" or "occupancy" of a building or land relates to anything and everything that is done to, on, or in that building or land.

**109.5.** In cases of mixed-occupancy or mixed-use, the regulations for each land use shall apply to the portion of the structure or land so used unless governed by an approved development plan.

**110. Fees**

Reasonable 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 amendments, variances and other administrative relief. The fee schedule will be adopted periodically by the Town Board and is available from the Town office.

**111. Severability**

It is hereby declared to be the intention of the Town that the sections, paragraphs, sentences, clauses, and phrases of this code are severable; and that if anyone of these is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, the remainder of this code shall not be affected and will remain valid and in effect.

**112. Computation of Time**

Unless specifically provided, all time references in this code will be calendar days and be computed by excluding the first day and including the last. Where the last day falls on a Saturday, Sunday or holiday, the next general working day will be used. When the period of time prescribed is less than seven days, the intermediate Saturdays, Sundays and holidays shall be excluded.

**113. Miscellaneous**

**113.1.** As used in this code, words used in the singular include the plural and words used in the plural include the singular.

113.2. The words "must," "shall" and "will" are mandatory; "may," "can" and "might" are permissive.

**114. Basic Definitions and Interpretations**

114.1. The words and phrases used in this code shall have the meanings defined below unless otherwise specifically provided or unless clearly required by the context.

114.2. Questions of definition or working usage shall be interpreted by the Town Manager based on the context of their usage and the intention of the section of this code in which they occur.

114.2.1. **Abutting Land:** A parcel of land, which has a common property line with another parcel of land.

114.2.2. **Accessory Building:** A detached subordinate building, the use of which is incidental to that of the main building or to the main use of the land and which is located on the same lot with the main building or use.

114.2.3. **Accessory Use:** A use or structure incidental to or subordinate to the principal use of a lot or contiguous lots in the same ownership, or commonly associated with the principle use and integrally related to it.

114.2.4. **Administrator:** The chief administrative officer appointed by the Board of Trustees pursuant to the Municipal Code, Chapter 131.3 or the chief administrative officer's designee is empowered to enforce the requirements of this code.

Amended by Ordinance No. 545 on May 5, 2011

114.2.5. **Airport Influence Area:** An area within the unincorporated portion of the Lincoln County, proximate to an airport, which is recognized by the Town of Limon as containing lands which might be affected by noise and/or safety hazards associated with aircraft operations associated with said airport.

114.2.6. **Alley:** The public right-of-way within a block upon which the rear of building lots generally abuts. Its use is for secondary access to the lot and/or service purposes. An alley shall not be considered to be a street.

114.2.7. **Apartment House:** A building containing dwelling units used and/or arranged for rental occupancy, or cooperatively owned by its occupants, with a yard and compound, and which has one or more utilities in common.

114.2.8. **Appeal:** A request for review by the Board of Adjustment for a variance to this code.

114.2.9. **Applicant:** Any individual, partnership, corporation, association, company, or public body, includes the federal government, or any political subdivision, agency, corporation or instrumentality of the state applying for a development permit pursuant to this code.

114.2.10. **Approach Zone:** An area beginning at the outer edge of the Clear Zone defined by F.A.A.-approved Airport Layout Plans, the main purpose being to facilitate the arrival and departure of aircraft utilizing the aviation facility, and within which building heights are normally limited to fifty feet (50') due to the obstacle clearance requirements of immediately arriving and departing aircraft. Additionally, this zone contains a clear strip, 200' wide by 2,500' long, located along the runway centerline extended, measured from the clear zone/approach zone boundary.

114.2.11. **Architectural Projection:** Any projection that is not intended for occupancy and that extends beyond the face of an exterior wall of a building, including, within limitation, cornices, eave belt courses, sills, box or bay windows, fireplaces, roof overhangs, mansards, unenclosed exterior balconies, marquees, canopies, pilasters and fascias, but not including signs.

114.2.12. **Awning:** A fixed or movable shelter supported entirely from the exterior wall or a building that can be retracted, folded or collapsed against the face of the supporting building.

114.2.13. **Basement House:** A dwelling or structure constructed partly or wholly below the grade level of any property.

114.2.14. **Basement:** Any level of a building where more than one half of the vertical distance between the floor and the ceiling is below the grade of the site.

114.2.15. **Bed and Breakfast:** A residential building in which rooms are rented on a daily basis to short-term guests. The building typically is similar in character to the surrounding neighborhood, and meets all the requirements of the zoning district in which the facility is to be located.

114.2.16. **Block:** A group of lots existing within well defined and fixed boundaries within a subdivision and usually being an area surrounded by street or other features such as parks, right-of-ways, or municipal boundary lines.

114.2.17. **Board of Adjustment:** A special review Board operating under the authority of this code for purposes of hearing and deciding appeals or variances to this code.



**114.2.18. Boarding and Rooming House:** A building or portion thereof which is used to provide lodging and may include meals for five or more boarders for compensation; not including members of the occupants immediate family who might be occupying such building. The word "compensation" can mean money, services, or other things of value.

**114.2.19. Buffer Zone:** A strip of land established to separate and protect one type of land use from another, to screen from objectionable noise, odor, smoke or visual impact, or to provide for future public improvements or additional open space.

**114.2.20. Building Height:** The vertical distance from the average building grade to the uppermost point of the roof structure.

**114.2.21. Building:** A building is a structure designed, built or occupied as a shelter or roofed enclosure for persons, animals or property, and where separated by a firewall, each such separated portion of such structure shall be deemed a separate building.

**114.2.22. Business Sign:** A sign that directs attention to a business, profession, commodity, service or entertainment sold or offered upon the premises where such a sign is located or to which it is attached. No Business Sign shall exceed a top elevation of 5,530 feet above sea level. Business signs may be limited below this elevation pursuant to height limitations within the Airport Influence Area as described in Chapter II.3.17.5. Use of Business Signs shall be limited to Commercial and Industrial Zone Districts. No use of Business Signs will be allowed in Residential Zone Districts.

(Added by Ordinance No. 516 on September 7, 2006.)

**114.2.23. Child Care Center:** A childcare center provides less than 24-hour care including a Large Child Care Center, Small Child Care Center, School-age Child Care Center, Infant Nursery and Toddler Nursery as defined by the Colorado Department of Social Services. A Child Care Center may operate for 24 hours in a day.

**114.2.24. Child Care Home:** A childcare home is a type of family care home in which children are received for less than 24-hour care. This is a facility receiving two or more children not related to each other or children from more than one family. Children received for care are not related to the caretaker and the care provided by the caretaker is for more than two full consecutive days on a regular weekly basis. A full day is seven or more hours. The number of children in a childcare home shall not exceed program requirements established by the Colorado Department of Social Services

**114.2.25. Clear Zone:** An area immediately adjacent to all runway thresholds in which no non-aeronautical structures are normally permitted due to the obstacle clearance requirements of immediately arriving and departing aircraft.

**114.2.26. Communication Facility:** Consisting primarily of communication towers and/or antennas (including antennas mounted on existing structures), an appurtenant facilities housing electrical equipment for cellular telephone, television, radio and other broadcasting facilities. Does not include places of business where people work on a regular basis (e.g., radio or TV studios).

**114.2.27. Corner Lot:** A lot situated at the junction of a front street and a side street.

**114.2.28. Court:** An unoccupied space on a lot other than a yard designated to be partially surrounded by group dwellings.

**114.2.29. Curb Cuts:** A cut in the curb line for passage of vehicles, not to exceed 12 feet in width, for single drive and 20 feet for double drive.

**114.2.30. Domestic Livestock:** Limited to cattle, horses and mules.

**114.2.31. Driveway:** Private access for a vehicle to a single building site or lot not to exceed 12 feet in width for a single drive and 20 feet in width for a double drive.

**114.2.32. Dwelling, Multifamily:** A building, or portion thereof, designed for or occupied by three (3) or more families living independently of each other, which may include condominiums or townhouse units.

**114.2.33. Dwelling, Single-Family:** A dwelling designed for the occupancy of one (1) family, including attached residences.

**114.2.34. Dwelling, Two-Family:** Also called duplex, a detached building designed exclusively for the occupancy of two (2) families living independently of each other.

**114.2.35. Dwelling Unit:** One (1) room or a combination of two (2) or more rooms designed for living and sleeping purposes for one (1) person or family, and having a kitchen or kitchenette and a bathroom with a toilet, lavatory and bathtub or shower, all connected to potable water and a sanitary sewer system. Does not include motel, trailer (mobile home), or hotel lodging.

**114.2.36. F.A.R. Part 77:** Federal Aviation Administration regulations pertaining to height and obstruction criteria within prescribed distances from an airport as these regulations currently exist and as may be amended from time to time. Part 77 Regulations may also affect lands located outside the boundaries of a defined Airport Influence Area.

**114.2.37. Family:** One (1) or more persons occupying a dwelling unit and related by marriage, blood or adoption, or one (1) or more persons occupying a dwelling unit and living together as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, motel, or hotel.

**114.2.38. Front Yard:** That portion of a lot that abuts a street and extends across the width of the lot between the street and the set back line.

**114.2.39. Frontage Street:** Street on which the lots of a block, or subdivision thereof, generally front.

**114.2.40. Gable:** That portion of roof that forms a triangle at the building end and extends from the ridge to the eaves.

**114.2.41. Home Occupation:** Any use conducted entirely within a dwelling unit and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for residence purposes and does not change the character thereof or adversely affect the uses permitted in the residential district of which it is a part, which creates no additional traffic, requires no additional parking space, where no persons are employed other than residents in connection with the home occupation. Provided further that no mechanical equipment is installed or used except such that is used for domestic purposes; and that there is no outdoor storage of materials, equipment and/or supplies other than that necessary for domestic purposes. For the purposes of this code, childcare homes and childcare centers are not considered home occupations.

**114.2.42. Hotel:** A building occupied as the more or less temporary abiding place of individuals who are lodged with or without meals for compensation and in which there are more than 10 sleeping rooms, usually occupied singly, and in which no provision is made for cooking in any individual apartment or room.

**114.2.43. Lot Area:** Total square footage or acreage contained within lot lines.

**114.2.44. Lot Depth:** The mean distance from the street right-of-way line at the front of the lot to its opposite rear line measured in the general direction of the sidelines of the lot. Where a right-of-way is not established, it shall

be assumed to be sixty (60) feet. Where a major thoroughfare or collector street is designated on the major Thoroughfare Plan, then the lot depth shall be measured from the proposed right-of-way line.

**114.2.45. Lot Line:** A property line bounding a lot, excluding any dedicated street or alley

**114.2.46. Lot of Record:** A lot which is part of a subdivision, a plat of which has been legally recorded or a lot described by metes and bounds, the description of which has been so recorded.

**114.2.47. Lot Width:** Lot width is the width measured along the minimum building setback line.

**114.2.48. Lot:** Land occupied or to be occupied by a building and its accessory building together with such open spaces as are required under this code and having its principal frontage on a street or officially approved place.

**114.2.49. Manufactured Housing:** A manufactured house or building, or modular building (not otherwise meeting the definition of "mobile home") which meets the criteria established in C.R.S. 31-23-301(5) and C.R.S. 31-23-303(3), as amended

**114.2.50. Mobile Home:** A dwelling unit that is capable of being moved on wheels that are an inherent part of the structure's design. This is opposed to manufactured housing that is designed to be firmly affixed to a foundation as required by the *Uniform Building Code* under the Municipal Code of the Town of Limon, Colorado, Section 513.

**114.2.51. Mobile Home Park:** Any combination of contiguous lots or tracts upon which two or more mobile homes are occupied.

(Amended by Ordinance No. 529 on August 6, 2009.)

**114.2.52. Motel:** A group of dwellings of not less than 200 square feet floor space per unit, facing a common court, place or street, and designed for or used temporarily for automobile tourists or transients with adequate off-street parking space for each unit.

**114.2.53. Noise Level Reduction (NLR):** Construction techniques utilized for the purposes of reducing interior noise levels of structures to acceptable levels as may be determined by the Board of Trustees.

**114.2.54. Nonconforming Structure:** A building, structure or portion thereof which lawfully existed at the time of the adoption of this code but which does not conform to the height, yard or area regulations of the zone in which it is located, or which is so designed, erected or

altered that it could not reasonably be occupied by a use permitted in the zone in which it is located.

**114.2.55. Nonconforming Lot:** A "lot" which was lawfully created but which does not conform to the minimum lot size specifications of the zone in which it is located.

**114.2.56. Nonconforming Use:** A use which lawfully occupied a building or lot at the time of the adoption of the code, and which does not conform with the use regulations of the zone in which the building and/or lot is located.

**114.2.57. Perceived Noise Decibels (PNdb):** A measure utilized by the Limon Municipal Airport to rate compatibility of land uses with the Airport Influence Area.

**114.2.58. Planning Commission:** For purposes of this code, shall mean the Planning Commission of the Town of Limon, Colorado, created by Number PHA1 and approved on June 3, 1965.

**114.2.59. Porch:** A roofed or unroofed open structure projecting from the front, side or rear wall of a building. For purpose of this code a porch is considered a part of the principal building and is not permitted to extend into any yard requirements.

**114.2.60. Rear Yard:** That portion of a lot between two side lot lines that does not abut a street and that extends across the width of the lot between the rear set back line and the rear lot line.

**114.2.61. Residence-Free Zone:** All lands within one mile of the Limon Municipal Airport and in that airport's final approach area that will not permit new residential construction.

**114.2.62. Sexually Oriented Business:** An establishment which involves or includes an adult arcade, adult bookstore, adult novelty shop, adult video store, adult cabaret, adult motel, adult motion picture theatre, adult theatre, sexual encounter establishment, or nude model studio. The definition of a sexually oriented business shall not include an establishment where a medical person licensed by the state engages in medically approved and recognized sexual therapy. Further definitions are included in the Code under section 202.7., Sexually Oriented Businesses of the Code.

**114.2.63. Setback Line:** A line in the back of and parallel to the street right-of-way line and at such horizontal distance from the street right-of-way line as required by the minimum front yard depth in the district in which it is to be located.

**114.2.64. Setback:** The minimum horizontal distance between the property line and the front line of the building or any projection thereof, excluding steps.

**114.2.65. Side Yard:** That portion of a lot that extends from the front set back line to the rear set back line between the side set back line and the side lot line, or that portion of a lot that is between a lot line and a set back line, but is not a front or rear yard.

**114.2.66. Signs:** Any form of publicity, directing attention to an individual activity, business, service, commodity or product and conveyed by means of words, figures, numerals, lettering, emblems, devices, designs, trade marks, or trade names, or other pictorial matter, designed to convey such information and displayed by means of panels, posters, paints or other devices erected on an open framework or attached or otherwise applied to posts, stakes, poles, trees, buildings or other structures or supports.

**114.2.66.1. Business Sign:** A sign that directs attention to a business, profession, commodity, service or entertainment sold or offered upon the premises where such a sign is located or to which it is attached. No business Sign shall exceed a top elevation of 5,530 feet above sea level. Business signs may be limited below this elevation pursuant to height limitations within the Airport Influence Area as described in Chapter II.3.17.5. Use of Business Signs shall be limited to Commercial and Industrial Zone Districts. No use of Business Signs will be allowed in Residential Zone Districts.

(Amended by Ordinance No. 516 on September 7, 2006.)

**114.2.66.2. Advertising Signs:** A sign that directs attention to a business commodity, activity, service or product not necessarily conducted, sold or offered upon the premises where each is located.

**114.2.66.3. Identification Signs:** Signs identifying the name of a structure or use of land such as a subdivision, housing development, school, college, park, church or other public or quasi-public facility. Such signs shall bear information pertaining only to the premises on which such a sign is located.

**114.2.67. Sixty-five (65) Ldn:** A weighted, day/night average sound level that can be used to assess the amount of exposure to aircraft noise that can be expected at certain locations proximate to an airport. The 65 Ldn noise contour is recognized in these Regulations as having enough potential noise impacts on certain land uses to warrant noise level reduction (NLR) methods in construction of these land uses.

**114.2.68. Story:** That portion of a building included between the surface of a floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it.

**114.2.69. Street:** A public thoroughfare 50 feet or more in width and not less than 40 feet between curbs.

**114.2.70. Structure:** Anything constructed or made, the use of which requires permanent location on the ground, or attached to something having more or less permanent location on the ground. The word "structure" shall include the word "building."

**114.2.71. Town:** For purposes of this code, shall mean the Town of Limon, State of Colorado.

**114.2.72. Traffic Pattern Area:** A racetrack or rectangular-shaped pattern beginning at the departure end of a runway in use and terminating at the arrival end of the same runway in use, which provides an average flight path for arriving and departing aircraft.

**114.2.73. Trailer Court:** Any plot of ground upon which one (1) or more occupied trailer homes are located. Also known as a mobile home park.

**114.2.74. Trailer Home:** A mobile home as defined by this code.

**114.2.75. Variance:** A variance is a relaxation of the terms of the zoning code where such relaxation will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the code would result in unnecessary and undue hardship. As used in this code, a variance is authorized only for height, area, and size of structure, or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or adjoining zoning districts.

**114.2.76. Yard:** An open space unoccupied and unobstructed from the ground upward, which is on the same lot with a building except as otherwise provided herein.

**115. Enforcement and Review**

**115.1. Complaints Regarding Violations.**

Whenever the Manager receives a written, signed complaint alleging a violation of this code, a town official shall investigate the complaint within ten days, and take whatever action is warranted, and inform the complainant in writing what actions have been or will be taken.

**115.2. Persons Liable.**

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.

**115.3. Procedures Upon Discovery of Violations**

**115.3.1.** If the Manager finds that any provision of this code is being violated, he shall send a written notice to the person responsible for such violation, indicating the nature of the violation and suggesting the action necessary to correct it. The first written notice will also contain an invitation to discuss the violation and the Town's concerns, and the opportunity to negotiate a reasonable solution to the violation that meets these concerns. Additional written notices may be sent at the Manager's discretion, and may order the action necessary to correct the violation.

**115.3.2.** The final written notice shall state what action the Manager intends to take if the violation is not corrected and shall advise that the Manager's decision or order may be appealed to the Board of Adjustment. In all cases an agreement or other enforcement action to end the violation shall be reached within ninety (90) days of the violation being recognized by the Town.

**115.3.3.** Notwithstanding the foregoing, in cases when delay would seriously threaten the effective enforcement of this code or pose a danger to the public health, safety, or welfare, the Manager may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in Section 4 below.

**115.4. Penalties and Remedies for Violations**

**115.4.1.** Violations of the provisions of this code or failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with grants of variances or special-use or conditional-use permits, shall constitute a misdemeanor, punishable by a fine of up to \$300, or a maximum 90 days imprisonment, or both.

**115.4.1.1.** Any sale or transfer of lots in a subdivision before the Town approves the final plat will constitute a separate violation for each lot sold or agreed to be sold. Each day of violation will constitute a separate offense.

**115.4.2.** Any act constituting a violation of the provisions of this code or a failure to comply with any of its requirements, including violations of any conditions and

safeguards established in connection with the grants of variances or special-use or conditional-use permits, shall also subject the offender to a civil penalty of \$25. If the offender fails to pay this penalty within 10 days after being cited for a violation, the Town in a civil action in the nature of debt may recover the penalty. A civil penalty may not be appealed to the Board of Adjustment if the offender was sent a final notice of violation and did not take an appeal to the Board of Adjustment within the prescribed time.

**115.4.3.** This code may also be enforced by any appropriate equitable action.

**115.4.4.** Each day that any violation continues after notification by the Manager that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this section.

**115.4.5.** In addition to any other penalty imposed by this code for a violation of the provisions of this code, the Town reserves and maintains the continued right to abate violations of this code.

**115.4.6.** Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this code.

**115.5. Permit Revocation**

**115.5.1.** A zoning, sign, special-use, conditional-use or other permit may be revoked by the Town if the permit recipient fails to develop or maintain the property in accordance with the plans submitted, the requirements of this code, or any additional requirements lawfully imposed by the Town or if the information on which the permit approval was based is found to be false or inaccurate.

**115.5.2.** Before a conditional-use or special-use permit may be revoked, all of the notice, hearing and other requirements of this code shall be complied with. The notice shall inform the permit recipient of the alleged grounds for the revocation.

**115.5.2.1.** The burden of presenting evidence sufficient to convince the Town to revoke a permit for any of the reasons set forth in Subsection (a) shall be upon the party advocating that position. The burden of persuasion shall also be upon that party.

**115.5.2.2.** Revocation or revoke of a permit shall include, insofar as practicable, a statement of the specific reasons or findings of fact that support the revocation.

**115.5.3.** Before a zoning or sign permit may be revoked, the Manager shall give the permit recipient 10 days notice of intent to revoke the permit and shall inform the recipient of the alleged reasons for the revocation and

of his right to obtain an informal hearing on the allegations. If the permit is revoked, the Manager shall provide to the permittee a written statement of the decision and the reasons therefore.

**115.5.4.** No person may continue to make use of land or buildings in the manner authorized by any zoning, sign, special-use or conditional-use permit after such permit has been revoked in accordance with this section.

**115.6. Judicial Review**

**115.6.1.** Every decision of the Town Board granting or denying a conditional-use permit and every final decision of the Board of Adjustment shall be subject to review by the District Court by proceedings in the nature of certiorari.

**115.6.2.** The petition for the writ of certiorari must be filed with the District Clerk of Court within 30 days after the later of the following occurrences:

**115.6.2.1.** A written copy of the board's decision has been filed in the office of the planning department, and

**115.6.2.2.** A written copy of the board's decision has been delivered by personal service or certified mail, return receipt requested, to the applicant or appellant and every other aggrieved party who has filed a written request for such copy at the hearing of the case.

**115.6.3.** A copy of the writ of certiorari shall be served upon the Town of Limon.





***200***  
***Zoning***  
**2014**

**200. ZONING**

**201. 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, morals, convenience, comfort, prosperity and general welfare.

**201.1. Uniformity of Regulations**

The regulations established by this code within each Zone shall apply uniformly to each class or kind of structure or land. Unless exceptions are specified in this code, the following interpretations shall apply:

**201.1.1.** No buildings, structure, or land shall be used or occupied, and no building or structure or part thereof shall be erected, changed, constructed moved, or structurally altered unless in conformity with all of the regulations herein specified for the Zone in which it is located.

**201.1.2.** No building or other structure shall be erected or altered except as allowed by this code:

**201.1.2.1.** to exceed the height limitations;

**201.1.2.2.** to accommodate or house a greater number of families;

**201.1.2.3.** to occupy a greater percentage of the area; to have narrower or smaller rear yards, front yards, side yards, or other open spaces;

**201.1.3.** No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this code, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building unless specific exception therefore is stated in this code.

**201.1.4.** No yard or lot existing at the time of passage of this code shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this code shall meet at least the minimum requirements established by this code.

**201.1.5.** Any use not permitted in a Zone either specifically or by interpretation by the Planning Commission is hereby specifically prohibited from that Zone.

**201.2. Conflict with Other Provisions of Law**

Where this Zoning code is in any way more restrictive than other provisions of law or ordinance, the provisions of this Zoning code shall control.

**201.3. Conflict with Private Covenants or Deeds**

In case of a conflict between this code and any private restrictions imposed by covenant or deed, the responsibility of the Town Manager shall be limited to the enforcement of this code.

**201.4. One Principal Building to a Lot**

Only one (1) principal building and its customary accessory buildings may hereafter be erected on a lot. No building shall be erected on any lot, which does not have at least twenty-five (25) foot frontage on a publicly dedicated street.

**201.5. Permitted Height Exceptions**

Except as specifically stated in other parts of this code, no building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit herein after established for the district in which the building is located, except that penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, private and utility radio and television aerials or antennas, ham radio masts, water tanks or similar structures may be erected above the height limits herein. No such excepted structures may be erected to exceed by more than fifteen (15) feet the height limits of the district in which it is located; nor shall such excepted structures have a total area greater than twenty-five percent (25%) of the roof area of the building; nor shall such excepted structures be used for any residential purpose other than a use incidental to the main use of the building. Private radio, television and ham radio aerials or masts may be erected to any height providing it is acceptable to the F.A.A.

**202. Zone Districts**

**202.1. General**

In order to implement the provisions of this code, Limon, Colorado, is hereby and in the future may be, divided into the following zoning districts:

- ER Estate Residential District
- R-1 Single-family Residential District
- R-2 Two-family Residential District
- R-3 Multifamily Residential District

- R-4 Mixed Residential District
- R-MH Mobile Home Residential District
- CBD Commercial Business District
- CBD-R Commercial Business and Residential District
- CH-1 Highway Commercial District
- CH-2 Mixed Commercial District
- CH-3 Highway Commercial and Residential District
- C-1 Commercial District
- LI Light Industrial District
- HI Heavy Industrial District
- PD Planned Development District
- OS-R Open Space – Recreation District
- O-FP Floodplain Overlay District
- O-A Airport Overlay District

**202.2. Use Categories**

Uses of property are categorized and allowed in each of the zoning districts in the following manner:

**202.2.1. Use-by-Right.**

Uses-by-right include the use of land, structures or both which are authorized by the district zoning classification. These uses may not require prior review and approval by the Planning Commission or the Board of Trustees unless otherwise contained herein.

**202.2.1.1.** A use-by-right is the principal use(s) permitted in any given zone district. The design standards of any given zone district comprises the essential site plan requirements for the placement of a use on a parcel or in a structure. To construct a use-by-right on a parcel, a building permit is needed. The building permit will require that the use is properly served by access and utilities and that a plot plan be submitted which is used to check the setbacks and other design standards of the district. Plot plan reviews and approvals are a function of Town staff.

**202.2.2. Accessory Uses and Structures.**

These uses are naturally and normally incidental to a use-by-right and comply with all the following conditions:

**202.2.2.1.** Is clearly subordinate, incidental and customary to and commonly associated with the operation of the use-by-right;

**202.2.2.2.** Is operated and maintained under the same ownership as the use-by-right on the same zone lot;

**202.2.2.3.** Includes only those structures or structural features consistent with the use-by-right;

**202.2.2.4.** The gross floor area utilized by all accessory uses, except a private garage, shall not exceed

ten percent (10%) of the total floor area of the use-by-right on the same property or parcel; and

**202.2.2.5.** May include home occupations, as defined by the zoning regulations and/or by zone district.

**202.2.2.6.** Accessory uses must meet setback and other design standard requirements in each zone district. Construction of accessory uses may or may not require a building permit. If a permit is required, a plot plan showing the location of the accessory use on the zone lot will be required.

**202.2.3. Conditional Use.**

Uses normally associated with uses-by-right and permitted in any given zone district upon compliance with certain conditions and after review and approval of a site plan. See Appendix 1.

**202.2.4. Use by Special Review.**

A specific use of land or building or both described and permitted within a zone district is subject to special provisions and which, because of its unique characteristics, cannot be properly classified as a use-by-right or conditional use. Special uses require review before the Planning Commission and a public hearing before the Board of Trustees. These uses are usually extraordinary in nature, and a complete site plan and impact mitigation plan will be required to be reviewed and approved. See Appendix 2.

**202.2.5. Temporary Uses.**

**202.2.5.1.** The intent of this section is to provide for the regulation of temporary structures and uses. This code shall apply to temporary residences, temporary construction offices and temporary signs. For the purposes of this section, the term "temporary" shall mean a period of up to six (6) months.

**202.2.5.2. General Requirements and Procedures.** Prior to the establishment and use of a temporary structure, the applicant shall be required to provide the following:

**202.2.5.2.1.** Submit a plot plan showing location of the use, setbacks and any other pertinent information to the Town Manager for review. The plan must conform to all applicable zoning requirements of the district in which the use is to be located. See Appendix 3.

**202.2.5.2.2.** Upon favorable review by the Town Manager, the applicant may obtain a building permit for the requested use.



**202.2.5.2.3.** The permit granted by the Town Manager shall expire six (6) months from the date of issuance. A maximum of three (3) permits may be granted per use. All temporary uses shall be removed at the expiration of the third permit.

**202.2.5.2.4.** All written requests for renewal shall be submitted to the Town Manager a minimum of ten (10) working days prior to expiration date.

**202.2.5.2.5.** The applicant must meet any additional requirements necessary for the health, safety and welfare of the residents of the surrounding area as determined by the Town Manager.

**202.2.5.3. Permitted Temporary Structures**

**202.2.5.3.1. Temporary Construction Office.**

A temporary structure for the storage of construction materials, and a construction office to be used for managing a construction job may be utilized in all districts with the following restrictions:

**202.2.5.3.1.1.** The unit is to be used only during normal construction hours by the construction superintendent, construction workers, contractors, etc.

**202.2.5.3.1.2.** While construction is occurring, a temporary construction office may be utilized provided that it is located within the area of a recorded final plat or an approved site plan.

**202.2.5.3.1.3.** The temporary construction office shall not be utilized as living quarters for a caretaker, property owner, contractor, or others except in approved cases where security necessitates such occupancy.

**202.2.5.3.2. Temporary Offices.**

**202.2.5.3.2.1. Residential Sales.**

Temporary residential sales offices for the sale of units in an area shall be permitted in the residential (R) and PD districts with the following restrictions:

**202.2.4.3.2.1.1.** Sales shall be limited only to those units within the platted subdivision in which the office is located.

**202.2.4.3.2.1.2.** The temporary structure shall be located within the area of a recorded final plat.

**202.2.4.3.2.1.3.** The use of a temporary residential sales office shall require obtaining a temporary permit with the Town Manager.

**202.2.4.3.2.2. Commercial, Business, and Industrial Offices.** Temporary nonresidential offices,

including manufactured housing, used for sales or business operation purposes shall be permitted in the CBD, CBD-R, CH-1, CH-2, CH-3, LI, HI and nonresidential and mixed-use PD zone districts with the following restrictions:

*(Entire section amended November 7, 2002 by Ordinance No. 479)*

**202.2.4.3.2.2.1.** Upon obtaining a building permit for a permanent nonresidential structure a permit for utilizing a temporary structure on the premises by the property owner or representative may be obtained.

**202.2.4.3.2.2.2.** The temporary office shall be located within the area of a recorded final plat and an approved site plan.

**202.2.4.3.2.2.3.** The temporary permit shall allow the placement of the temporary structure for up to but no longer than one (1) year from the date of the permit at the discretion of the Town Manager. Such temporary permit may not be extended for any longer term without the Town Manager finding good cause for such extension.

**202.2.4.3.2.3. Other Temporary Structures.**

Tents or other temporary structures used for commercial activities are allowed in all zone district except the Residential zone districts. All permits are to be obtained from the Administrative Official and must expire in a maximum of three (3) months within any calendar year. The intent of this section is to prevent commercial uses of tents in residential areas, not to prevent backyard get-togethers.

**202.2.6 Uses Not Itemized.**

**202.2.6.1.** On its own initiative, the Limon Planning Commission may, by resolution, recommend to the Board of Trustees additions to the uses permitted and/or uses permitted by special review section of any zoning district, any other similar use which conforms to the conditions set forth in this section. The recommendation of the Planning Commission is then forwarded to the Board of Trustees for their action pursuant to Section 203 of this code. The criteria to be considered when adding to the zone district use list are:

**202.2.6.1.1.** Such use is more appropriate in the use group to which it is added;

**202.2.6.1.2.** Such use conforms to the basic characteristics of the use group to which it is added; and

**202.2.6.1.3.** Such use does not create any more offensive noise, vibrations, dust, heat, smoke, odor, glare, or other objectionable influences or more traffic hazards than the minimum amount normally resulting from the other uses listed in the use group to which it is added.

**202.2.6.2.** Any use not specifically listed or under consideration by the Planning Commission for addition at the time of application must be approved as an addition and/or reviewed as a special use permit within an appropriate zone district.

**202.2.6.3.** When any use has been added to any use group in accordance with this Section **2.2.6.**, such use shall be deemed to be listed in the appropriate Section of that use group and shall be added thereto in the published text of this code at the first convenient opportunity, with a notation indicating that the addition was made in accordance with this Section.

**202.2.7. Uses Prohibited.**

**202.2.7.1.** Except as may be allowed as a temporary use under Section **2.2.5.3.1.2.** there shall be no manufactured housing allowed or permitted in the CBD, CBD-R, CH-1, CH-2, CH-3, LI, HI, and nonresidential and mixed-use PD zone districts.

*(Added November 7, 2002 by Ordinance No. 479)*

**202.3. Zone District Descriptions**

**202.3.1. Estate Residential District (ER)**

**202.3.1.1. Purpose.** The ER, Estate Residential district is designed to accommodate very low density single-family residential uses and country estates on large lots that can possibly accommodate livestock at specified density limits and located on the fringes of Limon's Planning Influence Area. These areas may or may not be served by centralized sewer and water utilities.

**202.3.1.2. Uses-By-Right:**

- single-family house (one per parcel)
- public parks, playgrounds, and other public recreation areas
- public utility distribution mains, lines, etc., which are underground facilities to service residences
- Domestic livestock, limited to cattle, horses and mules less than or equal to an animal unit density of one unit per 90,000 square feet of open lot space, excluding any building structure for the first such unit and 25,000 square feet for each additional such unit.
  - satellite dish antennas without towers; ham radio towers
  - open space
  - accessory buildings and uses such as garages
  - livestock barns up to eight hundred fifty (850) square feet each
    - gardens
    - home occupations

**202.3.1.3. Conditional Uses:**

- golf courses
- public and private schools
- churches and church schools
- group homes, foster family care homes
- preschools, nursery schools, and child care centers
- fire stations
- factory built and manufactured housing on permanent and engineered foundations
- small wind energy conversion systems
- crop production, orchards, nurseries, and flower production
- utility service facilities
- communication facilities not exceeding height limits
  - small horse boarding operations of four (4) or less animals not owned by operator; animal unit densities apply

**202.3.1.4. Special Review Uses:**

- central collection sewage treatment facilities, exclusive of individual septic system
- water tanks, water and sewer treatment facilities, utility substations, and regulator stations
- major facilities of a public utility
- accessory buildings greater than eight hundred fifty (850) square feet

**202.3.2. Single-Family Residential District (R-1)**

**202.3.2.1. Purpose.** The R-1 Single-Family Residential District is designed to accommodate single-family residential development at low density in areas within the Town of Limon that are served by public sewer and water facilities. In order to maintain the design integrity of this district, no mobile homes or manufactured homes will be allowed in this district.

**202.3.2.2. Uses-By-Right:**

- single-family house (one per parcel)
- public parks, playgrounds, and other public recreation areas
- public utility distribution mains, lines, etc., which are underground facilities
- open space
- gardens
- satellite dish antennas without towers; ham radio towers
- accessory buildings and uses such as garages

**202.3.2.3. Conditional Uses:**

- golf courses
- public and private schools
- churches and church schools
- fire stations

- home occupations
- communication facilities up to height limit
- utility service facilities

**202.3.2.4. Special Review Uses:**

- major facilities of a public utility
- child care home
- Nursing Home Facility

**202.3.3. Two-Family Residential District (R-2)**

**202.3.3.1. Purpose.** This zone district provides areas for low- to moderate-density residential development and allows for two-family housing units.

**202.3.3.2. Uses-By-Right:**

- two-family dwellings
- public parks, playgrounds, and other public recreation areas
- public utility distribution mains and lines which are underground facilities
- single-family dwellings
- factory built and manufactured homes on permanent and engineered foundations
- accessory buildings and uses

**202.3.3.3. Conditional Uses:**

- golf courses
- public and private schools
- churches and church schools
- fire stations
- communication facilities up to height limit
- utility service facilities
- child care homes
- home occupations

**202.3.3.4. Special Review Uses:**

- major facilities of a public utility
- child care center

**202.3.4. Multifamily Residential District (R-3)**

**202.3.4.1. Purpose.** Areas for moderate- to high-density multifamily residential development.

**202.3.4.2 Uses-By-Right:**

- single-family, two-family, and factory built and manufactured housing on permanent foundations
- multifamily dwellings
- multiple family subdivisions (lots or condominiums)
- public parks, playgrounds, and other public recreation areas
- public utility distribution mains, lines, and underground facilities
- accessory buildings and uses

**202.3.4.3. Conditional Uses:**

- apartment buildings
- golf courses
- public and private schools
- churches and church schools
- group homes, foster family care homes, nursing homes
- preschools, nursery schools, child care homes, child care centers
- fire stations
- hospitals
- communication facilities not exceeding height limits
- utility service facilities
- home occupations

**202.3.4.4. Special Review Uses:**

- central collection sewage treatment facilities
- water tanks, water treatment facilities, utility substations, and regulator stations
- major facilities of a public utility

**202.3.4.5. Additional Requirements:**

- all multi-family developments must be landscaped according to an approved landscape plan
- all trash receptacles must be properly screened from adjacent public rights-of-way and adjacent properties. These areas shall be designed and used in a manner that will prevent wind and animal scattering of trash
- all roof-mounted equipment shall be properly screened; solar collectors and heaters and television antennas are exempted

**202.3.5. Mixed Residential District (R-4)**

**202.3.5.1. Purpose.** Areas for low to high-density residential development.

**202.3.5.2. Uses-By-Right:**

- single-family, two-family, multifamily and factory built and manufactured housing on permanent foundations
- public parks, playgrounds, and other public recreation areas
- public utility distribution mains, lines, and underground facilities
- accessory buildings and uses

**202.3.5.3. Conditional Uses:**

- mobile homes
- apartment buildings
- golf courses
- public and private schools
- churches and church schools
- group homes, foster family care homes, nursing homes

child care centers

- preschools, nursery schools, child care homes,

- fire stations
- hospitals
- communication facilities not exceeding height

limits

- utility service facilities
- home occupations

**202.3.5.4. Special Review Uses:**

- central collection sewage treatment facilities
- water tanks, water treatment facilities, utility substations, and regulator stations
- major facilities of a public utility

**202.3.6. Mobile Home District (MH)**

(Amended in its entirety by Ordinance No. 530 on August 6, 2009.)

