



2015

# Minturn Council Meeting

Wednesday March 4, 2015

**Work Session:** **5:30pm**  
**(Town Center)**

**Regular Session:** **6:30pm**  
**(Town Center)**



## **Agenda**

**MEETING OF THE MINTURN TOWN COUNCIL**  
**Minturn Town Center, 302 Pine Street**  
**Minturn, CO 81645 • (970) 827-5645**

**Wednesday March 4, 2015**

**Work Session – 5:30pm**  
**Regular Session – 6:30pm**

**MAYOR – Gordon “Hawkeye” Flaherty**  
**MAYOR PRO TEM – George Brodin**

**COUNCIL MEMBERS:**

Shelley Bellm  
Earle Bidez  
John Rosenfeld  
Matt Scherr  
Jason Osborne

When addressing the Council, please state your name and your address for the record prior to providing your comments. Please address the Council as a whole through the Mayor. All supporting documents are available for public review in the Town Offices – located at 302 Pine Street, Minturn CO 81645 – during regular business hours between 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays.

### **Work Session – 5:30pm**

- Discussion Regarding Zoning Code Amendments – Hawkinson Pg 11

### **Regular Session – 6:30pm**

**1. Call to Order**

- Roll Call
- Pledge of Allegiance

**2. Approval of Agenda**

- Items to be Pulled or Added

**3. Approval of Minutes**

- February 18, 2015 Pg 4

4. **Public comments on items, which are NOT on the agenda (5 minute time limit per person)**
5. **Special Presentations**

### PUBLIC HEARINGS AND ACTION ITEMS

6. **Discussion/Action Item: Consideration of a Proclamation regarding the Eagle County Library One Book One Valley - Powell** Pg 10
7. **Discussion/Action Item: Ordinance No. 01 – Series 2015 An Ordinance of the Town of Minturn Colorado amending the Zoning Code of the Town of Minturn set forth as Chapter 16 of the Minturn Municipal Code – Hawkinson** Pg 11

### COUNCIL AND STAFF REPORTS

8. **Town Planner**
9. **Town Attorney**
10. **Town Manager**
  - Manager's Report
  - Action Report Pg 58
11. **Town Council Comments**

### FUTURE AGENDA ITEMS

12. **Next Meeting – March 18, 2015**
  - Discussion: Water Rate report and recommendation
  - Discussion/Action: Ordinance amending the Zoning Code
  - Discussion/Action Item: Guide Sign Direction – Metteer
13. **Future Meetings:**
  - 2015 Building Code update – Charlie Davis
14. **Set Future Meeting Dates**
  - March 18, 2015
  - April 1, 2015
  - April 15, 2015
  - a) Planning & Zoning Commission Meetings:

- April 8, 2015
- May 13, 2015
- June 10, 2015

**15. Other Dates:**

**16. Adjournment**



## **Official Minutes**

**MEETING OF THE MINTURN TOWN COUNCIL**  
**Minturn Town Center, 302 Pine Street**  
**Minturn, CO 81645 • (970) 827-5645**

**Wednesday February 18, 2015**

**Work Session – 5:30pm**  
**Regular Session – 6:30pm**

**MAYOR – Gordon “Hawkeye” Flaherty**  
**MAYOR PRO TEM – George Brodin**

### **COUNCIL MEMBERS:**

Shelley Bellm  
Earle Bidez  
John Rosenfeld  
Matt Scherr  
Jason Osborne

These minutes are formally submitted to the Town of Minturn Town Council for approval as the official written record of the proceedings at the identified Council Meeting. Additionally, all Council meetings are tape-recorded and are available to the public for listening at the Town Center Offices from 8:30am – 2:00 pm, Monday through Friday, by contacting the Town Clerk at 970/827-5645 302 Pine St. Minturn, CO 81645.

### **Work Session – 5:30pm**

- Zoning Code Moratorium: Survey Review – Hawkinson

### **Regular Session – 6:30pm**

#### **1. Call to Order**

The meeting was called to order by Mayor Hawkeye Flaherty at 6:40pm

- Roll Call

Those present included: Mayor Hawkeye Flaherty, Town Council members, George Brodin, Matt Scherr, John Rosenfeld, Ozzy Osborne, Earle Bidez, and Shelley Bellm.

Staff present: Town Manager Willy Powell, Town Attorney Michael Sawyer, Town Treasurer/Clerk Jay Brunvand, and Town Planner Janet Hawkinson.

- Pledge of Allegiance

## 2. Approval of Agenda

- Items to be Pulled or Added

Motion by Shelley B., second by Johnie R., to approve the agenda as presented. Motion passed 7-0.

## 3. Approval of Minutes

- January 21, 2015

Motion by Johnie R., second by Ozzy O., to approve the minutes of January 21, 2015 as amended. Motion passed 7-0

## 4. Public comments on items, which are NOT on the agenda (5 minute time limit per person)

Mr. Geoff Grimmer, Headmaster VSSA, gave a brief update on the school and its successes.

## 5. Special Presentations

### PUBLIC HEARINGS AND ACTION ITEMS

## 6. Discussion/Action Item: Resolution No. 03 – Series 2015 A Resolution in support of the Great Outdoors Colorado Trust Fund Financial Grant to the Town of Minturn – Hawkinson

Funding for the town's portion comes from the BMR Reserve funds. Janet H. outlined the benefits of the grant and that it would assist us with the completion of Little Beach Park. Updates would also be made to the park to make it more ADA compliant.

Motion by Shelley B., second by George B., to approve Resolution 2 – Series 2015 a Resolution in support of the Great Outdoors Colorado Trust Fund Financial Grant to the Town of Minturn as presented. Motion passed (7-0).

## 7. Discussion/Action Item: Zoning Code Discussion and Direction to Staff – Hawkinson

Direction Given:

Zoning Changes that are part of the moratorium  
#1 Dimensional Standards

- Total maximum Lot coverage in Taylor, Old Town, and South Town: 40% maximum impervious across the board

- Side yard setback should not be strictly pervious; however the drainage plan should address these issues.
- Eave lengths allowed 1' into the setback
- Cantilever over maximum building footprint is not allowed.

#2 Duplex/multi family

- No changes

#3 Accessory Apts

- No changes to a, b, and d; strike c.

#4 River Set Back

- Change 35% to 40% lot coverage and consistently define how the 30' river setbacks are measured

#5 60' Max Roof Length

- No change

Zoning Changes that are NOT part of the moratorium

#1 Landscape Requirements

- Rework C
- Change E to 1.5in and 4in evergreen
- Strike G
- Rework H

#2 Sheds

- Rework to recognize the residential grandfathered in the commercial zone.

#3 Height Measurements

- No change

#4 Notifications

- Strike

#5 New Diagrams

- Change E to 40%

#6 required Parking Spaces

- No change
- Increase the required spaces as discussed. No onstreet parking is to be included in the calculation

#7 Financial Guarantee

- Rework the verbage to reflect 125% to complete

**COUNCIL AND STAFF REPORTS**

**8. Town Planner**

- GOCO Grant
- Beginning History Walk Signs

**9. Town Attorney**

**10. Town Manager**

- Battle Mountain Resort update

Willy P. stated the project is no longer for sale. The remaining legal issues will run approximately two more years. They are reviewing the existing development plans and will get back with the Town later this winter.

Mr. Dave Kleinkopf is resigning his daily activities position and they have brought on Mr. Tim McGuire to assume those duties.

- Manager's Report

### **Funding Requests**

1. An individual—Rose Martinez
2. A non-profit—Battle Mountain High School

Please see attached requests. In talking with Staff members I understand the town does not have specific policies regarding mid-year funding requests. I believe a policy would assist staff in responding to mid-year requests and not burden Council with such requests. I recommend a policy as follows be instituted. If Council agrees, staff will come back with a written policy to be adopted at the March 4 meeting.

- Individual funding requests are not allowed at any time of year other than Minturn Education Fund requests.
- All non-profit requests are to be submitted to the town no later than August 1 to be considered during the budget and funded for the subsequent year. No mid-year requests are to be considered.

Council may want to consider appointing a committee to hear the non-profit funding requests during August, and then report to Council for any final approval. This may save Council's time during budget worksessions and hearings.

Willy P. noted that we have two funding requests from BMHS for the same program, we do not have funds available for requests such as this that come in during the fiscal year. Direction was to maintain our current annual funding process within the budget.

Council directed to add a discussion to a future Worksession to discuss funding options.

### **CAST REQUEST—On-Line Vacations Rentals—Impacts**

See attached for a request of \$1950. The Study will likely provide interesting information. Currently Jay is requiring vacation rentals to pay taxes and licenses.

Council declined to fund this study.

## **Proposed Trail Eagle Vail—Meadow Mountain, Letter of Support**

Eagle Vail Metropolitan District is proposing to build a trail from Eagle Vail to Meadow Mountain. They will take the lead in permitting and construction, if the permit is granted. This is a bike/hike trail. I was asked to submit a letter of support to be included in the application package. See attached.

- Action Report

### **11. Town Council Comments**

A big thank you to the Vail Valley Foundation and the major sponsors for the World Cup. The program was a huge success.

## **EXECUTIVE SESSION**

### **12. Executive Session: Executive Session pursuant to C.R.S. §24-6-402(4)(b) – to conference with the Town attorney for purpose of receiving legal advise on a specific legal question related to quieting title to property near Little Beach Park**

The Council determined the Executive Session was not necessary; therefore, it was not convened.

## **REGULAR SESSION ACTION ITEM**

### **13. Approval of litigation by the Town of Minturn to quiet title to property near Little Beach Park**

Motion by Ozzy O., second by Shelley B., to direct the Town Attorney to file for a quiet title on Little Beach Park Ozzy/Shelley

## **FUTURE AGENDA ITEMS**

### **14. Next Meeting – March 4, 2015**

- Discussion: Guide Signs
- Discussion: Water Rate review and recommendation
- One book one valley proclamation

### **15. Future Meetings:**

- 2015 Building Code update – Charlie Davis
- Discussion of outside funding request process

**16. Set Future Meeting Dates**

- March 4, 2015
  - March 18, 2015
  - April 1, 2015
- a) Planning & Zoning Commission Meetings:
- March 11, 2015
  - April 8, 2015
  - May 13, 2015

**17. Other Dates:**

**18. Adjournment**

Motion by Johnie R., second by Ozzy O., to adjourn the meeting at 10:15pm.

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Mayor Hawkeye Flaherty

ATTEST:

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Jay Brunvand, Town Clerk

**Proclamation of the Town of Minturn  
ONE BOOK, ONE VALLEY, 2015**

A Valley-wide reading program sponsored by  
the Towns of Avon, Eagle, Gypsum, Minturn, and Vail

*WHEREAS*, community-read programs have united and uplifted hundreds of cities and principalities throughout the United States of America; and,

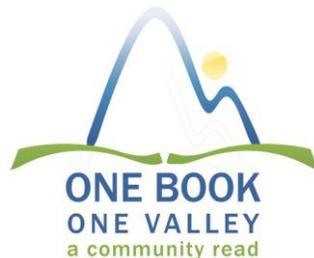
*WHEREAS*, the book “The Cold Dish” by Craig Johnson, American novelist and playwright who resides in Ucross, WY, is Book 1 of the Walt Longmire Mystery Series. This book, Johnson’s debut novel, which celebrates its 10<sup>th</sup> anniversary this year, brings to life the vast Wyoming landscape, its people, and a wonderful new character in Sheriff Walt Longmire.

*WHEREAS*, this Eagle Valley community read will feature book talks & discussions, film showings, special related programs such as Western-themed Murder Mystery Nights hosted by the partnering organizations, and a special guest appearance by the author; and,

*WHEREAS*, the Town of Vail Public Library, in collaboration with the Eagle Valley Library District, Colorado Mountain College, and the Bookworm of Edwards have resolved to bring this valley-wide reading program to the citizens of Eagle County; and,

*WHEREAS*, the One Book, One Valley initiative will encourage literacy and shared enjoyment of reading throughout Eagle County,

*NOW, THEREFORE*, we, The Minturn Town Council join Andy Daly, Mayor, Town of Vail; Jennie Fancher, Mayor, Town of Avon; Pam Schultz, Council Member, Town of Gypsum; Kathy Chandler-Henry, Eagle County Commissioner; Pam Brandmeyer, Assistant Town Manager, Town of Vail; and, Jon Stavney, Town Manager, Town of Eagle, do hereby promote the One Book, One Valley initiative and officially announce and promote the novel “The Cold Dish” to all Eagle County residents for their enjoyment and the enjoyment of all.



TOWN OF MINTURN

ATTEST:

By: \_\_\_\_\_  
Hawkeye Flaherty, Mayor

\_\_\_\_\_  
Jay Brunvand, Town Clerk

TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 01 – SERIES 2015

AN ORDINANCE OF THE TOWN OF MINTURN,  
COLORADO AMENDING THE ZONING CODE OF THE  
TOWN OF MINTURN SET FORTH AS CHAPTER 16 OF THE  
MINTURN MUNICIPAL CODE.

