



**TOWN OF WINTER PARK
PLANNING COMMISSION
Tuesday, February 16, 2021 8:00 AM
Online Meeting (instructions below)**

A G E N D A

- I. **Meeting Call to Order**
- II. **Roll Call of Commission Members**
- III. **Town Hall Meeting** (time for anyone from the public to speak about items not on the agenda)
- IV. **Minutes** – February 9, 2021
- V. **Conflicts of Interest**
- VI **Action Items:**
- VII. **Planning Commission Items for Discussion:**
 - A. Unified Development Code – Chapters 5-6
- VIII: **Director’s Report**

Online Meeting Log-In Instructions – See next page

Computer Log-In Instructions

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**TOWN OF WINTER PARK
PLANNING COMMISSION
Tuesday, February 9, 2021 8:00 AM**

MINUTE

- I. Meeting Call to Order is at 8:03 am.
- II. Roll Call indicated present Commissioner Roger Kish, Doug Robbins, George Stevens, Dave Barker and Angela Sandstrom are present. Community Development Director James Shockey and Town Planner Hugh Bell are also present. Chairman Holzwarth is absent. Commissioner Kish (Vice Chairman) is acting as Chairman today.
- III. Town Hall Meeting (time for anyone from the public to speak about items not on the agenda). No one comes forward.
- IV. Minutes for Review: February 2, 2021. Commissioner Barker makes a motion to approve the minute. Commissioner Stevens seconds. The minute is approved 6 0.
- V. Conflicts of Interest. No one comes forward.
- VI Action Items:
 - A. Commercial Design Review Application – Ski Ranch

Planner Bell begins his Staff report. The applicant is A Frame Hotel and they are proposing 31 one-bedroom boutique hotel units for the former Adolf's site. The applicant submitted this application after the Town Council approved an amendment to the Town Code adding "boutique hotel" as a permitted use in the C-1 zone district in June 2020. Basically, Planner Bell reads the highlights related to this Commercial Design Review included in the electronics packet sent to the Commissioners.

- Proposed Material and Color
- Site Plan and Building Elevations
- Building Height
- Setbacks
- Building Coverage
- Signage
- Exterior Lighting
- Access and Parking. The applicant requested for an administrative variance.
- Land Use Transition Zones
- Snow Storage
- Erosion Control/Drainage
- Utility Review
- Construction Schedule
- Trash Enclosure.
- Fences and Gates
- Forest Thinning and Fuels Management

- Inspection
- Development Improvements Agreement
- Wetlands

Then, Planner Bell reads the list of recommendations they have sent to the applicant which are closely related to the items he has just read. The Staff recommends approval of the Commercial Design Review including the parking reduction request.

Mr. Justin Croft comes forward. Mr. Croft gives a short background about this project and the rezoning process. Then, he explains what the project is about. He says that the developer is aware of the mature trees that exist in the area and the proximity to the Fraser River. Mr. Croft also mentions how his company has built similar projects in Colorado. He adds that they have purchased the Western Hotel and they are in the process of renovating it and they are locals committed to the community and its development.

Vice Chairman Kish opens the public comments session. No one comes forward.

Vice Chairman Kish asks the Town Planner the four items that the applicant is asking to have an administrative variance request for. Planner Bell reads the items and show them on the screen.

1. Water quality setback which was reviewed by the engineer. There is a short discussion about the impact on the wetlands and the comments from the engineer.
2. Parking reduction request. This will be reviewed by the Commission and the Town Council. Commissioner Robbins asks if this will also go through the BOA. Planner Bell replies that it will not go through the BOA. Director Shockey adds that it is not technically a variance; it is a parking reduction issue.

Commissioner Sandstrom says that she read the EGFPD letter and it seems they have some concerns related to this parking reduction request. Planner Bell says that EGFPD recommend the parking reduction not to be approved. They have concerns about vehicle maneuvering. Director Shockey adds they, at the Staff level, they are not that concerned about emergency vehicles entering the area.

Commissioner Larson asks to see the parking plan (sheet C5). Vice Chairman Kish wants to clarify that the parking reduction is primarily for the retail and the restaurant facilities. Planner Bell confirms this. All the hotels units have the same number of parking spots. Vice Chairman Kish also wants to confirm the reduction in the ADA parking spaces from 3 to 2 is based in the total number. Planner Bell confirms this as well.

The applicant, Mr. Croft says that the reason behind the reduction request is that they believe that the guests will be the main users of the restaurant and the retail space.

There is a short discussion about the demolition plan and the existing parking. Commissioner Larson says that, according to the sheet on the screen, they are 10 parking spaces. The number of spaces required for the restaurant are 32. Commissioner Stevens is also concerned about the long-term impact.

Mr. Croft comes forward and says that extending the parking further east is difficult due to the wetlands. They want to keep the site as natural as possible; they will install some piers to support one of the cabins though. The other reason is easement for the sewer. Mr. Thomas Pannell is the

civil engineer in charge and he can answer some questions about this topic as well. Mr. Pannell says that the parking reduction would only apply for overnight parking during the wintertime. The businesses will still have available parking during their operation hours. Mr. Pannell also confirms that they intent to stay out of the wetlands areas as much as possible. For Trademark Drive, they are looking at some significant retention walls for some major grading all the way. They are using the flattest parts for parking. If they have had thought about other alternatives for parking, they would have pushed the cabins closer to the river.

Commissioner Kish says that, after hearing all these arguments, the parking reduction is a net gain and he supports it.

Commissioner Barker asks if the density is the same as the one they looked at in June 2020. Director Shockey says that, since the variance request was modified due to rezoning, this density was allowed. Planner Bell adds that there is no density cap for hotels.

Commissioner Kish opens the discussion to talk about the piers in the wetlands and the encroachment. Commissioner Stevens would like the applicant to clarify the floor plans of the units. Mr. Croft says that there is a raised deck on piers kind of floor plan. That cabin will have two (2) piers in the wetlands. Commissioner Kish thinks that it does not look too intrusive and he supports it. The rest of the Commissioners agree.

3. Stormwater detention
4. LTZ request. Planner Bell shows the plan on the screen. This will be reviewed by the Commission as well. Due to an error in the first landscape submittal, the applicant needs to request for a variance. The applicant argues that they do not need to plant so many new trees since there are plenty in the area. Planner Bell shows the memo on the screen.

Mr. Croft comes forward and explains this situation. The uniqueness of the area with a lot of mature trees they want to preserve is what made the applicant to request for the variance. Vice Chairman Kish asks if the LTZ would be in compliance. Mr. Croft replies that they would ask for a variance against Type C. Commissioner Robbins agrees with the interpretation of why the applicant is requesting the variance. Commissioner Robbins is concerned about keeping existing trees during construction. There is a discussion about this topic and how the Code does not require a tree to be replanted or replaced. There is a discussion about how this could be a condition for approval (including a time frame of one year) and if it could be included in the UDC draft. The trees conservation plan is added as a condition.

Commissioner Stevens asks about the height of the decks upgrade. Mr. Croft says that the piers would be between 1 ft. and 5 ft. tall in the three units that are facing the river. They would be just above midpoint.

The next topic is the photometric plan. Since this project is right across a residential zone, the Planning Commission needs to discuss if a photometric plan for the parking area is in order even though the project would be located in a C-1 district. Planner Bell says that all the fixtures are dark sky compliant. Director Shockey says that this would be a requirement for any commercial development for the entire plan under the proposed Code. Currently though, it is only required for parking lots. Commissioner Stevens would like to see the photometric plan for the parking lot. Vice Chairman Kish and Commissioner Barker support that idea.

The LTZ would be addressed by what the applicant has shown and that will take into account protection of existing trees and replacement if necessary.

Commissioner Robbins makes a motion to approve the Commercial Design Review with conditions regarding the LTZ (Table 5-D-3), post construction walk-through to make sure the trees will survive, bring the wetlands up to the landscape plan (Mr. Pannell says that they have rights to slightly modify them for water quality also so, they will not look exactly as they do today), parking reduction, photometric plan for the parking lot, building height (the applicant will provide site specific elevation for any cabin that has a significant grade change -3 ft. or more). The applicant would like to include a tree health analysis (carried out by a third party) to see which trees are in bad shape before starting construction in the variance conditions. This condition is added to the motion. The Staff's remaining recommendations are also included. Commissioner Barker seconds. The motion is approved 6, 0.

B. Preliminary Plat – Hideaway Junction Filing 2

Director Shockey gives a summary of the Staff report. The Town of Winter Park is submitting a Preliminary Plat for Hideaway Junction Filing II. This is the second and final filing of the subdivision. The Town of Winter Park is proposing to subdivide Tract C of the Hideaway Junction Subdivision into a single-family development that will consist of 36 lots including two new roads that intersect with Kings Crossing Road. The site also includes areas of wetlands, which have largely been included in the shown outlets in order to avoid unnecessarily altering their current state. The topography includes slopes that are relatively steep. Director Shockey gives a short outline about the following items:

- Access from Kings Crossing Road.
- Parking. Two spaces per dwelling.
- Setbacks
- Landscaping
- Erosion Control/Drainage
- Exterior Landing. No streetlights are planned for now.
- Snow Storage. This was not provided so this will be a condition.
- Density is in conformance.
- Open Space/Building Coverage
- 5% Land Dedication. This will be waived since the Town of Winter Park is the applicant.
- HOA/Declaration of Covenants
- Development Improvements Agreement
- Sidewalks
- Wetlands
- Agency Comments
- East Grand School District
- Grand County Water and Sanitation District No. 1
- Mountain Parks Electric
- Town Engineer
- Century Link
- Xcel Energy

Director Shockey mention that the Staff received one public comment from a neighbor names Joanna Goodman. Ms. Goodman requested additional information about the construction plans and the sanitation sewer. The engineers are responding to her request.

Ste Staff recommends approval with conditions.

The Town Assistant Manager, Alisha Janes is present. She informs the Planning Commission that the Town was given a \$250,000 grant from the Department of Local Affairs that will help to keep the costs low and make this project truly affordable. This money will be used for the horizontal infrastructure of the project.

There are no questions from the Planning Commission to the applicant.

Vice Chairman Kish opens the meeting to the public comments session. Ms. Joanna Goodman comes forward. She asks if the declaration of covenants is drafted separately from the one in 2006. Ms. Janes replies that they are currently looking at this issue. The Town's Attorney is recommending to update the language to make it more clear for future owners. This will also address the wetland areas and open spaces. The objective is to provide a seamless transition between phase 1 and phase 2. This will be discussed over the next month or so.

Ms. Goodman says that she did not receive any comment about the depth of the sewer. She is worried about the retaining wall and how it might be affected by the construction. Ms. Janes replies that they will require JVA to be involved in this process and make an assessment before construction.

Mr. Greg Hoover comes forward. Mr. Hoover asks about pedestrian access down to Lions Gate Drive. Ms. Janes responds that the challenge is to make it work since the area is quite steep. One of the main priorities is to make sure that the pedestrian access is well connected to Kings Crossing and its existing sidewalk. They are working on ways to provide such access.

Commissioner Sandstrom asks about the grow of aspen trees and wetlands. She is concerned about people cutting through and damaging the area. Director Shockey says that it appears that the majority of the aspen trees are located in lot A which might have wetlands as well. This would be discussed with the wetlands consultant prior to Final Plat submittal. This item will be added as a condition since it was not included.

Talking about pedestrian connection to the landscape, Commissioner Sandstrom mentions people cutting through phase 1 and bus access on Lions Gate for phase 2 owners. Director Shockey talks about the possible construction of a sidewalk in that area in order to have access. There is also mention of a possible easement that way and how transit services can make a loop.

Commissioner Stevens would like to encourage looking very closely at the pedestrian access. Vice Chairman Kish agrees with Commissioners Sandstrom and Stevens. He believes that if the pedestrian access is not done is a properly, it might lead to "informal" access.

Commissioner Robbins disagrees and he thinks this should not be a condition in this preliminary plat since he feels confident that the applicant will do its best to address this issue and this is considered a priority. Commissioner Stevens does not agree with Commissioner Robbins.

Commissioner Stevens makes a motion to approve the preliminary plat with the Staff recommendations and adding the conditions discussed during the meeting. Commissioner Sandstrom seconds. The

preliminary plat is approved 6, 0.

VII. Planning Commission Items for Discussion:

A. Unified Development Code – Chapters 5-6

This topic has been postponed to be discussed at a later date: February 16th, 2021. The Commissioners agree.

VIII: Director's Report

- Subdivision exemption request from Roam. They would like to combine some lots.
- Preliminary plat for 87 condominium units in Roam.
- Braidwood design review.
- Reunion Station design review.
- Lakota Pointe is working in some amendments and it has been delayed.
- Rezoning applications: on the corner of Main Street and Telemark (The Pub) Some neighboring properties are asking for a rezone as well to conform with the Town's Master Plan.

Upon a previously adopted motion the Planning Commission meeting is adjourned at 10:11 am.

MEMO

TO Planning Commission
FROM James Shockey, Community Development Director
THROUGH Hugh Bell, Planner
DATE February 16, 2021
RE Unified Development Code – Chaps. 5 and 6 Review

Overview:

Staff is reviewing Chapters 5 and 6 of the draft Unified Development Code (UDC) and has highlighted significant sections of Chapters 5 and 6 below for the Planning Commissioners' review. These sections have either been significantly revised from their language in the current Code or are not in the current Code altogether.

Chapter 5: Environmental Standards

- **Article 5A – Land and Resource Conservation**
 - Site Fingerprinting (5-A-1)
 - View Protection (5-A-2)
 - Hillsides, Ridgelines, and Topographic Features (5-A-3)
 - Development permitted is based on slope steepness
 - Setbacks, buffers, building massing regulations for hillside/ridgeline development
 - Water Quality (5-A-4)
 - Bolstered water quality setback regulations
 - Bolstered wetland setbacks, mitigation requirements, and adjacent development restrictions
 - Geological and Wildfire Hazard Area (5-A-5)
 - Protection of Wildlife Corridors, Ranges, and Habitat (5-A-6)
 - Sustainability (5-A-7)
- **Article 5B – Flood Hazard Reduction**
 - Standards for New Construction and Substantial Improvements (5-B-4)
 - Establishment of designated floodways (5-B-7)
- **Article 5C – Erosion Control**
- **Article 5D – Tree Removal and Protection**
 - Establishing standards for removing and replacing trees (5-D-3)
 - Establishing standards for protecting root zones, individual trees, etc. (5-D-3)

Chapter 6: Site Design

- **Article 6A – Parking, Loading, and Access**
- **Article 6B – Landscaping, Buffering, and Screening**
 - Bufferyards for watercourses (6-B-5)

- Screening of trash receptacles, parking lots, parking structures (6-B-7)
- Regulations for disturbed sites (6-B-4)
- **Article 6C – Signs (No need to review. Will be revised after adoption of UDC)**
- **Article 6D – Outdoor Lighting (moved from DG to UDC)**
- **Article 6E – Snow Storage**
 - Bolstered regulations for sloped sites and landscaped snow storage areas
 - Added language for off-site hauling

CHAPTER 5. ENVIRONMENTAL STANDARDS

Article 5.A. Land and Resource Conservation

Sec. 5-A-1 Site Fingerprinting

A. Generally.

1. All subdivisions and site plans shall show the boundaries of areas of the natural resources listed in *Subsection B.*, if such areas exist on the parcel proposed for development. Such delineation shall be by a qualified professional.
2. Development that does not require a site plan, but is located on a parcel or lot which was not subdivided in accordance with the requirements of this Article shall provide site fingerprinting.

B. Resource Mapping Criteria. The following resources on a parcel proposed for development shall be mapped according to the stated criteria or methodologies. These resources are subject to the resource protection requirements of this Article.

1. Riparian Buffers. Riparian buffers shall be mapped as an area that extends 30 feet landward of the ordinary high water mark or top of bank, as applicable, from rivers, streams, and creeks.
2. Floodplains, Floodways, and Floodway Fringes. Floodplains, floodways, and floodway fringes shall be mapped according to their boundaries as shown on the most recent maps available from the Federal Emergency Management Agency (FEMA).
3. Wetlands. Wetlands shall be delineated according to the most recent version of the U.S. Army Corps. of Engineers Wetland Delineation Manual.
4. Forests and Woodlands. Forests and woodlands are areas that are at least 10 contiguous acres in area in which trees have overlapping crowns that provide at least 50 percent cover. Forests and woodlands are delineated by the edges of the crowns.
5. Critical Wildlife Habitat, Winter Range for Elk and Mule Deer, and Big Game Migration Corridors. Critical wildlife habitat, winter range for elk and mule deer, and big game migration corridors shall be mapped in consultation with the Colorado Division of Wildlife. (See Sec. 5-A-6, Protection of Wildlife Corridors, Ranges, and Habitat.).
6. Steep Slopes. Steep slopes shall be mapped as those areas on a parcel proposed for development with an average grade of 30 percent or more.
7. Geologic Hazard Areas.
 - a. Geologic hazard areas shall be mapped after geotechnical analysis for those sites which are shown on Map 3 of the 2007 Comprehensive Plan as "geologic constraints," or for sites that are known to the Administrator to contain geologic hazards.
 - b. Each type of geologic hazard on a parcel proposed for development shall be mapped.

C. Waiver of Requirement.

1. The Administrator may waive the fingerprinting requirement for one or more of the listed resources if the Administrator determines that there is no evidence of the presence of the resource or resources on the parcel or lot proposed for development.

Sec. 5-A-2 View Protection

A. Purpose. Procedures for evaluating the impacts of development on scenic views and vistas available to the general public are warranted given the surrounding National Forest Protected Lands, mountain peaks, slopes, and valleys.

The intent of this Section is to preserve the scenic quality of these resources and thereby promote a high quality of life, preserve property values, and promote sustainable economic development by limiting reductions of visual integrity, and to ensure that development does not materially obstruct scenic ~~view or~~ vistas as seen from critically important public view corridors.

- B. Applicability.** The requirements of this Section apply to all development, redevelopment or substantial improvement of buildings or sites that are within the view corridor between the Continental Divide and following key destination points within the Town's municipal limits:
1. Wolf Park;
 2. Confluence Park; and
 3. Hideaway Park;
- C. Requirements.**
1. *Generally.* There shall be no significant structure in the view corridor from the key destination points listed above in subsection (B) and the Continental Divide. To show that there is no significant structure in the view corridor a view analysis shall be submitted when legitimate concerns are raised by Town staff, Town Council, and/or the general public that a proposed development is likely to impact views of the surrounding mountain peaks, slopes, and valleys as seen from key public ~~designation~~ destination points that serve the community interest by ensuring that signature views available to the public are not blocked by the installation of new structures.
 2. *Extent of View Analysis.* See Sec. 7-D-8.B, *View Analysis Requirements*.
 3. *Mitigation Measures.* The applicant is permitted to propose mitigation measures to reduce the impact of the proposed structure(s). See Sec. 7-D-8.D, *Mitigation Measures*.

Sec. 5-A-3 Hillside, Ridgelines and Topographic Features

Subsec. 5-A-3-1 Purpose and Intent

- A. Purpose.**
1. The standards of this Section are appropriate for areas that have physical characteristics limiting development, so that development occurs in a manner that minimizes the adverse environmental and visual problems associated with drainage, erosion, earth movement, and vegetation removal. These standards consider the natural constraints of a site to accommodate development that:
 - a. Is sensitive to the natural, wild environment;
 - b. Incorporates safeguards to maximize public health, safety, and general welfare; and
 - c. Minimizes changes to the visual quality of the hillside.
 2. The hillside conservation standards are designed to protect and enhance the Town's unique natural assets, environment, wildlife habitat, and significant scenic views and vistas. Hillside areas are places of special character that affect and are affected by their surroundings.
- B. Applicability.**
1. *Generally.* Any rezoning, subdivision, site plan, master site plan, or building permit shall be subject to regulations and standards of this Section.
 2. *Exceptions.* Except as provided below, the regulations of this Section apply to those portions of parcels or lots proposed for development where slopes of 30 percent or greater are impacted. The following types of development are exempt from the provisions of this Section:
 - a. Exterior building maintenance and repairs;
 - b. Interior alterations;
 - c. Construction of public utilities in the right-of-way;

- d. Development necessary to comply with Title 6, Chapter 1, *Building Codes*, of the Town's Code of Ordinances; and
- e. Development necessary to ensure the immediate public health or safety as required by the Town Council.

Subsec. 5-A-3-2 Protection of Hillside and Ridgelines

A. Generally.

1. The development standards set out in this Section apply to those portions of parcels or lots proposed for development where slopes of 20 percent or greater are impacted. These standards also apply to flat areas on top of ridgelines or hillcrests that have significant visibility or that may be identified as significant natural features or distinctive landforms. Section 5-A-3-3, *Streets, Driveways, Parking, and Emergency Vehicle Access on Hillside*s, provides special provisions for hillside that meet this slope threshold that are located within 100-feet from the top of bank of a natural waterway.
2. Any rezoning, subdivision, annexation, development, planned development, site plan, or building approval or permit shall be subject to compliance with the hillside regulations, regardless of whether specific reference to the hillside regulations is made in the UDC section governing such approval or permit process.