**202.3.6.1. Purpose.** The Mobile Home (MH) District provides a residential zone for mobile home parks and mobile home subdivisions within the Town of Limon. This district allows the development of the types of mobile homes that may not qualify for location in other residential zone districts. Regulations governing individual mobile homes as principal dwelling units or as accessory, conditional, or temporary uses in other zone districts can be found elsewhere in this code.

**202.3.6.2. Interpretation.** In the interpretation and application of the provisions of this code, they are not intended to abrogate or annul any permits issued before the effective date of this code or any easement, covenant, or any other private agreement.

**202.3.6.3. Uses Permitted by Right:**

- mobile homes
- single-family, two-family, multifamily and factory built and manufactured housing on permanent foundations
- accessory uses, buildings, and structures
- mobile home subdivisions
- open space
- public parks and playgrounds
- public utility mains, lines, and underground

facilities

- satellite dish antennas without towers

**202.3.6.4. Conditional Uses:**

- mobile home parks
- churches and church schools
- fire or police stations
- golf courses
- group homes, foster family care homes
- hospitals, nursing homes, and extended care facilities
- public and private schools

limits

- communication facilities not exceeding height
- home occupations
- childcare home and childcare center

**202.3.6.5. Special Review Uses:**

- RV & Campground
- central collection sewage treatment facilities
- major facilities of a public utility water tanks, water treatment facilities, utility substations and regulator stations, water reservoirs

**202.3.7. Commercial Business District (CBD)**

**202.3.7.1. Purpose.** This zone district is designed to accommodate a wide variety of commercial activities, office businesses and the municipal center and park. The CBD zone will serve as the primary commercial core of the Town, have overall design integration, and be pedestrian-oriented, resulting in the intensive and attractive use of the Town's downtown area.

**202.3.7.2. Uses-By-Right:**

**202.3.7.2.1. Retail and business uses such as:**

- attorney-at-law/legal services
- antique shops
- artist supply stores
- auto and truck parts store
- banks (drive-in facilities are allowed)
- barber and beauty shops
- book and stationery stores
- childcare centers and nursery schools
- churches and church schools
- clothing stores
- communication facilities up to the height
- copy centers
- CPA/bookkeeping services
- craft stores
- drug stores
- dry cleaning and dyeing establishments
- dry goods and variety stores
- electrical and household appliance stores
- florists
- furniture stores
- gift shops
- grocery stores
- hardware stores
- hospitals, nursing and convalescent homes, and other extended care facilities
- hotels and motels, including other incidental business uses located inside the principal building, such as restaurants
- insurance agencies

limit

- jewelry stores
- laundromats
- libraries
- medical and dental clinics
- membership clubs, public or private
- mortuaries and funeral homes
- music, radio, television, and video stores
- newspaper publications
- newsstands
- office supply stores
- offices for business and governmental activities
- optometrist shops
- parking lots for customers and employee parking (off-premise lots)
- package liquor stores
- paint stores
- pet shops
- photographic studios, equipment, and supply stores
- post offices
- printeries
- public utility collection offices
- radio and TV stations and other communication businesses
- realty/land offices
- restaurants and other eating and drinking establishments without drive-in facilities
- senior centers
- shoe stores
- sporting goods and athletic equipment stores
- theaters (indoors)
- toy stores
- travel agencies
- video rentals

**202.3.7.2.2.** Utility service facilities

**202.3.7.2.3.** Accessory buildings and uses

**202.3.7.3. Conditional Uses:**

- gasoline stations
- auto and truck repair shops
- bed and breakfast homes
- car dealerships
- health club/gym
- restaurants with drive-in facilities
- school facilities
- veterinary clinics and hospitals
- utility service facilities where height limits are exceeded

**202.3.7.4. Special Review Uses:**

- water tanks, water and sewer treatment facilities, utility substations, and regulator stations
- major facilities of a public utility
- communication facilities where height limits are exceeded

**202.3.8. Commercial Business and Residential District (CBD-R)**

**202.3.8.1. Purpose.** This zone district is intended to provide the same commercial and office business activities as the Commercial Business District in the downtown area while providing some residential uses.

**202.3.8.2. Uses-By Right:**

- uses-by-right allowed in the Commercial Business District (CBD), Section 2.3.7.2.
- single family houses

**202.3.8.3. Conditional Uses:**

- conditional uses allowed in the Commercial Business District (CBD), Section 2.3.7.3.
- Fire Station

*(Added December 7, 2000 by Ordinance No. 459)*

**202.3.8.4. Special Review Uses:**

- special review uses allowed in the Commercial Business District (CBD), Section 2.3.7.4.
- two-family houses
- multifamily housing

**202.3.9. Highway Commercial District (CH-1)**

**202.3.9.1. Purpose.** Areas for commercial retail and service related commercial uses requiring intensive vehicle access and parking located at highway intersections and on the edges of the CBD.

**202.3.9.2. Uses-By-Right:**

**202.3.9.2.1.** Places for the conduct of commercial and service activities, not of an industrial nature, including, but not limited to, the following:

- Uses-By-Right allowed in Commercial Business District (CBD) in Section 202.3.7.2.1.
- amusement and general recreational facilities
- auto and truck repairs
- auto and truck sales — new and used
- bowling alleys
- building materials, farm and ranch materials center
- car washes
- department stores

- electrical, heating, painting, plumbing, roofing, or ventilating shops
- fresh or frozen food lockers
- gas stations/food stores
- grocery and liquor stores
- laundries
- miniature golf courses, golf driving ranges
- motels
- printing or publishing establishments
- storage facilities — household goods
- sign painting
- radio and TV stations, telephone exchanges and other communications facilities such as towers, antennas and buildings where people work
- rental equipment stores
- restaurants and other eating and drinking establishments with drive-up facilities
- tack, feed and grain stores
- theaters (outdoor)
- tire supply and repair stores
- full service truck stores
- upholstery supply and repair stores
- utility service facilities
- veterinary clinics and hospital

**202.3.9.2.2.** Utility service facilities

**202.3.9.2.3.** Accessory buildings and uses

**202.3.9.3. Conditional Uses:**

- greenhouses and wholesale plant nurseries
- contractor's office with outside storage of construction materials or equipment
- firewood sales and storage
- farm equipment and heavy equipment sales — new and used
- feed mills
- flea markets; farmers markets
- water tanks, water and sewer treatment facilities, utility substations, and regulator stations
- communication facilities exceeding the height limit

**202.3.9.4. Special Review Uses:**

- campgrounds and recreational vehicle (RV) parks
- commercial storage areas
- major facility of a public utility
- storage and sale of commercial fertilizer and farm chemicals

**202.3.10. Mixed Commercial District (CH-2)**

**202.3.10.1. Purpose.** Areas for commercial retail and service related commercial and mixed use residential uses.

**202.3.10.2. Uses-By-Right:** commercial retail, businesses, and residences listed as Uses-by-Right under Mixed Residential District, Section **202.3.5.2.**; Commercial Business District, Section **202.3.7.2.1.**; and Highway Commercial District, Section **202.3.9.2.**

**202.3.10.3. Conditional Uses:**

- greenhouses and wholesale plant nurseries
- contractor's office with outside storage of construction materials or equipment
- firewood sales and storage
- farm equipment and heavy equipment sales — new and used
- feed mills
- flea markets; farmers markets
- water tanks, water and sewer treatment facilities, utility substations, and regulator stations
- communication facilities exceeding the height limit
- mobile homes
- apartment buildings
- public and private schools
- churches and church schools
- group homes, foster family care homes, nursing homes
- preschools, nursery schools, child care homes, child care centers
- fire stations
- hospitals
- home occupations

**202.3.10.4. Special Review Uses:**

- campgrounds and recreational vehicle (RV) parks
- commercial storage areas
- major facility of a public utility
- storage and sale of commercial fertilizer and farm chemicals

**200.2.3.11. Highway Commercial and Residential District (CH-3)**

**200.2.3.11.1. Uses-by-Right:**

- uses-by-right under Highway Commercial District (CH-1), Section **202.3.9.2.**
- single-family houses

**200.2.3.11.2. Conditional Uses:** conditional uses under Highway Commercial District (CH-1), Section **202.3.9.3.**

**200.2.3.11.3. Special Review Uses:**

- special review uses under Highway Commercial District (CH-1), Section **202.3.9.4.**
- two-family houses
- multifamily housing

**200.2.3.12. Light Industrial (LI)**

**200.2.3.12.1. Purpose.** Land areas to be used primarily for research and development, mini warehousing, small product assembly and manufacturing and other service, distribution, and industrial uses that are relatively non-polluting and have few off-site impacts as a result of the operations on-site.

**200.2.3.12.2. Uses-By-Right:**

- assembling and light manufacturing plants
- automobile service stations with gasoline pumps and retail gift and sundry sales
- bakeries — wholesale and retail
- banks, financial institutions and services, including drive-in facilities
- bars and lounges
- boats sales and storage
- bottling plants
- bowling alleys
- building materials — wholesale and retail
- carpentry and woodworking shops
- contractor's offices and storage
- dairy products processing plants
- equipment rental
- emergency response facilities
- food and beverage processing plants
- food lockers
- garden shops, greenhouses and wholesale plant nurseries
- general merchandise wholesale business; retail sales allowed
- heavy equipment, truck and farm implement sales and repair
- home repair centers — wholesale and retail
- machine shops
- mini-warehouses, with no storage of dangerous or flammable material and no selling of merchandise and other tangible goods or services from any unit
- motor vehicle and motorized equipment sales, service and repair
- offices — general, medical, dental, including all professional and governmental activities
- product distribution and storage facilities (warehouse)
- public and private parking lots
- public and private recreation areas
- recreational vehicle storage yards

- restaurants and other eating and drinking establishments
- scientific research facilities
- sexually oriented business  
*(added by Ordinance No. 475 on July 6, 2000)*
- storage and warehousing facilities
- temporary construction office
- temporary office
- upholstery supply and repair shops
- utility service facilities and storage operations
- oil and gas well drilling service operations, storage yards and offices
- communication facilities and businesses (TV, radio and telephone, etc.)

**202.3.12.3. Accessory Uses:**

- storage buildings for equipment
- below ground utility mains
- parking areas to service the industrial operation

**202.3.12.4. Conditional Uses:**

- utility generation facility having 50 megawatts or less of power production
- above ground utility transmission lines — on site
- water storage reservoirs less than or equal to 65 acre-feet in size
- water tanks, water and sewage treatment facilities
- communication facilities where height limits are exceeded
- utility service facilities where height limits are exceeded

**202.3.12.5. Special Review Uses:**

- commercial airports and heliports
- crop dusting operations and associated chemical storage and airstrips
- animal sales yard
- storage or warehousing of any dangerous or toxic chemicals or products, fertilizers, farm chemicals, etc.
- above ground utility transmission lines — off site
- concrete, asphalt and mortar batching plants
- aircraft related recreational facilities
- rendering plants, slaughter houses and meat packing facilities
- major facilities of a public utility

**202.3.13 Commercial District (C-1)**

(Added by Ordinance No. 569 on January 2, 2014)

**202.3.13.1 Purpose.** Areas for mixed commercial and industrial uses that allow less intensive industrial uses to be developed alongside certain commercial activities.

**202.3.13.2 Uses-By-Right:**

Places for the conduct of mixed commercial and industrial uses, including, but not limited to, the following:

- assembling and light manufacturing plants
- electronic, electrical, communication equipment manufacturing/assembly
- warehouse and distribution facilities
- manufacturing, assembly, and distribution of secondary and basic goods
- truck terminals and loading areas
- oil and gas drilling service operation and storage areas
- commercial storage areas and warehouses used to store or distribute goods and commodities
- commercial storage (indoor)
- processing plants
- emergency response facilities
- public safety facilities
- utility service facility
- utility generation facilities greater than or equal to 50 megawatts of power

**202.3.13.3 Conditional Uses:**

- manufacturing (food)
- manufacturing (machinery)
- manufacturing (metal)
- manufacturing (non-metallic mineral)
- manufacturing (textile)
- manufacturing (wood product)
- carpentry and woodworking shops
- food and beverage processing plants
- food lockers
- recreational vehicle storage lots
- crop dusting and associated chemical storage and airstrips
- aircraft related recreational activities
- water tanks, water and sewer treatment facilities, utility substations, and regulator stations
- communication facilities exceeding the height limit

**202.3.13.4 Special Review Uses:**

- manufacturing (oil and gas)
- outdoor commercial storage areas
- commercial and general aviation airports and heliports
- concrete, asphalt and mortar batching plants
- temporary batch plants
- warehouse (flammable materials)
- aircraft related commercial facilities
- major facility of a public utility

**202.3.13.5 Accessory Uses:**

- airplane hangars

**202.3.14. Heavy Industrial District (HI)**

**202.3.14.1. Purpose.** Reserved for land areas to be used primarily for manufacturing, assembly and distribution of basic goods. In addition, uses that involve resource extraction operations and recycling, storage and disassembly of all types of used products and related support uses are included within this category. Other uses that pose significant off-site impacts may be located in this district under special conditions, which mitigate those impacts.

**202.3.14.2. Uses-By-Right:**

- manufacturing, assembly, and distribution of secondary and basic goods
- rendering plants, slaughter houses and meat packing plants
- commercial storage areas and warehouses used to store or distribute goods and commodities (food stuffs, grains, etc.)
- concrete, asphalt, or mortar batching plants
- private and public storage areas
- public safety facilities
- truck terminals and loading areas
- utility service facility
- oil and gas drilling service operation and storage areas

**202.3.14.3. Accessory Uses:**

- below ground utility mains
- parking and loading areas to service the industrial operations
- water storage reservoirs less than or equal to 65 acre-feet in size



**202.3.14.4. Conditional Uses:**

- those uses-by-right and conditional uses in the LI District that are not listed as uses-by-right or conditional uses in this district
- storage and sale of commercial fertilizer and farm chemicals
- utility generation facilities greater than or equal to 50 megawatts of power
- above ground utility transmission lines on-site
- junk, scrap metal, auto wrecking and equipment storage and salvage yards
- water tanks, water and sewer treatment facilities

**202.3.14.5. Uses By Special Review:**

- airports, heliports
- crop dusting operations and airstrips
- sand and gravel mining and other mineral extraction operations
- commercial synthetic fuel plants
- storage of toxic chemicals and fuels
- above ground utility lines off-site
- sanitary landfills

**202.3.15. Planned Development District (PD)**

**202.3.15.1. Purpose.** The PD, Planned Development district is established to encourage innovations in residential, commercial, industrial, and recreational development by allowing for mixed land uses, variations in development densities, and variety in the type, design, and layout of buildings in a manner not allowed under nontraditional zoning. The PD district provides a means for clustering development and allowing for the preservation of open space, more effective land utilization, and for more cost-effective and efficient extensions of infrastructure. The PD district is intended to provide a means for developing tracts of land into building and use complexes with a continuity of design and development.

**202.3.15.2. PD Requirements**

**202.3.15.2.1.** The PD shall be consistent with the intent and policies of the Comprehensive Plan.

**202.3.15.2.2.** The PD shall be designed in a manner such that it protects the environmental assets of the area including considerations of elements such as plant and wildlife, streams and storm drainage courses and scenic vistas.

**202.3.15.2.3.** The planned development's relationship to and compatibility with its surroundings shall be considered in order to avoid adverse effects caused by traffic circulation, building height or bulk, lack of screening, or intrusions on privacy.

**202.3.15.2.4.** The PD design and construction plans shall take into account characteristics of soils, slopes and potential geological hazards, in a manner intended to protect the health, safety, and welfare of potential users of the PD. These aspects of the plan must be accompanied by a detailed soil engineering report on the suitability of the area for the intended use and the necessary precautions needed to bring the area to a state of structural soundness before building permits may be issued.

**202.3.15.2.5.** Design and construction of the PD shall include adequate, safe, and convenient arrangements for pedestrian circulation, roadways, driveways, off-street parking, and loading space.

**202.3.15.2.6.** The mixture of uses and densities in a PD is negotiable. The applicant must demonstrate the positive benefits to the Town of the PD district classification versus a traditional single-district zone classification.

**202.3.15.2.7.** The plans for the proposed planned development shall indicate the particular portions of the project that the developer intends to develop under various use categories. Densities, averages, and permitted uses shall be detailed for all development areas within the PD. A summary chart indicating development standards applicable to entire PD and/or separate areas within the PD will be required.

**202.3.15.2.8.** The total parking requirements of the PD will not exceed the sum of the parking that would be required for each use. However, all the parking required for each district does not have to be provided within that district, and total parking requirements may be reduced, if the developer demonstrates to the Town using industry standards that the total number of spaces are not needed within the PD.

**202.3.15.2.9.** Planned open spaces within the PD, including those spaces being used as public or private recreation sits, shall be protected by adequate covenants running with the land, or by conveyances or dedications.

**202.3.15.2.10.** A minimum of twenty-five percent (25%) of the total PD area shall be devoted to open-air recreation or other usable open space (public or quasi-public). "Usable open space" shall be defined as open area designed and developed for use by the occupants of the development or by others for uses including, but not limited to, recreation, courts, gardens, parks and walkways. The terms shall not include space devoted to streets, parking and loading areas. Open space percentages within separate land use areas of a PD may vary from the 25% figure, but the total amount of open area must equal 25% of the overall acreage. This amount of open space may include any publicly dedicated land for parks and open space.

**202.3.15.2.11.** Traffic circulation shall be determined by review of each Planned Development. The PD must have an adequate internal street circulation system. Public streets must serve all planning areas, and meet minimum Town construction standards for use by police and fire department vehicles for emergency purposes. Each nonresidential structure or use in the PD must provide off-street loading spaces, loading berths, service courts, or accesses for delivery and service vehicles.

**202.3.15.3. PD Approval Process**

**202.3.15.3.1.** Where PD zoning already exists on a parcel, the development shall conform to all standards and restrictions specified in the Official Development Plan (ODP). Subdivision of the property may be required, as well as an approved improvements agreements with the Town. If the PD consists of a Preliminary PD Plan, final PD approval (ODP) must be obtained prior to commencement of development and issuance of building permits.

**202.3.15.3.2.** Where a PD zoning does not exist on a lot or lots and the PD designation is desired, the developer must first apply for an amendment to the zoning map per Section 203. Consideration of the zoning amendment request (rezoning) can occur simultaneously with consideration of the proposed PD preliminary plan. Sketch plan approval is necessary prior to preliminary PD approval. In approving the zoning amendment to a PD district, the Planning Commission and Town Board must find that (1) the PD as described in the preliminary plan conforms to the policies and intent of the Limon Comprehensive Plan, (2) the application is complete, (3) the project is in the best interest of the residents of Limon, (4) the project does not place an extraordinary financial burden on the Town, and (5) the intent of applicable ordinances in the Town are met.

**202.3.15.3.3. Review Bodies:**

**202.3.15.3.3.1. Sketch Plan**— Town Manager

**202.3.15.3.3.2. Preliminary PD** — Town Manager, public hearing before the Planning Commission, public hearing before the Town Board. Approval of the preliminary PD establishes the PD Zone District.

**202.3.15.3.3.3. Final PD** — Town Manager, Planning Commission public hearing, Town Board review.

NOTE: All public hearings must be duly noticed according to standard noticing procedures. The property must be posted at the Preliminary PD or PD District stage. Formats for posting are found in Appendix 4.

**202.3.15.3.3.4. Amendments to PD Plans.** Amendments to PD plans may be made under the following conditions:

**202.3.15.3.3.4.1.** Minor changes in locations, siting, bulk of structures; height or character of building may be authorized by the Planning Commission if required by circumstances not foreseen at the time the final plan was approved.

**202.3.15.3.3.4.2.** All other changes in use, any rearrangement in lots, or changes in the provision of open space must be approved by the Town Board, subject to the procedure for PD amendments.

**202.3.15.4. Submission Requirements.** The materials listed in Appendix 5 and 6 must be submitted, at minimum, to the Town for review of the PD. The Town Manager will detail the submission requirements for each submittal stage. The Town may request additional items at each stage of the process.

**202.3.15.5. Enforcement and Modifications of PD Provisions**

**202.3.15.5.1.** To further the mutual interest of the residents, occupants, and owners of a planned development and of the public in the preservation of the integrity of the plan, the provisions of the plan relating to the use of land and the location of common open space shall be in the best interests of the Town and shall be enforceable in law or in equity by the Town without limitation on any powers or regulation otherwise granted by law.

**202.3.15.5.2.** All provisions of the PD shall run in favor of the residents, occupants, and owners of the planned development, but only to the extent expressly provided in the plan and in accordance with the terms of the plan, and, to that extent, said provisions, whether recorded by plat, covenant, easement, or otherwise, may be enforced at law or in equity by residents, occupants, or owners acting individually, jointly, or through an organization designated in the plan to act on their behalf. However, no provisions of the plan shall be implied to exist in favor of residents, occupants, and owners except as to those portions of the plan, which have been finally approved.

**202.3.15.5.3.** All those provisions of the plan authorized to be enforced by the Town may be modified, removed, or released by the Town, subject to the following:

**202.3.15.5.3.1.** No modification, removal, or release of the provisions of the plan by the Town shall affect the rights of the residents, occupants, and owners of the planned development to maintain and enforce those provisions at law or equity as provided above.

**202.3.15.5.3.2.** No substantial modification, removal, or release of the provisions of the plan by the Town shall be permitted except upon a finding by the Town, following a public hearing called and held in accordance with the provisions of this code, that the modification, removal, or release is consistent with the efficient development and preservation of the entire planned development, does not affect in a substantially adverse manner either the enjoyment of land adjacent from the planned development or the public interest, and is not granted solely to cover a special benefit upon any person.

**202.3.15.5.3.3.** Residents and owners of the planned development may, to the extent and in the manner expressly authorized by the provisions of the plan, modify, remove, or release their rights to enforce the provisions of the plan, but no such action shall affect the right of the Town to enforce the provisions of the plan.

**202.3.16. Open Space and Recreation District (OS-R)**

**202.3.16.1. Purpose.** The OS-R District is established to preserve the environment and natural character of the landscape within the district. Land within the district may be protected from development, but may also be used for trails, buffering between developed land uses, and preserving valuable natural features. In addition, this district is to provide open space areas for passive, active, and developed recreation activities.

**202.3.16.2. Uses-By-Right:**

- cemetery
- public and private parks, open space areas and natural features
- trails
- public utility distribution mains, lines, etc., which are underground facilities

**202.3.16.2. Conditional Uses:**

- recreation facilities, ball fields, etc.
- public and private golf courses
- fairgrounds
- fishing ponds
- parking areas for all uses in this district
- concession stands, clubhouses, and commercial sales related to recreational uses locate inside or attached to clubhouses, fairgrounds buildings, and other similar uses.

- **202.3.16.3. Special Review Uses:** major facilities of a public utility

**202.3.17. Floodplain Overlay District (O-FP)**

Amended by Ordinance No 567 on January 2, 2014

**202.3.17.1 Title and Purpose**

**202.3.17.1.1 Statutory Authorization.** The Legislature of the State of Colorado has, in Title 29, Article 20 of the Colorado Revised Statutes, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the Board of Trustees of Town of Limon, Colorado, does hereby adopt the following floodplain management regulations:

**202.3.17.1.2 Findings of Fact**

**202.3.17.1.2.1** The flood hazard areas of Town of Limon are subject to periodic inundation, which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the health, safety and general welfare of the public.

**202.3.17.1.2.2** These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, flood proofed or otherwise protected from flood damage.

**202.3.17.1.3 Statement of Purpose.** It is the purpose of this ordinance to promote public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

**202.3.17.1.3.1** Protect human life and health;

**202.3.17.1.3.2** Minimize expenditure of public money for costly flood control projects;

**202.3.17.1.3.3** Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

**202.3.17.1.3.4** Minimize prolonged business interruptions;

**202.3.17.1.3.5** Minimize damage to critical facilities, infrastructure and other public facilities such as water, sewer and gas mains; electric and communications stations; and streets and bridges located in floodplains;

**202.3.17.1.3.6** Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and

**202.3.17.1.3.7** Insure that potential buyers are notified that property is located in a flood hazard area.

**202.3.17.1.4 Methods of Reducing Flood Losses.** In order to accomplish its purposes, this ordinance uses the following methods:

**202.3.17.1.4.1** Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;

**202.3.17.1.4.2** Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

**202.3.17.1.4.3** Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;

**202.3.17.1.4.4** Control filling, grading, dredging and other development which may increase flood damage;

**202.3.17.1.4.5** Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

**202.3.17.2 Definitions.** Unless specifically defined below, words or phrases used in this Section 202.3.17 shall be interpreted to give them the meaning they have in common usage and to give this ordinance it's most reasonable application.

**202.3.17.2.1 100-Year Flood:** A flood having a recurrence interval that has a one-percent chance of being equaled or exceeded during any given year (1-percent-annual-chance flood). The terms "one-hundred-year flood" and "one percent chance flood" are synonymous with the term "100-year flood." The term does not imply that the flood will necessarily happen once every one hundred years.

**202.3.17.2.2 100-Year Floodplain:** The area of land susceptible to being inundated as a result of the occurrence of a one-hundred-year flood.

**202.3.17.2.3 500-Year Flood:** A flood having a recurrence interval that has a 0.2-percent chance of being equaled or exceeded during any given year (0.2-percent chance annual flood). The term does not imply that the

flood will necessarily happen once every five hundred years.

**202.3.17.2.4 500-Year Floodplain:** The area of land susceptible to being inundated as a result of the occurrence of a five-hundred-year flood.

**202.3.17.2.5 Addition:** Any activity that expands the enclosed footprint or increases the square footage of an existing structure.

**202.3.17.2.6 Alluvial Fan Flooding:** A fan-shaped sediment deposit formed by a stream that flows from a steep mountain valley or gorge onto a plain or the junction of a tributary stream with the main stream. Alluvial fans contain active stream channels and boulder bars, and recently abandoned channels. Alluvial fans are predominantly formed by alluvial deposits and are modified by infrequent sheet flood, channel avulsions and other stream processes.

**202.3.17.2.7 Area Of Shallow Flooding:** A designated Zone AO or AH on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**202.3.17.2.8 Base Flood Elevation (BFE):** The elevation shown on a FEMA Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

**202.3.17.2.9 Basement:** Any area of a building having its floor sub-grade (below ground level) on all sides.

**202.3.17.2.10 Channel:** The physical confine of stream or waterway consisting of a bed and stream banks, existing in a variety of geometries.

**202.3.17.2.11 Channelization:** The artificial creation, enlargement or realignment of a stream channel.

**202.3.17.2.12 Code of Federal Regulations (CFR):** The codification of the general and permanent Rules published in the Federal Register by the executive departments and agencies of the Federal Government. It is divided into fifty titles that represent broad areas subject to Federal regulation.

**202.3.17.2.13 Community:** Any political subdivision in the state of Colorado that has authority to adopt and enforce floodplain management regulations through zoning, including, but not limited to, cities, towns,

unincorporated areas in the counties, Indian tribes and drainage and flood control districts.

**202.3.17.2.14 Conditional Letter of Map Revision (CLOMR):** FEMA's comment on a proposed project, which does not revise an effective floodplain map, that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.

**202.3.17.2.15 Critical Facility:** A structure or related infrastructure, but not the land on which it is situated, as specified in 202.3.17.5.8, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood. See Section 202.3.17.5.8.

**202.3.17.2.16 Development:** Any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

**202.3.17.2.17 DFIRM Database:** Database (usually spreadsheets containing data and analyses that accompany DFIRMs). The FEMA Mapping Specifications and Guidelines outline requirements for the development and maintenance of DFIRM databases.

**202.3.17.2.18 Digital Flood Insurance Rate Map (DFIRM):** FEMA digital floodplain map. These digital maps serve as "regulatory floodplain maps" for insurance and floodplain management purposes.

**202.3.17.2.19 Elevated Building:** A non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

**202.3.17.2.20 Existing Manufactured Home Park or Subdivision:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed

before the effective date of the floodplain management regulations adopted by a community.

**202.3.17.2.21 Expansion to an Existing Manufactured Home Park or Subdivision:** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**202.3.17.2.22 Federal Register:** The official daily publication for Rules, proposed Rules, and notices of Federal agencies and organizations, as well as executive orders and other presidential documents.

**202.3.17.2.23 FEMA:** Federal Emergency Management Agency, the agency responsible for administering the National Flood Insurance Program.

**202.3.17.2.24 Flood or Flooding:** A general and temporary condition of partial or complete inundation of normally dry land areas from:

**202.3.17.2.24.1** The overflow of water from channels and reservoir spillways;

**202.3.17.2.24.2** The unusual and rapid accumulation or runoff of surface waters from any source; or

**202.3.17.2.24.3** Mudslides or mudflows that occur from excess surface water that is combined with mud or other debris that is sufficiently fluid so as to flow over the surface of normally dry land areas (such as earth carried by a current of water and deposited along the path of the current).

**202.3.17.2.25 Flood Insurance Rate Map (FIRM):** An official map of a community, on which the Federal Emergency Management Agency has delineated both the Special Flood Hazard Areas and the risk premium zones applicable to the community.

**202.3.17.2.26 Flood Insurance Study (FIS):** The official report provided by the Federal Emergency Management Agency. The report contains the Flood Insurance Rate Map as well as flood profiles for studied flooding sources that can be used to determine Base Flood Elevations for some areas.

**202.3.17.2.27 Floodplain or Flood-Prone Area:** Any land area susceptible to being inundated as the result of a flood, including the area of land over which floodwater would flow from the spillway of a reservoir.

**202.3.17.2.28 Floodplain Administrator:** The community official designated by title to administer and enforce the floodplain management regulations.

**202.3.17.2.29 Floodplain Development Permit:** A permit required before construction or development begins within any Special Flood Hazard Area (SFHA). If FEMA has not defined the SFHA within a community, the community shall require permits for all proposed construction or other development in the community including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed within flood-prone areas. Permits are required to ensure that proposed development projects meet the requirements of the NFIP and this floodplain management ordinance.

**202.3.17.2.30 Floodplain Management:** The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

**202.3.17.2.31 Floodplain Management Regulations** - Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

**202.3.17.2.32 Flood Control Structure** - A physical structure designed and built expressly or partially for the purpose of reducing, redirecting, or guiding flood flows along a particular waterway. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

**202.3.17.2.33 Flood proofing** - Any combination of structural and/or non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**202.3.17.2.34 Floodway (Regulatory Floodway):** The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The Colorado statewide standard for the designated height to be used for all newly studied reaches shall be one-half foot (six inches). Letters of Map Revision to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.

**202.3.17.2.35 Freeboard:** The vertical distance in feet above a predicted water surface elevation intended to provide a margin of safety to compensate for unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood such as

debris blockage of bridge openings and the increased runoff due to urbanization of the watershed.

**202.3.17.2.36 Functionally Dependent Use:** A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

**202.3.17.2.37 Highest Adjacent Grade:** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**202.3.17.2.38 Historic Structure:** Any structure that is:

**202.3.17.2.38.1** Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

**202.3.17.2.38.2** Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

**202.3.17.2.38.3** Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

**202.3.17.2.38.4** Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: a. By an approved state program as determined by the Secretary of the Interior or; b. Directly by the Secretary of the Interior in states without approved programs.

**202.3.17.2.39 Letter of Map Revision (LOMR):** FEMA's official revision of an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA).

**202.3.17.2.40 Letter of Map Revision Based on Fill (LOMR-F):** FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate

Map (FIRM) based on the placement of fill outside the existing regulatory floodway.

**202.3.17.2.41 Levee:** A man-made embankment, usually earthen, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding. For a levee structure to be reflected on the FEMA FIRMs as providing flood protection, the levee structure must meet the requirements set forth in 44 CFR 65.10.

**202.3.17.2.42 Levee System:** A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

**202.3.17.2.43 Lowest Floor:** The lowest floor of the lowest enclosed area (including basement). Any floor used for living purposes which includes working, storage, sleeping, cooking and eating, or recreation or any combination thereof. This includes any floor that could be converted to such a use such as a basement or crawl space. The lowest floor is a determinate for the flood insurance premium for a building, home or business. An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood insurance Program regulations.

**202.3.17.2.44 Manufactured Home:** A structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

**202.3.17.2.45 Manufactured Home Park or Subdivision:** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**202.3.17.2.46 Mean Sea Level:** For purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

**202.3.17.2.47 Material Safety Data Sheet (MSDS):** A form with data regarding the properties of a particular substance. An important component of product stewardship and workplace safety, it is intended to provide workers and emergency personnel with procedures for handling or working with that substance in a safe manner, and includes information such as physical data (melting

point, boiling point, flash point, etc.), toxicity, health effects, first aid, reactivity, storage, disposal, protective equipment, and spill-handling procedures.

**202.3.17.2.48 National Flood Insurance Program (NFIP) –** FEMA’s program of flood insurance coverage and floodplain management administered in conjunction with the Robert T. Stafford Relief and Emergency Assistance Act. The NFIP has applicable Federal regulations promulgated in Title 44 of the Code of Federal Regulations. The U.S. Congress established the NFIP in 1968 with the passage of the National Flood Insurance Act of 1968.

**202.3.17.2.49 New Manufactured Home Park or Subdivision:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

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

**202.3.17.2.51 Physical Map Revision (PMR):** FEMA’s action whereby one or more map panels are physically revised and republished. A PMR is used to change flood risk zones, floodplain and/or floodway delineations, flood elevations, and/or plan metric features.

**202.3.17.2.52 Recreational Vehicle:** means a vehicle which is:

**202.3.17.2.52.1** Built on a single chassis;

**202.3.17.2.52.2** 400 square feet or less when measured at the largest horizontal projections;

**202.3.17.2.52.3** Designed to be self-propelled or permanently towable by a light duty truck; and

**202.3.17.2.52.4** Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**202.3.17.2.53 Special Flood Hazard Area:** The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year, i.e., the 100-year floodplain.

**202.3.17.2.54 Start of Construction:** The date the building permit was issued, including substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**202.3.17.2.55 Structure:** A walled and roofed building, including a gas or liquid storage tank, which is principally above ground, as well as a manufactured home.

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

**202.3.17.2.57 Substantial Improvement:** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "Start of Construction" of the improvement. The value of the structure shall be determined by the local jurisdiction having land use authority in the area of interest. This includes structures which have incurred "Substantial Damage", regardless of the actual repair work performed. The term does not, however, include either:

**202.3.17.2.57.1** Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions or

**202.3.17.2.57.2** Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

**202.3.17.2.58 Threshold Planning Quantity (TPQ)** – A quantity designated for each chemical on the list of extremely hazardous substances that triggers notification by facilities to the State that such facilities are subject to emergency planning requirements.

**202.3.17.2.59 Variance** - A grant of relief to a person from the requirement of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations).

**202.3.17.60 Violation** - The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

**202.3.17.2.61 Water Surface Elevation** - The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

**202.3.17.3 General Provisions**

**202.3.17.3.1 Lands to Which This Ordinance Applies.** Section 202.3.17 shall apply to all Special Flood Hazard Areas and areas removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F) within the jurisdiction of Town of Limon, Colorado.

**202.3.17.3.2 Basis for Establishing the Special Flood Hazard Area.** The Special Flood Hazard Areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Town of Limon," dated May 1, 1984, with accompanying Flood Insurance Rate Maps (FIRM) dated November 1, 1984 and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance. These Special Flood Hazard Areas identified by the FIS and attendant mapping are the minimum area of applicability of this ordinance and may be supplemented by studies designated and approved by the Board of Trustees. The Floodplain Administrator shall keep a copy of the Flood Insurance Study (FIS), DFIRMs, and/or FIRMs on file and available for public inspection.



**202.3.17.3.3 Establishment of Floodplain Development Permit.** A Floodplain Development Permit shall be required to ensure conformance with the provisions of this ordinance.

**202.3.17.3.4 Compliance.** No structure or land shall hereafter be located, altered, or have its use changed within the Special Flood Hazard Area without full compliance with the terms of this section and other applicable regulations. Nothing herein shall prevent the Board of Trustees from taking such lawful action as is necessary to prevent or remedy any violation. These regulations meet the minimum requirements as set forth by the Colorado Water Conservation Board and the National Flood Insurance Program.

**202.3.17.3.4 Abrogation and Greater Restrictions.** This Section 202.3.17 is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Section 202.3.17 and another ordinance, easement, covenant, nor deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**202.3.17.3.5 Interpretation.** In the interpretation and application of this Section 202.3.17, all provisions shall be:

**202.3.17.3.5.1** Considered as minimum requirements;

**202.3.17.3.5.2** Liberally construed in favor of the governing body; and

**202.3.17.3.5.3** Deemed neither to limit nor repeal any other powers granted under State statutes.

**202.3.17.3.6 Degree of Flood Protection**

**202.3.17.3.6.1** The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes.

**202.3.17.3.6.2** This ordinance does not imply that land outside the Special Flood Hazard Area or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Community or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

**202.3.17.4 Administration**

**202.3.17.4.1 Designation of the Floodplain Administrator.** The Town Manager is hereby appointed as Floodplain Administrator to administer, implement and enforce the provisions of this ordinance and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

**202.3.17.4.2 Duties and Responsibilities of the Floodplain Administrator.** Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

**202.3.17.4.2.1** Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance, including the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures and any flood proofing certificate required by Section 202.3.17.4.3.

**202.3.17.4.2.2** Review, approve, or deny all applications for Floodplain Development Permits required by adoption of this ordinance.