**WHEREAS**, the Town of Minturn (“Town”) is a legal and political subdivision of the State of Colorado for which the Minturn Town Council (“Town Council”) is authorized to act; and

**WHEREAS**, the Town is authorized by the Local Government Land Use Control Enabling Act of 1974, §29-20-101 through §29-20-108, C.R.S., as amended, and §31-23-301, C.R.S., as amended, to plan for and regulate the use of land within the Town’s jurisdiction, and to enact zoning, subdivision, and other land use and development regulations; and

**WHEREAS**, the Zoning Code of the Town of Minturn (“Zoning Code”) requires that all new building construction projects and projects increasing the footprint or the area of an existing structure proposed to be undertaken within the Town are subject to design review approval to ensure that the proposed structures and additions are constructed in compliance with the Zoning Code, including the Town’s Design Standards and Guidelines, the Minturn Municipal Code and other regulations adopted by the Town; and

**WHEREAS**, the Town had received in 2014 applications for design review of proposed new structures and modifications to existing structures which met the requirements of the Zoning Code but were not in keeping with the character of the Town and which were not consistent with the Town’s Design Standards and Guidelines; and

**WHEREAS**, in response to such design review applications, the Town Council enacted Ordinance No. 7 Series 2014 which enacted a moratorium until March 18, 2015 on the Town’s acceptance and processing of design review applications for proposed new multi-family residences, duplexes, accessory dwelling units and accessory apartments and modifications to existing structures of those types to conserve design review resources and uphold the Town interest of furthering the Town’s general character during the review and public comment period; and

**WHEREAS**, the Town Council and Planning Commission has held various work sessions and public hearings to receive public input on changes to the Zoning Code; and

**WHEREAS**, §31-23-304, C.R.S., provides that the Town shall provide for the manner in which its land use and development regulations are amended, supplemented, or changed; and

**WHEREAS**, §16-21-430 of the Minturn Municipal Code provides that Town Council may initiate an amendment of the Zoning Code, and §16-21-440 provides that the Town’s Planning Commission shall review all proposed amendments to the Town’s Zoning Code at a duly noticed public hearing and shall recommend approval or denial of a proposed amendment by Town Council, and that the Town Council shall finally approve or deny a proposed

amendment at a duly noticed public hearing; and

**WHEREAS**, the Planning Commission at a duly noticed public hearing on February 25, 2015 considered the Zoning Code amendments and provided a recommendation to the Town Council; and

**WHEREAS**, the Town Council at duly noticed public hearings on March 4, 2015 and March 18, 2015 considered the proposed Zoning Code amendments and recommendation of the Planning Commission and determined that the amendments are in the best interest of the public health, safety and welfare of the citizens of the Town and conformed in all respects to the Minturn Municipal Code.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO:

SECTION 1. The foregoing recitals are incorporated herein as if set forth in full.

SECTION 2. Chapter 16 of the Minturn Municipal Code, the Zoning Code of the Town of Minturn, is hereby amended to read as follows, with additions shown in double underlined text, and ~~strike through language is deleted~~. Sections of Chapter 16 which are not expressly described in this Ordinance are deemed to continue to be in full effect without change.

**ARTICLE 2**  
**Definitions, and Illustrations and**  
**Lot Standards**

**Sec. 16-2-20. Definitions.**

For the purposes of this Chapter, the following terms shall have the meanings set forth below unless the context clearly indicates otherwise:

*Accessory apartment* means a dwelling unit that has been added onto, or created within, a single-family ~~house~~dwelling or detached garage. The *accessory apartment* has separate cooking, bathing and sleeping areas. The inclusion of an accessory apartment shall maintain the appearance of the structure as a single-family dwelling or detached garage. The accessory apartment shall remain under the same ownership as the single-family dwelling.

*Accessory dwelling* means an individual dwelling unit subordinate to, and contained within or ~~adjacent to~~on the same lot as, a single-family dwelling.

~~*Average setback* means the mean setback from property lines of buildings on both sides of a lot.~~

Building Lot coverage means the portion of a lot that is covered by buildings, including all interior space including garages, and all enclosed cantilevered portions of a building, covered porches, covered walkways and similar covered areas. Buildings are measured at the outside exterior wall. Additionally, fifty percent (50%) of the total area of second- and third-level decks shall be counted towards the allowable lot coverage. ~~Second and third level decks that cover a portion of a building that has already been counted towards the allowable lot coverage shall not count towards the total lot coverage. Second and third level decks that are structurally supported from the ground level shall have their entire area counted towards the allowable lot coverage.~~

Building height or “height of building” means the maximum vertical (plumb) distance measured directly in front of the structure from the finished or natural grade (whichever is more restrictive) and a point on the roof depending on the roof type. ~~from the natural grade to the top of the highest roof beams on a flat or shed roof, the deck line on a mansard roof and the average distance between the eaves and the ridge level for gable, hip and gambrel roofs. The maximum building height will be measured at the point of maximum height between natural grade and roof. (See Illustration No. 16-2 at Section 16-2-30.)~~

Height measurement points specified for the following types of roofs:

Flat Roof: height shall be measured to the highest point of the building, including parapet walls and rooftop appurtenances, but excluding architectural features and chimneys which may be permitted by Planning Director.

Gable, hip, gambrel or shed roof: height shall be measured to the mean height level between the highest ridge or wall and its highest associated eave, provided, however, that if any parapet wall equals or exceeds the height of the highest ridge, then vertical distance shall be measured to the highest point of the parapet. Mansard roof height shall be measured to the decline of the roof.

See also Sec. 16-17-50

~~Building mass means the height, width and depth of a structure.~~

~~Building scale means the relationship of a particular building, in terms of building mass, to other nearby and adjacent buildings.~~

Duplex means a single lot 5,000 square feet or larger, that is used exclusively by two (2) families, each living as an independent house keeping unit. Joining Requirements: a shared roof line, buildings connected by a common roof, including covered walkways; or ten percent (10%) of a party wall of a main living area (living room, dining room, kitchen, bedroom – hallways and storage areas are not allowed as shared wall); or a single family house divided into two living spaces by one wall. See Illustration No. \_\_\_\_.

~~*Dwelling, two family or duplex* means a building containing two (2) dwelling units designed for or used as a dwelling exclusively by two (2) families, each living as an independent housekeeping unit.~~

~~*Floor area, gross* means the sum of the gross horizontal areas of all floors of all buildings on the same lot, measured from the exterior face of exterior walls, or from the centerline of a wall separating two (2) buildings, including elevator shafts and stairwells on each floor and interior balconies and mezzanines, but not including interior vehicle parking or loading areas, any space with floor to ceiling height of less than six feet or any area more than fifty percent (50%) below grade.~~

~~*Floor area, net* means gross floor area minus fifteen percent (15%).~~

~~*Floor area ratio* means the gross floor area of all buildings or structures on a lot divided by the total lot area.~~

$$\text{F.A.R.} = \frac{\text{Total Building Floor Area}}{\text{Total Lot Area}}$$

~~*Impervious surface area* means any material that prevents absorption of storm-water into the ground. The area of the lot covered by the following shall be considered as impervious surface in all districts character areas:~~

- a. The principal building, excluding roof overhangs.
- b. All accessory buildings, parking garages, carports and utility sheds.
- c. Porches, stairways, decks, ~~and~~ elevated walkways, sheds and other structures, together with paved areas or areas otherwise covered with materials impervious to water.
- d. Parking areas, sidewalks and driveways regardless of surface materials.

~~*Nonconforming structure* means any structure which was lawfully established pursuant to the regulations in effect at the time of its development, but which does not conform to the standards of this Chapter for the zone district in which the structure is located regarding minimum setbacks, maximum height or maximum building lot coverage, the applicable standards for off-street parking or other applicable standards.~~

~~*Non-impervious surface* means area on a Lot that consists of natural material that absorbs~~

water, including storm water, and includes: wild ground cover, fescue sod, native grasses, wildflowers, professionally designed xeriscape areas (must include 50% of plants and not rocks under-laid by a landscape/soil barrier), trees, riparian areas, river and stream areas, wetlands, reservoirs, and other green plant life.

*Usable open space* means land dedicated to outdoor recreation which may include parks with play equipment, ball fields, soft and hard trails, lawn areas, walkways, trails, sitting areas, courtyards and landscaping areas, tennis courts, swimming pools or other meaningful recreation facilities common to the residents.

*Parking area* means any public or private area under or outside of a building or structure, designed and used for parking ~~three (3) or more~~ motor vehicles, including parking lots, garages, private driveways and legally designated areas of public streets.

*Planned Unit Development (PUD)* means an area of land controlled by one (1) or more landowners, to be developed under unified control or unified plan of development for a number of dwelling units, residential, commercial, educational, recreational or industrial uses or any combination of the foregoing, the plan for which may not correspond in lot size, bulk or type of use, density, building lot coverage, open space or other restriction to the existing land use regulations. (Section 24-67-103(3), C.R.S.)

*Shared or party driveway* means a single driveway, no more than 18' (eighteen feet wide) serving two (2) or more adjoining lots. (See Illustration No. 16-1 at Section 16-2-30.)

*Transitional use* means a permitted land use or structure of an intermediate intensity by level of activity or scale between a more intensive and less intensive use. Some examples of *transitional use* include professional offices located between retail and residential uses, ~~two-family duplex~~ and townhouse units located between single-family detached and multi-family areas, and private clubs or low-intensity recreational uses between industrial and residential uses.

*Yard, front* means that portion of a yard between the street line and the front door of the building and between the two (2) side lot lines, the depth of which shall be the least distance between the front lot line and the building.

*Yard, corner lot* means the yard on a lot that is bounded on two sides by streets. The front yard is side of the lot where the front door is located as determined by the Planning Director. In addition to front, rear and side yard setbacks, a corner lot must meet the 'clear

vision' code. The application of side and rear yard setbacks shall be determined by the Planning Director.

**Sec. 16-2-30. Illustrations.**

The following illustrations shall apply to this Chapter:

Illustration No.      Accessory Building or  
16-1                      Structure Shared or Party  
                                 Driveway ~~Easement~~

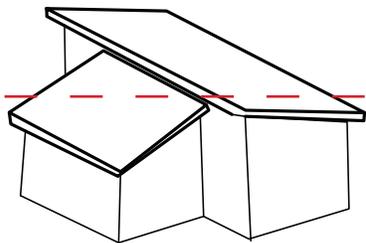
Illustration No.      Building Height  
16-2                      Measurement

Illustration No.      Site Plan for Impervious  
16-4                      Surface

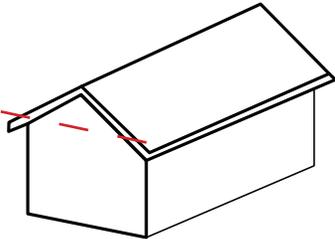
Illustration No. 16-5      Site Plans for Duplex Connections

# Roof Types Showing Mid-point of Roof from where to Measure Maximum Building Height

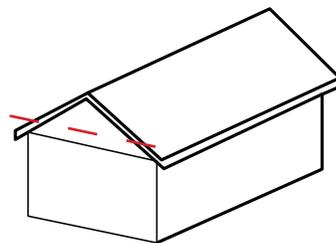
- measure from base of building face to average distance between ridge and eave