Table 5-A-3-2-1 Hillside Regulations for Land Use Type			
Land Use Type	<20%	20%-29.9%	30% or more
Single Family Residential - Existing Lot	No Hillside Review	Admin.	Admin
Single Family Residential - New Lot Subdivision	No Hillside Review	Admin. & Subd.	Prohibited
Multifamily - Existing Lot	No Hillside Review	Admin.	Admin.
Multifamily - New Lot Subdivision	No Hillside Review	Admin. & Subd.	Prohibited
Commercial or Mixed Use - Existing Lot	No Hillside Review	Admin.	Admin.
Commercial or Mixed Use - New Lot Subdivision	No Hillside Review	Admin. & Subd.	Prohibited
Access to an Existing Lot	No Hillside Review	Admin.	Admin.
Access to a New Lot Subdivision	No Hillside Review	Admin.	Admin.
Significant Vegetation Removal ¹	No Hillside Review	Admin.	Prohibited
Notes: Admin- Administrative Review Subd. - Subdivision Process 1 - Fire mitigation projectst in the Wildfire-Urban Interface are exempt			

B. Hillside Protection Review Process and Required Submittals.

1. The development review and permitting process is determined by the slope of the area on which the work is to be done. All proposals or development activity including grading, modifying, and / or disturbing of slopes of 20 percent or greater require application, review, and approval. An application is also required for all annexations, rezonings, or subdivisions of properties which have slopes of 20 percent or greater.
2. A completed application must be filed with the Department along with the appropriate fee and all required submittal materials. An application is required for all persons desiring to remove significant vegetation (coniferous trees six feet and taller, deciduous trees four inches in circumference or greater) on slopes of twenty percent or greater. The topography of a parcel is measured using actual ("natural") slope instead of average slope.
3. A rejection of the project may be appealed to the Planning Commission in accordance with the procedures set out in Section 7-D-10, *Administrative Appeals*.

C. Landscape Anomalies and Cut Slopes. Under certain conditions, the grading standards can be administratively waived due to the existence of landscape anomalies or slopes which were created by a previous excavation. A

landscape anomaly, such as a mound or pit, or cut slope may create a steep slope within an otherwise relatively flat area of land. A small land form may be allowed to be graded, so that a small feature would not render unbuildable an otherwise buildable location.

- D. **Conflicting Requirements.** In the event of overlapping or conflicting requirements between the hillside regulations and other provisions or regulations under the UDC, the more restrictive provisions shall apply.

Subsec. 5-A-3-3 Streets, Driveways, Parking, and Emergency Vehicle Access on Hillsides

- A. **Generally.** The standards of this Section apply to the design of streets, driveways, parking, and emergency vehicle access ("vehicular improvements") on hillsides. The limitations of Subsection B., below, apply in riparian areas with qualifying slopes.
- B. **Riparian Areas.** When a hillside is within 100 feet of the top of bank of a natural waterway, streets, driveways, access, and parking shall not be constructed on that hillside except as necessary to provide essential access or a necessary crossing of a waterway.
- C. **Design and Grading.** The grading of slopes shall be minimized by aligning vehicular improvements to conform to existing grades as closely as is possible, and consistent with safe geometric design. Vehicular improvements shall be designed to:
1. Minimize the alteration of the physical and visual character of the hillside (e.g., large notches in ridgelines should be avoided); and
 2. Retain natural landforms by utilizing gentle horizontal and vertical curves in alignments (i.e., alignments on the hillside should be neither wider nor straighter than necessary).
- D. **Streets.** The Town Engineer may allow a proposed street to cross a 30 percent slope only if it is demonstrated that:
1. The street serves one or more of the following purposes:
 - a. The street is necessary in order to serve a dwelling unit on an existing lot of record;
 - b. The street is shown on recorded plat or part of a road network described in a Final Development Plan; or
 - c. The street provides a community benefit that cannot be provided in a cost-effective and technically feasible manner in an alternative location.
 2. The street shall be designed to meet the following objectives:
 - a. The street is aligned in a location that:
 1. Is least disruptive to the steep slope; and
 2. Minimizes cut and fill by following natural contours.
 - b. Streets and driveways that are necessary to serve dwellings on existing lots shall limit the amount of grading necessary by designing the dwelling placement and access points where they have the least impact on the hillside.
 - c. Streets may be split into two, parallel one-way streets (thereby effectively functioning as a two-way street with a land "median") in steeper areas to minimize grading and to blend with the terrain. Culs-de-sac or loop roads are encouraged where necessary to fit the terrain.
 - d. Streets must not be parallel to one another to avoid a "shelving" effect on hillsides.
 - e. Modified street standards may be approved by the Town Engineer to reduce required grading.
 - f. Retaining walls shall blend with the natural features of the setting. Use of native rock or use of other masonry shall convey a scale and texture similar to that of traditional rock or traditional materials found within the natural setting. Limit the height of a retaining wall to less than six feet. Where greater heights in a retaining wall must occur, use a series of terraced or stepped walls. The width of a retaining terrace shall not be less than five feet. The Administrator may vary the retaining wall height and width requirements depending on site conditions.
 - g. Screen road cuts and retaining walls with plant materials.

3. When no retaining wall is to be used, avoid making cuts too steep to accomplish revegetation of the affected hillside.
- E. **Curb Cut Width.** Refer to the Standards and Specifications for Design and Construction.
- F. **Garage Location.** Generally, garages shall not be located in the front of the lot or parcel proposed for development. However, an exception may be granted by the Administrator where necessary to avoid extensive cut and fill. In such circumstances, the appearance of the garage doors shall be minimized from street level vantage points.
- G. **Driveways.** In order to limit the impact of driveways on sloped lands, the following standards apply:
1. Grading of slopes of 30 percent or more in order to construct a driveway shall be allowed only if it is necessary to serve a dwelling unit on an existing lot of record and there are no feasible alternative locations for access with lesser slope.
 2. Driveways shall generally follow existing contours.
 3. Minimum grading shall occur to accommodate the driveway. Minimizing grading shall be a priority in terms of driveway design and building placement.
 4. Non-shared driveways should be narrowed to 12 feet, when feasible.
 5. Shared drives shall be a maximum of a 20 foot wide paved driving surface and should be narrowed to a 16 foot wide paved driving surface with two-foot gravel shoulders on each side, when feasible.
 6. Shared driveways shall be utilized to minimize hillside cuts whenever feasible.
 7. Driveways should take up the grade of the slope rather than cutting into or manipulating the topography.
 8. Driveway cuts shall be screened with a rock wall, plant materials, and / or other features.
 9. Driveways shall be designed to minimize erosion due to drainage.

Subsec. 5-A-3-4 Utilities

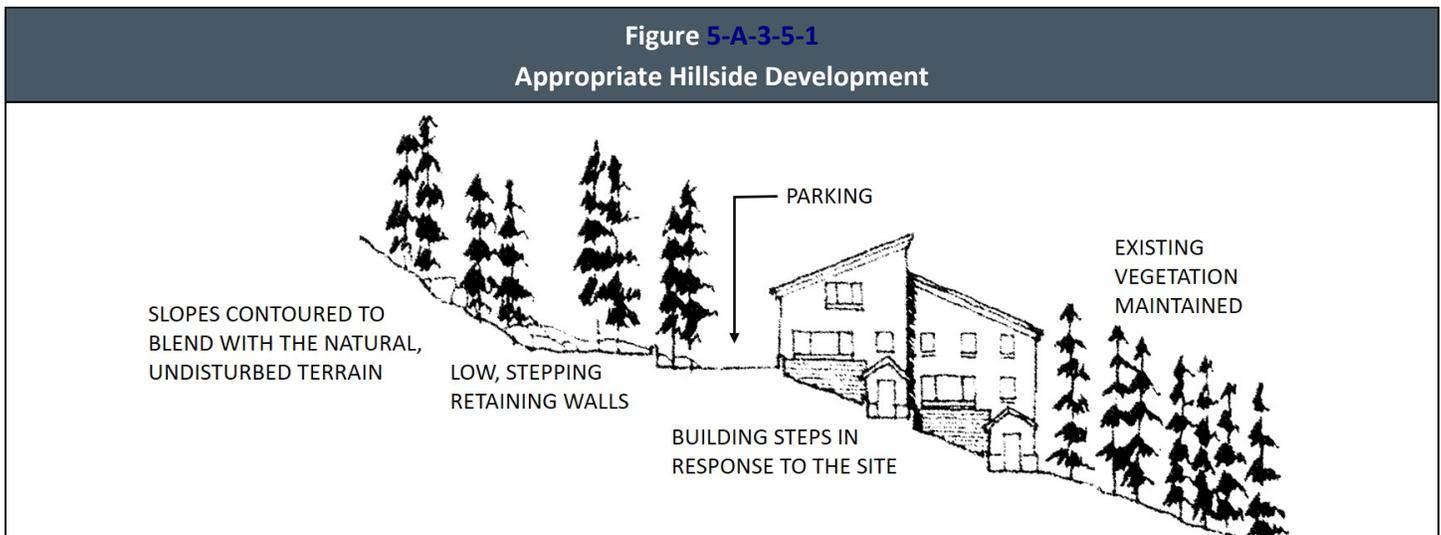
All utilities shall follow road and driveway corridors where possible. New utilities shall be underground, unless the situation where burying the lines would require significant blasts to clear masses of outcrops or rock formations. Alternatives to utility placement shall be approved by the Town Engineer.

Subsec. 5-A-3-5 Hillside and Ridgeline Design Standards

Subsec. Hillside and Ridgeline Design Standards

- A. **Generally.** Development activities that impact slopes of 20 percent or greater shall meet the design objectives set out in this Section.
- B. **Building and Respect for the Natural or Existing Topography.**
1. *Location and Site Design Standards.*
 - a. Buildings shall be designed to fit the lot or parcel, rather than substantially modifying the grade of the lot or parcel to fit the building. Buildings, access drives, and lawns shall be designed and configured to maintain as much of the natural landform as possible.
 - b. Where areas of the parcel or lot are already disturbed, the existing, disturbed areas shall be used for building envelopes rather than undisturbed areas, provided that such areas are of an adequate area and shape and do not pose a geological hazard or other safety issues.
 - c. Structures should be located to preserve or protect significant natural features of the site, such as landforms, rock outcroppings, mature trees and vegetation, drainage courses, hilltops, and ridgelines.
 - d. Locate buildings to balance the following objectives for the optimization of the site for outward views:
 1. To retain or enhance view from off-site view points; and
 2. To respect privacy, access to light, and safety of neighboring properties.

2. **Building Elevations.** No single-family, duplex, townhome, or multiplex building elevation shall appear as more than two and one-half stories in height.
3. **Building Heights.** No building shall exceed a height to roof ridge of 28 feet for a sloping roof, or parapet height of 16 feet for a flat roof.
4. **Building Mass and Scale.**
 - a. Building form shall be planned to enhance the site's natural features (if practicable), and to blend with the natural terrain.
 - b. The mass and scale of buildings shall respect the natural surroundings and unique visual resources by incorporating designs which minimize or mitigate bulk and mass, follow natural topography, and minimize visual intrusion on the natural landscape.
 - c. Structures shall be designed to blend into the natural character of the hillside by reducing the visual bulk through landscaping, terraced building forms, appropriate building materials and colors, and height variations. Split-pad and stepped foundations shall be used where necessary to minimize cut and fill, and to create forms that step down or step up with the natural slope to avoid padding and to mitigate the appearance of building mass.
 - d. A series of smaller, visually distinct roofs, specifically pitched, gabled and hipped roofs, shall be utilized on buildings with a floor plate that is larger than 2,500 square feet, in order to reflect the visual diversity of the natural hillsides, except that in the wildland-urban interface, fire-resistant design shall take priority over varied roof forms.
 - e. Reflective materials shall not be used for roofing.
 - f. The maximum overhang for any deck or cantilevered building design which extends over a downhill slope is 10 feet. In the wildland-urban interface, overhanging decks and cantilevered building elements are not allowed.



C. Design with Slope.

1. When feasible, locate the principal building on the flat part of the site and off the slope. Where such locations are not feasible, foundation systems, home designs, and driveways shall be used to take up grade.
2. Foundation corners shall match the natural grade as much as practicable.
3. Buildings that must be constructed on steep slopes shall be designed with stepped foundations and structures that follow the slope as outlined in Figure 5-A-3-5-1 *Appropriate Hillside Development*.

D. Grading.

1. Grading shall be limited to that which is necessary to construct the house, driveway, and a limited area for yard purposes.
2. No site alterations shall exceed a one-foot elevation change within one foot of any property line.
3. A grading permit shall be required prior to the commencement of grading activities on slopes of 20 percent or more.

E. Retaining Walls.

1. Generally, retaining walls should be used to minimize the impacts of cut and fill on steep slopes on a site (for example, to ensure the safe development of a lot or parcel, or for the control of stormwater runoff or erosion). Otherwise, retaining walls shall be avoided. Retaining walls are not acceptable when their purpose is to create flat yards.
2. Retaining walls shall blend with the natural features of the setting. Use of native rock or use of other masonry shall convey a scale and texture similar to that of traditional rock or traditional materials found within the natural setting. Limit the height of a retaining wall to less than six feet. Where greater heights in a retaining wall must occur, use a series of terraced or stepped walls. The width of a retaining terrace shall not be less than five feet. The Administrator may vary the retaining wall height and width requirements depending on site conditions.

F. Ridgeline Setback and Landscape Buffer.

1. Generally, buildings shall be set back 45 feet from top of slope or ridgeline.
2. A landscape Type C bufferyard between the building and the ridgeline shall be installed and maintained. Existing, healthy vegetation shall be counted towards this requirement. (See Sec. 6-B-5, Bufferyards.)
3. Property owners may elect to dedicate a ridgeline easement to protect highly visible and significant ridgelines and views. In the case of a ridgeline easement, the height of any structure shall be not less than 50 vertical feet below the low point of the easement, and the structure must be at least 200 horizontal feet from the nearest edge of the easement.
 - a. Easements may also be dedicated on hillsides that are not ridgelines.
 - b. In the area of the ridgeline easement native vegetation shall remain undisturbed.

G. Subdivisions and Developments with Multiple Buildings.

1. Development clusters are encouraged to preserve natural features, reduce grading and impervious surface area, increase usable open space areas, and preserve views of the hillsides.
2. For developments with multiple buildings, buildings should have height variations in order to minimize a "walled" effect or a repetitive appearance. Wherever possible, the buildings should be positioned so that they appear to be "tucked" into the hillside and not easily visible from below.

H. Slopes of 30 Percent or More. On slopes of 30 percent or more, the following standards apply in addition to the standards of Subsection B., above:

1. For new subdivisions, building envelopes shall be created outside of the 30 percent or greater slope areas. In areas in which this is not possible, new lots shall not be created.
2. No construction activities shall occur outside of the building envelope except approved driveways that are designed according to the standards of Section 5-A-3-3, *Streets, Driveways, Parking, and Emergency Vehicle Access on Hillsides*.
3. The standards set out in Subsections D.1. and D.2., above, shall not be interpreted to preclude development of an existing lot or parcel with a single-family detached dwelling unit. On existing lots or parcels that are developed or redeveloped with single-family detached buildings, detached garages or garages below grade are encouraged. Garages that are constructed below grade shall be screened from views from vantage points that are parallel to the contour lines of the hillside where such designs are feasible.

- I. **Modification of Setbacks.** Flexibility in required setbacks may be considered in order to avoid altering steep slope areas. The Administrator may allow the application of alternative setbacks in order to avoid or minimize alterations to steep slope areas, as follows:
 1. Front and side setback requirements may be varied to protect an existing slope. Minimum setbacks shall be established during the preliminary design review. Setback adjustments shall ensure at least 20 feet of spacing between the proposed development and buildings on abutting lots.
 2. Setbacks along the portion of a lot furthest from a ridgeline may be reduced to minimize encroachment on the skyline.
 3. Varied and staggered front building setbacks are encouraged in hillside residential subdivision layout. This is consistent with the natural hillside character and will reduce the visual monotony and "walled" effect of repetitive setbacks.
 4. Setback adjustments shall not create or exacerbate encroachments into Special Flood Hazard Areas.

Sec. 5-A-4 Water Quality Setbacks and Vegetated Buffers

Subsec. 5-A-4-1 Purpose and Intent

- A. **Purpose.** This Section establishes minimum acceptable standards for development within Water Quality Setbacks, wetland development, and requirements for the design of vegetated buffers. The standards of this Section are appropriate for areas that contain watercourses, wetlands, and floodplains in order to protect:
 1. Watercourses, wetlands, and floodplains.
 2. The water quality of Fraser River, Vasquez Creek, and other significant water resources; and
 3. Riparian and aquatic ecosystems;
 4. The environmentally sound use of land resources;
 5. This section achieves these purposes by: restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities; requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction; and controlling the alteration of natural flood plains, stream channels, and natural protective barriers that help accommodate or channel flood waters and provide other benefits as described in the following sentence.
- B. **Benefits.**
 1. Water Quality Setbacks, wetlands, and vegetated buffers provide numerous environmental protection and resource management benefits that can include: restoring and maintaining the chemical, physical, and biological integrity of water resources; reducing pollutants delivered from stormwater runoff; reducing erosion and sediment entering rivers, creeks, and streams; stabilization of stream banks; Infiltration of stormwater runoff; maintaining the base flow of watercourses; contributing organic matter as a source of food and energy for the aquatic ecosystem; providing tree canopy to shade streams and promote desirable aquatic organisms; providing riparian wildlife habitat; furnishing scenic value and recreational opportunity; protecting the public from flooding, property damage and loss; and providing sustainable, natural vegetation.

Subsec. 5-A-4-2 Water Quality Setback

- A. **Purpose.** This Section establishes minimum acceptable standards for development within Water Quality Setbacks.
- B. **Applicability.** This Section applies to proposed improvements associated with all land development activity requiring rezoning, subdivision, site plan, final development plan amendment, or a building permit on property containing a watercourse. These requirements are in addition to, and do not replace or supersede, any other applicable stormwater management requirements such as the Town of Winter Park Standards and Specifications for Design and Construction.

- C. **Watercourse Setback.** The Water Quality Setback shall be thirty (30) feet from the high water mark of the watercourse and shall be kept as a vegetated buffer unless otherwise exempted in the Section.
- D. **Requirements.** Vegetated buffers are required to be maintained in the Water Quality Setback as outlined in Sec. 5-A-4-3, *Vegetated Buffers*.
- E. **Exemption.** Any existing use is exempt from the requirements of this Section but must meet the requirements for compliance for any new development requiring a site plan, subdivision, or building permit. Additionally, the following uses are allowed within the Water Quality Setback:
 - 1. Any new structure located on a lot within Blocks 1-2, Winter Park Village shall have a minimum water quality setback of fifteen feet (15') from the Fraser River, measured from the approximate high water mark of the river embankment upon approval of a site plan detailing a vegetated buffer as outlined in Subsec. 5-A-4-3 *Vegetated Buffers*.
 - 2. A public walking or bicycle path installed at least five (5) lateral feet landward from the watercourse, measured horizontally on a line perpendicular to the location of the normal high water mark of both sides of a watercourse.
 - 3. Access to public piers provided that any impervious surface utilized to facilitate such access shall be as minimal as is required to accommodate the access
 - 4. Encroachments of permitted underground utility systems, provided that such systems must cross the Water Quality Setback as close to perpendicular as practicably possible
 - 5. Public streets authorized by the Town Council, as applicable.
 - 6. Dikes, embankments, walls, reservoirs, pumping stations or other drainage works approved by the federal, state, or local regulations. Installation should be encouraged as far back as possible from the Fraser River and Vasquez Creek, to allow for more natural buffer and floodplain processes.
 - 7. No allowable use may be permitted within the Water Quality Setback unless adequate and proper measures are specifically undertaken in connection with the location and/or construction of such use or uses to ensure that the water holding capacity of the floodplain is substantially maintained without upstream flooding, without endangering properties of adjacent owners, and without interfering or diminishing the basic flow of the waterway.
- F. **Prohibited Uses.** The following uses are prohibited in the Water Quality Setback (except with approval of the Administrator):
 - 1. Use, storage, or application of pesticides, except for the spot spraying of noxious weeds or nonnative species;
 - 2. Filling or dumping including but not limited to yard waste;
 - 3. Grading, stripping, or other soil disturbing practices;
 - 4. Clearing of existing vegetation;
 - 5. Draining the buffer area by ditching, underdrains, or other systems; and
 - 6. Storage or operation of motorized vehicles except for maintenance or emergency use.

Subsec. 5-A-4-3 Vegetated Buffers

See Sec. 6-B-5(I), *Bufferyards*.

Subsec. 5-A-4-4 Wetlands

- A. **Purpose and Intent.** This Section establishes minimum acceptable standards for wetland development. The wetland regulations set forth in this section are intended to complement and operate in conjunction with the distinct jurisdictional wetland disturbance process set forth in Section 404 of the Federal Clean Water Act and administered

by the U.S. Army Corps of Engineers. Accordingly, the wetland disturbance provisions of this UDC may apply notwithstanding the determination of the jurisdictional nature of the wetlands by the U.S. Army Corps.