**202.3.17.4.2.3** Review Floodplain Development Permit applications to determine whether a proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.

**202.3.17.4.2.4** Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

**202.3.17.4.2.5** Inspect all development at appropriate times during the period of construction to ensure compliance with all provisions of this ordinance, including proper elevation of the structure.

**202.3.17.4.2.6** Where interpretation is needed as to the exact location of the boundaries of the Special Flood Hazard Area (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.

**202.3.17.4.2.7** When Base Flood Elevation data has not been provided in accordance with Section 202.3.17.3.2, the Floodplain Administrator shall obtain, review and reasonably utilize any Base Flood Elevation data and Floodway data available from a Federal, State, or other source, in order to administer the provisions of Section 202.3.17.5.

**202.3.17.4.2.8** For waterways with Base Flood Elevations for which a regulatory Floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one-half foot at any point within the community.

**202.3.17.4.2.9** Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one-half foot, provided that the community first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision), fulfills the requirements for such revisions as established under the provisions of Section 65.12 and receives FEMA approval.

**202.3.17.4.2.10** Notify, in riverine situations, adjacent communities and the State Coordinating Agency, which is the Colorado Water Conservation Board, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.

**202.3.17.4.2.11** Ensure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

**202.3.17.4.3 Permit Procedures.**

**202.3.17.4.3.1** Application for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to Special Flood Hazard Area. Additionally, the following information is required:

**202.3.17.4.3.1.1** Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;

**202.3.17.4.3.1.2** Elevation in relation to mean sea level to which any nonresidential structure shall be flood proofed;

**202.3.17.4.3.1.3** A certificate from a registered Colorado Professional Engineer or architect that

the nonresidential flood proofed structure shall meet the flood proofing criteria of Article 5, Section B(2);

**202.3.17.4.3.1.4** Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

**202.3.17.4.3.1.5** Maintain a record of all such information in accordance with 202.3.17.4.2.

**202.3.17.4.3.2** Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

**202.3.17.4.3.2.1** The danger to life and property due to flooding or erosion damage;

**202.3.17.4.3.2.2** The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

**203.3.16.4.3.2.3** The danger that materials may be swept onto other lands to the injury of others;

**202.3.17.4.3.2.4** The compatibility of the proposed use with existing and anticipated development;

**202.3.17.4.3.2.5** The safety of access to the property in times of flood for ordinary and emergency vehicles;

**202.3.17.4.3.2.6** The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;

**202.3.17.4.3.2.7** The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

**202.3.17.4.3.2.8** The necessity to the facility of a waterfront location, where applicable;

**202.3.17.4.3.2.9** The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

**202.3.17.4.3.2.10** The relationship of the proposed use to the comprehensive plan for that area.

**202.3.17.4.4 Variance Procedures**

**202.3.17.4.4.1** The Board of Trustees shall be the Appeals Board and shall hear and render judgment

on requests for variances from the requirements of this ordinance.

**202.3.17.4.4.2** The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

**202.3.17.4.4.3** Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.

**202.3.17.4.4.4** The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

**202.3.17.4.4.5** Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section 202.3.17.4.3 of this Article have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

**202.3.17.4.4.6** Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance as stated in 202.3.17.1.3.

**202.3.17.4.4.7** Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

**202.3.17.4.4.8** Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

**202.3.17.4.4.9** Prerequisites for granting variances:

**202.3.17.4.4.9.1** Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

**202.3.17.4.4.9.2** Variances shall only be issued upon:

**202.3.17.4.4.9.2.1** Showing a good and sufficient cause;

**202.3.17.4.4.9.2.2** A determination that failure to grant the variance would result in exceptional hardship to the applicant, and

**202.3.17.4.4.9.2.3** A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

**202.3.17.4.4.9.3** Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the Base Flood Elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

**202.3.17.4.4.10** Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a Functionally Dependent Use provided that:

**202.3.17.4.4.10.1** The criteria outlined in Section 202.3.17.4.4.1 and 202.3.17.4.4.9 are met, and

**202.3.17.4.4.10.2** The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

**202.3.17.4.5 Penalties For Noncompliance**

**202.3.17.4.5.1** No structure or land shall hereafter be constructed, located, or altered substantially without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall be subject to all enforcement and review described in Section 115 of this Land Development Code.

**202.3.17.5 Provisions for Flood Hazard Reduction**

**202.3.17.5.1 General Standards.** In all Special Flood Hazard Areas the following provisions are required for all new construction and substantial improvements:

**202.3.17.5.1.1** All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

**202.3.17.5.1.2** All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

**202.3.17.5.1.3** All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

**202.3.17.5.1.4** All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

**202.3.17.5.1.5** All manufactured homes shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

**202.3.17.5.1.6** All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

**202.3.17.5.1.7** New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,

**202.3.17.5.1.8** On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

**202.3.17.5.2 Specific Standards.** In all Special Flood Hazard Areas where base flood elevation data has been provided as set forth in (i) Section 202.3.17.3.2 (ii) Section 202.3.17.4.2.7, or (iii) Section 202.3.17.5.7, the following provisions are required:

**202.3.17.5.2.1 Residential Construction.** New construction and Substantial Improvement of any residential structure shall have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated to one foot above the base flood elevation. Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado Professional Engineer, architect, or land surveyor. Such certification shall be submitted to the Floodplain Administrator.

**202.3.17.5.2.2 Nonresidential Construction**

**202.3.17.5.2.2.1** With the exception of Critical Facilities, outlined in Article 5, Section H, new construction and Substantial Improvements of any commercial, industrial, or other nonresidential structure shall either have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated to one foot above the base flood elevation or, together with attendant utility and sanitary facilities, be designed so that at one foot above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

**202.3.17.5.2.2.2** A registered Colorado Professional Engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. Such certification shall be maintained by the Floodplain Administrator, as proposed in Section 202.3.17.4.3.

**202.3.17.5.2.3 Enclosures**

**202.3.17.5.2.3.1** New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

**202.3.17.5.2.3.2** Designs for meeting this requirement must either be certified by a registered Colorado Professional Engineer or architect or meet or exceed the following minimum criteria:

**202.3.17.5.2.3.2.1** A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

**202.3.17.5.2.3.2.2** The bottom of all openings shall be no higher than one foot above grade.

**202.3.17.5.2.3.2.3** Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

**202.3.17.5.2.4 Manufactured Homes**

**202.3.17.5.2.4.1** All manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home, electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), are elevated to one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

**202.3.17.5.2.4.2** All manufactured homes placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of the above paragraph, shall be elevated so that either:

**202.3.17.5.2.4.2.1** The lowest floor of the manufactured home, electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), are one foot above the base flood elevation, or

**202.3.17.5.2.4.2.2** The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

**202.3.17.5.2.5 Recreational Vehicles**

**202.3.17.5.5.1** All recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either:

**202.3.17.5.5.1.1** Be on the site for fewer than 180 consecutive days,

**202.3.17.5.5.1.2** Be fully licensed and ready for highway use, or

**202.3.17.5.5.1.3** Meet the permit requirements of Section 202.3.17.4.3, and the elevation and anchoring requirements for "manufactured homes" in 202.3.17.4.3.4.

**202.3.17.5.5.2** A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

**202.3.17.5.2.6 Prior Approved Activities.** Any activity for which a Floodplain Development Permit was issued by Town of Limon or a CLOMR was issued by FEMA prior to January 2, 2014 may be completed according to the standards in place at the time of the permit or CLOMR issuance and will not be considered in violation of this ordinance if it meets such standards.

**202.3.17.5.3 Standards For Areas Of Shallow Flooding (AO/AH Zones).** Located within the Special Flood Hazard Area established in Section 202.3.17.3.2 are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

**202.3.17.5.3.1 Residential Construction.** All new construction and Substantial Improvements of residential structures must have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the community's FIRM (at least three feet if no depth number is specified). Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado Professional Engineer, architect, or land surveyor. Such certification shall be submitted to the Floodplain Administrator.

**202.3.17.5.3.2 Nonresidential Construction.**

**202.3.17.5.3.2.1** With the exception of Critical Facilities, outlined in 202.3.17.5.8, all new construction and Substantial Improvements of non-residential structures, must have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the community's FIRM (at least three feet if no depth number is specified), or together with attendant utility and sanitary facilities, be designed so that the structure is watertight to at least one foot above the base flood level with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy. A registered Colorado Professional Engineer or architect shall submit a certification to the Floodplain

Administrator that the standards of this Section, as proposed in Section 202.3.17.4.3, are satisfied.

**202.3.17.5.3.2.2** Within Zones AH or AO, adequate drainage paths around structures on slopes are required to guide flood waters around and away from proposed structures.

**202.3.17.5.4 Floodways.** Floodways are administrative limits and tools used to regulate existing and future floodplain development. The State of Colorado has adopted Floodway standards that are more stringent than the FEMA minimum standard (see definition of Floodway in Section 202.3.17.2). Located within Special Flood Hazard Area established in Section 202.3.17.3.2, are areas designated as Floodways. Since the Floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

**202.3.17.5.4.1** Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory Floodway *unless* it has been demonstrated through hydrologic and hydraulic analyses performed by a licensed Colorado Professional Engineer and in accordance with standard engineering practice that the proposed encroachment would not result in any increase (requires a No-Rise Certification) in flood levels within the community during the occurrence of the base flood discharge.

**202.3.17.5.4.2** If Section 202.3.17.5.4.1 above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 202.3.17.5.

**202.3.17.5.4.3** Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in Base Flood Elevations, provided that the community first applies for a CLOMR and floodway revision through FEMA.

**202.3.17.5.5 Alteration of a Watercourse.** For all proposed developments that alter a watercourse within a Special Flood Hazard Area, the following standards apply:

**202.3.17.5.5.1** Channelization and flow diversion projects shall appropriately consider issues of sediment transport, erosion, deposition, and channel migration and properly mitigate potential problems through the project as well as upstream and downstream of any improvement activity. A detailed analysis of sediment transport and overall channel stability should be considered, when appropriate, to assist in determining the most appropriate design.

**202.3.17.5.5.2** Channelization and flow diversion projects shall evaluate the residual 100-year floodplain.

**202.3.17.5.5.3** Any channelization or other stream alteration activity proposed by a project proponent must be evaluated for its impact on the regulatory floodplain and be in compliance with all applicable Federal, State and local floodplain rules, regulations and ordinances.

**202.3.17.5.5.4** Any stream alteration activity shall be designed and sealed by a registered Colorado Professional Engineer or Certified Professional Hydrologist.

**202.3.17.5.5.5** All activities within the regulatory floodplain shall meet all applicable Federal, State and Town of Limon floodplain requirements and regulations.

**202.3.17.5.5.6** Within the Regulatory Floodway, stream alteration activities shall not be constructed unless the project proponent demonstrates through a Floodway analysis and report, sealed by a registered Colorado Professional Engineer, that there is not more than a 0.00-foot rise in the proposed conditions compared to existing conditions Floodway resulting from the project, otherwise known as a No-Rise Certification, unless the community first applies for a CLOMR and Floodway revision in accordance with Section 202.3.17.4.

**202.3.17.5.5.7** Maintenance shall be required for any altered or relocated portions of watercourses so that the flood-carrying capacity is not diminished.

**202.3.17.5.6 Properties Removed from the Floodplain by Fill.** A Floodplain Development Permit shall not be issued for the construction of a new structure or addition to an existing structure on a property removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F), unless such new structure or addition complies with the following:

**202.3.17.5.6.1 Residential Construction.** The lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), must be elevated to one foot above the Base Flood Elevation that existed prior to the placement of fill.

**202.3.17.5.6.2 Nonresidential Construction.** The lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), must be elevated to one foot above the Base Flood Elevation that existed prior to the placement of fill, or together with attendant utility and sanitary facilities be designed so that the structure or addition is watertight to at least one foot

above the base flood level that existed prior to the placement of fill with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads or effects of buoyancy.

**202.3.17.5.7 Standards for Subdivision Proposals**

**202.3.17.5.7.1** All subdivision proposals including the placement of manufactured home parks and subdivisions shall be reasonably safe from flooding. If a subdivision or other development proposal is in a flood-prone area, the proposal shall minimize flood damage.

**202.3.17.5.7.2** All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit requirements of Section 202.3.17.3.3, Section 202.3.17.4.3 and the provisions of Section 202.3.17.5.

**202.3.17.5.7.3** Base Flood Elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Section 202.3.17.3.2 or Section 202.3.17.4.2.

**202.3.17.5.7.4** All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

**202.3.17.5.7.5** All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

**202.3.17.5.8 Standards for Critical Facilities.** A Critical Facility is a structure or related infrastructure, but not the land on which it is situated, as specified in Rule 6 of the Rules and Regulations for Regulatory Floodplains in Colorado, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.

**202.3.17.5.8.1 Classification of Critical Facilities.** Critical Facilities are classified under the following categories: (a) Essential Services; (b) Hazardous Materials; (c) At-risk Populations; and (d) Vital to Restoring Normal Services. It is the responsibility of the Board of Trustees to identify and confirm that specific structures in their community meet the following criteria:

**202.3.17.5.8.1.1** Essential services facilities include public safety, emergency response, emergency medical, designated emergency shelters, communications, public utility plant facilities, and transportation lifelines. These facilities consist of:

**202.3.17.5.8.1.1.1** Public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage, and, emergency operation centers);

**202.3.17.5.8.1.1.2** Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions, and non-ambulatory surgical structures but excluding clinics, doctors offices, and non-urgent care medical structures that do not provide these functions);

**202.3.17.5.8.1.1.3** Designated emergency shelters;

**202.3.17.5.8.1.1.4** Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio, and other emergency warning systems, but excluding towers, poles, lines, cables, and conduits);

**202.3.17.5.8.1.1.5** Public utility plant facilities for generation and distribution ( hubs, treatment plants, substations and pumping stations for water, power and gas, but not including towers, poles, power lines, buried pipelines, transmission lines, distribution lines, and service lines); and

**202.3.17.5.8.1.1.6** Air Transportation lifelines (airports (municipal and larger), helicopter pads and structures serving emergency functions, and associated infrastructure (aviation control towers, air traffic control centers, and emergency equipment aircraft hangars).

**202.3.17.5.8.1.1.7** Specific exemptions to this category include wastewater treatment plants (WWTP), non-potable water treatment and distribution systems, and hydroelectric power generating plants and related appurtenances.

**202.3.17.5.8.1.1.8** Public utility plant facilities may be exempted if it can be demonstrated to the satisfaction of the Board of Trustees that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same utility or available through an intergovernmental agreement or other contract) and connected, the alternative facilities are either located outside of the 100-year floodplain or are compliant with the provisions of this Article, and an operations plan is in effect that states how redundant systems will provide service to the affected area in the event of a flood. Evidence of

ongoing redundancy shall be provided to the Board of Trustees on an as-needed basis upon request.

**202.3.17.5.8.1.2** Hazardous materials facilities include facilities that produce or store highly volatile, flammable, explosive, toxic and/or water-reactive materials.

**202.3.17.5.8.1.2.1** These facilities may include:

**202.3.17.5.8.1.2.1.1** Chemical and pharmaceutical plants (chemical plant, pharmaceutical manufacturing);

**202.3.17.5.8.1.2.1.2** Laboratories containing highly volatile, flammable, explosive, toxic and/or water-reactive materials;

**202.3.17.5.8.1.2.1.3** Refineries;

**202.3.17.5.8.1.2.1.4** Hazardous waste storage and disposal sites; and

**202.3.17.5.8.1.2.1.5** Above ground gasoline or propane storage or sales centers.

**202.3.17.5.8.1.2.2** Facilities shall be determined to be Critical Facilities if they produce or store materials in excess of threshold limits. If the owner of a facility is required by the Occupational Safety and Health Administration (OSHA) to keep a Material Safety Data Sheet (MSDS) on file for any chemicals stored or used in the work place, AND the chemical(s) is stored in quantities equal to or greater than the Threshold Planning Quantity (TPQ) for that chemical, then that facility shall be considered to be a Critical Facility. The TPQ for these chemicals is: either 500 pounds or the TPQ listed (whichever is lower) for the 356 chemicals listed under 40 C.F.R. § 302 (2010), also known as Extremely Hazardous Substances (EHS); or 10,000 pounds for any other chemical. This threshold is consistent with the requirements for reportable chemicals established by the Colorado Department of Health and Environment. OSHA requirements for MSDS can be found in 29 C.F.R. § 1910 (2010). The Environmental Protection Agency (EPA) regulation "Designation, Reportable Quantities, and Notification," 40 C.F.R. § 302 (2010) and OSHA regulation "Occupational Safety and Health Standards," 29 C.F.R. § 1910 (2010) are incorporated herein by reference and include the regulations in existence at the time of the promulgation this ordinance, but exclude later amendments to or editions of the regulations

**202.3.17.5.8.1.2.2.1** Specific exemptions to this category include:

**202.3.17.5.8.1.2.2.1.1** Finished consumer products within retail centers and households containing hazardous materials intended for household use, and agricultural products intended for agricultural use.

**202.3.17.5.8.1.2.2.1.2** Buildings and other structures containing hazardous materials for which it can be demonstrated to the satisfaction of the local authority having jurisdiction by hazard assessment and certification by a qualified professional (as determined by the local jurisdiction having land use authority) that a release of the subject hazardous material does not pose a major threat to the public.

**202.3.17.5.8.1.2.2.1.3** Pharmaceutical sales, use, storage, and distribution centers that do not manufacture pharmaceutical products.

**202.3.17.5.8.1.2.2.2** These exemptions shall not apply to buildings or other structures that also function as Critical Facilities under another category outlined in this Section.

**202.3.17.5.8.1.3** At-risk population facilities include medical care, congregate care, and schools. These facilities consist of:

**202.3.17.5.8.1.3.1** Elder care (nursing homes);

**202.3.17.5.8.1.3.2** Congregate care serving 12 or more individuals ( day care and assisted living);

**202.3.17.5.8.1.3.3** Public and private schools (pre-schools, K-12 schools), before-school and after-school care serving 12 or more children);

**202.3.17.5.8.1.4** Facilities vital to restoring normal services including government operations.

**202.3.17.5.8.1.4.1** These facilities consist of:

**202.3.17.5.8.1.4.1.1** Essential government operations (public records, courts, jails, building permitting and inspection services, community administration and management, maintenance and equipment centers);

**202.3.17.5.8.1.4.1.2** Essential structures for public colleges and universities (dormitories, offices, and classrooms only).

**202.3.17.5.8.1.4.2** These facilities may be exempted if it is demonstrated to the Board of Trustees that the facility is an element of a redundant system for



which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same entity or available through an intergovernmental agreement or other contract), the alternative facilities are either located outside of the 100-year floodplain or are compliant with this ordinance, and an operations plan is in effect that states how redundant facilities will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the Board of Trustees on an as-needed basis upon request.

**202.3.17.5.8.2 Protection for Critical Facilities** All new and substantially improved Critical Facilities and new additions to Critical Facilities located within the Special Flood Hazard Area shall be regulated to a higher standard than structures not determined to be Critical Facilities. For the purposes of this ordinance, protection shall include one of the following:

**202.3.17.5.8.2.1** Location outside the Special Flood Hazard Area; or

**202.3.17.5.8.2.2** Elevation of the lowest floor or flood proofing of the structure, together with attendant utility and sanitary facilities, to at least two feet above the Base Flood Elevation.

**202.3.17.5.8.3 Ingress And Egress For New Critical Facilities.** New Critical Facilities shall, when practicable as determined by the Board of Trustees, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event.

**202.3.18. Airport Overlay District (O-A)**

**202.3.18.1. Purpose.** The O-A, Airport Overlay District, is established to minimize exposure of residential and other sensitive land uses to critical and uncontrollable airport noise areas, to avoid danger from aircraft accidents and to discourage traffic congestion within the area.

**202.3.18.2. Intent**

**202.3.18.2.1.** To provide for specific areas within the Town of Limon which recognize benefits and potentially adverse impacts which may occur within certain distances from a public or private airport or heliport facility, and to provide regulations that minimize these impacts as well as protect the safety and efficiency of aircraft operations, as prescribed in CRS 43-10-113, "Safe operating areas around airports - establishment" as amended.

**202.3.18.2.2.** To recognize the efforts of other agencies (Limon Municipal Airport, U.S. Department of Defense, and Federal Aviation Administration), and to

coordinate with these agencies in the administration of these regulations.

**202.3.18.2.3.** To serve as additional regulations for development requests, in addition to specific submittal and procedural requirements found in this code.

**202.3.18.2.4.** To minimize exposure of residential and other sensitive land uses from critical and uncontrollable aircraft noise, minimize risks to public safety from potential aircraft accidents, to discourage traffic congestion within these areas by regulating land use densities, and to restrict incompatible land uses within an approved airport influence area.

**202.3.18.3. Nature of District.** These Airport Influence Overlay Area regulations are to be applied on existing zoned areas contiguous to public and private airports and heliports. This provision also discourages residential uses within the designated area. The Airport Influence Overlay Area is superimposed on the existing zoning and the restrictions and requirements contained herein are in addition to those of the underlying zones. The Regulations set forth in this section for the airport influence area shall apply to those lands within and around all public or private aviation facilities mapped and designated by the Limon Municipal Airport in conjunction with the Federal Aviation Administration and other public and private airport authorities and groups. Any underlying zoning or regulations shall remain in full force and effect to the extent that such provisions are more restrictive.

**202.3.18.4. General Provisions**

**202.3.18.4.1.** These regulations reinforce specific provisions in the Limon Comprehensive Plan.

**202.3.18.4.2.** The boundary of any officially recognized "Airport Influence Area" shall be as it appears on the Limon Airport Land Use Plan Map and/or other documents approved by the Planning Commission and/or Board of Trustees.

**202.3.18.4.3.** No use may be made of land within designated airport influence areas in such a manner as to create electrical interference with radio communication between an Air Traffic Control (ATC) facility and an aircraft, make it difficult for pilots to distinguish between airport lights and other lights, cause glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport or otherwise endanger the landing, taking off, or maneuvering of aircraft at the airport or in the vicinity of the airport. Noise attenuation in building design should be included in proposals within the airport influence area.

**202.3.18.4.4.** Nothing herein contained shall require any change in the construction, alteration, or

intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Section provided, however, that when the nonconforming structure is destroyed or damaged to the extent of over 75% of the appraised value of the nonconforming structure (as may be determined by the Limon Building Department), any reuse, reconstruction or replacement shall be deemed a new use and shall be subject to the applicable provisions of these Regulations.

**202.3.18.4.5.** The owner of any nonconforming structure or object of natural growth is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the appropriate aviation authority and/or the Board of Trustees to indicate to the operators of aircraft in the vicinity of the airport the presence of such nonconforming structures or objects of natural growth.

**202.3.18.4.6.** Warning and Disclaimer of Liability: The degree of protection provided by these Regulations is considered reasonable for regulatory purposes and is based on planning, engineering and scientific methods of study and in coordination with aviation and defense agencies. This Section does not imply that areas outside of the "Airport Influence Area" will be totally free from aircraft hazards, and, therefore, shall not create a liability on the part of the Town of Limon, or any of its officers or employees, for any damages resulting from reliance on this Section.

**202.3.18.5. Limon Municipal Airport.**

**202.3.18.5.1. Intent.** To recognize the "Land Use Plan" prepared by the Limon Municipal Airport, and to implement its recommendations as minimum requirements for development within the Limon Municipal Airport Influence Area in order to promote compatible land uses and densities within areas affected by airport operations.

**202.3.18.5.2. Specific Provisions.**

**202.3.18.5.2.1.** Within the Limon Municipal Airport Influence Area, the following areas exist and have distinctive qualities, which can be associated with aircraft operations:

- Airport Influence Area
- Traffic Pattern Area
- Approach Zone
- Clear Zone
- 65 Ldn Noise Zone

**202.3.18.5.2.2.** Specific regulations for the areas outlined above are as follows (parcels may lie within two or more areas, in which case each area's restrictive guidelines shall apply):

**202.3.18.5.2.2.1. Limon Municipal Airport Influence Area.**

**202.3.18.5.2.2.1.1.** Require "aviation easement" document signed by the landowner which acknowledges flight operations above property; easement shall be recorded in the office of the County Clerk and Recorder. A standard reference note indicating the Book and Page of the recorded easement shall be required on all Preliminary and Final Development Plans and Preliminary and Final Plats which the Town processes.

**202.3.18.5.2.2.1.2.** Height limitations within the Airport Influence Area, except as otherwise provided in this section, are subject to the limitation of the zone district within which the property is located, recommendations of any public or private airport authority, and other appropriate referral agencies. No structure or object of natural growth shall be constructed, erected, altered, allowed to grow, or to be maintained in excess of height limits and zones herein established.

**202.3.18.5.2.2.1.3.** Require FAR Part 77 study to determine compliance with FAA Part 77 Regulations at time of rezoning request, and require standard note on all Preliminary and Final Development Plans and Preliminary and Final Plats regarding compliance with Part 77 criteria. The Board of Trustees may require additional height restrictions be placed on any proposal within the Influence Area.

**202.3.18.5.2.2.1.4.** Surface limitations within the Airport Influence Area include all land and air space within the area which would be hazardous to air navigation within the Airport Influence Area. These limitations represent areas above an imaginary surface and are designed to regulate the height of structures and trees in the airport vicinity. The FAA in the Federal Aviation Regulations sets them forth.

**202.3.18.5.2.2.2. Traffic Pattern Area.**

**202.3.18.5.2.2.2.1.** Requires compliance with Section **202.3.18.5.2.2.1.**

**202.3.18.5.2.2.2.2.** Prohibit new residential and other noise sensitive development. Minimizes density of previously approved residential development and require multifamily structures in order to minimize building coverage and maximize open space. Restrict building height to a maximum of 100'.

**202.3.18.5.2.2.3. Approach Zone.**

**202.3.18.5.2.2.3.1.** Requires compliance with Section **202.3.18.5.2.2.1.**

**202.3.18.5.2.2.3.2.** Prohibit new residential and other noise sensitive development. Require a minimum 200' wide by 2,500' long clear strip (no building) along the runway centerline extended (measured from the clear zone/approach zone boundary). Restrict building height to a maximum of 50'.

**202.3.18.5.2.2.4. Clear Zone.**

**202.3.18.5.2.2.4.1.** Requires compliance with Section **202.3.18.5.2.2.1.**

**202.3.18.5.2.2.4.2.** Contained within Airport property boundaries. No non-aeronautical structures permitted.

**202.3.18.5.2.2.5. 65 Ldn Noise Zone.**

**202.3.18.5.2.2.5.1.** Requires compliance with Section **202.3.18.5.2.2.1.**

**202.3.18.5.2.2.5.2.** Prohibit residential and other noise sensitive development regardless of density.

**202.3.18.6. Private Landing Strips and Heliports.** Compliance with Section **202.3.18.5.2.2.1.2.** above is not required for private landing strips and heliports providing all other conditions of this section are complied with and including:

**202.3.18.6.1.** A Use By Special Review is approved in those zone districts where private landing strips and heliports are so designated.

**202.3.18.6.2.** The applicant owns a minimum of thirty-five (35) contiguous acres on which the landing strip (or a minimum of five [5] contiguous acres for the heliport site) is located.

**202.3.18.6.3.** No residential dwelling unit(s) (other than one [1] dwelling unit owned by the applicant) is located within one-half (½) mile from either end of the proposed runway.

**202.3.18.6.4.** Runways will be so oriented that aircraft take-offs or landings will not pass within one thousand (1,000) feet of a school, dwelling or place of public assembly.

**202.3.18.6.5.** The applicant provides evidence that the Federal Aviation Administration has been notified regarding application and approval of airspace rights.

**202.3.18.6.6.** The applicant grants an aviation easement to the Town of Limon and/or the appropriate authority.

**202.3.19. Zone District Schedule of Requirements.**

The Schedule of Requirements includes basic bulk, setback, density, intensity and open space requirements for each zone district. Additional requirements are listed for uses permitted by special review on the next few pages:

(Amended on May 1, 2003 by Ordinance No. 481; Amended by Ordinance 516 on September 7, 2006; Amended by Ordinance 530 on August 6, 2009.)

**202.3.19.1 SCHEDULE OF REQUIREMENTS**

RESIDENTIAL DISTRICTS (see note #1)						
Standard	E-R	R-1	R-2	R-3	R-4	R-MH
Minimum lot area (square feet)	43,560	7000	5,000	5,000	6,000	3,750
Minimum dwelling space (square feet) (see note #2,3)	1,200	1,000	700	600	600	600
Maximum building or structure height (feet) (see notes #4,5)	65	65	65	65	65	65
Maximum height of accessory uses	25	20	20	20	20	20
Maximum number of stories (see note #4)	3	3	3	4	3	3

RESIDENTIAL DISTRICTS (see note #1)						
Standard	E-R	R-1	R-2	R-3	R-4	R-MH
Minimum lot width (feet)	150	50	50	50	50	37.5
<i>Yard requirements (feet):</i>						
· Front yard setback (principal and accessory uses): (see notes #6,7)						
- Arterial	50	20	20	20	20	20
- Major collector	35	20	20	20	20	20
- Local	25	20	15	15	20	15
· Side yard (principal and accessory uses): (see note #8)	20	5	5	5	5	10
· Rear yard (principal uses):	35	25	25	25	25	20
· Rear yard (accessory uses):	35	5	5	5	5	5
Maximum lot coverage	20%	—	—	—	—	—
Minimum landscaped open space	—	20%	30%	45%	35%	30%

**202.3.19.2. Notes:**

**202.3.19.2.1.** All requirements subject to Uniform Building Code standards for specific type of construction.

**202.3.19.2.2.** Dwelling space as measured by interior walls.

**202.3.19.2.3.** For R-3 or R-4 districts, minimum dwelling space for an efficiency apartment, as defined in the Uniform Building Code, is 320 square feet

**202.3.19.2.4.** Subject to Uniform Building Code restrictions regarding type of construction.

**202.3.19.2.5.** For R-4 districts, mobile home maximum height shall be equal to R-MH district limitations.

**202.3.19.2.6.** Where lots comprising 25% or more of the frontage of any block are developed with buildings having a predominate setback, no building hereafter erected shall project beyond the predominate setback so established; provided that no setback shall be greater than 50 feet.

**202.3.19.2.7.** On corner lots the front of the building shall comply with the setback requirement of the street upon which the front of the building faces.

**202.3.19.2.8.** For R-1 corner lots, the side of the building shall be setback as per the requirements for the setback for the front of the building.

**202.3.19.3. SCHEDULE OF REQUIREMENTS**

<b>COMMERCIAL DISTRICTS</b> (see note #1)					
<i>Standard</i>	<i>CBD</i>	<i>CBD-R<sup>65</sup></i>	<i>CH-1</i>	<i>CH-2</i>	<i>CH-3<sup>5</sup></i>
Minimum lot area (square feet):					
· Nonresidential	3,125	3,125	10,000	10,000	10,000
· Residential	—	6,000	—	6,000 <sup>3</sup>	6,000 <sup>3</sup>
· Combined residential/commercial	—	6,000	—	10,000	10,000
Maximum building or structure height (feet)	50	50	40 <sup>2</sup>	40	40
Minimum lot width	25	50	50	50	50
Maximum number of stories	4	3	3	3	3
Maximum floor area ratio:					
· Nonresidential	1.5	1.5	0.75	0.75	0.75
· Residential	—	0.5	—	0.5	0.5
· Combined residential/commercial	—	2	—	1.25	1.25
Yard requirement (feet):					
· Front yard setback:					
- Arterial	—	20	—	50	50
- Collector	—	20	—	40	40
- Local	—	20	—	25	25
· Side yard	—	5 <sup>3</sup>	—	5	5
· Rear yard	—	25	—	25	25
Minimum landscaped open space	15% <sup>4</sup>	20%	20%	20%	20%

**202.3.19.4. Notes:**

**202.3.19.4.1.** All requirements subject to Uniform Building Code standards for specific type of construction.

**202.3.19.4.2.** Business Signs in a Highway Commercial (CH-1) Zone District are excluded from this requirement.

**202.3.19.4.3** In the CH District, the minimum side yard shall be ten (10) feet for the first twenty-five (25) feet of building height. Buildings in excess of twenty-five (25) feet shall increase the side yard setback one (1) foot for each two (2) feet of building height over twenty-five (25) feet to a maximum of 25 feet.

**202.3.19.4.4.** The required fifteen percent (15%) open space may be provided in the public right-of-way with credits given for pedestrian improvements, street furniture, etc., subject to the approval of the Planning Commission.

**202.3.19.4.5.** Rear yard requirement is 10 feet where adjoining property is zoned CBD and 25 feet where adjoining property is not zoned CBD.

**202.3.19.4.6.** Minimum lot area of 6,000 square feet and minimum dwelling space of 600 square feet for Residential Use.

(Amended by Ordinance No. 516 on September 7, 2006.)

**202.3.19.5. SCHEDULE OF REQUIREMENTS**

(Amended by Ordinance No 569 on January 2, 2014)

<b>INDUSTRIAL ZONE DISTRICTS</b> (see note #1)			
<b>Standard</b>	<b>LI</b>	<b>HI</b>	<b>C-1</b>
Minimum lot area (square feet)	6,000	14,000	6,000
Maximum building or structure height (feet)	60	65	60
Maximum number of stories	3	4	3
Maximum floor area ratio	2:1	2.5:1	2:1
Minimum lot width	50	100	50
Yard requirements (feet):			
· Front yard setback:			
- Local street	20	30	20
- Other streets	25	35	25
· Setback from zone district boundaries (landscaped)			
· Side yard setback (other than from LI, HI, or C-1 District boundaries) (feet)	10 <sup>2</sup>	10 <sup>2</sup>	10 <sup>2</sup>
· Rear yard setback (other than from LI, HI or C-1 District boundaries) (feet)	10 <sup>2</sup>	10 <sup>2</sup>	10 <sup>2</sup>
Minimum landscaped open space	10%	10%	10%

**202.3.19.6. Notes:**

**202.3.19.6.1.** All requirements subject to Uniform Building Code standards for specific type of construction.

**202.3.19.6.2.** Variable side and rear yard setbacks may be permitted, that would allow a zero lot line development, provided that the following conditions are met: that a minimum of 20 feet be maintained between buildings unless common wall construction is proposed, that the lot line shall not abut a public right-of-way or private access easement, that all zero lot line developments shall provide a maintenance easement of 3 feet adjacent to the lot line with a zero setback, and that the variable setback shall be allowed only where all the lots involved are part of a platted subdivision of a PD with unified ownership of the lots adjacent to the property line with the reduced setback.

**202.3.19.7. SCHEDULE OF REQUIREMENTS**

<b>OPEN SPACE DISTRICTS</b> (see note #1)	
<b>Standard</b>	<b>OS-R</b>
Minimum lot area (acres)	0.25
Maximum building or structure height	25
Maximum number of stories	1
Minimum lot width	50
Maximum lot coverage	35%
Yard requirements (feet):	
· Front yard setback	50
· Side yard	25
· Rear yard	30

202.3.19.8. Notes: All requirements subject to Uniform Building Code standards for specific type of construction.

**203. Zoning Amendments (Rezoning).**

Amendments to the text of this code or to the zoning map are made according to the provisions of this section.

**203.1. Initiation of Amendments.**

Amendments to either the text of this code or to the zoning map may be initiated by the Town or by citizen petition to the Town Board.

**203.1.1.** Requests to amend this code initiated by the Town Board or Planning Commission, or by Town staff, will be prepared as a draft ordinance by the Town attorney and planning staff, after review and recommendation by the Planning Commission and presented to the Town Board for the scheduling of a public hearing.

**203.1.2.** Any citizen of the Town may petition the Town Board to amend this code by filing a petition with the Manager. If the petition is to amend the text of this code, then one (1) typewritten copy of the text is to be submitted to the Manager. If the petition is to amend the zoning district classification, the petitioner must be the owner of the affected property, or accompany the amendment request with a petition signed by owners of a majority of the land affected by the amendment request. This petition shall include items listed in Appendix 6 as well as other information deemed relevant by the Manager or required by this code.

**203.1.3.** Upon receiving said application, the Manager shall schedule a date for Planning Commission review at a public hearing and a date for a public hearing before the Town Board.

**203.2. Planning Commission Consideration.**

**203.2.1.** The Planning Commission will review the proposed amendment ordinance in a timely manner so as to have recommendations to present to the Board at the public hearing. However the Planning Commission can also ask the Board to delay its final decision if the Commission is not ready to make recommendations at the public hearing.

**203.2.2.** The Town Board is required to have the recommendations of the Planning Commission before making a decision, but it is not bound by any recommendation of the Commission.

**203.2.3.** The Planning Commission shall review the proposed amendment relative to the goals and policies of the Town Comprehensive Plan, and any other appropriate

approved plans. In particular the Planning Commission shall advise the Town Board if the adoption of the proposed amendment would necessitate a comprehensive plan amendment, and evaluate the amendment according to the criteria and procedure outlined in the comprehensive plan.

**203.3. Notice of Hearing Required.**

**203.3.1.** No amendment to this code may be adopted until a public hearing has been held on the proposal.

**203.3.2.** All amendments shall follow the public notice requirements of Chapter V.K – Public Notice Requirement. If the Town initiated the amendment request, the Town shall be responsible for meeting the public notice requirements, but not any mailing requirements. The newspaper notice period is fifteen (15) days and mailing notice period is fifteen (15) days.

*(Amended July 6, 2000 by Ordinance No. 455)*

**203.4. Town Board Action on Amendments**

**203.4.1.** The Town Board is not required to take final action on a proposed amendment within any specific period of time, but shall proceed as expeditiously as practical.