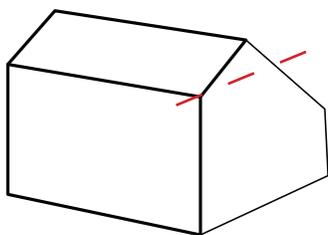
skillion & lean-to roof



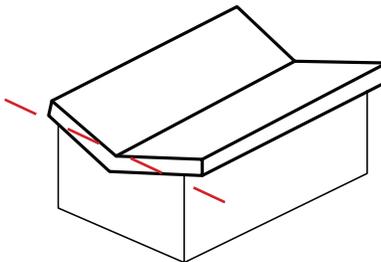
open gable roof



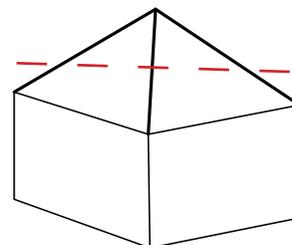
box gable roof



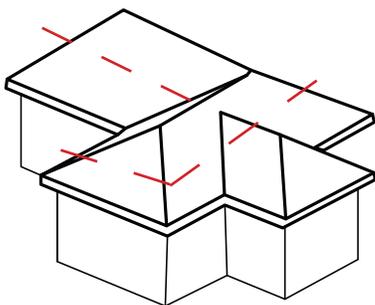
saltbox roof



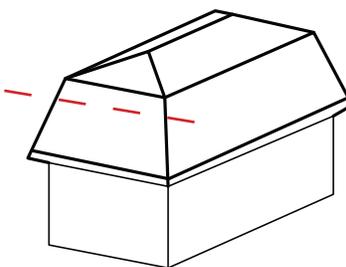
butterfly roof



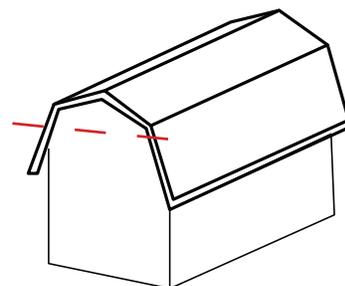
pyramid hip roof



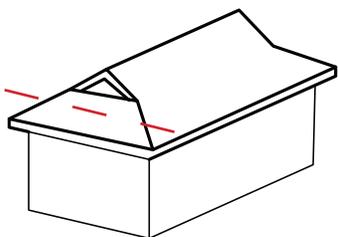
hip & valley roof



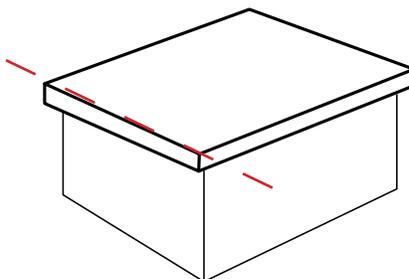
mansard roof



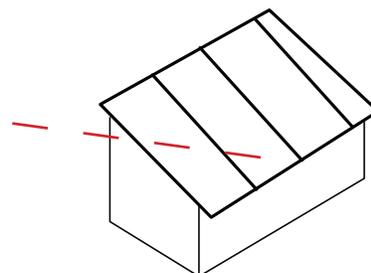
gambrel roof



dutch gable roof



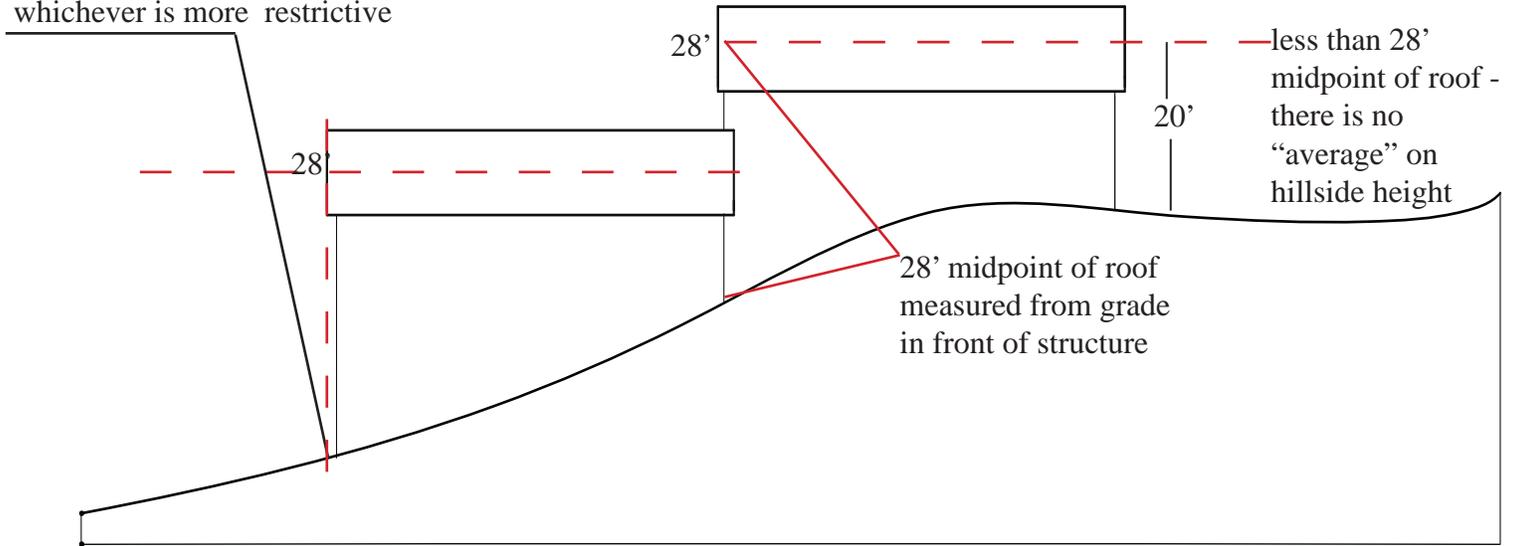
flat roof



shed roof  
'garden shed' 12' maximum

Building Height Measurement on a Hillside

Measure height at base of building face from Finished or Natural Grade, whichever is more restrictive



\*All height measurement along grade must not exceed height standards of 28' midpoint of roof

\*no building face on a hillside may exceed height standards of 28' midpoint of roof measured from finished or natural grade, whichever is more restrictive, grade of project after excavation

on 2nd building, measure from base of new wall to 28' midpoint of roof

to measure building height, start at base of front of structure measure 28' to midpoint of roof

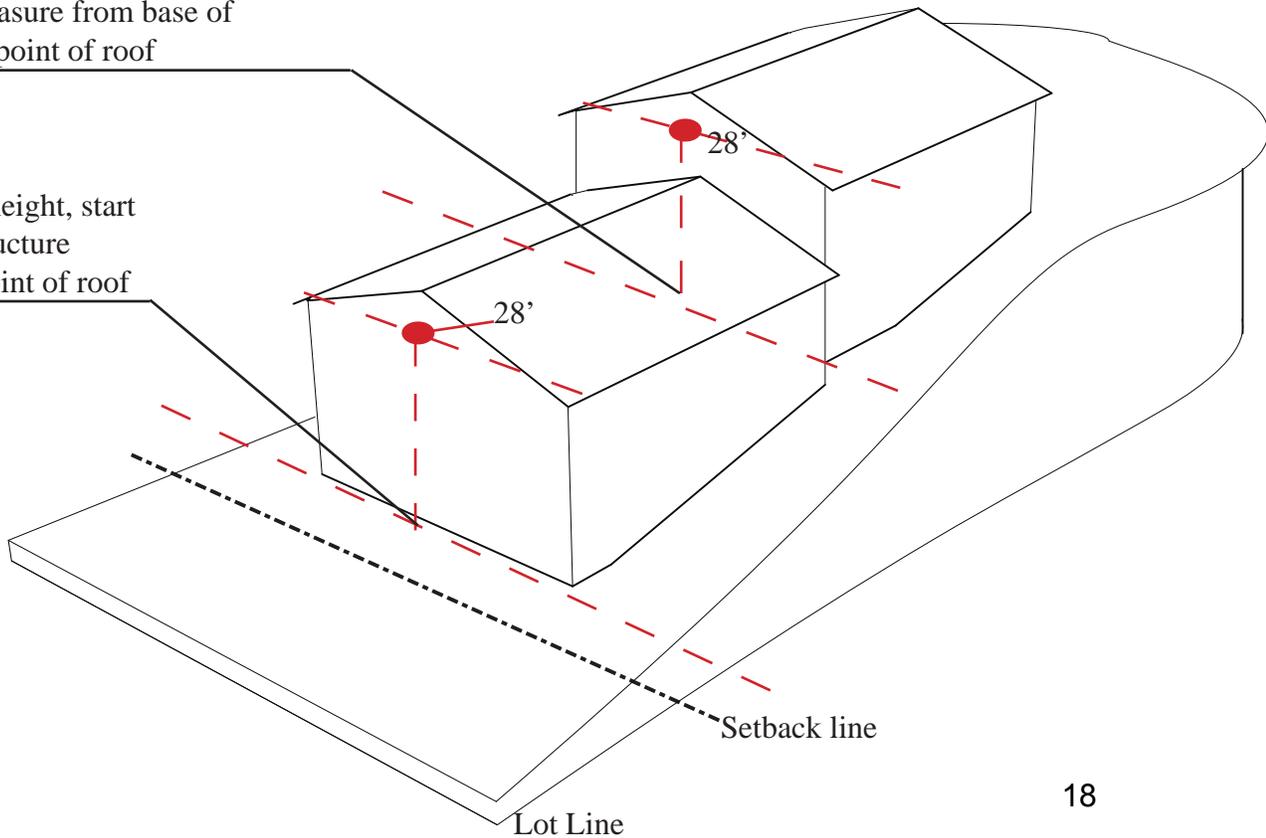
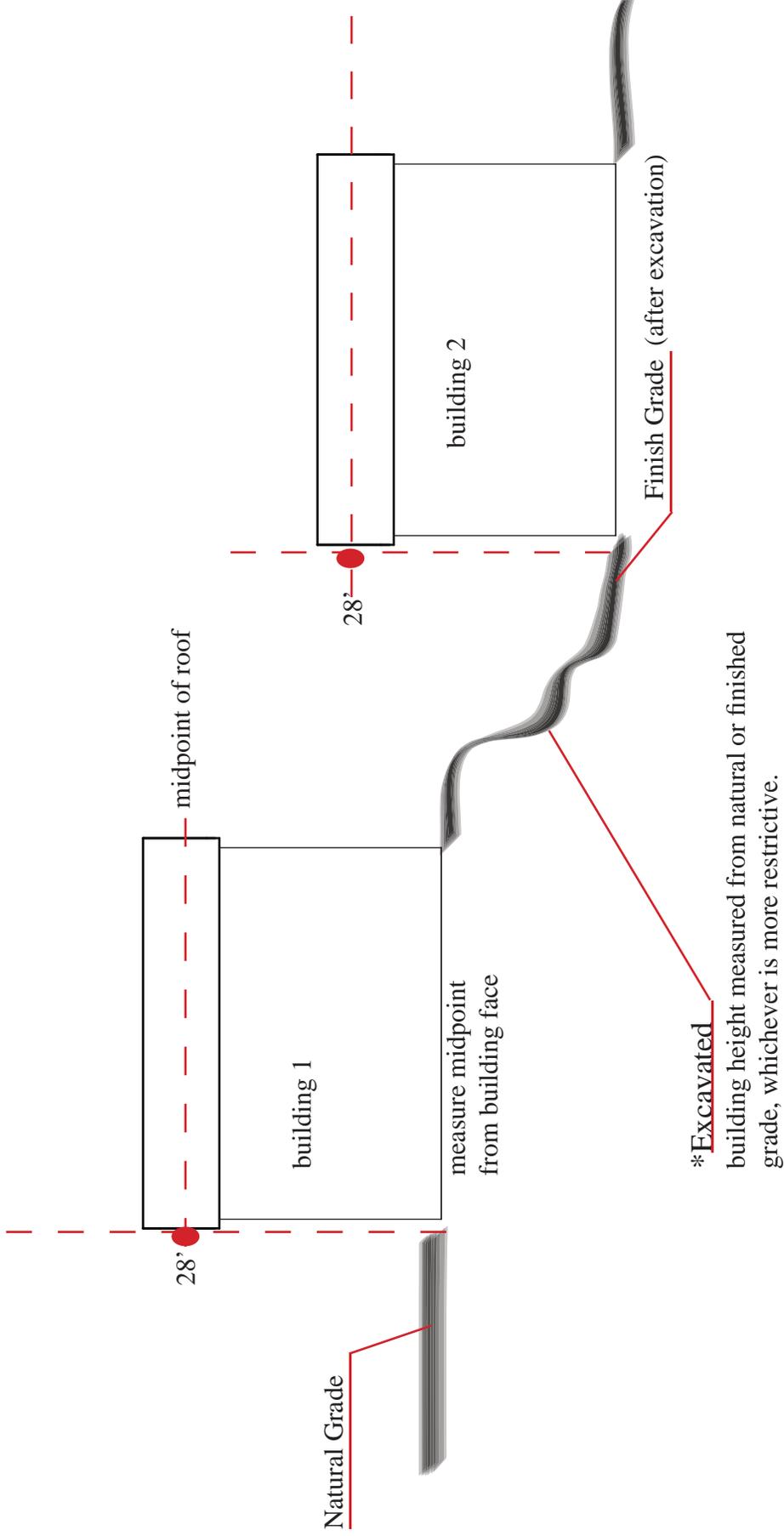


Illustration No. \*\*\*\*\*

Measuring building height when land has been graded and excavated  
(using residential structure height standard as an example)

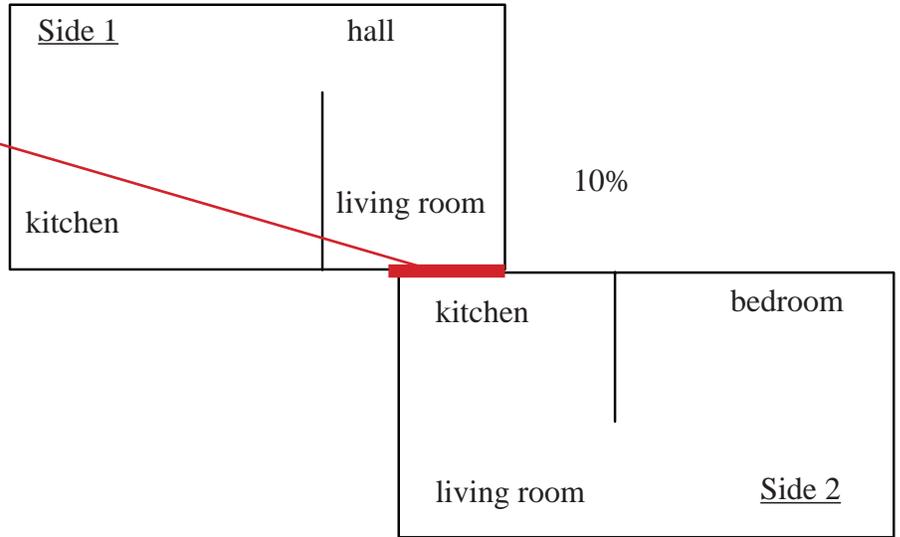


\*Excavated  
building height measured from natural or finished grade, whichever is more restrictive.