- B. **Applicability.** This Section applies to all areas within the Town containing a wetland.
- C. **Independent Survey Requirements.** In light of the purpose and intent of this section, if there is any evidence that a site subject to disturbance may contain wetlands as such term is defined in Article 8.C of this UDC, the Town may require the developer to obtain and submit a wetlands survey by an independent third party consultant specializing in wetlands delineations as recognized by the U.S. Army Corps of Engineers on its periodically updated “Wetlands Delineation Consultants List”.
- D. **Disturbance of Wetlands or Wetland Setbacks.**
 - 1. Soil disturbance and structures are prohibited within 15 feet of a wetland as such term is defined in Article 8.C of this UDC, and recognized as such by the Town, notwithstanding any contrary determination by the U.S. Army Corps of Engineers.
 - 2. The Administrator may reduce the 15-foot setback if the disturbance of the wetland area or the wetland setback is minimized using the criteria listed in Subsection 5-A-4-4 (F, G, H). Unless an activity is exempt from the wetland setback regulations as provided for in this Section, the wetland setback impacts and/or other relevant concerns shall be evaluated concurrently with each type of development review as provided for in this UDC, including but not limited to rezoning, subdivision, site plan, final development plan amendment, or a building permit on property containing a watercourse.
 - 3. Work in a wetland area or a wetland setback is exempt from this requirement if:
 - a. The work is to re-vegetate the setback to a natural, weed-free state without extensive grading;
 - b. The work is water dependent such as piers;
 - c. Necessary to achieve either vehicular or utility access to property, and no other access route avoiding the wetland areas or the associated setbacks is technically feasible, provided the impacts of such access shall be mitigated in conformance with the standards contained in Subsection H of this Section, *Mitigation Procedures for Developing Within or Adjacent to Wetlands Areas*;
 - d. Activities directly related to farming, ranching, and silviculture; or
 - e. The purpose of the work is to restore the wildlife habitat, and the work will be done under the supervision of Colorado Parks and Wildlife (CPW) and CPW has granted approval for the work to be done under the auspices of the Division’s nationwide 404 permit. Evidence of approval from CPW must be submitted to the Planning Division prior to commencement of any work conducted under this exemption.
- E. **Compliance with Disturbance and Mitigation Plans and Applicable 404 Permit Requirements.** Prior to final approval of a subdivision, site plan or grading plan, the project proponent shall submit a plan to meet the standards set forth in Subsections G and H of this Section. If the site contains areas deemed a jurisdictional wetland by the U.S. Army Corps of Engineers, the applicant must either present evidence of compliance with Section 404 of the Federal Clean Water Act (“CWA”), or present evidence that work will be done under the auspices of the CPW nationwide 404 permit as provided in Subsection D of this Section, *Disturbance of Wetlands or Wetland Setbacks*. Documentation and compliance with all potential Section 404 matters shall remain the sole and ongoing responsibility of the project proponent, and any failure to maintain such compliance may lead to suspension or revocation of any approvals provided under this UDC.
- F. **Criteria for Disturbing Wetland Areas and the Associated Setbacks.** The Administrator may allow disturbance of wetland areas or the wetland setback if the disturbance activity to the wetland area and the associated setback meet all of the following criteria:
 - 1. A wetland or the associated setback cannot have soil disturbance unless there is no practicable alternative to avoiding a wetland or the wetland setback, and such activity is to either:
 - a. Meet a comprehensive plan strategy;

- b. Meet a policy of this UDC; or
 - c. Allow reasonable use of the property.
2. The project will limit the degree of impact on the wetland area and the associated setback to the greatest extent practical using the mitigation procedures outlined in Subsection 5-A-4-4 H, *Mitigation Procedures for Developing Within or Adjacent to Wetlands Areas*.
 3. The impact on the wetland area or the associated setbacks will be mitigated by preservation and maintenance operations.
 4. The loss of a wetland area will be compensated for by replacing or substituting the wetland resource lost in terms of quantity and quality.
 5. The project's discharges will not violate other applicable regulations and laws (e.g., state water quality standards, the Endangered Species Act, the National Environmental Policy Act), or significantly degrade the waters of the United States or any other wetland as such term is defined in Article 8.C of this UDC and recognized as such by the Town.
- G. **Submittal Requirements for a Wetlands Disturbance Plan.** Where all or part of a wetland area or the associated setback is proposed to be disturbed or substantially altered by development, an applicant for development review shall submit a wetlands disturbance plan which shows:
1. The amount, location and acreage of wetland fill, removal or other alteration proposed;
 2. The proposed mitigation improvements, including those wetland areas to be restored or created in accordance with Subsection H of this Section, *Mitigation Procedures for Developing Within or Adjacent to Wetlands Areas*;
 3. A grading and erosion control plan, including plant material to be used for revegetation and soil stabilization measures; and
 4. A narrative explaining how a proposed activity in the wetland setback or a wetland area will meet the criteria contained in Subsection F of this Section, *Criteria for Disturbing Wetland Areas and the Associated Setbacks*.
- H. **Mitigation Procedures for Developing Within or Adjacent to Wetlands Areas.** A mitigation plan shall be required, in accordance with Subsection E of this Section, for any unavoidable earth disturbing activities within wetland areas or the associated setbacks. Any earth disturbance within any wetland areas or the associated setbacks shall use the following mitigation:
1. Time grading and construction to minimize soil exposure during periods of snowmelt and rainy periods;
 2. Retain and protect natural vegetation; strip only the area required for construction in stages;
 3. Infiltrate runoff from impervious surfaces by locating infiltration trenches below driplines, walkways, parking areas and driveways;
 4. Minimize length and steepness of exposed slopes by designing with the natural topography; prevent erosion on exposed slopes by placing barriers, such as straw bale dikes;
 5. Keep runoff velocities low to prevent high erosive powers by using flow barriers (vegetation, rip-rap, etc.);
 6. Protect drainage ways and outlets from increased flows by using rip-rap;
 7. Trap sediment on-site by using straw bales, filter fences and sand bags;
 8. Any disturbed areas must be replanted with native vegetation;
 9. Natural hydrologic flows will be maintained through the site;
 10. Minimize earth movement by avoiding cut and fill slopes;
 11. Foundations shall be stepped down the slope to minimize cut and fill;
 12. Any structure or fill authorized shall be properly maintained, including maintenance to ensure public safety;

13. Appropriate erosion and sedimentation prevention measures must be used and maintained in effective operating condition during construction, and all exposed soil and other fills must be permanently stabilized at the earliest practicable date;
 14. No activity may substantially disrupt the movement of those species of aquatic life indigenous to the water body, including those species which normally migrate through the area, unless the activities primary purpose is to impound water;
 15. Heavy equipment working in wetlands must be placed on mats or other measures must be taken to minimize soil disturbance; and
 16. Any other appropriate measure as deemed necessary by the Town Engineer, the Planning Division, the Planning Commission, or the Town Council.
- I. **Financial Guarantee.** A development improvements agreement and associated financial guarantee to ensure the requirements of this Section are met shall be posted in accordance with Section 4-B-4, *Development Improvements Agreement* or as otherwise provided for in this UDC. Notwithstanding the forgoing, the term of the financial guarantee for the period following installation shall be a minimum of two growing seasons in order to ensure that successful, stable plant establishment is achieved for all wetland plantings.
- J. **Penalties:** Documentation and compliance with all potential Section 404 matters of the Federal Clean Water Act shall remain the sole and ongoing responsibility of the project proponent, and any failure to maintain such compliance may lead to suspension or revocation of any approvals provided under this UDC.

Sec. 5-A-5 Geological and Wildfire Hazard Area

Subsec. 5-A-5-1 Disclaimer

The degree of hazard protection intended to be provided by this Section is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. This regulation does not imply that the areas outside of established hazard boundaries or uses permitted within these boundaries will be totally free from damage caused by these hazards. This regulation shall not create any liability on the part of, or cause an action against, the Town, the Town Council, or any officer or employee or official (elected or appointed) thereof for damages that may result from reliance on the regulations set out in this Section.

Subsec. 5-A-5-2 Designation of Hazard Areas

- A. **Official Hazard Area Maps.** Maps and documentation regarding the general location of geologic and wildfire hazard areas ("Official Hazard Area Maps") are on file at the Department.
1. Geologic Hazard Areas. Geologic hazard areas are identified on maps prepared by the Colorado Geological Survey and other qualified geological professionals.
 2. Wildfire Hazard Areas. Wildfire hazard areas are identified on maps prepared by the Colorado Forest Service.
- B. **Site-Specific Delineation.** The maps described in Subsection A., above, define only approximate boundaries of hazard areas. The maps serve primarily as notice that geologic and/or wildfire hazards are known to exist on or near a parcel proposed for development, such that further analysis may be necessary. Precise boundary delineations require site-specific evaluation by qualified professionals.

Subsec. 5-A-5-3 Geologic Hazard Mitigation

- A. **Generally.** This Section is not intended to categorically preempt all future development. The mitigation that may be required by this Section shall be proportionate to the nature, severity, and frequency of the hazard and the nature and intensity of the proposed land use.
- B. **Engineering Study.**

1. If a parcel proposed for development is known or reasonably suspected to be in a geologic hazard area or wildfire hazard area, then the Town may require the applicant to provide a site-specific engineering study to:
 - a. Delineate the hazard;
 - b. Define its degree of severity;
 - c. Determine its frequency / probability of recurrence;
 - d. Evaluate the compatibility of the proposed land use;
 - e. Propose appropriate mitigation measures to reduce risks to people, property, and natural resources; and
 - f. Propose ongoing operations and maintenance programs to ensure that the mitigation measures function properly.
2. All reports and studies required by this Section shall be prepared by a "professional geologist", as defined by C.R.S. § 34-1-01, as amended, or a "registered professional engineer," as defined by C.R.S. § 12-25-102, as amended, under the direction of and at the expense of the owner or applicant.
3. The extent of the site-specific investigation required shall be determined by the geologist or engineer who is responsible for the investigation; however, the investigation shall be of sufficient thoroughness and accuracy to allow such expert to certify to one of the following:
 - a. The site can be developed for the specific development that is proposed, without corrective engineering, engineered construction, or other mitigation or alterations;
 - b. The site is a geologically sensitive area, but the specific development that is proposed:
 1. Can be constructed with corrective engineering, engineered construction, or other mitigation or alterations which mitigate the risks to the occupants of the development such that they are reasonable; and
 2. Will not increase the hazard to other property or structures or to public buildings, rights-of-way, streets, easements, utilities or facilities, or other properties of any kind; or
 - c. The site is a geologically sensitive area on which the specific proposed development is not appropriate because there are no mitigation techniques that could reduce the risks created by the geologic hazard to a reasonable level with respect to:
 1. Occupants and property on the parcel proposed for development; and
 2. Other property or structures, public buildings, rights-of-way, streets, easements, utilities, or facilities of any kind that are currently affected by the hazard or that would likely be affected by the hazard if the proposed development occurred.

C. Effect of Study.

1. If the conclusion of the engineer or geologist performing the investigation is that the site can be developed for the specific structure or activity proposed without corrective engineering, or engineered construction, or other mitigation or alterations, the subdivision plan, building permit, or grading permit may be approved without conditions relating to the mitigation of the areas of geologic sensitivity.
2. If the finding of the engineer or geologist performing the geologic investigation is that the site is a geologically sensitive area, but that corrective engineering, engineered construction, or other mitigation or alterations can be accomplished to reduce the danger to the public health and safety or to property to a reasonable level, and such mitigation does not increase the hazard to other property or structures, or to public buildings, roads, streets, rights of way, easements, utilities, or facilities, approval of the development plan and / or the issuance of the building or grading permit shall be conditional and contingent upon approval of plans for corrective engineering and engineered construction or other litigation or alterations as set out in this Section.
3. If the conclusion of the geologist or engineer performing the site specific geologic investigation is that the site cannot be developed for the structure or use proposed because the danger posed by the geologically sensitive

area cannot be reduced or mitigated to a reasonable level, the subdivision plan or building permit or grading permit shall be denied.

- D. **Techniques.** Mitigation techniques shall be consistent with the purposes of this UDC. Examples of mitigation techniques which may be acceptable are:
1. Retaining walls, fill, rock bolting, or pilings.
 2. Diversion, channeling, damming, or barriers.
 3. Excavation of unstable areas, bridging of weak zones, or proper distribution of loading.
 4. Improvement of surface and subsurface drainage.
- E. **Construction Requirements.** The following requirements shall pertain to the construction of any building or structure to be built in an identified or designated area of geologic sensitivity and which requires corrective engineering or engineered construction or other mitigation or alterations to reduce the danger to public health and safety or to property posed by the development of a geologically hazardous area:
1. The certified site specific reports and plans required by this Section shall be prepared by each engineer and geologist as applicable to their area of expertise and specialty, and shall certify that:
 - a. Adequate base data as may be pertinent has been provided.
 - b. Said base data is utilized in the design and planning of the proposed project or structure.
 - c. Design and construction procedures derived from said base data are executed.
 - d. Design and construction will reduce danger to the public health, safety, or property due to geologic sensitivity to a reasonable level.
 2. No certificate of occupancy, temporary or permanent, shall be issued until the following have been approved by the Department:
 - a. Inspection and certification by the Building Official and the engineer or geologist who prepared the plans and specifications that the work was properly performed in accordance with the plans and specifications.
 - b. If the engineer, geologist, or Building Official find that the work is not being done in accordance with the approved plans and specifications, the discrepancy shall be reported immediately in writing to the contractor and to the Department. Recommendations for corrective measures, if necessary, shall also be submitted.
 - c. All geologic reports prepared under this Section shall be signed by and prepared by or under the responsible direction of "professional geologists" as defined by Colorado Revised Statutes Section 34-1-201, as amended. Such professional geologist shall be experienced and competent in the geologic specialty required to meet the objectives of this Section. Such professional geologist shall be responsible for certification of all geologic maps and reports prepared by him/her under his/her responsible direction as specified in this Section. All engineering reports required by this Section shall be done by a "registered professional engineer" as defined by Colorado Revised Statutes Section 12-25-102, as amended.
- F. **Existing Uses Continued; Exceptions.** Existing use of land, structures, or premises which are not in conformity with the provisions of this regulation may be continued, except that no building permit will be issued for the exterior expansion, alteration, or addition to existing structures in geologically sensitive areas except for windows, skylights, and other similar minor alterations, unless all of the requirements of this Section are met.
- G. **Notice Requirements.** In order to provide reasonable notice to the public of the problems related to geologically sensitive areas, the following notice regulations and requirements are hereby adopted for all real property and structures located in geologically sensitive areas:
1. All subdivision plats recorded after the effective date of this UDC shall identify and designate each lot and block, or portions thereof, located within any geologically sensitive area, together with applicable subzone designations by a stamp or writing in a manner providing reasonable notice to interested parties.

2. All plans submitted after the effective date of this UDC with the building permit application for property within said areas shall be stamped by the Applicant "Geologically Sensitive Area" together with the applicable zone designation.

Subsec. 5-A-5-4 Wildfire Hazard Mitigation

- A. **Generally.** The Wildland-Urban Interface ("WUI") is a geographical area where structures and other human development meets or intermingles with wildland or vegetative fuels. The WUI creates a potentially dangerous situation for flames or embers from a wildland fire to come in contact with structures. The purpose of this Section is to provide a means to protect the public health, safety, and welfare by establishing standards for development within a WUI area in order to:
 1. Reduce threats to life safety, property, and resources by improving development and construction standards, access to and defensibility of developments, homes, and other property in WUI areas;
 2. Minimize the potential of spreading fire from wildland areas to structures and from structure fires to wildland areas;
 3. Identify the appropriate use of cul-de-sacs, hammer head turnarounds, and turnouts on streets and roads providing legal and physical access to subdivisions with the intent to provide better emergency access to remote areas; and
 4. Require homeowners and neighborhoods to plan, create, and maintain defensible space that utilizes fire resistant construction and landscaping.
- B. **Wildfire Mitigation Plan Required.** Proposed development that is located in the WUI shall provide and implement a wildfire hazard mitigation plan according the standards of Appendix C, Wildfire Mitigation Plan Guidance.
- C. **Site Design.** The following design standards apply to parcels proposed for development within the WUI. The City may approve alternative standards if it is demonstrated that they are consistent with current State and / or Federal guidance on wildfire hazard mitigation for development within the WUI.
 1. **Defensible Space.** Development sites shall be designed to provide three zones of defensible space, as described in Appendix C, Wildfire Mitigation Plan Guidance.
 2. **Chimneys.** Buildings and building sites shall be located outside of ravines or other topographical features which constitute "fire chimneys," and within 150 feet of the apex of "fire chimneys." Any proposed lot within a new subdivision with a "fire chimney" located on the lot should have a no-build area / zone designated on the face of the final plat for the subdivision that prohibits future development within "fire chimneys" and within 150 feet of the apex of "fire chimneys." This standard may be modified to allow development at ME zone density if it is demonstrated that the fire risk is appropriately mitigated and there is no other feasible option for development of the parcel proposed for development.
 3. **Improvements Prior to Construction.** Water sources, wells, draft sites, hydrants, fire breaks, access routes, and other fire protection equipment or features required by the preliminary plat approval shall be installed prior to construction of any buildings in a new subdivision.
 4. **Fuelbreaks and Greenbelts.** WUI fire protection may rely on fuelbreaks and greenbelts to separate communities, groups of structures, or individual homes. These breaks can slow or stop the spread of an oncoming fire.
 - a. Fuelbreaks and greenbelts shall be located to protect both existing and planned developments and adjacent wildlands. Fuelbreaks shall not be a bare soil trail which is bulldozed around a subdivision. However, they may be as simple as the removal of dead and fallen trees, tree limbs, shrubs, and other flammable vegetation, together with breaking the continuity of vegetation around the perimeter of the development.
 - b. Natural features such as rocky formations with little or no vegetation, or rivers or streambeds in which vegetation has been thinned and dead and dying materials removed can also be utilized.

- 5. Access. Access to the parcel proposed for development shall be designed to provide for the safe movement of firefighters and their equipment.
- D. **Building Design and Materials.** Buildings in the Wildland-Urban Interface (WUI) shall incorporate fire-resistant design techniques and utilize fire-resistant building materials.

Sec. 5-A-6 Protection of Wildlife Corridors, Ranges, and Habitat

- A. **Generally.** Critical habitat, big game winter ranges, and big game migration corridors shall be identified in a wildlife report. This report shall consist of narrative and maps necessary to identify wildlife habitat areas, winter ranges, and migration corridors and describe proposed mitigation measures for the protection of wildlife, their habitats, and migration corridors. This report shall be prepared in consultation with the Colorado Parks and Wildlife ("CPW") personnel and resources, including documentation of any CPW recommendations.
- B. **Exceptions.** The Administrator may waive the requirement of a wildlife report for properties that are located in areas where the existence of habitat, winter range, or migration corridor is highly unlikely, or where, due to existing development patterns and / or the size, location, and condition of the parcel proposed for development, the proposed development would have a de minimus impact on wildlife.
- C. **Avoidance and Mitigation of Wildlife Impacts.**
 - 1. *Generally.* Wildlife reports shall include proposed design parameters and management techniques to avoid, minimize, and mitigate impacts on critical habitat, big game migration corridors, and big game winter range.
 - 2. *Connectivity.* Critical habitat, big game migration corridors, and big game winter range shall be selected for its continuing value to wildlife, as follows:
 - a. Elements of habitat or range that are interdependent shall not be separated in ways that materially compromise the overall habitat.
 - b. Protected areas of big game migration corridors and big game winter ranges shall provide a continuous connection to off-site big game migration corridors and big game winter ranges, such that large-scale regional wildlife movements are not impeded by the proposed development.
 - c. Fencing and grading shall not materially interfere with wildlife movement across critical habitats, big game migration corridors, and big game winter ranges.

Sec. 5-A-7 Sustainability

The Town of Winter Park encourages the use of environmental sustainable measures such as Low Impact Development (LID) and the creation of alternative forms of small-scale energy production such as wind turbines, solar panels, and solar powered lighting. For information concerning specifically encouraged sustainable design features see Appendix A, Section K, *Sustainable Site Design*, of the Town's Design Guidelines.

Article 5.B. Flood Hazard Reduction

Sec. 5-B-1 Purpose

The purpose of this Article is to:

- A. Promote the public health, safety, and general welfare of the community;
- B. Minimize public and private losses due to flooding in specific areas by creating provisions that are designed to:
 - 1. Protect human life and health;
 - 2. Minimize expenditure of public money for costly flood control projects;
 - 3. Minimize the need for rescue and relief efforts associated with flooding;
 - 4. Minimize prolonged business interruptions;

5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, sewer lines, streets, and bridges located in special flood hazard areas;
6. Help maintain a stable tax base by providing for the sound use and development of special flood hazard areas so as to minimize future blight areas;
7. Ensure that potential buyers are notified that their property is in a special flood hazard area; and
8. Ensure that those who occupy special flood hazard areas assume responsibility for building in these locations.