**203.4.2.** In deciding whether to adopt a proposed amendment to this code, the central issue before the Town Board is whether the change advances the public health, safety and welfare. The Board must consider all potential uses that may result from a change in zoning and whether these uses are more appropriate than the range of uses allowed in the existing classification.

**203.5. Protests to Zoning District Changes**

**203.5.1.** If a valid petition opposing a change in zoning classification is filed with the Town, the proposed amendment may then only be adopted by a favorable vote of two-thirds of all the members of the Town Board.

**203.5.2.** To be valid, the petition in opposition must:

**203.5.2.1.** Be signed by the owners of either twenty (20) percent or more of the land subject to the proposed change; or by twenty (20) percent or more of the area of land extending a radius of three hundred (300) feet from the boundaries of the land which is subject to the proposed change, disregarding intervening public streets and alleys;

**203.5.2.2.** Be received by the Town at least 24 hours prior to the Board's vote on the change; and

**203.5.2.3.** Be on a form provided by the Town and containing all the information requested on the form.

**203.6. Vesting.**

Properties that are rezoned and have an approved site-specific development plan (SDP), the substance of which is outlined in section **206**, are eligible for vesting of property rights as specified in this section. Submittal requirements for SDPs are found in Appendix 8.

**203.7. Submittal Requirements.**

Submittal requirements for zoning amendments are found in Appendix 2.

**204. Zoning Map.**

**204.1. Official Zoning Map.**

**204.1.1.** There shall be a map known and designated as the Official Zoning Map, which shall show the boundaries of all zoning districts within the Town's planning jurisdiction. This map shall be drawn on acetate or other durable material from which prints can be made, shall be dated, and shall be kept in the planning department.

**204.1.2.** The Official Zoning Map dated June 2, 1994 is adopted and incorporated herein by reference. Amendments to this map shall be made and posted in accordance with Section **204.3.** below.

**204.1.3.** Should the Official Zoning Map be lost, destroyed, or damaged, the Manager may have a new map drawn on acetate or other durable material from which prints can be made. No further Town Board authorization or action is required so long as no district boundaries are changed in this process.

**204.2. Interpretations of the Zoning Map.**

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

**204.2.1.** Boundaries indicated as approximately following the centerlines of alleys, streets, highways, streams, or railroads shall be construed to follow such centerlines;

**204.2.2.** Boundaries indicated, as approximately following lot lines, town limits or extraterritorial boundary lines, shall be construed as following such lines, limits or boundaries;

**204.2.3.** Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as following such shorelines;

**204.2.4.** Where a district boundary divides a lot or where distances are not specifically indicated on the Official Zoning Map, the boundary shall be determined by measurement, using the scale of the Official Zoning Map; and

**204.2.5.** Where any street or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.

**204.3. Amendments to Official Zoning Map.**

**204.3.1.** Amendments to the Official Zoning Map are accomplished using the procedures that apply to other amendments to this code, as set forth in Section **203.** Map areas changed to PD shall be numbered sequentially and identified by their case reference number on the map.

**204.3.2.** The Manager shall update Official Zoning Map as soon as possible after the Town adopts amendments to it. Upon entering any such amendment on the map, the Manager shall change the date of the map to indicate its latest revision. New prints of the update map may then be issued.

**204.3.3.** No unauthorized person may alter or modify the Official Zoning Map.

**204.3.4.** The planning department shall keep copies of superseded prints of the zoning map for historical reference.

**205. Board of Adjustment Appeals, Variances, Interpretations of Activities Administered by Staff.**

**205.1. Appeals**

**205.1.1.** Any aggrieved person may appeal a final order or decision of the Manager with the Board of Adjustment where there is an alleged error in the resulting requirement, decision or approval determination appropriate for Board of Adjustment review. Filing with the Town a written notice of appeal specifying the reasons for the appeal makes an appeal. A notice of appeal shall be considered filed with the Manager and the Board of Adjustment when delivered to the town offices, and the date and time of filing shall be entered on the notice by the town staff.



**205.1.2.** An appeal must be made within 30 days after the date of the decision or order appealed from.

**205.1.3.** Whenever an appeal is filed, the Manager shall forthwith transmit to the Board of Adjustment all records relating to the action appealed from.

**205.1.4.** An appeal stays all actions by the Manager seeking enforcement of or compliance with the order or decision appealed from, unless the Manager certifies to the Board of Adjustment the belief that due to the facts contained in the certification, a stay would cause imminent peril to life or property. In that case, proceedings shall not be stayed except by order of the Board of Adjustment or a court, issued on application of the party seeking the stay, for due cause shown, and after notice to the Manager.

**205.1.5.** The Board of Adjustment may reverse, affirm or modify the order, requirement, decision or determination appealed from and shall make any order, requirement, decision or determination that in its opinion ought to be made in the case before it. To this end, the board shall have all the powers of the officer from whom the appeal is taken.

**205.2. Variances.**

**205.2.1.** An application for a variance shall be submitted to the Board of Adjustment by filing a copy of the application with the Manager. Applications shall be complete. A staff report shall accompany the application to the Board.

**205.2.2.** A variance may be granted by the Board of Adjustment if it concludes that strict enforcement of the code would result in practical difficulties or unnecessary hardships for the applicant and that, by granting the variance, the spirit of the code will be observed, public safety and welfare secured, and substantial justice done. It may reach these conclusions if it finds that:

**205.2.2.1.** If the applicant complies strictly with the provisions of the code, he can make no reasonable use of his property and,

**205.2.2.2.** The hardship of which the applicant complains is one suffered by the applicant rather than by neighbors or the general public and,

**205.2.2.3.** The hardship relates to the applicant's land, rather than personal circumstances and,

**205.2.2.4.** The hardship is unique and unusual, or nearly so, rather than one shared by many surrounding properties and,

**205.2.2.5.** The hardship is not the result of the applicant's own actions, and

**205.2.2.6.** The variance requested is the minimum that will afford relief and the least possible modification of the requirements of this code.

**205.2.2.7.** Additionally, the variance will neither result in the extension of a nonconforming situation in violation of Section **205** of this code, nor authorize the initiation of a nonconforming use of land, nor conflict with the goals and policies of the Comprehensive Plan.

**205.2.3.** In granting variances, the Board of Adjustment may impose such reasonable conditions as will ensure that the use of the property to which the variance applies will be as compatible as practicable with the surrounding properties.

**205.2.4.** A variance may be issued for an indefinite duration or for a specified duration only.

**205.2.5.** The nature of the variance and any conditions attached to it shall be entered on the face of the zoning permit, or the zoning permit may simply note the issuance of the variance and refer to the written record of the variance for further information. All such conditions are enforceable in the same manner as any other applicable requirement of this code.

**205.3. Appeals and Variances of Floodplains and Floodway Requirements.**

(Deleted by Ordinance No. 567, January 4, 2014 pursuant to Section 3; See Section 202.3.16.4.4)

**205.4. Map Interpretations.**

**205.4.1.** The Manager interprets the official zoning map. The Board of Adjustment is authorized to hear appeals on the zoning map and to pass upon disputed questions of lot lines or district boundary lines and similar questions.

**205.4.2.** An application for a map interpretation shall be submitted to the Board of Adjustment by filing a copy of the application with the Manager. The application shall contain sufficient information to enable the Board to make the necessary interpretation.

**205.4.3.** Interpretations of the zoning map shall follow the guidelines of Section **204.2.** of this code.

**205.4.4.** Interpretations of the location of floodway and floodplain boundary lines may be made by the Manager as provided in Section **206.2** of this code. and may be appealed to the Board of Adjustment.

**205.5. Requests to be Heard Expeditiously.**

As provided in Section **202.2.**, the Board of Adjustment shall hear and decide all appeals, variance requests, and requests for interpretations consistent with the need to follow regularly established agenda procedures, provide notice and obtain the necessary information to make sound decisions.

**205.6. Burden of Proof in Appeals and Variances.**

**205.6.1.** When an appeal is taken to the Board of Adjustment, the Manager shall have the initial burden of presenting to the Board sufficient evidence and argument to justify the order or decision under appeal. The burden of presenting evidence and argument to the contrary then shifts to the appellant, who shall also have the burden of persuasion.

**205.6.2.** The burden of presenting evidence sufficient to allow the Board of Adjustment to reach any conclusions, as well as the burden of persuasion on relevant issues, remains with the applicant seeking the variance.

**205.7. Board of Adjustment Action on Appeals**

**205.7.1.** The Board of Adjustment, before deciding requests for appeals or variances, shall hold a public hearing following standard hearing procedures.

**205.7.2.** All motions to reverse, affirm, or modify the order, requirement, decision, or determination appealed from shall include, to the extent practicable, a statement of the specific reasons or findings of facts that support the motion. If a motion to reverse or modify is not made or fails to receive the four votes necessary for adoption, then a motion to uphold the decision appealed from shall be in order. This motion is adopted as the board's decision if supported by a majority of the board's membership present

**205.7.3.** Before granting a variance, the board must take a separate vote and vote affirmatively (by four of the regular Board members on the required findings stated in Sections **204.2.2.** and **204.3.1.**

**205.7.4.** A motion to deny a variance may be made on the basis that more than one of the criteria set forth in Sections **204.2.2.** and **204.3.1.** are not satisfied or that the application is incomplete. Insofar as practicable, such a motion shall include a statement of the specific reasons or findings of fact that support it. This motion is adopted as the Board's decision if supported by a majority of the board's membership present.

**206. Nonconforming Situations****206.1. Definitions.**

Unless otherwise specifically provided or unless clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used in this section.

**206.1.1. Dimensional Nonconformity:** A nonconforming situation that occurs when the height, size, or minimum floor space of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.

**206.1.2. Effective Date of this code:** Whenever this article refers to the effective date of this code, the reference shall be deemed to include the effective date of any amendments to this code if the amendment, rather than this code as originally adopted, creates a nonconforming situation.

**206.1.3. Expenditure:** A sum of money paid out in return for some benefit or to fulfill some obligation. The term also includes binding contractual commitments to make future expenditures, as well as any other substantial changes in position.

**206.1.4. Nonconforming Situation:** The situation when, on the effective date of this code, an existing lot or structure or use of an existing lot or structure does not conform to one or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a nonconforming situation may arise because a lot does not meet minimum square footage requirements, because structures exceed maximum height limitations, because the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with this code, or because land or buildings are used for purposes made unlawful by this code.

**206.2. Continuation of Nonconforming Situations and Completion of Nonconforming Projects.**

**206.2.1.** Unless otherwise specifically provided in this code and subject to the restrictions and qualifications set forth in Sections **206.3.** and **206.8.**, nonconforming situations that were otherwise lawful on the effective date of this code may be continued.

**206.2.2.** Nonconforming projects may be completed only in accordance with the provisions of Section **206.8.**

**206.3. Undeveloped Nonconforming Lots.**

**206.3.1.** When a nonconforming lot can be used in conformity with all of the regulations applicable to the intended use, except for the required lot minimums, then the lot may be used as proposed. However, no use (e.g., a two-family residence) requiring a lot size greater than the established minimum lot size for a particular zone is permissible on a nonconforming lot.

**206.3.2.** When the use proposed for a nonconforming lot is one that is conforming in all respects but the applicable setback requirements, then the Town may allow deviations from the applicable setback requirements if it finds that:

**206.3.2.1.** The property cannot reasonably be developed for the use proposed without such deviations.

**206.3.2.2.** These deviations are necessitated by the size or shape of the nonconforming lot, and

**206.3.2.3.** The property can be developed as proposed without any significantly adverse impact on surrounding properties or the public health or safety.

**206.3.3.** For purposes of Section **206.3.2.** above, compliance with applicable building setback requirements is not reasonably possible if a building that serves the minimal needs of the use proposed for the nonconforming lot cannot practicably be constructed and located on the lot in conformity with such setback requirements. However, mere financial hardship does not constitute grounds for finding that compliance is not reasonably possible.

**206.3.4.** Adjacent nonconforming lots under the same ownership at the date this code becomes effective may not utilize the provisions of this subsection, nor may the successors in interest of these lots. The interest of this section is to require undeveloped nonconforming lots to be combined with adjacent like lots to create conforming lots.

**206.4. Extension or Enlargement of Nonconforming Situations**

**206.4.1.** Except as specifically provided in this section, no person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming situation. In particular, physical alteration of structures or the placement of new structures on open land is unlawful if such activity results in:

**206.4.1.1.** An increase in the total amount of space devoted to a nonconforming use, or

**206.4.1.2.** Greater nonconformity with respect to dimensional restrictions such as setback requirements,

height limitations or density requirements or other requirements such as parking requirements.

**206.4.2.** A nonconforming use may be extended throughout any portion of a completed building that, when the use was made nonconforming by this code, was manifestly designed or arranged to accommodate such use. However, subject to Section **206.8.** (authorizing the completion of nonconforming projects in certain circumstances), a nonconforming use may not be extended to additional buildings or to land outside the original building.

**206.4.3.** Subject to Section **206.8.** a nonconforming use of open land may not be extended to cover more land than was occupied by that use when it became nonconforming, except that a use involving the removal of natural materials from the lot (e.g., a sand pit) may be expanded to the limits of its existing permit within the lot.

**206.4.4.** Notwithstanding Section **206.4.1.**, whenever: (i) there exists a lot with one or more structures involving nonconforming uses on it, and (ii) a change to a conforming use that does not involve any enlargement of a structure is proposed for such lot, and (iii) the parking or loading requirements of Section **207** of this code that would be applicable as a result of the proposed change cannot be satisfied on such lot because insufficient area is available on the lot practicably be used for parking or loading, then the proposed use shall not be regarded as resulting in an impermissible extension or enlargement of a nonconforming situation. However, the applicant shall be required to comply with all applicable parking and loading requirements that can be satisfied without acquiring additional land, and shall also be required to obtain satellite parking in accordance with Section **506.** if: (i) parking requirements cannot be satisfied on the lot with respect to which the permit is required; and (ii) such satellite parking is reasonably available.

**206.5. Repair, Maintenance and Reconstruction.**

**206.5.1.** Minor repairs to and routine maintenance of property where nonconforming situations exist are permitted and encouraged. Major renovation, i.e., work estimated to cost more than 50 percent of the appraised valuation of the structure to be renovated may be done only in accordance with a zoning permit issued pursuant to this code.

**206.5.1.1.** The only exception to Section **206.5.1.** shall be in the case of rebuilding following fire or natural disaster, which causes more than 50% of the appraised valuation of the structure to need rebuilding.

**206.5.1.2.** This exception must be approved by the Board of Trustees with the following findings:

**206.5.1.2.1.** The structure was in use at the time of the fire or natural disaster.

**206.5.1.2.2.** The owner of the structure at the time of the fire or natural disaster must be wishing to rebuild the structure.

**206.5.1.2.3.** No change of use is taking place.

**206.5.1.3.** Any change in size or type of structure must be approved by the Board of Trustees.

**206.5.2.** If a structure located on a lot where a nonconforming situation exists is damaged to an extent that the costs of repair or replacement would exceed 50 percent of the appraised valuation of the damaged structure, then the damaged structure may be repaired or replaced only in accordance with a zoning permit issued pursuant to this section.

**206.5.3.** For purposes of Sections **206.5.1.** and **206.5.2.:**

**206.5.3.1.** The "cost" of renovation or repair or replacement shall mean the fair market value of the materials and services necessary to accomplish such renovation, repair, or replacement, as reflected in the plans submitted for a building permit, or other materials supplied by the applicant.

**206.5.3.2.** The "cost" of renovation or repair or replacement shall mean the total cost of all such intended work, and no person may seek to avoid the intent of Sections **206.5.1.** or **206.5.2.** by doing such work incrementally.

**206.5.3.3.** The "appraised valuation" shall mean the valuation determined by a professionally recognized property appraiser.

**206.5.4.** The Manager shall issue the zoning permit authorized by this section if he finds that, in completing the renovation, repair or replacement work:

**206.5.4.1.** No violation of Subsection 4 above will occur, and

**206.5.4.2.** The permittee will comply to the extent reasonably possible with all provisions of this code applicable to the existing use (except that the permittee shall not lose his right to continue a nonconforming use).

**206.5.5.** Reasonably possible compliance does not include increasing the size of a lot or moving a substantial structure sited on a permanent foundation. Mere financial hardship caused by the cost of meeting such requirements, as paved parking does not constitute grounds for finding that compliance is not reasonably possible.

**206.6. Change in Use of Property Where a Nonconforming Situation Exists**

**206.6.1.** A change in use of a nonconforming situation sufficiently substantial to require a new zoning, special-use, or conditional-use permit may only be made in accordance with Sections **206.6.2.** through **206.6.4.**

**206.6.2.** If the intended change in use is to a principal use permissible in the district where the property is located, and all other requirements of this code can be complied with.

**206.6.3.** If the intended change in use is to a principal use permissible in the district where the property is located, but not all requirements of this code can reasonably be complied with, provided that the proposed change does not add additional nonconformities or increase the extent of nonconformity.

**206.6.4.** If the intended change in use is to another principal use that is also nonconforming, then the permit issuing board must find that the proposed development will have less of an adverse impact on those most affected by it and will be more compatible with the surrounding neighborhood than the current use.

**206.7. Discontinuation and Termination of Nonconforming Situation**

**206.7.1.** When a nonconforming use is discontinued or abandoned for a consecutive period of one (1) year, future uses may be for conforming purposes only.

**206.7.2.** The following uses must meet all the requirements of this code except those specific to that particular nonconformity if it cannot be reasonably eliminated. The permit shall specify which nonconformities need not be corrected.

**206.7.3.** For the purposes of this section, all of the buildings, activities, and operations maintained on a lot are generally considered as a whole. For example, failing to rent one apartment in a nonconforming apartment building for one (1) year shall not result in a loss of the right to rent that apartment or space thereafter so long as the apartment building as a whole is continuously maintained. However, discontinuing an accessory nonconforming use for the required period shall terminate the right to maintain it thereafter.

**206.7.4.** When a structure or operation made nonconforming by this code is vacant or discontinued at the effective date of this code, the one (1) year period for purposes of this section begins to run on the effective date of this code.

**206.7.5.** When a formal complaint is filed against a nonconforming use or the Manager determines that a nonconforming use is having an adverse impact on surrounding properties or the Town, then the Board of Adjustment shall hold a public hearing on these complaints. This hearing shall determine if a demonstrated adverse impact exists to the development, use or enjoyment of the surrounding properties or the Town. If such a finding is made, the Board shall establish a termination date for the nonconforming use, including an amortization schedule if appropriate.

**206.8. Completion of Nonconforming Projects**

**206.8.1.** Only nonconforming projects which have received vested property rights by the effective date of this code may be completed in accordance with the terms of their permits, so long as these permits were validly issued and remain unrevoked and unexpired. If a development is designed to be completed in stages, this subsection shall apply only to the particular phase under construction or with vested rights.

**206.8.2.** Except as provided in 8.1 above, all projects may begin or may be continued only pursuant to a variance, zoning, special-use, conditional-use, or sign permit issued in accordance with this code by the Town.

**206.8.3.** The Manager shall send copies of this section to the persons listed as owners for tax purposes (and developers, if different from the owners) of all properties to which permits have been issued for nonconforming projects or in regard to which a nonconforming project is otherwise known to be in some stage of development. This notice shall be sent by mail not less than 15 days before the effective date of this code.

**207. Sexually Oriented Businesses.**

(Entire sub-section added by Ordinance No. 457 on July 6, 2000; Entire section deleted by Ordinance No. 497 on January 6<sup>th</sup>, 2005. See Municipal Code Chapter 760)

**208. Medical Marijuana.**

(Added by Ordinance No. 541, on October 7, 2010)

**208.1.** Findings under C.R.S. 12-43.3-101, et. seq.

**280.1.1.** The Colorado Medical Marijuana Code clarifies Colorado law regarding the scope and extent of Amendment 20 to the Colorado Constitution (Article XVIII, Section 14).

**208.1.2.** C.R.S. 12-43.3-310 of the Colorado Medical Marijuana Code specifically authorizes a municipality in part to prohibit the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers'

licenses, based on local government zoning, health, safety, and public welfare laws.

**208.1.3.** The Board of Trustees of the Town of Limon has carefully considered the provisions of the Colorado Medical Marijuana Code, Article XVIII, Section 14 of the Colorado Constitution, and the impact of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers' licenses on the health, safety, and welfare of the Town and the town inhabitants, and has determined as an exercise of its local land use authority that such medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers' licenses should be prohibited and not be located within the corporate limits of the Town.

**208.2. Definitions.**

For purposes of this Article, the following terms shall have the following meanings:

**208.2.1. Medical Marijuana:** marijuana that is grown and sold for a purpose authorized by Section 14 of Article XVIII of the Colorado Constitution.

**208.2.2. Medical Marijuana Center:** a person authorized to be licensed to operate a business as described in the Colorado Medical Marijuana Code that sells medical marijuana to registered patients or primary caregivers as defined in Section 14 of Article XVIII of the Colorado Constitution, but is not a primary caregiver, and which a municipality is authorized to prohibit as a matter of law.

**208.2.3. Medical Marijuana-infused products manufacturer:** a person licensed pursuant to the Colorado Medical Marijuana Code to operate a business known as a Medical Marijuana-Infused Products Manufacturing License, and which a municipality is authorized to prohibit as a matter of law.

**208.2.4. Optional premises cultivation operation:** a person licensed pursuant to the Colorado medical Marijuana Code to operate a business known as an optional premises grow facility in order to grow and cultivate marijuana for a purpose authorized by Section 14 of Article XVIII of the Colorado Constitution, and which a municipality is authorized to prohibit as a matter of law.

**208.2.5. Person:** a natural person, partnership, association, company, corporation, limited liability company, or organization, or a manager, agent, owner, director, servant, officer, agent, or employee thereof.

**208.3. Medical Marijuana Centers, Optional Premises Cultivation Operations, and Medical Marijuana-Infused Products Manufacturers' Licenses Prohibited.**

It is unlawful for any person to operate, cause to be operated, or permit to be operated a medical marijuana center, optional premises cultivation operation, or facility for which a medical marijuana-infused products manufacturers' license could otherwise be obtained, within the Town, and all such uses are hereby prohibited in any location within the Town, or within any area hereinafter annexed to the Town.

**208.4. Penalties and Remedies for Violations.**

In addition to those remedies set forth in Section 201.15.4., the Town is specifically authorized to seek an injunction, abatement, restitution, or any other remedy necessary to prevent, enjoin, abate, or remove the violation.





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***300***  
***Subdivision***  
**2014**

**300.SUBDIVISION**

**301. Pre-application Conference**

Prior to submitting a formal application, applicants shall confer with the Manager or the Manager's representative in order to obtain information and guidance. The Purpose of such a conference is to familiarize the applicant with the Town's requirements, procedures, and Comprehensive Plan prior to substantial commitments of time and money toward the preparation of plans, surveys, and other studies.

**302. Filing Deadlines and Applications**

**302.1.** Unless otherwise specified and agreed to by the Manager, applications shall be filed with the Planning Department at least 30 days prior to the date of hearing by the Planning Commission or Town Board. Reviews subject to the approval of the Manager shall be submitted at least 15 days prior to the requested date for a decision.

**302.2.** Only complete applications shall be accepted as meeting the above deadlines; partial or incomplete applications shall be accepted, but will not be scheduled for review and hearings until all required elements of the application package have been received by the Planning Department. An application shall be considered complete for processing by the Manager or designated representative if it includes information sufficient to meet the requirements of the specific application.

**302.3.** Nothing in this regulation shall prevent the Manager, his representative, the Planning Commission, or the Town Board from requesting additional information in the course of the review if it is deemed necessary to determine compliance with the requirements of this regulation or any other governing the application.

**303. Sketch Plan**

**303.1. Purpose**

The purpose of the sketch plan is to allow a review of the concept for development and the overall feasibility of the project. The review at this stage also allows the staff and Planning Commission to judge the level of appropriateness of the proposed use, as well as identify potential problems, which must be resolved prior to final approval of the plan. Submittal requirements for Sketch Plans are found in Appendix 8.

**303.2. Review Procedure**

**303.2.1. Technical Review Committee.**

All applications shall be referred to representatives of the various department and agencies assigned to the Technical Review Committee (TRC). Copies of proposed plans may be sent to other agencies and utility companies for comment. Within fifteen (15) days following the filing deadline, the TRC shall meet to review the application, or the Planning Department shall compile the written comments of the TRC. Based upon the comments of the TRC, the Planning Department shall prepare a report with recommendations to the Planning Commission.

**303.2.1.1.** If the review and comments of the TRC reveal that the application has deficiencies which require significant additional work or further discussion between the TRC and the applicant, the Manager may defer sending the matter to the Planning Commission until the outstanding issues have been address adequately by the applicant.

**303.2.2. Planning Commission.**

At the next regular meeting following the filing date for applications, the Planning Commission shall consider the sketch plan and the report and recommendations of the Planning Staff pertaining to the application. The Planning Commission, using criteria established elsewhere in this regulation, the Comprehensive Plan, and the Town Ordinances, shall approve the application, grant approval with modifications, or deny the application.

**303.2.3. Appeal to Town Board.**

Decisions of the Planning Commission may be appealed to the Town Council. A written appeal of any action by the Planning Commission shall be filled within fourteen (14) calendar days following the Planning Commission decision.

**303.2.4. Town Board Action.**

**303.2.4.1. Appeals to the Town Board.** Decisions of the Planning Commission appealed to the Town Board shall be heard after giving ten (10) day written notice to the applicant at a regularly scheduled meeting. The Town Board shall, using criteria established elsewhere in this regulation, the Comprehensive Plan, and the Town Ordinances, approve the application, grant approval with modifications, or deny the application.

**303.2.4.2. Town Board Review.** The Town Board may call up for review any sketch plan acted upon by the Planning Commission. Notice of such review must be requested in writing from three (3) or more Board members,



or a majority decision of the Board members at a regularly scheduled Board meeting within fourteen (14) days following the Planning Commission decision.

**303.2.4.3.** Approval of the Sketch Plan does not bind the Planning Commission or Town Board to accept the Preliminary Plan or Final Plat

**304. Preliminary Plan**

**304.1. Purpose**

The purpose of the preliminary plan is to allow a full review of all technical aspects of the subdivision. Submittal requirements for preliminary plans are found in Appendix 8.

**304.2. Review Procedure**

**304.2.1. Technical Review Committee.**

All applications shall be referred to representatives of the various department and agencies assigned to the Technical Review Committee (TRC). Copies of proposed plans may be sent to other agencies and utility companies for comment. Within fifteen (15) days following the filing deadline, the TRC shall meet to review the application, or the Planning Department shall compile the written comments of the TRC. Based upon the comments of the TRC, the Planning Department shall prepare a report with recommendations to the Planning Commission.

**304.2.1.1.** If the review and comments of the TRC reveal that the application has deficiencies which require significant additional work or further discussion between the TRC and the applicant, the Manager may defer sending the matter to the Planning Commission until the outstanding issues have been address adequately by the applicant.

**304.2.2. Planning Commission.**

At the next regular meeting following the filing date for applications, the Planning Commission shall consider the preliminary plan and the report and recommendations of the Planning Staff pertaining to the application. The Planning Commission, using criteria established elsewhere in this regulation, the Comprehensive Plan, and the Town Ordinances, shall approve the application, grant approval with modifications, or deny the application.

**304.2.3. Appeal to Town Board of Trustees.**

Decisions of the Planning Commission may be appealed to the Board. A written appeal of any action by the Planning Commission shall be filled within fourteen (14) calendar days following the Planning Commission decision.

**304.2.4. Town Board Action**

**304.2.4.1. Appeals to the Town Board.**

Decisions of the Planning Commission appealed to the Town Board shall be heard after giving ten (10) day written notice to the applicant at a regularly scheduled meeting. The Town Board shall, using criteria established elsewhere in this regulation, the Comprehensive Plan, and the Town Ordinances, approve the application, grant approval with modifications, or deny the application.

**304.2.4.2. Town Board Review.**

The Town Board may call up for review any preliminary plan acted upon by the Planning Commission. Notice of such review must be requested in writing from three (3) or more Board members, or a majority decision of the Board members at a regularly scheduled Board meeting within fourteen (14) days following the Planning Commission decision.

**304.2.5.** Approval of the Preliminary Plan does not bind the Planning Commission or Town Board to accept the Final Plat

**305. Final Plat**

**305.1. Purpose**

The purpose of the final plan or plat is to provide a legal document that will be a part of the Town and/or County records describing the development rights and land descriptions of the property. The final plan shall include all final agreements between the owner or developer and the Town of Limon. Submittal requirements for Final Plats are found in Appendix 8.

**305.2. Review Procedure**

**305.2.1. Town Board Action.**

On a finding by the Manager that a complete plan has been submitted and approved by all applicable departments and public agencies, the final plan will be scheduled for consideration at a public hearing by the Town Board. A 30-day review and 15-day publication period shall occur between formal filing of the application and the public hearing before the Board. The Town Board may then approve the application, approve with modifications or deny the request using the criteria set forth in this chapter, the Comprehensive Plan and the Code of Ordinances. If the final plat is an annexation plat, the ordinance for annexation and zoning may be considered concurrently at the time of the first reading of the annexation ordinance.

**305.2.2. Recording and Filing Requirements.**

The Town Clerk shall cause the final plat and written agreements to be recorded with the County Clerk and Recorder and shall return one executed copy to the applicant. The Clerk shall also file copies of the plats and annexation ordinances as required by State statutes.

**305.2.3. Withdrawal of Subdivision Plat or Annexation Plat Request.**

If the subdivider fails to submit to the Manager a final plat conforming to the approved preliminary plat or any other requested document within ninety (90) days after the advertised public hearing on the preliminary plat or annexation request, all official approval of the Town Board or Planning Commission in regard thereto shall be deemed withdrawn.

**305.2.4. Administrative Requirements.**

The Manager may set reasonable deadlines for the filing of plans for consideration by the Technical Review Committee, the Planning Commission, and the Town Board to allow adequate time for examination by their members. The Manager shall also make available at a reasonable cost, copies of these regulations and other related documents, and shall provide a checklist to serve as a guide to the requirements of this chapter for the applicants.

**305.3. Building Permits.**

No building permit for any project shall be issued until final plat is approved by the Board of Trustees and recorded with the County Clerk.

**306. Utility Requirements**

**306.1. Drainage and Storm Sewers**

**306.1.1.** The developer shall be responsible for the conveyance of all stormwater flowing through the site and for the planning, design, and installation of an adequate drainage system in accordance with all applicable Town standards and specifications.

**306.1.2.** Drainage studies of existing and future flows into and out of the subdivision site shall be prepared by a registered engineer, and the Town shall approve all studies.

**306.1.3.** The Town shall not approve any subdivision plat, which does not make adequate provisions for stormwater and flood runoff.

**306.1.4.** The storm water drainage system shall be separate from and independent of the sanitary sewer system.

**306.1.5.** The Town shall allow the use of streets for drainage within the limitations stated in the Town's standards and specifications.

**306.1.6.** When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage easements shall be secured by the developer, indicated on the final plat of subdivision, and shown by an appropriate instrument of grant shall be with the Lincoln County Clerk and Recorder.

**306.1.7.** Drainage, flood, and watercourse areas and flow shall be retained in their natural state to the maximum extent feasible.

**306.1.8.** Drainage construction plans shall be submitted to the town for approval in accordance with this ordinance and other applicable Town codes and requirements.

**306.1.9.** In general, subdivision drainage facilities shall be located within the proposed subdivision and shall be designed to accommodate the minor and major storms, unless regional detention facilities exist within the subject watershed. The drainage facilities for the proposed subdivision shall be designed to accept the historic flows from areas upstream of the subdivision site and release flows from the subdivision site in a manner, which does not adversely affect downstream properties.

**306.2. Policies for Development in Floodplains**

(Deleted by Ordinance No. 567 on January 4, 2014 pursuant to Section 3)

**306.3. Water Facilities**

**306.3.1.** The developer shall be responsible for the extension and/or creation of water transmission facilities and mains to and within the subdivision. The water mains shall be of sufficient size and pressure to transmit water for potable use, landscape watering, fire suppression and other uses permitted by the zoning classification of the land.

**306.3.2.** The water system shall be designed and installed by the developer in accordance with the requirements of the Town's standards and specifications.

**306.3.3.** Water mains shall be installed to serve each lot in the subdivision.

**306.3.4.** Water mains shall be located in dedicated street or alley right-of-ways, unless specifically approved on the final plat.

**306.3.5.** If water mains are allowed outside of dedicated right-of-way as described in Section **306.3.4.**, all existing and proposed easements for water lines shall be shown on the final plat and dedicated to the Town.

**306.3.5.1.** Easements for water lines shall be a minimum of 20 feet in width for one line and 30 feet in width for two lines, or as required by the Town to accommodate the installation and maintenance of the lines and facilities.

**306.3.5.2.** Easements for water lines shall be dedicated as exclusive easements and no structure or other obstruction other than fences or landscaping shall be allowed within a waterline easement.

**306.3.5.3.** Water line easements acquired in adjoining properties shall be recorded with the Lincoln County Clerk and Recorder as a condition of final plat approval.

**306.3.6.** All non-tributary groundwater shall be dedicated to the Town.

**306.3.7.** The developer shall install and maintain the exterior fire suppression system, including fire hydrants, for the subdivision in accordance with the requirements of the Town. Such maintenance shall continue until final acceptance of the system by the Town.

**306.3.8.** The fire suppression system shall be detailed in the construction drawings submitted to the Town.

**306.4. Wastewater Facilities**

**306.4.1.** The developer shall be responsible for the extension and/or creation of wastewater transmission facilities and lines to and within the subdivision. The wastewater collection lines shall be sufficient to transmit wastewater for uses permitted by the zoning classification of the land.

**306.4.2.** The wastewater system shall be designed and installed by the developer in accordance with the requirements of the Town's standards and specifications.

**306.4.3.** Wastewater collection lines shall be installed to serve each lot in the subdivision.

**306.4.4.** Private sewage disposal systems will be discouraged unless access to the existing wastewater collection system cannot be reasonably obtained.

**306.4.5.** If a private sewage disposal system proposed the following conditions will apply.

**306.4.5.1.** The system shall conform to the requirements of the Town's standards and specifications.

**306.4.5.2.** The developer shall obtain all required permits from the Lincoln County Health Department and Colorado State Health Department.

**306.4.5.3.** All cost of maintenance and repair shall be borne by the developer, its successors and assigns, and shall be deemed an obligation running with the land. Indication of such responsibility shall be placed on the final plat prior to approval.

**306.4.6.** All existing and proposed easements for wastewater lines and facilities shall be shown on the final plat and dedicated to the Town.

**306.4.7.** Easements for wastewater lines shall be a minimum of 20 feet in width for one line and 30 feet in width for two lines, or as required by the Town to accommodate the installation and maintenance of the lines and facilities.

**306.4.8.** Easements for wastewater lines shall be dedicated as exclusive easements and no structure or other obstruction other than fences or landscaping shall be allowed within a wastewater easement.

**306.4.9.** Wastewater line easements acquired in adjoining properties shall be recorded with the Lincoln County Clerk and Recorder as a condition of final plat approval.

**306.5. Other Utilities**

**306.5.1.** All new utility lines, including but not limited to gas, electric power, telephone, and cable television lines, shall be located underground throughout the subdivision.

**306.5.2.** When rebuilding existing overhead utility lines, utility lines shall be buried with the exception of major transmission line facilities.

**306.5.3.** Utility appurtenances, where feasible, shall be located underground and away from public activity areas such as parks, playgrounds, and schools within the subdivision.

**306.5.4.** If utility appurtenances shall be located above ground in public activity areas such as parks, playgrounds, and schools or in areas subject to public assembly; they shall be subject to the following conditions.

**306.5.4.1.** Above ground utilities shall be located in areas where they are visually unobtrusive.

**306.5.4.2.** Above ground utilities shall be located sufficiently away from public rights-of-way to avoid potential danger to the public.

**306.5.4.3.** Above ground utilities shall be screen from view by a method approved by the Town of Limon.

**306.5.5.** Underground service connections to the street property line of each platted lot in a subdivision, and other utility improvement required by the Town and/or utility provider shall be installed and maintained at the developer's expense until such responsibility is assumed in perpetuity by a property owner or homeowner's association.

**306.5.6.** Preparation of all utility plans shall be the responsibility of the developer in coordination with each utility provider and the Town. The plans shall adhere to all requirements of this ordinance, the Town, and the utility provider.

**306.5.7.** Adequate easements shall be provided for all public and private utilities as determined by those utilities. All such easements shall be shown and dedicated on the final plat.

**306.5.8.** Utility easements shall be located along the rear lot line of each lot in the subdivision.

**306.5.9.** Where topographical or other conditions make the location of utility easements along the rear lot lines infeasible, an unobstructed easement shall be provided along the side lot line with appropriate access to a public road or rear lot lines.

**306.5.10.** Utility easements acquired in adjoining properties to provide service to the proposed subdivision shall be recorded with the Lincoln County Clerk and Recorder.

**307. Development Agreements**

The Town of Limon will execute agreements with property owners to assure each party that the Town and the owner will provide the public services or improvements required for development. These agreements will cover subdivision improvements, bulk land variances, annexation, and the costs of oversized or off site improvements.

**307.1. Subdivision Improvements Agreements**

**307.1.1.** After preliminary plat approval, the subdivider cannot obtain final subdivision plat approval until he provides for the installation of all public improvements

required by the development. Except as otherwise provided in this section of the ordinance, the subdivider shall be responsible for the cost and construction of all wastewater, water or drainage facilities, streets, alleys, sidewalks, curbs, gutters, fire hydrants, and related appurtenance in and through his property or development.