Maximum height is 28' mid point of roof measured from base building front

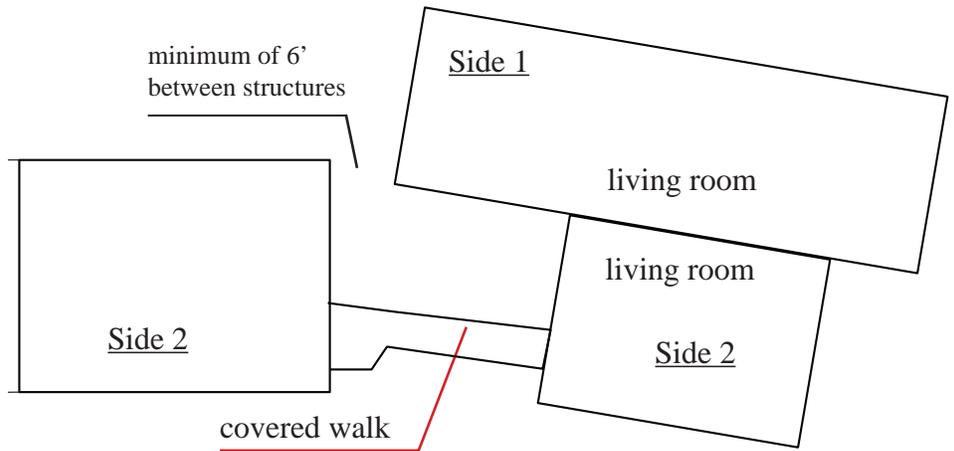
Three Duplex Connections Allowed

1) Duplex: minimum of 10% of major living space (kitchen, living room, dining room) is connected

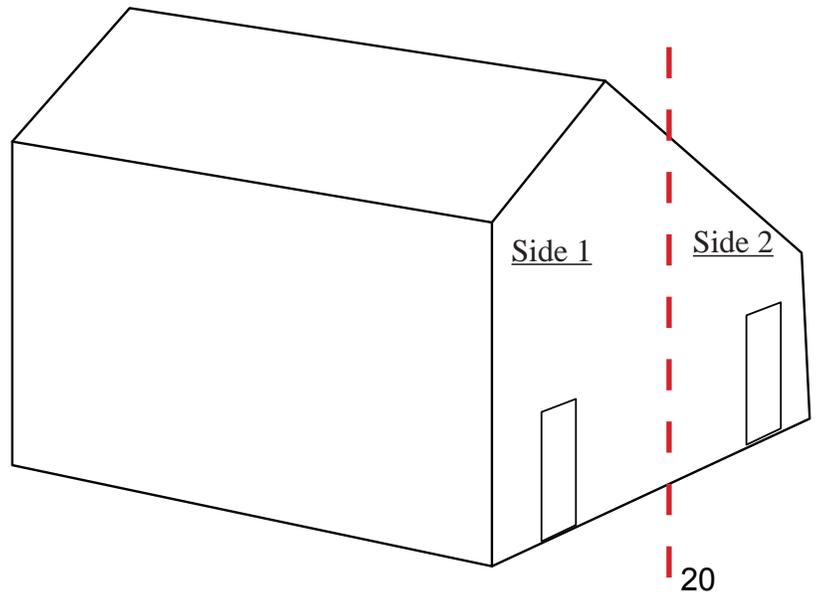


2) Duplex: the structure is connected by a major living space, and it is also connected by shared roof lines that can include covered walkways.

- the buildings must use same material to appear as one dwelling



3) Duplex: traditional duplex where the structure is divided in two and the units share and party wall



(Note: Section 16-17-190 containing the prior Table 16-15 has been moved forward in the code under the definitions section. Staff has received many comments that this important table is hard to locate in its current location)

**Sec. 16-3-10 General lot requirements and dimensional standards.**

The following Table 16-15 sets forth general lot requirements and dimensional standards:

**TABLE 16-A 16-15 Dimensional Standards**

Character Area	Zones	Min. Lot Area (sq. ft.) (A)	Min. Lot Dimension (feet)	Maximum Building Lot Coverage (%)	Maximum Impervious Surface Area (%)	Minimum Setbacks			River/Creek Setback (ft) <u>Not to be included in lot square footage for purposes of Maximum Building Lot Coverage and Maximum Impervious Surface Area</u>
						Front	Rear (feet) (C)	Side (D)	
Meadow Mountain	Fed. reg. land use	N/A	N/A	N/A		Rec. 50	N/A	N/A	Rec. 30
Grouse Creek	Commercial	5,000	50	70		20	10	10	Eagle Riv = 30 Grouse Creek = <del>45</del> <u>30</u>
Old Town	Recreation & open space	To be determined as part of conditional review							30
	Residential	5,000	50	40	<u>50</u>	10	10	5	
	Commercial	2,500	25	80		0	10	5	
	Mixed-use	5,000	50	<del>(B)</del> (Note 1)		10	10	5	
South Town	Residential	5,000	50	<del>50-40</del>	<u>50</u>	20	10	5	30
	Commercial	7,500	50	70		20	10	5	
	Fed. reg. land use	N/A	N/A	N/A		Rec. 50	Rec. 20	Rec. 10	

Character Area	Zones	Min. Lot Area (sq. ft.) (A)	Min. Lot Dimension (feet)	Maximum Building Lot Coverage (%)	Maximum Impervious Surface Area (%)	Minimum Setbacks			River/ Creek Setback (ft) <u>Not to be included in lot square footage for purposes of Maximum Building Lot Coverage and Maximum Impervious Surface Area</u>
						Front	Rear (feet) (C)	Side (B)	
Martin Creek	Residential estate	87,120 or 2 AC	N/A	N/A		40	20	20	30
Cross Creek	Residential-S	5,000	50	40		20	20	10	Eagle River=30 Cross Creek=50
	Residential-N	10,000	100	25		20	20	10	
	Mixed-use	10,000	100	40		20	20	10	
	Fed. reg. land use	N/A	N/A	N/A		Rec. 50	Rec. 20	Rec. 10	
Lionshead	Recreation & open space	N/A	N/A	N/A		To be determined as part of conditional use review			30
	Light ind. & public facilities	10,000	100	45		25	25	10	
Game Creek	Residential	5,000	50	40	<u>50</u>	20	10	5	Game Creek=30

	PUD holding zone	To be determined as part of the PUD review	Eagle River =30
Eagle River	Recreation & open space	To be determined as part of the conditional use review	Eagle River=30
Transportation	Railroad R-O-W/ Transportation	To be determined as part of the conditional use review	

**Note 1** Old Town mixed-use minimum lot coverage may be increased from 40% to 45% if ground floor commercial space is provided. (note: former Table 16-15 Note (1))

**Refer to notes below.**

Notes from Table of Dimensional Standards

(A) Minimum lot area per principal dwelling unit. Density shall be calculated by counting only the number of principal dwelling units per lot, excluding any accessory dwelling units that may be allowed.

(B) Old Town mixed-use minimum lot coverage may be increased to 45% if ground floor commercial space is provided.

(C) The rear yard setback may be reduced by up to 50% for the construction of a detached garage. This setback reduction shall only apply to the ground level. All other levels must conform to the underlying setback requirements for the particular zone in which the property is located.

Exception: In instances where a subdivision of land has created a situation where 1 parcel is sited directly behind a parcel that fronts a Town street, the parcel that contains the street frontage will not be eligible for the setback reduction.

Additional setback standards:

- (1) Side yard setback. None required if the sidewall is a party wall.
- (2) Transition. When a lot in a nonresidential zone is contiguous to a lot in a residential zone, the required side yard setback of the residential zone shall apply to the common lot line of the property in the nonresidential zone.
- (3) Corner lots. When a commercial corner lot adjoins a noncommercial lot, a primary street frontage must be approved by the Planning Director. The rear lot line is parallel to, and behind, the front lot line. The side setback shall be no less than 1/2 of the required front setback of the noncommercial lot. The rear setback of the commercial lot shall be no less than the side yard setback of the adjacent residential lot.
- (4) Partially developed frontages. When a vacant lot is bordered on 2 sides by previously constructed buildings, neither of which meets the required front yard setback applicable to the district, the required front yard setback for the vacant lot shall be the average of the front yard setbacks of the 2 existing adjacent buildings. When a vacant lot is bordered on only 1 side by a previously constructed building which does not meet the required front yard setback for the district, the required front yard setback for the vacant lot shall be the average between the front yard setback of the adjacent building and the minimum required front yard setback for the district.
- (5) Irregularly shaped lots. When a lot is not rectangular in shape, and a building is constructed so that 1 side of the building is parallel to an adjacent street or right of way, the setback between the building line and that lot line which is not parallel to the building line may be calculated as the average of the nearest and farthest distances between the building corners and the lot line, except that the minimum setback at any point shall not be less than 5 feet.
- (6) Setback from river/creeks. A strip of land measured horizontally from the high water mark on each side of any live stream shall be protected in its natural state, with the exception that footpaths, bridges, fences, irrigation structures, flood control and erosion protection devices may be constructed thereon. If necessary to protect the river or creek, additional width may be required. Underground utilities may be located in such protected area; provided that there is no practical alternative location for such utilities, that plans are approved by the Town Council as a conditional use and that all construction scars are revegetated.
- (7) Setback between structures. The minimum distance between structures on the same lot is 6 feet.
- (8) Garage door setback. Garage doors facing Main Street must be set back at least 18 feet from the lot line. Garage doors facing other streets must be set back at least 15 feet from the lot line.
- (9) Exemptions from setback requirements. The following uses may be exempt from the setback requirements within the commercial and mixed use zones, provided that written approval is granted by the Planning Commission, which shall determine that the use would not injure the value of, use of or prevent the proper access of light and air to the adjacent properties, nor would be out of harmony with the intent and purpose of this Chapter:
  - a. Outdoor dining areas operated in conjunction with permitted eating and drinking establishments.
  - b. Temporary awnings or shading devices.
  - e. Unroofed terraces or patios.
- (10) Architectural features. The following architectural features may encroach into the required setback upon approval of the Planning Director and demonstration that the clear vision area, easements, etc., have been considered:
  - a. Unroofed terraces or patios, not to exceed 48 inches above grade, may encroach up to 1/2 the required setback.
  - b. Chimneys, eaves or similar nonhabitable features may encroach up to 3 feet from the face of the building or structure; however, roof shedding shall not be allowed to shed on an adjacent property.
  - e. Bay windows or similar features on the front or rear setback may encroach up to 3 feet from the face of the building or structure.
  - d. Awnings or shading devices up to 1/2 the required setback.
  - e. Walls and fences up to 6 feet in height in the side and rear setback.
  - f. Walls and fences up to 4 feet in height in the front yard setback.
- (11) Accessory structures under 200 sq. ft. Accessory building and structures under 200 square feet must be located in the rear or side yards and may encroach into the side and/or rear setbacks but in all cases must be at least 5 feet from property lines. Additional width may be required as the roof must shed on the accessory structure owner's lot

(Note, Section 16-3-20 is comprised of selected “notes” which accompanied Table 16-15 as previously contained in Section 16-17-190)

**Sec. 16-3-20 Specific lot requirements and dimensional standards.**

- (a) Portions of a Lot contained in a river or creek, or that are within the river or creek/stream setback shall not be included in the Lot’s square footage for purposes of calculating the Maximum Building Lot Coverage or the Maximum Impervious Surface Area.
  
- (b) Setback from river/creeks. A strip of land measured horizontally from the ordinary high water mark on each side of any live stream shall be protected in its natural state. If necessary to protect the river or creek, additional river/creek setback may be required. Underground utilities may be located in the river/creek setback; provided that there is no practical alternative location for such utilities, that plans are approved by the Town Council as a conditional use and that all construction scars are revegetated. Otherwise, river and creek setbacks are to remain natural vegetation. (note: former Table 16-15 Note (6) with additional language).
  
- (c) Landscaping of the river bank is not permitted.
  
- (d) The ordinary high water mark shall be identified by a licensed professional surveyor on all applicable surveys, plats and plans required under this Chapter 16
  
- (e) No side yard setback is required on lots containing a Duplex for the party wall. (note: former Table 16-15 Note (1)).
  
- (f) When a lot in a non-residential zone is contiguous to a lot in a residential zone, the required side yard setback of the residential zone shall apply to the common lot line of the property in the non-residential zone. (note: former Table 16-15 Note (2)).
  
- (g) When a corner lot is in a commercial zone and adjoins a lot in a non-commercial zone, the planning director shall designate where the front, side and rear yard setbacks apply. (note: former Table 16-15 Note (3)).
  
- (h) When a corner lot is in a non-commercial zone, the Planning Director shall designate the front yard and rear yard. All setbacks shall apply to the lot. Clear vision areas on all corner lots must be established.

(i) When a vacant lot is bordered on two sides by previously constructed buildings, neither of which meets the required front yard setback applicable to the character area and zone, the required front yard setback for the vacant lot shall be the average of the front yard setbacks of the two existing adjacent buildings. When a vacant lot is bordered on only one side by a previously constructed building which does not meet the required front yard setback for the character area and zone, the required front yard setback for the vacant lot shall be the average between the front yard setback of the adjacent building and the minimum required front yard setback for the character area and zone. (note: former Table 16-15 Note (4)).

(j) When a lot is not rectangular in shape, and the building is constructed so that one side of the building is parallel to an adjacent Town street or right-of-way, the setback between the building line and that lot line which is not parallel to the building line may be calculated as the average of the nearest and farthest distances between the building corners and the lot line, except that the minimum setback at any point shall not be less than five feet. (note: former Table 16-15 Note (5)).