Sec. 5-B-2 Applicability

- A. **Generally.** This Article shall apply to all special flood hazard area within the jurisdiction of the Town as reflected on the Flood Insurance Rate Map (FIRM), and areas removed from the floodplain by issuance of a Federal Emergency Management Association (FEMA) Letter of Map Revision Based on Fill (LOMR-F), which are on file at the Colorado Department of Community Development (CDCD).
- B. **Establishment of Areas of Special Flood Hazard.** The special flood hazard areas identified by the Federal Emergency Management Agency (FEMA) in a scientific and engineering report entitled "Flood Insurance Study for The Town of Winter Park, dated January 2, 2008", with accompanying FIRM maps and any revisions thereto, are hereby adopted by reference and declared to be a part of this UDC. The flood insurance study and FIRM are on file and may be reviewed at the offices of the CDCD.
- C. **Compliance.** No structure within a special flood hazard area shall hereafter be constructed, located, extended, or converted, nor shall any structure or land within a special flood hazard area be substantially altered, without full compliance with the terms of this Article.
- D. **Warning and Disclaimer of Liability.**
 1. *Level of Flood Protection.* The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes.
 2. *Lack of Guarantee.* This Article does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages.
 3. *Disclaimer.* This Article shall not create liability on the part of the Town, any officer or employee thereof, FEMA, or any other governmental agency for any flood damages that result from reliance on this Article or any administrative decision lawfully made thereunder.
- E. **Methods of Reducing Flood Losses.** In order to accomplish its purposes, this Article includes methods and provisions for:
 1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities; and
 2. Requiring that uses that are vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
 3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers which help accommodate or channel flood waters;
 4. Controlling filling, grading, dredging, and other development which may increase flood damage; and
 5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters, which may increase flood waters, or which may increase flood hazards in other areas.
- F. **Establishment of Floodplain Development Permit.** A floodplain development permit shall be required to ensure conformance with the provisions of this Article. See Sec. 7-F-7, *Floodplain Development Permit*.

Sec. 5-B-3 Findings of Fact

- A. **Periodic Inundation.** The flood hazard areas of the Town of Winter Park are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety, and general welfare.
- B. **Floodplain Obstructions.** These flood losses are caused by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed, or otherwise protected from flood damage.

Sec. 5-B-4 Standards for New Construction and Substantial Improvements

- A. **General Standards.** All new construction or substantial improvements in special flood hazard areas shall be:
 - 1. Designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - 2. Constructed by methods and practices that minimize flood damage;
 - 3. Constructed with materials resistant to flood damage;
 - 4. Constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- B. **Required Approvals.** New construction or to buildings or other structures, except a flood control dam or irrigation structure, shall not be constructed in special flood hazard areas until the plans for such building or structure are first approved by the Town Engineer and the following special conditions within the special flood hazard area are adhered to substantial improvements.
 - 1. *Approved Buildings or Structures.* Any building or structure which is approved shall:
 - a. Be located so as to offer minimum obstruction to the flow of floodwater; and
 - b. Not cause lands outside of the natural flood channel to be flooded.
 - 2. *Wetland Construction.* No buildings shall be constructed within a wetland, unless approved and permitted by the U.S. Army Corps of Engineers and Town Council.
 - 3. *Water Quality Setbacks.* Water quality setbacks from streams, wetlands, or watercourses shall be a minimum of thirty feet, measured from the approximate high water mark of the stream or watercourse embankment, unless otherwise approved by the Town Engineer.
- C. **Water Supply Systems.** All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- D. **Sanitary Sewage Systems.**
 - 1. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters; and
 - 2. On site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- E. **Base Flood Elevation (BFE) Requirements.** In all special flood hazard areas where base flood elevation data is required the following provisions are required:
 - 1. *Residential Construction.*
 - a. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to or above the Base Flood Elevation (BFE).

2. Securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- c. Manufactured homes placed or substantially improved on sites in an existing manufactured home park or manufactured home subdivision within zones A1-30, AH, and AE on the community's FIRM that are not subject to the provisions of this Subsection shall be elevated so that either:
 1. The lowest floor of the manufactured home is at or above the base flood elevation, or
 2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

Sec. 5-B-5 Subdivision Standards

- A. **General Standards.** All proposals for the development of subdivisions including without limitation the placement of manufactured home parks and subdivisions shall:
 1. Meet development permit requirements of Sec. 7-F-7, *Floodplain Development Permit*;
 2. Have adequate drainage provided to reduce exposure to flood hazards; and
 3. Public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
- B. **BFE Data.** BFE data shall be generated for subdivision proposals and other proposed development including without limitation the placement of manufactured home parks and subdivisions which are greater than 50 lots or five acres, whichever is less.

Sec. 5-B-6 Standards for Areas of Shallow Flooding (AO/AH Zones)

- A. **Generally.** Located within the special flood hazard areas are locations designated as shallow flooding. These special flood hazard areas are associated with base flood depths of one to three feet where a clearly designed channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
- B. **Nonresidential Structures.** All new construction and substantial improvements of nonresidential structures shall:
 1. Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the applicable FIRM (at least two feet if no depth number is specified); or
 2. Together with attendant utility and sanitary facilities, be designed so that below the base flood level of the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads or effects of buoyancy.
- C. **Drainage Paths.** Adequate drainage paths around structures on slopes are required to be installed within the AH and AO zones to guide floodwaters around and away from proposed structures.
- D. **Certification of Standards.** A registered professional engineer or architect shall submit certification to the floodplain administrator that the standards of this Article are satisfied. See Sec. 7-F-7, *Floodplain Development Permit*.

Sec. 5-B-7 Floodways

- A. **Designated Floodways.** Floodways located within special flood hazard areas established in Sec. 5-B-2.B, *Establishment of Areas of Special Flood Hazard* are areas designated as floodways. Because the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following standards shall apply:

1. *Prohibited Encroachments.* Encroachments are prohibited, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless an exemption is permitted.
 2. *Exemptions to Prohibited Encroachments.* An encroachment may be permitted if it is:
 - a. Demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
 - b. Permitted under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations that permits a community to permit encroachments within the adopted regulatory floodways that would result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and floodway revision through FEMA.
- B. **Undesignated Floodways.** When a regulatory floodway has not been designated, the floodplain administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

Article 5.C. Erosion Control

Sec. 5-C-1 Purpose

This Section is intended to implement the erosion and sediment control regulations promulgated by:

- Clean Water Act of 1972 (Point and Non-point source pollution);
- Phase I implemented in 1990 for construction site stormwater discharge (5-acres or more of disturbance);
- Phase II implemented in 2003 for construction site stormwater discharge (1-acre or more of disturbance);
- EPA granted authority to the State of Colorado to enforce the Clean Water Act;
- The Colorado Water Quality Control Act that issues and enforces National Pollutant and Discharge Elimination System (NPDES) permits, renamed to CDPS (Colorado Discharge Permitting System).

These laws and standards are to be applied during construction to control and limit soil erosion.

Sec. 5-C-2 Applicability

- A. **Generally.** Notwithstanding any other provision of this UDC, compliance with the provisions of this Section shall be required of all land development activities.
- B. **Permit Required.** A permit is required through the Colorado Department of Public Health and Environment Water Quality Control Division – Stormwater Program CDPS General Permit. The permit is for construction activities disturbing one acre or more, or part of a larger common plan of development. These activities include clearing, grubbing, grading, excavating and stockpiling. The permit must be submitted prior to the start of earth disturbing activities.

Sec. 5-C-3 Erosion Control

- A. **Objectives.** In order to comply with the Town's Imagine Winter Park Plan, any application shall not cause erosion problems and, to that end, the design and operation of a project proposed for development shall ensure:
 1. That any development is designed and executed in a manner which will minimize disturbance of natural vegetation and soil cover;

2. That development proposals include adequate provision and guarantee for revegetation and for soil stabilization during and after development of the site;
3. That all cuts and fills are adequately designed and engineered and vegetated to control erosion as well as stability of the entire mass;
4. That development plans include adequate provision for protection of vegetation from fire;
5. That natural drainage patterns are preserved and protected from increased water flows which could alter such patterns or subject existing channels and adjacent areas to increased erosion;
6. That natural vegetation and soil cover are preserved within the 30-foot water quality setback from rivers, streams, lakes and reservoirs; and
7. That the specific erosion control criteria within the Standards and Specifications for Design and Construction are met.

B. General Requirements.

1. No person shall be granted a site development permit for land disturbing activity that would require the uncovering of 10,000 or more square feet without the approval of an Erosion and Sediment Control Plan.
2. No site development permit is required for the following activities:
 - a. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources; or
 - b. An existing nursery.

C. Design Requirements.

1. Grading, erosion control practices, sediment control practices, and waterway crossings shall meet the design criteria set forth in the most recent version of the Grand County Erosion and Sediment Control for Construction Activities Handbook, as applicable, and shall be adequate to prevent transportation of sediment from the site to the satisfaction of the Director of Public Works. Cut and fill slopes shall be no greater than 2:1, except as approved to meet other community or environmental objectives.
2. Clearing and grading of natural resources, such as forests and wetlands, shall not be permitted, except when in compliance with all other regulations, requirements, and standards of the Town. Clearing techniques that retain natural vegetation and drainage patterns shall be used to the satisfaction of the Director of Public Works.
3. Clearing, except that necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed and have been stabilized.
4. Phasing shall be required on all sites disturbing greater than 10 acres, with the size of each phase to be established at plan review and as approved by the Director of Public Works.
5. Erosion control requirements shall include:
 - a. Soil stabilization that shall be completed within five days of clearing or inactivity in construction.
 - b. If seeding or another vegetative erosion control method is used, it shall become established within two weeks or when the Director of Public Works may require the site to be reseeded or a nonvegetative option employed.
 - c. Special techniques that meet acceptable engineering standards on steep slopes or in drainage ways shall be used to ensure stabilization.
 - d. Soil stockpiles must be stabilized or covered at the end of each workday.
 - e. The entire site must be stabilized, using a heavy mulch layer or another method that does not require germination to control erosion, at the close of the construction season.
 - f. Techniques shall be employed to prevent the blowing of dust or sediment from the site.
 - g. Techniques that divert upland runoff past disturbed slopes shall be employed.

6. Sediment controls requirements shall include:
 - a. Settling basins, sediment traps, or tanks and perimeter controls.
 - b. Settling basins that are designed in a manner that allows adaptation to provide long term stormwater management, if required by the Director of Public Works.
 - c. Protection for adjacent properties by the use of a vegetated buffer strip in combination with perimeter controls.
7. Waterway and watercourse protection requirements shall include:
 - a. A temporary stream crossing installed and approved by the Director of Public Works if a wet watercourse will be crossed regularly during construction.
 - b. Stabilization of the watercourse channel before, during, and after any in-channel work.
 - c. All on-site stormwater conveyance channels designed according to acceptable engineering standards.
 - d. Stabilization adequate to prevent erosion located at the outlets of all pipes and paved channels.
8. Construction site access requirements shall include:
 - a. A temporary access road provided at all sites.
 - b. Other measures required by the Director of Public Works to ensure that sediment is not tracked onto public rights-of-way by construction vehicles or washed into storm drains.

D. **Submittal Requirements.** See Sec. 7-D-4.F, *Submittal Requirements*.

Article 5.D. Tree Removal and Protection

Sec. 5-D-1 Purpose

The purpose of this Article is to protect and encourage the protection and retention of existing trees to the maximum extent practicable in all new development, redevelopment, and substantial improvement projects. The Town Council finds that trees provide important environmental, aesthetic and health benefits to the residents and guests of the Town which extend beyond the boundaries of the property upon which trees may grow. The Council further finds that trees enhance the real estate values of property upon which trees grow and neighboring properties. Large trees are a resource which cannot be fully replaced if injured, damaged or removed. Property development and construction activities can result in injury or loss of valuable trees in the Town. It is the intent of this Section to preserve to the fullest extent possible existing trees considered desirable by the Administrator.

Sec. 5-D-2 Applicability

This Article applies to the removal and protection of all trees within nonresidential, mixed-use, and in the common open space areas of new residential development.

Sec. 5-D-3 Tree Removal and Protection

- A. **Generally.** There shall be no grading, excavation or clearing of trees prior to receiving written approval from the Administrator.
- B. **Development.** Trees may be removed from a parcel proposed for development if it is demonstrated that:
 1. There is no reasonable alternative site design at the same density and intensity that could be approved and relocation of the protected tree to another location on-site or within the Town is not practical or feasible for the survival of the tree; and
 2. The trees are replaced or mitigated according to the replacement standards in Table 5-D-3, *Tree Replacement Standards*.

**Table 5-D-3
Tree Replacement Standards**

Diameter of Tree to be Removed		Number of Required Three-Inch Caliper Replacements	Number of Required Two-Inch Caliper Replacements
Min. Diameter	Up to, But Not Including		
none	10 inches	1	2
10 inches	15 inches	2	3
15 inches	20 inches	3	4
20 inches	No limit	5	6

Notes:

- The Diameter of a tree to be removed shall be measured at four feet above grade.

C. Relationship to Other Landscaping Requirements.

- Replacement trees shall count toward the landscaping requirements of the areas in which they are planted. However, if this Section requires more trees than the other sections of this Article, then this Section controls.
- Replacement trees are not required for trees which are cleared to implement a fuels mitigation plan.

D. Timing of Replacement. Replacement trees that are required by this Section shall be installed within 30 days of removal, or if such date is not within a growing season, within the first 30 days of the next growing season.

E. Relocation. Protected trees that are relocated to another place on the parcel proposed for development, or another location within the Town, do not have to be replaced if they are relocated according to industry standards of transplanting methods, as approved by a certified Arborist.

F. Protected Individual Trees. The following trees are protected (unless otherwise being removed or relocated per the standards of Subsection B of this Section), and shall be preserved and maintained according to the following standards:

- For trees over four inches in caliper, the protected root zone shall extend to the drip line of the selected tree.
- Any tree that is shown on an approved landscape plan that is necessary to meet:
 - The planting requirements of this UDC; or
 - A condition of approval of the development to which the landscape plan applies.

G. Protected Root Zone (Dripline) Requirements.

- The dripline is the the cylinder extending from grade level down to a depth of ten (10) feet below grade, having a radius equal to the length of the longest branch of the tree, with the center of the cylinder located at the center of the tree trunk. This dripline shall be barricaded during construction to prevent damage to the trees and their roots by construction equipment or soil compaction. The barricades shall be posted "Off Limits."
- No cutting or filling, storage of building materials or debris, or disposal of wastes, shall take place within the dripline of any protected tree.
- No impervious paving shall be placed within the dripline of any protected tree.

H. Protection During Construction. All existing trees and vegetation outside of the site specific construction area should be protected and fenced properly during construction.

I. Protection of Stands of Trees. Development shall be designed so that existing stands of native trees are preserved in designated open spaces, whenever practicable. In general, alternative development options are available to facilitate such designs.

J. Clear Cutting. Clear cutting trees and vegetation to create view corridors is prohibited.

- K. **USDA Forest Service Lands.** USDA forest service lands within the Town's boundary are exempt from these tree removal regulations.

Article 6.A. Parking, Loading, and Access

Sec. 6-A-1 Purpose

- A. **Generally.** The purpose of this Article is to ensure that:
1. Adequate off-street motor vehicle and bicycle parking is provided for uses that are permitted by this UDC;
 2. Sufficient motor vehicle parking is provided in nonresidential areas that are near residential neighborhoods such that the character and quality of life in the residential neighborhoods are protected from excessive overflow parking;
 3. The sharing of off-street parking spaces among uses that have different peak parking demands allows for a reduction in the number of parking spaces that are required to serve mixed-use development;
 4. Adequate loading areas and (where appropriate) stacking areas are provided that do not interfere with the function of adjacent streets and on-site vehicular use areas; and
 5. Sites that are used for infill, adaptive re-use, or redevelopment have flexibility and multiple alternatives for compliance with this Article, such that investments in upgrades to real property are promoted.
- B. **Districts.** This Article groups different zoning districts together to apply parking requirements. This is necessary because certain areas of the Town generate more automobile trips than other areas, and therefore, have different parking demands.
- C. **Parking Reductions.** In addition to establishing parking requirements that provide for convenience, neighborhood protection, and mobility, this Article provides several ways to reduce the number of parking spaces that are required for development, in order to promote the efficient use of land and reduce paved locations.
- D. **Residents and Visitors with Disabilities.** This Article ensures that appropriate parking areas and accessible routes will be provided for disabled persons when parking lots or structures are developed, expanded, or reconfigured.

Sec. 6-A-2 Applicability

- A. **Calculation of Parking and Loading Spaces.**
1. The number of parking and loading spaces that must be provided for a proposed development is calculated as provided in [Sec. 6-A-3, Required Parking](#).
 2. [Sec. 6-A-4, Parking Reductions and Alternative Parking Plan](#) sets out the permissible reductions to the general requirements of [Sec. 6-A-3, Required Parking](#).
- B. **Design of Parking and Loading Areas.** The size and configuration of parking and loading spaces shall be as set out in [Sec. 6-A-5, Parking Design Standards](#) and [Sec. 6-A-6, Off-Street Loading](#).
- C. **Stacking Spaces.** Stacking spaces (spaces for cars that are waiting for drive-up or drive-through services) are required for drive-up and drive-through uses as provided in [Sec. 6-A-7, Vehicle Stacking Requirements](#).
- D. **Surfacing, Use, and Maintenance of Parking and Loading Areas.** Standards for the surfacing, use, and maintenance of parking and loading areas are set out in [Sec. 6-A-8, Access Management and Maintenance](#).

Sec. 6-A-3 Required Parking

- A. **Generally.** Table 6-A-3-1, *Residential and Agricultural Parking Requirements* and Table 6-A-3-2, *Non-Residential and Mixed-Use Parking Requirements*, sets out the number of parking spaces that are required for each land use that is listed in [Sec. 2-B-1, Use Tables](#) that is designated as either a permitted or limited land use. The number of parking spaces is based on one or more independent variables, which are measured as provided in this Section.
- B. **Independent Variables.** The independent variables for parking calculations are measured as follows:

1. *Per sf. GFA.* The phrase "per sf. GFA" means that the number of parking spaces is calculated based on the number of square feet of gross floor area of usable space, as calculated using the methodology in Subsection 3-A-8.G, *Gross Floor Area*, as it relates to "gross floor area (parking)."
 2. *Per Dwelling Unit.* The phrase "per dwelling unit" means that the number of parking spaces is calculated based on the number of dwelling units.
 3. *Per Bedroom.* The phrase "per bedroom" means that the number of parking spaces is calculated based on the number of bedrooms.
 4. *Per Bed.* The phrase "per bed" means that the number of parking spaces is based on the number of beds in the facility instead of the number of sleeping rooms or some other measure. Per bed calculations are normally applied to uses that offer residential care or overnight accommodations with shared rooms.
 5. *Per Square Foot (sf.) of Parking Floor Area (PFA).* The phrase "per sf. of PFA" means that the number of parking spaces is calculated based on the number of "parking-related" square feet of floor area per the use. The "PFA" is 85 percent of the gross floor area, plus the area of any parts of the parcel proposed for development that are delineated and used in a manner that is comparable in function and intensity to the use of the inside of the building (e.g., outdoor dining areas).
 6. *Per Employee.* The phrase "per employee" means that the number of parking spaces is based on the number of employees (full-time and part-time equivalent) on the maximum shift, that is, the work shift in which the maximum number of employees are present.
 7. *Per Seat / Per Seat Design Capacity.* The phrase "per seat" means that the number of parking spaces is based on the number of seats that are provided to guests (patrons, members, etc.).
 8. *Per Person Design Capacity.* The phrase "per person design capacity" means that the number of parking spaces is based on the maximum number of people who may occupy the use pursuant to applicable fire code standards.
 9. *Per Stall.* The phrase "per stall" means the number of enclosures typically designed to house one horse.
 10. *Others.* Other independent variables are measured according to their common meanings.
- C. **Rounding.** When the calculation of required parking spaces results in a fractional parking space, the result of the parking calculation shall be rounded up to the nearest whole number.
- D. **Parking Reductions.** Generally, the total number of required parking spaces is equal to the sum of the required amount of parking for each use. However, parking requirements may be reduced according to the methodology of Sec. 6-A-4, *Parking Reductions and Alternative Parking Plan*.
- E. **Residential and Agricultural Parking Requirements.** The required off-street parking for residential and agricultural uses are set out in Table 6-A-3-1, *Residential and Agricultural Parking Requirements*.