**307.1.2.** The sub-divider may install the improvements for acceptance by the Town before submitting the final plat. He also may obtain the final plat approval before completion of the required infrastructure, if he enters into a subdivision improvements agreement that provides financial guarantees for the completion of the required infrastructure.

**307.1.3.** The Subdivision Improvements Agreement will identify the required infrastructure improvements, which will be contained in construction documents approved by the Town. It will provide for the installation of the improvements to the satisfaction of the Town within two years. The Agreement will require the subdivider to provide a financial guarantee equal to 125% of the estimated cost of constructing the improvements. The guarantee must be irrevocable and may be in the form of a performance bond, letter of credit, cashier's check, escrow deposit, or other pledge of liquid assets. The agreement shall give the Town the right to draw upon the financial guarantee to collect sufficient funds if necessary to complete the improvements in accordance with the approved specifications if the subdivider defaults on the Agreement.

**307.2. Bulk Land Subdivision Agreements**

**307.2.1.** Bulk land subdivisions establish zone and parcel boundaries for planned developments, dedicate rights of way, grant easements, or convey properties to intermediate land holders who will not be the ultimate land developers or end users. Bulk land subdivision plats usually do not result in construction until further subdivision or site plans are prepared.

**307.2.2.** In these cases, the Town may grant a delay or waiver of required financial guarantees for construction of some or all required improvements where: (a) The subdivision will facilitate a bulk land conveyance; (b) further subdivision or site plan review will occur prior to the use of the land for building purposes, and (c) it is possible to assure or guarantee the installation of necessary improvements to meet development requirements as they arise.

**307.2.3.** Upon approval of a bulk land subdivision, the subdivider and the Town will execute and record an agreement notifying subsequent purchasers that future subdivision or site plans for the property will require the

provisions for the installation of infrastructure improvements before development.

### **307.3. Annexation Agreements**

The Town and owners of land annexed into Town will enter into annexation agreements concerning the provision of required water, sanitary sewer, drainage, and other public facilities and services required for the development of the property. This agreement shall cover the applicant's acceptance of the Town's land development requirements, the adequacy of existing public facilities to serve the annexed properties, and provision of required public improvements.

### **307.4. Cost Recovery Agreements**

#### **307.4.1. Wastewater, Water, or Drainage Facilities**

**307.4.1.1.** The Water and/or Wastewater Superintendent may require a subdivider to construct a larger public facility than required for the development of the sub-divider's property in order to serve the needs of adjacent property owners. When this occurs, the Town may enter into an agreement with the subdivider to collect from adjacent landowners a pro-rata share of the construction costs and refund such costs to the subdivider at the time of each connection.

**307.4.1.1.1.** When the sub-divider needs to construct wastewater and/or water service facilities through or adjacent to un-serviced or undeveloped lands, he shall pay the entire costs of such facilities. However, the Town may agree to charge a pro-rata assessment to each additional owner who connects into the facility. The town shall collect and refund each assessment to the subdivider at the time of each connection.

**307.4.1.2.** When lift stations or force mains are required, the cost of constructing said stations or mains shall be the responsibility of the property initially served. If the pump station and force mains can serve more area or land or if the Town requires more capacity than necessary to serve the initial development, the Town and the subdivider may enter into a cost recovery agreement that provides for the Town to collect a pro-rata share of the construction costs from adjacent owners at the time of their connection and refund such costs to the subdivider.

**307.4.1.3.** If lift stations and force mains are required; the system shall be designed where possible so as to permit an eventual connection into a gravity system with minimal expense. Where practicable, the subdivider shall grant easements and construct lines to tie into the gravity system. The Town may require deposits, when

deemed necessary, to pay for the eventual construction of gravity lines.

#### **307.4.2. Streets, Alleys, Sidewalks, Curbs, Gutters or Fire Hydrants.**

A sub-divider shall pay the entire cost of streets, alleys, sidewalks, curbs, gutters, or fire hydrants that he constructs on, through, or adjacent to un-serviced or undeveloped lands. However, the Town may agree in writing to collect a pro rata share of the costs from the owner of property served by such facilities at the time of construction and refund such costs to the subdivider. All streets and related improvements are to be constructed to the specifications adopted by the Town of Limon.

### **307.5. Recovery Cost Agreement Content**

**307.5.1.** If a subdivider desires to enter into a recovery agreement with the Town, he shall provide a complete detailed summary of all the construction costs to the Manager within ninety (90) days after completion of construction.

**307.5.2.** The sub-divider and the Manager shall jointly determine the service area of the facilities constructed by the owner or developer, and shall jointly determine a per-front-foot, per-lot, or per-acre recovery charge for said service area based upon the total construction cost submitted by the subdivider and approved by the Manager. If the subdivider and the Town disagree on the amount, the determination of the Manager shall be final for the purpose of review by the Board of Trustees.

**307.5.3.** The amount of the unit recovery charge (per-front-foot, per-lot, or per-acre) shall be the total construction cost approved by the Manager divided by the number of equal or nearly equal units (front-feet, lots, or acres) served by the facilities.

**307.5.4.** The sub-divider's right to reimbursement under the provisions of the recovery agreement shall not exceed twenty (20) years unless the Board of Trustees approved a longer period. The sub-divider's right to reimbursement is limited to the recovery of his total construction cost.

### **308. Concurrent Filing for Preliminary and Final Plans**

For major developments with approved sketch plans, the applicant may file the preliminary and final plans concurrently when authorized by the Manager. In no case shall an applicant be permitted to file these plans concurrently without a previously approved sketch plan. Applicants making concurrent filings shall be on notice that

changes required of the preliminary plans must be made prior to the final plan approval.

**309. Minor Subdivision**

**309.1. Application**

**309.1.1.** Applicants for a minor subdivision are required to pay appropriate fees upon requesting sketch review by the Town staff.

**309.1.2.** The Manager shall determine if the submitted minor plat application is complete. If the application is not complete the Manager may reject the application and inform the applicant of the materials needed to make the application complete. If the application is complete the Manager shall initiate processing the plat.

**309.1.3.** A minor subdivision applies to six (6) or less units or lots.

**309.2. Minor Plat Process**

**309.2.1. Pre-application/Sketch Plan Review.**

Applicants shall submit all materials required for pre-application/sketch plan review by the Manager to the Manager using the submittal requirements listed in Appendix 9. Timing of the review will follow the process for preliminary plat of Section **304** of this code.

**309.2.2. Final Plat Review**

Applicants shall submit all materials required for final Plat review by Town Board to the Manager using the submittal requirements list of Appendix **8**. Timing notification and public hearing requirements of the review will follow the process for final plat of Section **305** of this code.

**309.3. Review by the Planning Commission**

**309.3.1.** The Planning Commission shall review and consider the staff report, any public comments received by the Town, the provisions of this Ordinance, and any other applicable development regulations, standards, or requirements adopted by the Town and shall approve, approve with conditions, or deny the minor subdivision sketch plan.

**309.3.2.** Minor subdivisions that are approved with conditions shall be revised to reflect the conditions before sealing the final plat application.

**309.3.3.** Minor subdivisions that are approved with conditions or denied may be appealed to the Board of Trustees.

**309.4. Appeal**

**309.4.1.** The applicant or any affected party has 10 days within which to appeal the decision of the Commission to the Board. The appeal to the Board shall be a complete review of the minor subdivision application.

**309.4.2.** Any affected party is defined as:

**309.4.2.1.** Any person who was notified in writing because they were within 300 feet of the subject property; or

**309.4.2.2.** an individual who is harmed or negatively impacted by the actions of the Commission's decision.

**309.4.3.** The Board shall consider the minor subdivision appeal at a public hearing.

**309.4.4.** In hearing an appeal the Board shall, at a public meeting, review the record of the Commission action. No new testimony may be heard, except staff may be asked to interpret materials contained in the public record.

**309.4.5.** The Board may overturn or amend the Commission's actions upon a finding that the Commission erred in the application of performance standard or criteria contained in this Ordinance or other written documents or plans adopted by the Town. Further, the Board may remand for additional evidentiary findings or for an additional public hearing to obtain new evidence.

**309.4.6.** The Board shall make explicit its rationale for overturning a decision of the Commission. Staff shall, in the case of Board approvals and conditional approvals, make them a part of the approved minor plat.

**309.5. Review by the Town Board**

**309.5.1.** The Town Board shall consider the final plat at a public hearing as required in Section **304.2.1**.

**309.5.2.** The Board will finalize any subdivision improvements agreement as negotiated by the Manager and as required to implement the subdivision.

**309.5.3.** Upon approval of a minor subdivision plat, the Town Board shall cause the Manager to record the plat as per Section **304.2** of this code.

**310. Staff Review Applications**

**310.1. Purpose**

Some types of applications do not require a public hearing due to the noncontroversial nature of the request. This procedure has been designed to expedite minor review procedures.

**310.2. Review Procedure**

**310.2.1. Pre-application Conference.**

The applicant shall schedule a pre-application conference pursuant to the provisions of Section 301.

**310.2.2. Staff Review.**

The Manager shall refer the application to interested Town departments and divisions for review and comment fifteen (15) days prior to making a decision.

**310.2.2.1.** A notice shall be mailed to all real property owners who own property located within 300 feet of the subject property which notice shall be mailed at least ten (10) days prior to the decision of the Manager. The Manager shall review the application for compliance with the provisions of the Town Code and relevant review criteria, incorporating the comments of referral agencies. The Manager, or the Manager's representative, shall then approve, approve with modifications, or deny the application no sooner than ten (10) days after mailing notice to property owners.

**310.2.3. Referral to Planning Commission for Action.**

The Manager may refer any application, which is deemed to involve unique circumstances or policy decisions warranting a Planning Commission decision to the Planning Commission.

**310.2.4. Appeal/Referral to Planning Commission.**

The applicant may appeal the action of the Manager within fourteen (14) days of the Manager's decision. A written notice of the action of the Manager shall be submitted to the Planning Commission. For those matters appealed or referred to the Planning Commission, the Planning Commission shall, after giving proper public notice, hold a public hearing on the application. The Commission may then approve, approve with modification, or deny the application considering the applicant's compliance with criteria contained in this chapter.

**311. Public Notice Requirement**

*(Amended May 9, 2000 by Ordinance No. 451)*

For all actions in this Land Development Code requiring a public hearing, the following public notices are required.

**311.1.** Notice shall be sent by first class mail to all real property owners owning property located within 300 feet of the property in question at least fifteen (15) days prior to the public hearing, however, the failure to send or receive this notice shall not be deemed to deprive the Town Board, Planning Commission or Board of Adjustment of jurisdiction.

**311.2.** Notice of the hearing shall be published in a newspaper of general circulation within the Town at least fifteen (15) days prior to the public hearing.

**311.3.** All notices shall include (i) a statement of the nature of the matter to be considered; (ii) the time, date and place of the public hearing; and (iii) the agency or office and phone number where further information may be obtained.

**312. Limitations on Approval**

**312.1.** Following approval of an application, all property described in the application must be developed in accordance with the approval, including, but not limited to, the written documents, site plans and development schedules.

**312.2.** It is unlawful for the owner, developer or applicant to use or develop the property for any other use or in a manner not consistent with the approved plan. Each day of violation shall be considered a separate violation of the provisions of this Chapter. Following the same procedures as required for approval of the original application, except as follows shall permit modification or amendments to an approved application:

**312.3.** For minor variations in the location of structures, improvements or open space areas caused by engineering or other unforeseen difficulties, the Manager may authorize a modification to an approved site plan. Such changes authorized by this section shall not exceed ten percent (10%) of any measurable standard or modify the use, character, or density of an approved application. All plans so modified shall be revised to show the authorized changes and shall become a part of the permanent records of the Town.

**312.4.** The Manager may authorize an extension of the time schedule for the completion of the improvements for a period not to exceed one year. The Planning Commission must approve an extension beyond one year.

**312.5.** The Planning Commission shall be notified in writing of all actions of the Manager authorizing changes to approved applications or for time extensions.

**313. Submittal Requirements**

Submittal requirements for subdivisions are detailed in Appendix 8.

**314. Dedications Required**

**314.1. General Policy**

The Planning Commission and Town Board, upon consideration of Town circulation and community facility plans and the particular type of development proposed in the subdivision, shall require the dedication or reservation of areas or sites of a character, extent and location suitable for public use for roadways, schools, open spaces, parks, public safety and maintenance facilities, historic sites, scenic areas, and other necessary public purposes. All dedications and reservations for parks and open spaces must meet the requirements of the Zoning Ordinance for these uses.

**314.2. Public Dedications to the Town of Limon**

**314.2.1.** Reference shall be made to the Limon Comprehensive Plan to determine general locations for various public facilities. Dedication of such sites and land areas shall be made at the time of final platting in one or any combination of the following ways:

**314.2.2.** By dedicating to the Town of Limon, Colorado, in fee simple on the final plat;

**314.2.3.** By granting the land areas in fee simple on general Warranty Deeds to the Town of Limon; or

**314.2.4.** By payment of fees in lieu of land dedications.

**314.3. Commercial and Industrial (or other nonresidential) Subdivisions**

In the case of nonresidential subdivisions (less than ten percent [10%] residential use), an exaction of two percent (2%) and/or equivalent fees for public facilities will be required by the Commission and Board at the time of subdivision. The allocation of land and/or fees for public facilities will be made at the discretion of the Board of Trustees upon recommendation of the Planning Commission. For mixed-use subdivisions, exactions for residential and nonresidential uses will be based on the proportion of the land associated with residential use.

**314.4. Residential Subdivisions**

**314.4.1.** The sub-divider shall provide sites and land areas for public facilities to serve the proposed subdivision and the future residents thereof. Such provisions include:

**314.4.2.** For linear subdivision (linear subdivisions as used herein refers to the traditional subdivision of land not previously subdivided by official plat filing and does not refer to such subdivisions as condominiums and townhouses), the Commission shall require the dedication of land areas or sites suitable for public purposes defined in section **314.4.1.** above of six percent (6%) of the total area of the subdivision.

**314.4.3.** In the case of a subdivision of land into multiple dwelling units on land which has not been previously approved as a linear subdivision or on land where no previous public facilities dedications was made or fees-in-lieu paid, the subdivider shall dedicate six percent (6%) of the gross area of the land to the Town for public facilities.

**314.4.3.1.** Said requirement may be waived in whole or in part (subject to the conditions in section **314.4.4.** below) by the Commission if there is sufficient park space already provided for the future residents of the proposed subdivision.

**314.4.4.** With the approval of the Commission and the Board of Trustees, the subdivider will be required, in lieu of sections **314.4.3.** and **314.4.2.** above, to pay fees in lieu of the equivalent land areas which would have been dedicated to public facilities. Fees are to be calculated in the following manner:

**314.4.4.1.** Fees shall be calculated based on the full market value of the land immediately prior to the platting, but with the zoning district classification existing at the time of platting that is considered with the plat application's intended use.

**314.4.4.2.** Full market value shall be determined by mutual agreement between the subdivider and the Board. In the event of inability of any of the above parties to agree on the value of the subject land, the subdivider shall submit to the Town a written appraisal from a qualified appraiser meeting the value requirements set forth herein. Said appraisal shall be made by an individual or entity that does not have any financial interest in the subdivision and shall be a member of the Appraisal Institute (MAI) or a member of the Society of Real Estate Appraisers (SRA), or such other qualified persons mutually agreeable to Staff and the developer. The subdivider shall pay the cost of said appraisal.



**314.4.4.3.** Such appraisal may be submitted during the review period of the Final Plat. If the Commission or Board believes that the appraised value is not accurate, they may obtain their own appraisal from a qualified appraiser, such cost of the appraisal to be paid by the Town. The average of the two appraisals shall be used in order to determine the fees the subdivider shall pay.

**314.4.4.4.** All fees-in-lieu of dedications are to be paid prior to the approval of the Final Plat.

**314.4.4.5.** For subdivisions that are platted in phases, the above calculations can be made on a phase-by-phase basis through methods to be devised by the Commission and/or Board realizing that by virtue of developing one phase, the value of the undeveloped adjacent phase will increase. The subdivider has the option of paying the fees for all phases upon the due date of fees for the first phase.

**314.4.6.** Payments made under the requirements of this section shall be made payable to the Town of Limon.

**314.4.6.1.** Such funds shall be deposited with the Town Clerk to a special interest-bearing account. Each deposit shall be credited to the name of the subdivision for which the payment was made. The status of these accounts shall be reported annually to the Board of Trustees.

**314.4.6.2.** Funds may be withdrawn from the special escrow account by the Board for the following purposes:

**314.4.6.2.1.** Purchase of land for public facilities and purposes.

**314.4.6.2.2.** Preparation of design drawings for improvement to existing public facilities within the Town.

**314.4.6.2.3.** Purchase of materials, including but not limited to trees, shrubs, benches, and equipment to be used in public parks or recreation facilities as approved by the Board.

**314.4.6.2.4.** Physical improvements made to existing public parks or recreational facilities as approved by the Board.

**314.4.6.2.5.** Construction of all types of public facilities.

**314.4.6.2.6.** Direct transfer of funds to the school district serving the Town of Limon for capital improvements and land acquisition of an amount no greater than two percent (2%) out of the six percent (6%) total

dedication. Thus, the maximum public dedication exaction of land or fees-in-lieu for schools is two percent (2%) and other public purposes is four percent (4%) for a total of six percent (6%).

**314.4.7. Special Conditions for School Districts**

**314.4.7.1.** All residential, mixed-use, commercial and industrial subdivisions shall provide for public school sites or fees-in-lieu to serve the proposed subdivision and the future residents thereof and in accordance with these Regulations. The public facility dedication requirements of Section 314.4. above may be allocated in whole or in part to the appropriate school district upon approval of the Board of Trustees for any approved subdivision.

**314.4.7.2.** Land dedications must conform to the appropriate school district's master school site location plan in the school district where the subdivision is located. Where no such plan exists, site locations will be decided by the Town and/or in conjunction with the school district where appropriate.

**314.4.7.3.** Fees-in-lieu and payments under the requirements of Section 314. shall be made payable to the Town of Limon which may, in turn, deposit such monies in any Town approved and designated financial institution in separate or pooled accounts in accordance with the provisions of Colorado Revised Statutes.

**314.4.7.3.1.** Such monies shall be recorded to a special interest-bearing fund to be held for the school district serving the subdivision. Each deposit shall be credited to the name of the subdivision for which the payment was made and shall be recorded in the above fund. The status of this fund shall be reported annually to the Board of Trustees and shall be made available to the school district pursuant to stipulation in joint agreements (as they may exist) between the two.

**314.4.7.3.2.** Monies may be withdrawn from the special fund by the Board for the specific purpose of acquiring land for school sites within the school district serving the subdivision or transferred directly to the school district.

**314.4.7.4.** Land conveyed to the Town for public school sites may be transferred and conveyed to the school district pursuant to stipulations in joint agreements between the Town and school district.

**314.5. Special Conditions for Dedicated Public Purpose Lands**

**314.5.1.** Land areas that shall not be acceptable in determining the fulfillment of the requirements for the

provision of land areas for public purpose facility sites shall include the following:

**314.5.2.** Natural drainage ways, streams, gullies, and rivers including all lands within the 100-year floodplain. (Note: Unless the Board specifically accepts a certain portion for a reasonable use.)

**314.5.3.** Rights-of-way and/or easements for irrigation ditches and aqueducts.

**314.5.4.** Steep, rugged, and hazardous geological land areas, and such other areas as are not conducive for use as public purpose sites.

**314.6. Recreational Facilities and Open Space**

**314.6.1.** Required Reservations for Parks and Open Space

**314.6.1.1.** All residential developments or developments that include a residential component shall provide through dedication, in-lieu fees or private reservation toward the expected recreational needs of their future residents as required by these zoning regulations.

**314.6.1.2.** The decision on park contribution requirements shall occur at the preliminary plan review, and the requirements for either land dedication or in-lieu fee for public dedication decided at the final approval stage. Land dedication will generally be required only if a proposed park facility shown on the Town's open space and parks plan is located on or near the proposed development, and if land dedication could logically contribute to the development of the proposed park.

**314.6.1.3.** Dedications to the Town of Limon can be proposed to be up to the 6% requirements for public purpose dedications as approved by the Planning Commission and Board. Additional open space set-aside requirements of the zone district may be dedicated and reserved for private homeowners associations or operated by special districts as appropriate. The Town reserves the right to accept or reject park and open space dedications as these proposed dedications may relate to the Town's park development and maintenance plans.

**314.6.2. Mini-parks: Purpose and Standards**

**314.6.2.1.** The purpose of the mini-park is to provide adequate active recreational facilities to serve the residents of the immediately surrounding neighborhood within the development. The following are illustrative of the types of facilities that shall be deemed to serve active recreational needs and therefore to count toward satisfaction of the mini-park requirements of this section:

tennis courts, racquetball courts, ball diamonds, swimming pools, sauna and exercise rooms, meeting or activity rooms within clubhouses, basketball courts, swings, slides, play apparatus, and open areas for volleyball, badminton and other games.

**314.6.2.2.** Each development may satisfy up to half of its open space contribution requirement by installing the types of active recreational facilities that are most likely to be suited to and used by the age bracket of persons likely to reside in that development.

**314.6.2.3.** Mini-parks shall be attractively landscaped and shall be provided with sufficient natural or man-made screening or buffer areas to minimize any negative impacts upon adjacent residences.

**314.6.2.4.** Each mini-park shall be centrally located and easily accessible so that it can be conveniently and safely reached and used by those persons in the surrounding neighborhood it is designed to serve.

**314.6.2.5.** Each mini-park shall be constructed on land that is relatively flat, dry, and capable of serving the purposes intended by this article.

**314.6.3. Usable Open Space**

**314.6.3.1.** Except as provided Subsection (d); every development shall be developed so that a land area as specified by the zone district and as may be identified by the Comprehensive Plan remains permanently as usable open space.

**314.6.3.2.** For purposes of this section, usable open space means an area that:

**314.6.3.2.1.** Is not encumbered with any substantial structure;

**314.6.3.2.2.** Is not devoted to use as a roadway or parking area;

**314.6.3.2.3.** Is left (as of the date development began) in its natural or undisturbed state if wooded, except for the cutting of trails for walking or jogging, or, if not wooded at the time of development, is landscaped for ball fields, picnic areas, or similar facilities, or is properly vegetated and landscaped with the objective of creating a wooded area or other recreation area;

**314.6.3.2.4.** Is capable of being used and enjoyed for purposes of informal and unstructured recreation and relaxation; and

**314.6.3.2.5.** Is legally and practicably accessible to the residents of the development out of which the required open space is taken, or to the public if dedication of the open space is required pursuant to Section **314.6.5.** below.

**314.6.3.3.** All developments are required to provide a trail or sidewalk system to accommodate pedestrian and bicycle circulation.

**314.6.3.4.** Subdivided residential developments of less than 25 dwelling units are exempt from the requirements of this section unless the Town agrees that it will accept an offer of dedication of such open space, and in that case the offer of dedication shall be made.

**314.6.4. Ownership and Maintenance of Recreational Areas and Required Open Space.**

**314.6.4.1.** Except as provided in Section **314.6.5.** below, recreation facilities and usable open space required to be provided by the developer in accordance with this Ordinance shall not be dedicated to the public but shall remain under the ownership and control of the developer (or his successor) or a homeowners association or similar organization that satisfies the criteria established in section **314.6.6.**

**314.6.4.2.** The person or entity identified in section **314.6.4.1.** as having the right of ownership and control over such recreational facilities and open space shall be responsible for the continuing upkeep and proper maintenance of the same.

**314.6.5. Dedication of Open Space**

**314.6.5.1.** If any portion of a lot proposed for residential development lies within an area designated on the officially adopted recreation master plan as a neighborhood park or part of the greenway system or bikeway system, the area so designated (not exceeding 6 percent of the total development area parcel) shall be included as part of the area set aside to satisfy the requirement of section **314.6.3.** This area shall be dedicated to public use.

**314.6.5.2.** If more than 6 percent of a development parcel proposed for residential development lies within an area designated as provided in section **314.5.1.** above, the Town may attempt to acquire the additional land in the following manner:

**314.6.5.2.1.** The developer may be encouraged to dedicate the common open space thereby created to the Town; or

**314.6.5.2.2.** The Town may purchase or condemn the land.

**314.6.6. Homeowners Associations**

**314.6.6.1.** Homeowners associations (HOAs) or similar legal entities that, pursuant to Section **314.6.4.** above, are responsible for the maintenance and control of common areas, including recreational facilities and open space, shall be established in such a manner that:

**314.6.6.2.** Provision for the establishment of the association or similar entity according to state law is to be made before final subdivision approval is made or any lot in the development is sold; legal documents are to be forwarded to the Town prior to final approval.

**314.6.6.3.** The association or similar legal entity has clear legal authority to maintain and exercise control over such common areas and facilities;

**314.6.6.4.** The association or similar legal entity has the power to compel contributions from residents of the development to cover their proportionate shares of the costs associated with the maintenance and upkeep of such common areas and facilities.

**314.6.6.5.** The Town retains the legal authority to compel HOAs to maintain their properties in proper condition.

**314.7. Flexibility in Administration Authorized**

**314.7.1.** The requirements set forth in this section concerning the amount, size, location, and nature of recreational facilities and open space to be provided in connection with residential developments are established by the Board as standards that presumptively will result in the provision of that amount of recreational facilities and open space that is consistent with officially adopted Town plans. The Board recognizes, however, that due to the particular nature of a tract of land, or the nature of the facilities proposed for installation, or other factors, the underlying objectives of this section may be achieved even though the standards are not adhered to with mathematical precision. Therefore, the Town is authorized to permit minor deviations from these standards whenever it determines that: (i) the objectives underlying these standards can be met without strict adherence to them; and (ii) because of peculiarities in the developer's tract of land or the facilities proposed it would be unreasonable to require strict adherence to these standards.

**314.7.2.** Whenever the Town Board authorizes some deviation from the standards set forth in this section pursuant to section **314.7.1.** above, the official record of

action taken on the development application shall contain a statement of the reasons for allowing the deviation.

**314.8. Streets, Roads, Pathways, and Easements**

All public streets, roads, pathways and easements for utilities are to be offered for dedication to the town or special district as appropriate at the time of Final Plat approval. Final plats are to allow for these dedications; however, the actual transfer of dedications of such streets, road, pathways and easements shall not occur until such improvements are "accepted" by the Town or special district through their normal improvement acceptance procedure. The dedicated rights-of-way and easements are to be shown on the final plat along with the dedication endorsement.





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***400***  
***Site Plans***  
**2014**

**400. SITE PLANS**

**401. When Required**

A site plan shall be submitted for all attached residential and multi-family developments of four (4) units or more; and all new office, commercial and industrial developments.

**401.1. Site Plan/Architectural Review.** The Manager shall do the review of site plans. Town Board and Planning Commission shall review all projects for 6-plex residential structures and larger and all new commercial and industrial buildings. The Manager may refer unusual or unique architectural features or projects to the Planning Commission for review at anytime. Notice, referral and appeal provisions of Section III shall not apply unless the site plan review is combined with an application requiring such review.

**402. Submittal Requirements**

Submittal requirements for the site plans are contained in Appendix 9.

**403. Site Plan/Architectural Review Criteria:**

The following criteria shall be used in the review of all site plans:

- 403.1.** The scale is appropriate to the site and function of the project and/or building.
- 403.2.** The architecture promotes a harmonious transition in scale and character of the proposed building to surrounding land uses.
- 403.3.** The quality and design is compatible with the location and proposed use as demonstrated by building elevations.
- 403.4.** Any diverse architectural treatments are integrated in order to avoid a cluttered appearance.
- 403.5.** The landscape design has been incorporated into the plan and takes into consideration the function and use of open space and buffering.
- 403.6.** The overall landscaping treatment of exterior spaces enhances the quality of the project and creates usable open space.
- 403.7.** The circulation system, including parking lots, contributes to orderly and aesthetic quality of the site.
- 403.8.** The screening of service yards, rooftop mechanical equipment and other items which tend to be

unsightly has been accomplished through the placement of walls, fences, plantings, of a combination thereof; further the screening is effective during all calendar months of the year.

**403.9.** The monotony of design in a single or multiple building projects has been avoided. Variation of detail, form and siding that provides visual interest shall be included.

**403.10.** The building materials are suitable to the type of building and design for which they are to be used. The building exteriors have the same material, or those, which contrast in a pleasing way for how they are to be used. The building exteriors have the same materials, or they contrast in pleasing ways as to be architecturally harmonious with surrounding structures.

**403.11.** The materials selected are of a durable quality and offer protection from rot and/or corrosion through the use of acceptable maintenance procedures.

**403.12.** Any design in which the structural frame is exposed to outside view, the structural materials are durable and compatible within themselves and harmonious to the surroundings.

**403.13.** Building articulation and rooflines are varied by the use of architectural and site design.

**403.14.** Building components such as windows, doors, eaves and parapets are visually attractive in proportion, scale and relationship to one another in each building.

**403.15.** The colors, including accents are harmonious and compatible with the building.

**403.16.** The buffering materials used to buffer mechanical equipment, electrical equipment or other utility hardware on the roof, ground, or building are harmonious with the building.

**403.17.** Exterior lighting, which is part of the architectural concept, is harmonious with the building design.

**403.18.** Refuse and waste removal areas, service yards and exterior work areas are buffered from view with the use of materials that are harmonious to the building.

**404. Accessory Buildings**

(Entire section added by Ordinance No. 499 on January 6, 2005.)

**404.1.** The size and design of an accessory building shall be harmonious and subordinate to that of the main building or use.

**404.2.** The Manager or his designee may allow any accessory building, meeting other requirements of this code and determined by the Manager to be harmonious and subordinate to that of the main building or use.

**404.3.** Any accessory building that, in the finding of the Manager or his designee, is not harmonious and subordinate to that of the main building or use shall require an Accessory Building Zoning Permit.

**404.3.1** In order to require an Accessory Building Zoning Permit, the Manager or Designee must find that an Accessory Building:

**404.3.1.1.** Is of a size, including height and area, that are not subordinate to that of the main building or use; or

**404.3.1.2.** Is of an appearance or constructed of exterior materials that are not harmonious to that of the main building or use.

**404.4.** Administrative approval of an Accessory Building Zoning Permit shall be granted following Public Notice as defined in Chapter III.K when no written objections have been filed during the Public Notice Period.

**404.5.** The approval of an Accessory Building Zoning Permit when written objections are received pursuant to Section 4.4 shall require a Public Hearing before the Planning Commission and Public Notice as defined in Chapter III.K.

**404.5.1.** Review by the Planning Commission:

**404.5.1.1.** The Planning Commission shall review and consider the staff report, any public comments received by the Town, the provisions of this Ordinance, and any other applicable development regulations, standards, or requirements adopted by the Town and shall approve, approve with conditions or deny the Accessory Building Zoning Permit.

**404.5.1.2.** Accessory Building Zoning Permits that are approved with conditions or denied may be appealed to the Board of Trustees.





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**500**  
***Supplementary  
Development  
Standards and  
Regulations***  
**2014**



**500. SUPPLEMENTARY DEVELOPMENT STANDARDS AND REGULATIONS**

**501. Manufactured and Mobile Home Standards**

(Amended in its entirety by Ordinance No. 529 on August 6, 2009.)

**501.1. Manufactured Homes on Individual Legal Platted Lots or Parcels**

**501.1.1.** Manufactured Homes placed on individual platted lots must conform to the requirements of the Municipal Code of the Town of Limon, Chapter 515- Manufactured Home Installation Code, as amended and Colorado Revised Statutes Title 24, Article 32, Part 31, as amended.

**501.2. Mobile Home Parks**

**501.2.1. Exceptions**

**501.2.1.1.** Existing Mobile Home Parks. Whenever a mobile home park was in existence in the Town of Limon on the effective date of the adoption of this code and such mobile home park complied with all applicable codes then in effect, the mobile home park shall be legally nonconforming in terms of these development standards .

**501.2.2 Required Data for Application**

**501.2.2.1.** Name and permanent address of the applicant.

**501.2.2.2.** Location and legal description of the proposed Mobile Home Park.

**501.2.2.3.** Topographic map of the proposed park showing entrances, exits, driveways, walkways, and the design and arrangement of the mobile home spaces and permanent structures.

**501.2.2.4.** Plans and specifications of the proposed buildings.

**501.2.2.5.** Additional information may be required by the Building Department of the Town of Limon.

**501.2.3. Development Standards**

**501.2.3.1.** All mobile home parks shall conform to the Sanitary Standards and Regulations for mobile home parks, state department of health, as amended.

**501.2.3.2.** The Building Department may aid the decisions on design by criteria set forth in Municipal Code

of the Town of Limon, Chapter 515-Manufactured Home Installation Code, as amended and Colorado Revised Statutes Title 24, Article 32, Part 31, as amended.

**501.2.4. Area Requirements**

**501.2.4.1.** The mobile park shall be located on a well-drained site, graded for rapid drainage and free from stagnant pools of water.

**501.2.4.2.** Each mobile home shall be contained within a space or lot as specified in the zone district regulations.

**501.2.4.3.** Within each space or lot allocated to a mobile home there shall be provided a mobile home stand for the purposes of satisfactory placement of the mobile home and retention of the mobile home in the allocated space and have a satisfactory relationship to its surroundings.

**501.2.4.4.** Mobile home stands shall have minimum dimensions equal to those of the mobile home to be placed on them.

**501.2.4.5.** The space between the lower edge of the mobile home unit and the mobile home stand shall be completely enclosed (skirted) with suitable and uniform material.

**501.2.5. Parking**

**501.2.5.1.** If paved streets are not at least forty (40) feet in width there shall be no parking allowed on the street and there shall be at least two and one-half (2½) off-street parking spaces provided for each mobile home unit within the park. Of these, one-half (½) space per unit may be provided for guests in a common parking area.

**501.2.5.2.** All parking surfaces shall be graveled or hard-surfaced.

**501.2.6. Streets and Access**

**501.2.6.1.** The mobile home park shall have access to a public street or highway.

**501.2.6.2.** All mobile home spaces shall have unobstructed access to a public street or highway or private roadway.

**501.2.6.3.** Paved streets at least twenty-two (22) feet in width shall extend from the existing street system as necessary to provide convenient access to each mobile home space and to common facilities and uses.

**501.2.6.3.1.** Private streets shall not be permitted in a R-MH district.

**501.2.6.3.2.** Paved Streets less than forty (40) feet in width shall not allow on street parking.

**501.2.6.4.** All roads or streets, whether public or private, shall be hard-surfaced and constructed to Town specifications.

**501.2.6.5.** Convenient driveway access shall be provided from the public street to each mobile home stand by an access way at least fifteen (15) feet in width. Such access way shall be reserved for maneuvering mobile homes into position and shall be kept free of trees and other immovable objects, but need not be paved.

**501.2.7. Pedestrian Access**

**501.2.7.1.** Pedestrian walkways, at least three (3) feet in width and having an all-weather surface, shall be provided for access to each mobile home from a paved street or driveway or parking area connected to a public street.

**501.2.7.2.** Common walkways at least four (4) feet in width and having a concrete surface, meeting the Town of Limon specifications, shall be provided for access to common facilities and uses from each mobile home group or cluster.

**501.2.8. Utilities**

**501.2.8.1. Gas/Electricity**

**501.2.8.1.1.** Each mobile home space shall be provided with an electrical outlet supplying at least 110 volts and shall comply with the appropriate codes required by the Municipal Code of the Town of Limon, Chapter **515** – Building Codes, as amended.

**501.2.8.1.2.** Each mobile home shall be provided with natural gas service pursuant to the appropriate codes required by the Municipal Code of the Town of Limon, Chapter **515** – Building Codes, as amended.

**501.2.8.2. Water Supply**

**501.2.8.2.1.** All Mobile Home Parks shall have all spaces or stands connected to the public water supply of the Town of Limon.

**501.2.8.2.2.** The water distribution system shall be so constructed that each individual lot is independently metered and can be isolated to make repairs on service lines. Should the water system be upgraded by the owner or improvements be required by regulations to the extent of

fifty percent (50%) or more of the value of the water system, this section shall be applicable without the exception as provided in Section **501.2.1.1.**

**501.2.8.2.3.** Water service lines, including valves, riser pipes and connections shall be installed in compliance with the Plumbing Code required by the State of Colorado and the Municipal Code of the Town of Limon, Chapter **513** as amended. Every mobile home lot shall be provided with an individual water service pipe and riser pipe in conformance with the Plumbing Code required by the State of Colorado and the Municipal Code of the Town of Limon, Chapter **513** as amended. The riser pipe shall extend at least four (4) inches vertically above ground unless it is shielded by a riser protector and casement extending above ground and fitted with a lid. The riser shall terminate with two threaded valve outlets, which provide connections for the mobile home water piping and for a garden hose. The mobile home water outlet shall be securely capped when a mobile home does not occupy the lot.

**501.2.9. Sanitary Waste Disposal**

**501.2.9.1.** All Mobile Home Parks must have all spaces or stands connected to the sanitary sewer system serving the Town of Limon pursuant to all current regulations of the state of Colorado, Lincoln County and the Town of Limon.

**501.2.9.2.** The sewer service connection shall be equipped with standard screw, ring, or clamp-type fittings or adapters so that watertight, and tamper-proof connections can be obtained at the mobile home drain outlet and sewer riser pipe.

**501.2.9.3.** The connection shall be of approved semi-rigid, non-collapsible, corrosion-resistant pipe having a smooth interior surface and an inside diameter of not less than three (3) inches.

**501.2.9.4.** The sewer service connection shall be installed and maintained with a uniform grade not less than one-quarter inch per foot and shall be no longer than necessary to connect the mobile home drain and sewer riser pipe.