(k) The minimum setback between two structures on the same lot is six feet. (note: former Table 16-15 Note (7)).

(l) Garage Doors in the Old Town Character Area facing Main Street must be set back at least 18 feet from the lot line. (note: portion of former Table 16-15 Note (8)).

(m) Walls and fences are allowed in the setbacks subject to the following limitations.

(1). Height shall not exceed six feet in the rear yard setback.

(2). Height shall not exceed six feet in the side yard setback located from the front of the primary structure on the lot and the rear lot line and shall not exceed four feet from the front of the primary structure on the lot and the front yard lot line.

(3). Height shall not exceed four feet in the front yard setback.

(n) Architectural features. The following architectural features may not encroach into the side yard setbacks. The following architectural features may encroach into the rear yard setback but must be a minimum of five feet from lot lines:

(1). Unroofed terraces or patios, not to exceed 48 inches above grade.

(2). Chimneys.

(3). Bay windows.

(4). Awnings or shading devices.

(note: portions of former Table 16-15 Note (10)).

(o) Roofed terraces, decks and patios are not permitted the required setbacks.

(p) Cantilevering of a structure, over the maximum ground floor square footage, is not permitted. All cantilevered areas county toward maximum building lot coverage and maximum impervious lot coverage.

(q) A maximum of eighteen inches of roof eave may encroach into the required setbacks. No more than eighteen inches of roof eave can encroach into a setback even with snow clips or cold storage roof. Larger roof eaves are allowed, but only eighteen inches can be in the setback. This restriction includes covered porches and decks.

(r) The first ten feet of the front yard setback shall be dedicated to landscaping, except for driveways and non-motorized sidewalks and trails. This requirement does not apply to commercial and mixed-use zones in the Old Town Character Area.

(s) A maximum roof length of 60 feet in one direction on any structure over one story is allowed. After 60 feet, the roof length needs to be lowered by nine feet for twenty feet in length or change directions at 90 degrees for a length of twenty feet.

(t) Sheds. (1) To constitute a shed that does not require a building permit, the structure shall be no larger than 120 square feet in ground floor area and no higher than twelve feet. Sheds in excess of 120 square feet of ground floor area or twelve feet in height require a building permit.

(2) Sheds must be located in the rear or side yards, but such structures may not encroach into the side yard setbacks. A shed may encroach in the rear yard setback so long as it is a minimum of five feet from all lot lines.

(3) Sheds in all character areas and zones require a limited use review permit approved by the Planning Director. The denial of a limited use review permit by the Planning Director may be appealed to the Planning and Zoning Commission.

(4) Sheds count toward the maximum impervious surface lot requirements.

(u) Greenhouses. (1) In all character areas and zones, a permanent greenhouse (which is not fully deconstructed and removed prior to winter) which exceeds 120 square feet in the ground floor area or exceeds twelve (12) feet in height must receive a limited use review permit approved by the Planning Director and obtain a building permit. The

denial of a limited use review permit by the Planning Director may be appealed to the Planning and Zoning Commission.

(2) Permanent greenhouses shall be counted toward maximum impervious lot coverage requirements.

(3) Non-permanent greenhouses (which are fully deconstructed and removed prior to winter every year) do not count toward maximum impervious lot coverage requirements.

**Sec. 16-3-30 Building height limitations.**

- (a) Building roof height is not to exceed above 28' in height at the mid-roof line in all character areas and zones, (except Old Town Commercial Zone with a commercial building (residential construction in a commercial zone must follow residential building regulations).
- (b) The maximum angle of the roof is 45 degrees of the bulk plane from the property line.
- (c) Flat roofs shall not exceed 28' in height for any character area or zone (including commercial and mixed-use zones).
- (d) In the Old Town Character Area, commercial buildings in the commercial zone can have a maximum roof height of thirty-five feet (35') with a maximum angle of 45 degree bulk plane from the street front setback or a maximum of twenty eight feet (28') for a flat roof.
- (e) No building shall exceed three (3) stories in height.

(See also Illustration No. 16-2 and Appendix B, Design Standards and

Guidelines) The following Table 16-14 contains the regulations for building

height.

**TABLE 16-14B**  
**Building Height**

<i>CHARACTER AREA</i>	<i>ZONES</i>	<i>MAXIMUM BUILDING HEIGHT</i>
Meadow Mountain	Fed. Reg. Land Use Zone	Rec. 28 feet
Grouse Creek	Commercial	28 feet
Old Town	Recreation and Open Space	See Note #4
	<u>Residential in all Zones</u> <u>(commercial, mixed use and residential)</u>	28 feet
	<u>Commercial</u> <u>only buildings being used as commercial</u> <u>space – must follow bulk standards (see</u> <u>diagram) – residential being built in</u> <u>commercial zone must follow residential</u> <u>height and standards</u>	35 feet
	Mixed-Use	28 feet- See Note #2
South Town	Residential	28 feet
	<u>Commercial</u> <u>only buildings being used as commercial</u> <u>space – must follow bulk standards (see</u> <u>diagram)</u>	28 feet
	Fed. Reg. Land Use Zone	Rec. 28 feet
Tipton Homestead	Residential Estate	28 feet
Cross Creek	Residential	28 feet
	Mixed-Use	28 feet
	Fed. Reg. Land Use Zone	Rec. 28 feet
Lionshead	Light Ind. Public Facilities	28 feet
	Recreation and Open Space	See Note #4
Game Creek	Residential	28 feet
	PUD Holding Zone	<u>28 feet</u> – See Note #3 and Note #4
Eagle River	Recreation and Open Space	See Note #4
Transportation	Railroad Right-of-Way/Transportation	See Note #4

~~Note #1: No building shall exceed three (3) stories in height.~~

~~Note #2: At least forty percent (40%) of the building coverage area must be no more than twenty three (23) feet in height and none of the building coverage area shall exceed twenty eight (28) feet in height.~~

~~Note #3: To be determined as part of the PUD Review.~~

~~Note #4: To be determined as part of the Conditional Use Review.~~

~~Note #5: Flat roofs shall not exceed twenty eight (28) feet in height.~~

Building height measurements along the grade must not exceed height standards. ~~or~~ The building height of a stepped or terraced building on a lot with an average slope in excess of ten percent (10%) must not exceed height standards when measured in conformance with

~~Illustration No. 16-2. The height shall be measured as the maximum height of any building segment from existing or finished grade (whichever is more restrictive) at any point directly above that grade location~~

**ARTICLE 3  
Character Area and Zones**

(Note: No changes to this Article)

**ARTICLE 4  
Mountain Meadow Character  
Area**

(Note: No changes to this Article)

**ARTICLE 5  
Grouse Creek Character Area**

**Sec. 16-5-50. Grouse Creek Character Area limited use standards.**

(a) The Planning Director shall approve the limited use based upon the submittal and review of the following material. The use shall be approved upon finding that the limited use is:

- (1) Not in conflict with applicable health, sanitation, safety or access regulations;
- (2) The use is allowed by limited review in the subject zone district; and
- (3) The use can be operated so that it is compatible with adjacent uses and negative impact to adjacent properties has been minimized.

(b) Accessory building.

- (1) Size: Accessory buildings shall not exceed one thousand two hundred (1,200) square feet.
- (2) Use: Accessory buildings are for the use of the residents of the property.
- (3) Dimensional limitations: Accessory buildings shall only be permitted on lots that conform to the minimum lot standards of the underlying zone district. The building shall

be developed so as to conform to all setback, height, building lot coverage, floor area and other dimensional limitations of the underlying zone district.

## **ARTICLE 6 Old Town Character Area**

### **Sec. 16-6-80. Old Town Character Area limited use standards.**

(a) The Planning Director shall approve the limited use based upon the submittal and review of the following material. The use shall be approved upon finding that the limited use is:

- (1) Is not in conflict with applicable health, sanitation, safety or access regulations;
- (2) Is allowed by limited review in the subject Zone District; and
- (3) Can be operated so that it is compatible with adjacent uses and negative impact to adjacent properties has been minimized.

(b) Accessory apartment.

(1) Use: A maximum of one (1) accessory apartment shall be permitted in conjunction with and in addition to the principal use of the lot or parcel.

(2) Size: The accessory apartment shall not exceed seven hundred fifty (750) square feet of floor area. The floor area associated with the accessory apartment shall be counted toward the maximum floor area permitted on the lot.

(3) Location: The accessory apartment may be located within or attached to the structure containing the primary function, or it may be detached from the structure if it is located within or above an accessory building.

(4) Parking: One (1) on-site parking space, additional to that number required for the primary use, shall be provided for the accessory apartment.

(5) Ownership: The accessory apartment shall not be subdivided or sold from the primary unit on the parcel.

(6) Water, sanitation, solid waste: Proof shall be provided that adequate water and

sanitation are in place for the uses on the property. Proof shall be provided that adequate solid waste storage and removal are in place.

(7) Dimensional limitations: Accessory apartments shall only be permitted on lots that conform to the minimum lot standards of the underlying zone district. The unit shall be developed so as to conform to all setback, height, building lot coverage, floor area and other dimensional limitations of the underlying zone district.

(c) Accessory building.

(1) Size: Accessory buildings shall not exceed one thousand two hundred (1,200) square feet.

(2) Use: Accessory buildings are for the use of the residents of the property.

(3) Dimensional limitations: Accessory buildings shall only be permitted on lots that conform to the minimum lot standards of the underlying zone district. The building shall be developed so as to conform to all setback, height, building lot coverage, floor area and other dimensional limitations of the underlying zone district.

## **ARTICLE 7**

### **South Town Character Area**

#### **Sec. 16-7-70. South Town Character Area limited use standards.**

(a) The Planning Director shall approve the limited use based upon the submittal and review of the following material. The use shall be approved upon finding that the limited use:

(1) Is not in conflict with applicable health, sanitation, safety or access regulations;

(2) Is allowed by limited review in the subject zone district; and

(3) Can be operated so that it is compatible with adjacent uses and negative impact to adjacent properties has been minimized.

(b) Accessory apartment.

(1) Use: A maximum of one (1) accessory apartment shall be permitted in conjunction with, and in addition to, the principal use of the lot or parcel.

(2) Size: The accessory apartment shall not exceed seven hundred fifty (750) square feet of floor area. The floor area associated with the accessory apartment shall be counted toward the maximum floor area permitted on the lot.

(3) Location: The accessory apartment may be located within or attached to the structure containing the primary function, or it may be detached from the structure if it is located within or above an accessory building.

(4) Parking: One (1) on-site parking space, in addition to that number required for the primary use, shall be provided for the accessory apartment.

(5) Ownership: The accessory apartment shall not be subdivided or sold from the primary unit on the parcel.

(6) Water, sanitation, solid waste: Proof shall be provided that adequate water and sanitation are in place for the uses on the property. Proof shall be provided that adequate solid waste storage and removal are in place.

(7) Dimensional limitations: Accessory apartments shall only be permitted on lots that conform to the minimum lot standards of the underlying zone district. The unit shall be developed so as to conform to all setback, height, building lot coverage, floor area and other dimensional limitations of the underlying zone district.

(c) Accessory building.

(1) Size: Accessory buildings shall not exceed one thousand two hundred (1,200) square feet.

(2) Use: Accessory buildings are for the use of the residents of the property.

(3) Dimensional limitations: Accessory buildings shall only be permitted on lots that conform to the minimum lot standards of the underlying zone district. The building shall be developed so

as to conform to all setback, height, building lot coverage, floor area and other dimensional limitations of the underlying zone district.

## ARTICLE 8

## Martin Creek Character Area

### Sec. 16-8-50. Martin Creek Character Area limited use standards.

(a) The Planning Director shall approve the limited use based upon the submittal and review of the following material. The use shall be approved upon finding that the limited use is

(1) Not in conflict with applicable health, sanitation, safety or access regulations;

(2) The use is allowed by limited review in the subject zone district; and

(3) The use can be operated so that it is compatible with adjacent uses and negative impact to adjacent properties has been minimized.

(b) Accessory dwelling.

(1) Size: The accessory dwelling shall not exceed one thousand two hundred (1,200) square feet of floor area. The floor area associated with the accessory dwelling shall be counted toward the maximum floor area permitted on the lot.

(2) Location: The accessory dwelling may be located within or attached to the structure containing the primary function, or it may be detached from the structure if it is located within or above an accessory building.

(3) Parking: Two (2) on-site parking spaces, in addition to that number required for the primary use, shall be provided for the accessory dwelling unit.

(4) Ownership: The accessory dwelling unit shall not be subdivided or sold from the primary unit on the parcel.

(5) Water, sanitation, solid waste: Proof shall be provided that adequate water and sanitation are in place for the uses on the property. Proof shall be provided that adequate solid waste storage and removal are in place.

(6) Dimensional limitations: Accessory dwelling units shall only be permitted on lots that conform to the minimum lot standards of the underlying zone district. The unit shall be developed so as to conform to all setback, height, building lot coverage, floor area and other dimensional limitations of the underlying zone district.