Table 6-A-3-1 Residential and Agricultural Parking Requirements		
Use Category	Subtype	Required Parking
Residential		
Single-Family Detached Dwelling	Site Built Dwelling or Modular Home	2 spaces ¹
	Manufactured Home or Manufactured Home Park	2 spaces ¹
	Zero Lot Line Home	2 spaces ¹
Single-Family	Duplex	2 spaces per dwelling unit ¹

**Table 6-A-3-1
Residential and Agricultural Parking Requirements**

Use Category	Subtype	Required Parking
Residential		
Attached Dwelling	Townhouse	1 space per studio unit 1 space per 1 bedroom unit 1.5 spaces per 2 bedroom unit 2 spaces per 3 bedroom or more unit
Multiple-Family	Apartment	1 space per studio unit 1 space per 1 bedroom unit 1.5 spaces per 2 bedroom unit 2 spaces per 3 bedroom or more unit " " plus 1 space per 10 units (of any size) for guest parking in DC, RC, C-1
	Multiplex	1 space per studio unit 1 space per 1 bedroom unit 1.5 spaces per 2 bedroom unit 2 spaces per 3 bedroom or more unit
	Assisted Living Facility	1 space per 3 dwelling units; if not configured as dwelling units, 1 space per 3 bedroom
Mixed Use	Live-Work Unit	1 space for dwelling unit; plus spaces as required by this table for the nonresidential use
Residential Accessory Uses	Accessory Dwelling Unit ¹	1 space for the accessory dwelling unit ¹
	On-Site Employee Housing	1 space per dwelling unit
Overnight Accommodations	Bed and Breakfast	1 space; plus 1 space per guest room
	Campground with Overnight Accommodations or Recreation Vehicle Park	1 space per camp site, located at the camp site, plus 3 spaces per 50 camp sites, located within close proximity of campground amenities (for amphitheaters and outdoor performing arts facilities, 1 space per 3 seats)
	Hostel	.5 spaces per bed
	Hotel or Motel	1 space per guest room + 1 space per 300 sf. of meeting rooms, ballrooms, and administrative offices + 50% of required parking for 1 space per 100 sf. PFA of integrated restaurants and bars that are open to the public (if applicable)
	Short-Term Rental	2 spaces per dwelling unit plus 1 per bedroom available for rent
Agricultural		
Agricultural	Nursery (Retail)	--

**Table 6-A-3-1
Residential and Agricultural Parking Requirements**

Use Category	Subtype	Required Parking
Residential		
	Stable (Public)	1 per stall
Non-Residential Accessory Uses	Farm Stand	3 per stand

Notes:
1. Parking spaces required for Accessory Dwelling Units shall be in addition to the minimum number of parking spaces required for the principal use on the same lot.

F. **Nonresidential and Mixed-Use Parking Requirements.** The required off-street parking for nonresidential and mixed-uses are set out in Table 6-A-3-2, *Non-Residential and Mixed-Use Parking Requirements*.

**Table 6-A-3-2
Non-Residential and Mixed-Use Parking Requirements1**

Use Category	Subtype	Required Parking
Commercial, Civic, and Institutional		
Automotive Sales and Services	Convenience Store and Gasoline Station	1 space per 375 sf. GFA of convenience store or payment kiosk
	Vehicle Parts Sales, Rental, and Leasing	1 space per 500 sf. GFA; plus 1 space per 10,000 sf. outdoor storage area
	Vehicle Service	1 space per 500 sf. GFA; plus 1 space per 10,000 sf. outdoor storage area
Civic and Institutional	Adult Daycare	1 space per employee on maximum shift
	Airport or Heliport	Special Study Required
	Art Gallery and Studio	1 per 200 sf. of GFA
	Cemetery	5 spaces per acre of grave sites (may be provided "on-street" within cemetery grounds)
	Clinic, Medical Lab, or Urgent Care	1 space per 500 sf. GFA
	Club or Lodge	1 space per 125 sf. of floor area
	College, University, or Vocational School	1 space per 75 sf. general classroom space
	Daycare Facility	1 space per employee on maximum shift plus 1 space per 5 students of determined maximum occupancy
	Funeral Home	1 space per 4 seats design capacity
	Hospital	1 space per bed for in-patient facilities; 1 space per examining/operating room for out-patient facilities; plus requirements for other uses (e.g. assembly, office, retail, etc.)

**Table 6-A-3-2
Non-Residential and Mixed-Use Parking Requirements1**

Use Category	Subtype	Required Parking
Commercial, Civic, and Institutional		
	Library	1 per 300 sf. of GFA
	Museum	1 per 300 sf. of GFA
	Passenger Terminal	1 space per 400 sf. of GFA
	Place of Public Assembly	One space for every four seats if fixed seating or one space for each 50 sf. of GFA or room area.
	Public Service Facility	1 space per employee of maximum shift + 1 stall per 1,000 square feet.
	School, Primary or Secondary	2 per classroom plus 1 per employee + 1 per 5 students
	Adult Entertainment Business	1 per 200 sf. of GFA
Commercial and Service	Bank / Credit Union	1 space per 300 sf. of GFA
	Bar / Tavern	1 space per 150 sf. of customer access area
	Brewing/Distillery / Winery Production with On-Premise Consumption	1 space per 75 sf. of customer access area plus 1 space per 300 sf. of other floor area
	Farmer's Market	1 space per 300 sf. PFA
	Kennel	1 space per 500 sf. GFA
	Office (Professional and Medical)	1 space per 500 sf. GFA
	Personal Services	1 space per 400 sf. GFA
	Restaurant	1 space per 150 sf. of customer access area
	Retail Sales	1 space per 500 sf. of GFA
	Veterinary Services, Small Animal	1 space per 300 sf. GFA
Commercial Amusement, Indoor	Bowling Alley	3 spaces per lane; plus 75 percent of sum of required parking for incorporated uses, as applicable (e.g., alcoholic beverage sales, on-premises consumption; restaurant, no drive-in or drive-through; arcade/game room; and/or pool/billiard room)
	Dance Club / Dance Hall	1 space per 75 sf. GFA
	Health and Fitness Center	1 space per 500 sf. of GFA
	Indoor Stadium, Movie Theater, or Live Theater	1 space per 5 seats; or if no seats, 1 space per 200 sf. GFA

**Table 6-A-3-2
Non-Residential and Mixed-Use Parking Requirements¹**

Use Category	Subtype	Required Parking
Commercial, Civic, and Institutional		
	All Uses Not Listed	1 space per 400 sf. of GFA
Commercial Amusement, Outdoor	Alpine and Nordic Ski Facilities	Special Study Required
	Ice Skating Rinks	Special Study Required
	Amphitheater	1 per 6 seats or 1 per 30 sf. of seating area if no permanent seats
	All Other Uses Not Listed	Special Study Required
Nonresidential and Mixed-Use Accessory Use	Garden Center	--
	Outdoor Display & Sales	3 spaces per 1,000 sf. of sales floor area
Storage and Utility		
Storage	Bus Storage	One bus storage space per each bus stored on the site
General Utility	Utility, Major	1 space per employee on largest shift
Telecommunication	Wireless Telecommunication Facility	1 space per tower
Notes:		
1. Employee Parking - In addition to those parking requirements outlined in the Table, 1 parking space for every 3 employees shall be provided and designated for those employees.		

G. Compliance with Disability Laws. The Town shall:

1. Comply with all provisions of the 2010 ADA Standards for Accessible Design, Section 502;
2. Comply with all provisions of the Colorado Revised Statutes (C.R.S.) Article 5, *Standards for Accessible Housing*;

H. Special Studies.

1. *Generally.* Some of the uses listed in the tables set in the section have nonlinear or widely varying parking demand characteristics. Accordingly, their parking requirements are listed in the table as "special study." Required parking for these uses shall be established according to the standards of this Subsection (H).
2. *Request to Reduce Required Parking.*
 - a. Special studies may also be submitted to support a request to reduce the number of required parking spaces to less than the value calculated by Sec. 6-A-4, *Parking Reductions and Alternative Parking Plan*.
 - b. Such special studies are required to be submitted as a prerequisite for a reduction in parking.
 - c. Further parking credits and reductions that are otherwise available pursuant to Sec. 6-A-4, *Parking Reductions and Alternative Parking Plan*, shall not be applied when parking reductions are granted pursuant to this Section, unless such reductions are supported by the special study.
3. *Special Study Requirements.*
 - a. A special study shall be conducted by a qualified transportation planner or traffic engineer at the Applicant's expense.

- b. The Administrator shall develop and maintain a list of qualifications and/or certifications that are acceptable to the Town for this purpose.
 - c. The special study shall provide:
 - i. A peak parking analysis of at least five functionally comparable uses; and
 - ii. Documentation regarding the comparability of the referenced uses including: name, function, location, gross floor area, parking availability, access to transportation network (including vehicular, bicycle, pedestrian, and transit), use restrictions, and other factors that could affect the parking demand.
4. *Abbreviated Special Study Requirements.* The analytical requirements set out in Subsection 3, above, may be reduced to two functionally comparable uses if:
- a. The uses are located in the Town or within five miles of its corporate limits;
 - b. The use has less than 5,000 square feet of gross floor area; or
 - c. The special study is used to justify a reduction in required parking and the requested reduction is 15 percent or less.
5. *Approval of Special Study.*
- a. The Town may rely upon the special study or may request additional information or analysis, including, but not limited to: alternative or new data points, or consideration of additional or alternative factors related to comparability or peak demand as supported by sound engineering principles.
 - b. As a condition of approval of a special study, the Town may require that land be reserved or land-banked for additional parking if there is a demonstrably high probability the use could change, resulting in a higher demand for parking.

Sec. 6-A-4 Parking Reductions and Alternative Parking Plan

- A. **Purpose.** It is the purpose of this Section to establish parking requirements based on the differing parking demands and time use characteristics in cases where commercial, residential, cultural or civic uses are intermixed on the same lot or in cases where there are public parking spaces available to be utilized by a specific use. The end product shall be a more efficient use of surface area with less land area devoted to parking.
- B. **On-Street and Public Lot Parking.** For non-residential uses in the DC, where on-street parking and/or a public parking lot or garage is located within 600 feet of the use, the Administrator may authorize a reduction of required off-street parking spaces by 10 percent.
- C. **Shared Parking for Mixed-Use Developments.** On properties where multiple-family dwellings, overnight accommodation, and mixed uses are constructed above or on the same lot as commercial uses permitted within the same zoning district, the off-street parking requirements for said use may be reduced by the ratios established in Table 6-A-4, *Reduction in Specific Use Parking Requirements*.

Table 6-A-4 Reduction in Specific Use Parking Requirements	
"sf. GFA" = square feet of gross floor area	
Type of Development	Minimum Spaces Unit
Offices	One space for each 800 sf. GFA
Eating and drinking establishments	One space for each 250 sf. of customer access area
Retail Sales	One space for every 800 sf. GFA excluding areas devoted exclusively to storage and building maintenance
Auditorium, churches, theaters	One space for every eight seats if fixed seating, or one space for each 100 sf. of floor room in the seating area

1. *Peak Time Information.* In considering the amount of deduction it should permit, the applicant shall provide adequate information regarding the peak times of operation for all uses proposed in the development, availability of other public or private parking lots, structures, or areas within 600 feet of the proposed use, availability of remote employee parking in this or other districts where permitted, and any additional factors or studies that the may show reasonable cause to reduce the amount of required off-street parking spaces.
2. *Parking Study.* The Town may request of any Applicant a plan showing all planned or proposed parking spaces and an analysis of the parking demand for the specific uses proposed as stated in Subsection 6-A-3.H, *Special Studies*.
3. *Fee-In-Lieu.* In the D-C and R-C districts, a payment-in-lieu of providing required parking may be accepted by the Town Council. The amount shall be equal to the actual cost of providing hard-surfaced parking stalls (10' x 20'), plus access drive (10' x 12').

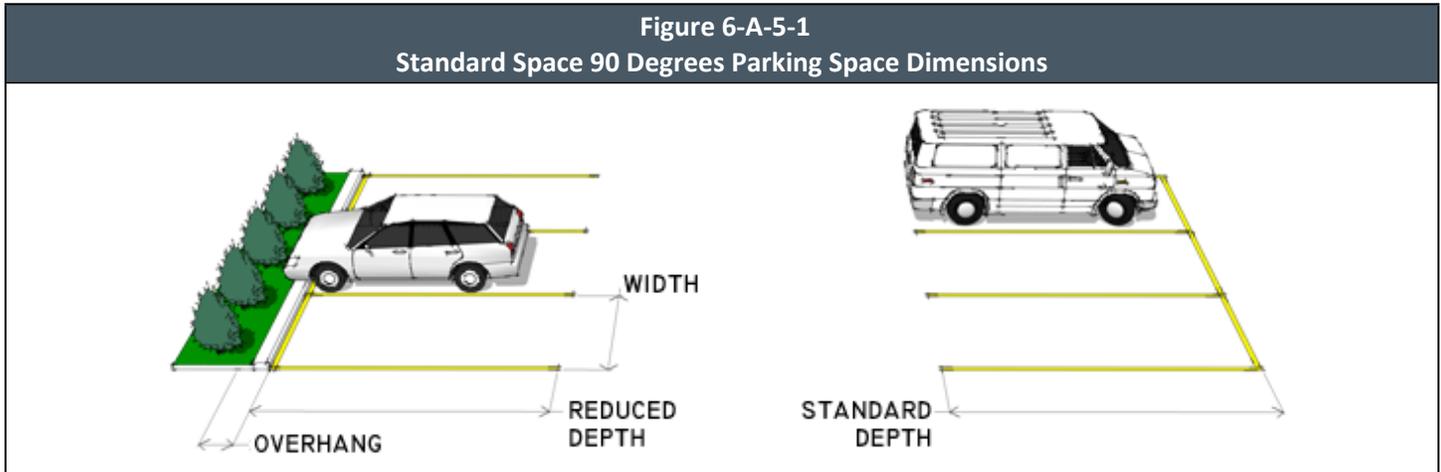
D. Reduction of Parking Requirements for Connections to Transit.

1. *Proximity to Transit.* For non-residential uses in the DC or R-C districts, located within 600 feet of a transit stop the Administrator may authorize up to a 10 percent reduction in the number of required off-street parking spaces.
2. *Designated Loading and Unloading Areas.* Shuttle services that are provided in order to utilize the off-street parking reductions allowed by this subsection shall have a designated loading and unloading area that is compliant with the requirements of Sec. 6-A-6, *Off-Street Loading*.

Sec. 6-A-5 Parking Design Standards

- A. **Number of Spaces Required.** The number of parking stalls required shall meet the standards established in Sec. 6-A-3, *Required Parking*.
- B. **Parking in Front and Side Yard Setbacks Restricted.** No off-street parking spaces in any zoning district shall be permitted in a front or side yard setback with the following exception
 1. Parking is permitted in the front yard setback for property zoned Multiple-Family Residential District Within Old Town Zone District.
- C. **Snow Storage.** Where off-street parking areas of five spaces or more are situated such that less than 50 percent of the perimeter of the off-street parking lot total area abuts a required yard that can be used for snow storage, then the total size of the parking area shall be increased by five percent.
- D. **Stormwater Drainage.** Parking areas shall be designed to manage stormwater drainage that will result from increased runoff from the site. See Sec. 5-C-3, *Erosion Control*.
- E. **Location of Required Off-Street Parking Spaces.**
 1. Required parking spaces must be provided on the same property as the principal building or principal use.
 2. In multi-family developments, parking shall be within 200 feet of the principal use.
 3. In nonresidential developments, the parking area shall be within 600 feet of the principal building or principal use, provided (in either case) the zoning for the parking area is the same as the principal use or a more intensive classification.
 4. All parking areas shall be owned by the owner of the principal building or principal use for which parking spaces are being provided or said owners shall have a long-term lease (20+ years) on the land so that all required parking will be provided for any particular development.
- F. **Dimensions of Standard Parking Spaces.** Parking spaces shall have the following dimensions:
 1. *Generally.* 10 feet in width x 20 feet in standard depth.
 2. *Standard Spaces.* 90-degree parking spaces that abut a curb or the edge of pavement (allowing for an overhang): 10 feet in width x 16 feet reduced depth provided there is a six foot wide sidewalk or a minimum five foot planting area (see Figure 6-A-5-1, *Standard Space 90 Degrees Parking Space Dimensions*).

3. *Parallel Spaces.* Parallel parking stalls shall be a minimum of 10 feet wide by 20 feet deep.
4. *Underground and Covered Spaces.* Underground and covered parking stalls shall be a minimum of nine feet wide and 18 feet deep.
5. *Maximum Grade.* The maximum grade in any off-street parking area shall be five percent parallel slope and five percent for the cross slope.

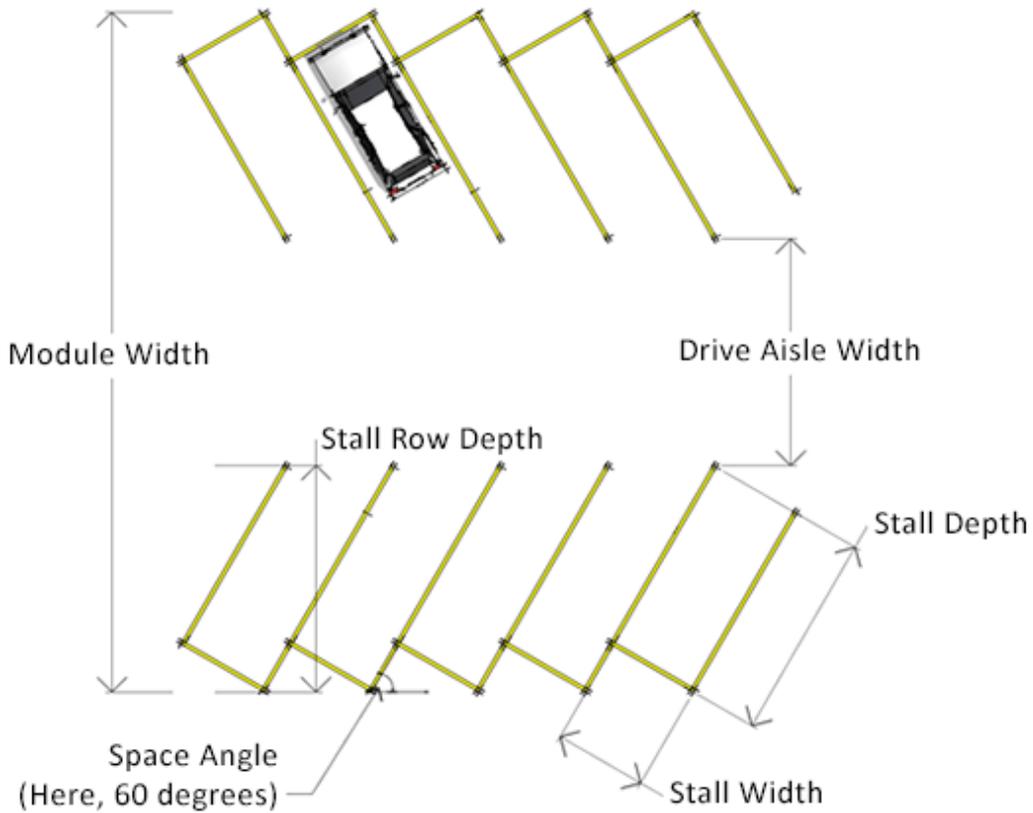


G. **Parking Module Dimensions.** Parking modules shall be dimensioned as shown in Table 6-A-5, *Parking Module Dimensions*. The dimensions that are set out in the table are illustrated in Figure 6-A-5-2, *Parking Module Standards*.

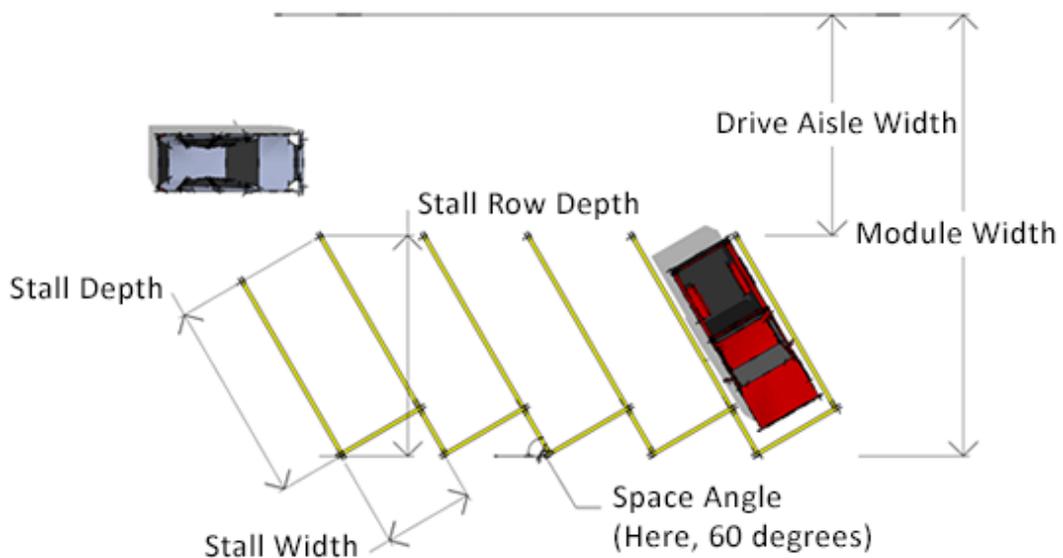
Table 6-A-5 Parking Module Dimensions				
Measurement	Parking Space Angle (Degrees)			
	0 / Parallel Parking	45	60	90
One Stall Row, One-Way Aisle				
Stall Row Depth	8 ft.	20 ft. 7 in.	21 ft. 11 in.	20 ft.
Drive Aisle Width	13 ft. 2 in.	13 ft. 10 in.	15 ft. 6 in.	24 ft.
Minimum Module Width (row & aisle)	21 ft. 2 in.	34 ft. 5 in.	34 ft. 5 in.	44 ft.
Two Stall Rows, One-Way Aisle				
Stall Row Depth	16 ft.	41 ft. 1 in.	43 ft. 8 in.	40 ft.
Drive Aisle Width	13 ft. 2 in.	13 ft. 10 in.	15 ft. 6 in.	24 ft.
Minimum Module Width (row & aisle)	29 ft. 2 in.	54 ft. 11 in.	59 ft. 2 in.	64 ft.
One Stall Row, Two-Way Aisle				
Stall Row Depth	8 ft.	20 ft. 7 in.	21 ft. 11 in.	20 ft.
Drive Aisle Width	23 ft. 3 in.	20 ft.	22 ft.	24 ft.
Minimum Module Width (row & aisle)	31 ft. 3 in.	40 ft. 7 in.	43 ft. 11 in.	44 ft.
Two Stall Rows, Two-Way Aisle				
Stall Row Depth	16 ft.	41 ft. 1 in.	43 ft. 8 in.	40 ft.
Drive Aisle Width	23 ft. 3 in.	20 ft.	22 ft.	24 ft.
Minimum Module Width (row & aisle)	39 ft. 3 in.	61 ft. 1 in.	65 ft. 8 in.	64 ft.