**501.2.9.5.** When a mobile home does not occupy the mobile home stand, the sewer riser pipe shall be capped with a watertight cap or plug.

**501.2.10. Refuse Disposal**

**501.2.10.1** The storage, collection, and disposal of refuse shall be so constructed as to control odors, insects, rodents, and other nuisance conditions.

**501.2.10.2.** Refuse containers will comply with Town Dump Regulations, Section **550.2.10.1.** of the Town of Limon Municipal Code. In circumstances the Mobile Home Park elects to provide individual containers at each unit the container will be a minimum of 30-gallon (4 cu. ft.) capacity and will also be compatible with the Town's refuse disposal equipment. Should the mobile home park elect to provide central collection areas, such containers will be comparably sized and located within 350 feet from any mobile home space.

**501.2.10.3.** The number of containers used and the frequency of collection shall be sufficient to prevent over-filled containers. Refuse shall be routinely collected and removed from the premises not less than once weekly.

**501.2.10.4.** Pursuant to Town Dump Regulations, Section 550.2.15.2 of the Municipal Code of the Town of Limon, Garbage and trash collection stations shall be screened from other activities by visual barriers such as fences, walls, or natural growth, approved by the Town of Limon

**501.2.10.5.** The requirements of Section **501.2.10.4.** shall be no longer be eligible for the exemption provided in Section **501.2.1.1.** one (1) year from the adoption of Ordinance No. 529 and shall be deemed in violation of this section of the Land Development Code.

#### **501.2.11. Service Lines**

**501.2.1.1.** All utility service lines, including all telephone lines and television signal cables, within the mobile home park, shall be installed underground.

#### **501.2.12. Setback Requirements**

**501.2.12.1.** The minimum distance from the line or corner of any mobile home stand to street pavement, common parking bay or common walk shall be ten (10) feet.

**501.2.12.2.** The minimum distance from the line or corner of any mobile home stand to a boundary line of the R-MH Mobile Home Park zone district shall be twenty (20) feet.

**501.2.12.3.** The minimum distance from the line or corner of any mobile home stand to any permanent building or structure for common use shall be twenty (20) feet.

**501.2.12.4.** Permanent buildings and structures for common facilities and dwelling units other than mobile homes shall be set back from the Mobile Home Park boundaries a minimum distance of twenty (20) feet.

**501.2.12.5.** The minimum distance from the parking area on the lot to the side yard lot line shall be ten (10) feet.

#### **501.2.13. Common Facilities and Uses**

**501.2.13.1.** Not less than twenty (20) percent of the total land area of the Mobile Home Park shall be devoted to space for common facilities and uses, such as a laundry, swimming pool, or recreation and play areas.

**501.2.13.2.** Laundry, recreation rooms, management offices and other common facilities may be consolidated in a single building if the single location will adequately service all mobile home units in a Mobile Home Park.

#### **501.2.14. Storage**

**501.2.14.1.** Tenant storage facilities shall be provided for materials, which cannot be conveniently stored in a mobile home. A minimum of four hundred (400) cubic feet of storage space shall be provided for each mobile home unit.

**501.2.14.2.** Storage facilities may be located adjacent to the mobile homes, or in common compounds within three hundred fifty (350) feet from the mobile homes. Storage facilities shall be designed in a manner that will enhance the park and shall be constructed of suitable weather-resistant materials appropriate under the use and maintenance contemplated.

#### **501.2.15. Landscaping**

**501.2.15.1.** Lawn and ground cover, which may include aggregates, shall be provided on all common ground areas except those covered by structures, paved or surfaced areas, and except those undisturbed areas, such as watercourses left in their natural state.

**501.2.15.2.** Screen planting and/or fencing at least six (6) feet high shall be provided where necessary for screening purposes, including areas, which will improve privacy and mitigate noise impact to the occupant of the park.

**501.2.15.3.** A complete landscaping plan shall be submitted which shall show existing trees and shrubs which are to be maintained and new trees and shrubs which are to be planted. The plan shall include the size and type of planting proposed, their spacing, and maintenance provisions.

**501.2.15.4.** Fencing, including fencing within mobile home spaces shall meet all requirements of the

Town of Limon Fencing Policy, as amended, and both the Municipal Code of the Town of Limon, as amended and the Land Development Code of the Town of Limon, as amended.

**501.2.16. Tie-Downs and Blocking**

Every mobile home in the Town of Limon shall meet the requirements of the Municipal Code of the Town of Limon, Chapter 515-Manufactured Home Installation Code, as amended and Colorado Revised Statutes Title 24, Article 32, Part 31, as amended.

**501.2.17. Lighting**

All access roads and walkways within the mobile home park shall be lighted at night with a minimum illumination of at least 0.6-foot candles. Twenty-five (25) watt lamps at intervals of not more than one hundred (100) feet shall meet these requirements.

**501.3. Mobile Home Subdivisions**

**501.3.1.** Applications for mobile home subdivisions shall adhere to all applicable requirements above for mobile home parks.

**501.3.2.** In addition, applicants shall also conform to the requirements and design standards for subdivision. Should requirements under these two sets of requirements conflict, the stricter of the two shall be applied.

**502. Commercial and Industrial Use Performance Standards**

**502.1. Glare and Heat**

Any operation producing intense glare or heat shall be conducted within an enclosed building or with other effective screening in such a manner as to make such glare or heat completely imperceptible from any point along the property line.

**502.2. Vibration**

Industrial or commercial operation shall cause no inherent and recurring generated vibration perceptible without instruments at any point along the property line. Transportation facilities on temporary construction re excluded from this restriction.

**502.3. Light**

Exterior lighting, except for overhead street lighting and warning, emergency or traffic signals shall be installed in such a manner that the light source will be sufficiently obscured to prevent glare on public streets and walkways

or into any residential area. The installation or erection of any lighting, which may be confused with warning signals, emergency signals or traffic signals, is prohibited.

**502.4. Smoke**

All industrial and commercial uses which produce smoke or any air contaminant shall be subject to the jurisdiction and regulations of the Colorado Air Quality Control Commission and the Colorado Air Quality Control Division. The Town reserves the right, prior to approving any industrial or commercial application under this title, to require from the applicant evidence of compliance with applicable regulations of state government.

**502.5. Odors**

No industrial or commercial use shall cause or allow the emission of malodorous air contaminants from any single source such as to result in detectable odors, which are apparent outside the property boundaries.

**502.6. Noise**

All industrial and commercial uses shall be conducted such that noise generated from such uses is controlled at its source or so attenuated by the structure from which it radiates that it does not become objectionable outside its property lines.

**502.7. Fugitive Dust**

No industrial or commercial operation shall be allowed to produce fugitive dust in amounts, which are noticeable or appreciable outside of the property boundaries of the use.

**502.8. Electromagnetic, Electrical Interference**

No commercial or industrial equipment shall be operated in such a manner as to adversely affect the operation of any off-premises electrical, radio or television equipment.

**502.9. Industrial and Commercial Wastes**

All industrial and commercial operations shall confine liquid and solid wastes produced in connection with such operation within the property boundaries, and shall further ensure that no such waste, including liquid waste such as drain oil, leave the property or enter any natural stream courses. This shall not apply to the appropriate and proper disposal of liquid and solid wastes.

**503. Home Occupations**

When a home occupation is allowed as a permitted use, the following conditions shall be met:

**503.1.** The use must be conducted entirely within a dwelling and may employ a maximum of one (1) person other than those members of the immediate family residing on the premises. For the purposes of this Section, a dwelling unit may include attached garages and attached accessory buildings.

**503.2.** The use must be clearly incidental and secondary to the use of the dwelling for dwelling purposes and must not change the residential character thereof.

**503.3.** The total area used for home occupation uses shall not exceed twenty-five percent (25%) of the total floor area within a dwelling unit. The area used for the home occupation shall be considered to include all storage areas and work space clearly utilized or essential in the operation of the home occupation.

**503.4.** There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation, including advertising signs or displays or advertising that solicits or directs persons to the address.

**503.5.** There shall not be conducted on the premises the business of selling stock, supplies or products, provided that incidental retail sales may be made in connection with other permitted home occupations.

**503.6.** There must be no exterior storage on the premises of material or equipment used as a part of the home occupation, unless it is enclosed and lot coverage requirements for accessory uses are met.

**503.7.** No equipment or process shall be used in such home occupation, which creates any glare, fumes, odors or other objectionable conditions detectable to the normal senses off the lot, if the occupation is conducted in a single-family dwelling, or outside the dwelling unit if conducted in other than a single-family, dwelling.

**503.8.** No traffic shall be generated by such home occupation in greater volumes than that generated by a single-family use in a residential neighborhood, and any need for parking generated by the conduct of the home occupation shall be met off the street and not in a required yard adjacent to a street.

**503.9.** Under no circumstances shall any of the following be considered a home occupation: antique shop, barbershop, beauty parlor, wig styling, clinic, mortuary, nursing home, restaurant, veterinarian's clinic, dancing studio, wood shop or cabinet-making shop.

**503.10.** Each home occupation shall tri-annually register with the Town Clerk, which registration shall include

a review of compliance with the home occupation standards contained in this code. The person seeking to register said home occupation shall grant the Town reasonable access to the location of the home occupation for the purpose of verifying compliance with this code, as may be required by the Town.

**504. Renting of Rooms**

**504.1.** The renting of rooms to one or two persons, not members of the family residing in the same dwelling unit, may be permitted as an accessory use, provided that the following conditions are met:

**504.1.1.** The total number of unrelated persons, including roomers, in any one dwelling unit must not exceed three.

**504.1.2.** Quarters used by the roomers must not be more than 25% of the total floor area of the dwelling unit.

**504.1.3.** The dwelling unit must have only one electric meter.

**504.1.4.** Where the renting of rooms is to two roomers, at least one off-street parking space must be provided, in addition to the number of such spaces required by this code.

**504.1.5.** All roomers shall use the main kitchen facilities of the dwelling unit. No separate kitchen facilities are allowed.

**504.1.6.** Renting of rooms shall be allowed as an accessory use in the principal building on a lot only, with no renting of rooms allowed in accessory buildings.

**505. Fences, Hedges and Walls**

**505.1. General Provisions**

Fences, hedges and walls may be permitted in the required yard areas of any district subject to the following conditions and requirements:

**505.1.1.** All fences and walls are subject to the applicable sections of the Building Code.

**505.1.2.** No fence, hedge or wall may extend beyond or across a property line unless with the joint agreement of the abutting property owners. It shall be the responsibility of the property owner to locate all property lines.

**505.1.3.** No fence, hedge or wall shall be placed nearer than 12 inches from a public sidewalk.

505.1.4. No barbed wire, sharp-pointed or electrically charged fence shall be permitted, with the exception of the ER, O-FP and OS-R zones and that in the Industrial zones only, up to three strands of barbed wire may be attached to the top of a minimum six-foot high fence, for security purposes.

505.1.5. Fences, hedges or walls shall not exceed six feet in height except in the Industrial Districts. The height shall be measured at the finished grade on the side of the fence nearest the street, alley, or abutting property.

505.1.6. Fences located within the required front yard setback shall not exceed four feet in height. In addition, on corner lots, any obstruction of any nature whatsoever over 30 inches in height shall not be allowed within the height triangle established for the adjacent intersection except for trees with branches and foliage removed to a height of seven feet above the ground and open wire fencing that does not obscure more than 10%.

505.1.6.1. EXCEPTION: In a Mixed Commercial (CH-2) Zone District, a six foot fence may be installed in the front setback required by the Schedule of Requirements for Commercial Districts in Section 202.3.18., provided it is open wire and does not obscure more than 10%.

*(Added on July 6, 2000 by Ordinance No. 456)*

**505.2. Barbed Wire Fences Along Public Streets Prohibited**

505.2.1. No person shall construct or maintain or cause to be constructed or maintained any barbed wire fence upon or along any public street or upon or along any boundary line of any such street or in any manner next to any such street for the purpose of enclosing any private grounds or premises or public ground or for any other purpose whatever, except in the ER, OS-R, O-FP, and O-A zones.

505.2.2. In case such fence shall have been constructed before, and be in existence at the time of the passage of this code, the owner of said fence shall not be liable until notice is given or served by the Town. Such notice may be oral or written and may be given or served by

the Manager or any police officer of the Town. Said notice shall notify the person served, or the person to whom the notice shall be given, to remove such fence and thereby abate the nuisance. Such notice, when written, shall be signed by the Manager or any policy officer of the Town. Such notice shall direct that the fence be removed within thirty (30) days, but this provision shall not be deemed to apply in the case of a person constructing or causing to be constructed any such fence after the taking effect of this code and under the requirements of this code.

**505.3. Removal of Fences Required Upon Notice**

Any person who shall have possession or control of private or public grounds upon or within which any illegal fence shall exist, and who may have constructed or caused to be constructed such fence, shall, upon notice given or served, remove any such fence and abate the nuisance, and be subject to a penalty for violation upon the failure so to do.

**505.4. Removal by Town**

When any illegal fence shall be found within the Town existing contrary to the provisions of this code, the Manager or police officer of the Town shall cause any such fence to be removed and thereby abate the nuisance, and any such officer shall have authority to engage the necessary assistance and incur the necessary expenses, such expenses to be recovered under abatement procedures of the Town.

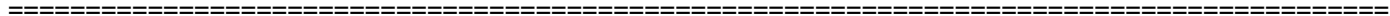
**506. Off-Street Parking and Loading**

**506.1. Off-Street Parking Spaces Required**

506.1.1. In Commercial Highway (CH-1/CH-2/CH-3 (commercial use)), Light Industrial (LI), Heavy Industrial (HI) and multifamily developments, the following numbers of off-street parking spaces shall be provided with the construction of or addition to any of the buildings and uses listed below:

<b>PARKING SPACE REQUIREMENTS</b>	
<b>Use</b>	<b>Parking Requirements</b>
All Multifamily Residential Units:	
Efficiency or 1-bedroom	1.5 spaces per unit
2 bedrooms	2.0 spaces per unit
3 bedrooms	2.0 spaces per unit
4 or more bedrooms	2.0 spaces per unit
Additional requirements for multiple-family residential and mobile home parks with 6 or more units (guest parking)	0.25 spaces for each unit
Multiple-family housing for the elderly or for the handicapped	0.5 spaces per unit
Motel or hotel	1 space per unit, plus 2 spaces for the owner's or manager's unit
Temporary multi-family or lodge	1.5 spaces per unit, plus 2 spaces for the owner's or manager's unit
Nursing homes, rest homes	1 space per 4 beds, plus 1 space for every 2 employees
Nonresidential Uses:	
Drive-in or fast food restaurant	1 space for every 2 seats or 1 space for every 100 square foot of floor area, whichever is greater, plus 1 space for every employee on the largest work shift
Animal hospitals	1 space for every 300 square feet of floor area
Hospitals	1 space for every 2 beds, plus 1 space for each staff doctor and employee on the largest work shift
Motor vehicle sales	1 space for every 500 square feet of floor area
Motor vehicle service and repair	1 space for every 300 square feet of floor area
Business and professional offices	1 space for every 250 square feet of floor area
Medical, dental offices and clinics	1 space for every 200 square feet of floor area
Indoor restaurants and bars	1 space for every 3 seats or 1 space for every 200 square feet of floor area, whichever is greater
Retail business, except furniture stores and alliance stores	1 space for every 300 square feet of floor area
Furniture stores, appliance stores	1 space for every 500 square feet of floor area

<b>PARKING SPACE REQUIREMENTS</b>	
<i>Use</i>	<i>Parking Requirements</i>
Wholesale business and warehouses	1 space for every 1,000 square feet of floor area or 1 space for every 2 employees, whichever is greater
Industrial uses (excluding offices) not mentioned specifically under another use in this section	1 space for every 500 square feet or .75 spaces for every one employee, whichever is greater
Places of public assembly, such as churches, auditoriums, meeting rooms	1 space for every 4 seats in the principal place of assembly
Libraries	1 space for every 400 square feet of floor area, plus 1 space for every 2 employees
Educational Facilities:	
Preschool nurseries or childcare centers, kindergarten and elementary schools and middle schools	1 space per classroom, plus 1 space per employee
High Schools	1 space per employee, plus 1 space for every four students, plus 1 space for every four seats in the principal place of assembly (bench capacity is determined as 1 seat per 20 inches)
Recreational facilities	1 space for every 500 square feet of recreational area.



**506.1.1.1.** NOTE: When determining the number of parking spaces to be required, fractions of spaces shall be rounded to the nearest whole number with five-tenths (0.5) space being rounded up to one (1) space. For example, if the calculation of parking spaces equals twenty-seven and twenty-five hundredths (27.25) spaces, then twenty-seven (27) spaces would be required. If the calculation equals twenty-seven and five-tenths (27.5) spaces, then twenty-eight (28) spaces would be required.

**506.1.2. Combination of Uses**

When one building is planned to include a combination of different uses, the minimum parking required will be determined by applying the above requirements based upon the floor area for each use. The maximum number of parking spaces required for the building shall be the sum of the requirements for each separate use. Under special circumstances, parking requirements may be reduced following reduction standards for combinations of uses. Applicants must fully document any requests for parking reductions.

**506.1.3. Uses not Listed**

For specific uses not listed, the Planning Commission shall determine the appropriate number of parking spaces required based upon the type of activity, intensity, number of employees and similarity to listed uses.

**506.1.4 Off-site Parking**

For any commercial use, the off-street parking requirements for commercial uses only may also be met utilizing the following alternatives if applicable:

**506.1.4.1.** Off-street parking spaces may be provided on a site within 300 feet of the use that generates the parking requirements, provided that the site is owned or under the control of the owner of the parking generator.

**506.1.4.2.** The owner of the use may participate in a parking district or joint venture that assures the Town that the off-street parking requirements will be met. All parking districts or joint ventures shall be subject to the approval of the Town.



**506.1.5. Parking Area Standards**

**506.1.5.1.** All off-street parking areas shall be unobstructed and free of all other uses.

**506.1.5.2.** All off-street parking spaces shall have unobstructed access to and from a street.

**506.1.5.3.** All off-street parking areas, except those for single-family or two-family dwellings, shall be surfaced with asphalt or concrete. Other dustless surfaces such as washed road base with a chemical dust suppressant may be approved by the Board of Trustees for parking areas in the Industrial Districts, based on type of use, location and impact to adjoining properties.

**506.1.5.4.** Off-street parking areas with six or more spaces shall be adequately screened from any adjoining residentially zoned lot by landscaping or solid fencing.

**506.1.5.5.** Lighting from any parking area shall not be directed toward any adjacent residential area or public street.

**506.1.5.6.** Off-street parking areas may be located to jointly serve two or more buildings or uses, provided that the total number of spaces is not less than that required for the total combined number of buildings or uses. However, this number may be reduced based on the results of a shared parking demand analysis based on recognized standards and methodologies.

**506.1.5.7.** Off-street parking spaces shall be at least nine by 19 feet, except that up to 20% of the required spaces in a parking area with 10 or more spaces may be designated for compact cars with a minimum space of eight by 16 feet. If compact spaces are approved, designated areas shall be clearly marked by above-grade signage for small or compact cars only.

**506.1.5.8.** Where off-street parking areas designed for parallel parking are established, the dimensions of such spaces shall be not less than 22 by nine feet.

**506.1.5.9.** In multiple-family areas, areas included in driveways or otherwise required to move cars in and out of parking spaces shall not be considered to meet off-street parking requirements.

**506.1.5.10. Minimum Width of Traffic Aisles**

**506.1.5.10.1.** Schedule:

<b>TRAFFIC AISLES SCHEDULES</b>			
<b>Stall Angle</b>	<b>Direction of Traffic</b>	<b>Minimum Area Width</b>	
		<b>Feet</b>	<b>Inches</b>
0 parallel	One-way traffic	12	0
0 parallel	Two-way traffic	24	0
30	One-way traffic	12	0
30	Two-way traffic	No angle parking permitted	
45	One-way traffic	14	0
45	Two-way traffic	No angle parking permitted	
60	One-way traffic	18	0
60	Two-way traffic	No angle parking permitted	
90	One-way traffic	22	0
90	Two-way traffic	24	0

506.1.5.10.2. All off-street parking areas shall be served with paved ingress/egress having minimum width of 12 feet for one-way traffic and 20 feet for two-way traffic.

506.2. Off-street Loading Areas

506.2.1. For all business and industrial uses, off-street loading spaces containing 500 square feet, with no dimension less than 10 feet, shall be required for new construction or major additions involving an increase in floor area as follows:

506.2.1.1. New floor area between 5,000 and 20,000 square feet: one off-street loading space.

506.2.1.2. New floor area in excess of 20,000 square feet: one off-street loading space for each 20,000 square feet or fraction thereof.

507. Streets and Sidewalks

507.1. Street Plan

The arrangements, classification, extent, width, grade and location of all streets shall conform to the street plan of the Town and shall be designed in relation to existing and planned streets, topographical conditions, public convenience and safety, and the proposed uses of the land to be served by such streets.

507.2. Street Classification

507.2.1. In all new developments and subdivisions, streets that are dedicated to public use shall be classified as provided in Section 507.2.2. below, as provided in the Roadway Design Criteria of the Town of Limon.

507.2.1.1. The classification shall be based upon the projected volume of traffic to be carried by the street, stated in terms of the number of trips per day;

507.2.1.2. The number of dwelling units to be served by the street may be used as a useful indicator of the number of trips but is not conclusive;

507.2.1.3. Whenever a subdivision street continues an existing street that formerly terminated outside the subdivision or is expected to be continued beyond the subdivision at some future time, the classification of the street will be based upon the street in its entirety, both within and outside of the subdivision.

507.2.2. The classification of streets shall be as follows:

Section amended on May 1, 2003 by Ordinance N.o.481)

507.2.2.1. Local: A street, which provides direct access to adjacent property, including residential uses. Local streets typically are designed to discourage through traffic from neighborhoods. Street widths in shall not be less than forty (40) feet from flow line to flow line.

507.2.2.2. Collector: A street, which permits relatively unimpeded traffic movement, collects traffic from the local system, and where traffic demands are relatively high, but where a higher classification street is not warranted. Street widths in shall not be less than fifty-two (52) feet from flow line to flow line.

507.2.2.3. Arterial: A street with signals at important intersections and stop signs on the side streets, and which collects and distributes traffic to and from collector streets. Arterials can act as boundaries between neighborhood areas or different land uses.

507.3. Access to Lots

Every lot shall have access to a public road or street that is sufficient to afford a reasonable means of ingress and egress for emergency vehicles as well as for all those likely to need or desire access to the property in its intended use.

507.4. Access to Arterial Streets

Whenever a development that involves the creation of one or more new streets borders on or contains an existing or proposed arterial street, no direct driveway access may be provided from the lots within this development onto this street.

507.5. Entrances to Streets

507.5.1. All driveway entrances and other openings onto streets within the Town's planning jurisdiction shall be constructed so that:

507.5.1.1. Vehicles can enter and exit from the lot in question without posing any substantial danger to themselves, pedestrians, or vehicles travelling in abutting streets, and

507.5.1.2. Interference with the free and convenient flow of traffic in abutting or surrounding streets is minimized.

507.5.2. If driveway entrances and other openings onto streets are constructed in accordance with the specifications and requirements of the Town of Limon, if these exist, or the relevant special district, this shall be

deemed prima facie evidence of compliance with the standard set forth in Section 507.5.1. above.

**507.6. Coordination with Surrounding Streets**

**507.6.1.** The street system of a development or subdivision shall be coordinated with existing, proposed, and anticipated streets outside it or outside the portion of a single tract that is being divided into lots (hereinafter, "surrounding streets") as provided in this section.

**507.6.2.** Collector and arterial streets shall intersect with surrounding collector or arterial streets at safe and convenient locations.

**507.6.3.** Local and minor residential streets shall connect with surrounding streets where necessary to permit the convenient movement of traffic between residential neighborhoods or to facilitate access to neighborhoods by emergency service vehicles or for other sufficient reasons, but connections shall not be permitted where the effect would be to encourage the use of such streets by substantial through traffic.

**507.6.4.** Whenever connections to anticipated or proposed surrounding streets are required by this section, the street right-of-way shall be extended and the street developed to the property line of the subdivided property (or to the edge of the remaining undeveloped portion of a single tract) at the point where the connection to the anticipated or proposed street is expected. In addition, the Town may require temporary turnarounds to be constructed at the end of such streets pending their extension when such turnarounds appear necessary to facilitate the flow of traffic or accommodate emergency vehicles. Notwithstanding the other provisions of this subsection, no temporary dead-end street in excess of 1,000 feet may be created unless no other practicable alternative is available.

**507.7. Relationship of Streets to Topography**

**507.7.1.** Streets shall be related appropriately to the topography. In particular, streets shall be designed to facilitate the drainage and storm water runoff objectives set forth in Section 306., and street grades shall conform as closely as practicable to the original topography.

**507.7.2.** Permissible roadway and intersection grades shall be as specified in the Town of Limon Roadway Design Criteria or other documents as approved by the Town.

**507.8. Wheelchair Ramps**

Whenever curb and gutter construction is used on public or private streets, wheelchair ramps for the handicapped shall be provided at intersections and other major points of pedestrian flow. Wheelchair ramps and depressed curbs shall be constructed in accordance with standards of the Town or appropriate special districts.

**507.9. Street Names**

**507.9.1.** Street names shall be assigned by the developer subject to the approval of the Town. Proposed streets that are obviously in alignment with existing streets shall be given the same name. Newly created streets shall be given names that neither duplicate nor are phonetically similar to existing streets within the Town's planning jurisdiction, regardless of the use of different suffixes (such as those set forth in Section 507.9.2.

**507.9.2.** Street names shall include a suffix such as the following:

- Cul-de-sacs: Way, Court or Lane
- Short streets: Way, Place or Lane
- Streets: Street, Parkway, Avenue or Drive
- Circular Streets (both loops and at same street): Circle

**507.9.3.** Building numbers shall be assigned and/or approved by the Town.

**507.10. Sidewalks**

**507.10.1.** On streets other than local or minor collectors, landscaped parking strips of the following minimum widths must separate sidewalks from street flow line (and edge):

Street Type	Parking Strip Width (Minimum)
Collector	6
Arterial	12

**507.10.2.** The sidewalks required by this section shall be at least four (4) feet in width and constructed according to the specifications of the Town if these exist, or of the relevant special district, except that the Town may permit the installation of walkways constructed with other suitable materials when it concludes that:

**507.10.2.1.** Such walkways would serve the residents of the development as adequately as concrete sidewalks; and

**507.10.2.2.** Such walkways would be more environmentally desirable or more in keeping with the overall design of the development.

**507.10.3.** Whenever the Town finds that a means of pedestrian access is necessary from the subdivision to schools, parks, playgrounds, or other roads or facilities and that such access is not conveniently provided by sidewalks adjacent to the streets, the developer may be required to reserve an unobstructed easement of at least 10 feet in width to provide such access.

**507.11. Blocks and Lots**

**507.11.1.** The total design should provide for convenient access and circulation for emergency vehicles. A street or streets shall abut all blocks. Pedestrian walkways shall be provided to permit acceptable pedestrian access to abutting streets.

*(Amended on May 1, 2003 by Ordinance No. 481)*

**507.11.2.** Service access to the interior of blocks may be permitted in certain instances, in which case such alleys must be indicated in the plan and plat.

**507.11.3. Lot Standards:**

**507.11.3.1.** Division of Lots - No lot shall be divided by a municipal or county boundary line, road, alley or other lot.

**507.11.3.2.** Wedge-shaped Lots - In the case of wedge-shaped lots, no lot shall be less than 20 feet in width where the narrow side of the lot is at the front property line.

**507.11.3.3.** Lot Lines - Side lot lines shall be substantially at right angles or radial to street lines. Where lot lines are not at right angles to the street lines, this shall be indicated.

**507.11.3.4.** Corner Lots - Corner lots in all subdivisions are required to have the minimum front yard requirements, as required by the zone district, facing both streets.

**508. Fire Hydrants**

**508.1.** Every development served by a central water system shall include a system of fire hydrants sufficient to provide adequate fire protection for the buildings located or intended to be located within such development.

**508.2.** The presumption established by this code is that to satisfy the standard set forth in section **508.1.**, fire hydrants must be located so that all parts of every building within the development may be served from a hydrant by laying not more than 500 feet of hose connected to such hydrant. However, the fire district may authorize or require a deviation from this standard if another arrangement more satisfactorily complies with the standard set forth in section **508.1.**

**508.3.** The town shall determine the precise location of all fire hydrants, subject to the other provisions of this section. In general, fire hydrants shall be placed six feet behind the curb line of publicly dedicated streets that have curb and gutter.

**508.4.** The town shall determine the design standards of all hydrants based on fire flow needs. Unless otherwise specified by the town, all hydrants shall have two 2½-inch hose connections and one 4½-inch hose connection the 2½-inch hose connections shall be located at least 21½ inches from the ground level. All hydrant threads shall be national standard threads.

**508.5.** Water lines that serve hydrants shall be at least six-inch lines, and, unless no other practicable alternative is available, no such lines shall be dead-end lines.

**509. Sites for and Screening of Dumpsters**

**509.1.** Every development that is required to provide one or more dumpsters for solid waste collection shall provide sites for such dumpsters that are:

**509.1.1.** Located so as to facilitate collection and minimize any negative impact on persons occupying the development site, neighboring properties, or public rights-of-way, and

**509.1.2.** Constructed to allow for collection without damage to the development site or the collection vehicle.

**509.2.** All such dumpsters shall be screened to prevent them from being visible to:

**509.2.1.** Persons located within any dwelling unit on residential property other than that where the dumpster is located.

**509.2.2.** Occupants, customers, or other invitees located within any building on nonresidential property other than that where the dumpster is located, unless such property is used primarily for purposes permitted exclusively in an M-H zoning district.

**509.2.3.** Persons traveling on any public street, sidewalk, or other public way.

**510. Public Improvements**

**510.1.** The improvements in a subdivision, including curb, gutter, sidewalk, sewer and water mains, that have been dedicated and accepted by the Town of Limon are the responsibility of the town to maintain.

**510.2.** In the event that improvements, including curb, gutter, sidewalk, sewer and water mains, were not included in the original construction, nor at a later date by the owner or developer, the Colorado Revised Statutes allow that:

**510.2.1.** The Town has the power (C.R.S. 31-15-702(1)(b)(I) as amended) to provide for the construction and maintenance of sidewalks, curbs, and gutters of such material and in such manner as shall be designated and to provide for paying the expenses thereof by special assessments upon the adjacent or abutting property, which assessments shall constitute a lien as provided in C.R.S. 31-15-401(1)(d)(I) as amended.

**510.2.2.** The Town has the power (C.R.S. 31-15-702(1)(b)(II) as amended) to grade, grade and gravel, or otherwise surface or improve streets and alleys and to assess the costs of such improvements upon the lots or lands adjacent to or abutting upon any street or alley or portion thereof so improved, which assessments shall constitute a lien as provided in C.R.S. 31-15-401(1)(d)(I) as amended.

**510.2.3.** The Town has the power (C.R.S. 31-15-703(2) as amended) to deem it necessary that any sewer, including a storm sewer, should be constructed, it shall construct the same, assess the cost thereof against the adjacent property, and collect the assessment as provided in C.R.S. 31-15-401(1)(d) and 31-15-704 as amended. When the Town deems it necessary that any portion of a sidewalk, curb, and gutter be constructed or repaired, it may, upon motion of the Board of Trustees, order the same to be done, and if not constructed or repaired by the owner upon notice, the Town may construct or repair the same, assess the costs thereof against the adjacent property owner, and collect the assessment provided in C.R.S. 31-15-401(1)(d) and 31-15-704 as amended.

**511. Sitting of Dwellings**

All dwellings, as defined in Section 114., including Single Family Dwellings, Two Family Dwellings, Multifamily Dwellings, and Manufactured Housing placed on Individual Legal Platted Lots or Parcels as described in Section 501.1. shall be constructed or installed with the front door facing the legally platted street fronting the property. This requirement does not include mobile homes described in section 501.2.

*(Amended May 9, 2000 by Ordinance No. 449)*

**512. Oil and Gas Facilities****512.1 Purpose and intent.**

**512.1.1** Town of Limon acknowledges the existence of oil and gas mineral property rights within its incorporated areas. It is the Town's objective to exercise its fundamental duty to protect public health, safety, welfare, and the environment from potential adverse impacts of oil and gas exploration and development, and to minimize potential land use conflicts between those activities and current, planned or future land uses.

**512.1.2** Use by Special Review as described in Chapter II – Zoning, Section 202.2.4 is the permitting procedure for oil and gas operations. This process is selected because these operations involve industrial type activities which may occur in or near developed and developing surface uses. Traditional zoning would generally separate these types of uses to mitigate impacts but, because this use must occur near the resource, separation of uses is not possible and, thus, this Section has been promulgated to address this incompatibility. The purpose is to provide a framework for the exploration and production of oil and gas resources in a manner that considers current, planned or future land uses and that mitigates adverse impacts to those uses and to the public health, safety, welfare, and the environment of the Town.

**512.1.3** This Section 512 is consistent with the land use authority over oil and gas operations that the Colorado legislature has provided the Town and as has been defined and clarified by Colorado courts. Town of Limon recognizes that certain Colorado state agencies and the federal government also have authority to regulate certain aspects of oil and gas operations. The regulations of this Section over the land use aspects of oil and gas operations are consistent with this authority. In particular, this Section is not intended to create and is not to be applied so as to cause an operational conflict with the state's exercise of its authority over oil and gas operations.

**512.2 Administrative Approval Criteria**

**512.2.1** In order to obtain Administrative Use by Special Review approval, an Oil and Gas Facility shall first satisfy the following criteria, except to the extent waived by the Town Manager or by the Board of Trustees:

**512.2.1.1 Memorandum of Understanding (MOU).** An MOU acceptable to the Town must have been executed by the applicant and the Town and currently be in full force and effect, and the Oil and Gas Facility as proposed must be in compliance with the provisions of the MOU.

**512.2.1.2 Satisfy Submittal Requirements.**

The application and exhibits for the Administrative Use by Special Review must satisfy all applicable submittal requirements in this Section.

**512.2.1.3 Environmental/Public Health and Safety Impacts.** The Oil and Gas Facility as proposed for approval shall not involve any site specific conditions that present significant and material impacts to public health, safety or welfare, or the environment, that cannot be adequately mitigated through conditions agreed to by the applicant in the MOU.

**512.3 Administrative Process**

**512.3.1 Pre-Submittal Meeting.** Prior to submitting an application for an Administrative Use by Special Review for an Oil and Gas Facility, the applicant is required to attend a pre-submittal meeting with representatives of the Town of Limon, unless waived. At the pre-submittal meeting the applicant will receive direction from Town staff that will assist in preparing a complete application for submittal to the Town.

**512.3.2 Review for Completeness.** Upon receipt of an Oil and Gas Use by Special Review application and fee, referral packets and associated application materials, the Town staff shall review the materials submitted to determine if the application is complete and consistent with the standards set forth in this Section.

**512.3.3 Concurrent Referral and Review.** Town will refer the complete application for a fourteen (14) day review by the Town staff, Town Attorney and Limon Area Fire Protection District, as deemed appropriate. An application may require review by outside agencies such as the U. S. Army Corps of Engineers, if the project impacts a floodplain, and may also be referred to any life-safety providers, adjacent jurisdictions, local public health department, and others as may be deemed appropriate.

**512.3.4 Address Deficiencies.** The applicant will be notified of any outstanding issues in connection with application materials upon completion of this review and will be required to address any issues or deficiencies in connection with the application materials. If necessary, a meeting will be held to discuss any issues that need to be resolved. If necessary, the applicant will then submit an amended application, plan or other submittals, as appropriate, to the Town for verification that deficiencies have been addressed by the applicant. If the above described outstanding issues cannot be resolved, the Town Manager may refer the case to the Board of Trustees for its consideration.

**512.3.5 Final Review.** Upon acceptance of the final copy of the application and exhibits by the Town

Manager, the Town Manager will consider the Final Application pursuant to timelines and guidance provided in Section 512.7 of the Land Development Code.

**512.4 Administrative Submittal Requirements**

**512.4.1** A Submittal Requirements Matrix is available from the Building Department outlining the complete list of submittal items and the proper number of documents. Other submittal requirements may be required based on Concurrent Referral and Review. The following items are required as part of an Oil and Gas Facility application submittal:

**512.4.1.1 Pre-Submittal Notes or Waiver.** Notes from the pre-submittal meeting pertaining to the application, or signed waiver of pre-submittal meeting form.

**512.4.1.2 Application Form.** A completed Oil and Gas Facility application form. Application forms are available from the Town.

**512.4.1.3 Application Fees.** Application Fee Schedules may be established by resolution of the Board of Trustees and are available from Town.

**512.4.1.4 Plan.** An Oil and Gas Facility Plan drafted in accordance with 512.6 of this Section.

**512.4.1.5 Engineering Documents.** The following Technical Engineering documents are required by the Town unless otherwise waived by the Town Manager:

**512.4.1.5.1 Construction Plans.** If applicable, Construction Plans for the proposed Oil and Gas Operation’s public improvements including road plan and profile sheets, storm drainage improvements plans and other public improvements.

**512.4.1.5.2 Pavement Design Report.** If applicable, a Pavement Design Report.

**512.4.1.5.3 Grading Erosion and Sediment Control.** If applicable, a Grading, Erosion, Sediment Control Report and Plan.

**512.4.1.5.4 Truck Traffic Report.** A Truck Traffic Report describing truck types, weights, numbers of each type and weight on each route to be used in the development and production of the Oil and Gas Facility.

**512.4.1.5.5 Drainage Study/Technical Drainage Letter/Plan.** If applicable, a Drainage Study/Technical Drainage Letter/Plan.