**ARTICLE 9**  
**Cross Creek Character Area**

(Note: No changes to this Article)

**ARTICLE 10**  
**Bolt's Lake, Gilman, Willow  
Creek, Rock Creek and Holy  
Cross Character Areas**

(Note: No changes to this Article)

**ARTICLE 11**  
**Lionshead Character Area**

(Note: No changes to this Article)

**ARTICLE 12**  
**Game Creek Character Area**

**Sec. 16-12-60. Game Creek Character Area limited use standards.**

(a) The Planning Director shall approve the limited use based upon the submittal and review of the following material. The use shall be approved upon finding that the limited use:

- (1) Is not in conflict with applicable health, sanitation, safety or access regulations;
- (2) Is allowed by limited review in the subject zone district; and
- (3) Can be operated so that it is compatible with adjacent uses and negative impact to adjacent properties has been minimized.

(b) Accessory apartment.

(1) Use: A maximum of one (1) accessory apartment shall be permitted in conjunction with, and in addition to, the principal use of the lot or parcel.

(2) Size: The accessory apartment shall not exceed seven hundred fifty (750) square feet of floor area. The floor area associated with the accessory apartment shall be counted toward the maximum floor area permitted on the lot.

(3) Location: The accessory apartment may be located within or attached to the structure containing the primary function, or it may be detached from the structure if it is located within or above an accessory building.

(4) Parking: One (1) on-site parking space, in addition to that number required for the primary use, shall be provided for the accessory apartment.

(5) Ownership: The accessory apartment shall not be subdivided or sold from the primary unit on the parcel.

(6) Water, sanitation, solid waste: Proof shall be provided that adequate water and sanitation are in place for the uses on the property. Proof shall be provided that adequate solid waste storage and removal are in place.

(7) Dimensional limitations: Accessory apartments shall only be permitted on lots that conform to the minimum lot standards of the underlying zone district. The unit shall be developed so as to conform to all setback, height, building lot coverage, floor area and other dimensional limitations of the underlying zone district.

(c) Accessory dwelling.

(1) Size: The accessory dwelling shall not exceed one thousand two hundred (1,200) square feet of floor area. The floor area associated with the accessory dwelling shall be counted toward the maximum floor area permitted on the lot.

(2) Location: The accessory dwelling may be located within or attached to the structure containing the primary function, or it may be detached from the structure if it is located within or above an accessory building.

(3) Parking: Two (2) on-site parking spaces, in addition to that number required for the primary use, shall be provided for the accessory dwelling unit.

(4) Ownership: The accessory dwelling unit shall not be subdivided or sold from the primary unit on the parcel.

(5) Water, sanitation, solid waste: Proof shall be provided that adequate water and sanitation are in place for the uses on the property. Proof shall be provided that adequate solid waste storage and removal are in place.

(6) Dimensional limitations: Accessory dwelling units shall only be permitted on lots

that conform to the minimum lot standards of the underlying zone district. The unit shall be developed so as to conform to all setback, height, building lot coverage, floor area and other dimensional limitations of the underlying zone district.

**ARTICLE 13**  
**Eagle River Character Area**

(Note: No changes to this Article)

**ARTICLE 14**  
**Transportation Character Area**

(Note: No changes to this Article)

**ARTICLE 14.5**  
**Maloit Park Character Area**

**Sec. 16-14.5.060. Maloit Park Character Area use table**

The text in Table 16-9.5 Maloit Park Character Area Use Table shall be amended as follows:

Duplex/~~two family dwellings~~

**ARTICLE 15**  
**Planned Unit Development**  
**Overlay Character Area**

**Sec. 16-15-140. Preliminary development plan submittal requirements.**

(a) Variations authorized. The Town Council shall be authorized to grant the following variations as part of its approval of the preliminary plan for PUD. Each variation that is granted shall be shown on the PUD Guide.

(1) Density and intensity. The density of residential and intensity of commercial development may be varied.

(2) Dimensional limitations. The minimum lot area, minimum lot area per use, maximum building lot coverage, maximum floor area, minimum yard setbacks and maximum height may be varied.

(3) Basis for granting variations. These variations may be granted when the Town

Council finds that the preliminary plan for PUD achieves one (1) or more of the following purposes and that the granting of the variation is necessary for that purpose to be achieved. The standards used in the designation of the land use categories on the Character Area Zoning Map, found in Chapter 16, Article III of the Community Plan, "Criteria Used in the Land Designation Process," shall also be considered when determining the maximum density and allowed uses of the PUD.

(4) Obtain desired design qualities. A variation may be allowed that permits the integration of mixed uses or allows for greater variety in the type, design and layout of buildings. Structures shall be designed to be compatible, in terms of height, mass, scale, orientation and configuration, with other units in the PUD and the surrounding area, yet shall avoid uniformity of design. Residential and nonresidential uses may be mixed together. Various types of residential uses may also be combined within the PUD to promote more efficient land use patterns and increased open space.

(5) The Town Council may require minimum yard setbacks, lot widths and space between buildings of such dimensions as they are determined to be necessary to provide adequate access, wildfire prevention and fire protection; to ensure proper ventilation, light, air and snowmelt between buildings; and to minimize the effects of transmission of noise between units and between buildings. As a general guide, twenty (20) feet between buildings shall be considered the minimum appropriate spacing.

(6) Avoid environmental resources and natural hazards. A variation may be allowed that provides necessary site planning flexibility to enable the development to avoid valued environmental resource and natural hazard lands, as these have been identified in Article 20 of this Chapter.

(7) This shall be accomplished in such a way as to maintain these lands as large, contiguous areas. Such lands shall not be fragmented into small, unconnected areas by development, unless the applicant demonstrates that this arrangement is necessary to maintain the underlying density on the property, and the lands providing environmental resource values have been protected and lands subject to natural hazards have been avoided. Where applicable, connections of such lands on the site to such lands on adjacent properties shall be accomplished.

(8) Water augmentation. A variation may be allowed that creates incentives for applicants to commit to a water augmentation plan for their development that makes available "wet" water into the Cross Creek or Upper Eagle River Basin.

(9) Trails. A variation may be allowed that provides incentives for applicants to make contributions to the County's and Town's multi-use trail system, in accordance with the recommendations of the latest version of the Town Trails Plan and the County Trails Plan, or to provide appropriate forms of access to public lands (including summer and winter parking areas and trailheads) and to river and creek drainages in and surrounding the Town. Proposed access shall be consistent with public land

management objectives and resource protection needs for the areas to be accessed.

(10) Affordable housing. A variation may be allowed that extends an incentive to applicants to provide long-term affordable housing.

(11) Public facilities. A variation may be allowed that provides incentives for applicants to develop public facilities, including but not limited to public transportation facilities, public recreation facilities and similar facilities. The facilities may be located on or off of the PUD site and shall be facilities that meet the demands not only of project residents, but also of other residents of and visitors to the Town.

**ARTICLE 16  
Off-Street Parking and Loading**

**Sec. 16-16-20. Parking required for residential and lodging uses.**

The following Table 16-10 sets forth the parking required for residential and lodging uses:

**TABLE 16-10  
Residential and Lodging Uses**

<i>MINIMUM OFF-STREET PARKING REQUIRED FOR RESIDENTIAL &amp; LODGING USES</i>	
<i>Use</i>	<i>Parking Standard</i>
Single-family and duplex	2 spaces per dwelling unit for up to 3 bedrooms 3 spaces for <del>more than 3 bedrooms</del> <u>up to 4 bedrooms and 1 space per each additional bedroom after 4 bedrooms on-site parking</u>
<del>Efficiency unit or 1 bedroom</del>	1.5 <del>1 space per dwelling unit</del>
<del>2 or more bedrooms</del>	<del>2 spaces per dwelling unit</del>
Accessory apartment or dwelling unit	1 space per <del>bedroom unit</del>
Multi-family dwelling	2 spaces per dwelling unit, plus 1 guest space per 5 dwelling units
Private garage <u>&amp; lot</u>	Only for the storage of private automobiles and no more than 1 commercial vehicle owned by the occupants
Hotel and motel	1.12 spaces per room, suite 2 spaces per manager's/caretaker's quarters
Bed and breakfast	1 space per room in addition to those required for related residential use 2 spaces per manager's/caretaker's quarters

Rooming house or boarding house	1 space per accommodation room 2 spaces per manager's/caretaker's quarters
Group home	1 space per accommodation room 2 spaces per manager's/caretaker's quarters
Lodging house	1 space per guest room 2 spaces per manager's/caretaker's quarters

**Sec. 16-16-90. Clear-vision area requirements.**

A clear vision area shall be maintained on the corners of all property at the intersection of two (2) streets or a street and a railroad. A clear vision area shall contain no planting, fence, wall, structure or temporary or permanent obstruction exceeding two and one-half (2½) feet in height, measured from the top of the curb or, where no curb exists, from the established street centerline grade, except that trees exceeding this height may be located in this area, provided that all branches and foliage are removed to a height of eight (8) feet above the grade. A clear vision area may also be identified in these regulations as an "intersection clear zone" or as a "sight triangle" at intersections.

(a) Clear vision area; measurement. A clear vision area shall consist of a triangular area, (2) two sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measured, and the third side of which is a line across the corner of the lot joining the non-intersection ends of the other two (2) sides. The following measurements shall establish clear-vision areas:

(1) In a residential zone, the minimum distance shall be fifteen (15) feet or, at intersections including an alley, ten (10) feet.

(2) In all other zones, where front and side yards adjacent to streets are required, the minimum distance shall be fifteen (15) feet or, at intersections including an alley, ten (10) feet; except when the angle of intersection between streets, other than an alley, is less than thirty (30) degrees, the distance shall be twenty-five (25) feet.

(b) Clear vision area; ~~access~~ driveways. ~~Access~~ Driveways shall have a minimum clear vision area formed by the intersection of the driveway centerline, the street right-of-way line and a straight line joining said lines through points twenty (20) feet from their intersection.

(c) Fences may exceed the maximum clear vision height up to four (4) feet if they do not obscure sight by more than ten (10) percent (i.e. a split rail fence).

**Sec. 16-16-120. Design requirements for parking and loading areas.**

(a) Minimum parking area dimensions. The minimum dimensions of parking spaces, aisles and back-up areas shall be as specified in the following Table 16-13:

**TABLE 16-13**  
**Minimum Parking and Loading Areas**

<i>MINIMUM PARKING AND LOADING AREA DIMENSIONS</i>		
<i>Parking type</i>	<i>Width of space</i>	<i>Length of space</i>
Standard	9 feet	18 feet
Parallel	9 feet	22 feet
Recreational vehicle	10 feet	24 feet
Compact	8 feet	16 feet
Handicap (single space)	12 feet	18 feet
Handicap (double space)	10 feet	18 feet

(b) Minimum dimensions of loading berths. The minimum dimension of any loading berth shall be ten (10) feet wide by thirty-five (35) feet long with a vertical clearance of fourteen (14) feet. Where the vehicles generally used for loading and unloading exceed these standards, the dimensions of these berths shall be increased.

(c) Handicapped parking standards.

(1) Minimum width. Parking spaces for the physically handicapped shall have a minimum stall width of twelve (12) feet, unless the space is parallel to a pedestrian walk, in which case the width may be a minimum of eight and one-half (8½) feet.

(2) Sign. All spaces designated as being for the handicapped shall have a raised standard identification sign. The identification sign shall be twelve (12) inches by eighteen (18) inches, with a height not to exceed seven (7) feet. The standard colors of the sign shall be white on blue.

(3) Location. Parking spaces reserved for use by physically handicapped persons shall be located as close to the entrance to the use as is reasonably possible.

(d) Tandem parking. Tandem arrangements of parking (a vehicle parking directly behind another) shall only be allowed in valet parking lots in nonresidential areas or for single-family residences in residential areas, but shall not be considered as meeting the standards of this Chapter for any other use unless approved by the Planning Director as a limited review use.

(e) Covered parking areas. Covered parking areas shall have an interior clear dimension of at least seven (7) feet high and shall comply with design specifications approved by the Building Official through the building permit process.

(f) Access and turning radius. All parking areas shall be drawn to show the access and turning radius.

(g) ~~Access~~ driveways.

(1) ~~Access~~ driveways into required off-street parking areas shall be designed and constructed to facilitate the flow of traffic and provide maximum safety of traffic access and egress and the maximum safety of pedestrian and vehicular traffic on the site.

(2) Minimum/ maximum width. The minimum width of a one-way ~~the access~~ driveway shall be ~~twelve nine (129)~~ feet for a ~~one-way drive and twenty four (24) eighteen (18')~~ feet for a two-way driveway ~~eighteen (18) feet.~~ In the South Minturn, Game Creek and Old Town Character Areas, the maximum curb cut and driveway width is limited to eighteen (18') feet.

(h) Parking surface and drainage. All parking areas shall be properly graded for drainage, provide on-site detention of run-off from precipitation and be surfaced with ~~concrete or asphaltic concrete or other acceptable surfacing in conformance with specifications on file with the Town.~~ concrete, asphalt or an aggregate material. All parking areas shall be made of materials that:

(1) Are suitable to the uses to which the parking area will be put; and

(2) Are compatible with the character of the proposed development and the surrounding land uses and parking areas. They shall be maintained in good condition, free of weeds, dust, trash and debris.

(3) Parking areas may contain pavers designed with grass or plants located in pavers; no matter the surface material, all parking areas are included as impervious surface under this Chapter.

(i) Parking area lighting. All lights used to illuminate parking spaces, driveways or maneuvering areas shall be so designed, arranged and screened so that the source of direct lighting shall not be visible from any point on adjoining lots or streets. All lighting fixtures, including security lighting facilities, shall be directed away from adjacent residential uses and public streets and shall not be of an intensity which unreasonably disturbs adjacent residential users or users of public streets and shall not be installed above a maximum height of fifteen (15) feet.