Figure 6-A-5-2
Parking Module Standards

Illustrative Two Row Parking Lot Module Layout



Illustrative One Row Parking Lot Module Layout



- H. **Configuration of Parking Aisles.** If one-way parking aisles are utilized, parallel rows of parking shall run in alternating directions and shall intersect with two-way aisles.
- I. **Compact Parking Spaces.**

1. *Generally.* Compact parking spaces may be provided according to the standards of this Subsection. The presence of a compact off-street parking space does not authorize the parking of vehicles such that they encroach into public rights-of-way or abutting properties.
2. *Dimensions.* The dimensions of a parking space may be reduced to an 8 ft. stall width x 16 ft. stall depth to be classified as a compact parking space for single-family detached dwelling units and accessory dwelling units (ADUs) if it is demonstrated that:
 - a. The reduction is not used to reduce a front building setback;
 - b. The reduction will apply to not more than 50 percent of the total required parking spaces (rounded down); and
 - c. The reduction will apply to not more than three spaces or 10 percent of the total required parking spaces (whichever is greater).

J. Accessible Parking Space Dimensions, Design, and Location.

1. The design and location of disabled parking spaces shall be as required by the [2010 ADA Standards for Accessible Design](#), Section 502, at the time the parking space is striped (however subsequently titled or numbered);
2. Accessible routes to and from accessible parking spaces shall be provided as required by the [2010 ADA Standards for Accessible Design](#), Section 502, at the time the parking spaces are striped (however subsequently titled or numbered); and
3. Accessible routes shall be graded according to the standards of the [2010 ADA Standards for Accessible Design](#), Section 502, at the time the parking lot is developed or any time it is regraded.

K. Vertical Clearance.

1. A vertical clearance of not less than eight feet shall be provided over all parking spaces.
2. Additional clearance shall be provided for larger vans, sport utility vehicles, and light trucks that require such clearance if parking demand from such vehicles is anticipated.
3. All parking structure entrances shall include an overhead bar to alert oversized vehicles regarding vertical clearance.

Sec. 6-A-6 Off-Street Loading

A. Generally. All uses shall provide off-street loading as required by this section and shall be configured as follows:

B. Dimensions.

1. *Minimum width of loading bay (side to side):* 12 feet.
2. *Minimum length of loading bay (front to back):*
 - a. For semi-trailers: 60 feet.
 - b. All other loading spaces: 25 feet.
3. *Minimum vertical clearance:* 14 feet.

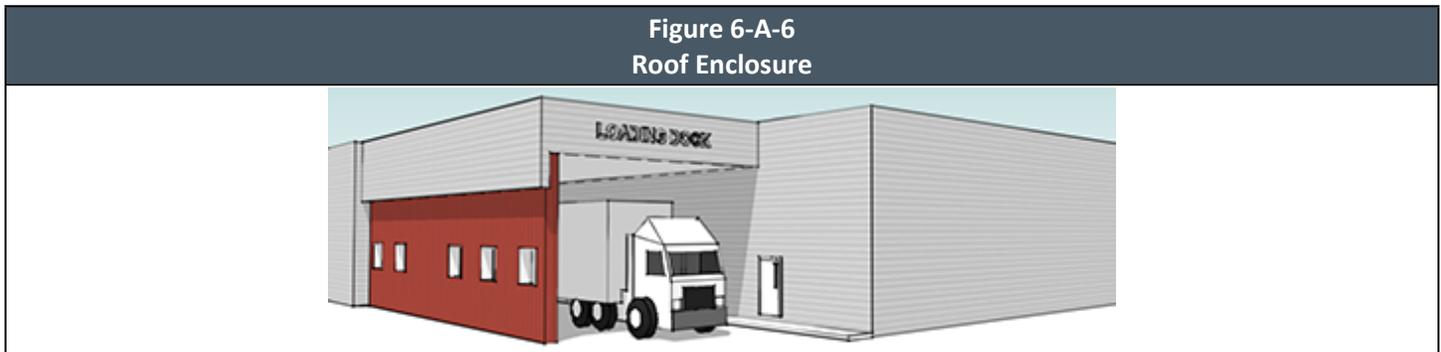
C. Use of Rights-of-Way. Where off-street loading areas are required, at no time shall any part of a truck or van be allowed to extend into a public right-of-way while the truck or van is being loaded or unloaded.

D. Maneuvering Space. Adequate off-street truck maneuvering space shall be provided on-site (and not within any public street right-of-way or other public land) so that trucks can maneuver to the docking area.

E. Location.

1. Generally, all loading areas are required to be located on the same lot as the building or lot served by the loading area.

2. Loading areas shall be located behind the principal building in the R-C, DC, and C-1 zones, and in mixed-use and multifamily buildings in any zone (if a loading area is required).
 3. In the DC district, permitted land uses may utilize over-the-curb loading from local streets or alleys, provided that the loading occurs during off-peak hours and the areas that are used for loading are approved by the **Town Engineer**.
 4. Loading areas may be shared if:
 - a. The development is laid out as blocks with alleys; the size and number of loading spaces is calculated based on the development in each block; and the shared loading spaces are accessed via the alleys of the blocks they are intended to serve; or
 - b. All of the following criteria is met:
 1. The permitted land uses meet all of the requirements of this subsection (E);
 2. The permitted land uses are adjacent;
 3. Convenient hours are established for loading and unloading, and such hours are posted;
 4. The loading spaces are easily accessible and well-lit;
 5. The loading areas are not located on through traffic streets;
 6. The loading areas are located behind one of the buildings served by the loading areas.
- F. **Design.** Off-street loading facilities shall be designed so as not to interfere with any fire exits or emergency access facilities to either a building or the site.
- G. **Service Areas Adjacent to District Boundaries or Open Space.** If loading areas, truck access, or solid waste collection facilities are located between a principal building and property that is used or zoned for residential purposes or open space, then the following additional standards apply:
1. The loading or service area shall be screened along the entire boundary by a bufferyard that is at least 10 percent more opaque than required at the zone boundary by Sec. 6-B-5, *Bufferyards*.
 2. The loading, truck access, or waste storage area is located under a roof as indicated in Figure 6-A-6, *Roof Enclosure*. If this option is used, the buffer along the length of the loading shed may be reduced from the requirement of Sec. 6-B-5, *Bufferyards*, by 10 percent opacity.



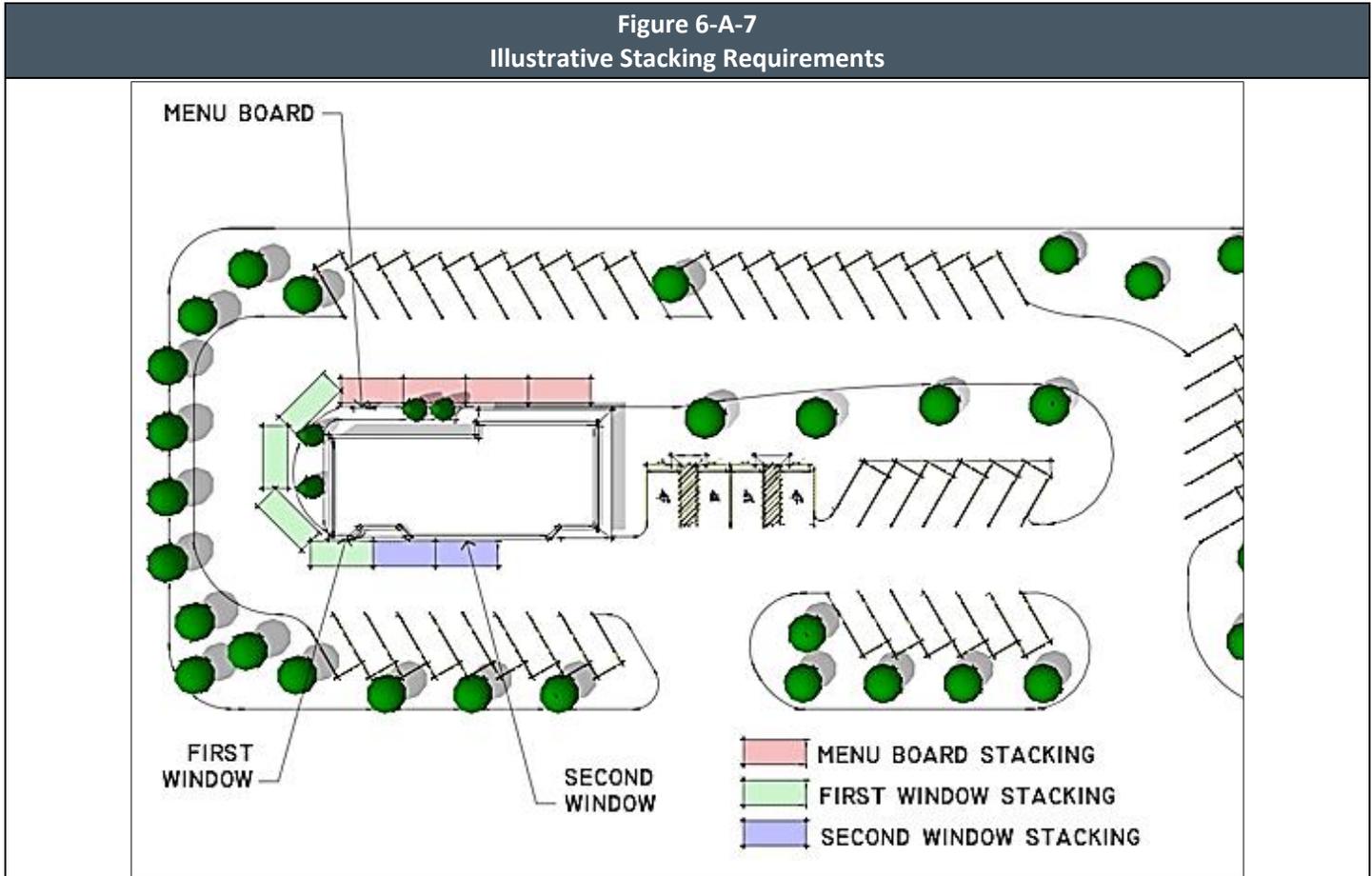
- H. **Storage.**
1. *Parking Spaces and Parking Aisles.* Storing materials, boats, campers, recreational vehicles, or inoperable vehicles, or overnight parking of trucks or trailers is prohibited in parking areas of multifamily, nonresidential, and mixed-use developments, unless:
 - a. The outdoor storage use is permitted in the applicable zone and approved for the subject property;
 - b. The areas that are set aside for such parking are not counted towards the parking requirements for the use; and

- c. The areas that are set aside for such parking comply with the requirements for outdoor storage (e.g., buffering or screening of outdoor storage areas).
 2. *Loading Spaces*. The long-term storage of trailers in loading spaces is prohibited. Such spaces shall be available for routine use by delivery vehicles.
 3. *Large Vehicle Parking*. No vehicle exceeding two tons carrying capacity shall be parked:
 - a. On a parcel in a residential zone district nor in a parking space abutting such residential parcel, except as needed on a temporary basis, for delivery to, or repair/service of, a residential use or the street improvements or utilities; or
 - b. Overnight on any street.
- I. **Prohibited Use of Parking Areas.**
 1. No designated off-street parking facilities shall be used for the repair, display, service, or sales of any good or service unless expressly and specifically approved by the Town. This paragraph does not apply to single-family detached and single-family attached driveways when they are used for garage sales or for minor repairs to vehicles owned by the resident of the property.
 2. No area required by the Town for the use of private off-street parking shall be used by any party for commercial purposes during the hours of operation of the use to which they relate. This paragraph does not apply to permitted land uses that provide private off-street parking above the minimum requirements when a temporary use permit is approved. See Sec. 7-F-6, *Temporary Use Permit*.
- J. **Blocking of Access Prohibited.**
 1. Loading spaces or parking spaces shall not be designed or located in a manner that blocks access to other loading spaces, parking spaces, parking aisles, fire lanes, ingress or egress points, or building entrances.
 2. Parking, loading, and access areas shall be kept free of any type of permanent or movable structures which block access (e.g., trash receptacles or compactors).
 3. Parking within or otherwise obstructing a driveway approach or across public sidewalks is prohibited.
- K. **Sleeping in Vehicles Prohibited.** No vehicle, recreation vehicle, boat, camper, trailer, bus, commercial vehicle or similar vehicle may be used for overnight occupancy unless in an approved campground or RV park, or other location approved by the Town.

Sec. 6-A-7 Vehicle Stacking Areas

- A. **Purpose.** Stacking spaces are used to measure the capacity of a drive-through lane to hold cars while transactions are taking place at drive-through stations.
- B. **Dimensional Requirements.** Stacking spaces measure eight feet wide by 20 feet long and provide direct access to a service window.
- C. **Number of Required Spaces.** Uses that include drive-through service shall provide not less than the following numbers of stacking spaces:
 1. *Financial Institutions, Drive-Through Convenience Retail, or Pharmacies:* Three stacking spaces per drive-through station.
 2. *Drive Through Restaurants:*
 - a. If two service windows are provided (one for payments and one for pick-up):
 1. Four stacking spaces to each menu board;
 2. Four stacking spaces between the menu board and the first window (including the position at the first window); and

3. Two spaces between the first window and the second window (including the position at the second window). (See Figure 6-A-7, *Illustrative Stacking Requirements*.)



- b. If one service window is provided (for both payments and pick up):
 1. Six stacking spaces to the menu board; and
 2. Five stacking spaces between the menu board and the service window.
3. *Drive-Through Only Uses in Buildings with Less Than 300 Square Feet of Gross Floor Area and No Separate Menu Board (e.g., coffee stands):* Three stacking spaces per service window.
4. *Dry Cleaners:* Two stacking spaces, including the position at the window.
5. *Vehicle Wash:*
 - a. Three stacking spaces for each bay in a self-service vehicle wash facility;
 - b. Five stacking spaces for each in-bay or conveyor vehicle wash facility; and
 - c. If the facility provides detailing, manual drying or polishing, and /or vacuuming, sufficient area to provide those services without creating additional demand for stacking at the vehicle wash entrance.
6. Stacking spaces for other uses are determined by the Administrator.
7. *Service Space.* The position in front of a drive-through station (*i.e.*, a service window, ATM, or station at a drive-through bank) is counted as a stacking space regardless of the land use regulations of this subsection.

C. Design.

1. Stacking lanes shall be clearly marked, and shall not interfere with on-site or off-site traffic circulation.

2. Stacking areas shall not be located between the facade of a building and the public street upon which the building fronts unless there is a grade change of at least five feet between the centerline of the street and the stacking area or alternatively, there is a bufferyard of 20 percent opacity.
3. Stacking lanes shall be designed with an abutting eight-foot wide bypass lane.

Sec. 6-A-8 Access Management

- A. **Continuous Traffic Flow.** Circulation systems within parcels proposed for development shall provide for continuous traffic flow with efficient, non-conflicting movement throughout the site.
- B. **Vehicular-Pedestrian Conflict Areas.** Conflicts between areas of significant pedestrian movement and vehicular circulation shall be minimized. Areas that are accessible to vehicles but likely to be put to significant use by pedestrians (as determined by the Director of Public Works) shall be striped or otherwise differentiated (e.g., with decorative pavers).
- C. **Surfacing.** Off-street parking areas shall be:
 1. Graded and surfaced with concrete or bituminous asphalt;
 2. Surfaced to protect against potholes, erosion, and dust;
 3. Surfaced for grass pavers, crushed stone, or gravel for off-street parking facilities that serve agricultural, commercial amusement (outdoor), storage, general utility, and telecommunication uses and overflow parking for all land uses, provided that:
 - a. The perimeter of such parking area is defined by curb and gutter, bricks, stones, or other similar devices; and
 - b. Surfaces with loose materials are set back at least 25 feet from the edge of pavement of the connecting public street.
- D. **Maintenance.**
 1. Off-street parking surfaces shall be kept in good condition, free of weeds, dust, trash, debris, and/or snow.
 2. All parking space lines or markings shall be kept clearly visible and distinct to not reduce the required number of off-street parking spaces.
- E. **Off-Site Access to Roads Maintained by the Colorado Department of Transportation (CDOT).** A landowner whose property directly accesses to a state highway will be required to contact the CDOT regarding specific permit and design requirements to obtain ingress/egress.

Article 6.B. Landscaping, Buffering, and Screening

Sec. 6-B-1 Purpose

The standards and requirements set out in this Article are intended to:

- A. Establish landscaping standards that protect and preserve the appearance and character of the Town;
- B. Improve the compatibility of adjacent uses;
- C. Protect the ecological and recreational value of the Town's natural resources;
- D. Promote cohesive development between undeveloped and developed areas of the Town;
- E. Conserve scarce water resources through requiring native and drought-resistant trees and shrubs; and
- F. Provide long-term adherence to principles that will create a landscape that is aesthetically pleasing, functional, and unique to the Town.

Sec. 6-B-2 Applicability

- A. **Generally.** This Chapter sets out requirements for plant requirements, landscaping, bufferyards, and screening for all properties within the Town.
 - 1. *Plant Requirements.* See Sec. 6-B-3, *Plant Requirements*. The plant requirement section sets out the permitted size of plants at installation and the general location prohibitions for all plantings.
 - 2. *Landscaping.* See Sec. 6-B-4, *Landscaping*. There are three types of landscaping:
 - a. Lot landscaping;
 - b. Site landscaping; and
 - c. Parking lot landscaping.
 - 3. *Bufferyards.* See Sec. 6-B-5, *Bufferyards*. Bufferyards are required based on the development type and/or right-of-way type that is adjacent to the proposed development. Bufferyards may be required along:
 - a. Areas between different types of permitted land uses;
 - b. Street and railroad rights-of-way;
 - c. Parking lot perimeters; and
 - d. In mixed-use development, between individual land uses.
 - 4. *Screening.* See Sec. 6-B-6, *Screening*. Screening is required to shield trash or refuse containers and receptacles from the view of the public right-of-way and/or adjacent properties.
 - 5. *Installation and Maintenance.* See Sec. 6-B-7, *Installation and Maintenance of Landscaping*. This section sets out the required site preparations necessary for installation of plantings and the required ongoing maintenance after the installation process is complete.
- B. **Applicability of Standards.** This Article applies to all new development, redevelopment, and substantial improvements, and where specifically indicated, to existing landscaping.
- C. **Exceptions.** The following are exceptions to the standards of this Article:
 - 1. Individual lots of record that are used for existing single-family or two-family dwellings unless required by this Article.
 - 2. Modifications to nonresidential buildings where the building expansion or redevelopment does not exceed the gross floor area of the existing building by more than ten percent (10%) or 1,000 square feet, whichever is less.
 - 3. Sites that are proposed for redevelopment or substantial improvement, where compliance can not be reasonably obtained due to the geometry, steep grades, or extensive rock outcroppings on the site. In these case the Town may approve a lesser landscaping requirement, provided that the reduction of landscaping



standards is only the extent necessary to make the installation reasonably obtainable. In no case shall this exception be interpreted to lessen these requirements for reasons other than those provided.

Sec. 6-B-3 Plant Requirements

A. Recommended Plants.

1. Only plants listed in Appendix B, *Recommended Plant List*, count towards the landscape requirements of this Article.
2. Plants that are not listed in Appendix B, *Recommended Plant List*, are allowed to be planted provided they are not classified as a noxious weed.
3. Applicants who wish to count plants not listed in Appendix B, *Recommended Plant List*, may seek an amendment to the Appendix B, *Recommended Plant List*. Plants may only be added to the list if it is demonstrated by credible evidence to the Administrator’s satisfaction that the species:
 - a. Is either native to the region or not invasive; and
 - b. Provides habitat for native wildlife.

B. Minimum Size of Plants at Installation. Plants that are installed must comply with the requirements of this Article and shall be of the sizes set out in Table 6-B-3-1, *Minimum Size of Plants at Installation*.

Table 6-B-3-1 Minimum Size of Plants at Installation	
Type of Plant	Minimum Size at Installation
Deciduous Trees¹	
Single Stem Trees	Minimum one-inch caliper with an overall average caliper of 2 inches ²
Multi-Stem Trees	Minimum of eight feet in height with an overall average height of 10 feet ²
Evergreen Trees	
Minimum Height	Four feet
Average Height ²	Six feet
Deciduous and Evergreen Shrubs	
Minimum Size	Five-gallon root base for 80 percent of the shrubs used. Shrubs as small as one gallon may be used for the remainder of shrubs.
TABLE NOTES:	
1. No more than one-fourth of the trees shall be less than the average height.	
2. See Table 6-B-3-2, <i>Tree Caliper and Height Equivalency</i> , for tree caliper to tree height equivalency calculations.	