**512.4.1.5.6. Floodplain Modification Study.** A Floodplain Modification Study if the proposed Oil and Gas construction disturbance or operation encroaches into the

100-year floodplain, or the access is crossing a major drainageway.

**512.4.1.5.7 Surface Owner Documentation.**

Documentation that the surface owner has been notified of the proposed Oil and Gas Facility.

**512.4.1.5.8 Additional Information.** Additional information may be requested by the Town as deemed appropriate to process the application and the Town Manager may also waive the submittal of any information required above as deemed appropriate.

**512.5 Oil and Gas Operations Plan**

**512.5.1 Plan Format.** All plans will be 11" x 17" in pdf format. No plans shall contain copyright restrictions or public use restrictions.

**512.5.2 Cover Sheet.** The cover sheet shall have a title block with the reference to an Administrative Use by Special Review, project name, and location by subdivision or addition name, block(s) and lot(s). The cover sheet shall also include a legal description of the area, date of the drawing, existing zoning of the site, a sheet key, a vicinity map with north arrow (scale of 1" = 2,000' preferred) with an emphasis on the major roadway network within one (1) mile of the proposal, and all applicable notes, an approval signature block and a block to insert the Colorado Oil and Gas Conservation Commission (COGCC) Permit number when approved. Upon approval, the first sheet will be signed by the Town Manager.

**512.5.3 Impact Area Map.** The second sheet shall contain an Impact Area Map that shows the proposed location of the Oil and Gas Facility, locations of all existing oil and gas wells within the one-mile impact area, locations of all permitted water wells within ½ mile of the proposed Oil and Gas Operation, and all existing and proposed roads within the one-mile impact area.

**512.5.4 Drilling Operation Plan.** The third sheet shall provide a site plan of drilling operations with drilling equipment with existing and proposed finished-grade topography at two-foot (2') contours or less tied to a datum acceptable to the Town. The applicant shall verify current information regarding what datum is acceptable to the Town, prior to submitting the application for the Administrative Use by Special Review. The layout of the drilling equipment may be shown as a typical plan, if the Town deems it appropriate for the extent of development of the proposed Oil and Gas Facility.

**512.5.5 Production Plan.** The fourth sheet shall provide a site plan of production operations with production equipment such as tanks and compressor stations with

existing and proposed finished-grade topography at two-foot (2') contours or less tied to a datum acceptable to the Town. A seed mix submitted shall be provided for reseeding the well pad. Equipment layout may be a typical plan appropriate to the degree of development for the Oil and Gas Facility submitted for approval.

**512.5.6 Signage Plan/Sign Detail.** A dimensioned Signage Plan or Sign Detail shall be included on one of the sheets describing and illustrating the appearance, size, location, type, color, material, and illumination of all signs. Directional signs for emergency responders and inspectors shall be included, along with a 24-hour, 7 days per week contact information to deal with complaints.

**512.5.7 Final Plan.** Once the review process is complete and staff has determined that all outstanding issues have been resolved, staff will request a final copy of the Plan. The final copies (three (3) required) of the Plan shall be paper and electronically in pdf format. The drawing shall contain the information listed above unless otherwise specified by the Town staff.

**512.6 Notice of Application Requirements**

**512.6.1** The applicant shall provide written notification by first class U.S. Mail to real property owners of parcels within 300 feet excluding public rights-of-way of the parcel on which the Oil and Gas Facility is proposed that an application for a Administrative Use by Special Review for an Oil and Gas Facility has been filed with the Town. Notice shall also be published in a newspaper of general circulation within the Town. The Notice of Application shall meet the format prescribed by the Town and shall be mailed at or before the time of filing the application for the Oil and Gas Facility with the Town. The property owner of record, shall be the basis for notifications as identified in the County Assessor's property records.

**512.7 Approval/Denial of Administrative Use by Special Review**

**512.7.1 Action to Approve, Conditionally Approve or Deny.**

**512.7.1.1** Unless there are any issues that have not been resolved by the applicant, the Town will exercise its best efforts to process the Administrative Use by Special Review for an Oil and Gas Facility within thirty (30) calendar days from the date of complete submittal by the applicant, or at such time as proof of the COGCC permit approval is provided, whichever is later.

**512.7.1.2** The Administrative Use by Special Review can be administratively approved or denied.

**512.7.1.3** Written notice of the decision shall promptly be provided to the applicant, and, if denied, the notice shall include a statement of the reason(s) for denial.

**512.7.1.4** The thirty (30)-calendar day timeframe counts only as the Town's processing time and does not include the applicant's response time.

**512.7.2 Town Manager's Discretion to Refer to the Board**

**512.7.2.1** In lieu of the Town Manager making a decision on an application, the Town Manager has the discretion to refer any application for Administrative Use by Special Review if an amendment to the MOU is requested to the Board of Trustees for its consideration and decision at a public hearing.

**512.7.2.2** In such event, the Board of Trustees shall make its determination based upon the requirements of this Section; however, unless waived by the Board of Trustees, compliance with the notice requirements set forth in Section 311 of the Land Development Code is required prior to the Board of Trustees hearing. The matter will be scheduled on the next available agenda of the Board of Trustees.

**512.7.2.3** At such public hearing, the Board may approve, approve with conditions, or deny the application.

**512.7.3 Expiration of Approval**

**512.7.3.1** An approval of the Administrative Use by Special Review shall only be valid for two (2) years unless the Oil and Gas Facility is substantially commenced prior to the expiration of such timeframe.

**512.8. Permits Required Prior to Commencement of Operations**

**512.8.1** If applicable, Floodplain Development Permit shall be required prior to any work within a floodplain. A Building Permit may be required prior to construction of certain structures within the Oil and Gas Facility.

**512.9 Appeal of Decision on Application for Administrative Use By Special Review**

**512.9.1** An applicant may appeal the Town Manager's denial of an application for an Administrative Use by Special Review for an Oil and Gas Facility, or any conditions of approval, to the Board of Trustees for a hearing. The applicant must file the appeal within fourteen (14) calendar days of the date of the Town Manager's decision by submitting a letter of appeal to the Town

Manager. Thereafter, the matter will be scheduled on the next available agenda of the Board following public notice as required by Section 311 of the Land Development Code. At such hearing, the Board may affirm, reverse or modify the decision of the Town Manager, based upon the criteria set forth in Section 512.2.

**512.10 MOU Provisions as Conditions of Approval**

**512.10.1** An approval of an Administrative Use by Special Review for an Oil and Gas Facility shall automatically include as conditions of approval all provisions of the MOU executed by the applicant, except to the extent waived by the Town Manager or the Board of Trustees.

**512.11 Administrative Amendment**

**512.11.1** If the applicant or operator proposes changes from the plans approved through the Administrative Use by Special Review, the applicant or operator is required to submit an amendment to the application showing the changes, unless such requirement has been waived by the Town Manager.

**512.11.2** The proposed amendment will be reviewed by Town staff and, if applicable, Town Staff may require additional information. The amended application will need to meet all requirements of this Section and be approved in writing by the Town Manager, or the Board of Trustees (if the Board of Trustees approved the original application), prior to implementation.

**512.12 Non-Administrative Approval Process**

**512.12.1** Use by Special Review approval for an Oil and Gas Facility may also be requested through the process described in Section 202.2.4 and Sections 303-305 of this Land Development Code, subject to the following modifications:

**512.12.1.1 Plan Format.** The Oil and Gas Operations Plan shall comply with the requirements of Section 512.5 above.

**512.13 Expiration of Approval**

**512.13.1** An approval of a Use by Special Review shall only be valid for two (2) years unless the Oil and Gas Facility is substantially commenced prior to the expiration of such timeframe.

**512.14 COGCC and Town Approvals Required**

**512.14.1** Development of the Oil and Gas Facility shall not commence until and unless any required permits from COGCC, and a Use by Special Review (administrative



or non-administrative) from the Town, have both been approved.

**512.15 Violation and Enforcement.**

**512.15.1** Enforcement, penalties and remedies for violations for this Section shall be governed by Section 115 of this Land Development Code.





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**600**  
***Vested Rights***  
**2014**

**600. VESTED RIGHTS**

**601. When Development Rights are Vested**

This vested rights section provides the procedures necessary to implement the provisions of Article 68 of Title 24, C.R.S., which establishes a vested property right to undertake and complete development of real property under the terms and conditions of a Site Specific Development Plan (hereinafter SSDP). No vested rights shall be created within the Town of Limon except through a SSDP.

**601.1. Definition of Site Specific Development Plan [SSDP]**

**601.1.1.** An SSDP within the Town of Limon may be established at the final approval of a development by the Town, which occurs prior to a building permit application. If a landowner wishes the approval of any of the following plans to have the effect of creating vested property rights pursuant to state law, the landowner must so request at least 20 days prior to the date said approval is to be considered and pay the applicable fee. Failure to so request approval of an SSDP and pay the fee therefore renders the approval not an "SSDP," and no vested rights shall be deemed to have been created. An SSDP may not be approved prior to the approval of any of the following by the Town; however, an SSDP may be approved concurrently with the following plan approvals.

**601.1.1.1.** For all property zoned PD under the Limon Development Code, a Final Development Plan described in this code.

**601.1.1.2.** For all other properties within the Town of Limon, the Final Plat for single-family detached residents defined in this code.

**601.1.1.3.** An approved Site Development Plan (SDP).

**601.1.1.4.** An approved Site Plan for a Special or Conditional Use Permit.

**601.1.2.** Notwithstanding anything in Section **601.1.1.** above to the contrary, an SSDP may be defined in a development agreement between the Town and the landowner to supersede the definition of this code. Submittal requirements for an SSDP or Site Development Plan are found in Appendix 7.

**601.2. Notice and Hearing**

No SSDP shall be approved until after public notice and a public hearing before the Town Board of Trustees.

**601.3. Approval-Conditions**

An SSDP shall be deemed approved upon the effective date of the action of the Town Board. The approval of the Board shall be accompanied by any terms or conditions imposed on the SSDP.

**602. Waiver or Forfeiture of Vested Rights**

**602.1.** Failure to abide by any terms or conditions of the approval of any SSDP imposed by the Town shall constitute forfeiture by the landowner of any vested right created by the Plan unless otherwise specifically agreed by the Town in writing.

**602.2.** 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 be accompanied by all SSDPs approved by any local government. Failure to so identify any previously approved vested property right and provide all approved SSDPs shall constitute a waiver of the vested right(s) created by any other local government upon annexation to the Town unless specifically provided otherwise in the ordinance of annexation adopted by the Town of Limon.

**602.3.** The landowner shall be required to include with any Plan submitted for approval as an SSDP notice of any natural or manmade hazards on or in the immediate vicinity of the subject property, which are known to the landowner 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 SSDP, which would impose a serious threat to the public health, safety, and welfare and is not corrected by the landowner, the landowner shall forfeit the vested property right created by such SSDP.

**602.4.** An SSDP submitted by a landowner and approved by the Town forfeits any pre-existing vested rights for the property.

**602.5.** Failure of the landowner to publish the notice required by section **602.6.** below constitutes a waiver by the landowner of the vested right created by the approval of the SSDP.

**602.6.** Each SSDP, upon approval by the Town, shall contain a statement as follows:

"This plan constitutes a site specific development plan as defined in § 24-68-101, et seq., C.R.S. and Section **600** of the Town of Limon Land Development Code." [and, if applicable] "The terms and conditions of such approval are contained in Resolution No. \_\_\_\_ adopted by the Town on

\_\_\_\_\_ and available at the Limon Town Hall, 100 Civic Center Drive, Limon, Colorado."

**602.6.1.** In addition, a notice describing the type and intensity of use proposed, the specific parcel or parcels of property affected, the terms and conditions of any approval and stating that a vested property right pursuant to Article 68 of Title 24, C.R.S., has been created shall be published once, no later than 14 days after approval of the SSDP, in a newspaper of general circulation within the Town of Limon by the landowner at the expense of the landowner. The period of time permitted by law for the exercise of a vested right shall not begin to run until the date of such publication. Failure to publish this notice constitutes a forfeiture of the vested right.

**603. Duration**

A property right, which is vested as provided herein, shall be vested for a period of three (3) years from the date of approval of the SSDP upon compliance with all terms and conditions of such approval. This vesting period shall not be extended by any amendments to the SSDP, unless expressly authorized in writing by the Town.

**604. Subsequent Regulation Prohibited**

**604.1.** Any vested property right, once established, shall not be subject to any zoning or land use action by the Town or by petition by third parties to the Town which would alter, prevent, or otherwise delay the development or use of the property as set forth in an approved vesting plan, with the following exceptions:

**604.1.1.** With the consent of the affected landowner;

**604.1.2.** Upon the discovery of natural or man-made hazards on or in the immediate vicinity of the subject property, which hazards could not reasonably have been discovered at the time of vesting plan approval, and which hazards, if uncorrected, would pose a serious threat to the public health, safety, and welfare; or

**604.1.3.** To the extent that the affected landowner receives just compensation for all costs expenses, and liabilities incurred by the landowner that would be negated by the change in regulation. These may include but are not limited to, fees paid in consideration of financing, and architectural, planning, and marketing, legal, and other consultants' fees incurred after approval of the vesting plan by the Board, together with interest thereon at the legal rate until paid. Just compensation shall not include any diminution in the value of the property, which is caused by such action.

**605. Extension and Amendments**

No extension or amendment of the vesting period or the rights that are vested shall be granted unless the Board following a public hearing approves such extension or amendment. The landowner together with all materials and fees required by this code to be submitted for original approval shall file such request for extension or amendment. The Board shall grant no extension for a period greater than one (1) year. Vested rights amendments shall be the same as the original or the extension in terms of duration.

**606. Other Provisions**

**606.1. Other Requirements Remain**

Approval of an SSDP shall not constitute an exemption from or waiver of any other provisions or requirements of the Town of Limon pertaining to the development and use of the property adopted or applicable before or after the approval of an SSDP.

**606.2. Limitations**

Nothing in this Section is intended to create a vested property right, but only to implement the provisions of 24-68-101, et seq., C.R.S. In the event of a repeal of said statute or a judicial determination invalidating or declaring unconstitutional part or all of said statute, this Section shall be deemed repealed and the provisions hereof no longer effective, or in the event only a portion of said statute is declared void or constitutional, then the portion of this Section corresponding thereto shall be deemed repealed and no longer effective.

**606.3. Development Agreement**

Nothing herein shall be construed to limit the authority of the Town and a landowner to enter into a development agreement vesting property rights in the landowner. Such agreement shall be construed in accordance with the terms and conditions of said agreement and not be limited or expanded by the provisions of this code.





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***700***  
***Annexation***  
**2014**

**700. ANNEXATION**

**701. Purpose**

All annexations to the Town of Limon utilizing the petition method will follow the following process and standards to ensure that petitions are processed in an orderly manner, that municipal services are adequate and available to the property, that the costs of annexation are paid by the owners of the petitioning property, and that all requirements of CRS 31-12 are fulfilled.

**702. Responsibilities**

The applicant is required to prepare all necessary documents in a professional manner and submit all documents as required. General Development Plan submittal requirements are the same as Rezoning Requirements and are found in Appendix 6. The Planning Commission will provide recommendations to the Town Board who must approve a resolution for annexation. In addition the Town Clerk will publish the resolution and the public notice of hearing for four (4) successive weeks in the Town's official newspaper. The first publication shall be at least thirty (30) days prior to the public hearing before the Town Board. The Town Clerk will also send a copy of the notice to the Lincoln County land use department, and to any special district or school district having territory within the area to be annexed at least twenty-five (25) days prior to the date fixed for such hearing.

**703. Eligibility for Annexation**

Properties proposed for annexation must meet the following requirements:

**703.1.** Owners of more than fifty percent of the area to be annexed including streets and alleys shall sign the petition for annexation.

**703.2.** Not less than one-sixth the outside perimeter of the area to be annexed shall be contiguous to existing town limits.

**703.3.** No property owned in a separate tract shall be divided by the boundary of the proposed annexation without consent of such property owner.

**704. Who May Petition for Annexation**

Only owners of the land or their legal representatives may petition the Town for annexation. Only the landowners may sign the petition.

**705. Required Annexation Impact Reports**

**705.1.** An annexation impact report is required for parcels larger than ten acres, unless the County officials and the Town agree that the report may be waived. If a report is required, it must be completed at least twenty-five (25) days before the hearing date and filed with the County twenty (20) days before the hearing date. While it is the responsibility of the Town to prepare this report, the assistance of the petitioners will be necessary to complete the report. Information from the petitioners for the report would include:

**705.1.1.** the existing and proposed land use pattern in the areas to be annexed;

**705.1.2.** the identity of existing districts within the area to be annexed;

**705.1.3.** the effect of the annexation upon the local public school district including the estimated number of students generated and the capital construction required to educate such students;

**705.1.4.** A statement of the Town's plans for extending, financing and providing municipal services within the area to be annexed;

**705.1.5.** A statement identifying all existing special districts within the area to be annexed;

**705.1.6.** A map of the Town and adjacent area showing:

**705.1.6.1.** Present and proposed boundaries of the Town in the vicinity of the proposed annexation; and

**705.1.6.2.** The present streets, major trunk water lines, sewer interceptors and outfalls, other utility lines and ditches and the proposed extension of such streets and utility lines in the vicinity of the proposed annexation.

**705.2.** The Town may also require that a fiscal impact report be prepared under its direction at the petitioner's expense. This report should provide the information needed by the Town to evaluate the fiscal costs and benefits of the proposed annexation over a multi-year period.

**705.3.** Town staff must also review the proposed annexation and provide their evaluation and recommendations to the Board prior to the scheduled public hearing.

**705.4.** Town staff shall refer the annexation impact report to relevant review agencies.

**706. Required Dedications**

**706.1.** The petitioners must dedicate or agree to dedicate sufficient land and rights-of-way to the Town for public streets and alleys as set forth in the standards and specifications of the Town, and the Town's Master Plan for Transportation.

**706.2.** The petitioners must dedicate or agree to dedicate sufficient and unobstructed rights-of-way for utility easements and storm drainage to serve the proposed development. Petitioners also agree to pay utility development fee and tap fees as developed by the Town.

**706.3.** The petitioners must dedicate or agree to dedicate to the Town, or pay cash in lieu of at the time of platting, land to be used for public purposes of at least six (6) percent of all residential and two (2) percent of all nonresidential property proposed for annexation.

**706.4.** The petitioners must assign to the Town all rights, title and interest in any water rights associated with the property or in any and all water located beneath the property to be annexed.

**706.5.** The petitioners will be required to construct all roads, utilities, and other improvements at their sole expense and according to the requirements, standards and specifications of the Town. Connection of such improvements to existing Town systems and/or the dedication of such improvements to the Town shall be at the Town's convenience.

**707. Pre-Annexation Agreement**

Petitioners will enter into a Pre-Annexation Agreement to establish the amount of deposit fees required to process the annexation petition, annexation agreement and General Development Plan review.

**708. Annexation Agreement**

Petitioners must engage in negotiations to develop a formal Annexation Agreement that addresses timing and requirements of dedications outlined in Section **706.** above and tied to the General Development Plan requirements of Section **713.** below. The Town will begin this process using a model annexation agreement of its own making. Although annexation petitions may be accepted by the Town prior to conclusion of negotiations of an Annexation Agreement, no zoning of the property will occur until the Annexation Agreement is complete. Petitioners may include clauses regarding the de-annexation of property should the Annexation Agreement negotiations be terminated and/or the property not zoned to the satisfaction of the petitioners.

**709. Proposed Zoning**

The proposed zoning for the area to be annexed shall be included in the annexation agreement, and final annexation of the property contingent on the subsequent adoption of zoning. Processing of annexation petitions, findings of eligibility, annexation agreements and zoning may proceed concurrently through the review process, but approvals must be sequenced in order and according to this code and state law.

**710. Standards for Annexation**

In considering a petition for annexation, the Town Board shall make findings of facts and conclusions on the following standards for annexation:

**710.1.** The property to be annexed is a reasonable and logical extension of the Town, and compatible with the goals and intents of the Town Comprehensive Plan.

**710.2.** Areas proposed for annexation shall not divide tracts in order to prevent further annexation of adjoining parcels.

**710.3.** Areas proposed for annexation, which due to their configuration cause excessive police, fire, utility, and street cost may not be accepted.

**710.4.** Zoning of the area proposed for annexation shall be reasonable in terms of existing Town zoning classifications and consistent with the Town Comprehensive Plan.

**710.5.** The area proposed for annexation shall be located where street extensions and water and sewer utility services are possible without undue expense to the Town. Where exceptional costs may be required in serving the area proposed for annexation, financial arrangements to extend streets, water or sewer mains shall be agreed upon prior to annexation.

**710.6.** Problems of storm drainage shall be considered prior to annexation to ensure that flooding problems within and adjoining the area proposed for annexation will not be increased by development of the tract.

**710.7.** Adequate water rights are provided to serve the proposed development on the property proposed for annexation and/or fees-in-lieu of water rights transfer are agreed to be paid.

**710.8.** Petitioner has deposited with the Town of Limon monies in an amount determined by the Town Board upon a preliminary review of the petition for annexation

according to the Pre-Annexation Agreement. The amount of monies to be deposited shall be solely in the discretion of the Town Board and shall be intended to cover all costs to the Town resulting from the petition for annexation. No petition for annexation shall be deemed complete until such time as petitioner has deposited an amount of money as determined by the Town Board and petitioner has agreed to pay such additional sums to the Town as may be required to cover unexpected costs.

**710.9.** Any additional conditions or requirements which the Town Board deems necessary for the proper evaluation of the petition.

**711. Planning Commission Action**

**711.1.** The Limon Planning Commission shall review staff comments and the results of staff negotiations with the applicant concerning:

**711.1.1.** accuracy of annexation petitions and maps;

**711.1.2.** land use allocations, circulation plans, and proposed utility systems proposed in the General Development Plan;

**711.1.3.** proposed dedications;

**711.1.4.** proposed zoning;

**711.1.5.** completeness and accuracy of submittal documents; and

**711.1.6.** referral comments concerning the annexation and annexation impact report.

**711.2.** The Planning Commission will hold a public hearing on the annexation focusing on issues surrounding the General Development Plan and the proposed zoning of the property. The Planning Commission will make findings concerning the Standards for Annexation of Section **710**.

**711.3.** The Planning Commission will make recommendations to the Staff and Town Board concerning issues to be covered in the Annexation Agreement but is not required being part of formal Annexation Agreement negotiations.

**711.4.** The Planning Commission will make a full record of its findings and recommendation concerning the annexation and forward them to the Town Board at least fifteen (15) days prior to the Town Board's review of the Annexation.

**712. Town Board Action**

The Town Board, after receiving all necessary recommendations, shall follow the procedure required by the state enabling statutes to include the following:

**712.1.** Following receipt of the Planning Commission recommendations, the Town Board, if appropriate, will adopt a resolution finding the petition to be in substantial compliance with the statutes. If the petition is signed by the owners of one hundred percent of the area proposed for annexation, the Board may annex the territory by resolution and ordinance after notice and a public hearing and, further, without an election unless additional terms and conditions are to be imposed. The Board will set the date, time and place for a public hearing to determine if the annexation meets the requirements of C.R.S. 31-12-104 and 105. This hearing will be held not less than thirty (30) days or more than sixty (60) days after the effective date of the resolution setting the hearing.

**712.2.** On the appointed date and time, the Town Board will hold the public hearing. The petitioners will present evidence in support of the petition. Town staff will testify as to:

**712.2.1.** the validity of the surveys and legal descriptions of annexation maps;

**712.2.2.** the 1/6 boundary contiguity requirement;

**712.2.3.** no land held in identical ownership divided except with the consent of the landowners;

**712.2.4.** no tract twenty acres or more having \$200,000 valuation without consent of land owners;

**712.2.5.** the entire width of perimeter streets or alleys will be annexed;

**712.2.6.** no proceedings are pending to annex the land to another city; and

**712.2.7.** this annexation will not result in extending the Town's boundaries more than three miles in any direction in any one-year.

**712.3.** Any person may appear at the hearing and present evidence on any matter related to the annexation petition as determined by the Town Board. All proceedings must be recorded.

**712.4.** At the conclusion of the hearing, the Town Board will adopt a resolution containing the findings of facts and conclusions, including:



**712.4.1.** whether or not the requirements of C.R.S. 31-12-104 and 105, and of this code have been met,

**712.4.2.** whether or not additional terms and conditions are to be imposed; and

**712.4.3.** whether or not an election is required either as a result of a petition for election or the imposition of additional terms and conditions.

**712.5.** If the Town Board finds that the area proposed for annexation does not comply with the items above, the annexation proceeding will be terminated.

**712.6.** If the Town Board finds the annexation to be compliance with the items above and no additional terms and conditions are to be imposed, the Town Board immediately may pass the annexation ordinance. If additional terms and conditions are to be imposed which are not agreed to voluntarily and in writing by the landowners, an election must be held.

**712.7.** After passage of the annexation ordinance, the area is annexed as of the effective date of the ordinance. The effective date for taxation will be the ensuing January 1.

**712.8.** After final passage of the annexation ordinance, the Town will file one copy of the annexation map with the original of the annexation ordinance in the office of the Town Clerk and file for recording two certified copies of the annexation ordinance and map of the area annexed containing a legal description of such area with the county clerk and recorder. The Town will ask the county clerk to forward one copy of the map and ordinance to the Division of Local Government in the Colorado Department of Local Affairs.

**712.9.** After final passage of the annexation ordinance, the Town may zone the property either at the same meeting or within ninety (90) days of recording of the annexation.

**713. General Development Plan**

A General Development Plan must be prepared describing the desired use of the property after annexation. Annexations that have no General Development Plan will be zoned OS unless determined otherwise by the Town Board. The General Development Plan is required to determine the development intentions of the petitioners, to use as a basis for the negotiation of an Annexation Agreement, and to properly zone the property after annexation. Requirements for processing and preparing the General Development Plan are the same as for Rezoning and are found in Section **200** and Appendix **6** of

this code. Petitioners who desire PD zoning will follow the Planned Development District zoning requirements in preparing the General Development Plan.





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# *Appendices*

## 2014

**APPENDIX 1:  
CONDITIONAL USE PERMIT SUBMISSION REQUIREMENTS**

- A1.** An application for a conditional use permit shall include the following items.
- A1.1.** The name, address, and phone number of the applicant on a completed application form supplied by the Town.
  - A1.2.** Narrative description of the proposal.
  - A1.3.** Names and addresses of all property owners within 300 feet of the subject property, disregarding any intervening public right-of-way. The source of such list shall be the records of the Lincoln County Assessor, or an ownership update from a title or abstract company or attorney, derived from such records, or from the records of the Lincoln County Clerk and Recorder.
  - A1.4.** Legal description of the property affected.
  - A1.5.** Vicinity map.
  - A1.6.** Site development plan drawing, 24" x 36" with 2-foot contours, as applicable.
  - A1.7.** Any other information deemed appropriate by the Manager for complete review of the application.



**APPENDIX 2:  
SPECIAL USE PERMIT SUBMISSION REQUIREMENTS**

**A2.** An application for a special use permit shall include the following items.

**A2.1.** The name, address, and phone number of the applicant on a completed application form supplied by the Town.

**A2.2.** Narrative description of the proposal.

**A2.3.** Names and addresses of all property owners within 300 feet of the subject property, disregarding any intervening public right-of-way. The source of such list shall be the records of the Lincoln County Assessor, or an ownership update from a title or abstract company or attorney, derived from such records, or from the records of the Lincoln County Clerk and Recorder.

**A2.4.** Legal description of the property affected.

**A2.5.** Vicinity map.

**A2.6.** Site development plan drawing, 24" x 36" with 2-foot contours, as applicable.

**A2.7.** Certified boundary survey, monumented with legal descriptions.

**A2.8.** Performance guarantee (as applicable).

**A2.9.** A written discussion explaining conformance with special use criteria, water and sewer system contemplated, and the street and circulation system contemplated and connections to off-site streets.

**A2.10.** Any other information deemed appropriate by the Manager for complete review of the application.



**APPENDIX 3:  
TEMPORARY USE PERMIT SUBMISSION REQUIREMENTS**

**A3.** The following information shall be required to accompany an application for a temporary permit.

**A3.1.** The name, address, and phone number of the applicant on a completed application form supplied by the Town.

**A3.2.** A description of the proposal, including a discussion of hours of operation, potential noise impacts, parking accommodation, impacts on adjacent property, any associated signs or lighting, and provision for temporary utility services, as applicable.

**A3.3.** Appropriate filing fee amount.

**A3.4.** Any other information deemed appropriate by the Manager for complete review of the application.



**APPENDIX 4:  
SUBMITTAL REQUIREMENTS FOR  
PLANNED DEVELOPMENT DISTRICT AMENDMENTS**

**A4.1.** The applicant shall submit twenty (20) copies of graphic documents similar in format for PD Plans with specific approval signature blocks for ownership of the PD amendment area, Planning Commission approval, Board of Trustees approval and Clerk and Recorders Certificate, *plus* the legal description of the amendment area and the dates when the original Preliminary PD Plans or ODPs were recorded and the particular file, map, and recording page numbers. The word "amendment" shall appear under the PD title at the top of the page. The staff will indicate the level of detail necessary for the graphic and narrative submittals.

**A4.2.** The proposed amendment(s) shall be clearly indicated on a site plan and a written narrative explaining in detail the changes from the original Preliminary or ODP approval must accompany the site plan.

**A4.3.** A list of property owners both within and external to the PD amendment area and up to three hundred (300) feet from the boundary of the PD amendment area. The applicant shall notice these owners within fifteen (15) days of the hearings before the Planning Commission and the Board of Trustees by mail, return receipt requested. The Planning Director will determine which properties within the entire or original planned unit development would be affected by the proposed change, and all owners of such property shall also receive notice.

**A4.4.** A land use chart showing all originally approved residential densities, numbers of units, nonresidential densities or Floor Area Ratios (FARs), and nonresidential square footage compared to the new densities, unit numbers, FARs and square footages.

**A4.5.** Development Plan Sheet showing:

- A4.5.1.** use list for all planning areas and maximum heights of uses;
- A4.5.2.** major circulation system;
- A4.5.3.** planning area acreages and densities;
- A4.5.4.** open space areas/trails/parks/ recreation facilities;
- A4.5.5.** utility facilities (water, sewer, drainage, etc., on a generalized engineering level);
- A4.5.6.** public facilities locations and proposed dedication areas.

**A4.6.** Initial Development Phasing Timetable.

**A4.7.** Legal descriptions of amendment area tied to original boundary survey.

**A4.8.** Title insurance commitment or policy dated a maximum of 15 days prior to the date of application.



**APPENDIX 5:  
FINAL PLANNED DEVELOPMENT  
PLAN SUBMITTAL REQUIREMENTS**

**A5.** The submission requirements for a Final PD Plan shall contain the following material:

**A5.1.** An application for approval of a Final PD Plan must be filed by a person having an interest in the property to be included in the planned development and must include a consent by the owners of all property to be included in the planned development.

**A5.2.** A complete site plan showing the major details of the proposed planned development prepared at a scale of not less than 1" = 100' shall be submitted in sufficient detail to evaluate the land planning, building design, and other features of the final planned development. The site plan and supporting documents shall also indicate:

**A5.2.1.** A listing of all permitted uses within the PD and/or each separate planning area.

**A5.2.2.** The location of all existing and proposed buildings, structures, and improvements, separated into planning areas, if applicable.

**A5.2.3.** The maximum height of all buildings.

**A5.2.4.** The density and type of dwellings. Gross square footages and ground coverage of all nonresidential structures (Floor Area Ratio).

**A5.2.5.** The internal traffic and circulation systems, off-street parking areas, service areas, loading areas, and major points of access to public rights-of-way.

**A5.2.6.** The location, height, and size of proposed signs, lighting and advertising devices.

**A5.2.7.** The areas which are to be conveyed, dedicated or reserved as general open space, common park areas, including public parks and recreational areas, and as sites for schools or other public buildings.

**A5.2.8.** The proportion of land to be left in a natural condition as major open space, stated in terms of acreage or square footage, as well as the ratio of open space in areas to be developed stated on a square feet per unit basis.

**A5.2.9.** An explanation of the objectives to be achieved by the planned development, including building descriptions, sketches or elevations as may be required to describe the objectives.

**A5.2.10.** A refined development phasing schedule indicating the approximate date when construction of the planned development or stages of the planned development can be expected to begin and be completed.

**A5.2.11.** A description of snow removal methods or techniques to be utilized, as appropriate.

**A5.2.12.** A description of the proposed method of providing ongoing (permanent) maintenance of all commonly owned or publicly dedicated buildings, facilities, areas and thoroughfares.

**A5.2.13.** Copies of any special agreements, conveyances, restrictions, or covenants, which will govern the use, maintenance, and continued protection of the planned development and any of its common areas. Such documents shall be in conformance with the requirements of 24-67-101, et. seq. C.R.S. 1963, as amended and commonly referred to as the Planned Unit Development Act of 1972.

A5.2.14. Sections (A5.2.1.), (A5.2.3.), (A5.2.4.), and (A5.2.8.) should be combined into a chart/table.





**APPENDIX 6:  
REZONING (ZONING AMENDMENT) SUBMISSION REQUIREMENTS**

**A6.** A petition for rezoning shall include copies of the following items:

**A6.1.** The name, address and phone number of the petitioner on a completed application form supplied by the Town.

**A6.2.** A general description of all land affected if the amendment is to the zoning district map and a vicinity map.

**A6.3.** Appropriate filing fee amount.

**A6.4.** A description of the proposed change and a narrative describing the reasons or logic necessitating the proposed change.

**A6.5.** Legal description of the property affected.

**A6.6.** Proof of ownership in the form of a Title Policy or Title Commitment, including a schedule of exceptions to title, dated within 60 days of the application, showing that the applicant is the fee title owner of all subject property.

**A6.7.** A list of all property owners (names and addresses) within 300 feet of the subject property, disregarding any intervening public right-of-way. The source of such a list shall be the records of the Lincoln County Assessor, or an ownership update from a title or abstract company or attorney, derived from such records, or from the records of the Lincoln County Clerk and Recorder.

**A6.8.** Evidence that the property can be served by public sewer and water services. Such evidence shall be in the form of a written commitment by the appropriate provider stating that such service will be available to the property ("commitment to serve" letter).

**A6.9.** A map showing the location of the property at an appropriate scale.

**A6.10.** Documented proof of legal access if the property does not have direct contiguous access to a public street or road.

**A6.11.** Any other information deemed appropriate by the Manager for complete review of the application. Such information may include, but is not limited to, a certified boundary survey and/or a site plan.



## APPENDIX 7: SITE DEVELOPMENT PLAN (SDP) SUBMISSION REQUIREMENTS

### A7.1. SDP Sketch Plans

**A7.1.1.** A brief narrative of the project's purpose and general intent concerning land uses, circulation, open space, design concepts of buildings, proposed heights, densities, utility connections, drainage concept plan, and any other relevant information deemed important by the applicant to explain the project.

**A7.1.2.** Sketch map of the proposed site layout at a scale of 1" = 50' or larger; a bar scale shall also be included.

**A7.1.2.1.** The date, a bar scale, a north arrow, site topography lines (2 foot contours preferred), major physical features, and existing vegetation should be noted.

**A7.1.2.2.** The zoning and general landscaping schemes for all property within 300 feet.

**A7.1.2.3.** The general planning theme as well as general architectural and signage standards and materials for the project.

**A7.1.2.4.** An illustration of the general location, character, square footage, height and use of all proposed structures.

**A7.1.2.5.** The location and function of adjacent streets as well as vehicle circulation, parking areas, pedestrian and transit facilities, drainage facilities, and landscaping for the site.

### A7.2. Site Development Plans/Formal Submittal

The following information shall be required on all drawings of SDPs, landscape plans and grading and drainage plans.

#### A7.2.1. General Requirements

**A7.2.1.1.** The name of the proposed development and submittal phase (centered at the top of the sheet).

**A7.2.1.2.** A north arrow and a scale of 1" = 50' or larger.

**A7.2.1.3.** Sheet size of 24" x 36" with the long dimension horizontal; the title block located in the lower portion of the sheet with the date of preparation.

**A7.2.1.4.** Development phasing lines.

**A7.2.1.5.** Topography at two (2) foot intervals.

**A7.2.1.6.** The name, address and telephone number of the individual or firm who prepared the plans.

**A7.2.1.7.** Approved plans shall be black line mylar. No sepia, ink or pencil drawings will be accepted. No sticky backs, stick-ons, or press-type letters or symbols will be allowed on the final mylars that are to be recorded. All signatures are to be in black, permanent ink. Mylars shall be in duplicate for the county and town permanent files.

**A7.2.2. Site Development Plan Submittal Requirements**

**A7.2.2.1.** The site development plan will contain a narrative including a general description of:

**A7.2.2.1.1.** The scope of the project and its principal features and attributes;

**A7.2.2.1.2.** Overall impacts of the proposed development on the adjoining properties;

**A7.2.2.1.3.** Relationship to the Limon Comprehensive Plan;

**A7.2.2.1.4.** Zoning of property;

**A7.2.2.1.5.** Name and address of the property owner, the developer if different than the property owner and the person(s) preparing the site plan;

**A7.2.2.1.6.** Proof of ownership (deed, current title policy or endorsement up to 120 days old);

**A7.2.2.1.7.** Legal description or lot and block number, subdivision name, name of project, and address of site, when applicable.