(j) Vehicular ingress and egress. Vehicular ingress and egress to public major or minor arterials from off-street parking shall be so combined, limited, located, designed and controlled with flared and/or channeled intersections as to direct traffic to and from such public right-of-way conveniently, safely and in a manner which minimizes traffic congestion and promotes free traffic flow on the streets without excessive interruption.

(k) Parking spaces indicated. Parking spaces shall be marked and maintained on the pavement, and any other directional markings or signs shall be installed as permitted or required by the Town to ensure the approved utilization of space, direction of traffic flow and general safety.

(l) Installation of protective devices. To ensure the proper maintenance and utilization of these facilities, a permanent curb, bumper, wheel stop or similar device shall be installed which shall be adequate to protect the public right-of-way, public sidewalk or planters from vehicular overhangs and to protect any structure from vehicular damage.

**Sec. 16-16-130. Snow storage.**

Adequate space shall be provided for storage of snow removed from pedestrian and vehicular ways, parking and loading spaces on any property that contains commercial or industrial uses, multi-family units, single family units, duplexes and a common outdoor parking area.

- (a) Minimum area. A designated area sufficient to store snow for the entire parking area shall be provided. A minimum of ~~two and one-half percent (2.5%)~~ five percent (5%) of the total area of the required off-street parking and loading area, inclusive of ~~access drives~~ways, shall be designated to serve as a snow storage area.
- (b) Storage in parking spaces prohibited. Snow shall not be stored within required parking spaces, except on an emergency basis for a period not to exceed forty-eight (48) hours.
- (c) Storage in yards and open spaces permitted. Snow may be stored in required yards and open space, including landscaped areas properly designed for snow storage. Snow stored in a required yard or open space shall not ~~exceed four (4) feet in height or be located to~~ restrict access or circulation or to obstruct views of motorists.
- (d) Drainage. Adequate drainage shall be provided for the snow storage area to accommodate snowmelt and to ensure it does not drain onto adjacent property.

**ARTICLE 17**  
**Supplemental Regulations and Standards**

**Sec. 16-17-50.**

This Section is deleted in its entirety and restated with changes in Sec. 16-2-30

**Sec. 16-17-140. Landscaping Standards**

(a) The purpose of this Section is to provide standards for landscaping of development within the Town so as to maintain and enhance the character of residential

neighborhoods, the commercial center, mixed-use and industrial areas. This is accomplished by setting minimum standards for planting within residential and nonresidential development and their associated parking areas to prevent soil erosion, improper drainage, damage to properties and unsightliness, and by requiring buffering and screening around and between the Town's more intensively developed areas.

(b) The applicability standards of this Article shall apply to all development within the Town except as follows:

~~(1) Previously subdivided lot. The standards of this Article for previously subdivided lots shall not apply to the development of a single family residence or duplex on a lot as of January 1, 1999. However, the development of said uses shall comply with any landscaping and illumination requirements that may have been applied by the Town to the approval of the subdivision or PUD in which the lot is located.~~

~~(2) The structural landscape standards for existing structures of this Article shall not apply to remodeling, repair, restoration, or alteration ~~or expansion~~ of an existing residential structure. However, additions or expansions that increase the footprint of a ~~commercial, industrial or multi-family~~ an existing structure or increase the square footage by more than ten (10) percent shall comply with those standards of this Article to the maximum extent possible.~~

**Sec. 16-17-150. Landscape ~~plan required~~ Standards and Plan Submittal Required for Multi-family, Mixed-used, Commercial Developments, Subdivisions and Planned Unit Developments**

~~(a) A landscape plan, prepared by a qualified person, shall be submitted for review as part of any application for development, except as specifically exempted in Paragraph 16-17-140(b)(2) above.~~

~~(b) Applicability. The landscape plan shall address the following types of issues:~~

~~(1) Proposed residential subdivision and PUDs. The landscape plan that accompanies a proposed residential subdivision or PUD is intended to address issues such as the location, size and species of plant material that will be installed and erosion control and revegetation of all disturbed areas and similar concerns. It is not anticipated that landscaping for individual residential lots will be addressed in the landscape plan.~~

~~(2) Commercial, industrial, multi family and other development. The landscape plan that accompanies a proposed commercial, industrial, multi-family, mixed-use or other type of development is intended to address issues such as how areas that are not covered by impervious surfaces will be treated and how such developments will be buffered or screened from surrounding land uses and streets.~~

(a) Applicability. The landscape plan shall accompany an application for a proposed multi-family, mixed-use, commercial developments, subdivisions and Planned Unit

Developments.

(b) The landscape plan shall address the following issues and standards and contain the following information:

- (1) The landscape plan submitted shall illustrate the overall intent of the applicant with regard to landscaping of the property subject to the application.
- (2) Erosion control. The landscape plan shall include a description of how erosion will be controlled on site during and after construction.
- (3) The landscape plan shall include a description of how the application will re-vegetate all disturbed areas.
- (4) The landscape plan shall include description of how bordering properties will be buffered or screened from surrounding land uses and streets.
- (5) The landscape plan shall include a design of pervious and impervious surfaces and open space on the property. The percentage of pervious, impervious and open space area required is dependent on zoning and storm water management requirements.
- (6) The landscape plan shall include a description of the proposed landscape vegetation which shall be labeled, identifying the type of landscaping planned and the size, number and species of plants (identified by both common name and scientific botanical name).
- (7) Only Native Plant Species Zoned 2 by the U.S. Department of Agriculture, Plant Hardiness Zone Map, can be used in the landscape plan. Ornamental plants can be added upon discretion of the homeowner as decoration to be added after the completed landscape plan. Native species to Zone 2 promote water wise use and to ensure plants are appropriate for the Town's unique high altitude mountain climate.
- (8) The use of "blue grass sod" shall be minimized in favor of the use of drought tolerant "fescue sod" species.
- (9) The landscape plan shall depict areas where plant materials will be preserved, removed or replaced. The drawing shall identify all existing deciduous trees of six (6) inches in caliper or greater (measured 4 inches from the ground) and coniferous trees six (6) feet in height or greater, and shall identify which trees will be preserved and which will be removed or relocated. Where it would be impractical to identify each tree, the drawing shall outline the dimensions of existing groves and proposed trees.
- (10) The landscape plan shall be designed so that healthy tree, native vegetation and natural or significant rock outcroppings and other valued features are preserved and integrated with planted areas.
- (11) When plantings occur on hillsides, slopes, drainage ways or similar natural areas, plant materials should duplicate adjacent plant communities both in species composition and spatial distribution patterns. Plants should be planted in clusters to

maximize their chance for survival.

- (c) The Planning Director and Town can request additional landscaping be added to a proposed landscape plan in order to effectuate the intent of this Article.
- (d) A landscape plan prepared pursuant to this section must be designed by a qualified landscape architect or landscape design and construction company.
- (e) Maintenance program. A description of the proposed program to maintain the landscaping after it has been installed shall be provided. The maintenance program shall demonstrate that landscaping receives irrigation water for at least two years after planting.
- (f) Trees and shrubs depicted on the landscape plan shall be of at least the following minimum size at the time of planting unless a larger tree size is specified in any applicable development permit for buffering, screening or planting on the subject property.
  - (1) Deciduous trees: Deciduous trees shall be a minimum of one and one-half (1½) inches in caliper, measured four (4) inches above the ground.
  - (2) Coniferous trees: Coniferous trees shall be a minimum of four (4) feet in height, measured from the top of the root ball to the top of the tree.
- (g) Trees within a paved area. Any tree planted within a paved area shall be placed in a tree vault and shall have a tree grate installed around its trunk.
- (h) Parking and storage prohibited. Required landscaped areas shall not be used for parking, outdoor storage and similar uses, but may be used for snow storage if properly designed for this function.
- (i) Obstructions prohibited in clear vision area. Plant materials shall be limited to thirty (30) inches in height within the clear vision area, so as to avoid visibility obstructions or blind corners at intersections.
- (j) Street trees. Any tree planted along the street shall be located a minimum of five (5) feet from the curb or the edge of the street, to provide room for snow plowing, street maintenance and opening of car doors.
- (k) Landscaping within off-street parking areas.
  - (1) A minimum of (20%) twenty percent of the total area for all parking lots shall be landscaped. Such landscaping may occur on the perimeter or on parking islands within the lot. Any landscape area used for vehicle overhang, if compatible with parking, may be counted towards the required landscaping.
  - (2) All off-street parking areas containing fifteen (15) or more spaces, except for enclosed or subgrade parking structures, shall provide the following forms of

landscaping:

- i. Planting strips. There shall be a planting strip provided along all property lines where a street right-of-way is located adjacent to the parking area.
  - ii. Width. The planting strip shall have a minimum width of eight (8) feet.
  - iii. Screen. A minimum of seventy-five percent (75%) of the length of the planting strip shall be used to screen the parking area from the street. The screen shall be a minimum of thirty (30) inches in height and may consist of a berm, wall, plant materials or combination thereof; however, the clear vision area shall be maintained.
  - iv. Trees. A minimum of one (1) tree shall be planted for every thirty (30) lineal feet of planting strip. The trees may be massed together, provided that the massing does not leave a gap between individual trees or tree masses that exceeds fifty (50) feet.
- (3) Interior off-street parking area planting requirements. Planting areas shall be established to break up the interior of all parking areas.
- i. Minimum area. A minimum of five percent (5%) of the interior areas of the parking shall be required landscaping.
  - ii. Islands. One (1) planting island that is a minimum of six (6) feet wide shall be provided for every fifteen (15) parking spaces. The planting islands shall be dispersed throughout the parking area to provide visual relief and shade.
  - iii. Parking rows. Where double rows of parking are planned, there shall be a center planting strip installed that is a minimum of six (6) feet wide. Where any parking row is adjacent to a circulation way, there shall be a planting strip installed that is a minimum of six (6) feet wide.
  - iv. Trees. There shall be a minimum of one (1) tree planted in each planting island. Within each planting strip, there shall be a minimum of one (1) tree planted for every thirty (30) lineal feet of planting area.

**Sec. 16-17-160. Landscape plan submittal Standards and Plan Submittal for Residential Homes in all Character Areas for Single Family Dwellings, Duplexes, Single Family with Accessory Apartments, and Single Family with Accessory Dwelling.**

~~(a) The landscape plan submitted shall illustrate the overall intent of the applicant with regard to landscaping of the development. Areas where plant materials will be preserved, removed or replaced shall be identified. Proposed landscape areas shall be labeled, identifying the type of landscaping planned and the size, number and species of plants that will be installed. The drawing shall identify all existing deciduous trees of six (6) inches in caliper or greater and coniferous trees six (6) feet in height or greater, and shall identify which trees will be preserved and which will be removed or relocated. Where it would be impractical to identify each tree, the drawing shall outline the dimensions of existing groves and proposed trees.~~

~~(b) The landscape plan submittal shall include the following information:~~

~~(1) Erosion control. A description of how erosion will be controlled on site during and after construction shall be provided.~~

~~(2) Maintenance program. A description of the proposed program to maintain the landscaping after it has been installed shall be provided.~~

~~(3) Plants compatible with local conditions. All plants used for landscaping shall be compatible with the local climate and the soils, drainage and water conditions of the site. When plantings occur on hillsides, slopes, drainageways or similar natural areas, plant materials should duplicate adjacent plant communities both in species composition and spatial distribution patterns. Plants should be planted in clusters to maximize their chance for survival. Whenever possible, landscaping should use drought-resistant varieties or employ Xeriscape design principles. Whenever appropriate, landscaping should use native varieties.~~

~~(4) Save existing vegetation. The landscape plan shall be designed so that healthy tree, native vegetation and natural or significant rock outcroppings and other valued features are preserved and integrated with planted areas.~~

~~(5) Minimum size. Trees and shrubs depicted on the landscape plan shall be of at least the following minimum size at the time of planting unless a larger tree size is specified in any applicable development permit for buffering, screening or planting on the subject property.~~

~~a. Deciduous trees: Deciduous trees shall be a minimum of one and one half (1½) inches in caliper, measured four (4) inches above the ground.~~

~~b. Coniferous trees: Coniferous trees shall be a minimum of four (4) feet in height, measured from the top of the root ball to the top of the tree.~~

~~c. Ornamental trees: Ornamental and flowering trees shall be a minimum of one and one-half (1½) inches in caliper, measured four (4) inches above the ground.~~

~~d. Shrubs and vines: Shrubs shall be in a minimum five-gallon container. Vines shall be in a minimum one-gallon container.~~

~~(6) Trees within a paved area. Any tree planted within a paved area shall be placed in a tree vault and shall have a tree grate installed around its trunk.~~

~~(7) Parking and storage prohibited. Required landscaped areas shall not be used for parking, outdoor storage and similar uses, but may be used for snow storage if properly designed for this function.~~

~~(8) Obstructions prohibited in clear vision area. A clear vision area shall run along property lines and along the entrance to the site. Plant materials shall be limited to thirty (30) inches in height within the clear vision area, so as to avoid visibility obstructions or blind corners at intersections.~~

~~(9) Fire hydrants and utilities. Landscaping shall be installed so it does not obstruct fire hydrants or utility boxes and should not grow into any overhead utility lines.~~