C. Tree Caliper to Height Equivalency. Table 6-B-3-2, *Tree Caliper and Height Equivalency*, establishes a framework to compare an approximate height of trees at the time of installation to the corresponding trunk caliper.

Table 6-B-3-2 Tree Caliper and Height Equivalency	
Caliper	Height
1.0 inches	8 feet to 8.9 feet
1.5 inches	9 feet to 9.9 feet
2.0 inches	10 feet to 11.9 feet
2.5 inches	12 feet to 13.9 feet
3.0 inches	14 feet to 15.9 feet



D. Distance from Utilities.

1. No tree (does not include shrubs) shall be planted within ten (10) lateral feet of any overhead utility lines.
2. No tree or shrub shall be planted over or within five (5) lateral feet of any underground utility line.
3. No tree or shrub shall be planted within _____ lateral feet of any electrical transformer.

Commented [HB1]: Discuss with MPE

Commented [HB2]: Discuss with MPE

E. Sight Distance Triangles. Plant materials shall not be installed where they may compromise a sight distance triangle. Refer to the Standards and Specifications for Design and Construction, Section 3.7.6, *Sight Triangles* and Figure 8, *Intersection Sight Triangles / Corner Site Distance*.

F. Transitions to Sensitive Uses. The Town desires to create transitions between land uses that are located next to each other that are either incompatible or significantly different in scale. See Appendix A, Section 2.3, *Transition to Sensitive Uses*, of the Town's Design Guidelines.

Sec. 6-B-4 Landscaping

A. Generally.

1. Landscaping is required on any portion of a property or development site that is disturbed for construction or development activities.
2. Required bufferyards, parking lots, designated open space tracts, and tree lawns used for street tree plantings are not counted as locations that can be used to fulfill the requirements of this Section.

B. Site Landscaping.

1. *Minimum Landscaping Required.* Landscaped areas shall be visually seamless between the transition and adhere to the minimum standards set out in Table 6-B-4-1, *Site Landscaping Requirements*.

Site Landscaping Area	Minimum Landscaping Required
Areas disturbed by development activity and located within 75 feet of a building, recreational structure, parking lot, driveway, or road.	Two trees and five shrubs per every 1,500 square feet of disturbed area ¹
Areas disturbed by development activity and not located within 75 feet of a building, recreational structure, parking lot, driveway, or road.	One tree and five shrubs per every 3,000 square feet of disturbed area ¹
TABLE NOTE:	
1. At least twenty percent (20%) of both the trees and shrubs shall be evergreen.	

2. *Planting Areas.*

- a. *Required Locations.* Planting areas shall be installed adjacent to the building foundation and between the parking and vehicular use areas and the property line under all other conditions (see Figure 6-B-4-1, *Site Landscape Planting Areas*).
- b. *Exception to Required Locations.* Planting areas are not required in areas that are designed for direct vehicular access to the building, such as loading bays, service bays, and drive-through lanes on the side of the building with a service window.

Figure 6-B-4-1
Site Landscape Planting Areas

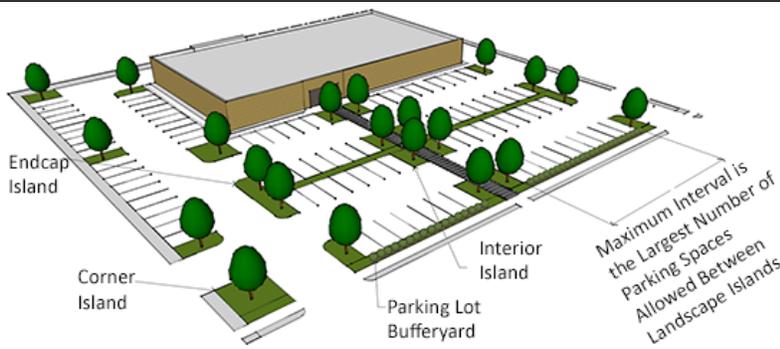


3. *Pavement and Edging Materials.* For appropriate materials, see Appendix A, Section 2.7, *Pavement and Edging Materials*, of the Town's Design Guidelines.

C. **Parking Lot Landscaping.**

1. *General Requirements.* All parking lots shall be:
 - a. Set back at least fifteen feet (15') from all rights-of-ways; and
 - b. Separated from an adjacent property by at least seven feet (7').
2. *Parking Lot Landscape Areas.* As illustrated in Figure 6-B-4-2, *Parking Lot Landscape Areas*, landscaping is required in all the following areas for parking lots with forty (40) or more total parking spaces:
 - a. At both ends of parking aisles, in endcap islands that are not less than nine feet wide and 36 feet long, with ten-foot curb radii on the sides that face outward from the parking aisle.
 - b. In the middle of parking rows at intervals required by Subsection B.4, below, and in interior islands that are not less than eight feet wide and 32 feet long, with five-foot curb radii at both ends. See Figure 6-B-4-3, *Parking Lot Landscape Median*.
 - c. At the corners of parking lots, in corner islands, which is the area defined by the extension of the edges of intersecting parking modules.
3. *Snow Storage.* Snow storage areas shall be in conformance with Sec. 6-E-3, *Snow Storage Standards*.

Figure 6-B-4-2
Parking Lot Landscape Areas

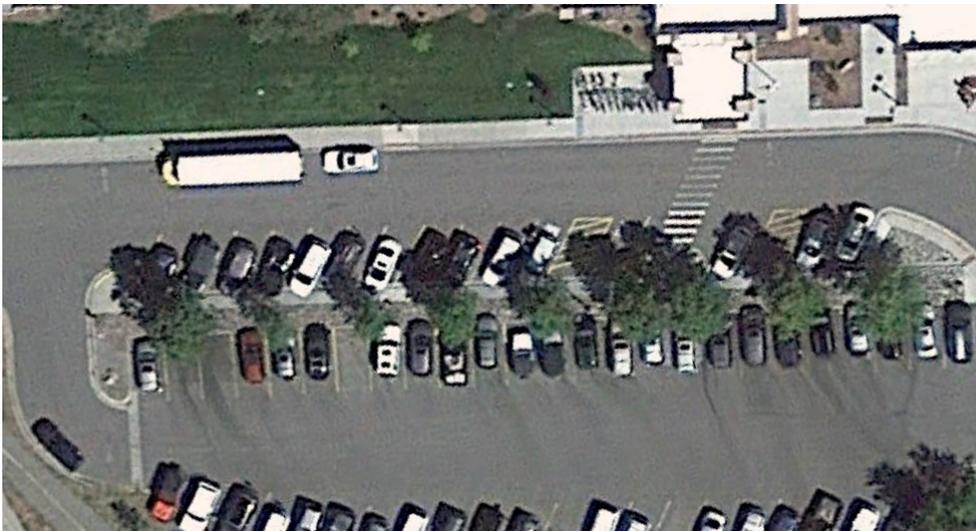


4. *Planting Requirements.* Parking lot landscape islands shall be a Type "A" bufferyard. Islands shall be protected by curbs and shall contain mulch and irrigation.

B. **Grading.**

1. *Site Development Grading.* Grading shall be performed in a manner that minimizes the impact of new earthwork and meets the following maximums:
 - a. All berms and cut and fill slopes shall have slopes no steeper than 2:1 (3:1 is preferred).
 - b. Engineered slopes designed to exceed 2:1 shall only be permitted when the design has been by a certified by a geotechnical engineer and approved by the Town Engineer.
 - c. Areas graded during site development activities shall use undulating landforms and not straight-graded slopes.
2. *Plantings and Slope Stabilization.* Graded areas shall be stabilized no later than six (6) months after the initial disturbance and meet the following:
 - a. No graded slope steeper than 4:1 shall remain unstabilized after November 15th of the calendar year;
 - b. Plantings shall consist of native, drought-resistant seed mixes containing grasses and wildflowers, where appropriate;
 - c. Visually unobtrusive erosion control netting shall be used where necessary; and
 - d. Plantings shall be periodically watered and maintained in healthy conditions until the plants become established.

Figure 6-B-4-3
Parking Lot Landscape Median



Sec. 6-B-5 Bufferyards

- A. **Generally.** The bufferyards that are required by this UDC are based on the amount of screening they provide. Bufferyards are classified from less screening (Type A) to more screening (Type D).
- B. **Bufferyard Types.** There are four types of bufferyards, each of which vary in width and the numbers and types of plants required per 100 linear feet, or portion thereof. The minimum planting requirements for each type and composition of bufferyard are set out in Table 6-B-5-1, *Bufferyard Classifications*, except that bufferyards for streets and railroads are set out in Table 6-B-5-3, *Street and Railroad Bufferyard Requirements*, and parking bufferyards.

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C. Composition of Bufferyards.

- a. Bufferyards may include the use of an earthen berm to achieve the required level of screening, in addition to the required plantings.
2. A blend of deciduous and evergreen shrubs is strongly recommended. The size of the plants required is set out in Sec. 6-B-3, *Plant Requirements*.
3. Existing plant material that is retained in good health and meets the minimum size requirements shall be included in the plant requirement calculation for the proposed landscape plan.
4. For bufferyard Types “C” and “D”, berms are encouraged as part of the landscape improvements.

Type	Width	Required Plantings per 100 Linear Feet			Height of Berm, Wall, or Fence*	Bufferyard Example Diagram
		Deciduous Trees	Evergreen Trees	Shrubs		
Type A	10'	2	2	N/A	-	
Type B	15'	4	4	20	-	
Type C	20*	8	8	30	3*	
Type D	25*	10	10	40	3*	

TABLE NOTE:
(*) A berm, wall, or fence is not required for naturalized buffers.

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D. **Zoning District Bufferyard Standards.** Set out in Table 6-B-5-2, *District Bufferyard Standards*, is the classification of bufferyards that are required adjacent to residential and nonresidential permitted land uses. The table is a matrix in which residential and nonresidential zoning districts are shown. Rows show the use of the property proposed for

Commented [HB5]: Unable to tell what sections in the table the footnote is pointing to

Commented [HB6]: Change to what we currently have in landscape DG



development, and columns show the use of the adjoining land. The bufferyard required for the proposed use is listed.

Table 6-B-5-2 District Bufferyard Standards									
SF = Single-Family MF = Multi-Family COMM = Commercial									
Proposed for Development		Abutting District							
Proposed Land Use	Zoning District	O-S-F	M-E	R-1	R-2	R-2-O	R-C	C-1	D-C
N/A	O-S-F	N/A	N/A	B	B	B	D	D	D
SF	M-E	N/A	N/A	A	B	B	C	D	D
SF	R-1	C	A	N/A	B	B	C	C	C
SF/MF	R-2	B	B	B	N/A	A	C	C	C
SF/MF	R-2-O	B	B	B	A	N/A	C	C	C
MF/COMM	R-C	C	C	C	C	C	N/A	C	C
MF/COMM	C-1	C	D	C	C	C	C	N/A	C
MF/COMM	D-C	*	*	*	*	*	*	*	N/A

TABLE NOTE:
(*) Bufferyards shall be determined on a case-by-case basis by Staff and approved by the Planning Commission.

- E. **Relationship to Other Bufferyard Requirements.** If bufferyards are required by another Section of this UDC along property boundaries, then the greater bufferyard requirement shall supersede the lesser one. Only one bufferyard is required.
- F. **Buffering Existing Residential Development.** New residential development is required to provide an increase in the level of screening provided by a bufferyard (e.g., from Type “A” to Type “B”) when adjacent to an existing single-family detached, attached, or multiplex residential property, if:
 1. The existing property or development does not have a required bufferyard in conformance with the requirements of this UDC;
 2. The lot widths of the new property are less than eighty percent (80%) of the lot widths of the nearest lots of the existing property or development;
 3. The building height(s) of the new development is (are) more than eight feet (8') taller than the building height(s) of the existing property or development; or
 4. The housing type that is located on the lots that are adjacent to the existing development is denser than the housing type of the existing development (e.g., new townhome units adjacent to existing single-family detached units).
- G. **Street and Railroad Bufferyards.** Set out in Table 6-B-5-3, *Street and Railroad Bufferyard Requirements*, are the bufferyard standards of any development adjacent to railroads, local/low-volume streets, and collector streets (for bufferyard types, see Table 6-B-5-1, *Bufferyard Classifications*).

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1. The required bufferyard for local/low-volume streets and collector streets

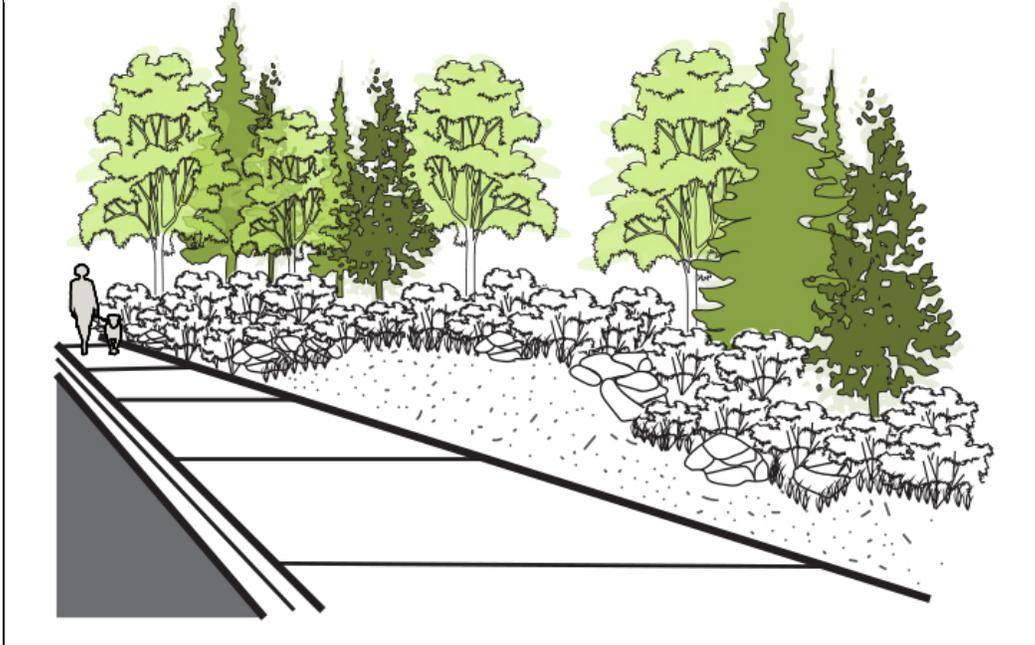
Table 6-B-5-3 Street and Railroad Bufferyard Requirements				
Zone District of Proposed Development	Adjoining Street or Railroad Rights-of-Way			
	Collector Street			Railroad
	Low Volume/Local	Nonresidential	Residential	
O-S-F, M-E	N/A	N/A	N/A	C
R-1	C	N/A	B	C
R-2, R-2-O	B	N/A	B	C
R-C, C-1, D-C	A	A	A ¹	C
TABLE NOTE: 1. Can be waived administratively.				

Commented [HB9]: Add for others changing

- H. **Public or Private Street Plantings.** Trees may be installed in landscaped areas within the right-of-way in either formal or informal patterns. Additional trees also may be installed outside the right-of-way.
1. Deciduous trees shall be planted at least five feet (5') from the edge of road pavement to minimize breakage from snow plowing operations.
 2. Evergreen trees shall be planted at least ten feet (10') from the edge of pavement (see Figure 6-B-5-1, *Edge of Pavement Plantings*).

Figure 6-8-5-1

Edge of Pavement Planting



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- I. **Surface Parking Lots.** Bufferyards that are located at the edges of surface parking lots shall include a continuous masonry wall, berm, or hedge that is at least three feet (3') in height between parking spaces and the street. This requirement shall be waived in areas where:
 - 1. The elevation of the parking lot is three feet (3') or more below the elevation of the curb of the street; or
 - 2. Buildings or other structures provide the same or better screening effect.
- J. **Watercourses.** To protect all existing vegetation and preserve watercourse buffers, planting additional native materials is permitted when used to add aesthetic value or functional purposes to existing watercourses, to create a gradual transition from watercourse to site development.
 - 1. **Purpose.** This Subsection establishes minimum acceptable standards for the design of vegetated buffers.
 - 2. **Applicability.** This Subsection applies to proposed [improvements](#) associated with all [land development](#) activity requiring rezoning, [subdivision](#), [site](#) plan, master [site](#) plan, or a [building permit](#) on property containing a [watercourse](#).
 - 3. **Design.**
 - i. The vegetated buffer for a watercourse must consist of a native vegetative strip of land extending along both sides of the watercourse and its adjacent wetlands, floodplain, or slopes to protect the physical and ecological integrity of the waterway ecosystem, provide distance between upland development and the watercourse, and filter stormwater runoff from land development. The vegetated buffer width shall be adjusted to include contiguous sensitive

areas, such as steep slopes or erodible soils, where development or disturbance may adversely affect water quality of watercourses.

- ii. Underbrush in the vegetated buffer may not be removed or maintained, except for the maintenance of [watercourses](#) within the [flood](#) control system by a [public](#) body; however, exotic and invasive species may be removed.
- iii. The required minimum width for all vegetated buffers on each side of a [watercourse](#) is 30 feet.
- iv. The [Administrator](#) may consider buffer design modifications in unique cases of topography or other hardship provided the project can meet the purposes and intent of this Section.
- v. Aside from the above exceptions, impervious surfaces, septic systems, and all associated equipment and [structures](#) are prohibited within required vegetated buffers.
- vi. Dominant vegetation may consist of existing or seeded/planted native trees, shrubs, perennial grasses and plants suited to the soil and hydrology of the [site](#) and the intended purpose. No single species shall make up more than fifty percent (50%) of the total number of species planted.
- vii. Overland flow through the vegetated buffer [area](#) must be maintained as sheet flow.

4. **Management and Maintenance.**

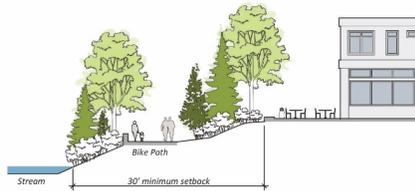
- i. A management and maintenance plan for privately-owned vegetated buffers, submitted with the required grading plan, must be approved by the Town.
- ii. Markers must be placed at the outside edge of the buffer prior to the start of any activity [adjacent](#) to the vegetated buffer.
- iii. The plan must outline the maintenance procedures established by the [owner](#), to ensure proper management of the vegetated buffers.

5. **Adjacent Site Development.** All site development near watercourses shall meet the minimum standards:

- i. Except pedestrian paths, all site development activities shall be located a minimum of thirty feet (30') from the high-water mark of any watercourse (See Figure 6-B-5-2, *Transitions from Watercourses*). Additional setbacks may be required to protect wetlands or other riparian habitats.
- ii. Only limited pedestrian access to watercourses shall be provided to minimize damage to streamside vegetation and soils.

Figure 6-B-5-2

Transitions from Watercourses



Commented [HB11]: Eventually – change “stream” to “watercourse” and add “high water mark” arrow

Figure 6-B-5-2
Surface Parking Lot Landscaping



Commented [HB12]: Replace w old figure

Sec. 6-B-6 Screening

Commented [HB13]: Swap 6 and 7 later

A. Trash and Refuse, Storage, and Collection.

1. *Storage And Collection.* Except for a period beginning at six o'clock (6:00) A.M. on the morning of scheduled pick up and ending at eight o'clock (8:00) P.M. on the same day, all refuse/recycling and refuse/recycling containers shall be stored on the owner's premises and screened so as to prevent being viewed from the street.
 - a. Single-family and duplex trash pick up (i.e., trash cans) shall be metal or plastic with tightly attached covers.
 - b. Multi-family and commercial trash pick up (i.e., dumpsters) shall be covered and the area around said dumpsters shall be kept free of debris (See Section 2-B-3(H), *Trash Enclosures*). Screening shall be provided.
 - c. Bear proofing is encouraged on all trash containers and receptacles.

Commented [HB14]: Not required?

- B. **Tuck-Under Parking.** Tuck-under parking shall be located behind buildings. It shall be screened from view from adjacent properties and rights-of-way by buildings or a bufferyard that includes a masonry wall, berm, or combination thereof, that is at least five feet (5') in height.
- C. **Subterranean Parking.** Access to subterranean parking shall be located at the sides or rear of the building if a ramp that is visible from outside the building provides more than four feet of grade change.
- D. **Structured Parking Lots.** Structured parking lots shall be screened from view from public rights-of-way and adjacent properties in one or more of the following ways:
 1. Liner buildings or other buildings that are not parking structures;
 2. Topographical changes (e.g., construction into a hillside); or
 3. A six-foot (6') wide planting strip, planted with trees suitable for street tree installations, planted between 25 and 35 feet on center.