**A7.2.2.1.8.** Description of the proposed development schedule and phases of development when construction will not be in one phase;

**A7.2.2.1.9.** Include any other pertinent descriptive information relevant to the project.

**A7.2.2.1.10.** In addition to the above, a traffic study by a professional traffic engineer which describes the impacts of the proposed development on the existing or proposed street system and measures and means for dealing with these impacts. This requirement may be waived by the Manager based on the size and scope of the project.

**A7.2.2.1.11.** A drainage plan and study prepared by a professional engineer detailing the analysis and method for directing and containing the run-off over and above the historical flow from the site. This requirements may be waived by the Manager based on the size and scope of the project.

**A7.2.2.1.12.** A soils report and geological and subsidence investigation report prepared by a professional engineer must be submitted for the site.

**A7.2.2.1.13.** A fiscal impact report may be required.

**A7.2.2.1.14.** Accompanying the narrative exhibit will be a graphic map that shows existing site characteristics including:

**A7.2.2.1.14.1.** The zoning, easements of record, existing structures, other improvements, and vegetation on the site as well as view corridors to and from the site. Structures to be removed should be indicated as such.

**A7.2.2.1.14.2.** For all surrounding property within 300 feet, this study shall indicate as-built density and name of subdivision(s). It shall also include the existing structures, parking areas, public and private streets (including dimensions and median and curb cuts), pedestrian and transit facilities, drainage facilities and landscaping, and fire hydrant locations.

**A7.2.2.1.14.3.** The names and addresses of the property owners, developers, and adjacent property owners, including those across transportation rights-of-way, alleys, and waterways or bodies.

**A7.2.3. Site Development Plan Drawings**

**A7.2.3.1.** The plan drawings are suggested to be on at least four (4) separate sheets. Sheet information may be combined depending on the scope and scale of the project with the concurrence of the Manager. Certain drawing requirements may be waived by the Manager depending on the scope and scale of the project.

**A7.2.3.1.1.** Sheet #1 shall be a Cover Sheet including:

**A7.2.3.1.1.1.** Name of the development at the top of the sheet.

**A7.2.3.1.1.2.** A general vicinity map at an appropriate scale and including all existing or proposed freeways, arterials and major collector streets within one mile of the site.

**A7.2.3.1.1.3.** Legal description of the property being planned including section, ¼ section, township and range.

**A7.2.3.1.1.4.** Any special notes listed by the plan sheet they refer to.

**A7.2.3.1.1.5.** Signature blocks for the Town Board, Planning Commission, and Owners or their representatives.

**A7.2.3.1.1.6.** Names and addresses of Plan Sheet preparers.

**A7.2.3.1.2.** Sheet #2 shall be a Site Plan showing all proposed improvements, in detail, including:

**A7.2.3.1.2.1.** Property dimensions, including lot lines and lot design.

**A7.2.3.1.2.2.** Dimensions and location of all proposed structures, their footprints and height, the number of floors, number of dwelling units, all overhangs or protrusions into the public or private access routes, location of entrances and loading points. All structures must be dimensioned and their locations must be tied out, meaning sufficient information to determine the coordinates of any corner of any structure. Any structure within 10 feet of an easement must show the distance between the closest point of the structure to the nearest point of the easement. Note total building coverage -- percent and square footage. Include setback dimensions from property lines.

**A7.2.3.1.2.3.** Name and dimension of all public and private road rights-of-way, points of access on or adjacent to the proposed site and surface materials.

**A7.2.3.1.2.4.** Location, dimension and surface materials of required off-street parking and loading areas. (Note total number of parking spaces provided, the percentages of small car spaces and lighting arrangements).

**A7.2.3.1.2.5.** The structure's use (for parking calculations), the gross floor area, and the number of vehicle trips generated by the various uses on the site. Vehicle trip generation charts by use may be included in the traffic study.

**A7.2.3.1.2.6.** Dimensions and locations for all curb cuts, driving lanes, bicycle lanes, pedestrian ways, garages, carports, public transportation pick-up points, and mail box kiosks. All public improvements should be labeled, with dimensions, and tied out to property lines.

**A7.2.3.1.2.7.** Various notes, as necessary, shall be included.

**A7.2.3.1.2.8.** Dimensions and location of all walls, fences, and screen plantings adjacent to public rights-of-ways and on the site, particularly around recreational vehicle and equipment storage areas and trash disposal facilities.

**A7.2.3.1.2.9.** Location and dimensions of all existing and proposed drainage, utility, and other easements, water and sewer lines, water meters, and fire lanes and hydrants. Location and size of drainage facilities, and the direction of flow.

**A7.2.3.1.3.** Sheet #3 shall be a Landscape Plan showing all landscaping and buffering details.

**A7.2.3.1.3.1.** Dimensions, square footage, percent of site and location of open space and common areas shall be shown on the plan.

**A7.2.3.1.3.2.** Open space as required for an zone district as specified in this ordinance. Percentage calculations for open space shall be shown.

**A7.2.3.1.3.3.** Note all building entrances, pedestrian walks or paths, pedestrian oriented areas, and vehicular drives and exterior parking areas (including dimensions, materials, and type of surface finish). All recreation areas, use and general equipment locations, as well as all fences, garden structures, and plazas shall be shown. Construction details showing methods of construction, materials, finishes, colors, and the type and location of the irrigation system shall be included.

**A7.2.3.1.3.4.** All slopes and mound areas within the site shall be called out.

**A7.2.3.1.3.5.** The plan shall identify and locate plant masses and type of plants.

**A7.2.3.1.3.6.** All lawn areas and ground cover areas shall be identified including the square footage of the area and the living and non-living plant materials to be used.

**A7.2.3.1.3.7.** Various notes, symbols, and general information shall be placed on all landscape plans as necessary. The following conditions shall apply:

**A7.2.3.1.3.7.1.** Landscape installation shall be completed prior to issuance of Certificate of Occupancy.

**A7.2.3.1.3.7.2.** A statement or note concerning quantity and method of application of suitable soil preparation as determined by soil type. Soil type shall be stated in the note.

**A7.2.3.1.3.7.3.** General description of the automatic landscape irrigation system. If the type of system varies on the site it shall be so stated.

**A7.2.3.1.4.** Sheet #4 shall show architectural elevations for all structures. It shall be 24" x 36" and be drawn at a scale of 1/8" - 1' or larger. All sides of the structures shall be shown. Descriptions of all materials and colors shall be included. Depending on the scale of the project, elevations may or may not be required at the discretion of the Manager.



**APPENDIX 8:  
SUBMISSION REQUIREMENTS FOR SUBDIVISIONS**

**A8.1. MINOR SUBDIVISION SUBMITTAL REQUIREMENTS**

**A8.1.1.** Applicants should submit three (3) copies of the following preliminary plan materials to the Manager:

**A8.1.1.1.** A title insurance commitment or policy including a schedule of exceptions to title, or an attorney's title opinion addressed to the Town, dated or endorsed to a date no more than fifteen (15) days prior to the date of application, showing that the applicant is the fee title owner of all subject property. If such property is encumbered, it shall be required that such lien holder join in the dedication. It is the responsibility of the applicant to keep title policies current.

**A8.1.1.2.** Documented proof of availability of central sewer and potable water utility services.

**A8.1.1.3.** Documented proof of legal access if the subject property does not have direct contiguous access to a public road or street.

**A8.1.1.4.** Any other special reports required by Staff or the Planning Commission.

**A8.1.1.5.** Any proposed Subdivision Improvements Agreement.

**A8.1.1.6.** Legal documents pertaining to the organization of any homeowners association for the maintenance of private roads, open space, etc., and other documents as required.

**A8.1.1.7.** Label the current zoning on the subject and adjoining properties.

**A8.1.1.8.** Location of trash pick-up area, if required by the Commission.

**A8.1.2.** The Plat shall contain the following information:

**A8.1.2.1.** Title of plat and the phrase: "Minor Subdivision - Final Plat" underneath.

**A8.1.2.2.** Legal descriptions of property location by subdivision.

**A8.1.2.3.** Prior reception number of previous property transfer; original subdivision name, if any, and book/page reference in Lincoln County records.

**A8.1.2.4.** Basis of bearing and description and location of primary control points of monuments both found and set and ties to such control points to which all dimensions, angles, bearings and similar data on plat shall be referred.

**A8.1.2.5.** A scale drawing of tract boundary lines, right-of-way lines of streets, easements and other rights-of-ways and property lines of residential lots and other sites, with accurate dimensions, bearings or deflection angles, and radii, arcs and central angles of all curves with long chord bearings and distances.

**A8.1.2.6.** Names and right-of-way width of each street or other rights-of-way together with block and lot numbers.

**A8.1.2.7.** Location, dimensions and purpose of any easement, including reference by book and page to any preexisting recorded easements.

**A8.1.2.8.** All dimensions necessary to establish the boundaries in the field.

**A8.1.2.9.** Planned locations (with dimensions) of all improvements (building footprints, parking, etc.) on the site for airspace subdivision plats (condos, townhomes, etc.)

**A8.1.2.10.** Dimensions of improvements.

**A8.1.2.11.** Notation of scale of drawing or representative fraction of the drawing(s), a bar-type graphical scale, north arrow (north is to point to the top of the plat sheet) and date of drawing.

**A8.1.2.12.** Notation of which areas, other than residential lots, are dedicated or reserved, such as for open space.

**A8.1.2.13.** Dedications and certifications by the owner and lien holder platting the property dedicating the streets, rights-of-way, easements and any sites for the Town of Limon's public uses or open spaces.

**A8.1.2.14.** Certification by a surveyor insuring the accuracy of the survey and plat and certifying compliance with the requirements of C.R.S. Title 38, Article 51, and the requirements of these Regulations in the preparation of the final plat.

**A8.1.2.15.** Certificate of approval by the Planning Commission and Town Board.

**A8.1.2.16.** A general vicinity map showing the location of the subdivision being platted and the name of any underlying subdivision.

**A8.1.2.17.** Location of sewer and water service lines and mains.

**A8.1.2.18.** Contour lines at two foot (2') intervals after any grading is completed.

**A8.1.2.19.** Statements describing improvements to the site such as revegetation measures, means of defining parking, surface material of parking and drives, etc.

**A8.1.2.20.** Show by the use of dashed lines the required front, rear and side setbacks on typical lots or state setbacks by use type in a chart.

**A8.1.2.21.** Ownership title description reference.

**A8.1.2.22.** Planned drainage areas for accommodating historic flows plus any increased runoff on the property resulting from development.

**A8.2. MAJOR SUBDIVISION SUBMITTAL REQUIREMENTS**

**A8.2.1. Sketch Plan Submittal Requirements**

Developers should submit 3 copies of the sketch plan to the Manager. The sketch plan should include the following items:

**A8.2.1.1.** A map showing the general location of the proposed subdivision, its property boundaries, and the direction of True North.

**A8.2.1.2.** The name and address of the developer,

**A8.2.1.3.** The proposed name and location of the subdivision,

**A8.2.1.4.** The approximate total acreage of the proposed subdivision,

**A8.2.1.5.** The tentative street and lot arrangement,

**A8.2.1.6.** Topographic contours from available data, such as United States Geological Survey topographic maps.

**A8.2.1.7.** A lot and street layout indicating general scaled dimensions of lots to the nearest foot.

**A8.2.1.8.** Evidence that prior to the subdivision of any unsubdivided land or the resubdivision of any land within the corporate limits of the Town of Limon or prior to the annexation of any land to the Town for the purpose of subdividing, the developer shall be able to convey, transfer or assign to the Town adjudicated water rights of sufficient priority that the rights will yield annually to the Town a quantity of water equal to 1.5 times the water required to serve the proposed development.

**A8.2.1.8.1.** In lieu of the conveyance of such water to the Town of Limon, the developer, with the consent of the Board of Trustees, shall be prepared to pay to the Town the money equivalent of such water. The money equivalent shall be that amount determined by the Board of Trustees as being equal in value to the water required herein.

**A8.2.1.8.2.** This evidence shall be provided by the developer to the Planning Commission at the sketch plan stage to prove that the water rights described above are available for conveyance and sufficient in terms of quality, quantity, and dependability to satisfy the requirements of this Ordinance. Such evidence may include, but shall not necessarily be limited to:

**A8.2.1.8.2.1.** evidence of ownership or rights of acquisition of or use of existing or proposed water rights.

**A8.2.1.8.2.2.** historic use and estimated yield of claimed water rights.

**A8.2.1.8.2.3.** amenability of existing rights to a change in use.

**A8.2.1.8.2.4.** evidence concerning the potability of the claimed water rights.

**A8.2.1.9.** The sketch plan shall contain a description of the water distribution system contemplated for the proposed development.

**A8.2.1.10.** The sketch plan shall contain a description of the sewer collection system contemplated for the proposed development.

**A8.2.1.11.** A report and map showing all the significant natural and man-made features on the site and within one-half mile of any portion of the site. This report will include streams, canals, lakes, vegetation and geologic characteristics of the area significantly affecting the land use and determining the impact of such characteristics on the proposed subdivision. Specific emphasis should be placed on those portions of the site located in designated floodplain or undermined areas.

**A8.2.1.12.** A map showing soil types and their boundaries, as shown on Soil Survey Maps prepared by the U.S. Department of Agriculture, Soil Conservation Service, and also a table of all interpretations for the soil types shown on the soil map prepared by the Soil Conservation Service. (Requests for these maps and tables are made to the local Soil Conservation District; the subdivision does not need to be in a soil conservation district to obtain the map and table or have them prepared).

**A8.2.1.13.** The scale of the Sketch Plan shall be not less than one inch (1") equals two hundred feet (200'). Some variation from this will be acceptable in the case of large subdivisions provided the plans and design are clearly legible. The sketch plan shall include the name of the subdivision, and block and lot numbers. In the case of large subdivisions requiring more than two sheets at such a scale, an area plan showing the total area on a single sheet and an appropriate scale shall also be submitted.



**A8.2.1.14.** Any other information the developer believes necessary to obtain the informal opinion of the planning staff as to the proposed subdivision's compliance with the requirements of this chapter.

**A8.2.2. Preliminary Plat Submission Requirements**

The Preliminary Plat application shall contain the following:

**A8.2.2.1.** One copy of an Application for Approval of a Preliminary Plat and all required supporting documents.

**A8.2.2.2.** Certified check payable to the Town for filing fees as established by the Town Clerk.

**A8.2.2.3.** A minimum of ten (10) black on white or blue on white prints of the Preliminary Plat and required supporting documents.

**A8.2.2.4.** One additional set of materials is required when the property being subdivided abuts a State highway.

**A8.2.2.5.** Summary Statement of Proposal including the following:

**A8.2.2.5.1.** Total acres to be subdivided.

**A8.2.2.5.2.** Total number of proposed dwelling units.

**A8.2.2.5.3.** Total number of square feet of non-residential floor space.

**A8.2.2.5.4.** Total number of off-street parking spaces, including those associated with single family residential use.

**A8.2.2.5.5.** Estimated total number of gallons of water per day required.

**A8.2.2.5.6.** Estimated total number of gallons per day of sewage to be treated.

**A8.2.2.5.7.** Estimated construction cost and proposed method of financing of the streets and related facilities, water distribution system, sewage collection system, storm drainage facilities, and such other facilities as may be necessary to complete the development plan.

**A8.2.2.6.** List prepared by a licensed title or abstract company of all owners of record of property adjacent to and within 300 feet of the area of the proposed subdivision, including their addresses. This information will be utilized for notification of meeting time and date.

**A8.2.2.7.** Such other preliminary information as may be required by the Planning Commission in order to adequately review the plat. Preliminary data should be prepared in graphic form avoiding time consuming final drafting procedures and detailed calculations.

**A8.2.2.7.1.** The minimum data required for preliminary review are as follows:

**A8.2.2.7.1.1.** Location Map - Select a scale from 1" = 500' to 1" = 1000', sufficient to show the proposed internal and the existing external road systems. Significant topographic features should be shown.

**A8.2.2.7.1.2.** Preliminary Street Plans - 1" = 50' with two (2) foot contours with alignment, graphic dimensions of right-of-way widths, curve radii, and tangent lengths. The proposed typical structural and geometric cross sections, location, type and approximate size of appurtenant structures, such as bridges, culverts, traffic control devices, lot lines and other design features should all be shown.

**A8.2.2.7.1.3.** Preliminary Street Profiles - Preliminary profiles based upon the contours and the sketched alignments should be provided showing graphic grades, proposed lengths of vertical curves, limits of horizontal curves, and locations of bridges and major culverts. Where streets are to be temporarily stubbed at site or plat

boundaries, the profiles should extend sufficiently beyond the boundary to assure the feasibility of a future extension that can conform to standards.

**A8.2.2.7.1.4. Preliminary Drainage Plan and Report** - The preliminary plan and report should contain the following minimum data. A basin contour map defining the drainage basins and illustrating the existing drainage patterns and concentration points with rough estimates of contributory acreage and runoff amounts. A sketch of the proposed land development showing the consequent changes in the drainage patterns, concentration points and flooding limits with estimates of acreage, runoff coefficients and runoff amounts for the areas to be developed both now and in the future within each basin. A narrative of the proposed handling of the increased drainage at the concentration points or of internal pattern changes.

**A8.2.2.7.1.5. Preliminary Design of Utilities** - Preliminary plans and profiles of the proposed water and sewer facilities should be provided showing the location of all existing and/or proposed water and sewer and other utilities relative to the development. Indicate the size, type and other pertinent data for all existing and proposed utility improvements.

**A8.2.2.7.1.6. Preliminary Landscaping Plan** - A preliminary landscaping plan shall be submitted which shall show the approximate size and types of proposed planting and the location of the planting and its spacing. The plan shall also show the approximate location, type, height, spacing, and physical health of existing vegetation. A statement will be required explaining the intent of the preliminary landscaping plan, as for screening purposes and specimen tree plantings.

**A8.2.2.7.1.7.** Letter from the fire district concerning fire protection and fire flow requirements for the proposed subdivision.

### **A8.2.3. Preliminary Plat Drawing Requirements**

The accuracy and location of alignments, boundaries, and monuments shall be certified by a registered land surveyor licensed to practice in the State of Colorado. A poorly drawn or illegible plat is sufficient cause for its rejection. The following data shall be included as part of the Preliminary Plat submission:

**A8.2.3.1.** Name of proposed subdivision.

**A8.2.3.2.** Location of subdivision as a part of some larger subdivision or tract of land and by reference to permanent survey monuments with a tie to a section corner or a quarter-section corner.

**A8.2.3.3.** Names and addresses of the subdivider, the designer of the subdivision, and the engineer and surveyor both of whom shall be licensed by the State of Colorado Board of Registration for Professional Engineers and Land Surveyors.

**A8.2.3.4.** Date of preparation, map scale, and north sign.

**A8.2.3.5.** Location by survey of streams, washes, canals, irrigation laterals, private ditches, culverts, lakes, or other water features, including direction of flow, water level elevations, and typical depths and location and extent of areas subject to inundation by a 100 year storm.

**A8.2.3.6.** A traverse map of the monumented perimeter of the proposed subdivision along with all survey notes of subdivision perimeter and copies of all monument records. The traverse shall have an error of closure of not greater than one part in 10,000. A survey tie to the State coordinate system or other permanent marker established by the Town is required if practical.

**A8.2.3.7.** The existing topography of the proposed development site shall be shown. A two foot contour interval shall be used in areas where the predominant ground slope is less than five (5) percent. A five foot contour interval shall be used in areas where the predominant ground slope exceeds five (5) percent. In cases where predominately level topography occurs throughout a subdivision a one foot contour interval may be required. Elevation data shall be referenced to U.S.G.S. datum. The mapping accuracy shall be as specified by the American Society of Photogrammetry.

**A8.2.3.8.** Lot and street layout.

**A8.2.3.9.** Scaled dimensions of all lots to nearest foot and the area of each lot to the nearest square foot.

**A8.2.3.10.** Total acreage of entire proposed subdivision.

**A8.2.3.11.** Lots and blocks numbered consecutively.

**A8.2.3.12.** Location and principal dimensions and identification of all existing and proposed public and private easements and rights-of-way.

**A8.2.3.13.** Existing and proposed street names.

**A8.2.3.14.** The plat shall be drawn to a scale of one inch (1") equals one hundred feet (100'), and shall indicate the basis of bearings, true north point, name of the subdivision, name of municipality, township, range, section and quarter section, block and lot number (of the property under consideration).

**A8.2.3.15.** An affidavit or valid title commitment that the applicant is the owner or equitable owner or authorized by the owner, in writing, to make application for the land proposed to be subdivided.

**A8.2.3.16.** Location of sites to be reserved or dedicated for parks, playgrounds, schools, or other public uses except streets and utility easements. The Planning Commission, upon consideration of Town circulation and facilities and the future requirements of the subdivision, shall require the dedication of areas or sites of a character extent and location suitable for public use for schools and parks.

**A8.2.3.16.1.** At the time of submission of the preliminary plan, the developer shall submit an agreement for the dedication of land for public parks and school sites according to one of the following alternatives. Said proposal shall outline the conveyance of said lands or the payment of monies in lieu of land subject to the following guidelines:

**A8.2.3.16.1.1.** Six (6) percent of the gross land area shall be dedicated to the Town for schools, parks, open space, police and fire stations, or other public uses.

**A8.2.3.16.1.2.** At the option of the Board of Trustees, the developer shall, in lieu of such conveyance of land, pay to the Town in cash or terms acceptable to the Board of Trustees, an amount equal to six (6) percent of the fair market value of the land as determined by appraisal on the date of the approval of the subdivision. If the Town of Limon and the developer fail to agree on the fair market value of the land, the fair market value shall be fixed and established by a qualified appraiser selected by the Town and the developer.

**A8.2.3.16.1.3.** At the discretion of the Board of Trustees, the subdivider may provide a combination of (A8.2.3.16.1.1.) and (A8.2.3.16.1.2.) above to satisfy the public site requirements.

**A8.2.3.17.** Sites, if any, for multifamily dwellings, shopping centers, community facilities, industrial or other uses, exclusive of single-family dwellings.

**A8.2.3.18.** Location, function, ownership and manner of maintenance of common open space not otherwise reserved or dedicated for public use. Information other than location of these areas is to be provided in a separate document.

**A8.2.3.19.** A separate location and vicinity map showing the following information within a one-half (1/2) mile distance of the perimeter of the proposed plat.

**A8.2.3.19.1.** Names and outlines of abutting subdivisions.

**A8.2.3.19.2.** Related existing and planned streets and highway systems.

**A8.2.3.19.3.** Subdivision boundary lines.

**A8.2.3.19.4.** Zoning districts, taxing districts and other special districts, if any.

**A8.2.3.19.5.** Water courses.

**A8.2.3.19.6.** Significant vegetation patterns.

**A8.2.3.20.** The subdivision street layout showing the following:

**A8.2.3.20.1.** Proposed future street layout in dashed lines for any portion or parcel of the plat which is not being subdivided at the present time.

**A8.2.4. Final Plat Submission Requirements**

The Final Plat shall conform to and include the following:

**A8.2.4.1.** The Final Plat submission shall conform in all major respects to the Preliminary Plat as previously reviewed and approved by the Planning Commission and shall incorporate all modifications required in its review. The Planning Commission, however, may approve a Final Plat which has been modified to reflect improvements in design or changes which have occurred in its natural surroundings and environment since the time of the Preliminary Plat review and approval.

**A8.2.4.2.** A Final Plat may be submitted in sections or filings covering representative and reasonable portions of the subdivision tract. In such cases submission shall include a map, indicating the sections designated for the entire tract, and each sheet numbered accordingly, including title, legend, matchlines, and other appropriate information. Where an entire parcel is not subdivided, the subdivider must indicate his intended plans for disposition of the remainder of the parcel.

**A8.2.4.3.** One (1) copy of the application form for review of a Final Plat.

**A8.2.4.4.** Three (3) black on white or blue on white prints of the Final Plat.

**A8.2.4.5.** Three (3) copies of the engineering plans and all required supplemental material.

**A8.2.4.6.** The original reproducible drawing of the Final Plat prepared in accordance with the requirements of this Ordinance. Submit after final approval of Town Board within 7 days.

**A8.2.4.7.** A certified check payable to the Town of Limon review and filing fees for a final plat as established by the Town.

**A8.2.4.8.** All dedications, reservations, or agreements concerning parks, school sites, and access roads are subject to Limon Town Board approval. Where such action involves another public agency, a letter of clearance from that agency shall accompany the Final Plat application.

**A8.2.4.9.** A signed warranty deed conveying six (6) percent of such land designated for public use or, at the discretion of the Board of Trustees, a certified check for an amount as may have been agreed to at the time the Preliminary Plat was approved. The deed shall be accompanied by a title insurance policy or other evidence that the land is free and clear of all taxes, liens, or other encumbrances.

**A8.2.4.10.** In the case of a planned unit development an official signed deed dedicating or reserving certain tracts or the development rights to such tracts for local use as may have been agreed to at the time the Preliminary Plat was approved. The deed shall be accompanied by a title insurance policy or other evidence that the land is free and clear of all taxes, liens or other encumbrances.

**A8.2.4.11.** An official signed document conveying the water rights required by this Ordinance to the Town, or, at the discretion of the Board of Trustees, a certified check for an amount as may have been agreed to at

the time the Preliminary Plat was approved. The document shall be accompanied by a title insurance policy or other evidence that the water is free and clear of all taxes, liens, or other encumbrances.

**A8.2.4.12.** A bond acceptable to the Town of Limon, or in the alternative, a letter of credit, or a certified or suitable check equal to the total estimated construction cost of all required subdivision improvements not yet completed at the time of application for final plat approval. Such improvements shall include but not necessarily be limited to streets, roads, paving, curb and gutter, sidewalks, storm sewers, sanitary sewers including collectors and outfall lines, water distribution and transmission lines, fire hydrants, street lights, street signs, traffic control devices, survey monuments, culverts, bridges and landscaping features. Bonds or letters of credit may be negotiated based on development phases of the subdivision.

**A8.2.4.13.** An executed copy of the Subdivision Improvements agreement.

**A8.2.4.14.** An exact copy of a certificate of a title insurance company or abstract of title suitably certified or certificate of title or title opinion submitted by an attorney which shall set forth the names of all owners of property included in the plat and shall include a list of all mortgages, judgments, liens, easements, contracts and agreements of record, which shall affect the property covered by such plats. If the title opinion or commitment discloses any of the above, then at the option of the Planning Commission, the holders or owners of such mortgages, judgments, liens, easements, contracts, or agreements shall be required to join in and approve the application before the plat shall be acted upon by the Planning Commission.

**A8.2.4.15.** Where a homeowners association or other entity is to be used for the administration and maintenance of private roads or open space and recreational facilities, a binding and perpetual agreement in regard to maintenance and access control shall be submitted with the Final Plat. Such agreement shall be in a form acceptable to the Town Attorney and the Planning Commission and shall include provisions for:

**A8.2.4.15.1.** Adequate funding and self-enforcement by the homeowners association of the terms contained in the agreement.

**A8.2.4.15.2.** Continuous safety inspections and immediate follow-up maintenance to correct unsafe conditions.

**A8.2.4.15.3.** Receiving and processing complaints by authorized users of the private roads or open space and recreational facilities.

**A8.2.4.15.4.** Requiring written permission from the Board of Trustees before the association can be dissolved.

**A8.2.4.16.** Where a portion of an existing easement is contiguous to a proposed easement for right-of-way of a new subdivision, proof of the dedication of the existing easement or right-of-way acceptable to the Town Planning Commission must be submitted.

**A8.2.4.17.** When a new street will intersect with a State Highway, a copy of the State Highway permit shall be submitted

**A8.2.4.18.** If a plat is revised, a copy of the old plat shall be provided for comparison purposes.

**A8.2.4.19.** A summary statement shall be submitted which shall include the following:

**A8.2.4.19.1.** Total development area.

**A8.2.4.19.2.** Total number of proposed dwelling units.

**A8.2.4.19.3.** Estimated total number of gallons per day of water system requirements.

**A8.2.4.19.4.** Estimated total number of gallons per day of sewage to be treated.

**A8.2.4.19.5.** Estimated construction cost and proposed method of financing of the streets and related facilities, water distribution system, sewage collection system, flood plain protection, storm drainage facilities, and such other facilities as may be necessary. If improvements are not to be completed prior to approval of the Final Plat, the cost estimates included in this statement shall be identical to those included in the improvement agreement.

**A8.2.4.20.** Certification of inclusion of the land represented by the Final Plat in any municipal or quasi-municipal district(s) formed for the purpose of providing sanitary sewer service and which has jurisdiction in the area platted.

**A8.2.4.21.** Certification from any special district having jurisdiction that all applicable fees have been paid relative to the Final Plat including sewer connection fees and/or plant investment fees or that an agreement has been executed acceptable to the District for such payment.

**A8.2.4.22.** A certified or suitable check payable to the Town of Limon for the applicable water tap fees and/or plant investment fees represented by the area being platted. In the alternative, the developer shall submit a contract for payment of said fees in a manner and form acceptable to the Town.

**A8.2.4.23.** No subdivision shall be approved until such data, surveys, analyses, studies, plans and designs have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the Town and the conditions contained in these subdivision regulations and all other applicable Ordinances of the Town. The minimum data required for Final Plat review are as follows:

**A8.2.4.23.1.** Street Construction Plans and Profiles.

**A8.2.4.23.1.1.** The typical street geometric and structural cross section is to be shown on each plan sheet. The plan must show right-of-way lines and widths, street name, lot lines, tangent lengths and bearings, curve radii, delta angles, curve lengths, chord lengths, intersections, structures, skew angles, curb lines, cross pans, traffic control devices (islands, striping, signs, etc.), drive cuts, curb returns and radii, and all other features to enable construction in accordance with approved standards. Scale 1" = 50'.

**A8.2.4.23.1.2.** The profiles are to include ground lines, grade lines, vertical curves, curve lengths, calculated grades, elevations, intersections and other critical points, structures, and all other features required to enable construction in accordance with approved standards. The scale to be 1" = 50" horizontal and 1" = 1' to 1" = 5' vertical in flat and rolling terrain. The horizontal to vertical distortion is to be chosen to best depict the critical elevation aspects of the design. Where centerline grades at intersections are steep, curb return profiles are to be submitted showing necessary modifications to eliminate unsightly bumps or water retaining depressions that many times result.

**A8.2.4.23.1.3.** Sufficient data should be given to construct major structures and road appurtenances, such as bridges, large culverts, curbs, drives, walks, cross pans, etc. Detail should include orientation, line and grade, cross sections, dimensions, reinforcement schedules, materials, quality, specifications, etc.

**A8.2.4.23.1.4.** A structural section design report shall be submitted if a section other than the Town standard structure section is to be used. The design criteria set forth in the Street Standards and Specifications Ordinance of the Town of Limon provided such ordinance exists, shall be used in the preparation of the final street construction plans and profiles.

**A8.2.4.23.2.** Final Drainage Plans and Reports.

**A8.2.4.23.2.1.** Plans and specifications based upon the approved Preliminary Plat and associated reports are to be submitted detailing design of the final storm drainage system, including construction details and alignment of storm sewers, catch basins, manholes, ditches, slope protection, dams, energy dissipators, etc.

**A8.2.4.23.2.2.** Flow line profiles and layout elevations shall be at minimum 100 foot stations, and natural ground elevations shown to indicate any significant irregularities for all proposed conduits, channels, structures, etc.

**A8.2.4.23.2.3.** Cross-sections of each water carrier shall be shown showing high water elevations and adjacent features which may be affected thereby.

**A8.2.4.23.2.4.** Construction details of curb, curb and gutter, valley gutter, driveway apron and ditch culvert, shall be included. Written approvals as may be required from other agencies or parties that may be affected by the drainage proposal shall also be submitted.

**A8.2.4.23.2.5.** The drainage report shall include the supporting calculations for runoffs, times of concentration and flow capacity with all assumptions clearly stated and with proper justification when needed or requested.

**A8.2.4.23.2.6.** The final drainage plan shall be prepared in conformance with the design criteria set forth in the Street Standards and Specifications Ordinance of the Town of Limon, provided such exists.

**A8.2.4.23.3.** Final utility plans and profiles.

**A8.2.4.23.3.1.** Plans and specifications based upon the approved Preliminary Plat and associated reports are to be submitted detailing the design of final water, sanitary sewer, natural gas, telephone, electric and cable television facilities to be installed in the area included in the final plat. In addition, final design is required of any off-site facilities related to the above described utilities which may be considered an integral part of the utilities plan for the subdivision.

**A8.2.4.23.3.2.** Water utility facilities design shall conform to the criteria set forth in the Water System Design and Construction Standards Ordinance of the Town of Limon, provided such Ordinance exists.

**A8.2.4.23.3.3.** Sewer utility facilities design shall conform to the criteria set forth in the Sewer System Design and Construction Standards adopted by the Town or any special district of competent jurisdiction.

**A8.2.5. Final Plat Drawing Requirements**

The Final Plat shall be prepared and certification made as to its accuracy by a registered land surveyor licensed to practice in the State of Colorado. A poorly drawn or illegible plat is sufficient cause for its rejection.

**A8.2.5.1.** The following will be required of final plats:

**A8.2.5.1.1.** Said plat shall be in the form of a black india inked mylar that is suitable for recording in Lincoln County and capable of reproducing clear and sharp reproductions of all details, signatures, and notary seals.

**A8.2.5.1.2.** No plats using sepia ink or pencil or containing stick-ons will be accepted.

**A8.2.5.1.3.** All signatures on the plat are to be in black permanent ink.

**A8.2.5.1.4.** The plat sheet shall have outer dimensions of 24" by 36". The plat drawing will be contained within a space defined by a one and one-half inch (1-½") margin from the left sheet edge and a one-half inch (½") margin from the other three sheet edges.

**A8.2.5.1.5.** Applicants are encouraged to use more than one sheet to avoid the crowding of information on one sheet. Sheets are to be designated as sheet x of y sheets.

**A8.2.5.1.6.** The scale of the plat drawing shall be one hundred feet equal to one inch (100' = 1"). Other scales may be approved by the Manager.

**A8.2.5.2.** Good draftsmanship shall be required in order for all of the following information to be shown accurately and legibly. It shall contain the following:

**A8.2.5.2.1.** Title, scale, north sign, and date.

**A8.2.5.2.2.** Primary survey control points, monuments, descriptions and ties, dimensions, angles, bearings, and similar data shall be shown on the Plat as may be needed to determine boundary and lot closures. Primary control points and monuments shall be as specified by State law and shall actually exist in the field before Final Plat approval. Road intersections and ends shall be suitably monumented and ties filed with the Town Clerk for engineering review prior to acceptance for maintenance.

**A8.2.5.2.3.** Tract boundary lines, rights-of-way lines of streets, easements and other rights-of-way, and property lines of residential lots and other sites, with accurate dimensions, bearings or angles, and radii, arcs or chords, and central angles of all curves.

**A8.2.5.2.4.** Name and right-of-way width of each street or other rights-of-way.

**A8.2.5.2.5.** Location, dimensions, and purpose of any easements.

**A8.2.5.2.6.** Number to identify each lot or site and each block.

**A8.2.5.2.7.** Location and description of monuments.

**A8.2.5.2.8.** Certificate of Acceptance, as outlined below.

#### NOTICE

*Public Notice is hereby given that acceptance of this platted subdivision by the Town of Limon does not constitute an acceptance of the roads and rights-of-way reflected hereon for maintenance by said Town.*

*Until such roads and rights-of-way meet Town Road Specifications and are specifically accepted by this Town by recording with the Clerk of this Town an official "acceptance", the maintenance, construction, and all other matters pertaining to or affecting said roads and rights-of-way are the sole responsibility of the owners of the land embraced within this subdivision. Town "acceptance" of the roads and rights-of-way of this platted subdivision shall not be given unless all utilities proposed to be installed in such roads have been constructed and the roads and rights-of-way completed thereafter to Town standards.*

*Notice is further given that no more than ten percent (10%) of the building occupancy certificates will be issued by officials of this Town for improvements of any nature on any property reflected on this platted subdivision until such time as the "acceptance" as hereinabove described has been filed for record with the Clerk of this Town.*

**A8.2.5.2.9.** Excepted parcels shall be marked "Not included in this subdivision" and the boundary completely indicated by bearings and distances. A tie shall be provided to indicate the relationship of such a parcel to the area platted.

**A8.2.5.2.10.** All land within the boundaries of the plat shall be accounted for either as lots, walkways, streets, alleys or excepted parcels.

**A8.2.5.2.11.** Parcels not contiguous shall not be included in one plat, nor shall more than one plat be made on the same sheet. Contiguous parcels owned by different parties may be embraced in one plat, provided that all owners join in the dedication and acknowledgement.

**A8.2.5.2.12.** Lengths shall be shown to hundredths of a foot, and angles and bearings shall be shown to seconds of arc.

**A8.2.5.2.13.** Block and lot permanent reference points shall be set.

**A8.2.5.2.14.** The surveyor preparing the plat shall certify on the plat that it conforms to these regulations and to all applicable State laws and that the monuments described in it have been placed as described. He shall affix his name and seal.





**APPENDIX 9:  
SITE PLAN SUBMITTAL REQUIREMENTS**

**A9.** The site plan shall include a plan drawn to scale with the following information:

**A9.1.** Topography of the land to be developed with a minimum 5 foot contour interval, but 2 foot intervals are encouraged.

**A9.2.** Proposed access to the existing street system and proposed improvements to the street system including driveway access points and widths.

**A9.3.** Existing development on the property and improvements to be made to the property including new buildings, landscaping, parking and proposed sign locations.

**A9.4.** The location of any known natural hazard such as flood plains which may effect the property.

**A9.5.** Detailed architectural drawings showing the color, exterior materials, screening of outside storage areas, lighting fixtures and buffering or screening of mechanical equipment.