~~(10) Street trees. Any tree planted along the street shall be located a minimum of five (5) feet from the curb or the edge of the street, to provide room for snow plowing, street maintenance and opening of car doors.~~

~~(11) Landscaping within off-street parking areas.~~

~~a. A minimum of five percent (5%) of the total area for all parking lots shall be landscaped. Such landscaping may occur on the perimeter or on parking islands within the lot. Any landscape area used for vehicle overhang, if compatible with parking, may be counted towards the required landscaping.~~

~~b. All off-street parking areas containing fifteen (15) or more spaces, except for enclosed or subgrade parking structures, shall provide the following forms of landscaping:~~

~~1. Planting strips. There shall be a planting strip provided along all property lines where a street right-of-way is located adjacent to the parking area.~~

~~a) Width. The planting strip shall have a minimum width of eight (8) feet.~~

~~b) Screen. A minimum of seventy five percent (75%) of the length of the planting strip shall be used to screen the parking area from the street. The screen shall be a minimum of thirty (30) inches in height and may consist of a berm, wall, plant materials or combination thereof; however, the clear vision area shall be maintained.~~

~~e) Trees. A minimum of one (1) tree shall be planted for every thirty (30) lineal feet of planting strip. The trees may be massed together, provided that the massing does not leave a gap between individual trees or tree masses that exceeds fifty (50) feet.~~

~~2. Interior planting areas. Planting areas shall be established to break up the interior of all parking areas.~~

~~a) Minimum area. A minimum of five percent (5%) of the interior areas of the parking shall be required landscaping.~~

~~b) Islands. One (1) planting island that is a minimum of six (6) feet wide shall be provided for every fifteen (15) parking spaces. The planting islands shall be dispersed throughout the parking area to provide visual relief and shade.~~

~~c) Parking rows. Where double rows of parking are planned, there shall be a center planting strip installed that is a minimum of six (6) feet wide. Where any parking row is adjacent to a circulation way, there shall be a planting strip installed that is a minimum of six (6) feet wide.~~

~~d) Trees. There shall be a minimum of one (1) tree planted in each planting island. Within each planting strip, there shall be a minimum of one (1) tree planted for every thirty (30) lineal feet of planting area. (Prior code 16-17-16)~~

(a) The purpose of this Section is to provide standards for landscaping of development within the Town so as to maintain and enhance the character of residential neighborhoods. This is accomplished by setting minimum standards for planting within residential development and their associated parking areas to prevent soil erosion, improper drainage, damage to properties and unsightliness, and by requiring buffering and screening around and between the Town's more intensively developed areas.

(b) The landscape plan shall address the following issues and standards and contain the following information:

- (1) The landscape plan submitted shall illustrate the overall intent of the applicant with regard to landscaping of the property subject to the application.
- (2) Erosion control. The landscape plan shall include a description of how erosion will be controlled on site during and after construction.
- (3) The landscape plan shall include a description of how the application will re-vegetate all disturbed areas.
- (4) The landscape plan shall include a description of how bordering properties will be buffered or screened from surrounding land uses and streets.
- (5) The landscape plan shall include a design of pervious and impervious surfaces and open space on the property. The percentage of pervious, impervious and open space area required is dependent on zoning and storm water management requirements.
- (6) The landscape plan shall include a description of the proposed landscape vegetation which shall be labeled, identifying the type of landscaping planned and the size, number and species of plants (identified by both common name and scientific botanical name).
- (7) Only Native Plant Species Zoned 2 by the U.S. Department of Agriculture, Plant Hardiness Zone Map, can be used in the landscape plan. Ornamental plants can be added upon discretion of the homeowner as decoration to be added after the completed landscape plan. Native species to Zone 2 promote water wise use and to ensure plants are appropriate for the Town's unique high altitude mountain climate.
- (8) The use of "blue grass sod" shall be minimized in favor of the use of drought tolerant "fescue sod" species.
- (9) The landscape plan shall depict areas where plant materials will be preserved, removed or replaced. The drawing shall identify all existing deciduous trees of six (6) inches in caliper or greater (measured 4 inches from the ground) and coniferous trees six (6) feet in height or greater, and shall identify which trees will be preserved and which will be removed or relocated. Where it would be impractical to identify each tree, the drawing shall outline the dimensions of existing groves and proposed trees.
- (10) The landscape plan shall be designed so that healthy tree, native vegetation and natural or significant rock outcroppings and other valued features are preserved and integrated with planted areas.
- (11) When plantings occur on hillsides, slopes, drainage ways or similar natural areas, plant materials should duplicate adjacent plant communities both in species composition and spatial distribution patterns. Plants should be planted in clusters to maximize their chance for survival.

- (c) Maintenance program. A description of the proposed program to maintain the landscaping after it has been installed shall be provided. The maintenance program shall demonstrate that landscaping receives irrigation water for at least two years after planting.
- (d) Trees and shrubs depicted on the landscape plan shall be of at least the following minimum size at the time of planting unless a larger tree size is specified in any applicable development permit for buffering, screening or planting on the subject property.
  - (1) Deciduous trees: Deciduous trees shall be a minimum of one and one-half (1½) inches in caliper, measured four (4) inches above the ground.
  - (2) Coniferous trees: Coniferous trees shall be a minimum of four (4) feet in height, measured from the top of the root ball to the top of the tree.
  - (3) Shrubs and vines: Shrubs shall be in a minimum five-gallon container. Vines shall be in a minimum one-gallon container.
- (e) Landscaping and Setbacks: On any lot the required yard setbacks and all non-impervious areas shall be landscaped. Landscape requirements shall also include landscaping of the public right of way as follows:
  - (1) Old Town Character Area: to the sidewalk, curb and gutter, or street pavement, as appropriate.
  - (2) South Minturn Character Area: to within 10 feet of the paved surface. Any existing parking areas in the right of way or front yard setback are to be removed and replaced with landscaping.
  - (3) Game Creek Character Area: to within 5 feet of the paved surface. Any existing parking areas in the right of way or front yard setback are to be removed and replaced with landscaping.
- (f) The landscape plan shall demonstrate that there is a minimum of one (1) tree for each 1,000 square feet of lot area (i.e. 5 trees on a 5,000 square foot lot). This standard shall not apply to commercial development
- (g) Parking and storage prohibited. Required landscaped areas shall not be used for parking, outdoor storage and similar uses, but may be used for snow storage if properly designed for this function.
- (h) Obstructions prohibited in clear vision area. A clear vision area shall run along property lines and along the entrance to the site. Plant materials shall be limited to thirty (30) inches in height within the clear vision area, so as to avoid visibility obstructions or blind corners at intersections.
- (i) Fire hydrants and utilities. Landscaping shall be installed so it does not obstruct fire

hydrants or utility boxes and should not grow into any overhead utility lines.

**Sec. 16-17-170. Installation and maintenance requirements for all Landscaping.**

~~(a) Collateral Financial Guarantee. Prior to the issuance of a temporary certificate of occupancy development permit, the Town Council Manager may shall require the applicant to submit to the Town a cost estimate for completion of the landscaping described in the approved landscape plan together with a financial guarantee (a cash escrow payment or a surety or cash bond, letter of credit) or other collateral found to be suitable by the Town Attorney to guarantee the installation of the required landscaping. The collateral financial guarantee shall be in an amount equal to one hundred twenty-five percent (125%) of the total cost of supplying and installing the material depicted in the approved landscape plan based on the cost estimate provided by the applicant and accepted by the Town. When collateral has not been required to be submitted prior to the issuance of a development permit, then No certificate of occupancy shall be issued for any portion of the development until the required landscaping has been installed or until a suitable collateral has been provided to guarantee that required landscaping will be installed within the first planting season following occupancy of the property.~~

(b) Certificate of release. Following inspection of the required landscaping to determine conformance with the landscape plan, the applicant shall certify that the landscaping has been installed in conformance with the approved plans. The ~~performance~~ financial guarantee shall be released within fourteen (14) working days following receipt of the certification and inspection by the Town.

(c) Town use of financial guarantee security. In the event the landscaping items contained within the cost estimate or approved plan are not installed in conformance with the approved plan, the Town may draw upon the ~~security~~ financial guarantee to bring the landscaping into conformance with the approved plan.

(d) Required time for completion. All required landscaping shall be installed prior to or within the first planting season following occupancy of the property. When phasing of a project's construction is approved, then installation of required landscaping may be phased consistent with the project's approved development phasing.

(e) Maintenance. All landscaping shall be healthy at the time of its installation and shall meet the standards of the American Association of Nurserymen. Landscaping shall be maintained so that it remains alive or it shall be replaced.

(1) Landowner responsibility. Maintenance of landscaped area shall be the responsibility of the landowner.

(2) Replacement. Landscaping that does not survive within the first three (3) years after it is planted shall be replaced within thirty (30) days during the planting season or as soon as possible during the next planting season. The replacement vegetation shall be similar in size, type and amount to the vegetation being replaced.

**ARTICLE 18**  
**Health and Safety Standards**

(Note: No changes to this Article)

**ARTICLE 19**  
**Sign Regulations**

(Note: No changes to this Article)

**ARTICLE 20**  
**Environmental Impact Report**

(Note: No changes to this Article)

**ARTICLE 21**  
**Administration and Procedures**

**Sec. 16-21-30. Town Council powers and duties.**

(a) In addition to any authority granted the Town Council by general or special law, the Town Council shall have the following powers and duties under the provisions of this Chapter:

(1) Amendments to the text of this Chapter. To initiate, hear, review, consider and approve or disapprove by ordinance applications to amend the text of this Chapter.

(2) Amendments to Official Zone District Map. To initiate, hear, review, consider and approve or disapprove by ordinance applications for amendment to the Official Zone District Map of this Chapter.

(3) PUD. To hear, review, consider and approve or disapprove applications for preliminary and final plan for Planned Unit Development (PUD) District.

(4) Conditional uses. To hear, review, consider and approve, approve with conditions or disapprove applications for conditional use permits.

(5) Extensions. To hear, review, consider and determine whether to approve an extension of conditional use permits, preliminary plans or final PUD plans.

(6) Expiration of permits. When appropriate, to initiate and determine when to take action that results in the expiration of the life of approved conditional use permits, preliminary plans, final plans and final plats for PUD.

(7) Appeal decision/interpretation of Planning Director. To hear, review, consider and affirm, modify or reverse interpretations or decisions made under this Chapter.

(8) To call up for review any final decision reached by the Planning and Zoning Commission. After review, Town Council may affirm, deny, or affirm with additional conditions the decision of the Planning and Zoning Commission

(9) To hear and decide appeals from any aggrieved party regarding any order, requirement, decision or determination made by any administrative official of the Town charged with the enforcement of this Chapter and the implementation of the Community Plan. The Town Council shall review these decisions to determine if the spirit of this Chapter was observed and public health and welfare was secured, and to ensure that the aggrieved party was not denied privileges enjoyed by other residents of the Town because of special circumstance applicable to their property. The Town Council may reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed. Thereafter, either the Planning Director or Planning Commission shall implement the decision.

(b) Town Council as Zoning Board of Appeals. The Town Council is hereby established as the Zoning Board of Appeals. The Town Clerk shall be responsible for recording and keeping minutes of the meetings. The Zoning Board of Appeals shall have the following powers and duties under the provisions of this Code: To hear, review, approve, approve with conditions or disapprove appeals for zoning and land use applications.

## **ARTICLE 22**

### **Legal Nonconforming Uses, Structures and Lots**

(Note: No changes to this Article)

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THE 4<sup>th</sup> DAY OF MARCH, 2015. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 18<sup>TH</sup> DAY OF MARCH, 2015 AT 6:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

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Hawkeye Flaherty, Mayor

ATTEST:

By: \_\_\_\_\_  
Jay Brunvand, Town Clerk

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 18<sup>TH</sup> DAY OF MARCH, 2015.

TOWN OF MINTURN, COLORADO

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Hawkeye Flaherty, Mayor

ATTEST:

By: \_\_\_\_\_

Jay Brunvand, Town Clerk

**ACTION ITEMS REPORT**

From: Town Manager  
18-Feb-14

Action Item	Responsible staff	Status
Eagle River Park Grant "History Walk in the Park" and bathrooms	Hawkinson	bathrooms delivered March 5 Design for educational portion beginning
Rec Property Clean-up	Martinez	berm constructed. Continue grading, cleanup and beaufication
Boneyard	Hawkinson	slash piles cleaned, VSSA and boy scouts site plan reviewed by PZ on 1/15, Council
Little Beach Park perfect ownership	Powell Sawyer	quiet title action has been filed
Memorialization Guidelines	Metteer	staff presented Jan. 21
Minturn Fitness Center	Powell Rosenfeld Bidez	achieve property tax exemption--application is submitted achieve 501.c.7 non-profit status
Minturn Education Fund	Powell Bellm	achieve 501.c.3 non-profit status scholarship notice posted, submittals by April 10 create separate accounting and bank account
Zoning Code Amendments	Hawkinson Powell Sawyer	staff review and recommendations P&Z review and recommendations Council review and adoption
Guide Sign Plan	Metteer	staff presentation on March 18 Take to CDOT for approval
Water Rate Structure and Rates	Powell water committee	Water committee to present report on March 18 Potential Amendments to Water Ordinance