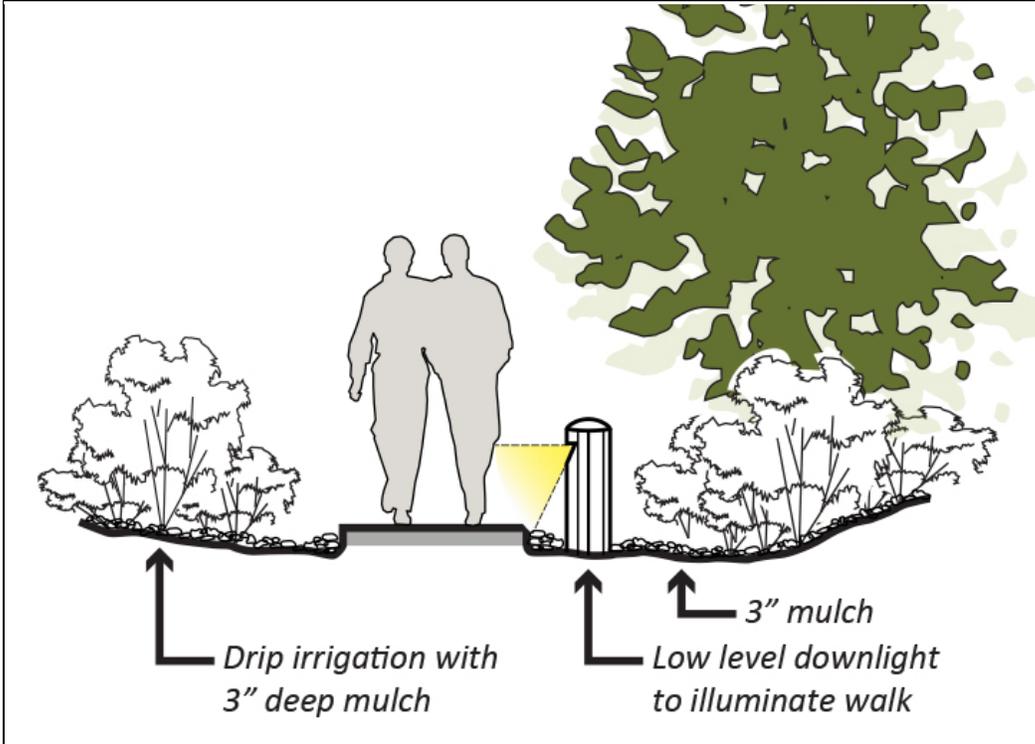
Sec. 6-B-7 Installation and Maintenance of Landscaping

- A. **Generally.** Areas subject to the standards of this Article shall provide for the care and maintenance of landscaping and trees within the disturbed area or shall be installed per an approved landscape plan.



- B. **Maintenance Responsibility.** The owner of the lot or parcel or the manager or agent (which may be a mandatory property owners' association if such is provided in the association's governing documents), shall be responsible for the maintenance of all landscaped areas and their plant materials, including adjacent landscaped portions of public rights-of-way.
- C. **Site Protection.**
1. *Protected Landscape Zones.* Snow fencing or other highly visible materials shall be used to designate protected landscape zones within construction zones and to protect all existing trees, shrubs, ground covers and grasses outside the construction zone.
 2. *Drip Line Protection.* The protected landscape zone shall extend to the drip line of all trees over four inches (4") in caliper.
 3. *Protected Area Disturbance.* Any areas designated as protected landscape zones that are disturbed at any time during the construction process shall be repaired to replicate the original condition. Replacement requirements for large trees damaged or killed shall be determined on a case-by-case basis.
- D. **Soil Preparation.** In some locations, existing soils may be rocky, highly porous, infertile, or unsuitable due to construction activities. Prior to installing new plant materials in such locations, unsuitable soils shall be removed and the remaining soils shall be amended with organic material to provide a viable growing medium.
- E. **Tree Staking.** All new trees shall be staked or guyed with two or three points of connection, properly fastened, and safely marked for two to three years or until the roots are firmly established.
- F. **Site Maintenance.**
1. *Generally.* All landscape development shall be adequately maintained to retain its aesthetic, operational, and safety functions. Refer to Section 4-1-2, *Removal of Rubbish, Trash and Refuse*, in the Town Code for additional information.
 2. *Plant Materials.* Plant material shall be watered, fertilized and/or mowed in a timely manner. Insects and diseases shall be treated in accordance with professional recommendations.
 3. *Dead Plant Materials.* Dead plant material shall be removed and replaced with an approved plant of comparable size within thirty (30) days from the time Town officials notify the owner of such a situation. Damaged branches shall be properly pruned at the correct time of year.
 4. *Damaged Pavement.* Damaged pavement, walls, slopes, or drainage facilities shall be repaired within sixty (60) days from the time Town officials notify the owner of such a situation. However, in emergency situations, Town officials may require immediate temporary repairs to keep pavements, walls, slopes or drainage systems functional.
- G. **Irrigation.**
1. All landscaped areas shall be watered by an automated sprinkler system.
 2. Irrigation systems shall be designed to avoid sprinkling and unnecessary runoff onto paved areas, including parking, loading, and street pavement areas. Prevailing winds shall be considered in the design of the irrigation systems.
 3. Irrigation of constrained areas such as street rights-of-way, parkways, and medians shall be by drip irrigation or other systems that comply with Subsection G.2., above.
 4. No automated irrigation system shall be installed unless authorized by a permit based on irrigation plans approved by the Administrator, and an appointee.
 5. Xeriscaping is encouraged in lieu of traditional landscaping. Irrigation requirements set out in this Section may be waived per the Administrator in favor of xeriscaping.
 6. Mulch two to three inches deep with wood chips or rock (clean and variable size) are required for all tree, shrub and perennial beds. (See Figure 6-B-7-1, *Drip Line Irrigation and Mulch Depth*).

Figure 6-B-7-1
Drip Line Irrigation and Mulch Depth



Article 6.D. Outdoor Lighting

Sec. 6-D-1 Purpose

The purpose of this Article is to:

- A. Permit the use of outdoor lighting that does not exceed the minimum levels specified in IES (Illuminating Engineering Society of North America) recommended practices for nighttime safety, utility, security, productivity, enjoyment, and commerce;
- B. Prevent the trespass of artificial light into rights-of-way and residential properties in ways that constitute a hazard to public safety or interfere the residential value of private property;
- C. Preserve the visual quality of the mountain and night sky that residents and visitors enjoy;
- D. Curtail light pollution, reduce skyglow and improve the nighttime environment for astronomy; and
- E. Promote energy conservation.

Sec. 6-D-2 Applicability

- A. **Applicability.** Except as described below, all outdoor lighting installed after the date of effect of this UDC shall comply with these requirements. This includes, but is not limited to, new lighting, replacement lighting, or any other lighting whether attached to structures, poles, the earth, or any other location, including lighting installed by any third party.
- B. **Exemptions.** The following types of lighting are exempt from the requirements of this Article:
 1. Lighting within public right-of-way or easement for the principal purpose of illuminating streets or roads. No exemption shall apply to any lighting within the public right of way or easement when the purpose of the luminaire is to illuminate areas outside the public right of way or easement, unless regulated with a streetlighting ordinance.
 2. Underwater lighting in swimming pools and other water features.
 3. Temporary lighting for:
 - a. Decorative seasonal lighting provided that individual lamps have a light output of 70 lumens or less;
 - b. Emergency or nighttime work and construction; and
 - c. Theatrical, television, and performance areas, or for special events authorized through a Special Event Permit (Refer to Sec. 3-4-5, *Special Event Permits*, of the Town Code).

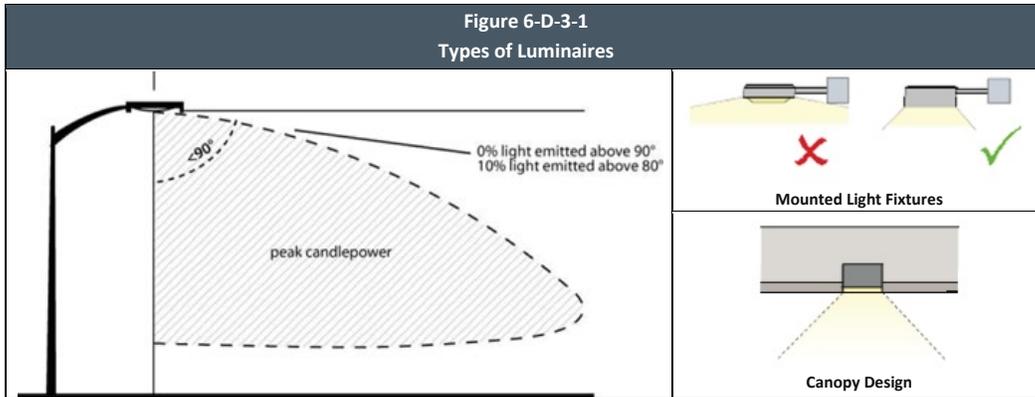
Commented [HB1]: Used to be 200 lumens

Sec. 6-D-3 General Requirements

- A. **Generally.**
 1. All luminaires shall be IDA (International Dark Sky Association) approved. IDA-approved luminaires are readily available. Look for the IDA symbol:
 2. All fixtures shall be shielded so as not to:
 - a. Be of excessive brightness;
 - b. Cause glare hazardous to pedestrians or drivers;
 - c. Create any public or private nuisance; or
 - d. Unreasonably interfere with an adjacent property owner's right to enjoy their property.
 3. Correlated Color Temperature (CCT) is limited to 3,000 kelvin (K) per luminaire.

4. All luminaires shall be shielded so no light rays are emitted at angles which will allow the light to be cast beyond property lines. Refer to Figure 6-D-3-1, *Types of Luminaires*.
5. All luminaires shall be shielded so no light rays are emitted at angles below a horizontal plane running through the lowest point of the luminous elements; the lamp or tube, any reflective surface or lens cover (clear or prismatic) must not be visible when viewed from above or the side.
6. All luminaires shall be mounted above the area to be illuminated.
7. Lighting shall only subtly illuminate functional and task areas such as building entrances, decks, patios, balconies, storage areas, garages, walks, address signage, and building complex signage.
8. All lighting fixtures that are mounted on a building wall facing a property line adjacent to a residential property line or public right-of-way boundary shall be fitted with a "house side shielding" reflector on the side facing the residential property line or public right-of-way boundary.

Figure 6-D-3-1
Types of Luminaires



- B. **Prohibited Exterior Lighting:** The following types of outdoor lighting fixtures, types, and sources are prohibited in the Town:
- a. Blinking, flashing, rotating, or moving luminaires;
 - b. Landscaping and architectural spotlights;
 - c. Floodlights;
 - d. Exposed illumination sources (e.g. light bulbs); and mercury vapor and fluorescent lamps or bulbs, as their CCT (i.e., lighting temperature color) is significantly different from the daylight spectrum.
- C. **Lighting Control Requirements:**
1. Automatic Lighting Reduction Requirements:
 - a. [After 11 p.m., total outdoor lighting lumens should be reduced by at least thirty percent (30%) or extinguished]. **OR:** [Lighting for all non-residential uses shall be extinguished one hour after close of business unless there is a public safety hazard that is best mitigated using lighting. Lighting intended for security purposes shall use Adaptive Controls].
 - b. Exemptions to 6-D-3(C)(1)(a): Lighting reductions are not required for any of the following:
 1. With the exception of landscape lighting, lighting for residential properties including multiple residential properties not having common areas.
 2. Outdoor lighting consisting of only one luminaire.
 3. Code-required lighting for steps, stairs, walkways, and building entrances.



- 4. Lighting levels that must be maintained in the opinion of the Town.
- 5. Motion activated lighting.
- 6. Lighting governed by Special Use Permit in which times of operation are specifically identified. Refer to Sec. 2-B-2, *Limited and Special Uses*.
- 7. Businesses that operate on a 24-hour basis.

Sec. 6-D-4 Non-Residential and Multi-Family Residential Lighting Requirements

- A. A photometric plan shall be submitted unless the Administrator deems it unnecessary.
- B. Non-residential and multi-family residential properties shall be limited to 25,000 lumens per net acre plus 2,000 lumens per acre beyond the first.
- C. Each lighting fixture shall be limited to 1,500 lumens.
- D. Freestanding and structure-mounted luminaires shall not exceed the height of the eave line, parapet wall, or twenty-one feet (21'), whichever is lower.
- E. All luminaires shall have a BUG rating not to exceed:
 - 1. B1 rating for backlighting;
 - 2. U0 rating for uplighting; and
 - 3. G1 rating for glare.
- F. Non-residential and multi-family lighting systems shall be designed and certified by an engineer registered in the State of Colorado as conforming to all applicable restrictions of this UDC before construction commences. After installation is complete, the lighting system shall be again certified by a registered engineer in the State of Colorado to verify that the installation is consistent with the certified design.
- G.

Commented [HB2]: Norwood only allows 10,000 per non-res SITE

Commented [HB3]: Required by Norwood

Sec. 6-D-5 Single-Family Residential Lighting Requirements

- A. Single-family residential properties, including multiple residential properties not having common areas, shall be limited to 5,100 lumens.
- B. Single-family residential properties with an ADU shall be limited to 6,500 lumens.
- C. Each lighting fixture shall be limited to 850 lumens.
- D. Freestanding and structure-mounted luminaires shall not exceed the height of the eave line, parapet wall, or fourteen feet (14'), whichever is lower.
- E. Exemptions:
 - 1. Open flame gas lamps.
 - 2. Lighting exempt per 6-D-2(B).

Commented [HB4]: Norwood: 3,400 lumens per site with limitation of no more than 2,400 lumens for fixtures not on Adaptive Control.
Ridgway: 5,100 lumens per site

Commented [HB5]: Required by Ridgway

Sec. 6-D-6 Parking Lot Lighting Requirements

- A. Parking facilities, including structured and open parking lots, spaces, drive aisles, entrances, stairways, and elevator lobbies must meet the illumination standards set out in Table 6-D-6, *Parking Lot Lighting Requirements*.
- B. Freestanding and structure-mounted luminaires shall not exceed the height of the eave line, parapet wall, or fourteen feet (14'), whichever is less.
- C. After close of business, event, or 11 p.m., whichever is later, Adaptive Controls that dim light levels by a minimum of fifty percent (50%) are required, although extinguishing the luminaires is encouraged.

Commented [HB6]: Currently 21'

Table 6-D-6 Parking Lot Lighting Requirements	
Standard	Footcandle Requirement ¹
Minimum Horizontal Illuminance ¹	0.2 footcandles
Average Horizontal Illuminance ¹	0.3 footcandles
Maximum Horizontal Illuminance ¹	5 footcandles



Uniformity Ratio Average to Minimum	8:1
Uniformity Ratio Maximum to Minimum Ratio	15:120:1
TABLE NOTE:	
1. Measured on the parking surface, without any shadowing effect from parked cars or trees.	

Sec. 6-D-7 Lighting by Special Permit Only

- A. **High Intensity and Special Purpose Lighting:** The following lighting systems are prohibited from being installed or used:
 1. Temporary lighting in which any single luminaire exceeds 20,000 initial luminaire lumens or the total lighting load exceeds 160,000 lumens.
 2. Aerial Lasers.
 3. Searchlights.
 4. Other very intense lighting defined as having a light source exceeding 200,000 initial luminaire lumens or an intensity in any direction of more than 2,000,000 candelas.
- B. **Complex and Non-Conforming Uses:** Upon special permit issued by the Administrator, lighting not complying with the technical requirements of this UDC but consistent with its intent may be installed for complex sites or uses or special uses including, but not limited to, the following applications:
 1. Sports facilities, including but not limited to unconditioned rinks, open courts, fields, and stadiums.
 2. Construction lighting.
 3. Lighting for recreational sites having special requirements, such as nighttime skiing, snowmaking operations, snow grooming services, etc.
 4. Ornamental and architectural lighting of bridges, public monuments, statuary and public buildings.
- C. To obtain such a permit, applicants shall demonstrate to the Administrator that the proposed lighting installation:
 1. Has sustained every reasonable effort to mitigate the effects of light on the environment and surrounding properties, supported by a signed statement describing the mitigation measures and a photometric plan, whose calculations show variances from the standard lighting requirements;
 2. Employs lighting controls to reduce lighting at a Project Specific Curfew (“Curfew”) time to be established in the Permit; and
 3. Will not create unwarranted glare, sky glow, or light trespass.

Sec. 6-D-8 Existing Lighting Requirements

- A. **Existing Lighting:** Lighting installed prior to the effective date of this UDC shall comply with the following:
 1. **Amortization:** On or before [amortization date], all outdoor lighting shall comply with this UDC.
 2. **New Uses or Structures or Change or Use:** Whenever there is a new use of a property (zoning or variance change) or the use on the property is changed, all outdoor lighting on the property shall be brought into compliance with this UDC before the new or changed use commences.
 3. **Additions or Alterations:**
 - a. **Major Additions.** If a major addition occurs on a property, lighting for the entire property shall comply with the requirements of this Code. For purposes of this section, the following are considered to be major additions:
 1. Additions of 25 percent or more in terms of additional dwelling units, gross floor area, seating capacity, or parking spaces, either with a single addition or with cumulative additions after the effective date of this UDC.
 2. Single or cumulative additions, modification, or replacement of 25 percent or more of installed outdoor lighting luminaires existing as of the effective date of this Ordinance.



- b. **Minor Modifications, Additions, or New Lighting Fixtures for Non-residential and Multiple Dwellings:** For non-residential and multiple dwellings, all additions, modifications, or replacement of more than 25 percent of outdoor lighting fixtures existing as of the effective date of this Article shall require the submission of a complete inventory and site plan detailing all existing and any proposed new outdoor lighting. Any new lighting shall meet the requirements of this UDC.
- c. **Resumption of Use after Abandonment:** If a property with non-conforming lighting is abandoned for a period of six months or more, then all outdoor lighting shall be brought into compliance with this Article before any further use of the property occurs.

Sec. 6-D-9 Enforcement and Penalties

A. **Generally.**

- 1. The provisions of this Article shall be administered by the Administrator or other authorized Town officer or employee.
- 2. It shall be unlawful to violate any provision of this Article. Any continuing violation of this Article is hereby declared to be a nuisance, which may be abated by the Town in any lawful manner or enjoined by a court of competent jurisdiction.
- 3. No Building Permit or Certificate of Occupancy shall be issued for work which has nonconforming luminaires.

B. **Enforcement and Penalties:** [fill in – could include the following]

- 1. Redirection of the luminaire
- 2. Shielding of the light source
- 3. Redesign or relocation of the luminaire
- 4. Replacement of the luminaire with a conforming luminaire
- 5. Removal of the luminaire
- 6. Penalties such as fines

Article 6.E. Snow Storage

Sec. 6-E-1 Purpose

The purpose of this Article is to:

- A. Ensure there are adequate areas for storing accumulated snowfall until it melts; and
- B. Maintain the safety and functionality of parking and loading areas and vehicular and pedestrian circulation.

Sec. 6-E-2 Applicability

Snow storage standards shall apply to all development in all zoning districts unless specifically exempted by the UDC.

Sec. 6-E-3 Snow Storage Standards

- A. **Minimum Required Area.** Table 6-E-3, Snow Storage Standards, sets out the requirements for snow storage within the Town of Winter Park.

Table 6-E-3 Snow Storage Standards		
Required Area ¹	Standard	Zone-Specific Standard
Minimum Area	1 sf. per 4 sf. of paved area	All Zone Districts ^{2, 3}
Additions: Trees in Snow Storage	+ 30 sf. per evergreen tree + 15 sf. per deciduous tree	
Additions: Up-Sloping Snow Storage	+ % equal to average slope ⁴	
Reductions: Down-Sloping Snow Storage	- % equal to average slope ⁴	
Reductions: Acceptable snow melt system or a perpetual snow storage easement	To be determined by the Planning Commission	
Notes: <ol style="list-style-type: none"> 1. The required area for snow storage is equal to the minimum area + additions - reductions. 2. In the R-C, C-1, and DC zone districts, off-site snow storage and hauling may be permitted by the Planning Commission in lieu of on-site snow storage. 3. In the O-S-F zone district, snow storage is required only if the facility is utilized during snow months. 4. If the average slope is less than 10% this requirement does not apply. For slopes over 10% the following example is provided for clarity - if the average slope of the snow storage area is 20 percent, the minimum area required shall be increased or decreased, as applicable, by 20 percent. 		

B. Location.

1. **Snow Storage Area.** Snow storage areas shall be located adjacent to and within twenty (20) feet of the edge of the pavement area to be served. The snow storage area must have on average a minimum width of four (4) feet adjacent to the edge of pavement. An alternative snow storage location may be approved by the Administrator upon a finding that the alternative location meets all of the following criteria:
 - a. Contains enough unencumbered space to accommodate the necessary snow storage;
 - b. Is configured to adequately facilitate the proposed snow storage without damage to landscaping, sidewalks, or other site amenities; and
 - c. Snow can be moved to the alternative snow storage area on-site through the use of commonly accessible equipment or machinery.

2. *Snow Storage Setback.* Snow shall not be stored in the Water Quality Setback or Wetland Setback where polluted snowmelt can directly enter sensitive environments.

C. **Off-Site Hauling.** Off-site snow storage and snow hauling shall be permitted:

1. For maintenance purposes in all zone districts;
2. In the D-C zone district, provisions for off-site snow storage, snow hauling, and snowmelt systems in lieu of on-site snow storage is encouraged.
3. In lieu of on-site snow storage in the R-C, C-1 and D-C zone districts, hauling shall be permitted with the following:
 - a. An approved snow hauling plan that specifies haul routes, receiving sites and the frequency of hauling;
 - b. A plat note on the final plat outlining the requirements for off-site hauling; and
 - c. Language added to the Declaration of Covenants outlining the requirements for off-site hauling.